



## Cabinet

**Monday 15 September 2014 at 2.00 pm**

Main Hall, The Roundwood Youth Centre, Longstone Ave, NW10 3UN

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)  
Pavey (Vice-Chair)  
Denselow  
Hirani  
Mashari  
McLennan  
Moher  
Perrin

Leader of the Council  
Deputy Leader of the Council  
Lead Member for Stronger Communities  
Lead Member for Adults, Health and Well-being  
Lead Member for Employment and Skills  
Lead Member for Regeneration and Housing  
Lead Member for Children and Young People  
Lead Member for Environment

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence.

**Item** **Page**

**1 Declarations of personal and prejudicial interests**

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

**2 Minutes of the previous meeting** 1 - 8

**3 Matters arising**

**4 Deputations (if any)**

## Children and Young People reports

**5 Brent Education Commission Review** 9 - 22

The Council's Cabinet at its meeting on 16 June 2014 considered the Brent Education Commission Report and resolved that the Lead Member responsible for Children and Young People and the Strategic Director, Children and Young People, consider the recommendations in detail and bring back a report in September 2014 with an action plan based on those recommendations that are accepted and are being taken forward.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Moher  
**Contact Officer:** Gail Tolley, Strategic Director,  
Children and Young People  
Tel: 020 8937 6422 [gail.tolley@brent.gov.uk](mailto:gail.tolley@brent.gov.uk)

**6 School Expansion Programme - Approval to Procure Works Contracts for Phase 3 Projects** 23 - 34

This report seeks approval to a new strategy for the procurement of works contracts for the next phase of the school expansion programme (Phase 3), which aims to provide sufficient permanent school places to meet demand from September 2015.

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Moher and McLennan  
**Contact Officer:** Sara Williams, Operational Director, Early Help and Education

## Environment and Neighbourhoods reports

### 7 Domestic Violence Advocacy, Family Support and MARAC coordination services 35 - 82

This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

*(Appendices referred to below)*

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Denselow  
**Contact Officer:** Chris Williams, Community Safety and Emergency Planning  
Tel: 020 8937 3301 chis.williams@brent.gov.uk

### 8 Brent Local Implementation Plan (LIP) submission for 2015/16 - 2017/18 83 - 112

This report seeks the approval of Cabinet to submit the 2015/16 LIP to TfL and following the approval of that body, to implement the schemes and initiatives within the submitted/approved LIP programme and funding.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Perrin  
**Contact Officer:** Rachel Best, Transportation Service  
Tel: 020 8937 5289 rachel.best@brent.gov.uk

## Regeneration and Growth reports

### 9 Consultation on the proposed Mayoral Development Corporation for Old Oak and Park Royal 113 - 122

The Government has announced proposals for a new High Speed 2 and Crossrail interchange at Old Oak by 2026. Based around the opportunities presented by the new interchange and national and sub regional transport connections, the London Boroughs of Brent, Hammersmith & Fulham, and Ealing, as well as the Greater London Authority (GLA) and Transport for London (TfL), have produced a vision for regenerating the Old Oak area. The Mayor of London is now consulting on proposals to establish a Mayoral Development Corporation (MDC) for Old Oak and Park Royal to take the lead on the planning and regeneration of this area. This report summarises the implications of the proposed MDC for Brent and proposes the areas which should be covered in a formal response to the current consultation

**Ward Affected:**  
Alperton;

**Lead Member:** Councillor McLennan  
**Contact Officer:** Claire Jones, Principal Planner



**Ward Affected:** All Wards  
**Lead Member:** Councillor Butt  
**Contact Officer:** Christine Gilbert, Interim Chief Executive  
Tel: 020 8937 1007  
christine.gilbert@brent.gov.uk

**13 Update on Public Health Contracts** 279 - 342

This report provides an update to the Cabinet report of 13 January 2014 on future arrangements for public health contracts that the Council inherited from the NHS. It provides an update on the proposed procurement process for contracts for 2015/16 onwards and requests approval to invite tenders in respect of such contracts as required by Contract Standing Orders 88 and 89.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Hirani  
**Contact Officer:** Melanie Smith, Director Public Health  
Tel: 0208 937 6227 melanie.smith@brent.gov.uk

**14 Performance report - Quarter 1** 343 - 356

The purpose of this report is to provide Members with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Butt  
**Contact Officer:** Ben Spinks, Assistant Chief Executive  
Tel: 020 8937 6677 ben.spinks@brent.gov.uk

**Adult Social Care reports - none**

**15 Reference of item considered by Scrutiny Committee (if any)**

**16 Exclusion of Press and Public**

The following items are not for publication as they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

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

APPENDICES:

- Domestic Violence Advocacy, family support and MARAC coordination services
- South Kilburn Regeneration Programme  
*(Reports above relate)*

## **17 Any other urgent business**

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

**Date of the next meeting: Monday 13 October 2014**



- Please remember to set 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 CABINET Tuesday 26 August 2014 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor Pavey (Vice-Chair) and Councillors Denselow, Hirani, Mashari, McLennan and Perrin

Also present: Councillors Chohan, S Choudhary, A Choudry, Farah, Filson, Hylton, Long, Mahmood, Stopp, Tatler and Warren

Apologies for absence were received from: Councillor Moher

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

None made.

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

RESOLVED:-

that the minutes of the previous meeting held on 21 July 2014 be approved as an accurate record of the meeting subject to:

Clause 6, Road closures for street parties and special events. para 2: delete and replace with: "Councillor Pavey (Deputy Leader) sought and received a commitment to the Council producing its own street party guide for the public."

Clause 17 - Review of 2013/14 Financial Performance, para 1: delete final sentence.

#### 3. **Matters arising**

None.

#### 4. **Parking Service Annual Report 2013/2014**

The report from the Strategic Director Environment and Neighbourhoods explained the aims and key objectives of delivering a parking enforcement service in Brent and the key achievements and statistical analysis of the last financial year. Councillor Perrin, (Lead Member, Environment) in introducing the report, drew attention to information about the number of parking enforcement related penalty charge notices issued for the period 2013/2014, the income and expenditure recorded in the 'parking account' and how the subsequent parking surplus had been spent or allocated. Councillor Perrin reiterated that the council was committed to a providing a fair, consistent and transparent enforcement service.

Members welcomed the report and noted the acknowledgement that the telephone service had not been as expected following the launch of the online parking system and were pleased to hear that this had now been rectified. Councillor Pavey suggested that in future, information be included in the report to enable comparisons with the previous year. Members raised questions on the number of parking appeals heard and questioned why the percentage of those allowed appeared to be relatively high. The Chair (Councillor Butt, Leader of the Council) assured that reviews would take place under the new contract.

RESOLVED:

that the Parking Services Annual Report 2013/14 as set out in Appendix A to the report from the Strategic Director Environment and Neighbourhoods be noted and approved for publication.

5. **Copland Community School - updates and plans for a new build school and associated costs**

Councillor McLennan (Lead Member, Regeneration and Housing) introduced the report from the Strategic Director, Regeneration and Growth and reminded the Cabinet that Copland Community School, currently a foundation school governed by an Interim Executive Board (IEB), was scheduled to become a sponsored Academy on 1 September 2014, transferring to ARK Schools operating in close relationship with ARK Wembley. Capital funding would be received under the Priority Schools Building Programme and a new school would be completed by September 2016. Elsley Primary School would benefit from the rationalisation and land ownership arrangements agreed in April 2014, in line with the Wembley Area Action Plan. Councillor McLennan referred to the two design options under consideration for the new building and recommended that Cabinet approve the Brent design option.

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

- (a) information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (b) information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

In response to members' questions, the Strategic Director Regeneration and Growth advised that should the Brent design not be successful, this would need to be the subject of a further report to Cabinet.

RESOLVED:

- (i) that approval be given to the Brent design option and associated costs as set out in appendix 4 of the joint report from the Strategic Directors of Regeneration and Growth and Children and Young People;



- (ii) that it be noted that works in connection with the Brent design option would be undertaken by the Education Funding Agency under the Priority School Building Programme;
- (iii) that authority be delegated to the Operational Director Property and Projects, in consultation with the Chief Finance Officer and the Operational Director Early Help and Education to agree the full scope and detail of the Brent design option and final additional costs.

## **6. Proposed Expansion of Manor School, Chamberlayne Road, Kensal Green**

The report from the Strategic Director Regeneration and Growth advised that the council had been awarded Targeted Basic Need (TBN) grant funding of £1.541m by the Education Funding Agency in order to provide an additional 44 places at Manor School. In order to comply with the conditions of that grant funding and therefore retain it, all 44 additional places must be available and all of the TBN funding allocated to the project must be fully spent by 31 August 2015. Councillor McLennan (Lead Member, Regeneration and Growth) referred to the high costs of out borough placements and welcomed the opportunity to permanently expand the school. Members queried the timescales, consultation process and sought assurances that the council would get value for money given the timescales involved for commitment and spend.

RESOLVED:

- (i) that it be noted that the consultation on the statutory expansion of pupil numbers would commence in September 2014, with a report on the outcome of the consultation to be submitted to the Cabinet in December 2014;
- (ii) that approval be given in principle to the allocation of additional funds (£641k) from the council's Basic Needs Capital grant allocation required to deliver the provision of 44 additional pupils at Manor School, pending consideration of the outcome of the consultation on the statutory expansion of pupil numbers in December 2014;
- (iii) that approval be given to the invite of tenders for the proposed building works to support the expansion of Manor School on the basis of the pre-tender considerations set out in paragraph 3.11 of the report from the Strategic Director of Regeneration and Growth and via the London e-Tender Portal;
- (iv) that approve be given to the evaluation of the tenders referred to in (iii) above by officers on the basis of the evaluation criteria set out in paragraph 3.11 of the report.

## **7. Brent Employment Services Provider Framework**

Councillor Mashari (Lead Member, Employment and Skills) introduced the report which set out the terms of a provider framework agreement for the procurement of employment-related support services in Brent. The report explained the context and detail of the Brent Employment Services Provider Framework from conception through to anticipated delivery. Councillor Mashari stated that the framework would

commission and identify partners to increase the chances of successful bidding for external funding for employment services and increase coordination. The invitation to tender would be launched on 1 September with a view to sign off in November 2014. Councillor Mashari drew members' attention to the Equalities Impact Assessment appended to the report.

The Cabinet welcomed the initiative as a good example of working with the voluntary sector and the opportunity to provide jobs for residents. Councillor Mashari also confirmed that support would be targeted at those communities most in need.

RESOLVED:

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for the Brent Employment Services Provider Framework as set out in paragraph 3.26 of the report from the Strategic Director of Regeneration and Growth;
- (ii) that approval be given to the proposal to invite expressions of interest, agree shortlists, invite tenders for the Brent Employment Services Provider Framework and their evaluation in accordance with the evaluation criteria referred to in paragraph (i) above;
- (iii) that approval be given to a waiver from Contract Standing Order 104 (b) to evaluate Framework tenders solely on the basis of 100 per cent Quality as opposed to considering the Most Economically Advantageous Tender for the reasons set out in para. 3.28 to 3.34 of the Director's report.

#### **8. National Non-Domestic Rates – applications for Discretionary Rate Relief**

Councillor Mashari (Lead Member, Employment and Skills) introduced the report from the Strategic Director Regeneration and Growth which set out new applications for rate relief received since 22 April 2014. The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of relief was based on policy and criteria agreed by the Executive in September 2013.

Members welcomed the opportunity to assist community organisations based in the borough.

RESOLVED:

that the applications for discretionary rate relief detailed in Appendices 2 and 3 of the report from the Strategic Director of Regeneration and Growth be agreed.

#### **9. Selective Licensing in the Private Sector**

Councillor McLennan (Lead Member, Regeneration and Housing) reminded the Cabinet that in April 2014 the Executive approved the introduction of an Additional Licensing scheme for the whole borough and deferred a decision on a proposal for a Selective Licensing scheme pending further consultation on the possible addition

of Dudden Hill and Mapesbury wards to the area to be covered by the scheme. Following completion of this exercise, the report from the Strategic Director Regeneration and Growth sought approval for the introduction of a Selective Licensing scheme in the three wards of Wembley Central, Harlesden and Willesden Green.

Councillor McLennan drew attention to the results of consultation undertaken from 20 May to 18 July 2014 which indicated that concerns in Dudden Hill and Mapesbury wards did not sufficiently meet the test for inclusion under the legislation. The council would therefore proceed with the three wards and the matter would be annually reviewed. The Strategic Director undertook to circulate the definition of the type of properties that would be affected.

Members welcomed the introduction of the scheme aimed to reduce anti-social behaviour related to private renting and improve standards and conditions for private tenants, working with landlords. They looked forward to the scheme's expansion across the borough and suggested the Strategic Director monitor progress in other boroughs. The Chair (Councillor Butt, Leader of the Council) reminded the meeting that the aim was to protect tenants and to encourage the provision of accommodation that was fit for purpose. Councillor Mashari assured that good landlords would not be adversely affected by the proposals.

RESOLVED:

- (i) that the evidence and the responses to consultation be noted and the scheme as proposed be introduced;
- (ii) that that the legal requirements for introducing Selective Licensing as set out in paragraphs 11.1 to 11.8 of the report from the Strategic Director of Regeneration and Growth be agreed as having been met with regard to the three wards of Harlesden, Wembley Central and Willesden Green;
- (iii) that subject to (i) and (ii) above, approval be given to the designation of an Selective Licensing area to cover the three wards of Harlesden, Wembley Central and Willesden Green, as delineated and edged red on the map at Appendix 3 of the report, to take effect from 1 January 2015 and to last for five years from that date, in line with the timing of the Additional Licensing scheme approved by the April Executive;
- (iv) that the council begin to accept applications for Selective Licensing from 1 November 2014, in anticipation of the scheme coming into effect on 1 January 2015;
- (v) that authority to issue the required statutory notifications in relation to the Selective Licensing Scheme designation be delegated to the Strategic Director of Regeneration and Growth;
- (vi) that the fees for Selective Licensing be set at £350 for the five-year licensing period;

- (vii) that, subject to further consultation, authority be delegated to the Strategic Director of Regeneration and Growth to agree the basis for and level of any discounts to be applied to these fees.
- (viii) that it be noted that the Selective Licensing scheme would be kept under review annually. Any significant changes, including the withdrawal of a licensing designation, would be subject to further consultation and a decision by Cabinet.

#### 10. **Housing Supply and Demand - Homelessness, Allocations and Social Letting**

The report from the Strategic Director Regeneration and Growth provided an analysis of housing supply and demand issues, including performance in 2013/14 and challenges for 2014/15 onwards. A number of recommendations were made in order to manage the challenges including consultation on revisions to the council's Allocations Scheme.

Councillor McLennan (Lead Member, Regeneration and Housing) summarised the challenges over the past year but was pleased to report that in 2014/15 there was projected to be 673 lettings into social housing. Areas of focus in 2014/15 would be homelessness prevention and helping to increase the supply of private sector accommodation.

Councillor Mashari (Lead Member, Employment and Skills) referred to the adverse impact of the benefits cap and was pleased to note that last year some temporary accommodation households had found employment and so had become exempt from the cap. Members welcomed the proposed amendments to the Allocations Scheme (which would require further consultation) in particular Auto-bidding and the ability to make an increased number of Direct Offers.

#### RESOLVED:

- (i) that the analysis of housing supply and demand issues, including performance in 2013/14 and challenges for 2014/15 onwards be noted;
- (ii) that the target proportion of social lettings for 2014-15 for homeless, housing register and transfer applicants be agreed;
- (iii) that it be noted that consultation with Registered Providers, households on the Housing Register and the voluntary sector has commenced on a proposed revision to the Allocation Scheme that would enable the direct allocation of social housing to Overall Benefit Cap affected households who have been living in temporary accommodation for longer than the average waiting time to receive an allocation of social housing for their bedroom category, and following the consultation a further report for decision on this revision be submitted;
- (iv) that it be noted that consultation with Registered Providers, households on the Housing Register and the voluntary sector has commenced on other proposed revisions to the allocation scheme as outlined in the report from the Strategic Director of Regeneration and Growth and detailed in Appendix

D. Following the consultation a further report would be presented to Cabinet for decision on proposed revisions.

11. **Report back from Scrutiny Committee - changes to Recycling and Green Waste**

With the consent of the Chair, Councillor Choudry (Chair, Scrutiny Committee) reported back on the discussion at the Scrutiny Committee held on 6 August 2014 which had considered an item which had been subject to the Call in procedure – Changes to Recycling and Green Waste, previously considered by the Cabinet on 21 July 2014. The meeting had been well attended by councillors and members of the public. Concerns raised had included value for money, the operation of the new scheme (including the sale of bags instead of an annual fee), the likelihood of residents putting green waste in their rubbish bins, communication, making bins ‘fox-proof’ and arrangements for collection from non-subscribers to the scheme. The committee was, in principle, not against the changes proposed – assurances had been given and the committee welcomed the offer of further review in nine months’ time. He urged those responsible to consider the matter carefully and to minimise disruption to residents.

12. **Any other urgent business**

None.

13. **Date of next meeting**

Councillor Butt informed attendees that the next Cabinet meeting would take place at The Roundwood Youth Centre, Kensal Green Ward, as part of the Cabinet’s decision to hold meetings in community venues.

The meeting ended at 8.05 pm

M BUTT  
Chair

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**Cabinet**  
15 September 2014

**Report from the Strategic  
Director of Children and Young People**

Wards Affected:  
ALL

**Brent Education Commission Report Action Plan - Ambitious  
for All**

## 1.0 Summary

- 1.1 The Council's Cabinet at its meeting on 16 June 2014 considered the Brent Education Commission Report and resolved that the Lead Member responsible for Children and Young People and the Strategic Director, Children and Young People, consider the recommendations in detail and bring back a report in September 2014 with an action plan based on those recommendations that are accepted and are being taken forward.

## 2.0 Recommendations

- 2.1 That the Cabinet endorses the high level Brent Education Commission Action Plan – Ambitious for All.
- 2.2 That the Cabinet notes that the Scrutiny Committee forward plan requests a six month update on implementation of the Education Commission action plan at its meeting on Tuesday 10 February 2015.

## 3.0 Background

- 3.1 The Council is ambitious for change and key local stakeholders agree on the need for a new approach that responds to the changing educational landscape. The Education Commission Report outlined the need to develop education strategy and leadership in Brent so it better fits the changing landscape. It also identified five areas where change is necessary and suggested areas for development in:

- Improving Strategic Leadership of Education across the Borough
- Planning school places
- Knowing Brent schools
- Promoting and supporting school –to-school networks

- Providing challenge to address weaknesses
- Improving school governance

3.2 A high level action plan has been prepared, in consultation with representatives of the Brent Schools Partnership, to take forward recommendations of the Brent Education Commission. Further engagement with schools, both headteachers and governors, will take place over coming months to ensure wider understanding of the implications of the Education Commission findings and the virtues of a partnership approach to addressing the issues.

3.3 More detailed managerial implementation plans are being developed for each priority area. A number of activities are already completed or underway in order to ensure appropriate pace and impact on outcomes.

#### **4.0 Financial Implications**

4.1 The changes to staffing structures and systems within the School Improvement Team required by this plan will be achieved within the existing budget for school improvement. Also contained within this budget is the two year commitment to supporting the development of the Brent Schools Partnership.

4.2 The action plan also includes a commitment to incentivise schools to collaborate in clusters, giving them the opportunity to bid for innovation and improvement funding. The cost of this will be £100,000, over two years, which will be met from corporate reserves.

#### **5.0 Legal Implications**

5.1 The local authority has a statutory duty to promote high standards in schools.

#### **6.0 Diversity Implications**

6.1 The Education Commission Report considers the performance of underperforming groups and underperforming schools. The Commission Report is intended to address inequalities and improve performance. Equality Impact Assessments will be completed for each of the major policy initiatives in this action plan.

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

7.1 The plan indicates that there will need to be changes to staffing structures in the School Improvement Team. All such changes will be managed using the Council's Management of Change Process.



## **Background Papers**

Education in Brent, Ambitious for all: a shared responsibility  
Brent Education Commission Report, March 2014

## **Contact Officer(s)**

Gail Tolley, Strategic Director Children and Young People  
[Gail.tolley@brent.gov.uk](mailto:Gail.tolley@brent.gov.uk) 020 8937 6422

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**Brent Education Commission Action Plan – Ambitious for All  
September 2014 - August 2015**

<b>Overall priorities:</b>	
1.	Improve strategic leadership of education across the borough
2.	Planning school places
3.	Knowing Brent schools
4.	Promoting and supporting school to school networks
5.	Providing challenge to address weaknesses
6.	Improving school governance

<b>Priority 1: Improve strategic leadership of education across the borough</b>
<p><b>What will success look like?</b></p> <p><b>There will be:</b></p> <ul style="list-style-type: none"> <li>• <b>Strong relationships, shared ambition and a partnership structure to secure the highest quality education in Brent.</b></li> <li>• <b>A shared vision and ambitious strategy owned by all.</b></li> <li>• <b>Shared, moral ownership across the educational community for all children in Brent schools.</b></li> <li>• <b>Greater recognition of the role of the governing body as an input force for support, clarity and improvement.</b></li> <li>• <b>Clarity across all providers and partners about the role of the local authority as the champion of children and young people in ensuring that education in Brent is the best it can be.</b></li> <li>• <b>A robust set of aspirational school performance targets to be achieved within three years shared by stakeholders</b></li> <li>• <b>All Brent schools will be judged by Ofsted as good or outstanding within three years.</b></li> </ul>

1.1	Establishment of a Strategic School Effectiveness Board (SSEB) chaired by the Strategic Director Children and Young People	Identification of and invitation to key education partners including BSP.	Strategic Director Children and Young People	First meeting October 2014 to agree terms of reference and draft performance targets.
1.2	Agreement of a vision statement for the future of education in Brent , reflecting the current national and local context, and used to drive all future activities,	Develop a draft statement combined with robust excellence targets for consultation with all key partners including headteachers and governors	Strategic Coordinator for School Improvement	Draft considered at Strategic School Effectiveness Board Oct 2014 All governing bodies invited to support the vision statement By 31 December
1.3	Establishment of a cycle of informal meetings of the Leader of the Council, the Lead Member for CYP with representative headteachers and, separately, with representative chairs of governors to keep in touch and monitor the implementation of this action plan.	Gain a commitment from headteachers and governors to informal meetings. Develop a consultation process which includes the Strategic School Effectiveness Board , Brent Schools Partnership (BSP), school partnerships, governors and headteachers.	Operational Director Early Help and Education	First set of meetings in October 2014
1.4	Launch of a School Effectiveness Strategy which realises the quality assurance role of the LA and prioritises the role of school to school support in securing ongoing improvement.	Draft School Effectiveness Strategy out for consultation and implemented. Clear evaluation of the impact of the strategy on school performance in Brent in place and kept under review.	Strategic Coordinator for School Improvement	Sign off by Strategic School Effectiveness Board October 2014 Further consultation and engagement with school stakeholders to refine for publication in January 2015
1.5	Staffing structure for the School Improvement Service which is fit for purpose and has the capacity to deliver the School Effectiveness Strategy.	Review the current staffing structure In the School Improvement Service in the context of the changing LA role, consulting staff and other stake holders. Develop a shadow staffing structure which will reflect the LA's role in quality assuring standards in education in Brent.	Strategic Coordinator for School Improvement	New staffing structure proposed by October 2014 and implemented as soon as possible. In place by 1 January 2015

<b>Priority 2: Planning school places</b>
<b>What will success look like?</b> <ul style="list-style-type: none"> <li>• <b>There will be sufficient school places in primary, secondary and special schools located where they are needed in schools which are providing at least a good standard of education.</b></li> <li>• <b>Every child who applies for a school place in Brent will be in school within four school weeks of applying.</b></li> <li>• <b>All schools will be good or outstanding within three years</b></li> </ul>

<b>Objective</b>	<b>Activities</b>	<b>Lead Officer (s)</b>	<b>Milestones</b>
2.1 Publish a School Place Planning Strategy which promotes quality as well as increasing the quantity of school places, ensuring that it is: based on accurate projection data; based on local knowledge of demographic trends; acknowledges physical constraints on expansion.	<p>Publish the final strategy following consultation</p> <p>Establish a School Place Planning Group involving school representatives as proposed in the current Draft Strategy</p> <p>Review the Strategy on an annual basis to ensure it reflects a mobile and changing population of a London borough, working with headteachers and governors.</p>	Operational Director (Early Help and Education)	<p>Cabinet Report October 2014</p> <p>Group meets October 2014</p> <p>First Review October 2015</p>
2.2 Clarify the lines of accountability for place planning and the provision of new school places, with stronger oversight by the Strategic Director Children and Young People	Review the staffing arrangements for school place planning in CYP, work with the Strategic Director Regeneration and Growth to improve integration and strengthen the role of the School Place Planning Board	Strategic Director CYP with Strategic Director Regeneration and Growth	New arrangements fully in place January 2015
2.3 Ensure that the systems in place for projecting number of school places required in terms of numbers, geographical location and timing are fully fit for purpose	<p>Reviewed as part of work for Draft School Place Planning Strategy (complete)</p> <p>Keep under review the accuracy of the GLA projections, particularly in relation to the data given on housing new build, child yield etc.</p>	Operational Director (Early Help and Education)	<p>Completed</p> <p>October 2014 and ongoing</p>

<p>2.4 Ensure that the local authority is proactive in encouraging the best schools in Brent and free school providers to set up new schools in areas where extra places are needed.</p>	<p>Work with the Education Funding Agency, DfE Free Schools team, the Regional Schools Commissioner and other partners to attract the best quality providers to Brent Promote the establishment of effective local chains/federations/ partnerships to promote new schools and offer a local solution for schools at risk of failure.</p>	<p>Operational Director Early Help and Education</p>	<p>Meet with Education Funding Agency/DfE Free Schools team August 2014</p> <p>Incorporate approach to free schools into School Place Planning Strategy October 2014</p>
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**Priority 3: Knowing Brent schools**

**What will success look like?**

- **There will be an accurate and up to date sustainable knowledge of the performance of all schools and academies across Brent based on an agreed moral imperative that all schools in the borough have shared ownership with the local authority for the education of all children in every Brent school.**

<b>Objective</b>	<b>Activities</b>	<b>Lead Officer (s)</b>	<b>Milestones</b>
<p>3.1 Improved quality, use and impact of school performance data</p>	<p>Bring the currently available analyses of school and pupil performance data into a single suite of reporting with a clear annual timetable and schedule for reporting back to schools and to elected members.</p>	<p>School Improvement Team Manager</p>	<p>Complete by October 2014</p>

<p>3.2 Dashboard showing the performance of each Brent school against an agreed set of indicators building on risk matrices is used in an annual appraisal of the performance of each school/setting based on all available data to give clear judgement and enabling early identification not only of difficulties but also of good practice.</p>	<p>Discussion of current Brent template (s) with key partners including BSP and governors. Piloting of process during the autumn term.</p>	<p>Strategic Coordinator for School Improvement working with BSP Strategic Director</p>	<p>Format of template endorsed by end of September 2014, adapting current model. Processes agreed with schools following piloting by December 2014. Complete templates for each school by December 2014.</p>
<p>3.3 Publication of an annual report for key partners including governors and parents on the performance of Brent schools.</p>	<p>Produce summary report for public exam/ assessment/ test results – Early years, KS1, KS2, GCSE and post 16.</p> <p>Analyse Ofsted inspection outcomes plus the impact of LA support for its vulnerable schools 2013-14.</p> <p>Carry out review of national performance data 2013-14</p> <p>Desk top review of schools' Raise online reports and used to complete school performance templates – see above.</p> <p>Publish first Annual Report on education in Brent</p>	<p>School Improvement Team Manager</p>	<p>Complete by September 2014</p> <p>Complete by September 2014</p> <p>Complete by November 2014</p> <p>Complete by December 2014 Published version of report available February 2015</p> <p>January 2015</p>
<p>3.4 Showcase excellence and interesting/innovative practice in Brent schools</p>	<p>Publish case studies of good practice</p> <p>Establish an annual school awards scheme to recognise and celebrate practice in Brent schools.</p>	<p>Strategic Coordinator for School Improvement BSP Strategic Director</p>	<p>December 2014 and ongoing</p> <p>March 2015</p>

**Priority 4: Promoting and supporting school to school networks**

**What will success look like?**

**There will be:**

- **Better practice in teaching and learning; focused, mutual support to accelerate progress and raise standards.**
- **A coherent offer of high quality school improvement services largely delivered for schools by schools.**
- **The local authority's role will mainly be one of quality assurance and commissioner of support in the case of underperforming schools which require intervention and/or improvement.**
- **A strong and effective Brent Schools Partnership.**

<b>Objective</b>	<b>Activities</b>	<b>Lead Officer (s)</b>	<b>Milestones</b>
4. Rigorous process in place which includes BSP and other key partners in developing a quality assurance model for all school improvement services commissioned within the local authority.	Agree a set of criteria which ensures that all commissioned services provide effective support leading to rapid improvement.	School Improvement Team Manager	Complete by October 2014
4.2 Development of the Brent Schools Partnership to form an overarching body which includes all school improvement providers across the LA including the School Improvement Service.	£100,000 funding provided by the local authority annually for the first two years to build the capacity of BSP. BSP and the local authority to develop integrated systems and ways of working. .	Strategic Coordinator for School Improvement BSP Strategic Director	Complete by September 2015
4.3 A school to school improvement offer that builds on the best practice in Brent schools.	Work with BSP to develop: <ul style="list-style-type: none"> <li>• A peer review process of performance and progress across Brent schools.</li> <li>• A comprehensive continuous professional development programme designed to address weaknesses identified through Ofsted inspections and peer reviews.</li> </ul> Use knowledge gleaned through peer reviews to develop a series of case studies sharing innovative and successful school initiatives.	Strategic Coordinator for School Improvement BSP Strategic Director	Complete by September 2015



4.4 Incentivise collaboration and work in clusters or networks of schools in Brent.	Invite groups of schools to bid for monies to support initiatives across schools that will lead to improved outcomes.	Strategic Coordinator for School Improvement BSP Strategic Director	Underway by October 2014 with evaluation reports and case studies produced by June 2015.
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<b>Priority 5: Providing challenge to address weaknesses</b>
<p><b>What will success look like?</b></p> <p><b>There will be:</b></p> <ul style="list-style-type: none"> <li>• <b>Better and earlier support for schools with difficulties.</b></li> <li>• <b>No school in an Ofsted category of concern by 2016.</b></li> <li>• <b>The percentage of schools requiring improvement will be 5 percentage points below the London average by 2016.</b></li> <li>• <b>All schools will be good or outstanding by 2017.</b></li> <li>• <b>Less variation between schools as attainment has improved in lower attaining schools so that gaps are closed with higher attaining schools.</b></li> <li>• <b>Pupil outcomes at KS2 and 4 at least 2 percentage points above the London average by 2017 across all measures.</b></li> </ul>

<b>Objective</b>	<b>Activities</b>	<b>Lead Officer (s)</b>	<b>Milestones</b>
5.1 A local authority role in school effectiveness which is fit for purpose, largely one of quality assurance and draws on the excellence and expertise of school leaders, school partnerships and neighbouring LAs.	Develop the School Improvement Service so that it performs a largely commissioning role and has the necessary expertise to quality assure provision and perform an effective quality assurance role.	Strategic Coordinator for School Improvement (SCSI)	Complete by September 2015

5.2 Thorough knowledge of school improvement requirements across Brent's underperforming schools	Refresh the audit of all schools currently designated Requiring Improvement or inadequate in light of 2014 performance data, Rapid Improvement Group records and local knowledge of quality of teaching.  Early identification of and visits to schools at risk through review of 2014 outcomes.  Programme of Peer Reviews which prioritises underperforming schools.	School Improvement Team Manager with BSP Strategic Co-ordinator	Complete by October 2014  Complete by December 2014  Complete by December 2014
5.3 CPD offer in place for underperforming schools tailored to address identified weaknesses.	Use the audit in 5.2 to work up bespoke CPD offers drawing on expertise across Brent schools and commissioning it from elsewhere when gaps exist.	BSP Strategic Director with School Improvement Team Manager	Complete by December 2014

#### Priority 6: Improving school governance

##### What will success look like?


##### There will be

- **A stronger focus on school performance by governing bodies across Brent**
- **Governors will have the skills and confidence to undertake their roles and responsibilities**
- **All Brent school governing bodies will be judged as good or better by 2016.**

Objective	Activities	Lead Officer (s)	Milestones
6.1 Brent governors have greater confidence and skill in undertaking their roles and responsibilities especially in school improvement.	Offer to individual governing bodies of bespoke training on understanding performance data.  The LA should broker collaborations between pairs of governing bodies to scrutinise each other's performance data.  Incentives set in train for governing bodies to observe how each other works and to look at practice in other areas.	School Improvement Team Manager	From October 2014  From November 2014  From November 2014

6.2 Good quality governing body leadership in Brent schools with Rapid Improvement Groups	Review effectiveness of governing bodies in schools currently subject to a Rapid Improvement Group. Reconstitution of the Instrument of Government of governing bodies found to have limited effectiveness.	School Improvement Team Manager	Complete by April 2015
6.3 Brent Governing Bodies have members with appropriate skills to enable them to perform their key role of constructive challenge.	All governing bodies should review their governance arrangement and be encouraged to conduct skills audits Termly newsletter to contain references to online resources and examples of best practice. Development of leadership programme leading to accreditation as National Leaders of Governors.	School Improvement Team Manager	Complete by September 2015
6.4 An improved supply of highly skilled governors with the capacity to take on challenging remits.	Introduce a more efficient and effective process of appointing LA governors with the appropriate skills. Review the service offered to governing bodies to buy in to ensure a targeted CPD programme to address gaps in expertise on current governing bodies.	Strategic Coordinator for School Improvement	Complete by December 2014

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 15 September 2014</p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth and Strategic Director of Children and Young People</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>School Expansion Programme – Approval to Procure Works Contracts for Phase 3 Projects</b></p>	

## 1.0 Summary

The Council has a challenging programme of school expansion designed to meet increased pressure for school places year on year and ensure that all children have access to a school place. The delivery of the school expansions to time and budget is becoming increasingly difficult, partly as a consequence of changes in the construction market which are making it more difficult to procure contractors to build the schools. This report seeks approval to a new strategy for the procurement of works contracts for the next phase of the school expansion programme (Phase 3), which aims to provide sufficient permanent school places to meet demand from September 2015. It is important to note that this procurement strategy, if agreed, will become the means of appointing building contractors for agreed school expansion projects. It will have no impact on normal consultation processes for determining which schools will expand. This report comes to Cabinet ahead of the final version of the School Place Planning Strategy which is scheduled for October in order to enable projects which have already been agreed to proceed on time.

## 2.0 Recommendations

The Cabinet is recommended to:

- 2.1 Approve the strategy for the procurement of works as set out in paragraph 3.16 of this report to deliver the Phase 3 School Expansion Programme of

projects.

- 2.2 Approve inviting tenders on the basis of the pre-tender considerations set out in paragraph 3.17 where this is considered by the Strategic Director of Regeneration and Growth in consultation with the Lead Member for Regeneration & Housing, the Director of Legal and Procurement and Chief Finance Officer as the most appropriate procurement route in accordance with the strategy for the procurement of works to deliver the Phase 3 School Expansion Programme.
- 2.3 In respect of paragraph 2.2 above, approve the evaluation of tenders on the basis of the evaluation criteria set out in paragraph 3.17 of this report. Following evaluation, Cabinet approval will be sought to award high value contracts in accordance with Council Standing Orders.
- 2.4 Note that officers will review a medium term procurement solution for the development and delivery of capital projects (including establishment of a Brent contractors framework) and report back to Cabinet early in the New Year, as described in paragraph 3.15.

### 3.0 Detail

- 3.1 In August 2012 Members approved a four year rolling School Expansion Programme to address the demand for primary school places up to 2016-17. Subsequent reports have provided updates including in November 2013 when projects within that overall Portfolio were more formally allocated to Programmes of expansion to provide additional school places in each academic year.
- 3.2 The Phase 3 School Expansion Programme will generate additional permanent primary school places from September 2015 with capital project works anticipated to complete during that academic year. The programme of Phase 3 school expansion as approved by Members currently includes the following schools:

Project	Description	Notes/Status
Islamia Primary	Expand by 1FE	Funding recently secured
Elsley Primary	Expand by 2FE	
Stonebridge Primary	Expand by 1FE	
Malorees Infant & Junior	Expand by 1-2FE	
Uxendon Manor Primary	Expand by 2FE	Approved in Phase 2 Programme but moved to Phase 3
<b>Total</b>	<b>7-8 FE</b>	

- 3.3 Each of these projects is at a different stage of development given the lengthy and sometimes complex process of securing schools' sign up, undertaking the necessary statutory consultation on expansion as well as the planning process. At this stage Members should note that the Governing Bodies of

Malorees Infant and Junior Schools have not yet agreed to expand, nor has formal confirmation been received from the Governing Body for Elsley Primary. The Cabinet will need to receive reports on the outcomes of the statutory consultations for each school and make specific decisions in respect of each expansion in order for each of these schemes to go ahead. These reports will need to come to Cabinet during the autumn of 2014 if the expansions are to take place from September 2015. All school expansions will also require planning approval.

- 3.4 All of the works contracts have an estimated value in excess of £500k and thus each will individually be classified as High Value Contracts for works under the Council's Contract Standing Orders. Of these five projects, two (Elsley and Uxendon) have reasonably well developed designs produced with engagement from the relevant schools but subject to further design development before planning submission and invitation to tender. Work at Stonebridge and Malorees is at an early feasibility stage while at Islamia a previously approved design is currently being reviewed.
- 3.5 One of the key challenges that the Council faces in terms of the delivery of these school places is the current buoyant state of the construction market. Over the last year the Council has faced real difficulties in procuring contractors to deliver new schools, for two key reasons. Firstly the value of the contract packages has only been attractive to a small segment of the market, with limited experience of building schools. Secondly, the requirement to undertake a large amount of design work 'at risk' as part of the procurement process has not been attractive to contractors who already have a significant amount of work. Essentially contractors find themselves in a position where they can pick and choose the tenders that they respond to.
- 3.6 In order to address this issue, a review of the alternative procurement routes that are open to the Council has been undertaken. The four main options are as set out below and each is considered in turn:
- a) Standard tender in accordance with the Public Contracts Regulations 2006 ("EU Regulations") for a single project or batch of projects
  - b) Use of existing contractors framework e.g. LHC Framework
  - c) Use of new EFA Regional Contractors Framework
  - d) Establishment and use of Brent Contractors Framework
- 3.7 a) *Standard Tender in accordance with the Public Contract Regulations*  
This is one of the current approaches used to deliver school expansions. At present the Council uses a 'one stage' tender process, whereby contractors are asked to respond to a brief from the Council with an appropriate 'design and build' solution at a fixed price. It is this model which has failed to elicit a good response from the construction market over the last year and continuing to use this as the sole procurement method is likely to make it harder for school places to be delivered in a timely way.
- 3.8 A variant of this model is a two stage tender process. In this model the Council would go to the market at an earlier point in the design process and ask the market to submit proposals in the first instance (Stage 1) based on a

cost made up of the contractor's preliminaries, over-heads and profits, design and survey costs and any other pre-construction works that are specified. A contractor would then be appointed to work with the Council and the schools to jointly develop the design further and then tender the construction packages into their sub-contractor market. The resulting cost would trigger Stage 2 of the tender process, with a resultant transfer of risk and responsibility to the contractor at this point.

3.9 The intention in a two stage process is that a single contractor is appointed at Stage 1 for both stages, but there is no obligation on the Council to accept the price that is presented at Stage 2. There are risks of not doing so, most specifically in terms of timescale as this would require the Council to go back to Stage 1 of the process. The success of the two stage process really depends on the Council and appointed contractor building a good relationship through Stage 1 based on a common understanding of the quality and cost parameters in which the projects need to be delivered.

3.10 *b) Use of existing contracts framework*

The Council has also made use of this procurement model over recent years, essentially procuring partners from existing EU compliant frameworks. Again though, this model suffers from many of the issues facing the single stage standard tender described above. The Council attempted to use a framework to procure elements of the Phase 2 school expansion programme over the last year and was unable to appoint a contractor as there was very limited interest in the tender packages. This has had a significant impact on the 2013/14 expansion schemes. Whilst all of the school places will be available as committed, there are delays in completing the works as a result of having to go back through the procurement process leading to frustrations for schools and a less than ideal temporary teaching environment.

3.11 Undeniably the framework options are attractive in the right environment and if new frameworks come on stream over the coming year then it is recommended that they are considered as a potential procurement route. Officers are unaware of any new frameworks that will be available in time to deliver the Phase 3 expansions.

3.12 *c) Use of new EFA Regional Contractor Framework*

The Education Funding Agency (EFA) has established a Regional Contractor Framework, primarily to utilise for the delivery of the Priority Schools Build programme. This programme is largely based on the provision of new schools (as distinct from expansions) and the framework is predicated on a set of 'expected build costs' for different elements of the builds. The Council has no visibility of these rates at present and it is unclear as to whether they would represent good value for money in respect of school expansions. The framework requires a two stage approach whereby the contractor appointed at Stage 1 designs up the new school proposals and is responsible for securing planning permission. This may make it very difficult for the Council or the school to influence the detailed nature or quality of the design.

3.13 On the positive side, the framework is newly procured and is regional, which means that the contractors will have had to submit at rates appropriate to



London. Officers' judgement is that it is unlikely that there will be enough information available to make use of this framework for Phase 3 school expansions particularly where scheme design has commenced, but this route shouldn't be ruled out for specific schemes if further clarification emerges over the autumn.

3.14 d) *Brent Contractors Framework*

Given the challenges that are faced going forward, the procurement of a local framework which takes account of the changes in the market is attractive. However, the lead in time and upfront costs of procuring a local contract are considerable and certainly this would not be achievable in time for the delivery of the Phase 3 school expansions.

3.15 In the medium term this solution, or one similar to it, is likely to be the only way that the Council can address the procurement challenges it faces. It is therefore recommended that officers review this option, along with others (eg. the forming of a strategic partnership for the development and delivery of capital projects, establishing some kind of joint venture arrangement) and report back to Cabinet early in the New Year.

### **Proposed Procurement Strategy**

3.16 It is clear that each of the procurement routes open to the Council includes some element of considerable risk. The Council's preferred single stage tender route is increasingly less desirable to contractors and is considered too high risk to continue with. Having considered the relative merits and risks of each option, the following procurement strategy is proposed for the Phase 3 school expansion programme:

- As a default position to package school expansion projects into packages to be procured using a two stage Standard Tender process, utilising the assessment criteria set out in paragraph 3.17 below. Note in particular the proposal to assess bids on the basis of a 50:50 split between price and quality.
- To continue to review the available frameworks, including the EFA Regional Framework, to consider their applicability and suitability for particular projects or packages of projects.
- To undertake a strategic review of procurement options for schools and other capital projects with a view to recommending alternative models for the medium term that will strengthen the choices and options available to the Council in the future.

### **Pre-tender Considerations**

3.17 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for all projects within the Phase 3 schools programme to be let using a formal tender route compliant with EU Regulations (if required) are set out below for the approval of the Cabinet:

Ref.	Requirement	Response
(i)	The nature of the service	<p>Works (construction) contracts for school projects within the Phase 3 Permanent Primary School Expansion Programme. Schools currently agreed are as follows:</p> <ul style="list-style-type: none"> <li>• Uxendon Manor Primary</li> <li>• Elsley Primary</li> <li>• Stonebridge Primary</li> <li>• Malorees Infant and Junior</li> <li>• Islamia Primary</li> </ul>
(ii)	The future estimated value of the contract/s	<p>Pre-tender construction estimates cannot be provided on a school by school basis at this point, as design development is either underway or yet to substantively start, a new procurement route is being proposed and because it is not yet known which schools will formally be included in the programme (as in some cases consultation with and the agreement of the schools has yet to be finalised).</p> <p>The schools potentially in scope are set out in 3.2, and repeated below for convenience.</p> <ul style="list-style-type: none"> <li>• Uxendon Manor Primary</li> <li>• Elsley Primary</li> <li>• Stonebridge Primary</li> <li>• Malorees Infant and Junior</li> <li>• Islamia Primary</li> </ul> <p>As a guide to contract size the average contract cost per FE procured in the last 12 months was £2.8m. As described previously, the anticipated maximum size of the programme is 7-8 FE, on this basis alone the programme might be valued at £22.9m. The programme is unlikely to be procured as a whole, but rather as individual projects or small batches of projects. There is a clear expectation is that this procurement is intended to improve value for money. Other factors, such as the topography of individual sites, constraints imposed by existing buildings and other factors will also impact on the price.</p>

(iii)	The contracts term	Each construction contract will be for a period of approximately 12 months with an anticipated defects liability period of 12 months	
(iv)	The tender procedure to be adopted.	The procedure will be a Restricted Procedure compliant with EU Regulations. The indicative timescale below applies to the Restricted Route. If the Open Procedure were to be used then PQQ and ITT documents are issued simultaneously and the tender period from issue to receipt of tenders is reduced to 40 days. The tender considerations for the Open Procedure would remain the same as those listed for the Restricted Process.	
(v)	The procurement timetable	<p>As previously noted, the projects within this programme of work are at different stages of development and the issue of tender documents is likely to be staged accordingly. Individual project timescales may vary but indicative dates for the 2-stage design and build contracts are:</p> <ul style="list-style-type: none"> <li>• Adverts placed</li> <li>• Expressions of interest (Pre-Qualification Questionnaire) returned (30 day PQQ period)</li> <li>• Shortlist drawn up in accordance with pre-determined minimum standards as to financial standing and technical competence</li> <li>• Invite to tender</li> <li>• Deadline for tender submissions (minimum 40 day ITT period)</li> <li>• Panel evaluation</li> <li>• Report recommending</li> </ul>	<p>01.10.14</p> <p>31.10.14</p> <p>28.11.14</p> <p>1.12.14</p> <p>20.1.15</p> <p>10.2.15</p> <p>13.2.15</p>

		<p>Contract award circulated internally for comment</p> <ul style="list-style-type: none"> <li>Award of Stage 1 and 2 contracts .</li> <li>Triggering of Stage 2 contract</li> <li>Stage 2 contract start date (including standstill period)</li> </ul>	<p>16.3.15 (Cabinet meeting)</p> <p>27.3.15 (Contract start date following 10 day standstill period)</p> <p>27.7.15</p> <p>7.8.15</p>
(vi)	The evaluation criteria and process	<p><u>Pre-qualification stage</u> Shortlists are to be drawn up in accordance with the Council's Contract Management Guidelines by a pre-qualification questionnaire (PQQ).</p> <p>The pre-qualification will test the capacity and capability of potential bidders as well as potential bidder eligibility to take part in the Procurement.</p> <p><u>Invitation to Tender (ITT)</u> For those that passing the PQQ stage there will follow an Invitation to Tender (ITT) stage.</p> <p>As this route is proposed with a two-stage tendering process, the initial tender evaluation described below will lead to award of contract for Stage 1 of the Design and Build Contract.</p> <p><i>Stage 1 of the tender</i> Tenders will be evaluated on the basis of the most economically advantageous tender using the following criteria and overall weightings.</p> <p>1. Quality</p>	

		<p>Quality will consist of 50% of the overall evaluation. The quality assessment will be evaluated using the following criteria.</p> <ul style="list-style-type: none"> <li>• Project and cost Management</li> <li>• Construction programme</li> <li>• Project Understanding and client liaison</li> <li>• Quality</li> <li>• Health and Safety</li> <li>• Innovation</li> <li>• Sustainability</li> </ul> <p>2. Price</p> <p>Price will consist of 50% of the overall evaluation.</p> <p>Price will be evaluated using a lump sum price that will be built up from fixed costs for Overheads and Profits, Preliminaries, Pre-construction Services and if required, Enabling Works.</p> <p><i>Stage 2 of tender</i></p> <p>The contract sum and programme for Stage 2 of the contract will be developed based on an open book procurement by the Stage 1 contractor of agreed work packages. The triggering of this part of the contract will be awarded under delegated authority subject to the agreement of a programme and contract sum that falls below the agreed maximum levels determined on award of the Stage 1 contract. It is anticipated that Stage 2 would be agreed within 3-4 months of the tender submission but this would be confirmed per project dependent on the specific requirements.</p>
(vii)	Any business risks associated with entering the contract	No specific business risks are considered to be associated with agreeing the recommendations in this report.
(viii)	The Council's Best Value duties	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met.
(ix)	Any staffing implications	There are no direct staffing implications

(x)	The relevant financial, legal and other considerations	See Sections 4 and 5.  This is a two stage tendering process. If a contract sum and programme for Stage 2 can not be agreed at the end of Stage 1, the works undertaken within Stage 1 would be self-contained and would still contribute to the delivery of the project. Designs worked up by the contractor within Stage 1 can be used to inform further tenders. Notwithstanding programme pressures to deliver sufficient school places, the council would not be contractually committed to agree to Stage 2 if an acceptable contract sum and programme within agreed parameters could not be agreed at the end of Stage 1.
(xi)	Measures to deliver economic, social or environmental benefits in accordance with the Public Services (Social Value) Act 2012	The works contracts will place a requirement on contractors to support the council's objectives for enterprise and employment.

#### 4.0 Financial Implications

- 4.1 The costs of the proposed works will be met through use of capital grants already secured by the Council including Basic Need and Targeted Basic Need.
- 4.2 It is envisaged that tendered costs will fall within the current capital programme budget, however officers will need to manage the programme within the overall allocation.
- 4.3 As with any procurement process there are significant risks to be managed. This process is proposed as a way of delivering school expansions because the existing process is not delivering good value for money or timely school expansions. For it to operate effectively the council will need to take great care in selecting its contractor for stage one and two, as that contractor, having won the first procurement round, will have exclusive rights to the stage two contracts. The council will have contractual rights not to award stage two contracts, if for example the contractor's stage two proposal exceeds or falls short of specified price measures, but exercising these rights would have implications for programme delivery.
- 4.4 Officers are clear that the proposed arrangement can only work effectively if the Council is prepared to exercise the full contractual rights if required, in order to ensure that the programme remains affordable.

## 5.0 Legal Implications

- 5.1 The estimated value of the individual contracts is expected to be above the EU Regulations threshold for Works of £4,322,012 and therefore subject to the full application of the EU Regulations.
- 5.2 The estimated value of all of the contracts is above the Council's Standing Orders threshold for High Value Works Contracts of £500,000. For High Value Contracts, the Cabinet must approve the pre-tender considerations set out in paragraph 3.19 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 Once the tendering process is undertaken Officers will report back to the Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.4 The council is proposing to use a 2 stage award process. EU law prevents the Council from holding negotiations with tenderers on price or other aspects of bids prior to award of the contracts. To ensure compliance with EU law, the Council must therefore award contracts in respect of both stages of the project at Stage 1 in order to be able to discuss design and price changes in detail and agree a final Contract Sum with one tenderer in respect of each contract. Following agreement or determination of a satisfactory Contract Sum during Stage 1 of each project, the Council may, at its discretion, trigger Stage 2 (the main construction phase) by giving the contractor notice that it is required to enter into the main contract. If the Council decides for financial or good other reason not to proceed to the construction phase with the contractor, the parties' relationship will come to an end in accordance with the provisions of the initial appointment and the main contract will not come into effect.
- 5.5 The Council will observe the full requirements of the EU Regulations in relation to the mandatory minimum 10 calendar standstill period imposed by the EU Regulations before the contracts can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderers and the contracts may commence.
- 5.6 Should the Strategic Director of Regeneration and Growth, following consultation with the Director of Legal and Procurement and Chief Finance Officer consider that it is more appropriate to use an existing contractors framework or the EFA Regional Contractors Framework for particular projects, it will be necessary to operate the procurement in accordance with the relevant framework rules. The Constitution allows officers to operate a mini-competition under a framework agreement without seeking prior Cabinet approval. As described in the procurement timetable at 3.17 where the contract being procured is a High Value Contract (regardless of the

procurement route adopted), Cabinet approval will be sought before the contract can be awarded and the Cabinet therefore has the ability to refuse to award if it is unhappy with Officers use of a framework.

## **6.0 Diversity Implications**

- 6.1 An Equality Impact Assessment was undertaken for the school place planning strategy. This found that the strategy was consistent with the council's equality policies and did not have any adverse impact.

## **7.0 Staffing/Accommodation Implications**

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

## **8.0 Public Services (Social Value) Act 2012**

- 8.1 Whilst the Public Services (Social Value) Act 2012 ("Social Value Act") does not formally apply to works contracts, Officers have had regard to the ethos of the Social Value Act and the opportunities that significant capital investment in local areas bring to achievement of council objectives on employment and enterprise. The design and build contracts will require contractors to work with the Council on the employment of new and existing apprentices in all areas of work including professional roles as well as skilled manual positions, the creation of new local jobs and the use of local businesses for the supply of materials and labour. There will be measurable targets within these contracts that will be regularly monitored.

### **Background Papers**

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 15 September 2014</p> <p style="text-align: center;"><b>Report from the Director of Environment and Neighbourhoods and Director of Children's and Young People</b></p>
<p>For Action</p>	<p>Wards Affected: ALL</p>
<p style="text-align: center;"><b>Authority to award a contract for a Domestic Violence Advocacy Service, Domestic Violence Family Support and MARAC Coordination Service</b></p>	

**Appendix 1 of this report is Not for Publication**

**1.0 Summary**

1.1 This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

**2.0 Recommendations**

2.1 That Members award the contract for the provision of a domestic violence advocacy service for women 16 years old and over, domestic violence family support and MARAC (Multi Agency Risk Assessment Conference) coordination service for all high risk victims to Hestia Housing and Support.

**3.0 Background**

3.1 Domestic Violence (and the broader issue of Violence against Women and Girls) is a priority for the borough, with over 4,400 reported incidents and over 2,000 recorded crimes per annum. It is noted as a priority in the Borough Plan and for the Safer Brent Partnership in the Safer Brent Community Safety Strategy.

3.1 A domestic violence advocacy service consists of Independent Domestic Violence Advisors (IDVAs) whose main purpose is to address the safety of survivors at high risk of harm (as defined by CAADA – Coordinated Action Against Domestic Abuse) from intimate partners, ex-partners or family members to secure their safety and the safety of their children. The staff delivering these services are experienced and qualified practitioners able to

assess risk and support women with safety planning, risk management and practical support, either before, during or after separation from the perpetrator of the violence. IDVAs in Brent seek to support around 600 women per annum.

- 3.2 They provide a range of interventions including: practical and emotional support; advice and information; referrals to other specialist services such as mental health, and drug and alcohol agencies; access to refuge, emergency and supported housing; support to attend court; legal appointments and help with DIY injunctions; support in understanding the Criminal and Civil Justice Systems; and representing victims at the MARAC.
- 3.3 Serving as a survivor's primary point of contact, IDVAs normally work with their client from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans. They work over the short to medium term to put their clients 'on the path' to long-term safety.
- 3.4 MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, IDVAs and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim/survivor, the representatives discuss options for increasing the safety of the victim/survivor and turn these into a coordinated action plan.
- 3.5 The main focus of the MARAC is on managing the risk to the adult victim/survivor but in doing this it will also consider other family members including any children involved and managing the behaviour of the perpetrator. Information shared at the MARAC is confidential and is only used for the purpose of reducing the risk of harm to those at risk.
- 3.6 In Brent, ADVANCE has been delivering the IDVA services under contract since April 2009, subcontracting the MARAC coordination part of the contract to Standing Together since February 2012. Prior to this date the MARAC coordination was delivered in-house through Community Safety Team staff. The initial contract with Advance ended in March 2012. At the February 2012 Executive, approval was given to agree an exemption to invite tenders as set out by Contract Standing Order 88 and to award a further contract to Advance for an initial twelve month period with an option to extend for two further twelve months periods. This approach was recommended as market testing at the time suggested a lack of viable alternative providers and Advance was considered a high performing contractor. Since this time, the market has changed and there is now increased interest in this work and type of contract.
- 3.7 The February 2012 report stated the ADVANCE contract would cost the council £70,000 per annum with the remainder of the £295,800 budget being raised through 'a variety of charitable means' each financial year. Although ADVANCE has brought in additional funding to Brent, the current contract cost to the council is significantly larger than £70,000 per annum and the shortfall has been covered by one-off underspends in the Community Safety budget.

- 3.8 Brent Community Safety has funded ADVANCE for differing amounts over the last two years including the contract extension. In 2012/13, the invoices paid by the council totaled £360,000 but in 2013/14, the council paid £200,000. The main difference in the contract value is due to Community Safety underspend in 2012/13 funding children's service IDVAs in 2013/14.
- 3.9 ADVANCE's current Brent advocacy service consists of three staff and a manager based in Wembley Police Station and two IDVAs co-located in Brent's Children and Young People's Department working in Children's Social Care and the Family Solutions Team. ADVANCE also provides two family support workers also based in Children's Social Care and the Family Solutions Team. There are no plans to continue with one of the family support worker posts due to funding pressures, and this member of staff is on a fixed term contract until August.
- 3.10 The proposed new contract is based on a slightly different staffing resource model with a service consisting of a manager and 3 IDVAs based in Wembley Police Station, along with 2 IDVAs and a family support worker based in Early Years and The Family Solutions team. The family support worker offers an intervention model that provides direct support for children and their non-abusive mothers, preventing the long-term trauma, and providing a range of positive outcomes for children. It supports children's school attendance, promotes their mental wellbeing, and their physical and other aspects of safety, helping to reduce and prevent future domestic violence.
- 3.11 Through working with the family support worker, children increase their understanding of the nature of domestic violence, learn that it is not their fault and that they are not the only ones experiencing this, improve their ability to communicate in general and about their experiences in particular, and learn how to deal with their feelings.
- 3.12 The total funding available from Community Safety is £190,000 per annum which covers three IDVAs, the MARAC coordination and part of the manager's salary (£35,000). Brent's Children and Young People's department is providing £150,000 which covers the two IDVAs, a family support worker and additional contribution to the manager's salary.
- 3.13 Although Community Safety does not have the same level of funding as previous years, there are some potentially creative ways of increasing capacity whilst keeping the cost down. Funding has been identified from underspend in 2013/14 for two existing substance misuse staff to attend CAADA's accredited IDVA training course. This will increase Brent's IDVA capacity to work with complex need clients at a minimal cost of £5,600. It will also support substance misuse staff in developing better domestic violence screening and safety planning skills through seminars, training and advice offered by the IDVA trained substance misuse worker. The service specification for this contract will include a clause building in specialist domestic violence case work supervision for these two staff.
- 3.14 In addition, Community Safety has been successful in securing funds to

include a “perpetrator worker”, specifically to work with offenders meeting the Troubled Families criteria; in addition there is the appointment of a “Women’s Safety Officer” within Family Solutions to work alongside the perpetrator worker. This supports the borough’s “Working with Families” initiative, complements the “whole family approach” and assists in securing a safer future for the family.

- 3.15 The model and impact of the co-location of IDVAs and Family Support Workers within the Brent’s Children and Young People’s department was recently highlighted as an example of good practice at the recent “All Party Parliamentary Group” on domestic and sexual violence (Monday 9 June 2014, House of Commons); the focus was on domestic violence and the ‘troubled families’ programme. Louise Casey spoke along with other representatives from key national agencies, to a group of cross-party MPs, peers and representatives from public services and the voluntary sector.
- 3.16 Brent Clinical Commissioning Group is currently considering a proposal for rolling out the IRIS project (Identification and Referral to Improve Safety) across Brent primary care. The report to the Executive on 22<sup>nd</sup> April 2014 contained details of the Council’s intention to include the option or availability to access certain training services from the service provider under the proposed contract, the intention being that any such provision would be subject to appropriate agreement being reached with the CCG, Brent and the service provider. ISIS is a model founded on partnership work between primary care and specialist domestic violence agencies aimed at GPs and other primary staff’s confidence building in asking patients about incidents of domestic violence with onward referral into specialist support and interventions. The proposed contract specification includes for such potential services if the CCG’s business case is successful, and subject to an appropriate written agreement between the Council and the CCG.

### **3.16 The tender process**

- 3.16.1 As a High Value contract, the contract was tendered in accordance with Contract Standing Orders No 88 and 89.
- 3.16.2 The new contract will be let using the council’s own terms and conditions of contract for an initial period of two years, with the option to extend for a further one year at the council’s sole discretion.
- 3.16.3 A voluntary advertisement was placed in the Official Journal of the European Community (OJEU) on 27 May 2014 to seek initial expressions of interest, which elicited 29 initial enquiries. Due to the constricted marketplace an open, one stage, tender process was used in accordance with the Council’s Standing Orders. As such all parties expressing an interest in the contract were sent the Invitation to Tender.
- 3.16.4 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the council and that in

evaluating tenders, the council would have regard to the following evaluation criteria:

- Price – 40 per cent
- Quality – 60 per cent
  - Demonstration of technical compliance for the delivery of the service specification
  - Delivery Programme / Methodology as demonstrated by the method statements offered by the tenderer
  - Application of project resources to the delivery of service requirements
  - Application of previous experience to delivery of service requirements
  - Application of innovation to the delivery of the service requirements
  - Proposals for partnership working with the council and other agencies
  - How the provider will manage child protection and safeguarding concerns within the service
  - Added value the provider brings to the contract
  - How equality considerations will be delivered by the service
  - How the provider will apply user involvement to improve the quality of service delivery
  - How the provider will deliver an effective service to complex need clients (offender, substance misuse, mental health backgrounds).

### **3.17 Evaluation process**

3.17.1 All tenders had to be submitted electronically no later than 12pm (noon) on 1 July 2014. Tenders were opened on 1 July 2014 and five valid tenders were received.

3.17.2 Due to the constricted marketplace an Open, one stage, tender process was used in accordance with the Council's Standing Orders. The five submissions received had their pre-qualification questionnaire ("PQQ") evaluated to ensure they met the council's financial standing requirements, health, safety, environmental and safeguarding requirements. All five contractors passed this initial round.

3.17.3 The tender evaluation was carried out by a panel of officers from Community Safety and Emergency Planning, Family Solutions and Procurement. Also in attendance were Service User representatives.

3.17.4 Each member of the evaluation panel read the tender responses and evaluated using the online functionality within the London Tenders Portal to note down their comments on how well each of the award criteria was addressed.

3.17.5 The panel met on 22 July 2014 and each submission was marked by the whole panel against the award criteria.

3.17.6 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer C was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer C, namely Hestia Housing and Support of Maya House, 134 – 138 Borough High Street, London.

3.17.7 Officers evaluated the financial aspects of the tender rigorously to ensure it represents value for money. Tenderers had been asked to submit fixed prices for each of the two initial years of the contract. Hestia Housing and Support's tender indicated a total price for this period of approximately £600,500. Based on the funding available for current spend of £340,000 per annum or £1,020,000 over the full 3 years, this would equate to a potential annual saving in funding of an estimated £39,750 per annum and £119,250 over the projected contract period of 3 years.

3.17.8 In addition to the other evaluated aspects of the tender, Hestia Housing and Support provide added value in Brent. The key features include a commitment to reducing crime, supporting economic and environmental well-being, promoting social inclusion and innovation.

- **Promoting economic well-being** by working with other Brent employment-related agencies to increase employment levels with particular emphasis on the priority neighbourhoods and those furthest away from the labour market.
- Commit to “Reduce, Reuse, Repair, Recycle” in managing its **environmental impact**
- **Crime reduction** – Hestia will raise public awareness of DV and the impact through workshops to partner agencies (schools, police, Social Care, and public health training events), producing and distributing leaflets; organising events such as White Ribbon Day and support initiatives designed to help perpetrators address and modify their behaviour
- **Innovation** – in addition to using the CAADA DASH risk assessment they have introduced a Children's Outcome Framework, which is a specialised measurement tool in order to demonstrate the impact of our domestic violence services on children.
- **Social inclusion** – their successful fundraising has enabled Hestia to extend their work to supporting children; given the nature of this contract this experience is advantageous; they have established projects to support the development of older volunteers.

3.17.9 The contract will commence 1 November 2014, subject to the council observing a voluntary 10 day standstill period after award of the contract.

#### 4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k shall be referred to the Cabinet for approval of the award of the contract.
- 4.2 The estimated funding available to fund this contract is £340,000 per annum. The estimate value of the winning bid for the contract is £300,250 per annum (£600,500 for the two years fixed term period)
- 4.3 It is anticipated that the cost of this contract will be funded from a combination of £190,000 from the community safety budget and £150,000 from the Children and Young People budget. There is also annual revenue grant funding of £35,000 received from the Home Office. Although the grant funding was received over the last four financial years to 2014/15, there is no evidential commitment from the HO towards the continuation of the funding.
- 4.4 This contract is likely to achieve between £39,750 and £74,750 savings per annum, pending the continuation of the HO funding.

## **5.0 Legal Implications**

- 5.1 The estimated value of this contract over its projected lifetime is higher than the EU threshold for services governed by the Public Procurement Regulations 2006 (the "EU Regulations"). However, the proposed contract service is a Part B service under the EU Regulations and thus is subject to partial application of the EU Regulations only, including:

- (i). Non-discrimination in the technical specification.
- (ii). Notification of the contract award to the EU Publications Office.

There is also a requirement to comply with EU Treaty principles in respect of non-discrimination, equal treatment, fairness and transparency must be observed in the award process.

- 5.2 The estimated value of the contract is above the Council's Standing Orders threshold for High Value Service Contracts (of £250k) and the award of the contract is consequently subject to the Council's own Standing Orders and Financial Regulations in respect of High Value contracts .As a result Cabinet approval is necessary for the award of the contract
- 5.3 As referred to in paragraph 3.16.3 above the Council followed a voluntary compliance procedure and advertised the contract in the OJEU, notwithstanding that the service to be procured is a Part B service under the EU Regulations.
- 5.4 Once the Cabinet has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decision. A voluntary minimum 10 calendar day standstill period will then be observed before the contract award proceeds – this period will begin the day after all Tenderers are sent notification of the award decision – and

additional debrief information will be provided to unsuccessful tenderers. As soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the award of the contract can proceed.

- 5.5 There is an incumbent provider providing the service which is being procured. As a result the Council's view is that the Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE") is likely to apply so as to transfer from the current service provider to the new provider, the employees of the current service provider who spend all or most of their working time undertaking service activities which are to be taken over by the new provider as at the commencement of the new contract (the transfer date). Subject to the right of the transferring employee to object to transferring, the employee's contract of employment would transfer to the new service provider by virtue of the operation of TUPE. It is expected that the transfer of staff and responsibilities for their employment should transfer on the start date of the contract which is expected to be on 1<sup>st</sup> November 2014. Further information concerning staffing resource and accommodation is contained in paragraph 7 below.

## **6.0 Diversity Implications**

- 6.1 Members are referred to the Equalities Impact Assessment at Appendix 3 and will note the diversity implications set out below.
- 6.2 The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 6.3 A protected characteristic is defined in the Act as:
- Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Race (including ethnic or national origins, colour or nationality)
  - Religion or belief
  - Sex
  - Sexual orientation
- 6.4 Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination. The previous public sector equalities duties only covered race, disability and gender.
- 6.5 The proposals in this report have been subject to screening and there are considered to be no negative equalities implications.
- 6.6 The advocacy service will work with women aged 16+. This is because



evidence from crime statistics, research and practice demonstrates that domestic violence impacts disproportionately on women, and the vast majority of those who use violence and other abusive behaviours to control and dominate in relationships are heterosexual men. The gender of both victim and perpetrator influences behaviour and the severity of risk and harm caused. Fifty four per cent of female murder victims aged 16 or over were killed by their partner, ex-partner or lover; in contrast, five per cent of male victims aged 16 or over were murdered by their partner, ex-partner or lover (Smith K. Homicide, fire arm offences and intimate violence 2009/10. Home Office 2011)

- 6.7 Whilst men and women can both be perpetrators, there are significant differences in the way men and women use violence and abuse against their partners or family members. A six year longitudinal study in the UK found men inflict more violence than women and are significantly more likely than women to use physical violence, threats, harassment and to damage property. Men tend to be perpetrators of repeat and escalating violence. Eighty nine per cent of victims of the most severe ongoing violence (i.e. four incidents or more) are women (Walby S, Allen J. Home Office Research Study 2004)
- 6.8 The successful provider will be expected to signpost male victims to either Victim Support or Broken Rainbow, an LGBT domestic violence charity, and develop effective referral pathways. The MARAC hears cases concerning both high risk female and male victims, and the coordinator will collate equalities' data as part of the contract including gender, disability, sexuality, ethnicity, and age (with particular interest in young victims and perpetrators).
- 6.9 The advocacy service provider will be monitored on its ability to deliver effective services to BME women, and to link in with other local partners to facilitate this, including the Asian Women's Resource Centre and EACH's London council's funded part-time Ascent domestic violence counsellor.

## **7.0 Staffing/Accommodation Implications**

- 7.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.
- 7.2 There are TUPE implications for the staff of the current service provider (Advance) arising from awarding this contract. Officers identified a total of 8 Advance employed staff as potentially liable to transfer to a contractor pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). These figures will be finalised during the detailed TUPE conversations that will happen post contract award. The specification and contract requirements for the proposed contract require a slightly different staffing model and roles with:
- a) Two IDVA's to be based in Brent Civic Centre (one IDVA in Children & Young Peoples Department and one IDVA in the Brent Family Solutions Team); and with one support worker to be based in Brent Civic Centre with (Children & Young Peoples Department); (three at Civic Centre in total)

- b) Two IDVA's and one family support worker based at Wembley Central Police Station (three at police station in total); and
- c) One service manager funded partially by Children and Young Peoples and Community Safety, who will manage the MARAC service and the ancillary activities as detailed in the contract.

7.3 As indicated in the report to the April 2014 Executive, the intention is for some of the successful contractors staff to be based at Brent Civic Centre. The terms of use of Council's premises were referred to in the Council's ITT documents and contract conditions therewith and the service provider will be obliged to comply with these requirements. This includes a requirement for the service provider to enter into a licence to be issued by the Council and agreed with the provider. The precise terms of the licence will be agreed by the Operational Director Property and Projects.

## **8.0 Public Services (Social Value) Act 2012**

8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract as Part B Services over the threshold for application of the EU Regulations are subject to the requirements of the Public Services (Social Value) Act 2012.

8.2 The services being procured have as their primary aim improving the health and social well being of vulnerable females over 16 years old and the wellbeing of all high risk victims of domestic violence in Brent. Service Users are regularly consulted to ensure the services meet their needs.

## **9.0 Background Papers**

9.1 April 2014 Executive report

### **Contact Officers**

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**APPENDIX 2**

**DOMESTIC VIOLENCE ADVOCACY, FAMILY SUPPORT AND MARAC COORDINATION SERVICES CONTRACT**

**TENDER EVALUATION GRID**

<b>Quality Criteria</b>	<b>Criteria weighting</b>	<b>Bidder A Weighted Score</b>	<b>Bidder B Weighted Score</b>	<b>Bidder C Weighted Score</b>	<b>Bidder D Weighted Score</b>	<b>Bidder E Weighted Score</b>
Demonstration of technical compliance for the delivery of the service specification	20%	20.00%	15.00%	20.00%	20.00%	10.00%
Delivery Programme / Methodology as demonstrated by the method statements offered by the tenderer	5%	3.75%	3.75%	3.75%	3.75%	2.50%
Application of project resources to the delivery of service requirements	15%	11.25%	11.25%	15.00%	11.25%	7.50%
Application of previous experience to delivery of service requirements	5%	5.00%	2.50%	5.00%	5.00%	3.75%
Application of innovation to the delivery of the service requirements	5%	5.00%	3.75%	3.75%	5.00%	2.50%
Proposals for partnership working with the Council and other agencies	10%	7.50%	5.00%	7.50%	7.50%	5.00%
How the provider will manage child protection and safeguarding concerns within the service	10%	7.50%	5.00%	10.00%	7.50%	5.00%
Added Value the provider brings to the contract	5%	3.75%	3.75%	3.75%	3.75%	2.50%
How equality considerations will be delivered by the Service	10%	7.50%	7.50%	7.50%	7.50%	7.50%

Quality Criteria	Criteria weighting	Bidder A	Bidder B	Bidder C	Bidder D	Bidder E
		Weighted Score	Weighted Score	Weighted Score	Weighted Score	Weighted Score
How the provider will apply user involvement to improve the quality of service delivery	10%	7.50%	7.50%	10.00%	7.50%	7.50%
How the provider will deliver an effective service to complex need clients (offender, substance misuse, mental health backgrounds)	5%	5.00%	2.50%	3.75%	5.00%	3.75%
<b>Quality Weighted Score</b>	<b>60%</b>	<b>50.25%</b>	<b>40.50%</b>	<b>54.00%</b>	<b>50.25%</b>	<b>34.50%</b>

Price Criteria	Criteria weighting	Weighted Score	Weighted Score	Weighted Score	Weighted Score
		Weighted Score	Weighted Score	Weighted Score	Weighted Score
Price Score	100%	88.31%	88.31%	100%	93.10%
<b>Weighted Price Score</b>	<b>40%</b>	<b>35.32%</b>	<b>35.32%</b>	<b>40.00%</b>	<b>37.24%</b>

<b>Total Weighted Score</b>	<b>100%</b>	<b>85.57%</b>	<b>75.82%</b>	<b>94.00%</b>	<b>87.49%</b>	<b>63.04%</b>
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## APPENDIX 3

### EQUALITIES IMPACT ASSESSMENT

#### Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> Environment and Neighbourhoods  <b>Service Area:</b> Community Safety and Emergency Planning	<b>Person Responsible:</b> Name: Chris Williams Title: Head of Community Safety and Emergency Planning Contact No: 020 8937 3301 Signed:
<b>Name of policy:</b> Authority to award a contract for a Domestic Violence Advocacy Service, Domestic Violence Family Support and MARAC Coordination Service	<b>Date analysis started:</b> August 2014  <b>Completion date</b> 19/08/2014  <b>Review date:</b> 15/9/14 when authority to award sought
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date 15 August 2014 Contact No: x4521 Signed: S Kaiser
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Chris Williams Title: Head of Community Safety and Emergency Planning Date 19/8/2014 Contact No: 020 8937 6227 Signed:	<b>Decision Maker:</b> Name: Cabinet  Date: 15/9/2014
<b>2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?</b> Please refer to stage 2 of the guidance.	

The Community Safety team is procuring the following services:

Independent Domestic Violence Advocacy (IDVA) Service based at Wembley Police Station

MARAC (Multi-Agency Risk Assessment Conference) co-ordination

Additionally, the following services are being procured under the same contract by Children's Services:

Independent Domestic Violence Advocacy (IDVA) Service as part of the Family Solutions team

Family Support Worker as part of the Family Solutions team.

A domestic violence advocacy service consists of Independent Domestic Violence Advisors (IDVAs) whose main purpose is to address the safety of survivors at high risk of harm (as defined by CAADA – Coordinated Action Against Domestic Abuse) from intimate partners, ex-partners or family members to secure their safety and the safety of their children. The staff delivering these services are experienced and qualified staff able to assess risk and support women with safety planning, risk management and practical support, either before, during or after separation from the perpetrator of the violence.

MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, IDVAs and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim/survivor, the representatives discuss options for increasing the safety of the victim/survivor and turn these into a coordinated action plan.

The model and impact of the co-location of IDVAs and Family Support Workers within the Brent's Children and Young People's department was recently highlighted as an example of good practice at the recent "All Party Parliamentary Group" on domestic and sexual violence (Monday 9 June 2014, House of Commons); the focus was on domestic violence and the 'troubled families' programme. Louise Casey spoke along with other representatives from key national agencies, to a group of cross-party MPs, peers and representatives from public services and the voluntary sector.

Procuring this service jointly between Community Safety and Children's Services will provide a more efficient and effective joined-up service with oversight from both key departments ensuring that the strategic aims are both are met jointly.

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

Domestic Violence adversely affects individuals with all of the protected characteristics. A Needs Assessment (Appendix Four) was undertaken in spring 2014 to understand the different needs of various sectors of the community. In Brent, 77% of reported victims of domestic abuse are female. There are over-representations of white females and black females as victims, and under-representation of Asian females in comparison to the demographic representation in Brent. Black males were the only male ethnic group disproportionately over represented as victims of domestic incidents in Brent. The most prevalent age range of victims of domestic abuse was 20-29. 75% of survivors referred to the IDVA service were BAME in 2013-14.

Pregnancy and disability are both considered significant factors increasing risk in domestic abuse. Over a third of domestic violence starts or gets worse during pregnancy. Transgender people disproportionately suffer domestic violence, with a study indicating that 80% of trans individuals had been victims of domestic abuse. Same-sex relationships only make up 0.6% of reported domestic abuse in Brent. This is likely to be significantly under-reported. Same-sex and Trans victims in Brent are reported to Broken Rainbow, a national specialist organisation designed to provide specialist services to this cohort.

The tender has been designed to reflect this evidence by ensuring that the providers are able to meet the distinct needs of service users with all of these equality characteristics.

The advocacy service will work with women aged 16+. This is because evidence from crime statistics, research and practice demonstrates that domestic violence impacts disproportionately on women, and the vast majority of those who use violence and other abusive behaviours to control and dominate in relationships are heterosexual men. The gender of both victim and perpetrator influences behaviour and the severity of risk and harm caused. Fifty four per cent of female murder victims aged 16 or over were killed by their partner, ex-partner or lover; in contrast, five per cent of male victims aged 16 or over were murdered by their partner, ex-partner or lover (Smith K. Homicide, fire arm offences and intimate violence 2009/10. Home Office 2011)

Whilst men and women can both be perpetrators, there are significant differences in the way men and women use violence and abuse against their partners or family members. A six year longitudinal study in the UK found men inflict more violence than women and are significantly more likely than women to use physical violence, threats, harassment and to damage property. Men tend to be perpetrators of repeat and escalating violence. Eighty nine per cent of victims of the most severe ongoing violence (i.e. four incidents or more) are women (Walby S, Allen J. Home Office Research Study 2004)

The successful provider will be expected to signpost male victims to either Victim Support or Broken Rainbow, an LGBT domestic violence charity, and develop effective referral pathways. The MARAC hears cases concerning both high risk female and male victims, and the coordinator will collate equalities' data as part of the contract including gender, disability, sexual orientation, ethnicity, religion or belief and age (with particular interest in young victims and perpetrators).



The advocacy service provider will be monitored on its ability to deliver effective services to BAME women, and to link in with other local partners to facilitate this, including the Asian Women's Resource Centre and EACH's London council's funded part-time Ascent domestic violence counsellor.

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

The identification of the equalities implications of the procurement of IDVA and MARAC services is based upon the DV Needs Assessment which is itself informed by the reported police crime data, MARAC data and referrals to the IDVA service. The needs assessment can be found in Appendix Four.

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

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

This tender is designed to reduce discrimination by providing services to support those with protected characteristics who by dint of these characteristics are likely to be more at risk. The contract will contain a standard equalities clause to ensure the provider offers services in a non-discriminatory way to all service users

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

Not applicable

**(c) Foster good relations**

Not applicable

**5. What engagement activity did you carry out as part of your assessment?**

Please refer to stage 3 of the guidance.

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

This procurement is informed by soft market testing with potential providers, engagement with the third sector and service user involvement in domestic violence services.

**ii. What methods did you use?**

Soft market testing was carried out via the London Portal. The third sector were engaged through the Brent Domestic Violence Forum. Service users were involved with the tendering process in both establishing the tender and in selecting the provider in the final evaluations of bids.

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

That due to the differing needs of certain protected groups we would need to ensure

the tender reflected the need to recognise the diversity of Brent, provide adjustment where necessary, and develop referral pathways into specialist services required.

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

The information gathered has informed the service specification and PPQ and the method questions in the ITT.

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

We have included the requirements to provide these services within the tendering process. The successful bidder has demonstrated an ability to deliver these.

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

Please refer to stage 2, 3 & 4 of the guidance.

The proposals in this report have been found to have no negative equalities implications.

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

See Needs Assessment (Appendix 4)

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

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

## **8. The Findings of your Analysis**

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

### **No major change**

*Your analysis demonstrates that:*

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

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

To the extent that data is available, we have identified any potential concerns as to inequalities in service provision and taken active steps to address this in the procurement exercise through the development of our specifications and our PQQ requirements and the ITT specification; this is in addition to Contract Terms and Conditions which cover current legislative requirements.

## **9. Monitoring and review**

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

The Provider will provide a quarterly monitoring report at the end of each quarterly period (3 months) of the Contract, with the report to be submitted within 15 days of the end of each quarter or otherwise on a date set by the Council. The Council will determine and set the required format to be used and data/information content to be provided by the Provider in the report in collaboration with the Provider. The reports will evidence the performance measurement, monitoring and the impact of the Services on clients and provide evidence to support this. The report will include (without limit) reporting on:

- Services level s or Performance Indicators
- Services & Services User Outcomes
- Quality assurance
- Demographics including diversity monitoring
- Partner engagement & activity including training, joint working
- Services implementation, barriers to delivery and Services development including any waiting lists or unmet needs
- Financial management & value for money including any added value through external funding etc.

- Serious untoward incidences
- Staffing levels and absenteeism
- Staff training
- Compliments and complaints and processes followed to resolve complaints.
- Services User consultation and involvement
- Case studies

The Provider will allow any authorised officer, internal or external auditor or any other persons authorised by the Council to monitor performance of the Provider, including unannounced inspections.

Quarterly contract monitoring meetings will be held between the Council and the Provider to discuss performance and Services development. Other meetings will be attended when requested by the Council.

The Provider will advise the Council of any problems connected to Services provision immediately and not wait for the quarterly meetings to do so. This will include serious untoward incidents and complaints.

The Council will identify any concerns with the Provider's performance at each quarterly meeting, or other meeting, as required. The Provider will develop and agree a Services improvement plan with Brent Council to remedy any identified problems.

The Services Provider will work with Brent Council and the VAWG strategy group to identify improvements and developments to the Services during the course of the contract. Services monitoring data will be used to inform local strategic planning and operational partnership development, and will form a crucial part of local needs analysis work.

The Council shall be entitled to use all data, information and reports for the purposes of the Councils' functions and activities including any work the Council and its staff do or are involved in with other organisations and agencies.

## 10. Action plan and outcomes

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

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

By when	Lead officer	Desired outcome	Date completed	Actual outcome

## APPENDIX 4

### DOMESTIC VIOLENCE NEEDS ASSESSMENT

## DOMESTIC VIOLENCE MAPPING EXERCISE

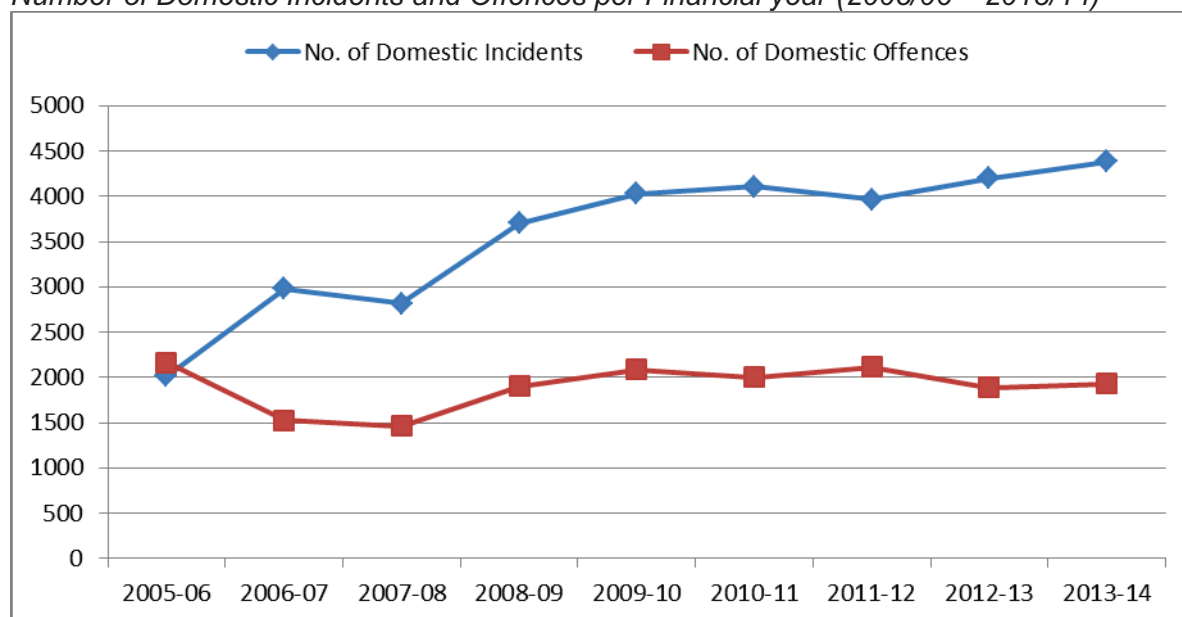
### Current overview of Domestic Violence and Abuse in Brent

There is no specific criminal offence of 'Domestic Violence and Abuse'. Cases of this nature would fall within a number of different offences as set out by the Home Office Counting Rules <sup>(1)</sup>.

There have been calls for this to change and to follow the American approach where there is a specific offence for domestic abuse. This change in the United States has led to an increase in reporting and a decrease in violence. As it stands in the UK it is very difficult to conduct long term comparisons around domestic violence and abuse using Police data. An increase in domestic offences/incidents are generally just as likely to be down to better reporting/flagging methods and an overall change in Police attitude towards domestics than an actual increase in prevalence.

The number of Domestic Incidents <sup>(2)</sup> (non criminal and criminal offences falling within the Home Office definition of Domestic Violence and Abuse <sup>(3)</sup>) in Brent recorded by the Metropolitan Police has increased over the last 10 years. In the same period Domestic Offences <sup>(4)</sup> (Criminal offence falling within the Home Office definition of Domestic Violence and Abuse) have remained fairly constant at around 2000 offences per year, despite a reduction in overall crime rates nationally and locally.

### *Number of Domestic Incidents and Offences per Financial year (2005/06 – 2013/14)*



The latest figures released from the Metropolitan Police for the 2013/14 financial year show that there has been an increase in Domestic Offences across many Boroughs in London compared to 2012/13.

Brent is in a group of 20 out of the 32 London Boroughs that has experienced an increase in Domestic Offences. Currently Brent has the tenth highest number of Domestic Offences by volume out of the 32 London Boroughs. In comparison to Brent's Most Similar Group (MSG) (comparable demographic, social and economic

characteristics which relate to crime) Brent was fifth highest out of the 12 comparable boroughs (see below table).

An increase in offences was expected with the Home Office change in the definition of domestic violence. This included the lowering of the victim's age from 18 to 16 years old and the definition now incorporates 'coercion' and 'control'. One might also expect a long-term increase as cultural attitudes within the police towards recording and flagging domestic incidents change.

This however does not appear to be the sole reason why Brent has seen a recent increase in domestic offences. This is demonstrated with 12 out of the 32 Boroughs experiencing a decrease in offences in the period since the definition change. Within the 12 Boroughs recording a decrease in Domestic Offences were Ealing, Lambeth, Haringey and Wandsworth which are all in Brent's MSG (see below table).

*Metropolitan Police Boroughs in Brent's MSG by volume and change in Domestic Offences -*

MPS - Rank by volume	Change 12/13 - 13/14
1 Croydon	Increase ↑
4 Lewisham	Increase ↑
5 Waltham Forest	Increase ↑
7 Greenwich	Increase ↑
10 Brent	Increase ↑
11 Hackney	Increase ↑
12 Ealing	Decrease ↓
13 Lambeth	Decrease ↓
14 Enfield	Increase ↑
17 Haringey	Decrease ↓
19 Barnet	Increase ↑
21 Wandsworth	Decrease ↓

This suggests that it is a real increase in the level of Domestic Abuse and could be down to a number of factors within the Borough of Brent.

Despite the recent increase in the number of offences in Brent the MARAC (Multi Agency Risk Assessment Conference) saw fewer cases in 2013 than in 2012. This is not in keeping with London as a whole and nationally where more cases were seen in 2013 than in the previous two years.

This could be due to Brent MARAC not receiving the required referrals or the offence increase were in lower risk cases which did not require MARAC assistance.

*MARAC data 2011 – 13 (January to December)*

	Brent			London			National		
	2011	2012	2013	2011	2012	2013	2011	2012	2013
<b>Number of Cases</b>	264	361	306	6336	7064	7470	53120	57859	64,966
<b>Number of Cases per 10,000</b>	25.9	29.0	24.6	23.4	24.9	25.4	26.8	26.6	27.4
<b>Number of Children</b>	355	328	316	7,509	8,342	8,665	70,126	75,546	83,540
<b>% Police Referrals</b>	45%	41%	42%	41%	34%	30%	63%	61%	60.0%
<b>% Repeats</b>	36%	32%	26%	19%	21%	19%	22%	24%	24.5%

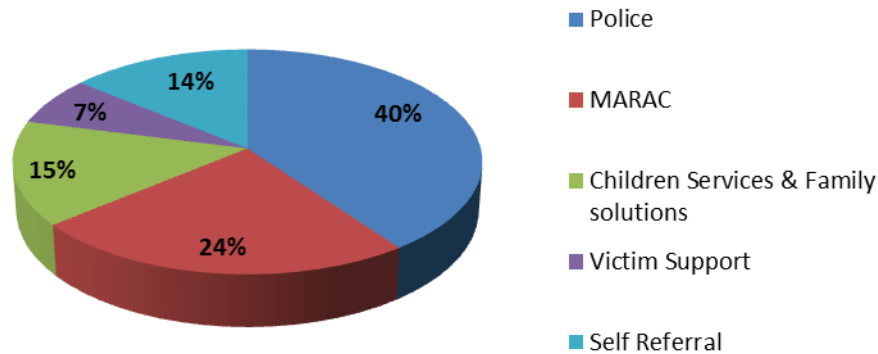
In the last financial year 2013-14 Brent MARAC discussed 313 cases of which 73 were repeat cases (23%). There were 338 children within the households of the high risk discussed cases that went to the MARAC. 258.5 of the 313 referrals came from the Police (37%), IDVA (30%) and the Voluntary Sector (16%).

The remaining 54.5 cases came from Children’s Social Care (7%), Probation (2.9%), Drug and Alcohol Treatment (2.1%) and other (4.5%).

Housing, Education, Secondary care/Acute trust, Adult Social Care and the MASH did not refer any cases in the last financial year.

In the same period, ADVANCE, Brent’s Independent Domestic Violence Advocate (IDVA) service received 656 referrals for 517 women which was 21 less than the previous year however an increase in actual women referred by 6.

ADVANCE’S referrals broken down into source –



Although the number of Police recorded Domestic Offences increased there was a 9% decrease in referrals from the Police compared to 2012/13. In contrast there was a 5% increase in referrals via the MARAC.

There are two suggested reasons for the reduction in police referrals into the ADVANCE service:–

Firstly, the Community Safety Unit (CSU) moving from Kilburn Police Station to Wembley Police Station, and secondly, staff changes in both the CSU and the ADVANCE Service. Both have hampered the working relationship between the two services with the new staff of the CSU not fully aware of the IDVA process. Measures are currently being taken to train the new CSU staff around the IDVA service and the introduction of a daily meeting between the Detective Sergeants and IDVA staff to increase the number of Police referrals going forward.

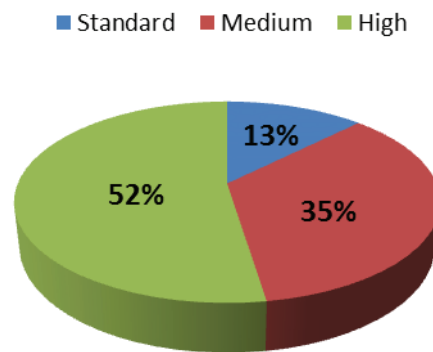
During the first three quarters of 2013-14 50% of police referrals to ADVANCE occurred once the perpetrator had been charged with an offence against the victim. This figure reduced by 15% by the end of the year to only 35% of the referrals occurring once the perpetrator had been charged with an offence against the victim. Due to the volume increase in cases this would have been expected to increase especially if you consider that ADVANCE should be referred all Police domestic cases that are going through the Criminal Justice System whatever the risk factor. It could be possible that only the higher risk cases are being referred to ADVANCE and not the lower risk cases which also meet the criteria which should be rectified with the recent training.

Overall Brent Police’s performance appears to be improving for domestic offence sanction detections with the 2013/14 rate at 45% which is a 1% increase on 2012/13

and a 7% increase from 2011/12. Going forward this should convert into an increase in referrals to the ADVANCE service including women victims who are going through the Criminal Justice System with the perpetrator having been charged for an offence on the victim.

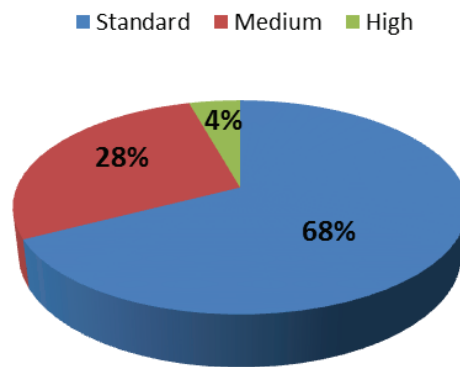
Of the 517 women referred to ADVANCE in 2013-14, 422 were able to be contacted of which 342 engaged in the service. This gave the project a 66% engagement rate of all women referred and an 81% engagement rate of the contactable women. 223 (65%) of the women that engaged were given a full risk assessment classified as either standard, medium or high.

**Intake Risk assessment breakdown -**



92 (27%) full risk assessments were completed this financial year for exited women broken down into the same classifications.

**Exit Risk assessment breakdown -**



The number of women classified by ADAVANCE as high risk is dramatically reduced at exit to only 4% with the majority (68%) of women being classified as standard risk.

**Projection of Domestic abuse in Brent**

Studies of domestic abuse have shown that it is an underreported crime that cannot be fully quantified through Police data alone. The prevalence of domestic abuse in Brent can be estimated by applying the results of the Crime Survey for England and Wales (CSEW) to the residential population of Brent.

The Crime Survey for England and Wales has been recording the levels of crime since 1982 and was previously called the British Crime Survey. The Crime Survey for England and Wales gives a better level of prevalence of crimes than Police statistics as it includes crimes that have not been reported to the police.



The dataset is based on a survey of 50,000 (3/4 of those asked completed the survey) households randomly selected to represent the population as a whole. The individuals within the households have to be between the ages of 16 – 59 years old to be eligible to be interviewed on the adult survey.

The published results of Crime Survey for England and Wales of 2012/13 included a chapter on intimate personal violence and partner abuse. There were two distinct headline measures relating to domestic abuse <sup>(5)</sup> in the self completion module –

- Experience of domestic abuse in the last 12 months
- Experience of domestic abuse since the age of 16

The findings were that 7.1% of women and 4.4% of men reported having experienced domestic abuse in the last 12 months. This equates to an estimated 1.2 million female victims and 700,000 male victims of domestic abuse across England and Wales. (16-59 years only)

This percentage greatly increased to 30% of women and 16.3% of men for the second headline measure of those who experienced domestic abuse since the age of 16. This equates to an estimated 4.9 million female victims and 2.7 male victims of domestic abuse across England and Wales. (16-59 years only)

When the survey results are applied to the London Borough of Brent for residents between the age of 16-59 years old in the 2011 census this equates to 11,659 victims of domestic abuse 7,112 female victims and 4,547 male victims in the last 12 months.

For the second headline measure the number of victims of domestic abuse rises significantly to 46,897 victims of which 30,052 female victims and 16,844 male victims.

This yearly projection of domestic abuse in Brent of 11,659 victims is nearly three times the number of domestic incidents recorded by the police in a given year which would include repeat victims of offences. This is not particularly surprising when studies suggest that women experience an average of 35 incidents of domestic violence before reporting an incident to the police (*Yearnshaw 1997*).

The actual figure is likely to be far higher than even the projected estimate which only used the population of Brent between the ages of 16-59 years old in the 2011 census. Also due to the nature of this type of offence individuals are unlikely to report offences even in the Crime Survey of England and Wales. This is highlighted by only 9% of the victims that reported being a victim of domestic abuse (wider criteria) in the CSEW self completion form reported being a victim of domestic violence in the face to face interview.

The overall impact of Domestic Abuse in Brent should also factor in the number of children that are affected. Studies indicate that in 75% to 90% of incidents of domestic violence, children are in the same or the next room (Hughes, 1992; Abrahams, 1994).

The number of children recorded this year through the MARAC (338 children) and ADVANCE (392 children) demonstrates the potential size of the problem for the next generation of Brent residents.

When mapping gang members in Brent there are familiar themes with most first coming to notice to the Police for being present at a Domestic incident as young children. Studies have shown that a 25% of young male offenders (sentenced or on remand) had experienced domestic violence at home (ONS 2000).

Studies have also shown that children who witness or suffer domestic violence, physical punishment or family conflict, are more likely to perpetrate violence themselves during their youth and into adulthood (Bentovim, 2002, cited in Day et al, 2007; Margo, 2008). In modern day Britain in areas such as Brent (particularly the south of the borough) youth violence is likely to progress into gang activity (Broadhurst et al, 2008).

This link between domestic abuse and gangs was highlighted by the Thames Valley Partnership with The Greater London Domestic Violence Project (now known as Against Violence and Abuse) back in 2008 and post 2011 riots it is possibly even more apparent that this issue needs to be addressed.

### **A more detailed look at domestic abuse through local Police data**

The Metropolitan Police hold the largest data set recording incidents of Domestic Violence occurring within the geographical boundary of Brent.

The primary and richest dataset is the Crime Reporting Information System (CRIS) which records the details of every crime report and non crime domestic incident including victim and suspect details. All records entered onto this database with a domestic element will have a Domestic Incident flag added which allows a comprehensive domestic related dataset to be identified.

A secondary source of data is the Computer Aided Dispatch (CAD) application which logs all calls to the Police requiring officers to be dispatched. If the call presents signs of a domestic related incident a flag will be placed by the call handler using the 304 code. Often this cannot be ascertained from the initial call but is only confirmed by the attending officers at the scene where the 304 flag can then be added. Similar to the CRIS system the domestic flag allows a comprehensive domestic related dataset to be identified.

Data from the two above systems has been obtained for this report between the 01/04/2011 to the 31/01/2014. In this period there were 11,362 flagged Domestic incidents (offences and domestic incidents) on the CRIS database and 12,807 recorded CAD police incidents which contained the DV 304 flag. These datasets will be the basis of the below analysis.

#### **Offence Type -**

The 11,362 Domestic flagged crime reports included a vast array of 90 different offence classifications. The spectrum of reports ranged from Domestic incidents which accounted for 50.82% of all reports to murder which accounted for 0.03 % of all reports with Brent Borough averaging 1 domestic related murder a year in this period. (Figure 1)

There were more ABH crime reports (16.12%) than the less violent offence of Common assault (13.62%) within this 34 month period.

Domestic incidents, ABH & Minor Wounding, Common Assault and Harassment combined made up 85.72% of all Domestic related crime reports. This is reflective of findings of the 2014 HMIC report 'The Metropolitan Police Service (MPS) approach to tackling domestic abuse' where it was highlighted "The MPS uses the term 'domestic violence' and this leads officers to concentrate on violence to the detriment of other forms of domestic abuse such as controlling behaviour."

The most prevalent sexual offence was the Rape of a Female Aged 16 and over which accounted for 91 (0.8%) of all the domestic crime reports and 72.22% of all domestic sexual related crime reports (figure 4). In contrast there were only 3 domestic reports where the victim of the sexual offence was male which equated to 2.38% of all the domestic related sexual offences in this period.

A comparative look at the number of offences from one financial year to another revealed that the figures for assault offences were inconsistent. GBH/Serious Wounding offence increased in 2013/14 with 125 reports of this nature despite that

the data only covers 10 out of the 12 months of the financial year. This was up by 106 reports from 2012/13 total and up 84 reports from 2011/12. This appeared to be counteracted by the ABH & Minor Wounding figures which were down in 2013/14 by 176 reports and 231 reports on the two previous financial year figures. This is more likely to be due to a change in classification of the offences rather than an increase in the levels of violence in domestic offences.

**Gender –**

There were a total of 14,768 (including repeats/unknowns) recorded victims within the 11,362 flagged domestic incidents on the CRIS database. 9,658 (66%) were Female and 5081 (34%) were Male.

Out of the 5,081 Male victims only 10.4% had an injury recorded on the victim page of the CRIS compared to 18.5% of the women victims.

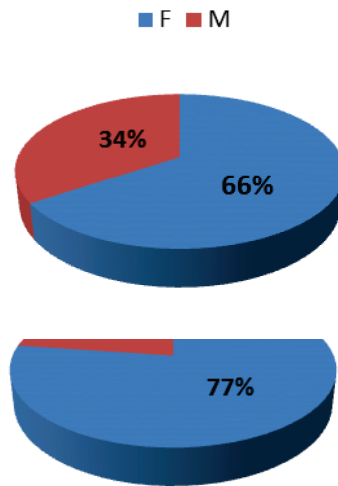
When the male victims were broken down into crime type it revealed that the vast majority (76%) were victims of domestic incidents\* (non crime domestics) which is where no criminal offences were recorded as a result of the incident. 8% were a victim of ABH and minor wounding, 5% common assault, 3% harassment and 1% GBH/Serious wounding.

In contrast only 51 % of Females were victims of domestic incidents, followed by 16% ABH and minor wounding, 14% common assault, 5% harassment and 2% Criminal Damage Dwelling - under £500 (GBH/Serious wounding was also 2%).

When the victims were compared for domestic incidents where the victim was injured the split between Female and Male victims changed to 77% females to 23% male which equate to **nearly 8 in every 10 victims of a physical domestic incident in Brent are female.**

**All victims of a Domestic -**

**Victims of a Domestic (Injury recorded) -**



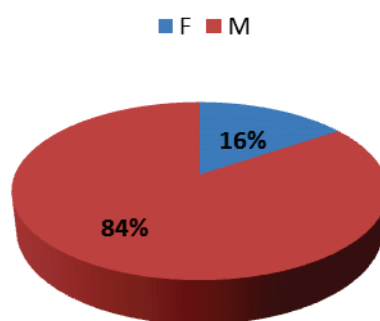
**Suspects**

*Gender -*

There were a total of 11,615 suspects recorded within the 11,362 flagged domestic crime reports. 5,890 (5,535 blank records of which 5392 were domestic incidents, 143 crimes (355 unknown or blank) of the records did not have the gender of the suspect recorded.

Of the 5725 where the suspects gender was recorded 4,835 (84%) were Male and 890 (16%) were Female. **This ratio equates to 8 out of every 10 suspect of a domestic incident in Brent is Male.**

## All suspects of a Domestic -



## Suspect/Victim relationship -

By Type of relationship –

Suspects relationship to the Victim	No. of Offences	Percentage (%)
Ex Boyfriend of victim	1327	23.4
Husband of victim	1134	20.0
Boyfriend of victim	984	17.3
Son of victim	346	6.1
Brother of victim	305	5.4
Ex Husband of victim	263	4.6
Ex Girlfriend of victim	241	4.2
Girlfriend of victim	221	3.9
Wife of victim	159	2.8
Father of victim	89	1.6
Sister of victim	79	1.4
Mother of victim	78	1.4
Daughter of victim	67	1.4
Common Law Husband of victim	59	1.0
Brother in law of victim	57	1.0
Ex Wife of victim	44	0.8
Sister in law of victim	31	0.5
Common Law Wife of victim	24	0.4
Other	175	3.1

The relationship between the suspect and the victim was completed on the suspect page of the report in 5,683 of the domestic flagged reports.

From this dataset ex boyfriend was the most common identified suspect, which featured in 1327 reports (23.4%). This was followed by Husband in 1134 reports (20%) and Boyfriend in 984 reports (17.3%).

The most common identified relationship for a female suspect and a male victim was ex girlfriend, which was in 241 (4.2%) reports followed by girlfriend 221 (3.9%) and wife 159 (2.8%).

A suspect for a domestic crime within a family unit (not including physical intimate relationships) in Brent is far more likely to be male than female. A son (346 reports (6.1%))

was over 4 times as likely to be the suspect than the daughter (69 reports (1.4%)). A brother (305 reports (5.4%)) was nearly 4 times more likely to be the suspect than the sister (79 reports (1.4%)).

This was the case across the board apart from parent suspects where a mother (78 reports (1.4%)) was only slightly less likely to be the suspect of a domestic crime than the father (89 reports (1.6%)).

#### *By Ethnicity -*

A sub set of 1,939 reports were identified as having one suspect and one victim where the ethnicity of both were known. Cases of this nature were chosen to look at the victim/suspect relationship in terms of ethnicity rather than cases involving multiple suspects and victims which proved problematic to achieve meaningful result. This limited but meaningful dataset showed that 1489 cases (77%) the victim and the suspect were of the same ethnic group.

The most prevalent relationship where the victim and the suspect were classified as being from different ethnic groups was where the victim was White European and the suspect was Afro Caribbean. This occurred in 116 (6%) cases of the dataset and was significantly greater in comparison to the relationship where the victim was Afro Caribbean and the suspect was White European, which only occurred in 30 cases (2%).

Within the 116 cases where the victim was White European and the suspect was Afro Caribbean, 83% of the cases the suspects were male and the victims were female which was slightly higher than 78% in cases where both suspect and victim were from the same ethnic background.

#### *Same Sex relationships -*

There were 72 crime reports between the 01/04/2011 – 31/01/2014 flagged 'DV same sex relationship' which only makes up 0.6% of the DV flagged crime reports.

There were 88 recorded victims of which 64% were male and 36% female. Out of the 88 victims only 16 (79% male 21% female) were noted on the victim page of the report to have received any type of injury of which 14 (88%) were classified as minor injuries.

50% of the offences reported by same sex relationships were domestic incidents which is a similar percentage for all DV flagged crime reports.

From the 72 crime reports, 46 of them could be cross referenced with the CAD incident data which showed that 46% of these crimes occurred within 3 wards of Brondesbury Park (9), Kilburn (7) and Mapesbury (5). These three neighbouring wards run along the border of the London Borough of Camden.

Domestic incidents are clearly under reported in the LGBT community however proportionally they are represented in the MARAC in term of Police reports. The number of LGBT cases being discussed at MARAC in 2013/14 was 2 out of 313 which equates to 0.6% the same percentage as the number of DV same sex flagged reports.

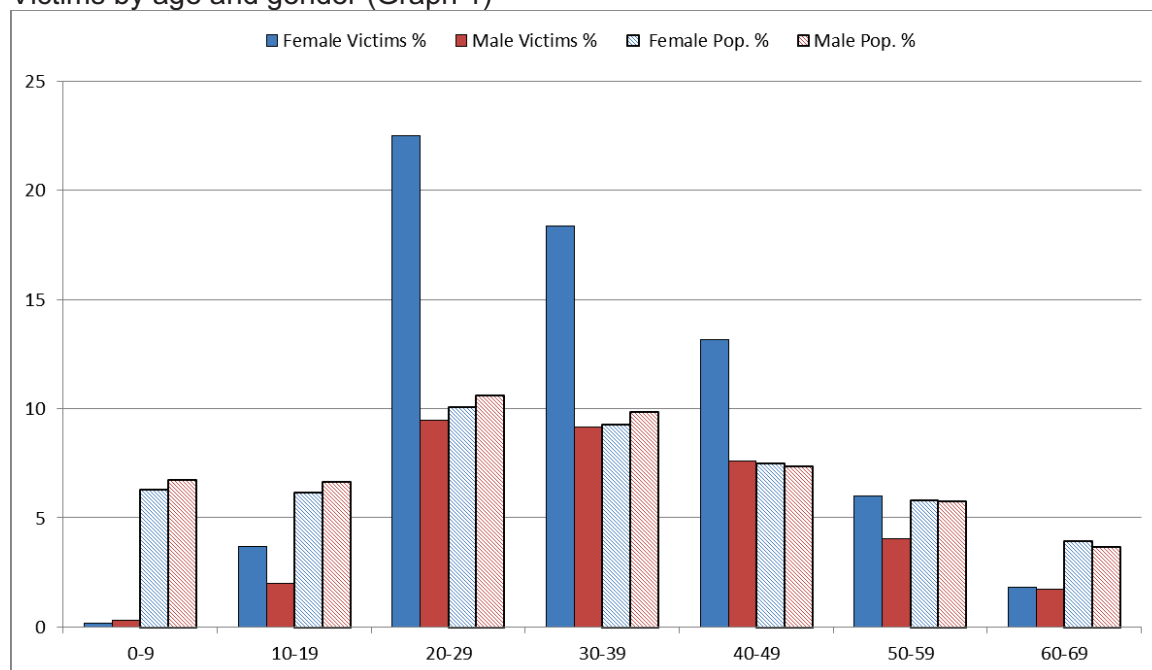
Offence Type	No. of Offences
Domestic Incident	36
ABH & Minor Wounding	16
Common Assault	6
Harassment	4
Communications Act Offences	2
Public Order Offence S5 Poa 86	1
Sexual Assault On a Male	1
Puts People in Fear of Violence	1
Racially/religious Agg harassment	1
Crim Dam to M/Veh - under £500	1
Rape of a Male Aged 16 or over	1
Affray	1
GBH/Serious Wounding	1
<b>Grand Total</b>	<b>72</b>

### Age –

The below graphs show the Brent 2011 census data as percentages alongside the percentage of victims (Graph 1) and suspect (Graph 2) in age ranges/gender from the Brent police domestic flagged CRIS reports. This will help to identify if any single age range of victims or suspects are disproportionately represented compared to the demographics of Brent.

The below analysis is based on the victims/suspects numbers and census data of the population between ages 0-69 years old only.

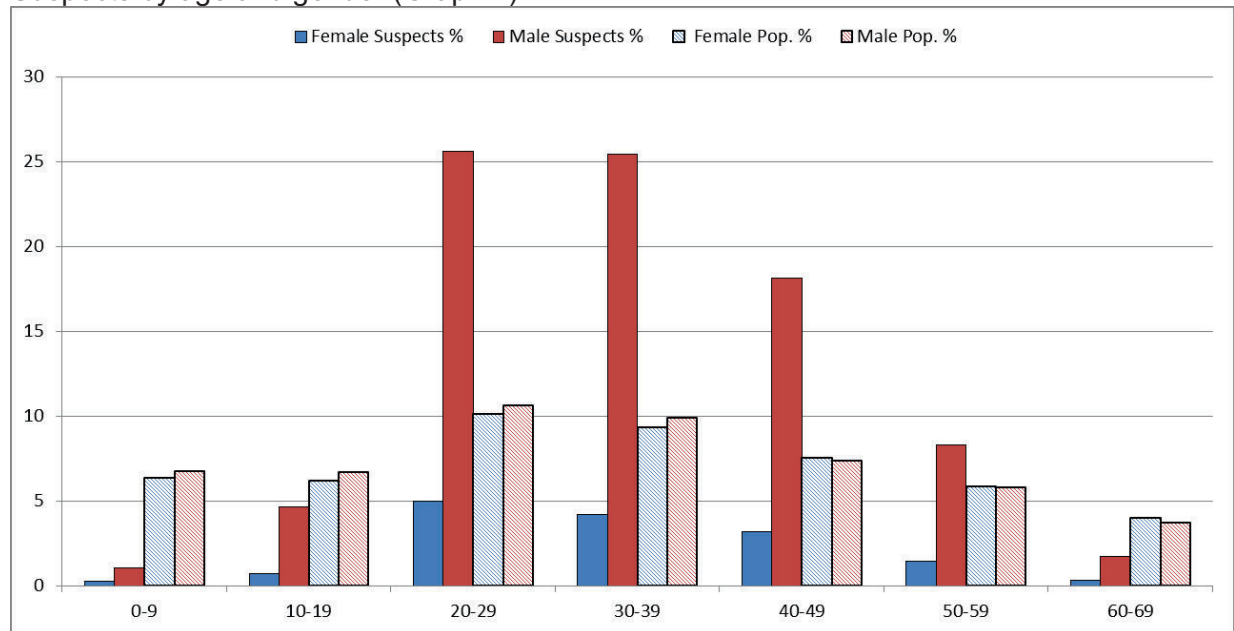
### Victims by age and gender (Graph 1) –



Male and Female victims are both most prevalent in the 20-29 age range making up 32% of all victims in DV flagged crime reports recorded by Brent Police. The census data shows that residents aged between 20-29 years old also make up the largest group within Brent residents but proportionally 20% of the overall population. Therefore the 20-29 age range would be considered to be proportionally overrepresented as victims within the data by 12%. Females in the 20-29 age range

accounted for 70% of this group and 22% of all DV flagged crime reports recorded by the Brent police during this period. This is clearly overrepresented with females between the ages of 20-29 only making up 10% of the population of Brent residents (0-69). Interestingly Male victims in the 20-29 age range made up 9% of the total number of victims which is a slight underrepresentation when compared to the 11% that males between 20-29 years account for in the total population.

Suspects by age and gender (Graph 2)-



Similarly the 20-29 age range was the most prevalent for Brent suspects of Domestic crime reports for both Males and Females. The 20-29 age groups accounted for 31% of all suspects on the flagged domestic dataset. Again it should be stated that the 2011 census shows the 20-29 age group as the largest group in Brent making up 20% of the borough. However the 20-29 age range would be considered to be proportionally overrepresented as suspects within the data by 11%. Males in the 20-29 age range accounted for 80% of this group and 26% of all suspects of DV flagged crime reports recorded by the Brent police during this period. This is clearly overrepresented with Males between the ages of 20-29 only making up 11% of the population of Brent residents (0-69). There was only a 0.7% decrease in the number of Male suspects from the 20-29 to the 30-39 age group. Males between the ages of 20 to 39 years old accounted for 51% of all suspects within the dataset. The 30-39 age groups were suspects in fewer cases (10%) than the 20-29 age group but as equally overrepresented when compared to local demographics. Females were proportionally underrepresented as suspect in all age groups compared to Brent demographics including the most prevalent 20-29 group where they were underrepresented by 5%.

Clearly there are proportionately more Brent residents which are aged between 20-29 years old which fits with the victim and suspect profile. However the 20-29 age groups is still disproportionately represented in comparison to the Demographics. The population split between males to females is nearly 50 – 50 (slightly more males). This highlights that Brent Women are disproportionately victims and Brent Men are disproportionately suspects.

*Ethnicity*

Victims and Suspects are ethnically classified on the CRIS report by the 6 IC codes which are based on the perceived view of the reporting Police Officer from a visual assessment. The classification codes were created in the late 1970s primarily to describe a suspect over the radio. They are not designed to be used for detailed

analytical studies into the numerous different ethnic groups in modern day Britain but are a quick and practical visual method.

The more detailed description around suspects and victims' ethnicity can be provided by the self definition method (victim/suspect self defines ethnicity) which has 16 categories and breaks down the broad IC codes as for example Asians as Asian Indian, Asian Pakistani, Asian Bangladeshi or Asian any other background. This however is only filled out in 20% of CRIS reports and does not provide a large enough dataset for analysis. Therefore the broad IC codes will be used with obvious caution.

### The IC codes

IC1 – White European (British, Irish and Polish etc)

IC2 – Dark European

IC3 – Afro-Caribbean (African and Caribbean)

IC4 – Asian (Indian and Pakistani)

IC5 – Oriental

IC6 – Arabian/Egyptian

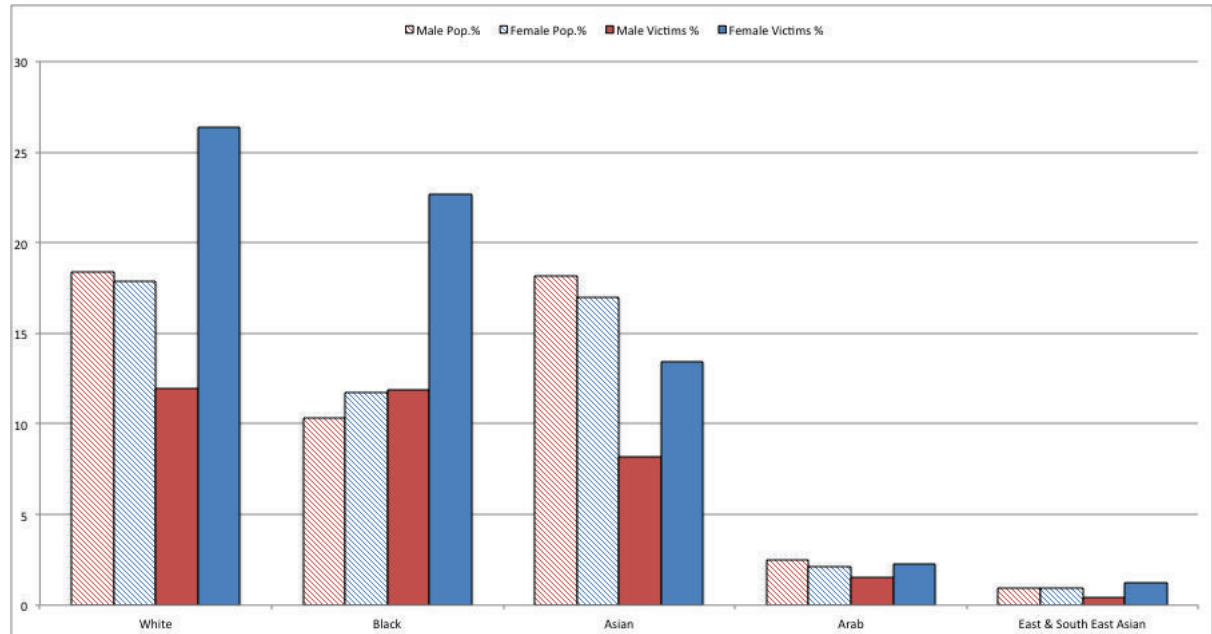
The 2011 census data has a more detailed breakdown of ethnic groups similar to the self-defined ethnicity categories in Police data. For the purpose of a comparison between the Police data victim/suspects ethnicity (IC code) and the ethnic demographics of the Brent Population the two data sets were grouped to make ethnic categories as followed –

Ethnic Category	Police data IC code	Census 2011 ethnicity codes
<b>White</b>	IC1 White European and IC2 Dark European	White: Total which includes - English/Welsh/Scottish/Northern Irish/British, Irish, Gypsy or Irish Traveller, Other White
<b>Black</b>	IC3 Afro-Caribbean	Black/African/Caribbean/Black British: Total which includes African, Caribbean, Other Black additionally White and Black Caribbean, White and Black African, One Quarter of Other Mixed & Any other ethnic group
<b>Asian</b>	IC4 Asian	Asian/Asian British: Total which included Indian, Pakistani, Bangladeshi, Other Asian, removed Chinese from category, White and Asian, One Quarter of Other Mixed & Any other ethnic group
<b>Arab</b>	IC6 Arabian/Egyptian	Arab, One Quarter of Other Mixed & Any other ethnic group
<b>East and Southeast Asian</b>	IC5 Oriental	Chinese, One Quarter of Other Mixed & Any other ethnic group



This will give a better understanding of whether the victim ethnic breakdown is proportionate to the ethnic make up of Brent.

**Victims -**

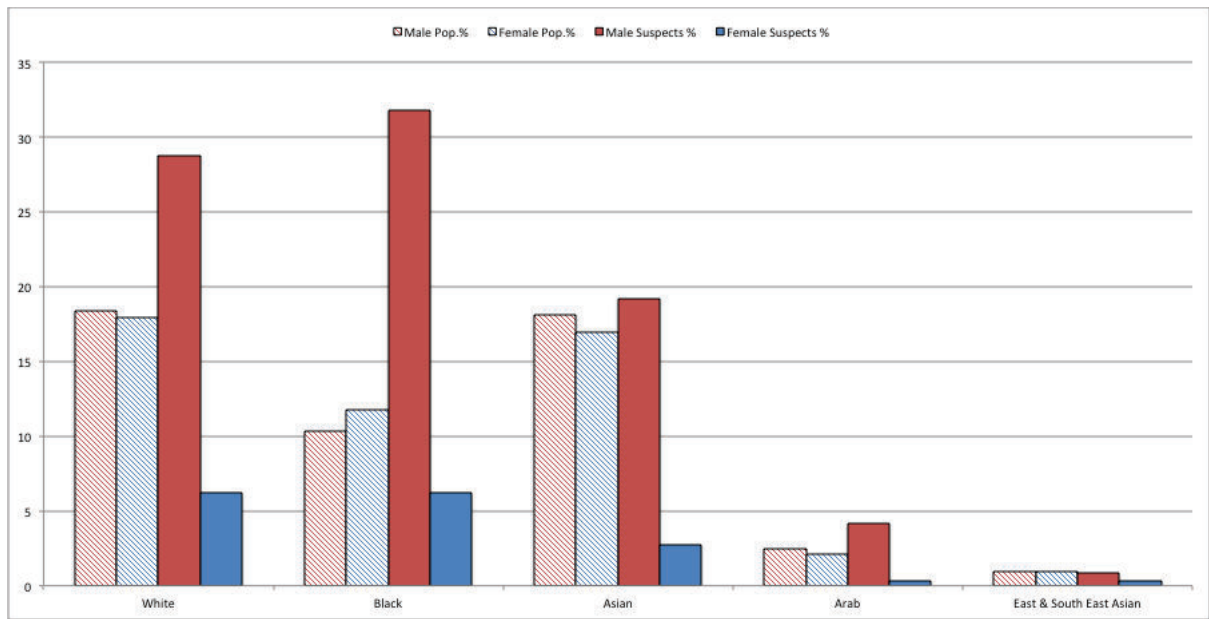


In all ethnic groups there were more Female than Male victims with White Females the most prevalent victims (3750) of all the groups in Brent during this period. Black Females were only slightly less in number (3218). Combined these groups made up 6,968 of the total 14,208 victims, which equates to 49%.

In comparison to the demographics White and Black females were both disproportionately over represented as victims of domestic incidents in Brent (8% and 11%). Asian Females in contrast were underrepresented as victims by 4%. Arab and East & Southeast females were significantly lower in volume and proportionally represented as victims.

The male victims generally followed the same pattern, as the female groups apart from there were more Black Male victims than White Males. Asian Males like the Females were the third most prevalent. In comparison to the demographics Black Males were the only Male ethnicity disproportionately over represented as victims of domestic incidents in Brent.

## Suspects -

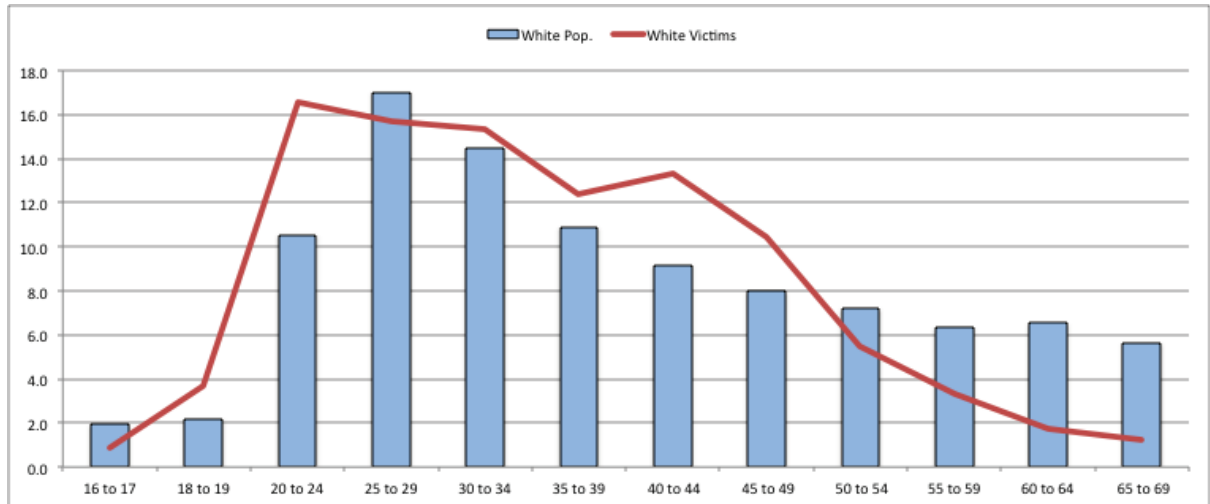


In all ethnic groups there were more Males than Female suspects with Black Males (1686) the most prevalent group accounting for just under a third (32%) of all suspects. When comparing to Brent's demographics all Male ethnic categories were disproportionately represented as suspects apart from East & Southeast Males. Black Males, the only ethnic group in which there are more Females than Males in Brent were significantly overrepresented as suspects by 22%. In contrast the percentage of Asian Male suspects (19%) was only 1% higher than the percentage they represent in the population (18%).

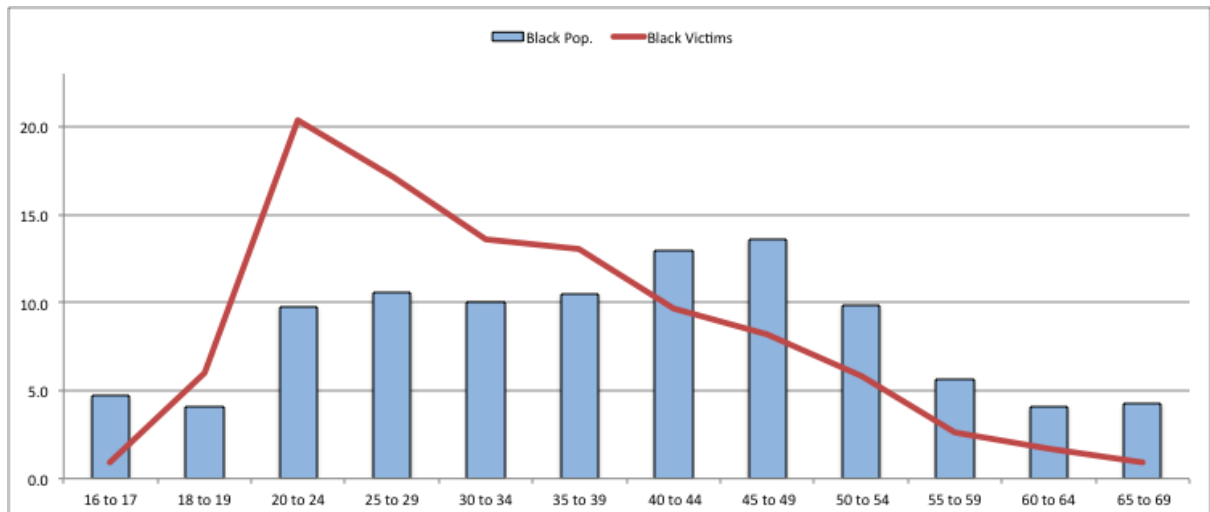
All Female ethnic categories were proportionately underrepresented as suspects compared to the demographics. White and Black Females both made up 6% of all suspects respectively however White Females were underrepresented by 12% compared 6% for Black Females. The largest difference between population and suspect percentage was found in Asian Females who underrepresented as suspects by 14%.

Due to 49% of all victims being either White or Black Female the age distribution of these groups required further analysis.

The below graph shows the number of victims in each age range compared to the population. Again by converting the figures into percentages it shows if certain age ranges within an ethnic category are disproportionately victims.



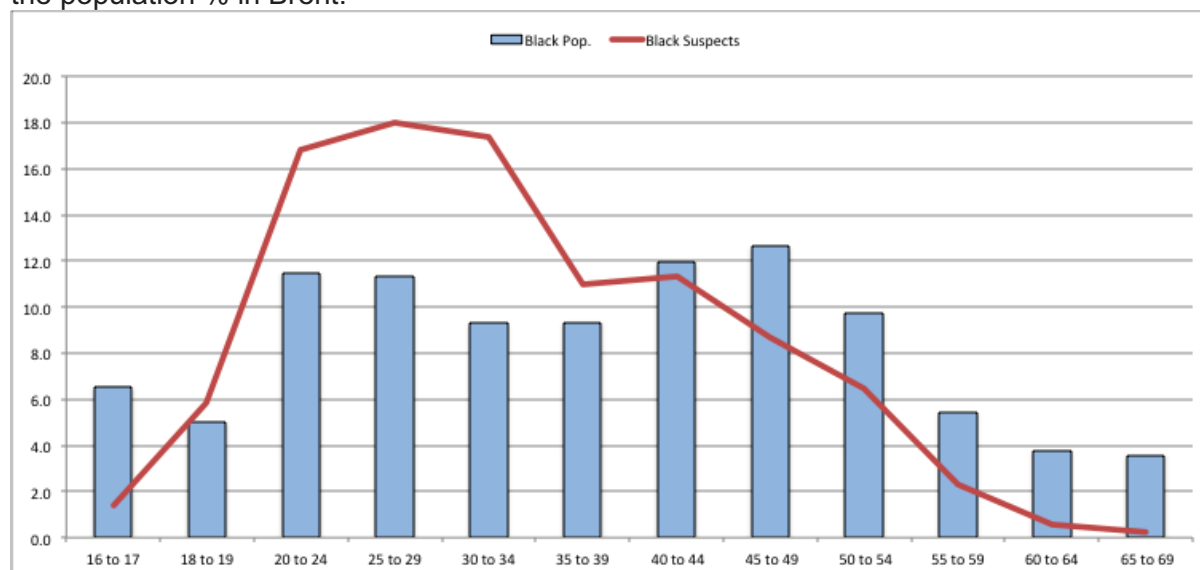
White females in the 20-24 age range are the most prevalent victim within their ethnic category which is in keeping with the age analysis. This group is disproportionately represented as victims compared to demographics by 6%. Interestingly the 25-29 age group are underrepresented as victims by 1%. There is a second victim peak in the 40-44 age group for white females, 4% above the demographic.



Black females like white females are most prevalent in the 20-24 age group where there is a 11% difference between the size of the population and number of victims. Black females continue to be overrepresented as victim compared to the demographics until the 40-44 age range where they are underrepresented as victims by 3%.

With nearly a third (32%) of all suspects being Black Males, the age distribution of this group was looked at further.

The below graphs shows the number of suspects % in each age range compared to the population % in Brent.



The most prevalent age range for black male suspects is between 25-29 years which is older than the most prevalent victim age range of 20-24 years old in Black females. Right through the 20 to 34 age range the numbers of suspects are above the demographics of this group. Proportionally the 30 to 34 age group was the most overrepresented group, 8% above the demographics.

From the DV flagged Crime reports the most prevalent victim and suspect in Brent have been identified (based on the mode).

**Most prevalent Victim** - When broken down into a specific age, sex and ethnicity a **Black/Afro Caribbean Female aged 23** was the highest in prevalence and occurred in 142 reports (1.2%) of all DV flagged reports.

**Most prevalent Suspect** - When broken down into a specific age, sex and ethnicity a **Black/Afro Caribbean Male aged 24** was the highest in prevalence and occurred in 74 reports (0.7%) of all DV flagged reports.

A clear observation from the analysis shows that the prevalence of Domestic Incidents captured in the Police data is proportionately low in the Asian Community. The percentage of victims from the Asian Community is 13% less in comparison to the percentage of the population of Brent. On the other hand the data has shown Domestic Incidents significantly over represented in the Black Community in the Police data with the victim rate proportionately 15% higher in comparison to the demographic make up of Brent. The number of victims in the White Community appears to be proportionate to the demographics however it must be noted without a more comprehensive ethnic breakdown it is hard to pinpoint issues within specific communities across the board.

There could clearly be a number of theories regarding possible social/economic factors which could be behind the difference between the results found in the Black and Asian community. A possible hypothesis based on 2011 census data relates to the varying distribution of these two communities (Figure 5) with the Asian community living predominantly in the North of the Borough and the Black community in the South. The difference in the housing stock from the suburban semi detached and detached housing in the North of the borough to the inner city subdivided houses and flats in the South. This would make it more likely for neighbours to report

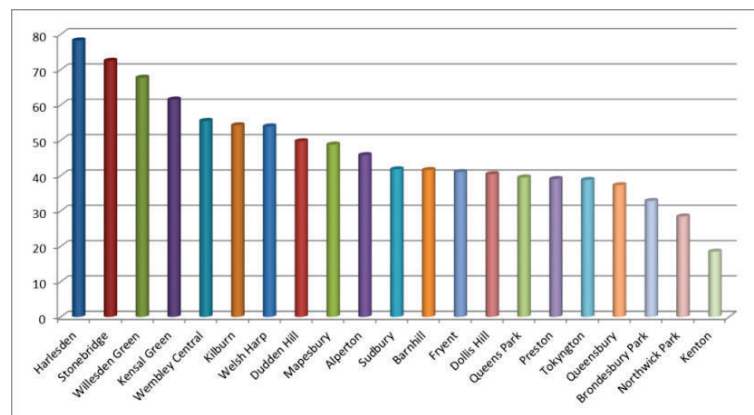
incidents of domestic incidents in the South than in the North. Due to the source of the data the breakdown could also be more representative of the relationship between the police and these communities. The Asian Community may be less likely to involve the Police than the White and the Black community.

**Domestic abuse by location –**

The Cris data for the 11,362 flagged domestic reports between 01/04/2011 – 31/01/2014 provided the venue location description of where the offence occurred. Where the venue field was entered, 88% of the reports recorded the venue as a residential property and 9% in the street. All other venue types such as public houses or nightclubs did not feature in any level of significance. The data suggested that a domestic crime report is just as likely to occur in a shop or hospital as licenced premises in Brent Borough. This does not necessarily mean that alcohol is not a factor for domestic abuse in Brent with alcohol consumption trends showing a shift of people drinking at home rather than in licenced premises (Foster & Ferguson 2012).

**Ward distribution –**

Ward	Total
Stonebridge	1155
Harlesden	956
Willesden Green	862
Kilburn	768
Welsh Harp	669
Dudden Hill	663
Kensal Green	656
Mapesbury	646
Wembley Central	610
Alperton	564
Barnhill	548
Sudbury	514
Preston	501
Queensbury	491
Dollis Hill	489
Queens Park	489
Fryent	487
Tokington	459
Brondesbury Park	382
Northwick Park	346
Kenton	219



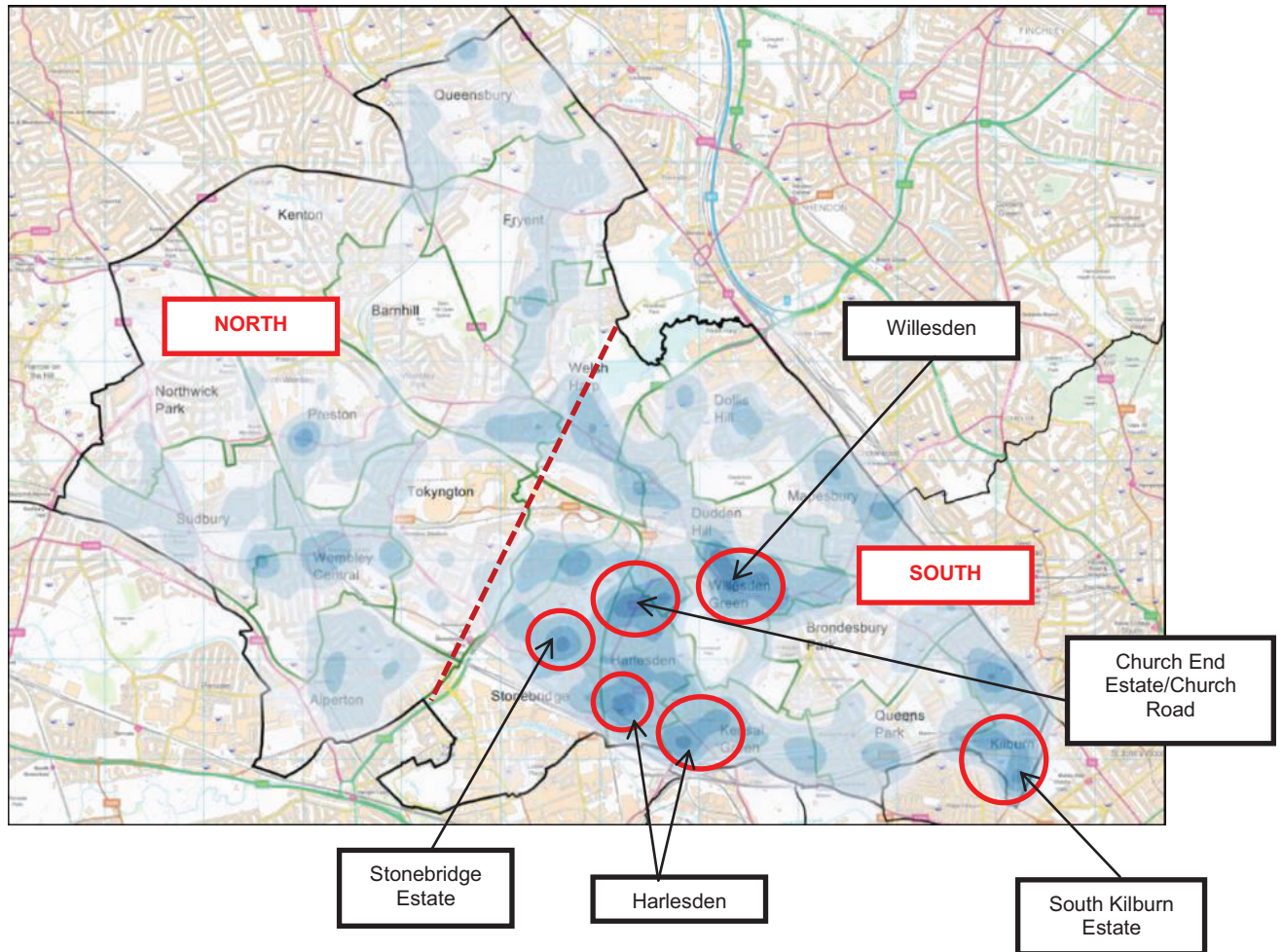
The CAD data provided a location for all the Domestic related incidents between 01/04/2011 to 31/01/2014. The table shows the volume of domestic related incident calls to Brent Police broken down into Wards. The highest volume wards of calls could be influenced by the differing population densities of wards. Therefore the above chart shows the number of Domestic Incident related calls to the Police by ward based on a rate per 1000 of the population from the 2011 census for each ward.

Harlesden (78 per 1000) has the highest number of Domestic Calls to the Police as a rate per 1000 of the population and Kenton (18 per 1000) has the lowest. Wembley Central (55 per 1000) and Alperton (45 per 1000) are the only two wards from the North of the borough which ranked in the top 10 wards. In contrast only three of the wards in the 10 lowest ranking wards were from the South of the borough Dollis Hill (40 per 1000), Queens Park (39 per 1000) and Brondesbury Park (32 per 1000). The call incident data for domestics has

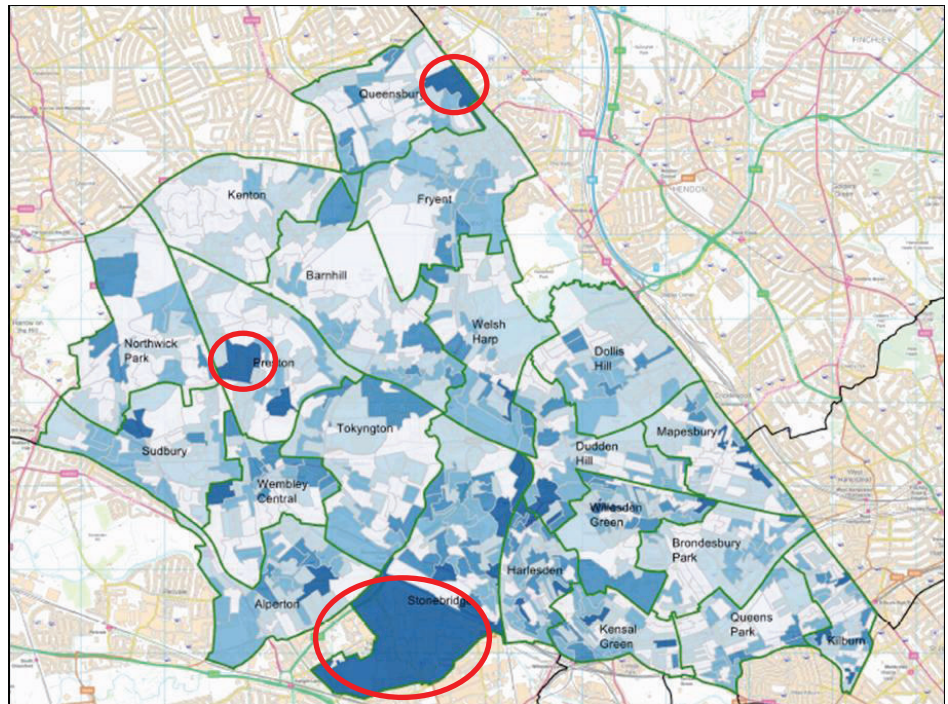
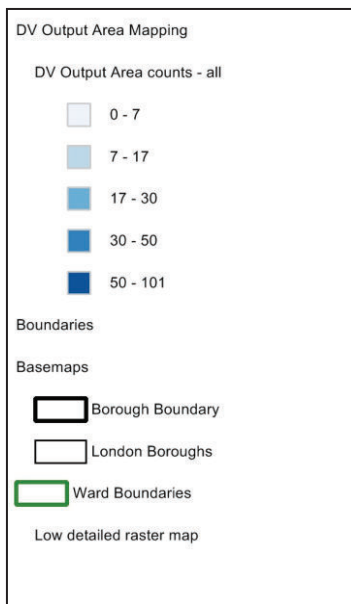
shown a clear north south divide within the borough. The wards in the South of the borough have substantially more calls per 1000 of the population in comparison to wards in the North. Data from the 2011 census have also highlighted a similar north south disparity in Child poverty and indices of multiple deprivation (figure 6). There are however anomalies to the north south divide such as Wembley Central in the north having the fifth highest rate and Brondesbury Park in the South having the third lowest rate. Wembley Central is a ward in the north of the borough which has similar social issues to a number of the southern wards and is a long establish hot spot for

street crimes. Brondesbury Park is one of the more affluent wards of the borough with detached and semi detached housing stock generally not subdivided which is unlike some of its neighbouring inner city wards.

The CAD data was also mapped to produce a hotspot map showing the greatest concentration of Domestic Incidents. The majority of the incident hotspots were in the South of the Borough in areas such as Harlesden, Stonebridge Estate, South Kilburn Estate, Church End Estate/Church Road.



The below map displays the same CAD data for the period split into output areas which are based on the 2011 census of comparable population size.



The main concentration of incidents is still apparent in the output areas in the South of the Borough around Harlesden.

There were some anomalies such as the large Stonebridge output area which instantly catches the eye however closer inspection shows that this area is made up of predominantly light industry and Central Middlesex Hospital with a small number of social housing residential properties.

There were a few output areas highlighted in the North again the output area which contained light industry and some residential social housing such as Hirst Crescent and Airco Close.

It does appear through mapping the data that domestic calls are disproportionately occurring in the poorer more deprived areas of the borough. The hotspots were predominantly in areas with the highest numbers of social housing and mirrored hotspots maps for other crime types in the borough. Again due to the source of the data the more affluent areas which don't necessary have the daily resource and desensitised relationship with the Police and partners maybe underrepresented.

## Appendix 1

### References/Other -

- (1) Home Office Counting Rules - the way crimes are counted in England and Wales. Full details available on the Home Office website
  
- (2) Home Office Domestic violence and abuse: new definition. The cross-government definition of domestic violence and abuse is:

any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

#### (3) *Crime related incidents – such as a **Domestic Incident***

This term is used to describe a record of an incident where a report of an incident has come to police attention which, on the Balance of Probabilities, would amount to a notifiable crime, but a resultant crime has not been recorded. The specific circumstances where this would happen are:-

The incident is reported by a party other than the alleged victim (or person reasonably assumed to be acting on behalf of the victim) and either:

- the alleged victim (or person reasonably assumed to be acting on behalf of the victim) declines to confirm the crime or
- the alleged victim (or person reasonably assumed to be acting on behalf of the victim) cannot be traced.

#### (4) *Offence – such as a **Domestic Offence***

An incident will be recorded as a crime (notifiable offence)

1. For offences against an identified victim if, on the balance of probability:
  - (a) the circumstances as reported amount to a crime defined by law (the Police will determine this, based on their knowledge of the law and Counting rules), and
  - (b) there is no credible evidence to the contrary.
2. For offences against the state the points to prove to evidence the Offence must clearly be made out, before a crime is recorded.

Any reference to a crime elsewhere in Section A („Whether and When to Record“) means a recorded crime or notifiable offence, as defined by the Home Office and listed in the counting rules chapters. Notifiable offences do not cover all criminal offences, as most summary offences are not notifiable.



The police will determine whether the circumstances as reported amount to a crime defined by law, based on their knowledge of the law and the counting rules. The test to be applied in respect of recording a crime is that of the balance of probabilities i.e. is the incident more likely than not the result of a criminal act? In most cases, the belief by the victim (or person reasonably assumed to be acting on behalf of the victim) that a crime has occurred is sufficient to justify its recording, although this will not be the case in all circumstances.

Data limitations –

- This report is primarily based on Police , MARAC and ADVANCE IDVA Service data. There are a number of areas where data could not be obtained in time for the deadline of this project or where the current systems do not provide a flagging system for DV. These missing datasets included Asian Women’s Resource Centre, NHS, Safeguarding Adults, Mental Health and the Youth Offending Service.
- \*The CRIS system holds domestic incidents (non crime domestics) and domestic offences. A download of Domestic incidents from the CRIS database has to be viewed with caution when drawing conclusions without looking at each incident report in detail. For example - Police attend an address due to a reported disturbance. There is a couple present neither willing to make any allegation against the other. The female present has a bruise under her eye which there is no evidence of how it was caused. The male and the female will both go on the victim page and there will not be an entry onto the suspect page as there are no offences disclosed. This is recorded as a Domestic Incident (non crime) allowing from a Police perspective the positive management of risk, by capturing full details of those involved and monitoring the frequency. This however can misguide figures with potential suspects being shown as victims due to lack of evidence.
- The data only records domestic calls or crimes which have occurred within the geographical boundaries of the London Borough Brent and will not capture domestic incidents experienced by Brent residents that have occurred outside this geographical boundary.
- The breakdown of the CRIS data is based on all CRIS reports between the 01/04/2011 to the 31/01/2014 that occurred in the geographical boundaries of the London Borough of Brent and contained a Domestic incident flag on the report. The data has not been audited and verified by the MPS PIB but will give a good reflection of crime prevalence and trends.
- The ethnic breakdown does not have the detail to distinguish different groups i.e. White European - White British and other European Counties (including Eastern Europe). Afro Caribbean – includes African and West Indian

Crime Survey of England and Wales -

(5) Definitions of abuse in the intimate violence self-completion module  
Intimate violence is the collective term used to describe domestic violence, sexual assault and stalking and the categories are defined as follows:

- Domestic abuse: this category combines partner abuse (non-sexual), family abuse (non-sexual) and sexual assault or stalking carried out by a current or former partner or other family member<sup>2</sup>.
- Non-sexual abuse by a partner: physical force, emotional or financial abuse or threats to hurt the respondent or someone close to them carried out by a current or former partner.
- Non-sexual abuse by a family member: physical force, emotional or financial abuse or threats to hurt the respondent or someone close to them carried out by a family member other than a partner (father/mother, step-father/mother or other relative).
- Sexual assault: rape or assault by penetration including attempts ('serious'), indecent exposure, sexual threats or unwanted touching ('less serious') carried out by any person.
- Stalking: one or more incidents (causing distress, fear or alarm) of receiving obscene or threatening unwanted letters, e-mails, text messages or phone calls, having had obscene or threatening information about them placed on the internet, waiting or loitering around home or workplace, following or watching, or interfering with or damaging personal property by any person, including a partner or family member<sup>3</sup>

CSEW Projection - The female Brent population between 16-59 years old is 100,174. The male Brent population between 16-59 years old is 103,340

Figure 1

Offence (V)	2011/12		2012/13		2013/14		Grand Total	
Domestic Incident	1686	15%	2065	18%	2023	18%	5774	50.82%
ABH & Minor Wounding	706	6%	651	6%	475	4%	1832	16.12%
Common Assault	575	5%	515	5%	457	4%	1547	13.62%
Harassment	208	2%	199	2%	180	2%	587	5.17%
Crim Dam Dwelling - under £500	63	1%	64	1%	61	1%	188	1.65%
GBH/Serious Wounding	41	0%	19	0%	125	1%	185	1.63%
Making Threats to Kill	41	0%	36	0%	39	0%	116	1.02%
Communications Act Offences	37	0%	39	0%	32	0%	108	0.95%
Rape of Female Aged 16 and over	33	0%	28	0%	30	0%	91	0.80%
Breach of Non-Molestation Order	35	0%	30	0%	25	0%	90	0.79%
Crim Dam-Other Prop under £500	21	0%	32	0%	29	0%	82	0.72%
Theft in a Dwelling	19	0%	25	0%	27	0%	71	0.62%
GBH with Intent	15	0%	17	0%	23	0%	55	0.48%
Breach of a Restraining Order	17	0%	15	0%	17	0%	49	0.43%
Public Order Offence S4A Poa 86	22	0%	13	0%	13	0%	48	0.42%
Robbery of Personal Property	25	0%	8	0%	9	0%	42	0.37%
Public Order Offence S4 Poa 86	13	0%	15	0%	14	0%	42	0.37%
Crim Dam to M/Veh - under £500	15	0%	10	0%	12	0%	37	0.33%

Threat to Commit Criminal Damage	11	0%	14	0%	8	0%	33	0.29%
Affray	16	0%	4	0%	11	0%	31	0.27%
Burglary in a Dwelling.	9	0%	9	0%	12	0%	30	0.26%
Sexual Assault On a Female	8	0%	9	0%	8	0%	25	0.22%
Unauthorised Taking Motor Vehicle	12	0%	6	0%	4	0%	22	0.19%
False Imprisonment	18	0%	3	0%	1	0%	22	0.19%
Puts People in Fear of Violence	11	0%	3	0%	7	0%	21	0.18%
Theft Not Classified Elsewhere	7	0%	4	0%	9	0%	20	0.18%
Blackmail	4	0%	6	0%	6	0%	16	0.14%
Breach of Harassment Injunction	2	0%	3	0%	10	0%	15	0.13%
Crim Dam-Other Prop £500 to £5000	3	0%	3	0%	8	0%	14	0.12%
Vulnerable Adult Abuse Incident	5	0%	6	0%	3	0%	14	0.12%
Crim Dam to M/Veh - £500 to £5000	4	0%	6	0%	4	0%	14	0.12%
Send letters etc. cause distress	2	0%	6	0%	3	0%	11	0.10%
Crim Dam Dwelling - £500 to £5000	2	0%	5	0%	3	0%	10	0.09%
Racially/religious Agg harassment	2	0%	4	0%	3	0%	9	0.08%
False Representation	7	0%	1	0%		0%	8	0.07%
Witness Intimidation	2	0%		0%	6	0%	8	0.07%
Public Order Offence S5 Poa 86	6	0%		0%	1	0%	7	0.06%
Theft from Person - Snatch	4	0%		0%		0%	4	0.04%
Non Crime Fraud - Action Fraud		0%		0%	4	0%	4	0.04%
Theft From The Person of Another		0%	4	0%		0%	4	0.04%
Attempt Rape of Female 16 or over	1	0%		0%	2	0%	3	0.03%
Theft of Motor Vehicle		0%	1	0%	2	0%	3	0.03%
Aggravated Taking - No Fatality	1	0%		0%	2	0%	3	0.03%
Attempted Murder	1	0%		0%	2	0%	3	0.03%
Murder	1	0%	1	0%	1	0%	3	0.03%
Assault On a Female - Penetration	1	0%	2	0%		0%	3	0.03%
Arson to a Dwelling-Endanger Life	1	0%	1	0%	1	0%	3	0.03%
Possession of Cannabis	1	0%	1	0%		0%	2	0.02%
Poss Firearm - Fear of Violence	2	0%		0%		0%	2	0.02%
Burglary Non Dwelling	1	0%	1	0%		0%	2	0.02%
Course Of Conduct - Stalking		0%		0%	2	0%	2	0.02%
Unauthorised Access	1	0%	1	0%		0%	2	0.02%
Bigamy		0%	1	0%	1	0%	2	0.02%
Racially/religious Agg Assault	1	0%		0%	1	0%	2	0.02%
Assault On Constable	2	0%		0%		0%	2	0.02%
Crim Dam Other Building < £500	2	0%		0%		0%	2	0.02%
Intimidating Witness/Juror etc	1	0%		0%	1	0%	2	0.02%
Sexual Assault On a Male	1	0%		0%		0%	1	0.01%
Possess Weaps Noxious Liquid Etc.	1	0%		0%		0%	1	0.01%
Non Crime Cyber Crime - AF		0%		0%	1	0%	1	0.01%
Female < 16 Offender 18 or over		0%		0%	1	0%	1	0.01%
Protection Children Act Offences		0%		0%	1	0%	1	0.01%

Arson-Motor/Veh-No Danger to Life		0%	1	0%		0%	1	0.01%
Theft from Motor Vehicles		0%	1	0%		0%	1	0.01%
Racial/Religious Agg Harassment	1	0%		0%		0%	1	0.01%
Perjury and False Statements		0%	1	0%		0%	1	0.01%
Racially/religious Agg ABH		0%	1	0%		0%	1	0.01%
Possession of Class a - Cocaine		0%		0%	1	0%	1	0.01%
Conspiracy to Murder		0%		0%	1	0%	1	0.01%
Breach ASBO	1	0%		0%		0%	1	0.01%
Racially/religious Agg fear of V		0%	1	0%		0%	1	0.01%
Stalking Serious Alarm Distress		0%		0%	1	0%	1	0.01%
Witness Harm	1	0%		0%		0%	1	0.01%
Theft from Person - Pickpocket	1	0%		0%		0%	1	0.01%
Rape - Male under 13 by a Male		0%		0%	1	0%	1	0.01%
Cruelty/Neglect of Children		0%		0%	1	0%	1	0.01%
Rape of a Male Aged 16 or over		0%		0%	1	0%	1	0.01%
Agg Taking - Damage under £5001		0%		0%	1	0%	1	0.01%
Arson-Oth Property-Endanger Life		0%	1	0%		0%	1	0.01%
Drunk and Disorderly Behaviour	1	0%		0%		0%	1	0.01%
Attempt Pervert Course of Justice		0%		0%	1	0%	1	0.01%
Possession of Offensive Weapon	1	0%		0%		0%	1	0.01%
Crim-Dam to M/Veh - over £5000		0%	1	0%		0%	1	0.01%
Voyeurism - Observe/Equip/Record		0%		0%	1	0%	1	0.01%
Sexual Assault Female under 13		0%		0%	1	0%	1	0.01%
Arson-Oth Prop-No Danger to Life	1	0%		0%		0%	1	0.01%
CrimDam-Other Building £500-£5000	1	0%		0%		0%	1	0.01%
Abduction of children in Care etc	1	0%		0%		0%	1	0.01%
Having Blade or Point in Public	1	0%		0%		0%	1	0.01%
<b>Grand Total</b>	<b>3737</b>	<b>33%</b>	<b>3893</b>	<b>34%</b>	<b>3732</b>	<b>33%</b>	<b>11362</b>	<b>100%</b>

Figure 2

Injury	Female	Male	Grand Total
Fatal	3	1	4
Minor	1544	443	1987
Moderate	189	66	255
Serious	48	17	65
<b>Grand Total</b>	<b>1784</b>	<b>527</b>	<b>2311</b>

Figure 3

Suspects relationship to the Victim	No. of Offences
Ex Boyfriend of victim	1327
Husband of victim	1134
Boyfriend of victim	984
Son of victim	346
Brother of victim	305
Ex Husband of victim	263
Ex Girlfriend of victim	241
Girlfriend of victim	221
Wife of victim	159
Father of victim	89
Sister of victim	79
Mother of victim	78
Daughter of victim	67
Common Law Husband of victim	59
Brother in law of victim	57
Ex Wife of victim	44
Sister in law of victim	31
Common Law Wife of victim	24
Mother in Law of victim	19
Step son of victim	18
Grandson of victim	14
Step Father of victim	13
Son in Law of victim	12
Nephew of victim	10
Father in Law of victim	9
Ex Common Law Husband of victim	8
Cousin of victim	7
Half brother of victim	7
Civil Partner Same Sex	6
Daughter in Law of victim	6
Step daughter of victim	5
Step Mother of victim	5
Half Sister of victim	4
Step Brother of victim	4
Same Sex Ex Intimate Partner	4

Granddaughter of victim	4
Uncle of victim	4
Ex Common Law Wife of victim	3
Niece of victim	3
Same Sex Intimate Partner	3
Twin of victim	2
Ex Civil Partner Same Sex	1
Grandmother of victim	1
Step Sister of victim	1
Aunt of victim	1
Guardian of Victim	1

Figure 4

Offence (DV)	2011/12		2012/13		2013/14		Grand Total	
Rape of Female Aged 16 and over	33	36%	28	31%	30	33%	91	72.22%
Sexual Assault On a Female	8	32%	9	36%	8	32%	25	19.84%
Attempt Rape of Female 16 or over	1	33%	0	0%	2	67%	3	2.38%
Assault On a Female - Penetration	1	33%	2	67%	0	0%	3	2.38%
Sexual Assault On a Male	1	100%	0	0%	0	0%	1	0.79%
Rape - Male under 13 by a Male	0	0%	0	0%	1	100%	1	0.79%
Rape of a Male Aged 16 or over	0	0%	0	0%	1	100%	1	0.79%
Sexual Assault Female under 13	0	0%	0	0%	1	100%	1	0.79%
<b>Grand Total</b>	<b>44</b>	<b>35%</b>	<b>39</b>	<b>31%</b>	<b>43</b>	<b>34%</b>	<b>126</b>	<b>100%</b>

Figure 5

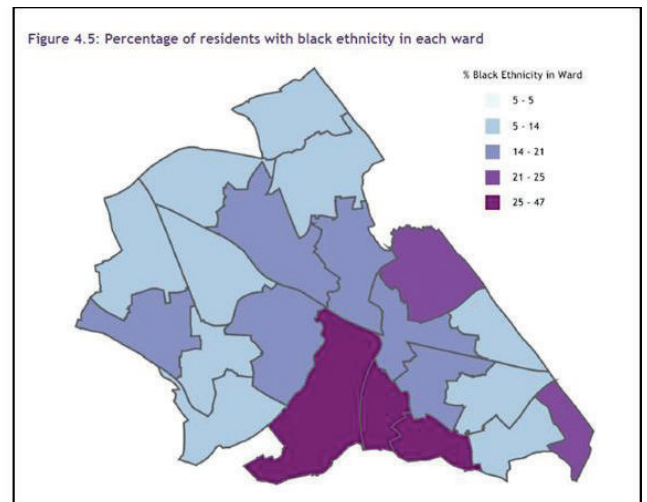
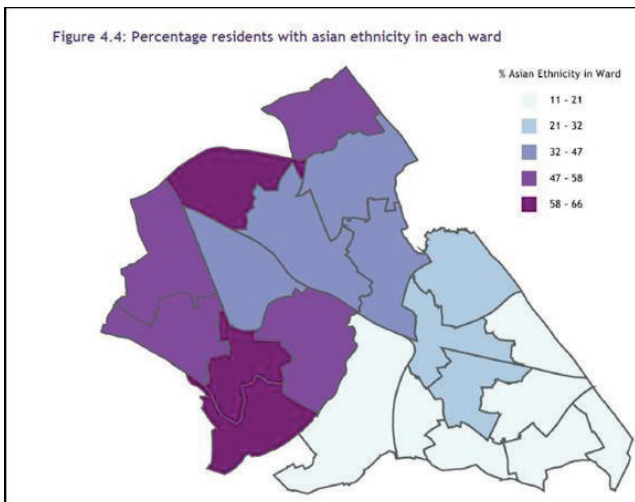
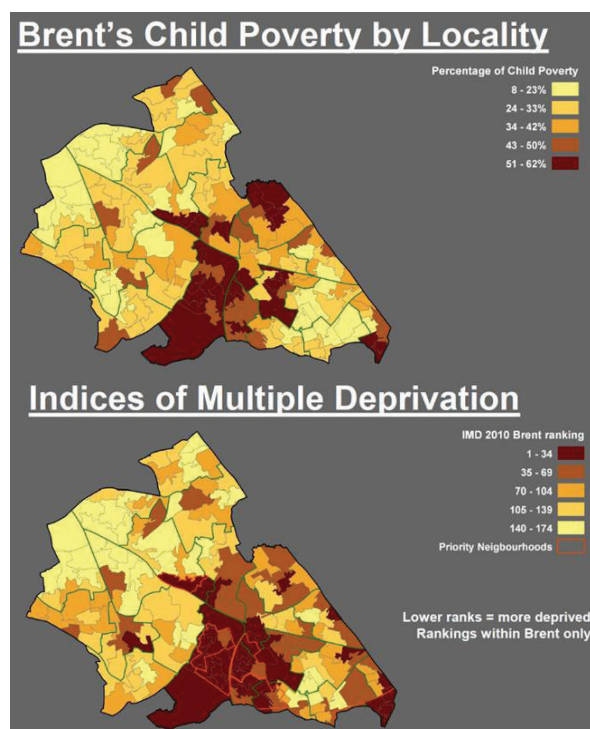


Figure 6



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 <p><b>Brent</b></p>	<p><b>Cabinet Committee</b> 15 September 2014</p> <p><b>Report from the Strategic Director of Environment and Neighbourhoods</b></p>
For Action	Wards Affected: ALL
<p><b>Brent Local Implementation Plan (LIP) Submission For 2015/16 -2017/18</b></p>	

## 1.0 SUMMARY

- 1.1 The primary source of funding for schemes and initiatives to improve transport infrastructure and travel behaviour in Brent is Local Implementation Plan (LIP) funding, which is allocated through Transport for London (TfL). LIP set out how London boroughs will deliver better transport in their area, in the context of local and regional transport priorities and the overarching Mayor's Transport Strategy (MTS).
- 1.2 This report seeks the approval of Cabinet to submit the 2015/16 LIP to TfL and following the approval of that body, to implement the schemes and initiatives within the submitted/approved LIP programme and funding.

## 2.0 RECOMMENDATIONS

- 2.1 That Cabinet notes the 2015/16 TfL provisional LIP allocation of £3,473,000.
- 2.2 That Cabinet approves the proposed 2015/16 programme of LIP schemes, as set out in **Appendix A** of this report, through application of the priority assessment tool described in this report and, subject to TfL approval in autumn 2014, instructs the Head of Transportation to deliver this programme using the allocated budget and resources available.
- 2.3 That Cabinet authorises the Head of Transportation to undertake any necessary statutory and non-statutory consultation and consider any objections or representations regarding the schemes set out in **Appendix A** of this report. If there are no objections or representations, or the Head of Transportation considers the objections or representations are groundless or insignificant, the Head of Transportation is authorised to deliver the schemes set out in **Appendix A** of this report. Otherwise, the Head of Transportation is authorised to refer objections or representations to the Highway Committee for further consideration.

- 2.4 That Cabinet notes the scheme allocations are provisional and that schemes may be subject to change during development and following the consultation process.
- 2.5 That Cabinet authorises the Head of Transportation to vire scheme allocations where necessary (eg. pending the outcome of detailed design and consultation) within the overall LIP budget, in consultation with the Lead Member for Environment and Neighbourhoods and in accordance with financial regulations.

### **3.0 THE LIP BIDDING PROCESS**

- 3.1 The Council receives a fixed block of capital funding annually from TfL. The funding is made available through section 159 of the GLA Act and is called LIP funding. This is for the specific purpose of investing in transport related programmes and cannot legally be spent on other activities.
- 3.2 The amount of funding allocated to each borough is determined through a needs-based formula focussed on achievements of objectives and outcomes. The formula (developed by TfL in conjunction with London Councils) assesses need based on a set of metrics relating to four transport themes:
- Public transport – bus reliability, bus patronage.
  - Road safety – monetary value of all casualties (killed, serious and slight) on all roads in the borough.
  - Congestion and environment – vehicle delay, CO<sub>2</sub> emissions from transport.
  - Accessibility – residential population weighted by index of deprivation.
- 3.3 The indicators included in the formula are intended to reflect both:
- The scale of the borough and its transport demand / network (number of bus users, residential population, etc.) to ensure that larger boroughs with more users get extra funding.
  - Policy outcomes or severity of transport problems (casualties, bus punctuality, etc.) to ensure funding is directed to boroughs where it is needed most and can make the biggest difference.
- 3.4 In July 2014 TfL informed the Council of its provisional LIP allocation of £3,473,000 for 2015/16 as part of issuing the guidance document for the process of compiling and submitting the annual Spending Submission.
- 3.5 TfL Guidance stipulates that the LIP financial allocation is to be used to support the “sustainable management and improvement of the borough’s transport network, and to influence travel decisions”. This accords with the Council’s approved LIP policies and supports the overarching policies and objectives set by the GLA/TfL in support of the MTS.
- 3.6 The funding submission that must be submitted to TfL spans a series of overarching headings, as follows:

Table 1: LIP funding categories (TfL)

<b>LIP Heading</b>	<b>Description</b>
Corridors & Neighbourhoods	Holistic or area-based schemes, including bus priority, cycling, walking, safety measures, regeneration, environment, accessibility and controlled parking zones.
Major Schemes	Major schemes lie outside of the annual funding application process. Kingsbury is Brent's current Major Scheme Project.
Supporting Measures	Cycle training, car clubs, installation of electric vehicle charging points, school and workplace travel plans, and instigating behavioural change to travel options.
Local Transport Funding	Since 2009/10, TfL has allocated £100k per borough through the LIP settlement for use at their discretion on transport projects, provided the use is in accordance with section 159 of the GLA Act.
Principal Road Renewals	Structural maintenance of principal (main) roads. Carriageway condition surveys are used by TfL to make allocations for highways maintenance.
Bridge Strengthening	Structural maintenance of bridges. Allocations are made through an established prioritisation process.

3.7 The 2015/16 Spending Submission for 'Corridors and Neighbourhoods' and 'Supporting Measures' must be submitted to TfL no later than Friday 3rd October 2014.

3.8 Programmes for other LIP funding categories listed in Table 1 are submitted to TfL separately to this submission.

#### **4.0 LIP PERFORMANCE TARGETS**

4.1 Brent's LIP2 (Brent's current statutory transport plan under the Greater London Authority Act 1999) required that interim targets should be set for transportation performance, with longer-term targets identified for a future end date when the impact of sustained investment will have had a chance to take effect.

4.2 Boroughs were required to present details of each target set, including the base year and baseline data used. Targets were illustrated by way of trajectories, with annual milestones for each of the agreed mandatory targets, which include:

- Mode share
- Bus reliability
- Asset condition
- Road traffic casualties
- Carbon Dioxide (CO<sub>2</sub>) emissions.

4.3 TfL have set the long-term 2025 performance targets for boroughs; and supply data annually to report on boroughs' progress in maintaining the trajectory towards achieving their long-term performance goals.

4.4 TfL requires boroughs to provide annual updates of progress in achieving LIP performance targets. An update will be submitted to TfL at the same time as this LIP submission.

## **5.0 LIP SCHEMES DELIVERED 2014/15**

5.1 During 2014/15 a total of £7.76 million is being invested in improving Brent's roads, footways and transport infrastructure. This includes:

- £3.71 million of LIP funding
- £0.40 million S106 developer contributions
- £3.55 million of Brent Capital funding to maintain and improve the highway network

5.2 In 2014/15, Brent benefitted from £219,000 of additional funding provided by the Department for Transport for additional Principal Road Renewal.

## **6.0 THE 2015/16 SPENDING SUBMISSION**

6.1 Brent's 2015/16 provisional LIP allocation of £3,473,000, comprises of:

- £2,461,000 for 'Corridors and Neighbourhoods' and 'Supporting Measures'
- £912,000 for 'Principal Road Maintenance'
- £100,000 of 'Local Transport Funding'

6.2 The provisional LIP allocation for 2015/16 is only a slight reduction (£19,000) from the previous year's allocation of £3,492,000.

6.3 Schemes listed in **Appendix A** relates only to schemes for 'Corridors and Neighbourhoods' and 'Supporting Measures', as applications for 'Principal Road Maintenance' are lodged directly onto TfL's borough portal. The £100,000 for 'Local Transport Funding' is provided to each borough as discretionary spending for transport projects, provided the use is in accordance with section 159 of the GLA Act.

6.4 The 'Corridors and Neighbourhoods', and 'Supporting Measures' elements of the LIP programme includes schemes identified through a number of sources, including:

- Schemes that have the potential to reduce collisions levels.
- Schemes that have been committed in previous years for multi-year funding.
- Schemes that support the MTS outcomes and Brent Borough Plan.
- Strategic schemes that support the Council's regeneration objectives.
- Requests, proposal and suggestions received from members, residents and businesses (e.g. area consultative forums).

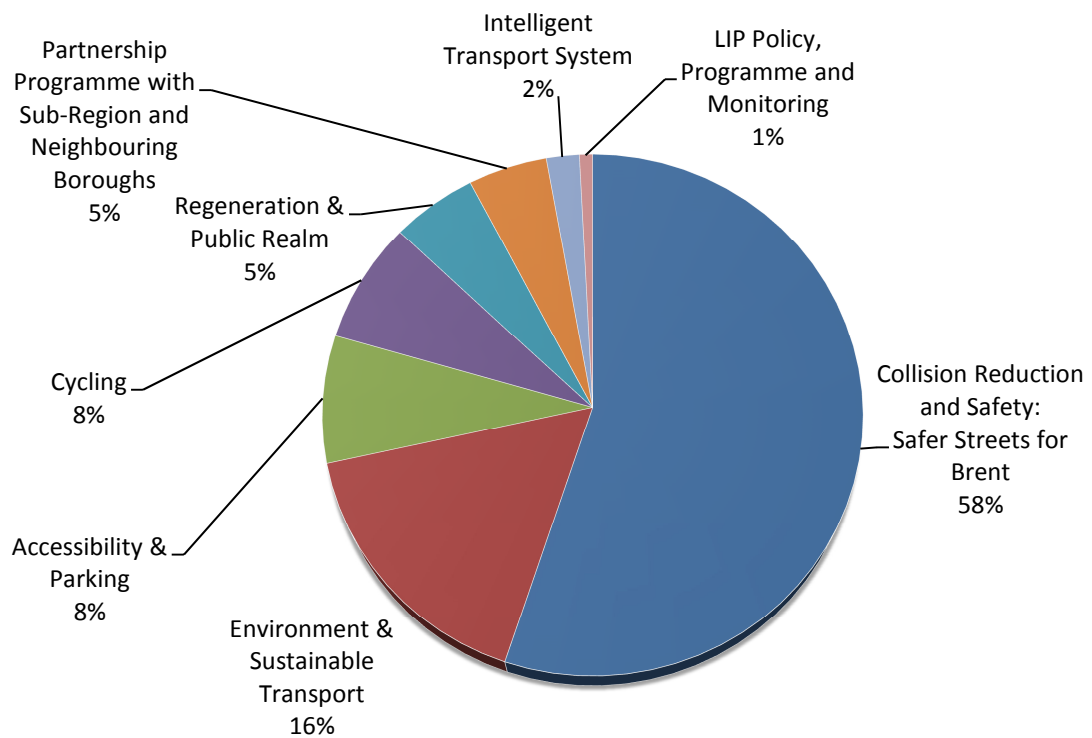
- 6.5 Most notably our focus is on delivering schemes that have the highest potential for collision reduction. Through analyses of Borough-wide collision records streets and areas are identified where there is evidence of a disproportionately high number of collisions resulting in deaths, serious or minor injuries. A list of streets and neighbourhoods is identified where engineering measures have the potential to reduce the number of collisions that could occur in future years. This process is in accordance with TfL's requirement for all boroughs to prioritise funding to road safety projects.
- 6.6 Over the course of a financial year a significant number of requests for infrastructure improvements are received. Given that funding is restricted it is not always possible to satisfy all of the requests the Council receives. A prioritisation model for Brent assists us to rank the infrastructure improvement requests, and hence to develop a draft programme based on our provisional funding allocation.
- 6.7 Potential schemes are assessed by scoring each against the likely benefits that it would deliver. These benefits reflect the priorities stated within regional and sub-regional transport policies, plans and strategies along with Brent's corporate strategic objectives and growth plans. The process involves:
- Each scheme is initially assessed by the collision records for the area or street under consideration – data is input and a score generated depending on the number and types of collisions and casualties on record.
  - The scheme is then assessed against what it would achieve in terms of a range of other strategic outputs, for example benefits to cyclists or pedestrians or a reduction in congestion.
  - Benefits for collision reduction are weighted to ensure that road safety is top priority in the scheme selection process.
  - After each scheme has been scored against the benefits that it would deliver, the total score is calculated and each scheme is ranked by high to low score.
- 6.8 Our provisional LIP funding allocation will allow us to take forward all schemes put forward during the current financial year for further detailed study and/or scheme development. However, if our final LIP allocation is less than the provisional value of £2,461,000 we will need to reduce the size of the programme accordingly and will use priority scores to determine which projects can be taken forward during 2015/16.
- 6.9 **Appendix A** shows the proposed 2015/16 LIP programme and indicates the score that each scheme has attracted through application of the prioritisation model.
- 6.10 The delivery programme is updated as part of a “rolling programme” with every annual spending submission, so schemes are identified not just for the forthcoming financial year but also for the two following years. This utilises one year of “approved” funding and two (future) years of “indicative” funding.
- 6.11 Members will therefore note that indicative funding requirements for 2016/17 and 2017/18 are set out on the draft programme for 2015/16 in **Appendix A**.

These funding requirements are subject to change as schemes are developed and cost estimates refined.

6.12 The Transportation service will prepare substantial improvements to the prioritisation model prior to developing the 2016/17 LIP programme to reflect changes in legislation and improve collaboration with other Council services.

6.13 The following chart illustrates the spend profile of the proposed 2015/16 programme summarised against the broad objectives of Brent's draft Long Term Transport Strategy and the MTS and objectives.

### LIP Spend Profile 2015/16



6.14 As part of the planning, design and delivery process, the Transportation service will undertake any necessary non-statutory and statutory consultation and consider any objections or representations to a proposed scheme. If there are no objections or representations, or where the Head of Transportation considers the objections or representations are groundless or insignificant, the necessary Traffic Management Orders will be implemented. Otherwise, objections or representations will be referred to the Highways Committee for further consideration.

6.15 It should be noted that the project costs outlined in **Appendix A** are preliminary high level estimates based on comparable projects recently undertaken within the borough. As such, these estimates are subject to change due to design refinement, responses to community consultation and government policy. In the event that project costs differ from the estimate, the

Head of Transportation will consider options for the virement of available funds to alternative projects as agreed with TfL to the limit of the LIP allocation.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 TfL has allocated the Council a provisional sum of £3,473,000 against specific approved programmes. The proposed LIP programme for 2015/16 presented in **Appendix A** is therefore fully funded, although this is subject to final confirmation of the value of the LIP settlement for Brent.
- 7.2 The Head of Transportation proposes to implement the programme, utilising existing and other resources as necessary. Technical staff time is charged to the Capital schemes along with an additional percentage to cover office running and support costs. There should be no additional cost to the Council in implementing these schemes.
- 7.3 There is no provision for carry over and all works must be completed by 31st March 2016.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The Greater London Authority Act 1999 (the Act) requires that the London Local Authorities must implement the MTS. This Strategy sets out the transport policy framework for London.
- 8.2 The Council indicates how it will implement the MTS through its LIP which sets out various objectives. The Council is required to submit a spending submission to demonstrate how it will achieve its LIP objectives.
- 8.3 The requirements regarding to publication and consultation regarding the making of Traffic Management Orders are set out in the Road Traffic Regulation Act 1984.

## **9.0 DIVERSITY IMPLICATIONS**

- 9.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 9.2 The draft programme described in this report has been assessed by way of an Equalities Impact Assessment (EIA). A copy of this EIA is attached in **Appendix B** of this report.
- 9.3 The EIA has found that the Brent LIP is lawful. It will have many positive benefits for all Brent residents, will improve accessibility for vulnerable groups including disabled people and addresses a number of barriers to transport that people currently face because of their equality characteristics. Although the LIP reduces many of these barriers, we recognise that there will be some remaining transport inequalities and we will continue to take action to address

remaining barriers to accessibility. Each LIP scheme will be subject to consultation and further equalities assessment before implementation.

## **10.0 STAFFING / ACCOMMODATION IMPLICATIONS**

10.1 There are no significant staffing implications arising from this report.

## **11.0 ENVIRONMENTAL IMPLICATIONS**

11.1 The proposals in this report have been assessed by way of the Strategic Environmental Assessment linked to the Council's existing statutory LIP. There are no negative environmental implications of note arising from the funds allocated through the 2015-2016 Brent LIP funding application/settlement.

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**Local Implementation Plan (LIP) 2014/15 proposed schemes****Key to Ward Abbreviations**

<b>WARD</b>	<b>ABBREVIATION</b>
- ALPERTON	ALP
- BARNHILL	BAR
- BRONDESBURY PARK	BPK
- DOLLIS HILL	DOL
- DUDDEN HILL	DNL
- FRYENT	FRY
- HARLESDEN	HAR
- KENSAL GREEN	KGN
- KENTON	KEN
- KILBURN	KIL
- MAPESBURY	MAP
- NORTHWICK PARK	NPK
- PRESTON	PRE
- QUEENS PARK	QPK
- QUEENSBURY	QBY
- STONEBRIDGE	STN
- SUDBURY	SUD
- TOKYNGTON	TOK
- WEMBLEY CENTRAL	WEM
- WELSH HARP	WHP
- WILLESDEN GREEN	WLG

**Brent Council LIP Three Year Delivery Plan – Neighbourhoods & Corridors and Supporting Measures Schemes**

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
<b>Harlesden Town Centre</b> (Major Scheme)	Supporting LIP funding for Major Scheme – Urban Realm and Road Danger Reduction improvements. Large redevelopment of Harlesden town centre. Improvements to "routes in" to Harlesden town centre 2014/15 and beyond.	Construction	HAR / KGN	40	0	0	7295
<b>Kingsbury Road</b> collision reduction and urban realm	Town Centre Area Scheme including urban realm / traffic improvements. Design development in 2015/16, with consultation and further development in 2016/17. Potential "Major Scheme" (Step 1 Application) to be submitted in 2016/17. Accidents within 36 month period ending April 2012: <b>35</b> resulting in <b>39</b> casualties.	Design & development	FRY / QBY	70	70	70	3340
<b>Wembley Central</b> Transport Interchange	Town Centre Area Scheme including urban realm / traffic improvements. Design development in 2015/16. Further design development and consultation in 2016/17. Potential "Major Scheme" (Step 1 Application) to be submitted in 2018/19. Accidents within 36 month period ending April 2014: <b>13</b> resulting in <b>14</b> casualties	Design & development	WEM	20	80	80	675
<b>Watford Road</b> collision reduction	Northwick & John Lyon Roundabouts. Spanning 2 years as requires detailed liaison with LB Harrow. Casualty & Danger Reduction Programme - Accidents within 36 month period ending April 2012: <b>50</b> resulting in <b>74</b> casualties (KSI=5)	Design & development	NPK	40	150	300	817

<sup>1</sup> Priority scores based on assessment illustrated in Appendix B apply to infrastructure investment proposed within the Borough.

## Appendix A

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
<b>Forty Lane</b> collision reduction	Barn Rise to The Paddocks & Bridge Road/Forty Lane to Wembley Park Station - preliminary design and consultation. Collision Reduction Programme (also to address loading/unloading & parking issues in the area). Accidents within 36 month period ending April 2012: <b>52</b> resulting in <b>63</b> casualties (KSI=4, Pedestrians=14, right turns=21, dark=18)	Construction	BAR	110	50	0	809
<b>A5 Kilburn High Road</b> Corridor Safety and Urban Realm Scheme	a) Concept scheme developed in conjunction with Camden on boundary road. Encompasses section of Willesden Lane to North of Kilburn Station. b) Significant collision reduction potential c) Preliminary design, consultation in FY14/15 with initial signing works as required. d) Implementation in 15/16 and 16/17- values subject to cost estimate.	Design & development	KIL / BPK	100	260	50	724
<b>Blackbird Hill - Neasden Lane North</b> Collision reduction	Safety improvements A406 to Chalkhill Rd. Collision Casualty/Road Danger Reduction Programme	Design, develop & implement	BAR / WHP	121	10	0	590
<b>Craven Park Road</b> collision reduction	Road safety on walking routes leading in to Harlesden Town Centre - Park Rd to St Thomas's Rd, including urban realm improvements	Construction	HAR / KGN	80	20	0	503
<b>Willessden Lane</b> Coverdale Road to Aldershot Road collision reduction	Preliminary design and consultation undertaken during 2013/14 as part of multi-year programme. Accidents within 36 month period ending April 2012: <b>36</b> resulting in <b>33</b> casualties (KSI=4, Pedestrians=8, Cyclists=8)	Construction	BPK	10	0	0	485
<b>Coles Green – Dollis Hill – Park View Rd</b> collision reduction	Potential 20mph zone as part of Collision Reduction Programme Accidents within 36 month period ending April 2012: <b>34</b> resulting in <b>38</b> casualties (KSI=5, Pedestrians=6, P2W=6)	Design, develop & implement	DOL / DNL	240	20	0	448

## Appendix A

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
<b>Church Road</b> Craven Park to Neasden Lane	Improving pedestrian facilities on desire lines to address high levels of pedestrian casualties. Accidents within 36 month period ending April 2012: <b>31</b> collisions resulting in <b>33</b> casualties ( <b>KSI=3</b> , <b>Pedestrians=10</b> )	Design, develop & implement	DNL / HAR	100	10	0	407
<b>Park Parade</b> (High St to Harlesden Road)	Improving pedestrian facilities on desire lines to address high levels of pedestrian casualties. Accidents within 36 month period ending April 2012: <b>14</b> resulting in <b>14</b> casualties ( <b>Pedestrians=5</b> )	Design & development	HAR / KGN	55	85	0	379
<b>Hawthorne Road / Bertie Road / Pound Lane Area</b>	Collision Casualty/Road Danger Reduction Programme Accidents within 36 month period ending April 2012: <b>16</b> resulting in <b>20</b> casualties ( <b>KSI=3 Pedestrians=1</b> , <b>m/cyclists =9</b> )	Design & development	WLG	145	10	0	231
<b>Brent Freight Strategy</b>	Development of a Brent Freight Strategy to guide future initiatives aimed at minimising congestion caused by freight traffic and supporting economic development (including both hard and soft measures). <i>Note: funding for delivery to be sought for through, Brent capital spending, S106 payments and future LIP submissions</i>	Deliver	Borough-wide	45	0	0	222
<b>Brent Cycling Strategy</b>	Development of a Brent Cycling Strategy to guide future cycling initiatives (including both hard and soft measures). <i>Note: funding for delivery to be sought for through Mayor's cycling fund, Brent capital spending, S106 payments and future LIP submissions</i>	Deliver	Borough-wide	45	0	0	129
<b>B413 Carlton Vale</b> Cycling improvements	Conceptual development/preliminary investigation/design work relating to the development of improved cycling infrastructure along the B413 Carlton Vale corridor. <i>Note: future funding may be available from Mayor's cycling fund.</i>	Design & development	KIL / QPK	10	0	0	121

Appendix A

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
<b>School Travel</b> (Walk and Cycle) supporting engineering measures around STP schools	Development and delivery of accessibility and pedestrian safety measures around and on the routes to various schools, including places with barriers to walking in the borough.	Design, develop & implement	Borough-wide	225	225	225	137
<b>School Travel</b> (Walk and Cycle) supporting non-engineering measures around STP schools	Smarter Travel interventions linked to the development of School Travel Plans (STPs) across Brent. Funding used for supporting materials for STP work within schools.	Design, develop & implement	Borough-wide	45	45	45	-
<b>Bus Stop Accessibility Programme</b>	Ensuring bus user accessibility to Brent's bus stops continues to improve. Examples include higher kerb-lines to facilitate wheelchair/ramp access and ensuring bus passengers do not alight onto grass verges.	Design, develop & implement	Borough-wide	85	80	80	-
<b>Waiting &amp; loading reviews</b>	Development and delivery of new/review existing waiting & loading restrictions/addressing problematic locations in the borough.	Design, develop & implement	Borough-wide	80	80	80	-
<b>Accessibility &amp; Disabled person's parking places</b>	Providing disabled persons parking spaces across Brent to improve accessibility for disabled persons.	Design, develop & implement	Borough-wide	30	30	30	-
<b>Bike It Project, Sustrans/Brent</b>	A partnership project with Brent NHS, Sustrans have been commissioned to lead on this targeted cycling development project, offering training and promoting the health/lifestyle benefits of cycling.	Design, develop & implement	Borough-wide	30	30	30	-
<b>Signing &amp; lining reviews</b>	Reducing sign clutter throughout the Borough. Specifically reviewing A404 Corridor from Northwick Park roundabout to Kilburn Lane.	Design, develop & implement	Borough-wide	25	25	25	-
<b>Intelligent Transport System Development</b>	Funds for progression of feasibility to preliminary design for enhanced ITS systems within Borough in conjunction with WestTrans and TFL Roads Taskforce, to include enhanced VMS and congestion	Design & Development	Borough-wide	50	50	10	204

Appendix A

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
	monitoring / real time information provision across West London.						
<b>Adult &amp; child cycle training programme</b>	An annual programme of cycle training activity delivered on behalf of the Council by Cycle Training UK.	Deliver	Borough-wide	100	100	100	-
<b>Stanmore-Thames cycle route</b>	Brent's contribution to LB Harrow's (lead borough) Major Scheme - Cycling Improvements (FY 2014-15 scheme) for a proposed route traversing Brent.	Design & development	Multiple	50	30	0	-
<b>School Buses Escort Programme</b>	Continued support for addressing anti-social behaviour on key bus routes in Brent whereby funding is used for a human presence on troublesome routes/services to ensure successful operation of public transport in the borough and limiting police time.	Deliver	Borough-wide	30	30	30	-
<b>Education, Training &amp; Publicity (ETP) initiatives</b>	Road danger reduction related activities across the borough, such as awareness raising campaigns and other promotional activities related to making a Brent's roads safer for all users. Increased allocation which now incorporates the highly successful and well received " <i>Theatre in School</i> " Programme.	Deliver	Borough-wide	50	50	50	-
<b>Travel awareness programme</b>	Travel awareness work such as events and promotional activities, magazine articles and adverts to further promote and raise awareness for sustainable transport across Brent.	Deliver	Borough-wide	25	25	25	-
<b>Environmental health initiatives – Air Quality</b>	Continued support for Brent's Environmental Health team for localised air quality monitoring linked to motor-borne air pollution/roadside diffusion tubes and reports/studies linked to this area. Linkage with WestTrans/sub-regional air quality monitoring.	Deliver	Borough-wide	15	15	15	-
<b>Workplace Travel Plans</b>	Brent-wide support for the work of Brent's policy/sustainable transport team relating to the development of workplace travel plans within the borough.	Deliver	Borough-wide	20	20	20	-

Appendix A

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
<b>West Sub-region Travel Planners</b>	Brent's contribution to the travel-planning support provided to the borough by the West London Travel Planners - based in Ealing (via the "WestTrans" Partnership).	Deliver	Borough-wide	40	40	40	-
<b>Installation of Electric Vehicle Charging Points (EVCPs).</b>	To facilitate the delivery of electric vehicle charging points (EVCPs) in Brent	Deliver	Borough-wide	5	5	5	-
<b>Car Clubs</b>	Delivering TMOs, signs and lines for on-street bays to promote the concept of car clubs and attempting to increase for demand for car clubs - particularly in the north of Brent. If demand increases and new car club locations are suggested by operators, then an element of the "local transport fund" is used for signs/lines/TROs.	Deliver	Borough-wide	5	5	5	-
<b>Urban Realm / Street Trees</b>	To facilitate the planting of new, shallow-rooting street trees linked to urban realm improvement projects across Brent.	Deliver	Borough-wide	20	20	20	-
<b>LIP Policy, programme &amp; monitoring</b>	Resource related funding for development work relating to future year's LIP schemes/programme	Deliver	Borough-wide	20	20	20	-
<b>High St Harlesden</b> Park Parade to Furness Road	Improving pedestrian facilities on desire lines to address high levels of pedestrian casualties. Accidents within 36 month period ending April 2012: <b>21</b> resulting in <b>25</b> casualties ( <b>KSI=3, Pedestrians = 6, Cyclists=3, P2W=9, right turn=7 dark=9</b> )	Deliver	KGN	100	10	0	
<b>Ealing Road South</b> Bridgewater Rd to Alperton Lane	Collision Casualty/Road Danger Reduction Programme	Design	ALP	20	90	10	

## Appendix A

Scheme	Description	15/16 Stage	Affected Ward(s)	Scheme Value (£k)			Priority Score <sup>1</sup>
				15/16	16/17	17/18	
<b>Burnley Road Melrose Avenue Anson Rd 20mph Area</b>	Collision Casualty/Road Danger Reduction Programme	Design	MAP / DNL	25	220	20	
<b>HTC Area Harlesden Rd ( Park Parade to Robson Ave)</b>	Collision Casualty/Road Danger Reduction Programme	Design	WLG / KGN	20	50	10	
<b>Review/amendments of existing and future 20mph zones</b>	Boroughwide 20mph review	Design, develop & implement	Borough- wide	20	20	20	
<b>High Rd Willesden Gowan Rd to West of Hawthorne Rd</b>	36 months to March 2014 - Total Accidents <b>21</b> resulting in <b>22</b> casualties - <b>4 KSI</b> . (Accidents within 36 month period ending March 2014).	Design	WLG	20	50	0	
<b>A5 North of Ashford Rd to S of Yew Grove</b>	36 months to March 2014 - Total Accidents <b>43</b> resulting in <b>43</b> casualties - <b>8 KSI</b> (Accidents within 36 month period ending March 2014).	Design	MAP	20	85	10	
<b>Kenton Rd W of Nash Way to E of Upton Gdns</b>	36 months to March 2014 - Total Accidents <b>25</b> resulting in <b>35</b> casualties - <b>2 KSI</b> (Accidents within 36 month period ending March 2014).	Design	KEN	20	90	10	
<b>Brentfield Rd Junction with Knatchbull Rd and extension to temple</b>	36 months to March 2014 - Total Accidents <b>14</b> resulting in <b>20</b> casualties - <b>2 KSI</b> (Accidents within 36 month period ending March 2014).	Design	STN	15	85	0	
<b>Salisbury Road</b>	Extension of existing scheme towards Queens Park	Design, develop & implement	QPK	20	0	0	
<b>TOTAL 2015/16 LIP Funding Bid for Neighbourhoods, Corridors and Supporting Measures</b>				<b>£2,461</b>			



**Equality Impact Assessment (EIA)****Brent Local Implementation Plan 2015/16-2017/18****Brent Council Equality Analysis Form**

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> <b>Environment and Neighbourhood Services</b>  <b>Service Area:</b> Transportation	<b>Person Responsible:</b> Name: Rachel Best Title: Transportation Planning Manager Contact No: 020 8937 5289 Signed: C McCanna (for R. Best) (21 August 2014)
<b>Name of policy:</b> <b>Brent Local Implementation Plan 2015/16-2017/18</b>	<b>Date analysis started: 30/07/2014</b>  <b>Completion date: 21/08/2014</b>  <b>Review date:</b>
<b>Is the policy:</b>  New	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date: 18 August 2014 Contact No: x4521 Signed: S Kaiser (21 August 2014)
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Tony Antoniou Title: Head of Transportation Date: 21 August 2014 Contact No: 020 8937 5151 Signed: T. Antoniou (21 August 2014)	<b>Decision Maker:</b> Name: Cabinet  Date: 15 September 2014

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

Please refer to stage 2 of the guidance.

The Brent Local Implementation Plan 2015/16-2017/18 (LIP) is an annual funding submission made by Brent to Transport for London (TfL). Each year, Brent is awarded a provisional funding level, for which we submit a programme of schemes which support the “sustainable management and improvement of the borough’s transport network, and to influence travel decisions” (TfL, 2014, 2015/16 LIP Guidance). A report to Cabinet describes the use of the provisional capital investment and Members are asked to note the funding available and approve the proposed use of the funding. This accords with the Council’s approved LIP 2011-14 Transport Plan and supports the overarching policies and objectives set by the Greater London Authority (GLA)/TfL in support of the Mayor’s Transport Strategy.

Brent has been provided funding under the LIP scheme each year since 2004, with the Borough completing annual spending submissions, such as this one. The last Equality Impact Assessment was undertaken in 2013.

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

The LIP has been prepared to enhance the highway environment and safety for all and to promote equality. Many of the policies and priorities outlined in the Mayor’s Transport Strategy are supported by Brent Borough Plan objectives. Each of the proposals included within the LIP submission have been assessed for their potential impact from an equalities perspective.

The LIP will have an effect on every member of the community in Brent. However, it is specifically geared to reducing barriers to accessibility for certain groups such as disabled people, people with learning needs, people facing social exclusion, and more vulnerable users of the transport network, including women and children travelling at night and people from black, Asian and minority ethnic backgrounds (BAME). There are specific Brent documents and national legislation/policies in place to make the local environment inclusive for these groups:

- Brent Local Plan;
- Brent’s Air Quality Action Plan (2005);
- Previous Local Implementation Plan submissions;
- Traffic Management Act (2004);
- Brent Council Spending Plan 2014-2015;
- Brent’s Corporate Strategy;
- Brent’s Regeneration Strategy 2010-2030;
- Draft Brent Development Management Policies
- National Planning Policy Framework (2012) and associated Planning Practice Guidance

There are many longstanding barriers to equal access to transportation in Brent, which are gradually being addressed. These include, but are not limited to,

accessible public transport infrastructure, street clutter and limited access to cycling.

As of February 2014, 100% of London Buses were low floor models which provide access to wheelchair users and easier boarding for older persons and parents with children, however only 72% of bus stops across London are accessibility compliant (TfL Accessibility Implementation Plan, 2012). TfL aim to increase this to 95% by the end of 2016. Economic and delivery constraints limit the ability to improve this faster than currently planned.

Street clutter (such as excess signs, guard rails and bollards) can provide obstacles to disabled people, older people and pregnant persons.

Brent, along with other local authorities, TfL and the GLA, see increasing cycle use as a key measure in reducing congestion, improving lifestyles and reducing pollution. The London Travel Demand Survey, published annually by Transport for London, combined with anecdotal evidence from Brent and TfL transport planners demonstrate how cycling is a mode of transport which is dominated by white male residents of Brent, consistent with patterns seen London-wide. Anecdotally, this is believed to be due to safety concerns, lack of confidence and cultural differences in these groups. The LIP includes several cycling infrastructure projects, including development of signposted quieter routes away from major roads which aim at redressing this disparity as well as a broadened appeal for women, older people and BAME people to partake in cycling.

The London Travel Demand Survey also shows how women and the BAME population are more likely to use buses than the average London resident. This suggests that these groups, along with disabled people will benefit from all improvements to bus accessibility.

Statistical evidence shows that in Brent, young people are more likely to walk and the BAME population, and particularly African-Caribbean children, are more vulnerable road users. Highway, public realm improvements and road safety education will reduce risk for these groups.

All new infrastructure will be constructed and certified to the latest relevant standards which are fully compliant with equitable access for all protected groups. Consultation will be undertaken for each individual scheme which will address the particular impacts on people with all of the protected characteristics and include responses within the scheme to be delivered. As yet, there is no evidence to suggest any of the schemes within the LIP will have an adverse impact on any of the groups listed.

Projects included within the LIP are distributed across all wards of the borough and should benefit all residents, and particularly residents who have particular transport needs because of their equality characteristics.

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

A mixture of qualitative and quantitative data has been used to form a judgement.

- London Travel Demand Survey (2013), Transport for London
- Brent 2011 Census Profile (2013), London Borough of Brent
- Brent Ward Diversity Profiles 2011-2014 (2014), London Borough of Brent
- TfL Accessibility Implementation Plan (2012), Transport for London

Information which has been used in developing the LIP includes crash statistics and hotspot analysis, TfL's iBus system, contributions toward meeting the Mayor's

Transport Outcomes and Brent Borough Plan, and requests submitted by Councillors and local residents.

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

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

The LIP supports the Council's duty to eliminate discrimination by providing additional infrastructure and services to meet the needs of all communities (including all protected groups). Schemes will be assessed on a case-by-case basis as part of the consultation process once final designs have been developed.

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

A number of projects within the LIP are directed at improving transport (particularly public transport, walking and cycling) and supporting local shopping centres in the borough through improving the public realm. These projects provide improved ability for the Council and the local community to provide equal opportunity to all members of the community. Urban realm improvements in particular provide increased opportunity for mobility for disabled or elderly persons to access a greater variety of work or shopping options within their local community. The following table contains a list of projects and their respective impacts.

Scheme	Ward (s)	Impact		
		Positive	Negative	Neutral
<b>Harlesden Town Centre</b> (Major Scheme)	Harlesden, Kensal Green	<b>Age</b> - 29.1% of the Harlesden population is under 18. Improvements to walking and cycling infrastructure will improve access to services <b>Disability</b> – 15% of Harlesden residents and 14% of Kensal Green residents say their day to day activities are limited due to disability. Urban realm improvements and removal of street clutter will improve access for disabled people.		Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>Kingsbury Road</b> collision reduction and urban realm improvements	Fryent, Queensbury	<b>Age</b> – Queensbury and Fryent have significant populations aged over 65 (approximately 12%). Urban realm improvements and removal of street clutter will improve access and legibility		Gender re-assignment, Pregnancy and Maternity, Religion or belief, Sex and Sexual Orientation

		<p>for residents.</p> <p><b>Race</b> – As BAME children are particularly vulnerable for collisions, this group will see more benefits out of this scheme</p> <p><b>Disability</b> – While this area does not have a significantly high proportion of disabled people, Urban realm improvements and removal of street clutter will improve access for all members of the community.</p>		
<b>Wembley Central Transport Interchange</b>	Wembley Central	<p><b>Age</b> – As a major interchange for the borough, improvements will make it easier for all young and elderly people to use public transport.</p> <p><b>Disability</b> - As a major interchange for the borough, improvements will make it easier for all disabled people to use public transport, including the 15.2% of residents in Wembley Central who say their day to day activities are limited due to disability.</p>		Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>A5 Kilburn High Road Corridor Safety and Urban Realm Scheme</b>	Kilburn, Brondesbury Park	<p><b>Age</b> – Brondesbury Park has a significant population aged over 65 (approximately 12%). Urban realm improvements and removal of street clutter will improve access and legibility for elderly residents.</p> <p><b>Disability</b> – 29.6% of Brondesbury Park residents and 29.2% of Kilburn residents say their day to day activities are limited due to disability. Urban realm improvements and removal of street clutter will improve access for these people.</p>		Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>Brent Freight Strategy</b>	Borough-wide	Not yet known. This strategy will be subject to further equalities analysis as part of its consultation process		
<b>Brent Cycling Strategy</b>	Borough-wide	Not yet known. This strategy will be subject to further equalities analysis as part of its consultation process		
<b>B413 Carlton Vale Cycling improvements</b>	Kilburn, Queen's Park			Age, Disability, Gender re-

				assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>School Travel</b> (Walk and Cycle) supporting engineering measures around STP schools	Borough-wide	<b>Age</b> – Brent is a young borough, with almost 25% of the population aged under 18. This project will provide infrastructure to support school travel plans and improve safety for these children.		Disability, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>School Travel</b> (Walk and Cycle) supporting non-engineering measures around STP schools	Borough-wide	<b>Age</b> – Brent is a young borough, with almost 25% of the population aged under 18. This project will provide non-engineering measures (such as education and training) to support school travel plans and improve safety for these children.		Disability, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>Bus Stop Accessibility Programme</b>	Borough-wide	<b>Age, Disability, and Pregnancy and Maternity</b> – As part of a continuing commitment to remove accessibility barriers to public transport, this scheme will rebuild bus stops to meet current accessibility standards to the benefit of elderly and disabled people as well as current and expectant parents.		Gender re-assignment, Race, Religion or belief, Sex and Sexual Orientation
<b>Accessibility &amp; Disabled person's parking places</b>	Borough-wide	<b>Disability</b> – This scheme will provide new or improved disabled parking spaces where a need is identified across the borough.		Age, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>Education, Training &amp; Publicity (ETP) initiatives</b>	Borough-wide	<b>Age</b> – Brent is a young borough, with almost 25% of the population aged under 18. This project is specifically aimed at teaching road safety to school children and improve safety. <b>Race</b> – As BAME children are particularly vulnerable for collisions, further education in road safety will particularly benefit this group.		Disability, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<b>Travel awareness programme</b>	Borough-wide	<b>Age, Disability,</b>		

		<p><b>Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation</b> – This scheme, while not specifically targeted at any group, aims to improve knowledge and awareness of transport options. This can be of particular use to residents who feel constrained or at risk when travelling.</p>		
<p><b>Environmental health initiatives – Air Quality</b></p>	Borough-wide	<p><b>Disability</b> – Air quality is of particular concern to disabled residents of the borough who may suffer from long-term respiratory illnesses, such as asthma.</p>		Age, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<p><b>Urban Realm / Street Trees</b></p>	Borough-wide	<p><b>Age, Disability</b> – Urban realm improvements and removal of street clutter will improve access and legibility for all members of the community. This scheme is particularly targeted at areas with reports of constrained access.</p>		Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<p><b>Burnley Road Melrose Avenue Anson Rd 20mph Area</b></p>	Mapesbury, Dudden Hill	<p><b>Age</b> – Managing speeds on local streets will reduce the risk of collision with children playing in streets or with elderly people when crossing the road. <b>Disability</b> – disabled people may take longer to cross roads or have diminished reaction times. Managing speeds reduces the risk of collision with disabled people.</p>		Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation
<p><b>Review/amendments of existing and future 20mph zones</b></p>	Borough-wide	<p><b>Age</b> – Managing speeds on local streets will reduce the risk of collision with children playing in streets or with elderly people when crossing the road. <b>Disability</b> – disabled people may take longer to cross roads or have diminished reaction times. Managing speeds reduces the risk of collision with disabled people.</p>		Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation

Scheme group type	Location	Ward	Impact		
			Positive	Negative	Neutral
Collision reduction schemes	<b>Salisbury Road</b>	Queen's Park	<p><b>Age</b> – Brent is a young borough, with almost 25% of the population aged under 18. This project is specifically aimed at teaching road safety to school children and improve safety.</p> <p><b>Race</b> – As BAME children are particularly vulnerable for collisions, this group will see more benefits out of this scheme.</p>		Disability, Gender re-assignment, Pregnancy and Maternity, Religion or belief, Sex and Sexual Orientation
	<b>Brentfield Rd</b> Junction with Knatchbull Rd and extension to temple	Stonebridge			
	<b>High Rd Willesden</b> Gowan Rd to West of Hawthorne Rd	Willesden Green			
	<b>A5</b> North of Ashford Rd to S of Yew Grove	Mapesbury			
	<b>Kenton Rd</b> W of Nash Way to E of Upton Gdns	Kenton			
	<b>HTC Area Harlesden Rd</b> (Park Parade to Robson Ave)	Willesden Green, Kensal Green			
	<b>High St Harlesden</b> Park Parade to Furness Road	Kensal Green			
	<b>Ealing Road South</b> Bridgewater Rd to Alperton Lane	Alperton			
	<b>Blackbird Hill - Neasden Lane North</b> Collision reduction	Barnhill, Welsh Harp			
	<b>Craven Park Road</b> collision reduction	Harlesden, Kensal Green			
	<b>Willesden Lane</b> Coverdale Road to Aldershot Road collision reduction	Brondesbury Park			
	<b>Coles Green – Dollis Hill – Park View Rd</b> collision reduction	Dollis Hill, Dudden Hill			
	<b>Church Road</b> Craven Park to Neasden Lane	Dudden Hill, Harlesden			
	<b>Park Parade</b> (High St to Harlesden Road)	Harlesden, Kensal Green			
	<b>Hawthorne Road / Bertie Road / Pound Lane Area</b>	Willesden Green			
<b>Watford Road</b> collision reduction	Northwick Park				
<b>Forty Lane</b> collision reduction	Barnhill				
Cycling Infrastructure and services	<b>Bike It Project, Sustrans/Brent</b>	Borough-wide	<p><b>Age, Race, Sex</b> – This scheme provides discounted cycle training to residents, particularly those who are less confident on a bicycle, such as</p>		Disability, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief and Sexual Orientation
	<b>Adult &amp; child cycle training programme</b>	Borough-wide			



	<b>Stanmore-Thames cycle route</b>	Multiple	children, elderly people, women and minority populations to take up cycling as an alternative mode of transport.		
<b>Borough-wide Council projects</b>	<b>LIP Policy, programme &amp; monitoring</b>	Borough-wide			Age, Disability, Gender re-assignment, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation – This scheme does not directly affect any protected group, however these groups will be consulted as part of the scheme.
	<b>Workplace Travel Plans</b>	Borough-wide			
	<b>West Sub-region Travel Planners</b>	Borough-wide			
	<b>Installation of Electric Vehicle Charging Points (EVCPs)</b>	Borough-wide			
	<b>Car Clubs</b>	Borough-wide			
	<b>School Buses Escort Programme</b>	Borough-wide			
	<b>Signing &amp; lining reviews</b>	Borough-wide			
	<b>Intelligent Transport System Development</b>	Borough-wide			
	<b>Waiting &amp; loading reviews</b>	Borough-wide			

### (c) Foster good relations

All schemes listed in the LIP will be subject to further consultation prior to implementation, which will provide an opportunity for the community to come together and discuss a project and ensure that issues which may cause tension within the community may be resolved prior to implementation.

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

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

Engagement for this LIP spending submission was internal only within the Council, however, as part of the overarching Local Implementation Plan 2011 -14 (statutory transport plan), officers consulted widely on the types of schemes that would feature in future years spending submissions.

Consultation (public and statutory) is undertaken on schemes involving the implementation of new measures and associated parking restrictions (traffic calming, casualty reduction measures etc.). Community groups, including those representing disabled people, local Members and businesses are consulted as well as residents in the immediate area. Comments received are considered in deciding whether or not to implement schemes with or without amendments. Anything with a potential adverse impact on the community would be identified at the scheme development / pre-implementation stage.

## ii. What methods did you use?

For the overarching LIP consultation methods included:

- Articles in Brent Magazine. The LIP process and future spending submission process was explained and gave information in how to take part in the consultation.
- Presented at all Area forums
- Reported to Highways Committee for debate and discussion, which the public can attend.

For this years spending submission included:

- Workshop with Transportation officers
- Collation of requests from the public over the previous year

## iii. What did you find out?

From previous studies, we knew there are existing barriers to transport for all protected groups, and that Brent, along with the GLA, TfL and other local authorities, operate programmes aimed at resolving these barriers.

All colleagues supported the continuation of existing programmes aimed at improving accessibility for disabled persons and people who have additional transport needs or face barriers in accessing transport because of their equality characteristics.

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

Widespread support for existing accessibility programmes, along with their support within the prioritisation matrix approved at Executive has led to the planned continuation of these programmes within the current funding year (2015/16) and across the forward plan to 2017/18.

## v. How has it affected your policy?

No specific changes to this LIP submission were made as a result of these consultations, however it has been recognised that the existing prioritisation model does not prioritise the resolution of existing barriers to transport accessibility. Brent was unable to address this issue in preparing its 2015/16 LIP submission, however this will be addressed as part of a broader scale review of the entire LIP process in 2015, prior to submission of the 2016/17 LIP.

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

Please refer to stage 2, 3 & 4 of the guidance.

There are many existing barriers to transport accessibility for people with all equality characteristics, particularly disabled access, street clutter, road safety, access to cycling and travel awareness. Due to operational limitations, this LIP submission is not able to resolve all these barriers, however it will, along with all other projects delivered by Brent, TfL or the GLA, make a contribution to minimising their relative spread and severity over time.

The table below lists the improvements to be made by this LIP and unmet needs for each protected group.

Protected Characteristic	Comments
Age	<p>Schemes and initiatives will improve accessibility and safety for all users, including those that are more vulnerable such as older people with mobility difficulties and young children.</p> <p>There will be some remaining barriers to accessibility for older and younger people including locations where existing street clutter and road safety issues are not being addressed and Brent will continue to address these as operational factors permit.</p>
Disability	<p>All schemes included in the LIP will be constructed and certified in accordance with existing design standards which have been developed to meet the requirements of various disabilities and include measures to improve accessibility. Consultation will be undertaken for each project to ensure this on a case-by-case basis. Remaining barriers include street clutter, inaccessible bus stops, air quality and travel awareness. Brent will continue to address these as operational factors permit.</p>
Gender re-assignment	<p>Travel Awareness schemes will be advantageous for this protected group. Consultation will be undertaken for each project to ensure this on a case-by-case basis.</p> <p>Travel Awareness and security will continue to be a barrier to transport, however Brent will continue to address this as operational factors permit.</p>
Pregnancy and maternity	<p>Accessibility improvements and Travel Awareness schemes will be advantageous for this equality strand. Consultation will be undertaken for each project to ensure this on a case-by-case basis.</p> <p>Remaining barriers include street clutter, inaccessible bus stops, air quality and travel awareness. Brent will continue to address these as operational factors permit.</p>
Race	<p>All racial groups will benefit from road safety, travel awareness and education programs, however BAME people will particularly benefit as statistical evidence suggests that BAME and particularly African-Caribbean children are more vulnerable road users. Cycling schemes also aim to encourage more people of all ethnic backgrounds to take up cycling as an alternative mode of transport. Consultation will be undertaken for each project to ensure this on a case-by-case basis.</p> <p>Remaining barriers include road safety, bus accessibility, and travel awareness and security. Brent will continue to address these as</p>

	operational factors permit.
Religion or belief	<p>Travel Awareness schemes will be advantageous for this protected group. Consultation will be undertaken for each project to ensure this on a case-by-case basis.</p> <p>Travel Awareness and security will continue to be a barrier to transport, however Brent will continue to address this as operational factors permit.</p>
Sex	<p>While all sexes will benefit from most schemes within the LIP, Cycling and Travel Awareness schemes will particularly benefit women where its clear inequality exists in cycling use (due to safety and confidence concerns) and perception of safety when travelling. Consultation will be undertaken for each project to ensure this on a case-by-case basis.</p> <p>This LIP will not resolve all these issues and they will continue to be a barrier to transport, however Brent will continue to address this as operational factors permit.</p>
Sexual orientation	<p>Travel Awareness schemes will be advantageous for this protected group. Consultation will be undertaken for each project to ensure this on a case-by-case basis.</p> <p>Travel Awareness and security will continue to be a barrier to transport for LGBT people, however Brent will continue to address this as operational factors permit..</p>

**Please give details of the evidence you have used:**  
 The aims of the annual spending submission are consistent with the Council's Comprehensive Equality Policy:  
 Evidence of these existing impacts on protected groups is based on the following sources:

- Reports and complaints regarding accessibility provided by members of the community or councillors;
- Crash statistics, which provide information on casualty numbers, casualty type (vehicle driver, passenger, cyclist, pedestrian, etc.);
- Existing reports published by Transport for London, including the Accessibility Implementation Plan 2012;
- London Travel Demand Survey; and
- Anecdotal evidence provided by the Brent Transportation Service

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	✓	✓	
Disability	✓	✓	
Gender re-assignment	✓	✓	
Marriage and civil partnership			✓

<b>Pregnancy and maternity</b>	✓	✓	
<b>Race</b>	✓	✓	
<b>Religion or belief</b>	✓	✓	
<b>Sex</b>	✓	✓	
<b>Sexual orientation</b>	✓	✓	

### 8. The Findings of your Analysis

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

#### No major change

*Your analysis demonstrates that:*

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

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

The equality analysis has found that the Brent LIP is lawful. It will have many positive benefits for all Brent residents, will improve accessibility for vulnerable groups including disabled people and addresses a number of barriers to transport that people currently face because of their equality characteristics. Although the LIP reduces many of these barriers, we recognise that there will be some remaining transport inequalities and we will continue to take action to address remaining barriers to accessibility. Each LIP scheme will be subject to consultation and further equalities assessment before implementation.

### 9. Monitoring and review

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

Brent makes revised LIP spending submissions to TfL each year which may continue existing projects and programmes or propose new projects and programmes in place of existing projects. The prioritisation matrix will undergo substantial review in 2015 in include greater emphasis on eliminating barriers to accessibility. This change will require a review of this Equalities Assessment prior to submission of the 2016/17 LIP. Otherwise, where no major changes are proposed to the LIP funding schedules or prioritisation matrix, it's proposed that this EA should remain current for three years. Alternatively, a new EA should be conducted so as to ensure that revised funding priorities do not directly or indirectly create inequality for any protected group. Furthermore, the Council proposes that in the event that the existing EA is called into question, that a new EA is prepared for the following LIP submission, regardless of the age of the existing EA.


## 10. Action plan and outcomes

Formal consultation will be undertaken as part of each scheme to ensure all protected groups see maximum possible improvements in equality. All scheme designs will consider the requirements of various protected groups and include measures to improve accessibility in accordance with current design standards.

Consultation will be undertaken once final designs are developed, and prior to implementation, however this may or may not occur within the lifespan of this LIP submission.

Strategy development schemes included within the LIP (Brent Cycling Strategy and Brent Freight Strategy) will be subject to further Equalities Assessment as part of their consultation process.

The Transportation team will continue to investigate ways in which travel awareness, safety and education programs can be better targeted toward eliminating inequality such as through targeting of schools with high proportions of BAME students.

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 15 September 2014</p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p style="text-align: right;">Wards affected: Alperton, Harlesden, Kensal Green, Stonebridge, Tokyngton</p>	
<p style="text-align: center;"><b>Consultation on the proposed Mayoral Development Corporation for Old Oak and Park Royal</b></p>	

## 1.0 Summary

- 1.1 The Government has announced proposals for a new High Speed 2 and Crossrail interchange at Old Oak by 2026. Based around the opportunities presented by the new interchange and national and sub regional transport connections, the London Boroughs of Brent, Hammersmith & Fulham, and Ealing, as well as the Greater London Authority (GLA) and Transport for London (TfL), have produced a vision for regenerating the Old Oak area. The Mayor of London is now consulting on proposals to establish a Mayoral Development Corporation (MDC) for Old Oak and Park Royal to take the lead on the planning and regeneration of this area. This report summarises the implications of the proposed MDC for Brent and proposes the areas which should be covered in a formal response to the current consultation.

## 2.0 Recommendations

- 2.1 The Cabinet agree the Council response to the consultation will cover the issues set out in paragraphs 3.25 to 3.29.
- 2.2 The Cabinet delegate authority to the Strategic Director of Regeneration & Growth in consultation with the Leader of the Council to finalise the exact wording of the final response.

## 3.0 Detail

- 3.1 The Government announced proposals for a new High Speed 2 and Crossrail interchange at Old Oak by 2026. Based around the new HS2 and Crossrail interchange at Old Oak, the London Boroughs of Brent, Hammersmith & Fulham and Ealing, plus the GLA and TfL, have been considering the potential for regenerating the area and sought views on a 30-year Vision for Old Oak. It is envisaged the area could be transformed with up to 90,000 new jobs and up to 19,000 new homes, schools, open spaces, shops and leisure

facilities. The vision underwent consultation in summer 2013. The capacity figures have been revised in the Further Alterations to the London Plan (FALP) (2014) to 24,000 new homes and 55,000 new jobs.

- 3.2** The Mayor of London is now proposing to establish an MDC for Old Oak and Park Royal to support delivery on this scale and take the lead on the planning and regeneration of this area. The MDC would take on various statutory powers relating to infrastructure, regeneration, land acquisitions including Compulsory Purchase Orders, streets, businesses and financial assistance, preparing Local Plans (including Community Infrastructure Levy) and determining certain planning applications. The consultation closes on the 24<sup>th</sup> of September 2014. Further detail on the Mayor's proposal and an analysis of the implications for Brent are set out below.
- 3.3** The MDC would not be responsible for the delivery of the proposed Old Oak Common stations for High Speed 2 or Crossrail, both of which have their own delivery arrangements.

### **Geographical Extent of the MDC**

- 3.4** It is proposed that the MDC boundary encompasses the area known as Old Oak Common and the significant majority of the Park Royal Industrial estates. This includes land within the London Boroughs of Brent, Ealing and Hammersmith & Fulham. It is broadly bounded to the north by the North London and Bakerloo line, St Mary's Cemetery to the east, and includes Wormwood Scrubs to the south and parts of Alperton in the west. A map of the proposed MDC boundary is included in Appendix A.
- 3.5** As proposed the boundary encompasses the Northfields industrial estate, which is adjacent to the Alperton growth area. Previously the Council has proposed to release part of the Northfields estate from its current Strategic Industrial Land designation in order to support the delivery of mixed use housing and employment development. This in turn would support the delivery of the Alperton growth area, the Alperton Masterplan and the proposed Housing Zone bid for Alperton. Historically the GLA have resisted the change in designation of the area and consequently the site remains largely vacant. Consideration should be given to making representations to alter the MDC boundary to exclude the Northfields estate and to release part of the site from the Strategic Industrial Land designation.
- 3.6** To the north-east the proposed MDC boundary borders, but excludes, the Ex Unisys buildings and Station House (Wembley Point). Both are site specific allocations in Brent's Local Plan which have not yet come forward due in large part to significant site constraints which make the sites challenging to deliver. Station House is a 1.2 ha site with an indicative development capacity of 104 residential units and office uses. The former Unisys centre combined with the Bridge Park Centre has an area of 2.85 ha and an indicative capacity of 245 residential units and employment uses. Consideration should be given as to whether there is merit in including these sites within the MDC boundary to help unlock their development potential.

### **Powers of the MDC**



- 3.7** It is proposed that the MDC takes on plan making responsibilities across the entirety of the Old Oak and Park Royal MDC area. In respect of planning application determination functions, a differential approach is proposed. Within the 'core' Old Oak area (shaded in pink on the map at Appendix 1) full planning application powers are proposed in order to support the delivery of the major regeneration ambitions. A majority of the core area is within Hammersmith & Fulham with just a small amount in Brent in the immediate vicinity of Willesden Junction station. Across the wider Park Royal area more limited planning application determination powers are proposed, largely restricted to determining applications of a particularly large size or scale or those relating to business relocations from the core Old Oak area.
- 3.8** In respect of plan making functions it is proposed the MDC prepares the following plans across the whole of the Old Oak and Park Royal area:
- Local Plan Documents (including waste planning), supplementary planning guidance; and
  - Community Infrastructure Levy
- 3.9** In respect of the Local Plan making documents, the critical questions that need to be considered will relate to the designation of the Northfields Site (see above) and the ongoing proposals for residential development on part of the First Central site. It is advised that the Council seeks reassurances on these designations through the consultation process.
- 3.10** In respect of waste, the West London Waste Plan (WLWP) identifies how West London Boroughs will meet their waste apportionment targets set in the London Plan. This was submitted for examination on 30 July 2014. The WLWP identifies waste sites which are to be protected within the Old Oak and Park Royal area. An additional waste plan specifically for Old Oak and Park Royal could jeopardise the delivery of the WLWP and confuse the decision making process. Given the strategic importance of meeting the waste apportionment target and the need for boroughs to work jointly, producing a further separate waste plan which may not be consistent with the WLWP would be contrary to the duty to cooperate and it is advised that this is resisted.
- 3.11** It is proposed the MDC will bring into effect its own Community Infrastructure Levy (CIL), with transitional provisions until that levy is introduced whereby boroughs do not collect their own levy, but instead use Planning Obligations to mitigate the impact of each development. Brent is the only one of the three Boroughs to have formally adopted its CIL charging schedule – although we currently make a zero charge for the employment generating use classes that predominate in Park Royal, on the basis of trying to incentivise investment. The issue for Brent is therefore about ensuring that any new charging schedule continues to promote employment generating development. Clarification will therefore be needed about the interim arrangements given we already have a CIL charging schedule.
- 3.12** In respect of planning applications, the Council would lose planning application decision making powers for Willesden Junction station and a small area immediately surrounding it. Given the importance of Willesden Junction to Brent residents and its function as the primary gateway to Old Oak prior to

the opening of the new HS2 and Crossrail station (at least 10 years away) it is recommended that the Council seek for a commitment from the GLA to support and bring forward substantial and early investment in the station.

- 3.13** Within the wider Park Royal area it is proposed that the MDC's Planning Committee would determine applications relating to:-
- The construction, erection and extension of buildings, land or structures of more than 25,000 sqm in use class A1 to A5, B1 to B8, D1, D2 and sui generis;
  - More than 100 units in use class C1 to C3;
  - Waste facilities with a waste capacity throughput of more than 50,000 tonnes;
  - New and altered vehicle, rail, pedestrian and cycle infrastructure including but not limited to applications for new roads, tunnels and bridges;
  - Development that includes provision of more than 200 additional car parking spaces in connection with that use;
  - The relocation of existing uses from one location to another within the Mayoral Development Area; and
  - Any other planning applications deemed appropriate by the MDC.
- 3.14** The inclusion of the caveat that the MDC could determine any applications deemed appropriate creates uncertainty in the process for both developers and the planning service. This defeats the purpose of having a threshold and is considered unacceptable.
- 3.15** Although the MDC reserves the right to undertake enforcement, these powers would be delegated back to Brent. It is not currently proposed that the MDC is given powers to introduce business rate relief.

### **Representation on the MDC Board**

- 3.16** The MDC Board is proposed to comprise of at least one elected member from each of the authorities. The Mayor of London will appoint the chair, and reserves the right to appoint other members of the Board as he considers necessary. In addition it is proposed that the Board include a representative from the GLA, TfL, a central Government transport body (i.e. DfT/HS2), an un-conflicted representative from the educational community and the development and regeneration community. As proposed there is no representation from the local residential or business community. From the consultation document there is no formal mechanism proposed to engage with either the community or local businesses.
- 3.17** It is recommended that the Council's response highlights the fact that many of the residents and communities most impacted from the proposed regeneration scheme live to the north of Old Oak (in Brent) and that the Council's support for an MDC would be absolutely dependent on robust and meaningful mechanisms for community and business engagement and consultation. This could include establishing community and business forums which meet regularly and frequently as the regeneration proposals are shaped and

developed, perhaps with representation on the MDC Board. In respect of the Council's representation on the MDC Board it is recommended that this is through the Leader of the Council.

### **Planning Committee**

- 3.18** The consultation document sets out three options for the MDC Planning Committee. In the case of all options the chair of the MDC Board would also chair the MDC Planning Committee.
- 3.19** Option 1 - A single planning committee determining planning applications for the entire Old Oak and Park Royal area. The committee would include six additional members including one councillor from each of the three London Borough councils.
- 3.20** Option 2 - A single committee including eight additional members with a minimum of one councillor from each borough. For applications determined within Brent an additional Brent representative would sit on the committee.
- 3.21** Option 3 - Three planning sub-committees for each London Borough. Each sub-committee would include eight members. Brent would have two representatives on the Brent sub-committee and one representative on the Hammersmith & Fulham and Ealing sub-committee.
- 3.22** Option 1 presents the greatest incentive for joint working and also maximises Brent's decision making influence on all of the major development proposals that will come forward within the core Old Oak Area. Under Option 2 Brent would have reduced decision making powers (and influence) for applications within Ealing and Hammersmith & Fulham, although the wider impacts of such developments would impact on Brent's communities and place greater pressure on Brent's infrastructure, particularly local transport networks, schools and health services. Option 3 would reduce joint working and, as in this case with option 2, limit Brent's influence in determining applications outside of the borough. Of the three proposals Option 1 is the recommended option for Brent.
- 3.23** In the case of all three options representatives from the London Boroughs would be in the minority, meaning the chair will ultimately have the casting vote. Reference is made to additional members of the committee who would not be elected members. No clarification is given on how these additional members would be selected, or what background they would be from. As proposed, it could be argued that the MDC Planning Committee would in effect take decision making away from locally elected representatives who are directly accountable to local people. This seems to go against the principles of the Localism Act (2011), which was introduced to devolve more decision making powers from central government back into the hands of individuals, communities and councils. As the Localism Act (2011) is the legislative basis for the establishment of the MDC, it should adhere to the principles of the Act and ensure its planning committee is a truly locally representative body. This will require an increase in the proportion of locally elected members on the committee.
- 3.24** It is not clear if the planning committee would also approve the Local Plan and CIL. It is also not specified at an officer level what mechanisms will be in place

for authorities to feed into decision-making, particularly the production and adoption of the Local Plan. There is no clarification on how local people will be engaged in the process.

## **Conclusion**

- 3.25** To support delivery on the scale required there is no doubt a delivery body with a strong regeneration focus is required. Without such a body there is a real risk that the opportunity HS2 and the Old Oak interchange presents for Brent will be missed. Arguably an MDC gives Brent greater influence over the proposals that will come forward at Old Oak as the Council will have representation on the decision making bodies. However, there are considerable concerns in respect of the current proposals which the need to be mitigated or addressed. Officers therefore recommend through the consultation process the following changes are sought. These recommendations have been informed by consultation with Members.
- 3.26** *Boundary* – the MDC boundary to be amended to exclude the Northfields Industrial Estate, so as not to support the delivery of the Alperton Masterplan and the Council’s housing zone proposals for Alperton. Consideration should also be given to the benefits of extending the boundary to encompass the Ex Unisys building and Station House (Wembley Point) buildings in order to support the comprehensive regeneration of these sites.
- 3.27** *Local Representation* – There must be clear mechanisms for greater local engagement, influence, scrutiny and accountability of the MDC. The Leader of Brent Council must sit on the MDC Board. In addition the Board should include a representative from both the local residential and business communities. Given the extent of the boundary covering the Park Royal Business Park, we would recommend that Brent Park Royal business representative sits on the main Board. The planning committee should include a greater proportion of representation from locally elected members. In addition, greater clarity is required on how local communities will be actively engaged throughout the lifetime of the MDC. There is a need for this engagement process to be formalised and approved by all council’s in advance of the introduction of the MDC.
- 3.28** *Planning Powers* – three specific areas need addressing:
- The proposed transitional CIL provisions whereby boroughs would not collect their own CIL levy until the MDC CIL is introduced is not acceptable – this would have a disproportionate impact on Brent as we are the only Borough to have an adopted CIL regime. It is recommended that the Council also expresses concern about the possible negative impacts on investment on any new CIL regime.
  - Should the MDC produce a separate waste plan it must be in conformity with the West London Waste Plan;
  - The caveat that the MDC Planning Committee can determine any applications they deem appropriate creates uncertainty and should be removed.

**3.29** *Local Benefit* – significant assurances need to be provided that the MDC will be fully committed to delivering significant outcomes and benefits for local residents and businesses, in addition to mitigating any potential negative impacts of new development. This should include, but not be limited to:

- *Housing* – ensuring that new housing delivered in Old Oak contributes significantly to meeting local as well as regional housing needs, providing a range of genuinely affordable products and tenures with nominations agreements secured across all three Boroughs.
- *Park Royal* – deliver significant improvements for established Park Royal businesses, including improved power supply capacity, high speed broadband, improved accessibility and creating safe routes to work. In addition commit to providing affordable and start up workspace as part of the regeneration proposals.
- *Transport* – Early and significant investment to improve Willesden Junction station in recognition of its medium term function as the primary gateway to Old Oak and a commitment that there will be no reduction in commuter services stopping at the station on either the Bakerloo or overground lines. In addition, a recognition that the scale of new development proposed at Old Oak will place significant pressure on Brent’s established transport infrastructure. A strong commitment will be required to promote sustainable transport modes, including additional bus services to both Willesden Junction and Old Oak. Recognition is also needed of the considerable investment required to address the increase in pressure on the wider road network extending far beyond the MDC boundary, both during construction and after delivery of new development.
- *HS2* – Whilst supportive of HS2, the Council has petitioned the HS2 Bill on an issue of specific concern in respect of a proposed vent shaft that adversely impacts on the South Kilburn regeneration scheme. It would be beneficial if the GLA and the MDC can support the Council’s position in respect of its petition.
- *Crossrail* – it has recently been announced that the proposed north western extension of Crossrail is not proposed to stop at Wembley Central. This is of considerable concern as it will fail to link the two largest opportunity areas in North West London. There are over 5000 consented homes in Wembley and the Council would want the Mayors full commitment to ensuring that crossrail stops at Wembley Central, thus providing an opportunity to accelerate the delivery of these homes and connect residents to the employment opportunities in Old Oak and Park Royal.
- *Social Infrastructure* – ensure sufficient provision of new schools, health facilities, community infrastructure, sports facilities and open spaces to fully mitigate the impact of the population growth associated with the new developments at Old Oak.
- *Town centres* – ensure any potential negative impacts on Brent’s town centres from retail development at Old Oak are mitigated through

investment and enhancements to Brent's town centres, particularly those close to Old Oak in Harlesden, Willesden, Kensal Green and Wembley.

- *Stalled sites* – A commitment to a proactive approach to addressing stalled sites across the wider Park Royal area, in particular the Twyford site and potentially the Ex Unisys buildings and Station House (Wembley Point).
- *Future liabilities* - There should be no ongoing or legacy financial liabilities to the Council without agreement through the process.

#### **4.0 Financial Implications**

**4.1** There are no direct financial implications resulting from this report or from the proposed recommendations.

**4.2** It is proposed the MDC will bring into effect its own CIL charging regime, with transitional provisions in place until that levy is introduced. This could, as a result, have a minor impact on the Council's CIL related income but as Brent has a zero charge for Use Class B1b&c, B2 and B8, the predominant uses within Park Royal, it is likely financial implications will be relatively limited. Similar limited financial implications could relate to Section 106 resources.

**4.3** A potentially significant financial implication relates to the possible transfer of legacy liabilities to the Council when the MDC ceases to exist, but these cannot be quantified at this very early stage and will need to be mitigated in future years when both the likelihood and the impact is more certain.

#### **5.0 Legal Implications**

**5.1** Chapter 2 of Part 7 of the Government's Localism Act (2011) provides the legislative basis for the Mayor of London to designate a Mayoral Development Area and to take certain decisions in relation to that area. Before designating a Mayoral Development Area, the Localism Act (2011) requires the Mayor to consult on his proposal. If the Mayor does not accept comments from the London Assembly and those London Borough Councils that are affected by the proposal he is required by the Act to publish a statement giving his reasons. If the Mayor decides to proceed with his proposal he must submit his final proposal to the London Assembly which then has 21 days within which to decide if it is to reject the proposal, and can only do so with a two thirds majority. Subject to this, the Mayor then formally notifies the Secretary of State that he has designated a Mayoral Development Area. The Secretary of State then brings forward an Order giving effect to the proposals.

#### **6.0 Diversity Implications**

**6.1** The proposal to establish the MDC has been subject to an assessment on equality and inclusion. The Mayor has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between different minority groups, under the Greater London Authority Act 1999. The assessment states the Mayor will take these duties into account when making any decisions relating to the MDC, and would expect to work with the MDC to involve women, BAME and disabled groups in its work.

## **7.0 Staffing Implications**

- 7.1** The GLA has advertised six transitional posts in the MDC, and are inviting secondments from London Boroughs of Brent, Ealing and Hammersmith and Fulham.

### **Background Papers**

Old Oak MDC consultation report, June 2014

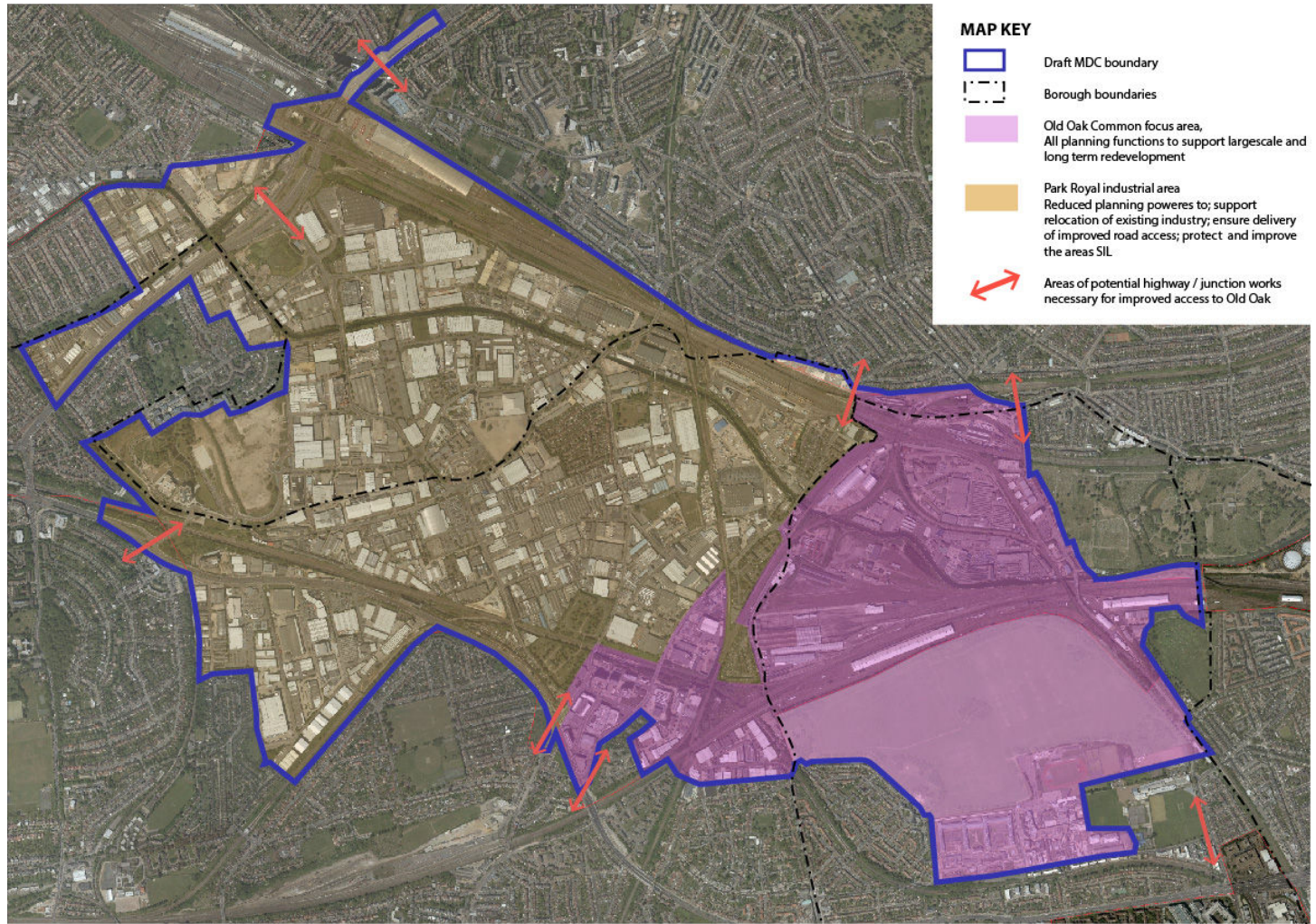
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# Appendix A: MDC Boundary







**Cabinet**  
15 September 2014

**Report from the Strategic Director  
for Regeneration and Growth**

Wards affected:  
Alperton, Wembley Central,  
Tokyngton, Barnhill and Preston

**Housing Zone Bids for Alperton and Wembley**

## 1. Summary

- 1.1. London boroughs have been invited by the Greater London Authority (GLA) to bid for a £400 million programme, jointly funded by the Mayor and national government, to create 20 Housing Zones across London, delivering 50,000 new homes and over 100,000 associated jobs over the next ten years.
- 1.2. These Housing Zones will provide a package of financial and planning interventions and support stronger partnerships with land owners, investors and contractors in order to accelerate housing delivery in the chosen areas.
- 1.3. It is proposed submit bids to the GLA to establish separate Housing Zones in two of the borough's identified growth areas, in Alperton and in Wembley.
- 1.4. Housing Zone status for Alperton and Wembley would not only accelerate the delivery of new homes but also increase the number of homes and the yield of affordable housing on development sites in the growth area and support the achievement of the objective in the Housing Strategy to increase housing supply and to maximise the provision of affordable homes.
- 1.5.

## **2. Recommendations**

- 2.1. That Cabinet endorses the proposal to submit a bid to the GLA for Alperton to become a Housing Zone.
- 2.2. That Cabinet endorses the proposal to submit a separate bid to the GLA for Wembley to become a Housing Zone.
- 2.3. That Cabinet delegate authority to the Strategic Director of Regeneration and Growth to approve the final Housing Zone bids due for submission on 30 September 2014.
- 2.4. That, if either or both bids are successful, Cabinet agree for a further report to be brought to Cabinet on the required funding agreements between the Council and the GLA, and any associated matters, requiring approval.

## **3. Detail**

### **3.1. Housing Zones**

- 3.1.1. The GLA has published a prospectus inviting London boroughs to bid for Housing Zone designations, with plans for twenty zones to deliver 50,000 new homes over 10 years, with the support of £400m of investment, at least half of which is expected to be recoverable. Each zone must have capacity for a minimum of 1,000 new homes over the longer-term. The GLA are keen to secure early housing delivery over the 2015-18 period and bids able to achieve substantial build within this timeframe are likely to be prioritised.
- 3.1.2. The GLA propose to designate 20 housing zones across London, with an average investment of £20m per zone. Half of this funding may be directed through the relevant council and may be made on a recoverable basis through overage or profit-share arrangements but also potentially as grant. The remaining half is to be directed through a private sector partner, including potentially Registered Providers, and this must be on a recoverable basis.
- 3.1.3. Housing Zones will work flexibly and operate in different ways according to local circumstances so that the approach fits the specific needs of an area. A Housing Zone designation could be used to unblock or kick-start development where it is stalled; it could be used to speed up delivery of homes that are already planned; or it could be used to bring forward new supply that would not otherwise have occurred. In any one Housing Zone any or all of these approaches could be applied.

- 3.1.4. Housing Zones will require partnerships between boroughs, the GLA, land owners, investors and contractors to be geared towards meeting a range of housing needs and to accelerate housing delivery. Planning and financial interventions are viewed as the main tools to accelerate supply.
- 3.1.5. The Mayor's Housing Strategy states that Housing Zones should typically be in Opportunity Areas, and mainly in places of relatively low land values, sometimes with an historic industrial use, which are usually characterised by some form of market failure that requires substantial intervention.
- 3.1.6. Development in the designated areas will need to be already underway or ready to start and be able to be rapidly increased or accelerated. Proposals may include the delivery of required infrastructure in order to enable increased housing delivery.
- 3.1.7. The Council's Regeneration Strategy (2010-30) identifies five growth areas with the potential to accommodate large-scale housing development and business and employment growth, these being Wembley, Alperton, Colindale/Burnt Oak, Church End and South Kilburn.
- 3.1.8. Of these areas Wembley and Alperton are considered the most suitable candidates for Housing Zone status, and both meet the GLA's criteria. Wembley is an identified Opportunity Area within the London Plan. Of the five growth areas it has the largest capacity for new housing development with issued planning consent. At Alperton significant development is underway and there is potential to increase both housing capacity and delivery, including in the short-term
- 3.1.9. At South Kilburn development is advancing well, led by the council. A phased approach is, however, required in order to provide for the existing tenants to be rehoused in new affordable homes and there is limited scope for acceleration as required for a Housing Zone bid.
- 3.1.10. Burnt Oak/ Colindale growth area contains a number of larger sites which have long term commercial tenants with viable businesses. The case for intervention is therefore considered to be weaker than in both Alperton and Wembley and design of a package of practical measures that could actually accelerate housing delivery questionable. Church End growth area is too small, with insufficient housing capacity to meet the minimum criterion of 1,000 homes, and therefore is not eligible for Housing Zone status.
- 3.1.11. The priorities set out in the Council's recently adopted Housing Strategy for 2014-19 align closely with the GLA's ambition for the Housing Zones. The Housing Strategy sets the strategic objective to maximise the development of new housing across all tenures and, by

2019, to facilitate the development of 5,000 new affordable rented and low-cost home ownership homes. In addition, the strategy targets provision of 1,000 new private rented homes, of which at least 30% should be affordable to those on lower incomes. The strategy anticipates that a large proportion of new housing supply will come forward in the identified growth areas.

3.1.12. The designation of Housing Zones in the growth areas of Alperton and Wembley could make a major contribution to the achievement of these objectives. Housing supply could be significantly increased in these areas with the potential for a higher proportion of affordable housing and tenure diversification through intermediate and private rented housing to accelerate housing supply and to meet a wider range of housing needs. The specific interventions in each area will be designed to maximise their contribution to the objectives of the Housing Strategy and to the wider priorities of the Council.

### 3.2. Potential Interventions

3.2.1. A package of interventions are being devised for each of the Housing Zones. The GLA prospectus outlines a range of potential interventions which include the following.

3.2.2. GLA and potentially council investment in land acquisition or equity investment under a Joint Venture arrangement, to diversify the housing tenure mix and deliver greater amounts of affordable housing or private rented sector housing on one or more development sites in a zone.

3.2.3. Such tenure diversification could allow development sites to come forward in parallel which might otherwise only come forward sequentially as activity would not be limited by the capacity of the local market to absorb private sales housing before reaching saturation point. Deferred equity release through the sale of intermediate and private rented residential units after up to 15 years could help maintain financial viability and take advantage of capital growth.

3.2.4. The GLA may invest to support pre-sales purchase guarantees, underwriting sales risk and de-risking development. The GLA may also provide finance to forward fund development costs, with a particular focus on abnormal costs, such as the remediation of contaminated land and the costs associated with business re-location.

3.2.5. GLA and/or LBB Compulsory Purchase Order powers may be used to assist landowners and developers with site assembly.

3.2.6. The Council may commit to invest Community Infrastructure Levy generated from new development into infrastructure in the area to

raise the quality of the environment in the growth area making a more attractive investment opportunity.

3.2.7. The Council will propose to enter into Planning Performance Agreements on all schemes that come forward in the proposed Housing Zones, and commit additional resources to accelerate the planning process.

3.2.8. Through its Housing Strategy the Council is committed to directly bring forward 700 new affordable homes by 2019. In support of this objective the Council could invest alongside the GLA in the development of additional affordable and intermediate homes. This could be through the use of HRA funding, the investment of replacement RTB receipts and s106 monies earmarked for affordable housing.

3.2.9. The commitment of council financial resources will be subject to approval by Cabinet of funding and associated agreements if one or both of the Council's Housing Zone bids are successful.

### 3.3. Preparation of the Bids

3.3.1. As part of the bid submission boroughs will be required to demonstrate the impact of proposed Housing Zones, both in terms of accelerating delivery and any additional housing that would be delivered.

3.3.2. Consultation with landowners in the respective growth areas will be used to gauge their appetite for development, intentions on timing and phasing, expectations on development and viability, and more generally their support or otherwise for a Housing Zone.

3.3.3. The estimated impact of the proposed zone wide and site specific interventions upon site capacities and development trajectories will need to be assessed in consultation with the Local Planning Authority (LPA).

3.3.4. The package of potential interventions for each proposed zone will be subject to financial appraisal and testing, prior to finalisation and bid submission. The council has appointed consultants to carry out development appraisals to support both bids.

3.3.5. The LPA would continue to negotiate development on all development sites within the Housing Zone through the planning process in order to secure maximum public benefit such as affordable housing, community facilities and public realm interventions.

### 3.4. Alperton Growth Area

- 3.4.1. Brent's Local Development Framework (LDF) adopted in 2010 identifies Alperton as a Growth Area for residential led mixed-use regeneration. The Alperton growth area is a strip of brownfield land along the Grand Union Canal, encompassing some of the poorest quality industrial land in the borough. There is the capacity to deliver significant housing through residential-led mixed-use redevelopment of the industrial land.
  - 3.4.2. 12.25 hectares of land is promoted within the LDF for at least 1,600 new homes to 2026, supported by infrastructure identified within the council's Infrastructure Investment Framework.
  - 3.4.3. The Alperton Masterplan Supplementary Planning Document (SPD) (adopted 2011) sets out a vision to transform Alperton into an attractive place to live, work, study and visit. It describes three distinctive new character areas linked by a high quality and lively stretch of canal; high density flatted development with commercial uses in Alperton's Core, a Waterside Residential Neighbourhood with family homes along the Canal and a new working suburbia in the Industrial Transition Zone.
  - 3.4.4. The SPD is intended to set out to developers the scale of change which the council would like to see in Alperton and the infrastructure required to support this. This document was developed over two years in consultation with many stakeholders and intends to ensure that Alperton is transformed in a way that benefits existing as well as new communities, which is environmentally and socially sustainable as well as being economically viable.
- 3.5. Housing delivery in Alperton
- 3.5.1. Network Housing Group's acquisition and development of the 1.5 hectare former B&Q site at 243 Ealing Road for 440 residential flats has provided a recent boost to housing supply in the area. Over the last six months there has been renewed interest in some of the adjoining sites in this character area. Two sites in the local centre are currently under consideration by the Local Planning Authority with pre-application consultation underway on a further two sites.
  - 3.5.2. Overall however the pace of delivery has been relatively slow and remains concentrated on the more deliverable land parcels in single ownership in Alperton's Core. The Waterside Residential Neighbourhood is more challenging to deliver and efforts to bring forward development in the central Alperton area remain frustrated by a number of factors including:
    - Acutely fragmented land ownership meaning costly site assembly
    - Existing businesses facing difficulties in finding suitable premises to which they can relocate

- High likelihood of land contamination and the need for remediation, with attendant costs.
  - The council does not have any significant landholdings in the area and so cannot physically deliver the change on its own.
  - Low Public Transport Accessibility Levels (PTALs) which place a planning check on densities and drive higher parking requirements for new development.
- 3.5.3. The council's aspiration is to release a proportion of the Strategic Industrial Location in Northfields for inclusion in the Housing Zone. This would enable a mixed-use scheme, which supports the delivery of housing and modern employment space. Northfields is considered to be crucial to ensure the regeneration at Alperton does not result in the closure of businesses to the detriment of Brent's economy.
- 3.5.4. The council has been in positive dialogue with key landowners of the Northfields Industrial estate, with a view to bringing forward a viable scheme which meets the council's aspirations for the area. However, this will be subject to releasing a proportion of SIL to allow mixed-use development as set out in the Development Management Policies currently under review.
- 3.5.5. The Mayoral Development Corporation (MDC) boundary as proposed encompasses Northfields industrial estate. This creates uncertainty for the regeneration of Northfields and the delivery of the SPD. The council has stated in its draft response to the Old Oak Common MDC Consultation that the MDC boundary must be amended to exclude Northfield Industrial estate.
- 3.5.6. The interventions proposed in the Housing Zone bid will be mainly focused on the central character area and Northfields in order to unlock development across the growth area.
- 3.5.7. The council recognises that in order for the transformation of Alperton to be a success new developments must have regard for the needs of the new and existing communities and the need for infrastructure, both social and physical, to be delivered alongside the new homes. The council has made good progress in working with partners to deliver infrastructure improvements which are required to support the existing and new communities including securing funding to rebuild Alperton Community School, the delivery of improvement projects along the Canal and the identification of spaces within the growth area suitable for medical or health services, nursery, crèche or day centre.
- 3.5.8. The council is currently preparing an Investment Plan for Alperton which will set out a delivery strategy for all of the infrastructure improvements required in Alperton to support the population growth. A project list has been prepared for Alperton and the council will shortly engage with the different communities about how to prioritise

the list, and on the developing proposals for a Housing Zone for the area and will build on previous engagement with over 50 businesses in the area.

### 3.6. Wembley Growth Area

- 3.6.1. Wembley is the largest growth area in Brent covering approximately 70 hectares, and is one of the largest regeneration programmes in the UK. Wembley has the capacity to accommodate at least half of the planned residential and employment growth in the borough, including at least 11,500 homes, and thus is strategically important to meeting the challenges of regeneration of Brent as a whole.
- 3.6.2. Wembley Park can accommodate the majority of the growth with substantial land opportunities around Wembley Stadium. Over 30 hectares of this land is owned by Quintain Estates Development and is being delivered as the Wembley Park development.
- 3.6.3. The regeneration process is bringing major transformative changes to the area. Large entertainment venues are here with the restoration of Wembley Arena and the rebuilding of Wembley Stadium. Brent's Civic Centre is a revolutionary new public building that sets the standard for environmental sustainability in the area.
- 3.6.4. The London Designer Outlet is the city's first fashion outlet centre and combines shopping with eating and entertainment, including a new multiplex cinema. This has transformed the footfall to Wembley from 'event-based' to 'everyday', with millions of new visitors every year, and provides local people with additional shopping choice and many new employment and training opportunities.
- 3.6.5. There remains considerable opportunity for further inward investment into the regeneration programme for a mix of uses, whether commercial, residential or within leisure and educational sectors. Much of the development activity to date has been west of Olympic Way and while acquisitions have taken place in the eastern lands, developments have not as yet come forward.

### 3.7. Housing delivery in Wembley

- 3.7.1. 85% of new housing in Brent will be delivered in growth areas and about half of that can be accommodated in the Wembley growth area. There are planning permissions in place for over 5,000 homes in Wembley which have not been built out.
- 3.7.2. Wembley therefore has significant capacity to deliver new housing; however the pace of delivery has been somewhat slow. There are a number of reasons for this, including the earlier need to deliver significant infrastructure improvements and more recently the economic recession. More generally, despite large development land



capacity and existing planning consents, delivery has been constrained by commercial considerations including market capacity to absorb private housing sales, developer cashflow and expectations on sales values.

3.7.3. Given the sheer scale of potential housing delivery in Wembley, Housing Zone interventions are expected to include efforts to encourage tenure diversification and to accelerate supply through the delivery of additional private rented, intermediate and affordable rented housing. Spatially, consideration is being given to a focus on sites in and around the Wembley Link area, however the precise zonal area will be developed as the proposed bid submission is drawn up.

3.7.4. The delivery of additional new homes will additionally be supported by promoting the Wembley growth area for residential investment and by promoting and soft market-testing specific sites for residential or mixed use development. Investment in the infrastructure required to support development will be critical through the phasing and delivery of key projects, supported by s106 and CIL receipts and potentially by GLA investment.

3.7.5. The council will support the delivery of new jobs by promoting Wembley for business investment; promoting specific sites for commercial or mixed-use development; connecting prospective employers to Wembley Works to broker jobs to Brent residents; and lead partners to design a model to support SMEs growth and sustainability.

3.7.6. An Investment Plan is being prepared for Wembley, a four year delivery strategy for the growth in homes and jobs as well as infrastructure and improvements to the neighbourhoods required to support the growth. The Investment Plan will be developed over the coming months in parallel with the Housing Zone bid.

### 3.8. Next Steps

3.8.1. That Cabinet endorses the proposal to submit a bid to the GLA for Alperton to become a Housing Zone.

3.8.2. That Cabinet endorses the proposal to submit a separate bid to the GLA for Wembley to become a Housing Zone.

3.8.3. That Cabinet delegate authority to the Director of Regeneration and Growth to approve the final drafts of the Housing Zone bids due for submission on 30 September 2014.

3.8.4. The GLA has indicated that it expects to conclude its evaluation of the bids by December 2014. If either or both bids are successful the

terms of the associated funding agreements will be reported to Cabinet for approval.

#### **4. Financial Implications**

- 4.1. Should the bid for a Housing Zone for Alperton and/ or Wembley be successful detailed financial plans will need to be developed with prospective partners.
- 4.2. The nature of any financial contribution from the Council will need to be determined but the greater contribution the Council and its partners can make to bringing a development forward the more likely it is to be supported as a Housing Zone. This contribution could take a wide range of forms such as HRA funding, s106 offsite contributions, Right to Buy or New Homes Bonus receipts, Transport LIP funding or borough landholdings. All this must be clearly identified in the bidding documentation and officers will be working to identify the most appropriate and relevant package of funding to include in the bid
- 4.3. It has been determined that Local Authorities who submit successful proposals for Housing Zones will also have access to cheaper borrowing at the Public Works Loan Board's project rate for capital infrastructure expenditure relating to the Zone in 2014-15 and 2015-16. £540m of project rate borrowing is available over those years across the country (there is no London split for the borrowing). If the Council wishes to request project rate borrowing for future years we will need to do it now as there will not be any future opportunities available.
- 4.4. The Mayor of London is committing £200m of capital funding from GLA housing funds to Housing Zones, alongside an additional £200m being made available by central Government. The GLA will look to recover its investment where this is possible, either by direct recovery through loans with a commercially calculated interest rate, or through overage or profit share type arrangements. Where this is not possible then the Mayor will consider making investment available through grant. All investment will need to fully satisfy state aid and the GLA's own value for money requirements. It is anticipated that each Housing Zone will benefit from £20m of this available funding.
- 4.5. Should the council bid be short-listed and entered into due diligence, the GLA will contact officers with the information that will be required. This is likely to include audited accounts, evidence of funding lines available to the bidder, and the identity of guarantor(s) where applicable. Further details will be set out in due course.

#### **5. Legal Implications**

- 5.1. The commitment to develop housing zones is set out in Policy 50 of the Mayor of London's draft London Housing Strategy. It is also being

incorporated into London's planning framework through Policy 8.1B in the draft Further Alterations to the London Plan ("FALP").

- 5.2. The Mayor of London's London Plan (Policy 3.3) states that London boroughs should identify and seek to enable additional development capacity to be brought forward to meet housing targets and maximise the potential to realise brownfield housing capacity through intensification, town centre renewal and opportunity and intensification areas.
- 5.3. The Mayor of London's Housing Zones Prospectus ("the Prospectus") has indicated that in each Housing Zone, there would need to be an agreed Delivery Framework setting out the target number of homes for delivery and in what timeframe. The Prospectus has also indicated that regarding governance arrangements, it is envisaged that a small Delivery Board would be set up for each Housing Zone comprised of the Greater London Authority ("GLA"), London borough(s) and key landowners and developers.
- 5.4. The GLA has indicated that on confirmation of a successful bid for Housing Zone status a bespoke series of funding agreements will be drawn up with each partner Borough based on their identified proposals and needs. It is intended that this will hold relevant parties to account in delivering agreed outputs. It is assumed that the funding agreements will be with the lead London borough but the GLA will consider alternative proposals.

## **6. Diversity Implications**

- 6.1. The Core Strategy is the prime development plan document in the LDF. It sets out a vision for the future of Brent and sets out a strategy as to how the vision will be delivered through planning and managing developments. Alperton and Wembley are identified in the Core Strategy as growth areas whose assets mean that they are excellent locations for new housing, new local employment and new amenities.
- 6.2. The Core Strategy area covers the entire borough and will have an influence on all residents and communities in Brent. The equality analysis of the Core Strategy found that there is no evidence suggesting that the Core Strategy causes significant adverse impact. More importantly Brent's Core Strategy is geared towards reducing discrimination for diverse groups and has recognised the specific demands of these groups, for example the need for new schools and health facilities, that it set out a specific objective to ensure they will be met.
- 6.3. This aim to create a successful place is embedded within the Core Strategy (CP5), the changing needs of the community as the population increases has been calculated and is set out in the Brent Infrastructure and Investment Framework. It is essential that the

council ensures that this infrastructure is delivered alongside the new homes.

- 6.4. Housing Zone status will accelerate the delivery of the growth of the housing as set out in the Core Strategy and would potentially increase the yield of housing and affordable housing though the detail of this will be subject to refinement as necessary prior to finalisation of the submission.
- 6.5. When the Housing Zone bid for each growth area is ready an Equality Analysis will be undertaken on each bid. If the Council's bid to establish Alperton or Wembley as a housing zone is successful the findings of the EIA will be reported to Cabinet.

## **7. Staffing/Accommodation Implications (if appropriate)**

- 7.1. The GLA will require regular and timely progress reports to a timescale to be agreed. The full content will be bespoke to each Housing Zone but each will need to provide comprehensive management information on all schemes within the Housing Zone including the development's progress, costs, values, and the project's funding position.
- 7.2. The growth areas have a dedicated team within Regeneration and Growth at Brent Council and will seek to use funding from the Housing Zone to recruit a planning officer and/or project manager to support the delivery of the Housing Zone.

## **Background Papers**


GLA Housing Zone prospectus

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 15 September 2014</p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p style="text-align: right;">Wards affected: Kilburn</p>	
<p><b>South Kilburn Regeneration Programme</b></p>	

Appendix 3 of this report is Not for Publication.

## 1. Summary

- 1.1. This report relates to i) Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as '**the Peel Site**' and as shown edged red on plan at Appendix 1), which includes 36 affordable homes which are currently occupied by secure tenants (the '**Peel Homes**') which are due for demolition as a stand alone Phase of the South Kilburn regeneration programme; and ii) Phase 3 of the South Kilburn regeneration programme.

## 2. Recommendations

### *Peel Recommendations*

- 2.1. That the Cabinet approve inviting tenders for a full design team for the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as '**the Peel Site**') on the basis of the pre-tender considerations set out in paragraph 3.8 of the report.
- 2.2. That the Cabinet give approval to officers to evaluate the tenders referred to in paragraph 2.1 above on the basis of the evaluation criteria set out in paragraph 3.8 of the report.
- 2.3. That the Cabinet, having noted and considered the responses to the consultation as set out in Appendix 2 in connection with seeking approval of the Secretary of State for use in seeking possession of the 36 affordable homes which are currently occupied by secure tenants (the '**Peel Homes**') under Ground 10A of Schedule 2 to the Housing Act 1985, to delegate authority to the Strategic Director of Regeneration and Growth to seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of the Peel Site for the

purpose of Ground 10A of Schedule 2 to be used to obtain possession of the Peel Homes.

- 2.4. That the Cabinet, having noted and considered the responses to the consultation as set out in Appendix 2 in connection with the intention to make a Compulsory Purchase Order (CPO) on the Peel Homes and in connection with the draft Allocation Policy for the Peel Homes, approves the adoption of the Allocation Policy which will apply to the Peel Homes and which includes the proposal to make a CPO on the Peel Homes as well as seeking possession of the Peel Homes, subject to the Secretary of State's consent, under Ground 10A of Schedule 2 to the Housing Act 1985. This Allocation Policy sets out the basis on which replacement homes will be allocated to secure tenants in the Peel Homes and the legal means to be adopted for seeking possession of the Peel Homes through the use of Ground 10A of the Housing Act 1985 (if approval is given by the Secretary of State) and compulsory purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990.

### ***Phase 3***

- 2.5. That the Cabinet agree and authorise the Strategic Director of Regeneration and Growth to commence statutory consultation with secure tenants residing in blocks Hereford House and Exeter Court (being part of '**Phase 3**') on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985 (ii) consultation on the Council's proposal to make a CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within Hereford House and Exeter Court. Officers will report back to the Cabinet on the outcome of the statutory consultation and may, depending on the outcome of the consultation seek Cabinet approval to (i) authorise the Director of Regeneration and Growth to seek the Secretary of State's consent to the disposal and development of the Peel Site for the purpose of Ground 10A of the Housing Act 1985, (ii) authorise the final Allocation Policy for Hereford House and Exeter Court, and (iii) proceed with securing vacant possession of properties within Hereford House and Exeter Court occupied by secure tenants through negotiation and private treaty and then, if necessary, via possession proceedings based on Ground 10A and CPO.

## **3. Detail**

### ***The Peel Site***

- 3.1. The proposed comprehensive redevelopment of the Peel Site aims to deliver a mixed use scheme that would provide sufficient residential development and other tenures as appropriate to deliver a new South Kilburn Health Centre at no net capital cost to the Council, as well as sufficient residential development to meet the decant requirements of existing secure tenants within the Peel Homes, re-open and reconnect the historic street pattern, create a new sense of place in the heart of South Kilburn and deliver a high quality public realm.
- 3.2. The Council is committed to working with partners to deliver a new Health Centre within South Kilburn to address prevalent health inequalities. It is intended the South Kilburn Health Centre will provide for the co-location of three local GP practices: Blessing Medical Centre (307 Kilburn Lane), Kilburn Park Medical Centre (12 Cambridge Gardens) and Peel Precinct Surgery (3 Peel Precinct) into one building that is of adequate size and fit for purpose to meet the existing high health needs of

the population and the anticipated health needs of the increased population over time. The South Kilburn Health Centre should also have space for complimentary health uses.

3.3. The Peel project objectives are to:

- deliver a new, fit for purpose Health Centre to meet the high health needs of existing residents and the anticipated health needs of future residents;
- deliver sufficient residential development to meet the decant requirements of the 36 properties within the site occupied currently by secure tenants;
- deliver sufficient residential development for market sale and other tenures as appropriate to fund the delivery of the Health Centre and to cross subsidise the delivery of the affordable homes;
- co-locate three local GP practices: Blessing Medical Centre, Kilburn Park Medical Centre and Peel Precinct Surgery into the new South Kilburn Health Centre;
- deliver high quality, well designed housing and create an attractive high quality public realm including a new public square;
- secure a capital land receipt to reinvest back into the delivery of the regeneration programme.

#### ***Peel – Architect and Lead Consultant Appointment***

3.4. On 11 November 2013, the Executive noted officers' intention to progress procurement of a full architectural design team to develop a hybrid planning application for the Peel Site as shown edged red on plan at Appendix 1 by calling off either the Homes and Communities Agency (HCA) Multidisciplinary Panel or the Greater London Authority (GLA) and Transport for London (TfL) Architecture, Design and Urbanism Panel (ADUP) and report back following award of contract.

3.5. Officers subsequently conducted a mini-competition under Lot 2 (Architecture) of the GLA and TfL ADUP to seek to appoint an architect and lead consultant to prepare a hybrid planning application for the comprehensive redevelopment of the Peel Site, comprising:

- a. Detailed design and specification to Stage 3 RIBA Plan of Work 2013 (Stage D+ RIBA Plan of Work 2007) for (i) 36 affordable homes that corresponds with the Council's decant assumptions and housing needs of the existing secure Council tenants within the Peel Site and; (ii) the South Kilburn Health Centre approximately 2,380m<sup>2</sup> in area that corresponds to the detailed brief to be developed in consultation with the health stakeholders and the appointed specialist health care provider or health care investment company who will manage the new South Kilburn Health Centre.
- b. An outline planning application for approximately 200 private residential units, however, this may change as the design development and viability of the project evolves.

- 3.6. Two tenders were submitted (Appendix 3) (restricted) and evaluated; with a weighting of 40% applied to price and 60% applied to quality criteria. The quality criteria considered how the submissions performed in respect of:
- a. Architect's initial sketch proposal and vision for the Peel Site, including:
    - i) vision and design concept for the Health Centre;
    - ii) vision and design concept for the residential development;
    - iii) appreciation of the particular opportunities, constraints and risks of the redevelopment of the Peel Site having regard for its location and relationship with neighbouring development sites, buildings to be retained and sites to be redeveloped in subsequent phases of the South Kilburn regeneration programme;
  - b. The quality of relevant experience of designing and delivering:
    - i) high quality, successful health centres within an urban context similar to South Kilburn;
    - ii) high quality, commercially viable, mixed tenure residential development within an urban context similar to South Kilburn;
  - c. The strength and experience of those named to work on the project, including sub-consultants (if applicable);
  - d. The ability of the team to meet the Council's requirements relating to public consultation;
  - e. The deliverability and reliability of the programme submitted in response to the invitation to tender.
- 3.7. The final scores awarded to the two tenderers are available at Appendix 4. In its mini-competition sent to all suppliers under Lot 2 (Architecture) of the GLA and TfL ADUP on 28 July 2014, the Council noted it reserves the right not to accept the lowest or any tender submitted if a minimum quality threshold of 40 marks is not achieved. As the tenders submitted did not meet this minimum threshold, authority is being sought to procure a full design team using the European Procurement Regulations by placing a notice in the Official Journal of the European Union (OJEU).
- 3.8. In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response
(i)	The nature of the service/ works.	To procure a full design team to a hybrid planning application for the comprehensive redevelopment of the Peel Site.
(ii)	The estimated value.	The value of this contract will be determined through the competitive tender process but it is anticipated the value will be approximately £900,000.
(iii)	The contract term.	The contract period will be approximately nine (9) months.
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	OJEU compliant restricted procedure procurement route, in which parts of the procedure may be conducted by electronic means but there will not be an e-auction.
v)	The procurement timetable.	Indicative dates are:



Ref.	Requirement	Response
		<p>Adverts placed – October 2014</p> <p>Expressions of interest returned – November 2014</p> <p>Shortlist drawn up in accordance with the Council's approved criteria – November 2014</p> <p>Invitation to tender – December 2014</p> <p>Deadline for tender submissions – February 2015</p> <p>Panel evaluation, interviews and panel decision – February/March 2015</p> <p>Cabinet approval and following 10 day mandatory standstill period, contract start date – March 2015</p>
(vi)	The evaluation criteria and process.	<p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>Officers will evaluate the tenders from the shortlisted bidders on the basis of "most economically advantageous tender criteria" (MEAT) on the basis of percentage quality and percentage price, with a weighting of 40% applied to price and 60% applied to quality criteria.</p> <p>The quality criteria will consider how submissions perform in respect of:</p> <ul style="list-style-type: none"> <li>- initial sketch proposal and vision for the Peel Site;</li> <li>- the quality of relevant experience of those named to work on the project;</li> <li>- the strength and experience of those named to work on the project, including sub-consultants;</li> <li>- the ability of the team to meet the Council's requirements relating to public consultation and programme;</li> </ul>
(vii)	Any business risks associated with entering the contract.	The Council will ensure the associated development agreement is structured to minimise all business risks.
(viii)	The Council's Best Value duties.	The procurement process will seek to ensure best value is achieved.
(ix)	Consideration of Public Services (Social Value) Act 2012	See Section 8.
(x)	Any staffing implications, including TUPE and pensions.	No staffing implications relating to TUPE or pensions.
(xi)	The relevant financial, legal and other considerations.	See Sections 4 and 5. This procurement process is in line with the Council Standing Orders and EU Procurement Regulations.

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

***Peel - Statutory Consultation on the use of Ground 10A, CPO & the Peel Allocation Policy***

- 3.10. The Executive have previously approved the adoption of allocation policies for earlier phases of the South Kilburn regeneration programme which set out the Council's policies for allocation of replacement homes to secure tenants living in homes which were/are to be demolished as part of the overall regeneration programme.
- 3.11. The Council has developed a bespoke Allocation Policy specifically for secure tenants living in the Peel Homes, a stand alone phase of the South Kilburn regeneration programme. The Council's rationale for changing the Allocation Policy from those used on earlier phases is that, in order to facilitate the redevelopment of the Peel Site, the replacement affordable homes to be built within the Peel Site will be made available to the secure tenants currently living in the Peel Homes. In a bid to ensure that the Peel replacement affordable homes meet the decant requirements of those secure tenants, in so far as is possible, the Peel replacement affordable homes will be built bespoke to the existing secure tenants housing needs. This is the first phase of the South Kilburn regeneration programme where this will be done and is the only way that the Council can bring forward the redevelopment of the Peel Site now.
- 3.12. The draft Allocation Policy for the Peel Homes set out the Council's proposed policy for the allocation of replacement homes to secure tenants currently living in the Peel Homes which will be demolished as part of a stand alone phase of the South Kilburn regeneration programme. It also sets out the two legal processes on which the Council will rely in order to secure possession of the Peel Homes: Court proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 or a CPO.
- 3.13. On 11 November 2013 the Executive authorised that statutory consultation could be undertaken with secure tenants in the Peel Homes on three proposals; (i) statutory consultation in connection with seeking approval of the Secretary of State pursuant to Part V of Schedule 2 to the Housing Act 1985 for use of Ground 10A of Schedule 2; (ii) consultation on the Council's proposal to make a CPO on dwellings in the Peel Homes; and (iii) consultation in connection with a draft Allocation Policy for Peel.
- 3.14. The representations received in response to the consultation and the Council's responses to them are shown at Appendix 2. The Cabinet must consider all representations and the matters set out in this report before making any of the decisions recommended in sections 2.3 and 2.4 of this report.
- 3.15. On 24 July 2014, formal notices were served by hand on all secure tenants in the Peel Homes on the following 3 proposals:
- a. statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985;
  - b. consultation in connection with intention to make a CPO on properties currently occupied by secure tenants;
  - c. consultation in connection with draft Allocation Policy for secure tenants living in the Peel Homes.

- 3.16. The notice included a covering letter, booklet and comments sheet, copies of which are shown at Appendix 5. Secure tenants could also submit comments by completing and submitting an online comments form at <https://www.surveymonkey.com/s/peel1>. The booklet noted that comments or observations should be made to the Council within a period of 28 days, which commenced the day the notices were served.
- 3.17. The letter invited affected secure tenants to attend a meeting on Tuesday, 29 July 2014 at 7pm at The Carlton Hall, Canterbury Terrace, NW6 5DX, where the proposals the subject of consultation would be explained in detail and where affected secure tenants would have the opportunity to ask questions. Six secure tenants living in the Peel Homes attended the meeting. Questions raised in response to the presentation included how would secure tenants be able to move to properties outside of the Peel Site and what size of property secure tenants would be offered. Further, on 4 August 2014, Officers met with the South Kilburn Tenant Representative and the Independent Tenant Advisor to discuss the three proposals being consulted upon.
- 3.18. The booklet gave information on all three proposals that were the subject of formal consultation as follows:

***Proposed use of Ground 10A***

- 3.18.1. Pages four to six of the booklet set out the main features of the regeneration of the Peel Site and stated the Council's proposal to make an application to the Secretary of State for formal approval of the proposed redevelopment of the Peel Site for the purposes of Ground 10A.

***Proposed use of CPO on dwellings occupied by secure tenants in Peel***

- 3.18.2. Pages seven and eight of the booklet set out the rationale for the Council's proposal to promote a CPO on dwellings occupied by secure tenants in Peel as part its proposed policy for securing possession; because the Council cannot be guaranteed to secure the regeneration of the Peel Site in a timely and efficient manner by the use of Ground 10A alone. The letter and booklet also advised that the Council intends to use CPO as a means to gain possession of dwellings occupied by secure tenants when it needs to ensure the timetable for regeneration could be complied with.

***Draft Allocation Policy for secure tenants with homes in Peel***

- 3.18.3. Pages nine to forty-one of the booklet included a copy of the draft Allocation Policy for Peel which sets out the policy for the allocation of replacement homes to secure tenants currently living in homes within the Peel Site, which will be demolished as part of the South Kilburn regeneration scheme. The consultation documents noted that the Allocation Policy had been drafted to reflect the intention to use both Ground 10A and CPO powers to seek possession of homes currently occupied by secure tenants. The draft Allocation Policy also set out the policy and procedure for the making of home loss and disturbance payments to secure tenants, who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973).
- 3.18.4. In November 2013, the Executive approved to progress the development of Peel and for it to be delivered as a stand alone phase of the South Kilburn regeneration programme, enabling the delivery of the South Kilburn Health Centre ahead of planned programme.

3.18.5. The draft Allocation Policy for Peel noted that in order to facilitate the redevelopment of the Peel Site, the replacement affordable homes to be built within the Peel Site will be made available to secure tenants currently living within the Peel Homes. In order to try to ensure that the replacement affordable homes to be built within the Peel Site meet the decant requirements of those secure tenants, in so far as possible, the replacement affordable homes to be built within the Peel Site will be built bespoke to the existing Peel secure tenants housing needs.

3.18.6. In order to incorporate the existing secure tenants' housing needs into the design of those new homes, the Council has already carried out a housing needs assessment of the secure tenants currently living within the Peel Homes. The impact of designing bespoke homes according to secure tenants' housing needs now is that, if those housing needs change, it may not be possible to accommodate them in the replacement affordable homes to be built within the Peel Site. The Allocation Policy has been drafted to confirm the possible locations of a replacement property in those circumstances.

3.18.7. It was noted during the housing needs assessment home visits that some secure tenants with homes in the Peel Site wish to move in advance of their existing properties being required for redevelopment. Accordingly, the following was included at paragraph 7.4 of the Allocation Policy for secure tenants of Peel: *'for some Secure Tenants living within the Peel Homes, this may mean a Suitable Offer of a permanent home within another redevelopment site of the South Kilburn regeneration programme, if there is a surplus of affordable homes. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment'*.

3.19. Following the public meeting on the 29 July 2014, the meeting with the South Kilburn Tenant Representative and the Independent Tenant Advisor on the 4 August 2014 and the statutory consultation, representations were received from the Independent Resident Advisor and the Tenant Representative as follows:

Proposal	Number of Comments
Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985	Zero (0)
Consultation in connection with intention to make a CPO on properties currently occupied by secure tenants	Zero (0)
Consultation in connection with draft Allocation Policy for secure tenants with homes Peel	Three (3)

3.20. The representations received as part of this consultation process have now been considered, and consequently it is proposed to update the original draft Allocation Policy that was included at pages ten to forty-one of the booklet as follows:

- a. **Paragraph 5.3 (new)** – this paragraph was not included in the original draft. The new paragraph sets out an additional instance where the Council will offer a secure tenant a larger replacement home than that which they would otherwise be entitled under the Brent Housing Allocation Policy 2013.
- b. **Paragraph 7.7 (new)** – this paragraph was not included in the original draft. The new paragraph provides where a suitable offer of permanent

accommodation within South Kilburn cannot be identified a suitable offer of alternative accommodation may be an offer to move to a temporary home within a block due for demolition as part of the South Kilburn regeneration programme. The secure tenant would remain in the temporary home until it is required for demolition as part of the South Kilburn regeneration programme, at which time the secure tenant would be made a suitable offer of a new replacement home. This would guarantee the secure tenant a 'right to return' to a new home on the estate. Insertion of this paragraph also required the definition of a 'suitable offer' at paragraph 2.10 and paragraph 5.1 of the home loss and disturbance policy to be amended.

- c. **Paragraph 9.1** – the original draft set out information on the rent levels of new affordable homes on South Kilburn. This has been updated to reflect the recently issued Government guidance on rent increases.
- d. **Appendix 1** – replaced 1 to 13 St Paul's Walk with correct name, 1 to 13 Bristol Walk.

- 3.21. A copy of the final Allocation Policy for secure tenants with homes in Peel is shown at Appendix 6.

### ***Phase 3***

- 3.22. On 11 November 2013, the report to Executive noted that the affordable homes being delivered as part of the redevelopment of Bronte House and Fielding House (being part of '**Phase 2a**') will be made available to secure tenants currently residing in Hereford House and Exeter Court (as shown edged red on plan at Appendix 7 and being part of '**Phase 3**'), thereby facilitating vacant possession of those sites for redevelopment. To this end, Cabinet approval is being sought to undertake statutory consultation with secure tenants residing in Hereford House and Exeter Court on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985 (ii) consultation on the Council's proposal to make a CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within Hereford House and Exeter Court, which will be commensurate to allocation policies adopted for previous phases of the South Kilburn regeneration programme.
- 3.23. Statutory consultation is required by Section 105 of the Housing Act 1985 on certain changes in practice and/or policy in relation to the proposal to make a CPO and the draft Allocation Policy for Hereford House and Exeter Court. Once completed, a consultation report will be produced for the Cabinet to consider. The consultation report will include a summary of the feedback received from secure tenants occupying properties in Hereford House and Exeter Court in response to the three consultation proposals and the Council's responses to the feedback received. Depending on the outcome of the consultation, Cabinet approval may be sought to authorise the Strategic Director of Regeneration and Growth to seek the Secretary of State's consent to the disposal and development of Hereford House and Exeter Court for the purpose of Ground 10A of Schedule 2 to the Housing Act 1985 and authorise the final Phase 3a Allocation Policy.

## **4. Financial Implications**

### ***Peel Design Team Appointment***

- 4.1. In order to prepare a hybrid planning application for the comprehensive redevelopment of the Peel Site, authority is being sought to procure a full design team through an OJEU compliant procurement process. Pinsent Masons solicitors are advising on the OJEU, fees which can be resourced from the South Kilburn regeneration programme budget for 2014/15.

***Peel - Use of Ground 10A, CPO & Peel Allocation Policy***

- 4.2. The financial implications of the policies for seeking possession from secure tenants in the Peel Homes using Ground 10A of the Housing Act 1985, CPO under section 226(1)(a) of the Town and Country Planning Act 1990 and the Peel Allocation Policy relates to the making of home loss and disturbance payments to secure tenants who are entitled to such payments in accordance with Council policy and legislation (including the Land Compensation Act 1973). Secure tenants, who move out of their homes, provided they have lived there for at least twelve months before their move and it is their only or principal home, will be eligible for a home loss payment which is currently a minimum of £4,700 but which may change in line with government legislation over the period of the regeneration. The Council will always pay the rate which applies at the time of the secure tenant's move. In addition to home loss payments, reasonable disturbance costs, including, but not limited to, removal expenses, redirection of mail and telephone disconnection and reconnection may be payable to secure tenants who are entitled to such payments. Anticipated home loss and disturbance payments to secure tenants with homes in Peel can be resourced from the Kilburn regeneration programme budget.

***Financial implications for the Housing Revenue Account***

- 4.3. Following the implementation of the new Housing Self Financing system in April 2012, the Council Housing Revenue Account (HRA) will no longer receive Housing Subsidy payments from the Government in order to maintain a balanced HRA position, so the estimated rental income loss arising from holding properties as void or the subsequent demolition of properties will be a "real" cost to the HRA and impact on the affordability of the Business Plan. This loss is offset in the Business Plan in those cases where the properties were included in the Self Financing Settlement, as the impact on the rental flow is forecast and taken into account in calculating an affordable HRA position.
- 4.4. The proposed demolition of properties within the Peel Site were not originally included within the Self Financing Settlement and could have impacted upon the affordability of the HRA Business Plan. However, a recent update of the HRA Business Plan has demonstrated that the impact of rent loss is offset by the reduction in associated maintenance and management costs.

**5. Legal Implications**

***Peel Architect and Lead Consultant Appointment***

- 5.1. As detailed in paragraph 3.5 above, a mini-competition under Lot 2 (Architecture) of the GLA and TfL ADUP framework agreement was conducted in relation to the procurement of an architect and lead consultant to prepare a hybrid planning application for the comprehensive redevelopment of the Peel Site. The Public Contracts Regulations 2006 (the "EU Procurement Regulations") allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process.

- 5.2. The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established pursuant to EU Procurement Regulations by another contracting authority, where call off under the framework agreement is recommended by the relevant Chief Officer, to include confirmation that there is sufficient budgetary provision for the proposed call-off. However, this is subject to the Director of Legal and Procurement advising that participation in the framework agreement is legally permissible. On 4 July 2014, confirmation that use of the framework was legally permissible was given by the Director of Legal and Procurement in relation to the Peel Site respectively.
- 5.3. As the minimum quality threshold for the evaluation of the two tenders received for Peel (as set out in paragraph 3.6) was not met, approval is being sought to invite tenders for a full design team to prepare a hybrid planning application for the comprehensive redevelopment of the Peel Site. The value of this proposed procurement over its lifetime will be higher than the EU threshold for Services and the procurement of the contract is therefore governed by the EU Procurement Regulations.
- 5.4. The value of this proposed procurement over its lifetime means that it will be classed as a High Value Contract under Contract Standing Orders and accordingly the Cabinet must approve the pre-tender considerations set out in paragraph 3.8 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.5. Once the tendering process is undertaken, Officers will report back to the Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.6. As this procurement will be subject to the full application of the EU Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar days standstill period imposed by the EU Regulations before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing the prescribed information which includes the reasons for the decision and the characteristics and relative advantages of the winning bid. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

***Ground 10A of Schedule 2 to the Housing Act 1985 (Legal)***

- 5.7. The Council is required to obtain the approval of the redevelopment scheme from the Secretary of State when seeking to re-house secure tenants who will not leave the properties that are due to be demolished in furtherance of the redevelopment scheme. Before seeking such approval, the Council is required to consult with affected tenants. Approval from the Secretary of State will enable to Council to use Ground 10A of Schedule 2 to the Housing Act 1985. The paragraph states that the landlord must first:
- a. serve a notice in writing on all secure tenants whose dwellings are affected by the scheme, stating: the main features of the scheme (or the scheme as it will be after a proposed variation to it); that the Secretary of State's approval is to be sought; and the effect of such approval in relation to proceedings for possession of the dwellings;

- b. inform the tenants that they have a specified period (which must be at least 28 days) in which to make representations to the landlord; and
  - c. consider any representations during that period.
- 5.8. Unlike a tenanted transfer, however, no formal ballot is required to be carried out. However, the Secretary of State, before giving his consent, will consider the following:
- a. the effect of the scheme on the extent and character of housing accommodation in the neighbourhood;
  - b. over what period of time it is proposed that the disposal and redevelopment will take place in accordance with the scheme;
  - c. to what extent the scheme includes provision for housing provided under the scheme to be sold or let to existing tenants or persons nominated by the landlord;
  - d. any representations made to him and, so far as they are brought to his notice, any representations made to the landlord.
- 5.9. The landlord, in this case, the Council, must not apply to the Secretary of State for approval of a scheme unless the statutory consultation procedure has been carried out.

### ***Section 105 of the Housing Act (Legal)***

- 5.10. Under section 105 of the Housing Act 1985, the Council as a local authority landlord has a duty to consult with those of its secure tenants who are likely to be substantially affected by a change in practice or policy relating to matters of housing management, which includes the management, maintenance and improvement of dwelling houses let by the Council under secure tenancies and the provision of services or amenities in connection with such dwelling houses. The consultation requirements under section 105 of the Housing Act 1985 must enable the secure tenants likely to be affected to be informed of the Council's proposals and to make their views known to the Council within a specified period. The Council, before making any decision on the matter, must consider any representations received during the specified consultation period.

## **6. Diversity Implications**

- 6.1 South Kilburn is identified as a priority for driving economic opportunity and regeneration within Brent – Creating Opportunities, Improving Lives (Brent Borough Plan 2013-14). The Regeneration Strategy for Brent 2010-2030 identifies the transformational change of South Kilburn within strategic priority one. The area was previously a New Deal for Communities area and as such, all interventions are specifically targeted at those people who suffer disadvantage in society. South Kilburn Trust, through its widening participation, seek to find ways of involving and engaging with all local residents and particularly those who traditionally are 'hard to reach'. There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of the area are developed and delivered.



- 6.2 The new homes in South Kilburn are available to all tenants within the neighbourhood regardless of their ethnicity, nationality or national origin, age, gender, sexual orientation, disability, gender identity or expression or religion or belief. A proportion of new homes are designed to be wheelchair adaptable while the allocations process considers the housing needs of tenants in respect of issues that maybe derived from individuals' age, disability, gender reassignment, pregnancy and maternity status, marriage and civil partnership status, race, religion or belief, sex, sexual orientation, ethnicity, nationality or national origin. The potential impact of the recommendations relating to how the Council takes possession of properties occupied by secure tenants within blocks earmarked for redevelopment within Peel is considered in the Equalities Analysis at Appendix 8. The equality analysis concludes that the proposal will have a positive impact on younger people, disabled people and people who are pregnant or have very young children and a neutral impact in relation to all the other equality characteristics.

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

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

## **8 Public Services (Social Value) Act 2012**

### ***Peel Design Team Appointment***

- 8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract.
- 8.2 The services being procured aim to improve the economic, social and environmental well-being of residents of South Kilburn through the preparation of a hybrid planning application for the comprehensive redevelopment of the Peel Site to deliver a new fit for purpose health centre for the benefit of the whole community, new affordable homes to rehouse existing secure tenant of South Kilburn, hugely improving their living conditions and reconnecting the area to its surrounding neighbourhoods.

## **Appendices**

- Appendix 1 Plan of the Peel Site
- Appendix 2 Peel responses to consultation
- Appendix 3 Peel tenderers (restricted)
- Appendix 4 Peel tenderers scores
- Appendix 5 Peel consultation covering letter, booklet and comments sheet
- Appendix 6 Final Allocation Policy for secure tenants with homes in Peel
- Appendix 7 Plan of Hereford House and Exeter Court
- Appendix 8 Equalities Analysis

## **Contact Officers**

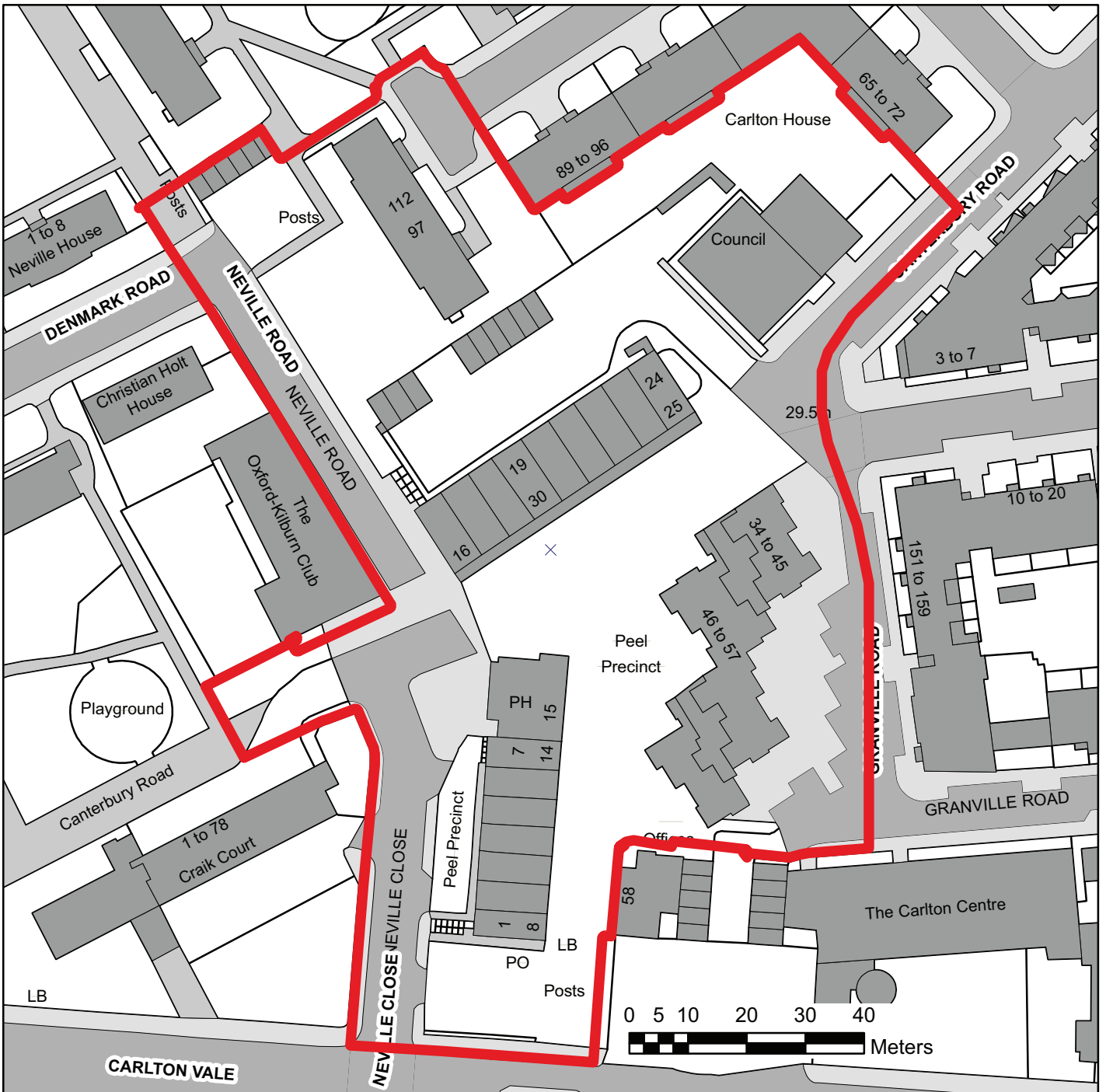
Noreen Twomey

Project Manager Estate Regeneration  
Tel: 020 8937 6482  
E-mail: [Noreen.twomey@brent.gov.uk](mailto:Noreen.twomey@brent.gov.uk)

Richard Barrett  
Operational Director Property & Projects  
Tel: 020 8937 1334  
Email: [Richard.barrett@brent.gov.uk](mailto:Richard.barrett@brent.gov.uk)

ANDREW DONALD  
Director of Regeneration and Growth

# Appendix 1 - Peel Site Boundary



**Land shown heavily outlined red.**

**NORTH**



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**Formal Consultation with Secure Tenants with Homes in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel')  
July/August 2014**

**Responses to representations on three Proposals:**

- 1) Proposal 1: Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985**
- 2) Proposal 2: Consultation in connection with Intention to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants, South Kilburn**
- 3) Proposal 3: Consultation in connection with draft Allocation Policy for Secure Tenants with homes Peel, South Kilburn**

**1) Proposal 1: Responses to representations on statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985**

No	Date of Representation	Representor	Comment	Response	Date of Response
1	NA	NA	None received.	NA	NA

**2) Proposal 2: Responses to representations on consultation in connection with Intention to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants, South Kilburn**

No	Date of Representation	Representor	Comment	Response	Date of Response
1	NA	NA	None received.	NA	NA

**3) Proposal 3: Responses to representations on consultation in connection with draft Allocation Policy for Secure Tenants with homes Peel, South Kilburn**

No	Date of Representation	Representor	Comment	Response	Date of Response
1	4 August 2014	- Independent Tenant Advisor - Tenant Representative	Accuracy of paragraph 9.1 [Rent Levels of New affordable Homes on South Kilburn] of the draft Allocation Policy for Secure Tenants with Homes in Peel questioned. It reads as follows:	Paragraph 9.1 of the Allocation Policy for Secure Tenants with Homes in Peel has been amended as follows:  <i>'Secure Tenants who are allocated a new replacement home in South Kilburn will pay</i>	21 August 2014

No	Date of Representation	Representor	Comment	Response	Date of Response
			<p><i>'Secure Tenants who are allocated a new replacement home in South Kilburn will pay higher rent than for their existing Council property. This is due to two reasons:</i></p> <ol style="list-style-type: none"> <li><i>1) Council rents are below the rents charged by Registered Providers, which are known as target rents</i></li> <li><i>2) The higher value associated with a quality new build home, compared with an existing Council property, will be reflected in a higher target rent.</i></li> </ol> <p><i>The Council has set rents in accordance with its policy that will lead to Council rents and target rents for properties of a similar size, location and condition becoming more equal by 2016. However, even after 2016, there will be a difference in the rent charged for existing Council properties in South Kilburn, compared with new homes for rent from Registered Providers, built as part of the South Kilburn regeneration programme. Secure Tenants who are allocated a new replacement home in South Kilburn under this policy will pay the relevant target rent from the date of relocation'.</i></p>	<p><i>higher rent than for their existing Council property.</i></p> <p><i>This is due to two reasons:</i></p> <ol style="list-style-type: none"> <li><i>1) Council rents are below the rents charged by Registered Providers, which are known as target rents;</i></li> <li><i>2) The higher value associated with a quality new build home, compared with an existing Council property, will be reflected in a higher target rent.</i></li> </ol> <p><i>Annual rent increases for the new replacement homes will, like Council rents, be in line with the Government's recently issued guidance on social rent, with rent from 2015 increasing in line with the Consumer Price Index plus one per cent.</i></p> <p><i>This will mean that there will always be a difference in the rent charged for existing Council properties in South Kilburn, compared with new homes for rent from Registered Providers, built as part of the South Kilburn regeneration programme. Secure Tenants who are allocated a new replacement home in South Kilburn under this policy will pay the relevant target rent from the tenancy start date'.</i></p>	

Formal Consultation with Secure Tenants with homes in Peel, South Kilburn  
Responses to representations, August 2014

No	Date of Representation	Representor	Comment	Response	Date of Response
2	11 August 2014	- Independent Tenant Advisor - Tenant Representative	<p>[Paragraph] 5.1 [of the draft Allocation Policy for Secure Tenants with homes in Peel] – Same gender children under 21 will be required to share a room – previous policy was under 18s shared unless there was a five year age gap. Clearly with the age increase and the removal of the age gap, there could be quite inappropriate sharing arrangements in some circumstances. We think it will also make the Council's task in rehousing families even more difficult.</p> <p>Other boroughs certainly still maintain a different approach for decants whilst adopting the National Bedroom Standard for their Allocation Policy. Kensington and Chelsea still offer separate rooms at 18 years of age for decants whilst maintaining age 21 for new allocations. Whilst Wandsworth and Hammersmith and Fulham continue to offer loose fit allocations on downsizing.</p>	<p>The draft Allocation Policy for Secure Tenants with Homes in Peel has been drafted to align with the Brent Housing Allocation Policy 2013 which adopts the Government's bedroom standard which allocates one bedroom to each pair of children or young people aged between 10 to 20 years old of the same gender.</p> <p>Paragraph 5.2.2 notes that the Council will offer a Secure Tenant a larger replacement home than they would otherwise be entitled to under the Brent Housing Allocation Policy 2013 where a Secure Tenant, at the time that the housing needs assessment was undertaken, has two children of different sexes under 10 years old but where one or both of those children will be 10 years old or above by the time that the Secure Tenant will move into the replacement home.</p> <p>The Council proposes to include a new paragraph 5.2.3 to note that the Council will offer a Secure Tenant a larger replacement home than they would otherwise be entitled to under the Brent Housing Allocation Policy 2013 where household members will be aged 21 years or above by the time the Secure Tenant will move into the replacement home as follows:</p> <p><i>'5.2.3 Where a Secure Tenant, at the time that the housing needs assessment was</i></p>	21 August 2014



Formal Consultation with Secure Tenants with homes in Peel, South Kilburn  
Responses to representations, August 2014

No	Date of Representation	Representor	Comment	Response	Date of Response
				<p><i>undertaken, has a young person under 21 years old, who would be required to share a bedroom based on the Brent Housing Allocation Policy 2013, but the young person will be aged 21 years or above by the time that the Secure Tenant will move into the replacement home’.</i></p>	
3	11 August 2014	- Independent Tenant Advisor - Tenant Representative	<p>[Paragraph] 7.6 [of the draft Allocation Policy for Secure Tenants with homes in Peel] – A permanent move outside South Kilburn can be enforced within this policy whilst previously it was voluntary for non one bedroom tenants. We note your comment that this would only apply in the Bespoke Peel Policy and not for future phases. Loss of this protection would mean that tenants no longer had a "Right to Return" to South Kilburn.</p>	<p>The Council proposes to include a new paragraph 7.7 in response to this comment which reads as follows:</p> <p><b>‘7.7 Suitable Offer (temporary) Within South Kilburn</b>  <i>Where a Suitable Offer of permanent alternative accommodation within South Kilburn cannot be identified, for some Secure Tenants, this will mean a Suitable Offer of a temporary home within a block that is due for demolition as part of the South Kilburn regeneration programme. The Secure Tenant will remain in the temporary home until it is required for demolition as part of the South Kilburn regeneration programme, at which time the Secure Tenant will be made a Suitable Offer of a new replacement home. This guarantees the Secure Tenant the ‘right to return’ to a new home on the estate.</i></p> <p><i>Where a Secure Tenant occupies a temporary home for over twelve months</i></p>	21 August 2014

Formal Consultation with Secure Tenants with homes in Peel, South Kilburn  
 Responses to representations, August 2014

No	Date of Representation	Representor	Comment	Response	Date of Response
				<p><i>then they may be entitled to a second statutory Home Loss Payment and Disturbance Payment once they move to their permanent new home within the South Kilburn regeneration programme. A second payment of Home Loss Payment and Disturbance Payment will only be made if the Secure Tenant has a legal entitlement to a second payment at the time of the Secure Tenant's move to their permanent new home within the South Kilburn regeneration programme. Where a Secure Tenant has to move to a temporary home, the Council may carry out improvements works to that home to assist the Secure Tenant to settle in. In some cases the Council may also offer fixtures and fittings as a gift. Where this happens, the Council will not be liable to maintain or repair these items'.</i></p>	

**Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel')  
Procurement of Architect and Lead Consultant  
Quality and Finance Tender Evaluation**

Tenderer	Council Requirement						Grand Total
	Section A Your initial sketch proposal and vision for Peel, including:  i) your vision and design concept for the health centre ii) your vision and design concept for the residential your appreciation of the particular opportunities, constraints and risks of the Peel redevelopment site having regard for its location and relationship with neighbouring development sites, buildings to be retained and sites to be redeveloped in subsequent phases of the Regeneration Programme.	Section B The quality of relevant experience of designing and delivering:  - high quality, successful health centres within an urban context similar to South Kilburn.  - high quality, commercially viable, mixed tenure residential within an urban context similar to South Kilburn.	Section C The strength and experience of those named to work on the Project, including sub-consultants (if applicable)	Section D The ability of the design team to meet the Council's requirements relating to public consultation	Section E The deliverability and reliability of the programme submitted in response to the ITT.	Section F Tender Costs	
	(Max score 20)	(Max score 20)	(max score 5)	(max score 10)	(max score 5)	(Max Score 40)	
	Tenderer Score	Tenderer Score	Tenderer Score	Tenderer Score	Tenderer Score	Tenderer Score	
Tenderer 1	12.5	12.5	2.5	5.0	1.9	40	74.4
Tenderer 2	10.0	10.0	2.5	6.3	2.5	32	63.3

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South Kilburn Area Office  
Community Resources Centre  
William Dunbar House  
Albert Road, Kilburn  
London NW6 5DE

TEL 020 8937 6482

EMAIL noreen.twomey@brent.gov.uk

WEB www.brent.gov.uk

**By Hand**

24 July 2014

Dear [name],

**RE: South Kilburn Regeneration Programme – Formal Notice to Secure Tenants with homes in Peel Precinct, 97 to Carlton House and 8 to 14 Neville Close, South Kilburn**

This letter and the enclosed booklet are a notice of formal consultation, regarding three important proposals, to Secure Tenants living in homes within Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel'), which form a stand alone phase of the South Kilburn regeneration programme.

The three proposals which are the subject of formal consultation are complex and will affect all Secure Tenants living in homes within Peel so you are advised to read this letter and the enclosed booklet very carefully. You are invited to attend a meeting on **Tuesday, 29 July 2014 at 7pm** where these proposals will be explained and you will have the opportunity to ask questions. The meeting will take place in The Carlton Hall, Canterbury Terrace, NW6 5DX.

**Important Proposals affecting all Secure Tenants in Peel:**

A brief explanation of the three proposals which are the subject of formal consultation is set out below. You will find more information on each of these proposals in the enclosed booklet.

**1) Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985**

The first proposal is to let Secure Tenants with homes in Peel know that the Council proposes to apply to the Secretary of State (a government minister in the Department for Communities and Local Government) for formal approval of the Council's proposed redevelopment scheme for the Peel site. If the Secretary of State gives this approval, then the Council will have the right to start legal proceedings for possession of existing homes occupied by Secure Tenants in Peel under Ground 10A of Schedule 2 of the Housing Act 1985. Please refer to page 4 of the enclosed booklet which explains what it means for Secure Tenants with homes in Peel in more detail.

## **2) Consultation in connection with Intention to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants**

The second proposal is to let Secure Tenants with homes in Peel know about the Council's proposed policy for seeking possession from secure tenants living in homes in Peel. This proposed policy includes the Council's proposal to promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 on properties currently occupied by Secure Tenants. The reason that the Council proposes to promote a CPO as part of its proposed policy for securing possession, is because the Council cannot be guaranteed to secure the regeneration of Peel in a timely and efficient manner by the use of Ground 10A alone. However, the Council would only use a CPO to get possession of existing homes of Secure Tenants in Peel where it needs to ensure the timetable for regeneration can be complied with. Please refer to page 7 of the enclosed booklet which explains how the CPO process works and what it means for Secure Tenants with homes in Peel.

## **3) Consultation in connection with draft Allocation Policy for Secure Tenants with homes Phase 2b, South Kilburn**

The third proposal is to get views from Secure Tenants with homes in Peel on the draft Allocations Policy. This draft document sets out the policy for the allocation of replacement homes to Secure Tenants currently living in homes within Peel, which will be demolished as part of the South Kilburn regeneration programme. The Allocations Policy has been drafted to reflect the intention to use both Ground 10A and CPO powers to get possession of existing homes of Secure Tenants in Peel. Please refer to page 9 of the enclosed booklet which includes a copy of the draft Allocation Policy for Secure Tenants with homes in Peel.

### **Your comments & representations:**

The main purpose of the consultation is to enable you to make comments about the Council's proposals, which the Council appreciates, will have a major affect on you and your household. The Council is required by law to consider your comments in connection with seeking the approval of Secretary of State for Ground 10A and in connection with its proposed policy for seeking possession from secure tenants living in homes in Peel (including the Council's proposal to use a CPO on properties currently occupied by Secure Tenants) and the draft Allocation Policy for Secure Tenants with homes in Peel. If you have any comments on the proposals, please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Noreen Twomey,  
South Kilburn Regeneration Team,  
South Kilburn Area Office, Community Resource Centre,  
William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE

Alternatively, you can submit your comments by completing and submitting the online comments form at:  
<https://www.surveymonkey.com/s/peel1>

**The final date for comments to be received is 5pm on Wednesday, 20 August 2014.**

**Further information or advice**

If, after you have read this letter and the enclosed booklet you are unsure about anything or you want advice or further information you can contact the following:

- Brent Council** Noreen Twomey, South Kilburn Regeneration Team, Tel: 020 8937 6482  
Linda Beasley, South Kilburn Regeneration Team, Tel: 020 8937 2512
- Independent Advice** If you would like to speak to someone independent of the Council then you can obtain information and advice from:  
First Call (Independent Resident and Tenant Advisor),  
Freephone: 0300 365 7150
- Citizens Advice Bureau** Kilburn Citizens Advice Bureau, 200 Kilburn High Road,  
Kilburn, London, NW6 4JD  
Freephone: 0300 330 0646

**You do not have to take any action in response to this letter unless you wish to.**

Yours sincerely



Noreen Twomey  
**Estate Regeneration Team**  
**London Borough of Brent**

Cc First Call (Independent Resident Advisor)  
Tenant Representative (Tenants Steering Group)

# Formal Consultation with Secure Tenants with Homes in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close



South Kilburn Regeneration Programme

July 2014

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## Introduction & Background to the South Kilburn Regeneration Programme

1. The regeneration programme aims to change South Kilburn into a sustainable and mixed community by delivering 2,400 new high quality homes. Brent Council also hope that the regeneration will provide residents with improved open spaces, new shops, new health facilities and a new consolidated school.
2. The regeneration of South Kilburn is taking place in phases. The first phase is nearly complete and work has started on the next phase. The Council now intends to start work on the comprehensive redevelopment of the Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel'), to be delivered as a stand alone phase of the South Kilburn regeneration programme.
3. The redevelopment of Peel aims to:
  - Deliver a new, fit for purpose Health Centre for South Kilburn to meet the health needs of existing residents and the anticipated health needs of future residents;
  - Deliver 36 affordable properties to re-house the Secure Tenants currently living within Peel;
  - Deliver enough homes for private sale to fund the delivery of the Health Centre and the replacement affordable homes;
  - Co-locate three local GP practices: Blessing Medical Centre, Kilburn Park Medical Centre and Peel Precinct Surgery into the new Health Centre;
  - Deliver high quality, well designed housing and create an attractive high quality public realm including a new public square.
4. In November 2013, the Council's Executive approved to progress the redevelopment of Peel and for it to be delivered as a stand alone phase of South Kilburn regeneration programme, enabling the early delivery of the South Kilburn Health Centre ahead of the planned programme.
5. This booklet and enclosed letter are a notice of formal consultation, regarding three important proposals, to Secure Tenants currently living within Peel, who will be required to move home to enable the redevelopment of Peel. Secure tenants living in the following blocks will be affected by the redevelopment of Peel:
  - **Peel Precinct**
  - **97 to 112 Carlton House**
  - **8 to 14 Neville Close**
6. These blocks will be demolished and replaced with new high quality homes and a health centre as part of the overall regeneration programme for South Kilburn.
7. This booklet aims to explain each of the three important proposals that the Council is formally consulting Peel Secure Tenants about. If, after you have read this booklet and the enclosed letter, you are unsure about anything or you want advice or further information, you can contact the South Kilburn Regeneration Team, the Independent Resident Advisor or the Citizens Advice Bureau. The contact details for these organisations are included in the letter and on page 42 of the booklet.

## **Proposal 1: Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985**

1. The Council needs to re-house Secure Tenants living in homes in Peel, South Kilburn so that their current homes can be demolished and brought forward for development.
2. We hope that the Suitable Offer of alternative accommodation that the Council will make to Secure Tenants in accordance with its Allocation Policy for Peel (a draft of which is attached to this booklet and on which we are also consulting you), will be acceptable to every Secure Tenant. However, there is a chance that this will not be possible in every case and that some Secure Tenants will not be prepared to move to the replacement home that the Council has offered to them. In order to ensure that the Council can undertake the proposed regeneration of Peel, it needs to be able to recover possession of homes where Secure Tenants have refused to move. As set out in the draft Allocation Policy attached, one of the legal processes under which the Council proposes to seek possession of those homes is by court proceedings brought under Ground 10A of Schedule 2 of an Act of Parliament called the Housing Act 1985.
3. To be able to rely on Ground 10A, the Council must first apply to the Secretary of State (a government minister in the Department for Communities and Local Government) for formal approval of the proposed redevelopment of Peel for the purposes of Ground 10A. It is the Council's proposal to make such an application to the Secretary of State. Before an application can be made, however, the Council must consult with all Secure Tenants living in homes affected by the proposal. This is the purpose of this current consultation and we have set out below:
  - a) the main features of the proposed redevelopment of Peel; and
  - b) the effect that receiving such approval would have on you in relation to court proceedings to recover possession brought under the Housing Act 1985
4. As set out section headed "Introduction & Background to the South Kilburn regeneration Programme" (see page 3 above), the regeneration of South Kilburn is taking place in phases and the Council is now focused on progressing the comprehensive redevelopment of Peel. As part of this, Secure Tenants who are living in the blocks affected by the redevelopment of Peel (Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close) will be required to move out of their current homes and into alternative accommodation offered by the Council in accordance with the Council's Allocation Policy for Peel. A copy of the draft Allocation Policy for Peel, on which the Council is also consulting you, is included in this booklet. Once all the properties in Peel have been vacated, the Council intends to demolish Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close so that this site can be brought forward for redevelopment and replaced with new high quality homes and a health centre as part of the overall regeneration programme for South Kilburn.
5. Your tenancy with the Council is called a Secure Tenancy. A Secure Tenancy gives you certain rights and responsibilities. One of your key rights is to a fair and transparent process should the Council wish to terminate (end) your tenancy and

recover possession of your home. The Council can only evict a Secure Tenant in certain circumstances specified by law. As set out in the draft Allocation Policy, one of the methods by which the Council proposes to secure possession from Secure Tenants living in Peel is to use court proceedings under the Housing Act 1985.

6. If the Council uses court proceedings to recover possession under the Housing Act 1985, the Council can only evict a Secure Tenant in certain circumstances. These are referred to as 'grounds for possession' and are set out in Schedule 2 of the Housing Act 1985. The grounds for possession fall into two categories. The first category is where the Council can obtain possession if the Court considers that it is reasonable. The second category is where the Council can obtain possession if the Court considers that it is reasonable and the Council can demonstrate that suitable alternative accommodation will be available to the Secure Tenant when the order for possession takes effect.
7. To seek possession against a Secure Tenant, the Council must first serve a formal notice (called a notice of seeking possession) on the Secure Tenant specifying the ground or grounds for possession on which it wants to rely. The Council must then issue Court proceedings (which must also specify the ground or grounds for possession on which it wants to rely). There will then be a hearing in the county court at which the Council will have to set out its reasons for wanting to obtain possession and show how these fall within the ground or grounds for possession specified in the notice.
8. One of the grounds on which the Council can rely is Ground 10A. Ground 10A gives the Council the power to terminate a Secure Tenancy where the home is required for redevelopment. It is the only ground available to the Council where it needs to obtain possession in order to redevelop the premises. Ground 10A can only be used where a redevelopment scheme has been approved by the Secretary of State for this purpose. The Council's proposed application to the Secretary of State will seek this approval in relation to those homes that are located in Peel.
9. If the Secretary of State approves the proposed Peel redevelopment scheme for the purposes of Ground 10A, then Ground 10A becomes a further ground on which the Council can seek possession. Ground 10A falls into the second category of grounds for possession described in paragraph 6 above. This means that, provided that the Court is satisfied that Ground 10A applies, the Council can only obtain possession if the Court considers that it is reasonable and the Council can demonstrate that suitable alternative accommodation will be available to the Secure Tenant when the order for possession takes effect.
10. If the Secretary of State approves the proposed Peel redevelopment scheme for the purposes of Ground 10A, it is likely that, Secure Tenants in Peel will be served with a notice of seeking possession specifying Ground 10A and will be made one suitable offer of alternative accommodation in line with the Council's Allocations Policy for Peel. Please refer to the draft Allocation Policy for Peel which is included in page 10 of this booklet and about which the Council is also consulting you. This sets out further details concerning the circumstances in which the Council proposes serving a notice of seeking possession specifying Ground 10A.
11. For all Secure Tenants, the suitable offer of alternative accommodation will mean the offer of a permanent replacement home within the Peel Redevelopment Site, subject to there being not change of housing need.

12. Where the housing needs of Secure Tenants change such that the Peel replacement home which has been designed to suit their housing needs, as assessed by the Council in April 2014, is no longer suitable, or where a Secure Tenant has requested to move to a replacement home that is outside of the Peel Redevelopment Site, a suitable offer means one offer of alternative accommodation which will be:
- a) A suitable offer of a permanent replacement home within South Kilburn;
  - b) A suitable offer of a permanent replacement home outside South Kilburn;
  - c) A move elsewhere within the borough or outside of Brent.

Please refer to pages 19 and 20 of this booklet which sets out more information concerning the Council's proposal in this respect.

13. If, following the service of a notice of seeking possession and making of a suitable offer of alternative accommodation as set out in the Allocation Policy for Peel, a Secure Tenant in Peel is not willing to vacate their current home, the Council will likely commence court proceedings relying on Ground 10A as set out in the draft Allocation Policy included in this booklet. The Council's proposal is to secure possession using court proceedings under the Housing Act 1985 until the Council has confirmation of a Compulsory Purchase Order (CPO) in respect of the homes concerned. After that point, and even if the Council are part way through court proceedings under the Housing Act 1985, the Council propose to proceed to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the possession proceedings. The only circumstances in which the Council propose continuing to pursue court proceedings under the Housing Act 1985 following confirmation of a CPO, is if the Council consider that continuing to pursue those proceedings is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers.

#### **What do I need to do?**

14. You do not need to do anything; we are consulting on our proposal to make an application to the Secretary of State for the redevelopment of Peel, to be delivered as a stand alone phase of the South Kilburn regeneration programme.
15. If you are not happy with what is being proposed or you wish to make comments, please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Noreen Twomey, South Kilburn Regeneration Team,  
South Kilburn Area Office, Community Resource Centre,  
William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE

Alternatively, you can submit your comments by completing and submitting the online comments form at:

<https://www.surveymonkey.com/s/peel1>

**The final date for comments to be received is 5pm on Wednesday, 20 August 2014.**

16. The Council must then consider any comments in advance of making the application and report the results of the consultation as part of the application to the Secretary of State.

## **Proposal 2: Consultation in connection with Intention to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants in Peel, South Kilburn**

1. The Council, along with all other councils, is required by Section 105 of the Housing Act 1985 to consult formally with tenants on certain changes in practice and/or policy. Consultation is required where tenants will be 'substantially affected' by a change in practice and/or policy in relation to the way that housing is managed.
2. The Council agreed allocation policies for previous phases of the South Kilburn regeneration programme which set out the Council's policies for seeking possession from Secure Tenants living in homes in previous phases of the regeneration programme (and which were/are to be demolished as part of the South Kilburn regeneration programme).
3. The Council has developed a new Allocation Policy specifically for Secure Tenants living in Peel, a stand alone phase of the South Kilburn regeneration programme. A copy of the draft Allocation Policy for Peel, about which the Council is also consulting Secure Tenants, is included in page 10 of this booklet. The draft Allocation Policy for Peel sets out the Council's proposed policy for seeking possession from Secure Tenants living in homes in the Peel Redevelopment Site.
4. As this booklet explains on page 3, the Council needs to re-house Secure Tenants living in homes within Peel so that their current homes can be demolished and brought forward for development. This is so the Council can continue to deliver new, high quality homes for existing Secure Tenants and deliver a health centre for South Kilburn. To be able to do this, the Council needs to know it can get timely possession of all homes occupied by Secure Tenants within Peel. Timely and efficient possession of properties occupied by Secure Tenants cannot be guaranteed to secure the regeneration of Peel in a timely and efficient manner by the use of court proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 alone.
5. In order to secure the regeneration of South Kilburn, the Council proposes to promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 on properties within Peel including those currently occupied by Secure Tenants. However, the Council would only use a CPO to recover possession of existing homes occupied by Secure Tenants in Peel where it needs to be assured the timetable for regeneration could be complied with.
6. As such, the Council's proposed policy for seeking possession from Secure Tenants living in homes in Peel is to secure possession either by agreement or by pursuing court proceedings relying on Ground 10A until the Council has a confirmed CPO relating to Peel. Once a CPO is confirmed, the Council proposes to secure possession of homes occupied by Secure Tenants either by agreement or by using the compulsory purchase powers from the confirmed CPO. After that point, and even if the Council is part way through court proceedings relying on Ground 10A, the Council proposes to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the court proceedings.

The only circumstances in which the Council proposes to continue to use the court proceedings following confirmation of a CPO, is if the Council considers that continuing to pursue the court proceedings is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers.

7. More details concerning the Council's proposed policy for seeking possession from Secure Tenants living in homes in Peel (including details concerning the process that the Council would need to undertake to make a CPO on homes occupied by Secure Tenants and rehousing Secure Tenants using CPO) are contained in the draft Allocations Policy for Peel. Please refer to pages 22 and 23 of this booklet for an explanation of the process.

#### **What do I need to do?**

8. You do not need to do anything; however, as a Secure Tenant of Peel, this directly affects you so the Council is consulting you about its proposed policy for seeking possession from Secure Tenants living in homes in Peel including the Council's proposal to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants with homes in Peel.
9. Therefore, you are invited to make comments on the Council's proposed policy before it is finally agreed. Please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Noreen Twomey, South Kilburn Regeneration Team,  
South Kilburn Area Office, Community Resource Centre,  
William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE

Alternatively, you can submit your comments by completing and submitting the online comments form at:

<https://www.surveymonkey.com/s/peel1>

**The final date for comments to be received is 5pm on Wednesday,  
20 August 2014.**

10. The Council must then consider any comments in advance of making the application and report the results of the consultation as part of the application to the Secretary of State.

## **Proposal 3: Consultation in connection with draft Allocation Policy for Secure Tenants with homes Peel, South Kilburn**

1. The Council, along with all other councils, is required by Section 105 of the Housing Act 1985 to consult formally with tenants on certain changes in practice and/or policy. Consultation is required where tenants will be 'substantially affected' by a change in practice and/or policy in relation to the way that housing is managed.
2. The Council agreed allocation policies for previous phases of the South Kilburn regeneration programme which set out the Council's policies for seeking possession from Secure Tenants living in homes in previous phases of the regeneration programme (and which were/are to be demolished as part of the South Kilburn regeneration programme).
3. The Council has developed a new Allocation Policy specifically for Secure Tenants living in Peel, a stand alone phase of the South Kilburn regeneration programme. The draft Allocation Policy for Peel sets out the Council's proposed policy for the allocation of replacement homes to Secure Tenants currently living in homes located in Peel which will be demolished as part of a stand alone phase of the South Kilburn regeneration programme. It also sets out the two legal processes on which the Council will rely in order to secure possession of homes occupied by Secure Tenants in Peel: Court proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 or a CPO, which are explained at the beginning of this booklet.
4. This section of the booklet includes a copy of the draft Allocation Policy for Secure Tenants with homes in Peel, South Kilburn.

### **What do I need to do?**

5. You do not need to do anything; however, as a Secure Tenant of Peel, this directly affects you so the Council is consulting you about the details of the draft Allocation Policy for Secure Tenants with homes in Peel.
6. Therefore, you are invited to make comments on the draft Allocation Policy before it is finally agreed. Please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Noreen Twomey, South Kilburn Regeneration Team,  
South Kilburn Area Office, Community Resource Centre,  
William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE

Alternatively, you can submit your comments by completing and submitting the online comments form at:

<https://www.surveymonkey.com/s/peel1>

**The final date for comments to be received is 5pm on Wednesday, 20 August 2014.**

7. The Council must then consider any comments in advance of finally agreeing the Allocation Policy for Secure Tenants with homes in Peel.





**DRAFT ALLOCATION POLICY FOR SECURE TENANTS WITH HOMES IN PEEL  
PRECINCT, 97 TO 112 CARLTON HOUSE AND 8 TO 14 NEVILLE CLOSE  
(TOGETHER DEFINED AS 'PEEL')  
SOUTH KILBURN**

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## 1. INTRODUCTION

- 1.1 This document sets out the policy for the allocation of replacement homes to Secure Tenants currently living in the Peel Homes, which will be demolished as part of the re-development of the Peel Site.
- 1.2 The re-development of the Peel Site will deliver a mixed use scheme comprising a new health centre for South Kilburn, the Peel Replacement Homes, homes for private sale and other uses. It will form a stand alone phase within the South Kilburn regeneration programme to enable the early delivery of a health centre for South Kilburn ahead of the planned programme.
- 1.3 To facilitate the re-development of the Peel Site, the Peel Replacement Homes will be made available to the Secure Tenants currently living in the Peel Homes. In order to try and ensure that the Peel Replacement Homes meet the decant requirements of those Secure Tenants, in so far as is possible, the Peel Replacement Homes will be built bespoke to the existing Secure Tenants housing needs. This is the first phase of the South Kilburn regeneration programme where this will be done and is the only way that the Council can bring forward the redevelopment of the Peel Site now.
- 1.4 The Council intends to develop the design of the Peel Replacement Homes over the next few months. In order to incorporate the existing Secure Tenants housing needs into the design of those homes, the Council has already carried out a housing needs assessment of the Secure Tenants currently living in the Peel Homes. The impact of designing bespoke homes according to Secure Tenants housing needs now is that, if those housing needs change, it may not be possible to accommodate them in the Peel Replacement Homes. See paragraph 6 for further information on what will happen if housing needs change.

## 2. TERMS USED IN THIS POLICY

In this policy the following terms will have the following meanings.

- 2.1 **Decent Homes** means homes that meet the current statutory minimum standard for housing, homes that are in a reasonable state of repair and homes that have reasonably modern facilities and services.
- 2.2 **Disturbance Payments** means a payment for removal and other expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973).
- 2.3 **Home Loss Payments** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973.
- 2.4 **Peel Homes** means the 36 affordable homes in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close which form part of the Peel Site, are occupied currently by Secure Tenants and which are due for demolition as part of the redevelopment of that site.

- 2.6 **Peel Site** means a stand alone phase of the South Kilburn regeneration programme as shown edged red in the Information Booklet "Getting Ready for a New South Kilburn – Information for Secure Tenants of Peel Precinct, 97 to 112 Carlton House and 8-14 Neville Close" April 2014 Version 1.
- 2.7 **Peel Replacement Homes** means homes to be built within the Peel Site and to be located on the current South Kilburn Studios site shown coloured light green in the Information Booklet "Getting Ready for a New South Kilburn – Information for Secure Tenants of Peel Precinct, 97 to 112 Carlton House and 8-14 Neville Close" April 2014 Version 1.
- 2.8 **Registered Provider** means a provider of social housing (previously referred to as a 'housing association' or a 'registered social landlord'), as defined in section 80 of the Housing and Regeneration Act 2008.
- 2.9 **Relocation Processes** means the two legal processes which the Council will use to gain possession of existing homes being (a) possession proceedings pursuant to section 84 and Ground 10A in schedule 2 of the Housing Act 1985 or (b) taking possession pursuant to a confirmed compulsory purchase order.
- 2.10 **Secure Tenants** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse.
- 2.11 **Suitable Offer** means either:
- 2.11.1 an offer of alternative accommodation that meets or, at the discretion of the Council, exceeds the housing need of the Secure Tenant and their household that is a permanent move to a Peel Replacement Home, or
- 2.11.2 where a Secure Tenant's housing needs have changed and it is no longer possible to accommodate them within a Peel Replacement Home or where a Secure Tenant has requested to move outside the Peel Site and this can be accommodated by the Council, one offer of alternative accommodation that meets or, at the discretion of the Council, exceeds the housing need of the Secure Tenant and their household that is either:
- (a) A permanent move within South Kilburn to a new home that has been built already as part of the South Kilburn regeneration programme, if there is a surplus of affordable homes; **or**
- (b) A permanent move within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme; **or**
- (c) A permanent move outside South Kilburn.
- 2.12 **South Kilburn** means homes listed in Appendix 1 including both homes already delivered under the South Kilburn regeneration programme and those not due for demolition.
- 2.13 **The Council** means Brent Council.

### **3. HOMES AND PEOPLE AFFECTED**

3.1 This policy affects Secure Tenants living in the Peel Homes.

### **4. HOUSING NEEDS ASSESSMENT**

4.1 In April 2014, the South Kilburn Re-housing Team completed a housing needs assessment form with each Secure Tenant living in the Peel Homes which assessed the current circumstances of the Secure Tenant, the potential changes to their circumstances, medical and other needs as well as recording any preferences that the Secure Tenant may have.

4.2 On previous phases of the South Kilburn regeneration programme, housing needs assessments were completed with Secure Tenants living in the next phase due for redevelopment when planning permission for the site Secure Tenant's were moving to was already in place. As set out above, housing needs assessments have been completed earlier for Secure Tenants currently living in the Peel Homes. This is because, a key principle of the redevelopment of the Peel Site is that the Peel Replacement Homes to be built on the Peel Site will be made available to the Secure Tenants currently living in the Peel Homes and, in so far as possible, will be built bespoke to the existing Secure Tenants' housing needs. This information therefore needed to be obtained earlier so that it could be given to the design team. All information passed to the design team will be anonymous.

4.3 Where a Secure Tenant's housing needs change between the time the housing needs assessment was carried out and completion of the replacement home, see paragraph 6.

4.4 The information on the housing needs assessment form will be entered onto the Council's 'Locata' bidding system, the web based housing system used by the Council. Each Secure Tenant will be issued with a unique Locata Identification Number (LIN) which will only be known by the Secure Tenant and the South Kilburn Re-housing Team. The Locata bidding system will be used by the South Kilburn Re-housing Team to keep a clear record of all Secure Tenants requiring rehousing. All offers of replacement homes to Secure Tenants will be recorded on this system.

4.2 Whilst the housing needs assessment form records Secure Tenants preferences, the Council cannot guarantee such preferences will be met.

### **5. SIZE AND TYPE OF REPLACEMENT HOMES**

5.1 The size and type of the replacement home offered to a Secure Tenant will depend on a Secure Tenant's household make up. The Council's allocation policy that is in force at the time that the Suitable Offer is made will be used to decide the size of home for which Secure Tenants are eligible. The Council's current allocation policy is the Brent Housing Allocation Policy 2013 that adopts the Government's bedroom standard and, as such, provides that the following should have one bedroom:

- Married, civil partnership or cohabiting couples
- Single people more than 21 years old
- Each pair of children or young people aged between 10 to 20 years old of the

- same gender
  - Each pair of children under 10 years old, regardless of gender
  - Any unpaired person aged 10 to 20 years old is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10 years old.
- 5.2 In the following circumstances, the Council will offer a Secure Tenant a larger replacement home than that which they would otherwise be entitled under the Brent Housing Allocation Policy 2013. These are:
- 5.2.1 Where a Secure Tenant or a member of their household requires larger accommodation on health grounds. For example, this may apply where a Secure Tenant or a member of their household needs their own bedroom for medical reasons or needs a carer/personal assistant or some special bulky medical equipment. These will be considered on a case by case basis, taking into account the advice of the Council's District Medical Officer and reports from relevant adult/children social services.
- 5.2.2 Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has two children of different sexes under 10 years old but where one or both of those children will be 10 years old or above by the time that the Secure Tenant will move into the replacement home.
- 5.2.3 Where a Secure Tenant requires larger accommodation as they are an approved Council foster carer and/or adopter. In order for a Secure Tenant to be allocated a larger accommodation in these circumstances, the South Kilburn Re-housing Team will require evidence from the Council's Children Service confirming the Secure Tenant has been approved as a Council foster carer and/or adopter and that they are in a position to take one or more placements. These will be considered on a case by case basis by working closely with the Council's Children's Service.
- 5.3 Immediately following the adoption by the Council of the Allocation Policy to be used for Secure Tenants living in the Peel Homes, the South Kilburn Re-housing Team will write to those Secure Tenants and, in accordance with the housing needs assessment which was carried out by the Council in April 2014, confirm:
- 5.3.1 the size of the replacement home that a Secure Tenant and their household will be offered;
- 5.3.2 any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met);
- 5.3.3 if an occupational therapy assessment is required.
- 5.4 If an occupational therapy assessment is required, the Council will arrange for this to be undertaken as soon as practicable after the date of the letter referred to in paragraph 5.3. Following receipt of the occupational therapist's report, the Council will write to the Secure Tenant confirming the occupational therapist's recommendations and provide the Secure Tenant with a copy of the report.

## 5.5 Stage One Appeal

- If the Secure Tenant disagrees with anything set out in either of the Council's letters sent in accordance with paragraphs 5.3 and/or 5.4, they will have the right to appeal within ten (10) working days of receiving the Council's letter by writing to the South Kilburn Re-housing Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must set out:
  - which points they do not agree with;
  - the reasons why they do not agree with those points;
  - enclosing any evidence to support their reasons
- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
- If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's letter.

## 5.6 Stage Two Appeal

- If the Secure Tenant wishes to appeal against the South Kilburn Re-housing Manager's decision, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must:
  - specify the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclose any further evidence to support their reasons
  - state that they wish to make a further appeal.
- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
- If the Estate Regeneration Programme Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
- If the Estate Regeneration Programme Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's further appeal.

5.7 If the Secure Tenant confirms to the Council that they are happy with the information set out in either of the Council's letters sent in accordance with paragraphs 5.3 and/or 5.4, or if it does not write to the Council within the required ten (10) working days, the information set out in the Council's letter will be passed on to the design team. This will enable the design team, in so far as possible, to design a new home within the Peel Site in accordance with the housing needs of the Secure Tenant and their household as set out in the Council's letters. It is unlikely to be possible for the design to be changed after this which is why it is essential that, if the Secure Tenant disagrees with anything set out in either of the Council's letters sent in accordance with paragraphs 5.3 and/or 5.4, they must write to the Council within the required ten (10) working days.

5.8 The Council will make a Suitable Offer to each Secure Tenant living in a Peel Home not less than six (6) months notice before the time they need to move, but it may be earlier. The Suitable Offer will be made in accordance with paragraph 7 of this policy.

### **5.9 Needs Plus**

5.9.1 The Needs Plus principle has been offered to Secure Tenants of all previous phases of the South Kilburn regeneration programme who lived in homes with three (3) bedrooms or more.

5.9.2 Needs Plus was intended as an incentive for the loss of a larger property and adjusted the basic housing needs assessment to offer one bedroom more than the Secure Tenant would otherwise qualify for. The Needs Plus principle only applied to Secure Tenants on previous phases that satisfied both of the following:

1) Secure Tenants living in a home with 3 bedrooms or more where the Secure Tenant's household has more bedrooms than are needed based on the housing needs assessment criteria set out in the allocation policy for that phase; and

2) Secure Tenants that have the ability to pay the rent on a replacement home larger than they need.

For example:

By virtue of the Needs Plus principle, a single person living in a three (3) bedroom home was offered a two (2) bedroom replacement home if they had the ability to pay the rent on a replacement home larger than they need. However, the option of moving to a one bedroom replacement home was still open at the request of the Secure Tenant.

5.9.3 The Needs Plus principle will not apply to the Peel Site as none of the Peel Homes have three (3) or more bedrooms.

## **6. CHANGE OF CIRCUMSTANCES**

6.1 As set out above, a key principle of the redevelopment of the Peel Site is that the Peel Replacement Homes will be made available to the Secure Tenants currently living in the Peel Homes. In order to try and ensure that the Peel Replacement

Homes meet the decant requirements of those Secure Tenants, in so far as is possible, the Peel Replacement Homes will be built bespoke to the existing Secure Tenants housing needs.

- 6.2 The information collected during the housing needs assessment that was carried out with each Secure Tenant living in a Peel Home in April 2014 will be included in the detailed design and planning of the Peel Replacement Homes in accordance with the process set out in paragraph 5 of this policy.
- 6.3 The Council recognise that Secure Tenant's housing needs may change over the next few years, before the Peel Replacement Homes are ready to move in to. Where needs change, it may not be possible to accommodate the Secure Tenant in the Peel Replacement Home that has been designed to suit their housing needs as that new home may no longer be suitable. In those circumstances, a replacement property will be allocated to them in accordance with paragraph 7 of this policy.
- 6.4 If the housing needs of the Secure Tenant and/or its household change from the housing needs set out in the Council's letters referred to in paragraphs 5.3 and/or 5.4 of this policy, the Secure Tenant must notify the Council of these changes in person or in writing to the South Kilburn Re-housing Team, providing all relevant documentation. For example, if a Secure Tenant or a member of their household is expecting a baby, the Secure Tenant would be required to provide a copy of the Expected Date of Confinement Certificate to the South Kilburn Re-housing Team and a full copy of the birth certificate once the child is born.
- 6.5 If, as a result of the notification referred to at paragraph 6.4, the Council considers that an occupational therapy assessment is required, the Council will arrange for this to be undertaken as soon as practicable after the date on which it receives the Secure Tenant's notification. Following receipt of the occupational therapist's report, the Council will write to the Secure Tenant confirming the occupational therapist's recommendations and provide the Secure Tenant with a copy of the report.
- 6.6 **Stage One Appeal**
- If the Secure Tenant disagrees with anything set out in either of the Council's letters, the Secure Tenant must notify the Council of this within ten (10) working days of receiving the Council's letter by writing to the South Kilburn Re-housing Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE . In that letter, the Secure Tenant must set out:
    - which points they do not agree with;
    - the reasons why they do not agree with those points;
    - enclosing any evidence to support their reasons
  - If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
  - If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.



- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's letter.

#### 6.7 **Stage Two Appeal**

- If the Secure Tenant wishes to appeal against the South Kilburn Re-housing Manager's decision, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must:
  - specify the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclose any further evidence to support their reasons
  - state that they wish to make a further appeal.
- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
- If the Estate Regeneration Programme Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
- If the Estate Regeneration Programme Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's further appeal.

6.8 If a Secure Tenant's housing needs change to such an extent that the Peel Replacement Home, which has been designed to suit their housing needs as assessed by the Council in April 2014, is no longer suitable (for example, they now need a larger replacement home or structural adaptations are required), the Council will:

6.8.1 notify the Secure Tenant of this; and

6.8.2 in accordance with paragraphs 5.8 and 7, will make a Suitable Offer which meets the changed housing needs of the Secure Tenant. The Council cannot guarantee that this will be of any of the other Peel Replacement Homes.

For the avoidance of doubt, a Peel Replacement Home will still be considered to be suitable to the Secure Tenant's housing needs if the only consequence of any change to those needs is a requirement to install non-structural adaptations. In those circumstances, the Council will arrange for those non-structural adaptations to be installed in the Peel Replacement Home either before the move or as soon as practically possible after the move.

## **7. RE-HOUSING PROCESS & OPTIONS**

### **7.1 One Suitable Offer**

All Secure Tenants living within the Peel Homes will be made one Suitable Offer of alternative accommodation in line with paragraphs 2.11, 5 and 6 of this policy.

### **7.2 How allocations will be prioritised**

7.2.1 The Council will seek to ensure that Secure Tenants are fairly prioritised in the re-housing process.

7.2.2 In making the Suitable Offer of a replacement home to Secure Tenants, in order to ensure that Secure Tenants are fairly prioritised, the Council will adopt the following prioritisation procedure:

- 1) First priority will be given to those Secure Tenants whose housing need matches the replacement home available (e.g. one bedroom or two bedrooms or more, medical or other needs);
- 2) Second priority will be given to those Secure Tenants who have children under the age of ten;
- 3) Third priority will be given to Secure Tenants whose preference, recorded during the housing needs assessment carried out in April 2014 by the South Kilburn Re-housing Team, matches the replacement home available;
- 4) Fourth priority will be given to those Secure Tenants with the longest tenancies.

7.2.3 In the event that, after applying the above criteria, there is still more than one Secure Tenant to whom the replacement home could be allocated, then it will be at the Council's discretion to determine which Secure Tenant is to be allocated to the replacement home.

### **7.3 Suitable Offer (permanent) within the Peel Site**

All Secure Tenants living within the Peel Homes will be made one Suitable Offer of a permanent replacement home within the Peel Replacement Homes, subject to there being no change of need. Secure Tenants moving to a Peel Replacement Home will become tenants of a Registered Provider. In this site, there will be a total of 36 new affordable homes.

Where the housing needs of Secure Tenants change such that the Peel Replacement Home which has been designed to suit their housing needs, as assessed by the Council in April 2014, is no longer suitable, or where a Secure Tenant has requested to move to a replacement home that is outside of the Peel Redevelopment Site, a Suitable Offer means one offer of alternative accommodation which will be:

### **7.4 Suitable Offer (permanent) within South Kilburn to a new home that has been built already as part of the South Kilburn regeneration programme**

For some Secure Tenants living within the Peel Homes, this may mean a Suitable

Offer of a permanent home within another redevelopment site of the South Kilburn regeneration programme, if there is a surplus of affordable homes. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment.

**7.5 Suitable Offer (permanent) within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme**

For some Secure Tenants living within the Peel Homes, this may mean a Suitable Offer of a permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme.

**7.6 Suitable Offer (permanent) outside South Kilburn**

For some Secure Tenants living within the Peel Homes, this may mean a Suitable Offer of a permanent alternative home outside South Kilburn. In this case, Secure Tenants will not have a 'right to return' to a new replacement home on South Kilburn in the future. Where possible, the replacement home will be in the south of the borough of Brent. All replacement homes outside of South Kilburn are likely to meet the Decent Homes standard. Where a Secure Tenant moves to a permanent Council home outside South Kilburn, the Council will fully decorate the property.

**7.8 A Move Elsewhere within the Borough or Outside of Brent**

Some Secure Tenants living within Peel may wish to move elsewhere within the borough or outside of Brent. In such cases, if the Secure Tenant wishes to do this, this will have been noted when the housing needs assessment was done in April 2014. The Council will be reliant upon Registered Provider and Council partners to source alternative homes. Our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn regeneration programme.

Secure Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Secure Tenants who wish to move to the private sector will also be assisted.

Whilst Secure Tenants may express a preference to move elsewhere within South Kilburn or within the borough or outside of Brent, and the Council will assist Secure Tenants to do so, the Council cannot guarantee this outcome. Therefore, the Council will reserve a Suitable Offer for the Secure Tenant within one of the Peel Replacement Homes (subject to there being no change in the Secure Tenant's housing needs) in the instance that a move elsewhere within South Kilburn or within the borough or outside of Brent is not able to be secured within the timescale required by the Council for securing possession of the existing home of the Secure Tenant.

**8. LEGAL PROCESS FOR RELOCATION OF SECURE TENANTS**

- 8.1 The Council will consult with its Secure Tenants to agree voluntary relocation in accordance with this policy. The Council anticipates that the majority of Secure Tenants in the Peel Homes will move to their replacement homes voluntarily. However, to provide certainty that the Council can deliver its programme of regeneration on time, for those Secure Tenants in the Peel Homes who refuse to move to their replacement homes, the Council will seek possession by Court proceedings under the Housing Act Schedule 2 Ground 10A. This method will be used by the Council for Secure Tenants in the Peel Homes, until the Council has confirmation of a Compulsory Purchase Order (CPO) in respect of the homes

concerned. After that point, and even if the Council are part way through the Ground 10A process, the Council shall proceed to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the Ground 10A process. The only circumstances in which the Council may continue to use the Ground 10A process, following confirmation of a CPO, is if the Council consider that continuing to use the Ground 10A process is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers. The Ground 10A process and the CPO process are summarised below in paragraphs 8.3 and 8.4.

8.2 Nothing in this Allocation Policy prevents the Council from continuing to manage homes occupied by Secure Tenants in the Peel Homes in accordance with its usual policies and procedures. This may include the Council commencing possession proceedings against a Secure Tenant based on grounds for possession that do not include Ground 10A. The other grounds for possession are set out in Schedule 2 of the Housing Act 1985 and include grounds relating to rent arrears and antisocial behaviour.

At the time that the Council needs possession of a home in order to deliver its programme of regeneration, the Council may have already:

- (i) commenced possession proceedings based on grounds for possession that do not include Ground 10A; or
- (ii) be taking, be entitled to take or become entitled to take enforcement action for a breach of a Suspended Order for Possession, where the grounds for possession which resulted in the Order did not include Ground 10A.

If this is the case, the Council may pursue those proceedings or enforcement action instead of, or in addition to, using the Ground 10A process and/or using the compulsory purchase powers derived from the confirmed CPO.

If the Council secures possession of a home in reliance on an order for possession which is based on grounds for possession that do not include Ground 10A, the Council shall not be obliged to re-house the Secure Tenant in replacement accommodation in accordance with this Allocation Policy.

### **8.3 Ground 10A**

8.3.1 Under Ground 10A and Part V of Schedule 2 to the Housing Act 1985, the Council would need to:

- 1) Serve consultation notices on the Secure Tenants within the Peel Homes. The notice will explain the main features of the proposed scheme, that the Council intends to apply to the Secretary of State for approval of the scheme and the effect of receiving this approval would result in possession proceedings brought in connection with homes occupied by Secure Tenants within the Peel Homes.
- 2) Secure Tenants will have 28 days from service of the notice to make representations to the Council about the proposal and then consider all representations during that period.
- 3) Apply to the Secretary of State for approval of the scheme (for the purposes of Ground 10A), in accordance with the procedure set out in Part V of Schedule 2 of the Housing Act 1985.
- 4) When it wishes to secure possession of a home from a Secure Tenant, and

subject to it having received Secretary of State approval, serve a notice of seeking possession on the affected Secure Tenant and make them a Suitable Offer of alternative accommodation. The Council will try to give Secure Tenants 6 months notice before it requires possession of the Secure Tenant's current home but this may not be possible in all cases and possession proceedings may commence before the end of the 6 months for some Secure Tenants who refuse a Suitable Offer of a replacement home. However, if a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal under the process outlined in paragraph 12 of this policy; and

- 5) Apply to the Court for repossession of a Secure Tenant's home if the Secure Tenant, having received a notice of seeking possession and a Suitable Offer of alternative accommodation, does not voluntarily move out of their home.

#### **8.4 Compulsory Purchase Order**

8.4.1 The Council's policy is to secure the regeneration of South Kilburn in accordance with a phased programme. Use of Ground 10A cannot by itself secure this aim. Therefore, in addition to the use of Ground 10A outlined above, the Council will also promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire all interests in land which forms Peel, a stand alone phase of the South Kilburn regeneration programme.

8.4.2 The land to be acquired will include properties occupied by Secure Tenants. The CPO will be relied upon to obtain possession if possession of properties cannot be obtained to ensure timely delivery of the comprehensive regeneration proposals by securing vacant possession of blocks due for demolition under the South Kilburn regeneration programme which gives certainty of timing to enable the phased process of regeneration and the delivery of new homes to continue.

8.4.3 Under section 226(1)(a) of the Town and Country Planning Act 1990 the Council will:

- 1) Serve a Section 16 requisition notice on the Secure Tenants advising of the Council's intention to acquire land which includes their existing home. This notice is a legal document and Secure Tenants must complete the document detailing their interest in the property and also detail who else has an interest in the property such as other members of the household.
- 2) Secure Tenants will then receive a copy of the draft CPO and a notice explaining its effects. Secure Tenants will be advised at that stage that they can voice their objections to the CPO and that these objections will be sent to the appropriate government minister. If there are objections there will be an inquiry and an inspector will make a decision on whether or not the CPO should be confirmed.
- 3) Make Secure Tenants a Suitable Offer of alternative accommodation. If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal in line with the process outlined in paragraph 12.3 of this policy.
- 4) If the CPO is confirmed, either with or without a public inquiry, serve a Notice to Treat and Notice of Entry on the Secure Tenants specifying a date for

possession. These are legal documents that the Council may serve on Secure Tenants which gives the Council the right to enter and take possession of the existing home of the Secure Tenant, in order to ensure the timely delivery of that property for regeneration.

- 5) Enforce the CPO to take possession of the home if a Secure Tenant fails to move to their replacement home. Under CPO the notice of Entry will be enforced and possession obtained by County Court enforcement officers.

## **9. RENT LEVELS OF NEW AFFORDABLE HOMES ON SOUTH KILBURN**

- 9.1 Secure Tenants who are allocated a new replacement home in South Kilburn will pay higher rent than for their existing Council property.

This is due to two reasons:

- 1) Council rents are below the rents charged by Registered Providers, which are known as target rents
- 2) The higher value associated with a quality new build home, compared with an existing Council property, will be reflected in a higher target rent

The Council has set rents in accordance with its policy that will lead to Council rents and target rents for properties of a similar size, location and condition becoming more equal by 2016. However, even after 2016, there will be a difference in the rent charged for existing Council properties in South Kilburn, compared with new homes for rent from Registered Providers, built as part of the South Kilburn regeneration programme. Secure Tenants who are allocated a new replacement home in South Kilburn under this policy will pay the relevant target rent from the date of relocation.

- 9.2 In the case of Secure Tenants that move elsewhere within the borough or outside of Brent or move to specialist housing such as sheltered housing, rent levels for homes will vary according to the location and the landlord.

## **10. TENANT'S DESIGN INPUT AND CHOICE ON INTERIOR FITTING OF NEW HOMES**

- 10.1 As of July 2014, the Council is in the process of appointing an architect and design team to design the high quality new homes to be delivered within the Peel Redevelopment Site. Secure Tenants currently living in Peel will be given the opportunity to comment on and input into the design of the affordable homes developed within the Peel Redevelopment Site e.g. inform and comment on the design of internal layouts of the affordable homes and landscape proposals. Whilst design consultation processes will record Secure Tenant's preferences on the design of the new homes, the Council cannot guarantee all such preferences will be met.

- 10.2 Secure Tenants who are allocated a new replacement home within the Peel Redevelopment Site may be invited to select certain 'tenant's choice' items. As the Council has not yet appointed a Registered Provider to manage the new affordable homes within the Peel Redevelopment Site, it is yet to be confirmed what tenant's choice items will be offered as each Registered Provider will have a different range of choices for their specific developments. However, they may include items such as kitchen units, wall paint colours, tiling and floor coverings.

## **11. HOME LOSS PAYMENTS AND DISTURBANCE PAYMENTS**

- 11.1 The Home Loss and Disturbance Policy for Secure Tenants with Homes in South Kilburn is attached at Appendix 2.

## **12. APPEALS PROCEDURES**

### **APPEALS PROCEDURE WHERE NO CPO HAS BEEN CONFIRMED**

#### **12.1 Stage One Appeal: no CPO confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within ten (10) working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal and who to send an appeal to at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer,
  - specifying the reasons why they believe the offer is not a Suitable Offer
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to appeal against the Council's offer.
- Appeals should be sent to:  
South Kilburn Re-housing Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's appeal.

#### **12.2 Stage Two Appeal: no CPO confirmed**

- If the Secure Tenant wishes to appeal the South Kilburn Re-housing Manager's decision and a CPO has not been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the address below:

- specifying the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Further appeals should be sent to:  
Estate Regeneration Programme Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
  - If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household.
  - If the Estate Regeneration Programme Manager agrees with the Secure Tenant's further appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
  - If the Estate Regeneration Programme Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's further appeal.

## **APPEALS PROCEDURE WHERE A CPO HAS BEEN CONFIRMED**

### **12.3 Stage One Appeal: where CPO is confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within ten (10) working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer,
  - specifying the reasons why they believe the offer is not a Suitable Offer
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to appeal against the Council's offer.
- Appeals should be sent to:  
South Kilburn Re-housing Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.



- If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's appeal.

#### **12.4 Stage Two Appeal: where CPO is confirmed**

- If the Secure Tenant wishes to appeal the South Kilburn Re-housing Manager's decision and a CPO has been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the address below:
  - specifying the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Appeals should be sent to:  
Estate Regeneration Programme Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will refer the appeal to an independent review body to be appointed by the Council and notified to Secure Tenants prior to any such appeal arising. The independent review body will carefully review the Suitable Offer made to the Secure Tenant and any representation made by the Council and will advise the Estate Regeneration Programme Manager whether it considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973 within 15 working days of the independent review body receiving from the Estate Regeneration Programme Manager a copy of the Secure Tenant's further appeal.
- Within ten (10) working days of receiving the view of the independent review body:
  - the Estate Regeneration Programme Manager will assess the appeal taking into account the view of the independent review body, the information provided by the Secure Tenant and the individual circumstances of the Secure Tenant and their household and decide whether they agree with the Secure Tenant's further appeal; and
  - the Council will inform the Secure Tenant of the decision of the Estate Regeneration Programme Manager and, if the Estate Regeneration Programme Manager agrees with the Secure Tenant's further appeal, the Council will make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the independent review body does not consider that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, in most cases it is

likely that the Estate Regeneration Programme Manager will agree with the view of the independent review body, agree to the Secure Tenant's further appeal and make an alternative offer. There may be circumstances, however, in which the Estate Regeneration Programme Manager disagrees with the decision of the independent review body and decides not to do so. If this is the case, when the Council writes to the Secure Tenant to notify them of the outcome of their further appeal, the Council will explain why it disagrees with the view of the independent review body.

- If the independent review body considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, it is likely that the Estate Regeneration Programme Manager will agree with the view of the independent review body and not agree with the Secure Tenant's further appeal. Where the Estate Regeneration Programme Manager does not agree with the Secure Tenant's further appeal, the Council will expect the Secure Tenant to move to the home set out in the Suitable Offer. If the Secure Tenant does not move to the home set out in the Suitable Offer, then the Council will take all necessary steps to secure possession of the Secure Tenant's home as summarised at paragraph 8 above.

12.5 Tenants can also seek the advice from a Citizens Advice Bureau/ Law Centre Solicitor or the independent Resident and Tenants Advisor, First Call, who can be contacted on Freephone 0300 365 7150.

## Appendix 1

### HOMES WITHIN SOUTH KILBURN

Homes Already Delivered under the South Kilburn Regeneration Programme	Existing Buildings to be Retained
Granville Homes	William Dunbar House
Thames Court	William Saville House
Merle Court	1 to 96 Carlton House
George House	129 to 136 Carlton House
Swift House	Canterbury Court
Hansel Road	Gorefield House
Franklin House	Alpha House
Hollister House	Stafford Close
Falconbrook Court	Hampton Close
Walbrook Court	Chichester House
1, 3, 5 & 7 Chichester Road	Chichester Road
4 to 17 Gorefield Place	Kilburn Lane
5 to 153 Cambridge Avenue (odds only)	Allington Road
1 to 13 St Paul's Walk	Princess Road
	Malvern Road
	Chamberlayne Mansions
	Claremont Road
	The Quadrant

## Appendix 2

### HOME LOSS AND DISTURBANCE POLICY FOR SECURE TENANTS WITH HOMES IN SOUTH KILBURN

#### Contents

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## 1. INTRODUCTION

1.1 This document sets out the policy and procedure for the making of Home Loss Payments and Disturbance Payments to Secure Tenants, who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973), currently living in homes within Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close, South Kilburn (together defined as '**Peel**') which will be demolished as a stand alone phase of the South Kilburn regeneration programme. The aim of the policy is to ensure effective and consistent arrangements for the making of Home Loss Payments and Disturbance Payments.

## 2. TERMS USED IN THIS POLICY

2.1 **Disturbance Payment** means a payment for removal and other expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973)

2.2 **Home Loss Payment** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973

2.3 **Peel** means homes in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close which are due for demolition as a stand alone phase of the South Kilburn regeneration programme

2.4 **Secure Tenants** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse

2.5 **The Council** means Brent Council

## 3. PEOPLE AFFECTED

3.1 This policy affects Secure Tenants living in homes within South Kilburn which will be demolished as part of the South Kilburn Regeneration Programme.

## 4. HOME LOSS AND DISTURBANCE PAYMENTS POLICY

4.1 The Council will pay Home Loss Payments and Disturbance Payment to Secure Tenants who lose their homes as part of the South Kilburn Regeneration Programme. Not all Secure Tenants who lose their homes will be entitled to Home Loss Payments and Disturbance Payments.

4.2 Secure Tenants who move out of their homes, provided that they have lived there for at least 12 months before their move and it is their only or principal home, will be eligible for a Home Loss Payment which is currently £4,700 which may change in line with government legislation over the period of the regeneration. The Council will always pay the rate which applies at the time of the Secure Tenant's move.

4.3 Home Loss Payments and Disturbance Payments will be dealt with after the move to the

new home when claim forms should be submitted, as set out in this policy.

- 4.4 Secure Tenants who are joint tenants are only entitled to one Home Loss Payment and Disturbance Payment, which can be paid in equal shares to both parties where requested in writing by them.
- 4.5 The borough-wide housing policy that allows Secure Tenants who down size to a smaller property for a financial incentive which is currently £4,000 does not apply to Secure Tenants of South Kilburn if they receive a statutory Home Loss Payment.
- 4.6 Secure Tenants who wish to move to the private sector as outlined in paragraph 7.9 of the Allocation Policy for Secure Tenants with homes in Peel, will receive Home Loss Payments and Disturbance Payments as required by law.

## **5. ADVANCE PAYMENTS OF HOME LOSS**

- 5.1 Secure Tenants can request for an advance payment of Home Loss to be made if they are moving to:
- A permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme
  - A permanent home outside South Kilburn
  - A move elsewhere within the Borough or outside of Brent
- 5.2 If a request for an advance payment of Home Loss is received, it is sent to the South Kilburn Re-housing Manager for consideration. The South Kilburn Re-housing Manager has the discretion to approve or reject requests for advance payments or make partial advance payment of Home Loss to the Secure Tenant.
- 5.3 Requests for advance payments of Home Loss will not be considered from Secure Tenants who are moving to a permanent new home within the South Kilburn regeneration programme.

## **6. RENT ARREARS AND OUTSTANDING COURT COSTS**

- 6.1 Secure Tenants with rent arrears will be expected to clear the full sum of monies owed to the Council. The Council will pursue all rent arrears in line with its arrears procedure. Where a Secure Tenant has been taken to court for recovery of rent and the Secure Tenant has kept to the terms of the court order, then the Council will off-set any remaining rent arrears and outstanding court costs against any Home Loss Payment.
- 6.2 Where a Secure Tenant has not complied with any court order for the recovery of rent arrears or where the level of arrears exceeds the Home Loss payment, the Council reserves the right not to offer a Secure Tenant a new home in South Kilburn.

## **7. DISTURBANCE PAYMENTS – KEY PRINCIPLES**

- 7.1 The Council will pay disturbance payments to Secure Tenants who lose their homes as part of the South Kilburn regeneration programme and who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973). Reasonable disturbance costs may be payable and Secure Tenants who wish to claim for these costs will be required to produce evidence of the costs incurred. The

following are examples of Disturbance payments that the Council has a legal duty to meet:

- Removal expenses (the Council pays for removals directly, however, agreement must be sought from the South Kilburn Re-housing Team where a Secure Tenant wishes to organise their own removals and seek reimbursement)
- Redirection of mail
- Dismantling and re-assembly of Secure Tenants own furniture such as wardrobes
- Telephone disconnection and reconnection
- Compensation for the second hand value of carpet and curtains where no carpet and curtains are provided in replacement home (see paragraphs 7.5 to 7.11)
- Disconnection/reconnection of services (e.g. cooker or washing machine)
- The second hand value of large items of furniture that cannot be dismantled or moved to the Secure Tenant's replacement property

7.2 Key principles relating to Disturbance Payments are as follows:

- The onus is on the Secure Tenant to justify their claim; there is no pre-determined disturbance allowance
- Claims can only be made for costs incurred as a direct result of being disturbed
- Secure Tenants should be no worse off or better off than before their move
- Costs must be reasonable. For example, Secure Tenants cannot claim compensation for any fixtures and fittings such as mixer taps that they have replaced in their current home as fixtures and fittings will be provided in replacement home
- Where appliances are supplied within new properties e.g. cooker, washing machine or fridge freezer, no reconnection fees will be paid.

#### **Adaptation of Carpets/Curtains**

7.3 If carpets and/or curtains could be adapted to fit in the replacement property, the Council would pay for the adaption, where such items are not provided in replacement home. If the Secure Tenant chooses not to adapt the carpets and/or curtains, nor does the Secure Tenant use them in their replacement property, then the Secure Tenant would not be able to claim compensation.

7.4 Carpets and/or curtains are deemed to be adaptable if they satisfy the following criteria:

- The existing carpets/curtains is the same size or larger than required in the replacement home
- Foam-backed carpets, unlined curtains and lino are 3 years old or less
- Hessian-backed carpets and lined curtains are 6 years old or less

#### **Compensation for Carpets, Curtains or Large Items of Furniture**

7.5 Secure Tenants can claim the second hand value of carpets and curtains where such items are not provided in replacement home or are not adaptable as outlined above. Where it is agreed that an item needs replacing, rather than adapting, the compensation paid to the Secure Tenant will be based on the cost of the item when it was new, less a percentage discount according to the existing age of the item. Therefore, the older the existing item, the less amount of compensation the Secure Tenant will receive.

7.6 Secure Tenants can also claim for large items of furniture that cannot be dismantled or moved to their replacement home. Details of the Secure Tenants existing carpets, curtains and large items of furniture would have been recorded in the Housing Needs Assessment by the South Kilburn Re-housing Team at the time of the first home visit or at the point that the Secure Tenant accepts the suitable offer of alternative accommodation.

7.7 The age of the existing carpet must be assessed. If the Secure Tenant can show receipts as proof of purchase this is desirable, if not, an agreement must be reached on the age and condition of the carpet or curtains with the South Kilburn Re-housing Manager at the time the Housing Needs Assessment is completed.

7.8 The second-hand value of **hessian-backed carpets, lined curtains and large items of furniture that cannot be dismantled or moved to replacement home**, with a life expectancy of 10 years is calculated using the following formula:

Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	8%
2 years	Replacement Value	16%
3 years	Replacement Value	24%
4 years	Replacement Value	32%
5 years	Replacement Value	40%
6 years	Replacement Value	48%
7 years	Replacement Value	56%
8 years	Replacement Value	64%
9 years	Replacement Value	72%
10 years	Replacement Value	80%

7.9 An example of a calculation using this table is as follows:

A Secure Tenant has a hessian-backed carpet which is 5 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £8 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20 sqm x £8 per sqm	£160
Less depreciation at 40%	<u>(£64)</u>
Disturbance allowance paid to Secure Tenant	£96

7.10 The second-hand value of **foam-backed carpets and unlined curtains**, with a life expectancy of 5 years is calculated using the following formula:



Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	16%
2 years	Replacement Value	32%
3 years	Replacement Value	48%
4 years	Replacement Value	64%
5 years	Replacement Value	80%

7.11 An example of a calculation using this table is as follows:

A Secure Tenant has a foam-backed carpet which is 7 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £6 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20 sqm x £6 per sqm	£120
Less depreciation at 80%	<u>(£96)</u>
Disturbance allowance paid to Secure Tenant	£24

## 8. HOME LOSS PAYMENTS PROCEDURE

8.1 The South Kilburn Re-housing Team will request in writing bank details from Secure Tenants so the payments can be made directly into the Secure Tenant's bank account by Bankers' Automated Clearing Service ('BACS'). Payments can be made to Secure Tenants by cheque; however payments by cheque take longer than BACS payments.

8.2 Secure Tenants will be invited to attend a meeting to sign the tenancy agreement for their replacement home and to sign a form to end the tenancy on their current home within Peel. At this meeting, Secure Tenants will also be asked to complete and sign a Home Loss Claim Form (Annex 1).

8.3 If there are arrears owing on the Secure Tenant's account (rent arrears, outstanding housing benefit and court costs), these will be deducted from the Home Loss payment.

8.4 The Council will make Home Loss payments within 35 working days of receipt by the Council of a valid claim form and once the Secure Tenant has returned the keys of their old home within Peel.

## 9. DISTURBANCE PAYMENTS PROCEDURE

9.1 Disturbance claims should be made on the form provided (Annex 2). Disturbance claims should be signed and dated by the Secure Tenant and should be sent to the South Kilburn Re-housing Team at the address shown on the claim form, within 3 months of a Secure Tenant moving to their replacement home. Secure Tenants are asked to claim all the costs incurred as a result of their move on one claim form.

9.2 Secure Tenants must support their claim for Disturbance costs with receipts to confirm

the items being claimed have been paid. **Claims for the cost of goods and services that are not supported by receipts will be not considered.** Claims for the cost of goods and services that are supported by hand-written or cash receipts will not be considered.

- 9.3 The Disturbance claim will be assessed by the South Kilburn Re-housing Team. The South Kilburn Re-housing Team has the discretion to approve all or part of a claim for Disturbance, reject a claim for Disturbance or seek further information from the Secure Tenant making the claim.
- 9.4 Disturbance Payments will be paid to Secure Tenants through the BACS system. The Council will make Disturbance Payments within 35 working days of receipt by the Council of a valid claim form.

## **10. APPEALS PROCEDURE FOR DISTURBANCE CLAIMS**

- 10.1 If a Secure Tenant believes the Council's assessment of their Disturbance payment is unreasonable, they will have the right to appeal the decision within ten (10) working days of the Council's assessment of the claim for Disturbance.
- 10.2 If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below specifying the reasons why they believe the assessment of their claim for Disturbance is unreasonable.
- 10.3 Appeals should be sent to:  
South Kilburn Re-housing Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- 10.4 If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided within ten (10) working days of receipt of the appeal.
- 10.5 If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal, the Council will reassess the claim for disturbance. If the South Kilburn Re-housing Manager does not agree with the Secure Tenant's appeal, the South Kilburn Re-housing Manager will inform the tenant in writing, outlining the reasons why the appeal has been rejected.

**Annex 1  
SOUTH KILBURN REGENERATION SCHEME  
HOME LOSS CLAIM FORM**

Please write in capitals

**TENANT(S) NAMES**

Title	Initials	Surname																										

**ADDRESS VACATING**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PRESENT TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**MOBILE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**NEW ADDRESS**

<i>Town</i>																																		
<i>Postcode</i>																																		

**NEW TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**DAY VACATING**

**DATE**

**MONTH**

**YEAR**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

I certify that I will be moving from the above address, into alternative permanent/temporary housing. I note also:

- (a) I acknowledge that I shall be responsible for the payment of the rent of my present accommodation (and any other monies owed under my tenancy agreement) until the Sunday prior to the date on which I actually move out of my present accommodation and I agree to arrange for the keys to be returned to the **South Kilburn Regeneration Office, Community Resource Centre, Albert Road, London NW6 5DE.**
- (b) I acknowledge that my Home loss Claim for **£4,700.00 (subject to below deductions)** will only be processed when all the keys for my current address are return.
- (c) I agree that if, at the time that my home loss claim is processed, I owe to the Council any rent Court Costs (including any money that I owe the Council from previous accommodation), or Housing Benefit, the Council can deduct these monies from my Home loss Payment. The Council will also deduct any advance payments of Home Loss made to Secure Tenants.
- (d) I also understand that once the final Home loss Payment has been made, if there are any other monies still owed to the London Borough of Brent, I will still be liable for them to be paid.

(e) I agree not to remove any fixtures and fittings, e.g. door handles, light switches, rose pendants, kitchen and bathroom sink, worktop etc. and acknowledge that if I remove any fixtures and fittings the cost to replace them will be deducted from my Home Loss Payment.

Signed:.....Date:.....

**Official Use**

	Amount	Date Inputted	Approval
<i>Tenant's details entered on Oracle Supplier Management</i>			
<i>Date keys returned</i>			
<i>Rent Arrears (as at )</i>	£		
<i>Rent in Credit (as at )</i>	£		
<i>Court Costs owed (as at )</i>	£		
<i>Housing Benefit Overpayment owed (as at</i>			
<i>Purchase of</i>			
<i>Advance Home loss Payable</i>	£		
<i>Total withheld</i>	£		
<i>Total Amount Withheld</i>	£		
<i>Home loss Payable</i>	£		
<i>Total of Home loss</i>	£		
<i>Letter to tenants notifying of Home loss and Deductions</i>			
<i>Date invoice raised to Rent Income, for rent arrears</i>			
<i>Arrears paid to Rent Income</i>	£		

**NAME OF PERSON OTHER THAN TENANT WHO PAYMENT TO BE PAID TO**

Title	Initials	Surname

**PAYMENT BY BACS (DIRECT TO YOUR BANK)**

Please provide details of your bank account below

Name of Bank.....

Sort code.....

Account number.....

If a building society, provide Roll Number.....

**Signed..... Date.....**

Annex 2

**SOUTH KILBURN REGENERATION SCHEME  
DISTURBANCE CLAIM FORM**

As part of your claim for a disturbance payment, you are required to provide the following itemised information when submitting receipts. Unfortunately, your claim cannot be processed without this information, it is therefore essential that you submit these details.

**You will only be reimbursed on a sliding scale to replace floor covering and curtains. Please refer to the Home Loss and Disturbance Policy for Secure Tenants with homes in South Kilburn for further information . However if there is new or good quality flooring in your replacement property, then you will not receive financial compensation for similar items left behind.**

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE SOUTH KILBURN RE-HOUSING TEAM WITHIN THREE MONTHS AFTER YOU HAVE MOVED TO YOUR NEW ADDRESS**

Tenant Name(s)

Telephone No:

Your new address

Date of moving to this new address

Your old address

**Previous Accommodation**

Type: ( Please Delete) **Maisonette/ Flat**

Number of Bedrooms: .....

Number of Other Rooms: ..... (Excluding Kitchen WC and Bathroom)

To be completed by Housing Officer prior to move.

Please list all rooms in which you currently have Carpets and state whether Hessian Backed or Foam Backed and laminate/wooden flooring, is it click or glued

No.	Room Size	Carpet/ Flooring Size	Date of Purchase/ Estimated Age	Hessian/ Foam Backed	Cost per SQM	Room i.e. Bedroom/ Living room
1						
2						
3						
4						
5						
6						

Please list all rooms in which you have Curtains or Blinds.

No.	Window Size	Curtain Size	Date of Purchase/ Estimated age	Cost per SQM Cost of Blinds or Ready Made Curtains
1				
2				
3				
4				
5				
6				

Receipts for all these items must be attached.

**Section A: Adaptations**

List below details of any room where your existing carpets/flooring and curtains can be adapted for your new accommodation

No.	Room Size and Use	Flooring Adapted Quote room no. from old Accommodation	Cost	Curtains Adapted Quote room no. from old Accommodation	Cost
1					
2					
3					
4					
5					
6					

**Section B Replacement**

List below details of any rooms where your existing carpets/flooring and curtains cannot be adapted and the cost of replacement you wish to claim.

No.	Room Size and Use	Carpet Size	Cost per SQM	Curtain Size	Window Size	Cost per SQM/ Cost of Blinds
1						
2						
3						
4						
5						
6						

Receipts for all these items must be attached.

Items Claimed	Cost
<b>Disconnection/ Reconnection</b>	
Telephone *	
Re- Direction of Mail	
Other Reasonable Expenses (detail required)	
Sub Total	
<b>Cost of adapting:</b>	
Curtains/ Carpets/Laminate	
<b>Cost of replacing</b>	
Curtains/Carpets/Laminate	
Total Cost	

\*The disconnection and reconnection of your telephone is your responsibility.

#### Declaration

I certify that I have incurred the above costs and that the information given is correct. I now claim disturbance payment from Brent Council.

Signed:

\_\_\_\_\_

Date:

\_\_\_\_\_

Please return this form to South Kilburn Regeneration Office, accompanied by the necessary receipts.

#### For Area Office Use Only

Date Returned:	Rent Arrears £                      as at
Reason for Claim:	Date of Visit
Reason For Rent Arrears	
Entitlement Checked by:	Maintaining an Agreement: Yes / No
Authorised Manager:	Passed for Payment:



# Contacts

## London Borough of Brent

The South Kilburn Regeneration Team can be contacted regarding any questions you may have about these three proposals. Please contact:

Estate Regeneration Team,  
Noreen Twomey Tel: 020 8937 6482  
Linda Beasley, Tel: 020 8937 2512

South Kilburn Regeneration Team,  
South Kilburn Area Office  
Community Resource Centre  
William Dunbar House  
Albert Road  
South Kilburn  
London,  
NW6 5DE

## First Call Housing

**First Call** offer independent and impartial advice to tenants and leaseholders across the South Kilburn regeneration area. The team have provided advice to residents on over 90 projects covering over 500,000 households.

First Call provide high quality, accessible support and advice covering a whole range of legal, practical and financial advice on the implications of all housing investment options.

They support greater resident involvement in choices over the future of your homes and neighbourhood. Their aim is to make sure people can make an informed choice about what happens in their communities.

They also work closely with and support the Tenants Steering Group, which meets regularly and is open to all tenants. First Call are happy to visit tenants and leaseholders in their own homes and provide interpreters if needed.

**Louis Blair** is your Independent resident advisor.



Contact him on Freephone **0300 365 7150** or email

[southkilburn@first-call-housing.com](mailto:southkilburn@first-call-housing.com)

Please contact him if you need any clarification on the contents of this booklet or enclosed and how it will affect you.

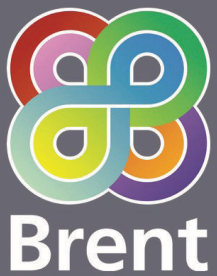
## Citizen's Advice Bureau

The Citizen's Advice Bureau provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities. Their contact details are:

Kilburn Citizens Advice Bureau,  
200 Kilburn High Road  
Kilburn  
London,  
NW6 4JD  
Freephone: 0300 330 0646







South Kilburn Rehousing Team  
Community Resource Centre  
William Dunbar House  
Albert Road, Kilburn  
London NW6 5DE



Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel'), South Kilburn

**Secure Tenants Consultation Comments Form**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please return your comments to:**

Noreen Twomey,  
Estate Regeneration Team,  
South Kilburn Area Office, Community Resource Centre,  
William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE  
Or E-mail: [noreen.twomey@brent.gov.uk](mailto:noreen.twomey@brent.gov.uk)  
Or complete online at: <https://www.surveymonkey.com/s/peel1>

**The final date for comments to be received is 5pm on Wednesday 20 August 2014**



Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel'), South Kilburn

Secure Tenants Consultation Comments Form

Name of Proposal	Details of Proposal	Your Comments on Proposal
<p><u>Proposal 1:</u> <u>Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985</u></p>	<p>Brent Council is consulting you, a Secure Tenant of Peel, on its proposal to apply to the Secretary of State for formal approval of the Council's proposed redevelopment of Peel, South Kilburn.</p> <p>Please tell us what you think about this proposal using the space provided.</p>	



Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel'), South Kilburn

Secure Tenants Consultation Comments Form

Name of Proposal	Details of Proposal	Your Comments on Proposal
<p><u>Proposal 2:</u> <u>Consultation in connection with</u> <u>Intention to make a</u> <u>Compulsory Purchase</u> <u>Order on properties</u> <u>currently occupied by</u> <u>Secure Tenants</u></p>	<p>Brent Council is consulting you, a Secure Tenant of Peel, on its proposed policy to promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 on properties currently occupied by Secure Tenants in Peel, South Kilburn.</p> <p>Please tell us what you think about this proposal using the space provided.</p>	



Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel'), South Kilburn

Secure Tenants Consultation Comments Form

Name of Proposal	Details of Proposal	Your Comments on Proposal
<p><u>Proposal 3:</u> <u>Consultation in connection with the Draft Allocation Policy for Secure Tenants with homes in Peel, South Kilburn</u></p>	<p>Brent Council is consulting you, a Secure Tenant of Peel, to get your views on the draft Allocation Policy for Secure Tenants with homes in Peel, South Kilburn.</p> <p>Please tell us what you think about this proposal using the space provided.</p>	

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**ALLOCATION POLICY FOR SECURE TENANTS WITH HOMES IN PEEL  
PRECINCT, 97 TO 112 CARLTON HOUSE AND 8 TO 14 NEVILLE CLOSE  
(TOGETHER DEFINED AS 'PEEL')  
SOUTH KILBURN**

**Contents**

1. Introduction
  2. Terms Used in this Policy
  3. Homes and People Affected
  4. Housing Needs Assessment
  5. Size and Type of Replacement Homes
  6. Change of Circumstances
  7. Re-housing Process and Options
  8. Legal Process for Relocation of Secure Tenants
  9. Rent Levels of New Affordable Homes on South Kilburn
  10. Tenant's Choice on Interior Fittings of New Homes
  11. Home Loss and Disturbance Payments
  12. Appeals Procedures
- Appendix 1: Homes within South Kilburn
- Appendix 2: Home Loss and Disturbance Policy

## 1. INTRODUCTION

- 1.1 This document sets out the policy for the allocation of replacement homes to Secure Tenants currently living in the Peel Homes, which will be demolished as part of the re-development of the Peel Site.
- 1.2 The re-development of the Peel Site will deliver a mixed use scheme comprising a new health centre for South Kilburn, the Peel Replacement Homes, homes for private sale and other uses. It will form a stand alone phase within the South Kilburn regeneration programme to enable the early delivery of a health centre for South Kilburn ahead of the planned programme.
- 1.3 To facilitate the re-development of the Peel Site, the Peel Replacement Homes will be made available to the Secure Tenants currently living in the Peel Homes. In order to try and ensure that the Peel Replacement Homes meet the decant requirements of those Secure Tenants, in so far as is possible, the Peel Replacement Homes will be built bespoke to the existing Secure Tenants housing needs. This is the first phase of the South Kilburn regeneration programme where this will be done and is the only way that the Council can bring forward the redevelopment of the Peel Site now.
- 1.4 The Council intends to develop the design of the Peel Replacement Homes over the next few months. In order to incorporate the existing Secure Tenants housing needs into the design of those homes, the Council has already carried out a housing needs assessment of the Secure Tenants currently living in the Peel Homes. The impact of designing bespoke homes according to Secure Tenants housing needs now is that, if those housing needs change, it may not be possible to accommodate them in the Peel Replacement Homes. See paragraph 6 for further information on what will happen if housing needs change.

## 2. TERMS USED IN THIS POLICY

In this policy the following terms will have the following meanings.

- 2.1 **Decent Homes** means homes that meet the current statutory minimum standard for housing, homes that are in a reasonable state of repair and homes that have reasonably modern facilities and services.
- 2.2 **Disturbance Payments** means a payment for removal and other expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973).
- 2.3 **Home Loss Payments** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973.
- 2.4 **Peel Homes** means the 36 affordable homes in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close which form part of the Peel Site, are occupied currently by Secure Tenants and which are due for demolition as part of the redevelopment of that site.
- 2.5 **Peel Site** means a stand alone phase of the South Kilburn regeneration programme as shown edged red in the Information Booklet "Getting Ready for a New South Kilburn – Information for Secure Tenants of Peel Precinct, 97 to 112 Carlton House and 8-14 Neville Close" April 2014 Version 1.

- 2.6 **Peel Replacement Homes** means homes to be built within the Peel Site and to be located on the current South Kilburn Studios site shown coloured light green in the Information Booklet "Getting Ready for a New South Kilburn – Information for Secure Tenants of Peel Precinct, 97 to 112 Carlton House and 8-14 Neville Close" April 2014 Version 1.
- 2.7 **Registered Provider** means a provider of social housing (previously referred to as a 'housing association' or a 'registered social landlord'), as defined in section 80 of the Housing and Regeneration Act 2008.
- 2.8 **Relocation Processes** means the two legal processes which the Council will use to gain possession of existing homes being (a) possession proceedings pursuant to section 84 and Ground 10A in schedule 2 of the Housing Act 1985 or (b) taking possession pursuant to a confirmed compulsory purchase order.
- 2.9 **Secure Tenants** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse.
- 2.10 **Suitable Offer** means either:
- 2.10.1 an offer of alternative accommodation that meets or, at the discretion of the Council, exceeds the housing need of the Secure Tenant and their household that is a permanent move to a Peel Replacement Home, or
- 2.10.2 where a Secure Tenant's housing needs have changed and it is no longer possible to accommodate them within a Peel Replacement Home or where a Secure Tenant has requested to move outside the Peel Site and this can be accommodated by the Council, one offer of alternative accommodation that meets or, at the discretion of the Council, exceeds the housing need of the Secure Tenant and their household that is either:
- (a) A permanent move within South Kilburn to a new home that has been built already as part of the South Kilburn regeneration programme, if there is a surplus of affordable homes; **or**
- (b) A permanent move within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme; **or**
- (c) A permanent move outside South Kilburn; **or**
- (d) A temporary move within South Kilburn until the home that the Secure Tenant is temporarily occupying becomes due for demolition under the South Kilburn regeneration programme.
- 2.11 **South Kilburn** means homes listed in Appendix 1 including both homes already delivered under the South Kilburn regeneration programme and those not due for demolition.
- 2.12 **The Council** means Brent Council.

### 3. HOMES AND PEOPLE AFFECTED

- 3.1 This policy affects Secure Tenants living in the Peel Homes.

#### **4. HOUSING NEEDS ASSESSMENT**

- 4.1 In April 2014, the South Kilburn Re-housing Team completed a housing needs assessment form with each Secure Tenant living in the Peel Homes which assessed the current circumstances of the Secure Tenant, the potential changes to their circumstances, medical and other needs as well as recording any preferences that the Secure Tenant may have.
- 4.2 On previous phases of the South Kilburn regeneration programme, housing needs assessments were completed with Secure Tenants living in the next phase due for redevelopment when planning permission for the site Secure Tenant's were moving to was already in place. As set out above, housing needs assessments have been completed earlier for Secure Tenants currently living in the Peel Homes. This is because, a key principle of the redevelopment of the Peel Site is that the Peel Replacement Homes to be built on the Peel Site will be made available to the Secure Tenants currently living in the Peel Homes and, in so far as possible, will be built bespoke to the existing Secure Tenants' housing needs. This information therefore needed to be obtained earlier so that it could be given to the design team. All information passed to the design team will be anonymous.
- 4.3 Where a Secure Tenant's housing needs change between the time the housing needs assessment was carried out and completion of the replacement home, see paragraph 6.
- 4.4 The information on the housing needs assessment form will be entered onto the Council's 'Locata' bidding system, the web based housing system used by the Council. Each Secure Tenant will be issued with a unique Locata Identification Number (LIN) which will only be known by the Secure Tenant and the South Kilburn Re-housing Team. The Locata bidding system will be used by the South Kilburn Re-housing Team to keep a clear record of all Secure Tenants requiring rehousing. All offers of replacement homes to Secure Tenants will be recorded on this system.
- 4.5 Whilst the housing needs assessment form records Secure Tenants preferences, the Council cannot guarantee such preferences will be met.

#### **5. SIZE AND TYPE OF REPLACEMENT HOMES**

- 5.1 The size and type of the replacement home offered to a Secure Tenant will depend on a Secure Tenant's household make up. The Council's allocation policy that is in force at the time that the Suitable Offer is made will be used to decide the size of home for which Secure Tenants are eligible. The Council's current allocation policy is the Brent Housing Allocation Policy 2013 that adopts the Government's bedroom standard and, as such, provides that the following should have one bedroom:
- Married, civil partnership or cohabiting couples
  - Single people more than 21 years old
  - Each pair of children or young people aged between 10 to 20 years old of the same gender
  - Each pair of children under 10 years old, regardless of gender
  - Any unpaired person aged 10 to 20 years old is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10 years old.

- 5.2 In the following circumstances, the Council will offer a Secure Tenant a larger replacement home than that which they would otherwise be entitled under the Brent Housing Allocation Policy 2013. These are:
- 5.2.1 Where a Secure Tenant or a member of their household requires larger accommodation on health grounds. For example, this may apply where a Secure Tenant or a member of their household needs their own bedroom for medical reasons or needs a carer/personal assistant or some special bulky medical equipment. These will be considered on a case by case basis, taking into account the advice of the Council's District Medical Officer and reports from relevant adult/children social services.
- 5.2.2 Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has two children of different sexes under 10 years old but where one or both of those children will be 10 years old or above by the time that the Secure Tenant will move into the replacement home.
- 5.2.3 Where a Secure Tenant requires larger accommodation as they are an approved Council foster carer and/or adopter. In order for a Secure Tenant to be allocated a larger accommodation in these circumstances, the South Kilburn Re-housing Team will require evidence from the Council's Children Service confirming the Secure Tenant has been approved as a Council foster carer and/or adopter and that they are in a position to take one or more placements. These will be considered on a case by case basis by working closely with the Council's Children's Service.
- 5.3 Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has a young person under 21 years old, who would be required to share a bedroom based on the Brent Housing Allocation Policy 2013, but the young person will be aged 21 years or above by the time that the Secure Tenant will move into the replacement home.
- 5.4 Immediately following the adoption by the Council of the Allocation Policy to be used for Secure Tenants living in the Peel Homes, the South Kilburn Re-housing Team will write to those Secure Tenants and, in accordance with the housing needs assessment which was carried out by the Council in April 2014, confirm:
- 5.4.1 the size of the replacement home that a Secure Tenant and their household will be offered;
- 5.4.2 any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met);
- 5.4.3 if an occupational therapy assessment is required.
- 5.5 If an occupational therapy assessment is required, the Council will arrange for this to be undertaken as soon as practicable after the date of the letter referred to in paragraph 5.3. Following receipt of the occupational therapist's report, the Council will write to the Secure Tenant confirming the occupational therapist's recommendations and provide the Secure Tenant with a copy of the report.
- 5.6 **Stage One Appeal**
- If the Secure Tenant disagrees with anything set out in either of the Council's letters sent in accordance with paragraphs 5.3 and/or 5.4, they will have the right to appeal within ten (10) working days of receiving the Council's letter by writing to the South Kilburn Re-housing Manager at the Community Resource Centre,

William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must set out:

- which points they do not agree with;
  - the reasons why they do not agree with those points;
  - enclosing any evidence to support their reasons
- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
  - If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
  - If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's letter.

#### 5.7 **Stage Two Appeal**

- If the Secure Tenant wishes to appeal against the South Kilburn Re-housing Manager's decision, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must:
  - specify the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclose any further evidence to support their reasons
  - state that they wish to make a further appeal.
- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
- If the Estate Regeneration Programme Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
- If the Estate Regeneration Programme Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's further appeal.

5.8 If the Secure Tenant confirms to the Council that they are happy with the information set out in either of the Council's letters sent in accordance with paragraphs 5.3 and/or 5.4, or if it does not write to the Council within the required ten (10) working days, the information set out in the Council's letter will be passed on to the design team. This will enable the design team, in so far as possible, to design a new home within the Peel Site in accordance with the housing needs of the Secure Tenant and their household as set out in the Council's letters. It is unlikely to be possible for the design to be changed after this which is why it is essential that, if the Secure Tenant

disagrees with anything set out in either of the Council's letters sent in accordance with paragraphs 5.3 and/or 5.4, they must write to the Council within the required ten (10) working days.

- 5.9 The Council will make a Suitable Offer to each Secure Tenant living in a Peel Home not less than six (6) months notice before the time they need to move, but it may be earlier. The Suitable Offer will be made in accordance with paragraph 7 of this policy.

#### **5.10 Needs Plus**

5.10.1 The Needs Plus principle has been offered to Secure Tenants of all previous phases of the South Kilburn regeneration programme who lived in homes with three (3) bedrooms or more.

5.10.2 Needs Plus was intended as an incentive for the loss of a larger property and adjusted the basic housing needs assessment to offer one bedroom more than the Secure Tenant would otherwise qualify for. The Needs Plus principle only applied to Secure Tenants on previous phases that satisfied both of the following:

- 1) Secure Tenants living in a home with 3 bedrooms or more where the Secure Tenant's household has more bedrooms than are needed based on the housing needs assessment criteria set out in the allocation policy for that phase; and
- 2) Secure Tenants that have the ability to pay the rent on a replacement home larger than they need.

For example:

By virtue of the Needs Plus principle, a single person living in a three (3) bedroom home was offered a two (2) bedroom replacement home if they had the ability to pay the rent on a replacement home larger than they need. However, the option of moving to a one bedroom replacement home was still open at the request of the Secure Tenant.

5.10.3 The Needs Plus principle will not apply to the Peel Site as none of the Peel Homes have three (3) or more bedrooms.

## **6. CHANGE OF CIRCUMSTANCES**

- 6.1 As set out above, a key principle of the redevelopment of the Peel Site is that the Peel Replacement Homes will be made available to the Secure Tenants currently living in the Peel Homes. In order to try and ensure that the Peel Replacement Homes meet the decant requirements of those Secure Tenants, in so far as is possible, the Peel Replacement Homes will be built bespoke to the existing Secure Tenants housing needs.
- 6.2 The information collected during the housing needs assessment that was carried out with each Secure Tenant living in a Peel Home in April 2014 will be included in the detailed design and planning of the Peel Replacement Homes in accordance with the process set out in paragraph 5 of this policy.
- 6.3 The Council recognise that Secure Tenant's housing needs may change over the next few years, before the Peel Replacement Homes are ready to move in to. Where needs change, it may not be possible to accommodate the Secure Tenant in the Peel

Replacement Home that has been designed to suit their housing needs as that new home may no longer be suitable. In those circumstances, a replacement property will be allocated to them in accordance with paragraph 7 of this policy.

6.4 If the housing needs of the Secure Tenant and/or its household change from the housing needs set out in the Council's letters referred to in paragraphs 5.3 and/or 5.4 of this policy, the Secure Tenant must notify the Council of these changes in person or in writing to the South Kilburn Re-housing Team, providing all relevant documentation. For example, if a Secure Tenant or a member of their household is expecting a baby, the Secure Tenant would be required to provide a copy of the Expected Date of Confinement Certificate to the South Kilburn Re-housing Team and a full copy of the birth certificate once the child is born.

6.5 If, as a result of the notification referred to at paragraph 6.4, the Council considers that an occupational therapy assessment is required, the Council will arrange for this to be undertaken as soon as practicable after the date on which it receives the Secure Tenant's notification. Following receipt of the occupational therapist's report, the Council will write to the Secure Tenant confirming the occupational therapist's recommendations and provide the Secure Tenant with a copy of the report.

#### 6.6 **Stage One Appeal**

If the Secure Tenant disagrees with anything set out in either of the Council's letters, the Secure Tenant must notify the Council of this within ten (10) working days of receiving the Council's letter by writing to the South Kilburn Re-housing Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must set out:

- which points they do not agree with;
- the reasons why they do not agree with those points;
- enclosing any evidence to support their reasons

- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
- If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's letter.

#### 6.7 **Stage Two Appeal**

- If the Secure Tenant wishes to appeal against the South Kilburn Re-housing Manager's decision, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE. In that letter, the Secure Tenant must:
  - Specify the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclose any further evidence to support their reasons
  - state that they wish to make a further appeal.



- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will assess the appeal in light of the information provided, taking into account the information set out in the Secure Tenant's appeal.
- If the Estate Regeneration Programme Manager agrees with the Secure Tenant's appeal, the Council will inform the Secure Tenant of this and at the same time confirm the size of the replacement home a Secure Tenant and their household will be offered, any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met) and if an occupational therapy assessment is required.
- If the Estate Regeneration Programme Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's further appeal.

6.8 If a Secure Tenant's housing needs change to such an extent that the Peel Replacement Home, which has been designed to suit their housing needs as assessed by the Council in April 2014, is no longer suitable (for example, they now need a larger replacement home or structural adaptations are required), the Council will:

6.8.1 notify the Secure Tenant of this; and

6.8.2 in accordance with paragraphs 5.8 and 7, will make a Suitable Offer which meets the changed housing needs of the Secure Tenant. The Council cannot guarantee that this will be of any of the other Peel Replacement Homes.

For the avoidance of doubt, a Peel Replacement Home will still be considered to be suitable to the Secure Tenant's housing needs if the only consequence of any change to those needs is a requirement to install non-structural adaptations. In those circumstances, the Council will arrange for those non-structural adaptations to be installed in the Peel Replacement Home either before the move or as soon as practically possible after the move.

## **7. RE-HOUSING PROCESS & OPTIONS**

### **7.1 One Suitable Offer**

All Secure Tenants living within the Peel Homes will be made one Suitable Offer of alternative accommodation in line with paragraphs 2.11, 5 and 6 of this policy.

### **7.2 How allocations will be prioritised**

7.2.1 The Council will seek to ensure that Secure Tenants are fairly prioritised in the re-housing process.

7.2.2 In making the Suitable Offer of a replacement home to Secure Tenants, in order to ensure that Secure Tenants are fairly prioritised, the Council will adopt the following prioritisation procedure:

- 1) First priority will be given to those Secure Tenants whose housing need matches the replacement home available (e.g. one bedroom or two bedrooms or more, medical or other needs);

- 2) Second priority will be given to those Secure Tenants who have children under the age of ten;
- 3) Third priority will be given to Secure Tenants whose preference, recorded during the housing needs assessment carried out in April 2014 by the South Kilburn Re-housing Team, matches the replacement home available;
- 4) Fourth priority will be given to those Secure Tenants with the longest tenancies.

7.2.3 In the event that, after applying the above criteria, there is still more than one Secure Tenant to whom the replacement home could be allocated, then it will be at the Council's discretion to determine which Secure Tenant is to be allocated to the replacement home.

### **7.3 Suitable Offer (permanent) within the Peel Site**

All Secure Tenants living within the Peel Homes will be made one Suitable Offer of a permanent replacement home within the Peel Replacement Homes, subject to there being no change of need. Secure Tenants moving to a Peel Replacement Home will become tenants of a Registered Provider. In this site, there will be a total of 36 new affordable homes.

Where the housing needs of Secure Tenants change such that the Peel Replacement Home which has been designed to suit their housing needs, as assessed by the Council in April 2014, is no longer suitable, or where a Secure Tenant has requested to move to a replacement home that is outside of the Peel Redevelopment Site, a Suitable Offer means one offer of alternative accommodation which will be:

### **7.4 Suitable Offer (permanent) within South Kilburn to a new home that has been built already as part of the South Kilburn regeneration programme**

For some Secure Tenants living within the Peel Homes, this may mean a Suitable Offer of a permanent home within another redevelopment site of the South Kilburn regeneration programme, if there is a surplus of affordable homes. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment.

### **7.5 Suitable Offer (permanent) within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme**

For some Secure Tenants living within the Peel Homes, this may mean a Suitable Offer of a permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme.

### **7.6 Suitable Offer (permanent) outside South Kilburn**

For some Secure Tenants living within the Peel Homes, this may mean a Suitable Offer of a permanent alternative home outside South Kilburn. In this case, Secure Tenants will not have a 'right to return' to a new replacement home on South Kilburn in the future. Where possible, the replacement home will be in the south of the borough of Brent. All replacement homes outside of South Kilburn are likely to meet the Decent Homes standard. Where a Secure Tenant moves to a permanent Council home outside South Kilburn, the Council will fully decorate the property.

### **7.7 Suitable Offer (temporary) Within South Kilburn**

Where a Suitable Offer of permanent alternative accommodation within South Kilburn cannot be identified, for some Secure Tenants, this will mean a Suitable Offer of a temporary home within a block that is due for demolition as part of the South Kilburn

regeneration programme. The Secure Tenant will remain in the temporary home until it is required for demolition as part of the South Kilburn regeneration programme, at which time the Secure Tenant will be made a Suitable Offer of a new replacement home. This guarantees the Secure Tenant the 'right to return' to a new home on the estate.

Where a Secure Tenant occupies a temporary home for over twelve months then they may be entitled to a second statutory Home Loss Payment and Disturbance Payment once they move to their permanent new home within the South Kilburn regeneration programme. A second payment of Home Loss Payment and Disturbance Payment will only be made if the Secure Tenant has a legal entitlement to a second payment at the time of the Secure Tenant's move to their permanent new home within the South Kilburn regeneration programme.

Where a Secure Tenant has to move to a temporary home, the Council may carry out improvements works to that home to assist the Secure Tenant to settle in. In some cases the Council may also offer fixtures and fittings as a gift. Where this happens, the Council will not be liable to maintain or repair these items.

#### **7.8 A Move Elsewhere within the Borough or Outside of Brent**

Some Secure Tenants living within Peel may wish to move elsewhere within the borough or outside of Brent. In such cases, if the Secure Tenant wishes to do this, this will have been noted when the housing needs assessment was done in April 2014. The Council will be reliant upon Registered Provider and Council partners to source alternative homes. Our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn regeneration programme.

Secure Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Secure Tenants who wish to move to the private sector will also be assisted.

Whilst Secure Tenants may express a preference to move elsewhere within South Kilburn or within the borough or outside of Brent, and the Council will assist Secure Tenants to do so, the Council cannot guarantee this outcome. Therefore, the Council will reserve a Suitable Offer for the Secure Tenant within one of the Peel Replacement Homes (subject to there being no change in the Secure Tenant's housing needs) in the instance that a move elsewhere within South Kilburn or within the borough or outside of Brent is not able to be secured within the timescale required by the Council for securing possession of the existing home of the Secure Tenant.

### **8. LEGAL PROCESS FOR RELOCATION OF SECURE TENANTS**

- 8.1 The Council will consult with its Secure Tenants to agree voluntary relocation in accordance with this policy. The Council anticipates that the majority of Secure Tenants in the Peel Homes will move to their replacement homes voluntarily. However, to provide certainty that the Council can deliver its programme of regeneration on time, for those Secure Tenants in the Peel Homes who refuse to move to their replacement homes, the Council will seek possession by Court proceedings under the Housing Act Schedule 2 Ground 10A. This method will be used by the Council for Secure Tenants in the Peel Homes, until the Council has confirmation of a Compulsory Purchase Order (CPO) in respect of the homes concerned. After that point, and even if the Council are part way through the Ground 10A process, the Council shall proceed to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the Ground 10A process. The only circumstances in which the Council may continue to

use the Ground 10A process, following confirmation of a CPO, is if the Council consider that continuing to use the Ground 10A process is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers. The Ground 10A process and the CPO process are summarised below in paragraphs 8.3 and 8.4.

- 8.2 Nothing in this Allocation Policy prevents the Council from continuing to manage homes occupied by Secure Tenants in the Peel Homes in accordance with its usual policies and procedures. This may include the Council commencing possession proceedings against a Secure Tenant based on grounds for possession that do not include Ground 10A. The other grounds for possession are set out in Schedule 2 of the Housing Act 1985 and include grounds relating to rent arrears and anti-social behaviour.

At the time that the Council needs possession of a home in order to deliver its programme of regeneration, the Council may have already:

- (i) commenced possession proceedings based on grounds for possession that do not include Ground 10A; or
- (ii) be taking, be entitled to take or become entitled to take enforcement action for a breach of a Suspended Order for Possession, where the grounds for possession which resulted in the Order did not include Ground 10A.

If this is the case, the Council may pursue those proceedings or enforcement action instead of, or in addition to, using the Ground 10A process and/or using the compulsory purchase powers derived from the confirmed CPO.

If the Council secures possession of a home in reliance on an order for possession which is based on grounds for possession that do not include Ground 10A, the Council shall not be obliged to re-house the Secure Tenant in replacement accommodation in accordance with this Allocation Policy.

### **8.3 Ground 10A**

8.3.1 Under Ground 10A and Part V of Schedule 2 to the Housing Act 1985, the Council would need to:

- 1) Serve consultation notices on the Secure Tenants within the Peel Homes. The notice will explain the main features of the proposed scheme, that the Council intends to apply to the Secretary of State for approval of the scheme and the effect of receiving this approval would result in possession proceedings brought in connection with homes occupied by Secure Tenants within the Peel Homes.
- 2) Secure Tenants will have 28 days from service of the notice to make representations to the Council about the proposal and then consider all representations during that period.
- 3) Apply to the Secretary of State for approval of the scheme (for the purposes of Ground 10A), in accordance with the procedure set out in Part V of Schedule 2 of the Housing Act 1985.
- 4) When it wishes to secure possession of a home from a Secure Tenant, and subject to it having received Secretary of State approval, serve a notice of seeking possession on the affected Secure Tenant and make them a Suitable Offer of alternative accommodation. The Council will try to give Secure Tenants 6 months notice before it requires possession of the Secure Tenant's current

home but this may not be possible in all cases and possession proceedings may commence before the end of the 6 months for some Secure Tenants who refuse a Suitable Offer of a replacement home. However, if a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal under the process outlined in paragraph 12 of this policy; and

- 5) Apply to the Court for repossession of a Secure Tenant's home if the Secure Tenant, having received a notice of seeking possession and a Suitable Offer of alternative accommodation, does not voluntarily move out of their home.

#### **8.4 Compulsory Purchase Order**

8.4.1 The Council's policy is to secure the regeneration of South Kilburn in accordance with a phased programme. Use of Ground 10A cannot by itself secure this aim. Therefore, in addition to the use of Ground 10A outlined above, the Council will also promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire all interests in land which forms Peel, a stand alone phase of the South Kilburn regeneration programme.

8.4.2 The land to be acquired will include properties occupied by Secure Tenants. The CPO will be relied upon to obtain possession if possession of properties cannot be obtained to ensure timely delivery of the comprehensive regeneration proposals by securing vacant possession of blocks due for demolition under the South Kilburn regeneration programme which gives certainty of timing to enable the phased process of regeneration and the delivery of new homes to continue.

8.4.3 Under section 226(1)(a) of the Town and Country Planning Act 1990 the Council will:

- 1) Serve a Section 16 requisition notice on the Secure Tenants advising of the Council's intention to acquire land which includes their existing home. This notice is a legal document and Secure Tenants must complete the document detailing their interest in the property and also detail who else has an interest in the property such as other members of the household.
- 2) Secure Tenants will then receive a copy of the draft CPO and a notice explaining its effects. Secure Tenants will be advised at that stage that they can voice their objections to the CPO and that these objections will be sent to the appropriate government minister. If there are objections there will be an inquiry and an inspector will make a decision on whether or not the CPO should be confirmed.
- 3) Make Secure Tenants a Suitable Offer of alternative accommodation. If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal in line with the process outlined in paragraph 12.3 of this policy.
- 4) If the CPO is confirmed, either with or without a public inquiry, serve a Notice to Treat and Notice of Entry on the Secure Tenants specifying a date for possession. These are legal documents that the Council may serve on Secure Tenants which gives the Council the right to enter and take possession of the existing home of the Secure Tenant, in order to ensure the timely delivery of that property for regeneration.

- 5) Enforce the CPO to take possession of the home if a Secure Tenant fails to move to their replacement home. Under CPO the notice of Entry will be enforced and possession obtained by County Court enforcement officers.

## **9. RENT LEVELS OF NEW AFFORDABLE HOMES ON SOUTH KILBURN**

- 9.1 Secure Tenants who are allocated a new replacement home in South Kilburn will pay higher rent than their existing Council property.

This is due to two reasons:

- 1) Council rents are below the rents charged by Registered Providers, which are known as target rents;
- 2) The higher value associated with a quality new build home, compared with an existing Council property, will be reflected in a higher target rent.

Annual rent increases for the new replacement homes will, like Council rents, be in line with the Government's recently issued guidance on social rent, with rent from 2015 increasing in line with the Consumer Price Index plus one per cent.

This will mean that there will always be a difference in the rent charged for existing Council properties in South Kilburn, compared with new homes for rent from Registered Providers, built as part of the South Kilburn regeneration programme. Secure Tenants who are allocated a new replacement home in South Kilburn under this policy will pay the relevant target rent from the tenancy start date.

- 9.2 In the case of Secure Tenants that move elsewhere within the borough or outside of Brent or move to specialist housing such as sheltered housing, rent levels for homes will vary according to the location and the landlord.

## **10. TENANT'S DESIGN INPUT AND CHOICE ON INTERIOR FITTING OF NEW HOMES**

- 10.1 As of July 2014, the Council is in the process of appointing an architect and design team to design the high quality new homes to be delivered within the Peel Redevelopment Site. Secure Tenants currently living in Peel will be given the opportunity to comment on and input into the design of the affordable homes developed within the Peel Redevelopment Site e.g. inform and comment on the design of internal layouts of the affordable homes and landscape proposals. Whilst design consultation processes will record Secure Tenant's preferences on the design of the new homes, the Council cannot guarantee all such preferences will be met.

- 10.2 Secure Tenants who are allocated a new replacement home within the Peel Redevelopment Site may be invited to select certain 'tenant's choice' items. As the Council has not yet appointed a Registered Provider to manage the new affordable homes within the Peel Redevelopment Site, it is yet to be confirmed what tenant's choice items will be offered as each Registered Provider will have a different range of choices for their specific developments. However, they may include items such as kitchen units, wall paint colours, tiling and floor coverings.

## **11. HOME LOSS PAYMENTS AND DISTURBANCE PAYMENTS**

- 11.1 The Home Loss and Disturbance Policy for Secure Tenants with Homes in South Kilburn is attached at Appendix 2.

## **12. APPEALS PROCEDURES**

### **APPEALS PROCEDURE WHERE NO CPO HAS BEEN CONFIRMED**

#### **12.1 Stage One Appeal: no CPO confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within ten (10) working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal and who to send an appeal to at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer,
  - specifying the reasons why they believe the offer is not a Suitable Offer
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to appeal against the Council's offer.
- Appeals should be sent to:  
South Kilburn Re-housing Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's appeal.

#### **12.2 Stage Two Appeal: no CPO confirmed**

- If the Secure Tenant wishes to appeal the South Kilburn Re-housing Manager's decision and a CPO has not been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the address below:
  - specifying the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Further appeals should be sent to:  
Estate Regeneration Programme Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE

- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household.
- If the Estate Regeneration Programme Manager agrees with the Secure Tenant's further appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the Estate Regeneration Programme Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's further appeal.

## **APPEALS PROCEDURE WHERE A CPO HAS BEEN CONFIRMED**

### **12.3 Stage One Appeal: where CPO is confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within ten (10) working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer,
  - specifying the reasons why they believe the offer is not a Suitable Offer
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to appeal against the Council's offer.
- Appeals should be sent to:  
South Kilburn Re-housing Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the South Kilburn Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within ten (10) working days of the Council receiving the Secure Tenant's appeal.

### **12.4 Stage Two Appeal: where CPO is confirmed**



- If the Secure Tenant wishes to appeal the South Kilburn Re-housing Manager's decision and a CPO has been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within ten (10) working days of having received such decision by writing to the Estate Regeneration Programme Manager at the address below:
  - specifying the reasons why they do not agree with the South Kilburn Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Appeals should be sent to:
 

Estate Regeneration Programme Manager  
 Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- If a further appeal is received within the allowed time, the Estate Regeneration Programme Manager will refer the appeal to an independent review body to be appointed by the Council and notified to Secure Tenants prior to any such appeal arising. The independent review body will carefully review the Suitable Offer made to the Secure Tenant and any representation made by the Council and will advise the Estate Regeneration Programme Manager whether it considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973 within 15 working days of the independent review body receiving from the Estate Regeneration Programme Manager a copy of the Secure Tenant's further appeal.
- Within ten (10) working days of receiving the view of the independent review body:
  - the Estate Regeneration Programme Manager will assess the appeal taking into account the view of the independent review body, the information provided by the Secure Tenant and the individual circumstances of the Secure Tenant and their household and decide whether they agree with the Secure Tenant's further appeal; and
  - the Council will inform the Secure Tenant of the decision of the Estate Regeneration Programme Manager and, if the Estate Regeneration Programme Manager agrees with the Secure Tenant's further appeal, the Council will make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the independent review body does not consider that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, in most cases it is likely that the Estate Regeneration Programme Manager will agree with the view of the independent review body, agree to the Secure Tenant's further appeal and make an alternative offer. There may be circumstances, however, in which the Estate Regeneration Programme Manager disagrees with the decision of the independent review body and decides not to do so. If this is the case, when the Council writes to the Secure Tenant to notify them of the outcome of their further appeal, the Council will explain why it disagrees with the view of the independent review body.
- If the independent review body considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, it is likely that the Estate Regeneration Programme Manager will agree with the view of the independent review body and not agree with the Secure Tenant's further appeal. Where the Estate Regeneration Programme Manager does not agree with the Secure

Tenant's further appeal, the Council will expect the Secure Tenant to move to the home set out in the Suitable Offer. If the Secure Tenant does not move to the home set out in the Suitable Offer, then the Council will take all necessary steps to secure possession of the Secure Tenant's home as summarised at paragraph 8 above.

- 12.5 Tenants can also seek the advice from a Citizens Advice Bureau/ Law Centre Solicitor or the independent Resident and Tenants Advisor, First Call, who can be contacted on Freephone 0300 365 7150.

## Appendix 1

### HOMES WITHIN SOUTH KILBURN

Homes Already Delivered under the South Kilburn Regeneration Programme	Existing Buildings to be Retained
Granville Homes	William Dunbar House
Thames Court	William Saville House
Merle Court	1 to 96 Carlton House
George House	129 to 136 Carlton House
Swift House	Canterbury Court
Hansel Road	Gorefield House
Franklin House	Alpha House
Hollister House	Stafford Close
Falconbrook Court	Hampton Close
Walbrook Court	Chichester House
1, 3, 5 & 7 Chichester Road	Chichester Road
4 to 17 Gorefield Place	Kilburn Lane
5 to 153 Cambridge Avenue (odds only)	Allington Road
1 to 13 Bristol Walk	Princess Road
	Malvern Road
	Chamberlayne Mansions
	Claremont Road
	The Quadrant

## Appendix 2

### HOME LOSS AND DISTURBANCE POLICY FOR SECURE TENANTS WITH HOMES IN SOUTH KILBURN

#### Contents

1. Introduction
2. Terms Used in this Policy
3. People Affected
4. Home Loss and Disturbance Payments Policy
5. Advance Payments of Home Loss
6. Rent Arrears and Outstanding Court Costs
7. Disturbance Payments – Key Principles
8. Home Loss Payments Procedure
9. Disturbance Payments Procedure
10. Appeals Procedure for Disturbance Claims

Annex 1: Home Loss Claim Form

Annex 2: Disturbance Claim Form

## 1. INTRODUCTION

- 1.1 This document sets out the policy and procedure for the making of Home Loss Payments and Disturbance Payments to Secure Tenants, who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973), currently living in homes within Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close, South Kilburn (together defined as '**Peel**') which will be demolished as a stand alone phase of the South Kilburn regeneration programme. The aim of the policy is to ensure effective and consistent arrangements for the making of Home Loss Payments and Disturbance Payments.

## 2. TERMS USED IN THIS POLICY

- 2.1 **Disturbance Payment** means a payment for removal and other expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973)
- 2.2 **Home Loss Payment** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973
- 2.3 **Peel** means homes in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close which are due for demolition as a stand alone phase of the South Kilburn regeneration programme
- 2.4 **Secure Tenants** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse
- 2.5 **The Council** means Brent Council

## 3. PEOPLE AFFECTED

- 3.1 This policy affects Secure Tenants living in homes within South Kilburn which will be demolished as part of the South Kilburn Regeneration Programme.

## 4. HOME LOSS AND DISTURBANCE PAYMENTS POLICY

- 4.1 The Council will pay Home Loss Payments and Disturbance Payment to Secure Tenants who lose their homes as part of the South Kilburn Regeneration Programme. Not all Secure Tenants who lose their homes will be entitled to Home Loss Payments and Disturbance Payments.
- 4.2 Secure Tenants who move out of their homes, provided that they have lived there for at least 12 months before their move and it is their only or principal home, will be eligible for a Home Loss Payment which is currently £4,700 which may change in line with government legislation over the period of the regeneration. The Council will always pay the rate which applies at the time of the Secure Tenant's move.
- 4.3 Home Loss Payments and Disturbance Payments will be dealt with after the move to the new home when claim forms should be submitted, as set out in this policy.

- 4.4 Secure Tenants who are joint tenants are only entitled to one Home Loss Payment and Disturbance Payment, which can be paid in equal shares to both parties where requested in writing by them.
- 4.5 The borough-wide housing policy that allows Secure Tenants who down size to a smaller property for a financial incentive which is currently £4,000 does not apply to Secure Tenants of South Kilburn if they receive a statutory Home Loss Payment.
- 4.6 Secure Tenants who wish to move to the private sector as outlined in paragraph 7.9 of the Allocation Policy for Secure Tenants with homes in Peel will receive Home Loss Payments and Disturbance Payments as required by law.

## **5. ADVANCE PAYMENTS OF HOME LOSS**

- 5.1 Secure Tenants can request for an advance payment of Home Loss to be made if they are moving to:
- A permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme
  - A permanent home outside South Kilburn
  - A temporary move within South Kilburn to a home that will become due for demolition under the South Kilburn regeneration programme
  - A move elsewhere within the Borough or outside of Brent
- 5.2 If a request for an advance payment of Home Loss is received, it is sent to the South Kilburn Re-housing Manager for consideration. The South Kilburn Re-housing Manager has the discretion to approve or reject requests for advance payments or make partial advance payment of Home Loss to the Secure Tenant.
- 5.3 Requests for advance payments of Home Loss will not be considered from Secure Tenants who are moving to a permanent new home within the South Kilburn regeneration programme.

## **6. RENT ARREARS AND OUTSTANDING COURT COSTS**

- 6.1 Secure Tenants with rent arrears will be expected to clear the full sum of monies owed to the Council. The Council will pursue all rent arrears in line with its arrears procedure. Where a Secure Tenant has been taken to court for recovery of rent and the Secure Tenant has kept to the terms of the court order, then the Council will off-set any remaining rent arrears and outstanding court costs against any Home Loss Payment.
- 6.2 Where a Secure Tenant has not complied with any court order for the recovery of rent arrears or where the level of arrears exceeds the Home Loss payment, the Council reserves the right not to offer a Secure Tenant a new home in South Kilburn.

## **7. DISTURBANCE PAYMENTS – KEY PRINCIPLES**

- 7.1 The Council will pay disturbance payments to Secure Tenants who lose their homes as part of the South Kilburn regeneration programme and who are entitled to such

payments in accordance with Council policy (including the Land Compensation Act 1973). Reasonable disturbance costs may be payable and Secure Tenants who wish to claim for these costs will be required to produce evidence of the costs incurred. The following are examples of Disturbance payments that the Council has a legal duty to meet:

- Removal expenses (the Council pays for removals directly, however, agreement must be sought from the South Kilburn Re-housing Team where a Secure Tenant wishes to organise their own removals and seek reimbursement)
- Redirection of mail
- Dismantling and re-assembly of Secure Tenants own furniture such as wardrobes
- Telephone disconnection and reconnection
- Compensation for the second hand value of carpet and curtains where no carpet and curtains are provided in replacement home (see paragraphs 7.5 to 7.11)
- Disconnection/reconnection of services (e.g. cooker or washing machine)
- The second hand value of large items of furniture that cannot be dismantled or moved to the Secure Tenant's replacement property

7.2 Key principles relating to Disturbance Payments are as follows:

- The onus is on the Secure Tenant to justify their claim; there is no pre-determined disturbance allowance
- Claims can only be made for costs incurred as a direct result of being disturbed
- Secure Tenants should be no worse off or better off than before their move
- Costs must be reasonable. For example, Secure Tenants cannot claim compensation for any fixtures and fittings such as mixer taps that they have replaced in their current home as fixtures and fittings will be provided in replacement home
- Where appliances are supplied within new properties e.g. cooker, washing machine or fridge freezer, no reconnection fees will be paid.

#### **Adaptation of Carpets/Curtains**

7.3 If carpets and/or curtains could be adapted to fit in the replacement property, the Council would pay for the adaption, where such items are not provided in replacement home. If the Secure Tenant chooses not to adapt the carpets and/or curtains, nor does the Secure Tenant use them in their replacement property, then the Secure Tenant would not be able to claim compensation.

7.4 Carpets and/or curtains are deemed to be adaptable if they satisfy the following criteria:

- The existing carpets/curtains is the same size or larger than required in the replacement home
- Foam-backed carpets, unlined curtains and lino are 3 years old or less
- Hessian-backed carpets and lined curtains are 6 years old or less

#### **Compensation for Carpets, Curtains or Large Items of Furniture**

7.5 Secure Tenants can claim the second hand value of carpets and curtains where such items are not provided in replacement home or are not adaptable as outlined above. Where it is agreed that an item needs replacing, rather than adapting, the compensation paid to the Secure Tenant will be based on the cost of the item when it was new, less a percentage discount according to the existing age of the item. Therefore, the older the existing item, the less amount of compensation the Secure Tenant will receive.

7.6 Secure Tenants can also claim for large items of furniture that cannot be dismantled or moved to their replacement home. Details of the Secure Tenants existing carpets, curtains and large items of furniture would have been recorded in the Housing Needs Assessment by the South Kilburn Re-housing Team at the time of the first home visit or at the point that the Secure Tenant accepts the suitable offer of alternative accommodation.

7.7 The age of the existing carpet must be assessed. If the Secure Tenant can show receipts as proof of purchase this is desirable, if not, an agreement must be reached on the age and condition of the carpet or curtains with the South Kilburn Re-housing Manager at the time the Housing Needs Assessment is completed.

7.8 The second-hand value of **hessian-backed carpets, lined curtains and large items of furniture that cannot be dismantled or moved to replacement home**, with a life expectancy of 10 years is calculated using the following formula:

<b>Age of Carpet/ Curtains/ Large Item of Furniture</b>	<b>Value of Carpet/ Curtains/ Large Item of Furniture</b>	<b>Less Depreciation</b>
1 year	Replacement Value	8%
2 years	Replacement Value	16%
3 years	Replacement Value	24%
4 years	Replacement Value	32%
5 years	Replacement Value	40%
6 years	Replacement Value	48%
7 years	Replacement Value	56%
8 years	Replacement Value	64%
9 years	Replacement Value	72%
10 years	Replacement Value	80%

7.9 An example of a calculation using this table is as follows:

A Secure Tenant has a hessian-backed carpet which is 5 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £8 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20 sqm x £8 per sqm	£160
Less depreciation at 40%	<u>(£64)</u>
Disturbance allowance paid to Secure Tenant	£96

7.10 The second-hand value of **foam-backed carpets and unlined curtains**, with a life expectancy of 5 years is calculated using the following formula:



Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	16%
2 years	Replacement Value	32%
3 years	Replacement Value	48%
4 years	Replacement Value	64%
5 years	Replacement Value	80%

7.11 An example of a calculation using this table is as follows:

A Secure Tenant has a foam-backed carpet which is 7 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £6 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20 sqm x £6 per sqm	£120
Less depreciation at 80%	<u>(£96)</u>
Disturbance allowance paid to Secure Tenant	£24

## 8. HOME LOSS PAYMENTS PROCEDURE

8.1 The South Kilburn Re-housing Team will request in writing bank details from Secure Tenants so the payments can be made directly into the Secure Tenant's bank account by Bankers' Automated Clearing Service ('**BACS**'). Payments can be made to Secure Tenants by cheque; however payments by cheque take longer than BACS payments.

8.2 Secure Tenants will be invited to attend a meeting to sign the tenancy agreement for their replacement home and to sign a form to end the tenancy on their current home within Peel. At this meeting, Secure Tenants will also be asked to complete and sign a Home Loss Claim Form (Annex 1).

8.3 If there are arrears owing on the Secure Tenant's account (rent arrears, outstanding housing benefit and court costs), these will be deducted from the Home Loss payment.

8.4 The Council will make Home Loss payments within 35 working days of receipt by the Council of a valid claim form and once the Secure Tenant has returned the keys of their old home within Peel.

## 9. DISTURBANCE PAYMENTS PROCEDURE

9.1 Disturbance claims should be made on the form provided (Annex 2). Disturbance claims should be signed and dated by the Secure Tenant and should be sent to the South Kilburn Re-housing Team at the address shown on the claim form, within 3 months of a Secure Tenant moving to their replacement home. Secure Tenants are asked to claim all the costs incurred as a result of their move on one claim form.

9.2 Secure Tenants must support their claim for Disturbance costs with receipts to confirm the items being claimed have been paid. **Claims for the cost of goods and services that are not supported by receipts will be not considered.** Claims for the cost of

goods and services that are supported by hand-written or cash receipts will not be considered.

- 9.3 The Disturbance claim will be assessed by the South Kilburn Re-housing Team. The South Kilburn Re-housing Team has the discretion to approve all or part of a claim for Disturbance, reject a claim for Disturbance or seek further information from the Secure Tenant making the claim.
- 9.4 Disturbance Payments will be paid to Secure Tenants through the BACS system. The Council will make Disturbance Payments within 35 working days of receipt by the Council of a valid claim form.

## **10. APPEALS PROCEDURE FOR DISTURBANCE CLAIMS**

- 10.1 If a Secure Tenant believes the Council's assessment of their Disturbance payment is unreasonable, they will have the right to appeal the decision within ten (10) working days of the Council's assessment of the claim for Disturbance.
- 10.2 If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below specifying the reasons why they believe the assessment of their claim for Disturbance is unreasonable.
- 10.3 Appeals should be sent to:  
South Kilburn Re-housing Manager  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE
- 10.4 If an appeal is received within the allowed time limit, the South Kilburn Re-housing Manager will assess the appeal in light of the information provided within ten (10) working days of receipt of the appeal.
- 10.5 If the South Kilburn Re-housing Manager agrees with the Secure Tenant's appeal, the Council will reassess the claim for disturbance. If the South Kilburn Re-housing Manager does not agree with the Secure Tenant's appeal, the South Kilburn Re-housing Manager will inform the tenant in writing, outlining the reasons why the appeal has been rejected.

**Annex 1**

**SOUTH KILBURN REGENERATION SCHEME  
HOME LOSS CLAIM FORM**

Please write in capitals

**TENANT(S) NAMES**

<i>Title</i>			<i>Initials</i>			<i>Surname</i>																	

**ADDRESS VACATING**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PRESENT TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**MOBILE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**NEW ADDRESS**

<i>Town</i>																							
<i>Postcode</i>																							

**NEW TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**DAY VACATING**

**DATE**

**MONTH**

**YEAR**

--

I certify that I will be moving from the above address, into alternative permanent/temporary housing.  
I note also:

- (a) I acknowledge that I shall be responsible for the payment of the rent of my present accommodation (and any other monies owed under my tenancy agreement) until the Sunday prior to the date on which I actually move out of my present accommodation and I agree to arrange for the keys to be returned to the **South Kilburn Regeneration Office, Community Resource Centre, Albert Road, London NW6 5DE**.
- (b) I acknowledge that my Home loss Claim for **£4,700.00 (subject to below deductions)** will only be processed when all the keys for my current address are return.
- (c) I agree that if, at the time that my home loss claim is processed, I owe to the Council any rent Court Costs (including any money that I owe the Council from previous accommodation), or Housing Benefit, the Council can deduct these monies from my Home loss Payment. The Council will also deduct any advance payments of Home Loss made to Secure Tenants.
- (d) I also understand that once the final Home loss Payment has been made, if there are any other monies still owed to the London Borough of Brent, I will still be liable for them to be paid.

(e) I agree not to remove any fixtures and fittings, e.g. door handles, light switches, rose pendants, kitchen and bathroom sink, worktop etc. and acknowledge that if I remove any fixtures and fittings the cost to replace them will be deducted from my Home Loss Payment.

Signed:.....Date:.....

**Official Use**

	<b>Amount</b>	<b>Date Inputted</b>	<b>Approval</b>
<b>Tenant's details entered on Oracle Supplier Management</b>			
<b>Date keys returned</b>			
<b>Rent Arrears (as at )</b>	£		
<b>Rent in Credit (as at )</b>	£		
<b>Court Costs owed (as at )</b>	£		
<b>Housing Benefit Overpayment owed (as at</b>			
<b>Purchase of</b>			
<b>Advance Home loss Payable</b>	£		
<b>Total withheld</b>	£		
<b>Total Amount Withheld</b>	£		
<b>Home loss Payable</b>	£		
<b>Total of Home loss</b>	£		
<b>Letter to tenants notifying of Home loss and Deductions</b>			
<b>Date invoice raised to Rent Income, for rent arrears</b>			
<b>Arrears paid to Rent Income</b>	£		

**NAME OF PERSON OTHER THAN TENANT WHO PAYMENT TO BE PAID TO**

<b>Title</b>	<b>Initials</b>	<b>Surname</b>																	

**PAYMENT BY BACS (DIRECT TO YOUR BANK)**

Please provide details of your bank account below

Name of  
Bank.....

Sort  
code.....

Account  
number.....

If a building society, provide Roll Number.....

**Signed**..... **Date**.....

**Annex 2**

**SOUTH KILBURN REGENERATION SCHEME  
DISTURBANCE CLAIM FORM**

As part of your claim for a disturbance payment, you are required to provide the following itemised information when submitting receipts. Unfortunately, your claim cannot be processed without this information, it is therefore essential that you submit these details.

**You will only be reimbursed on a sliding scale to replace floor covering and curtains. Please refer to the Home Loss and Disturbance Policy for Secure Tenants with homes in South Kilburn for further information . However if there is new or good quality flooring in your replacement property, then you will not receive financial compensation for similar items left behind.**

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE SOUTH KILBURN RE-HOUSING TEAM WITHIN THREE MONTHS AFTER YOU HAVE MOVED TO YOUR NEW ADDRESS**

---

Tenant Name(s)

Telephone No:

Your new address

Date of moving to this new address

Your old address

**Previous Accommodation**

Type: ( Please Delete) **Maisonette/ Flat**

Number of Bedrooms: .....

Number of Other Rooms: ..... (Excluding Kitchen WC and Bathroom)

To be completed by Housing Officer prior to move.

Please list all rooms in which you currently have Carpets and state whether Hessian Backed or Foam Backed and laminate/wooden flooring, is it click or glued

No.	Room Size	Carpet/ Flooring Size	Date of Purchase/ Estimated Age	Hessian/ Foam Backed	Cost per SQM	Room i.e. Bedroom/ Living room
1						
2						
3						
4						
5						
6						

Please list all rooms in which you have Curtains or Blinds.

No.	Window Size	Curtain Size	Date of Purchase/ Estimated age	Cost per SQM Cost of Blinds or Ready Made Curtains
1				
2				
3				
4				
5				
6				

Receipts for all these items must be attached.

### Section A: Adaptations

List below details of any room where your existing carpets/flooring and curtains can be adapted for your new accommodation

No.	Room Size and Use	Flooring Adapted Quote room no. from old Accommodation	Cost	Curtains Adapted Quote room no. from old Accommodation	Cost
1					
2					
3					
4					
5					
6					

### Section B Replacement

List below details of any rooms where your existing carpets/flooring and curtains cannot be adapted and the cost of replacement you wish to claim.

No.	Room Size and Use	Carpet Size	Cost per SQM	Curtain Size	Window Size	Cost per SQM/ Cost of Blinds
1						
2						
3						
4						
5						
6						

Receipts for all these items must be attached.

Items Claimed	Cost
<b>Disconnection/ Reconnection</b>	
Telephone *	
Re- Direction of Mail	
Other Reasonable Expenses (detail required)	
Sub Total	
<b>Cost of adapting:</b>	
Curtains/ Carpets/Laminate	
<b>Cost of replacing</b>	
Curtains/Carpets/Laminate	
Total Cost	

\*The disconnection and reconnection of your telephone is your responsibility.

**Declaration**

I certify that I have incurred the above costs and that the information given is correct. I now claim disturbance payment from Brent Council.

Signed:

\_\_\_\_\_

Date:

\_\_\_\_\_

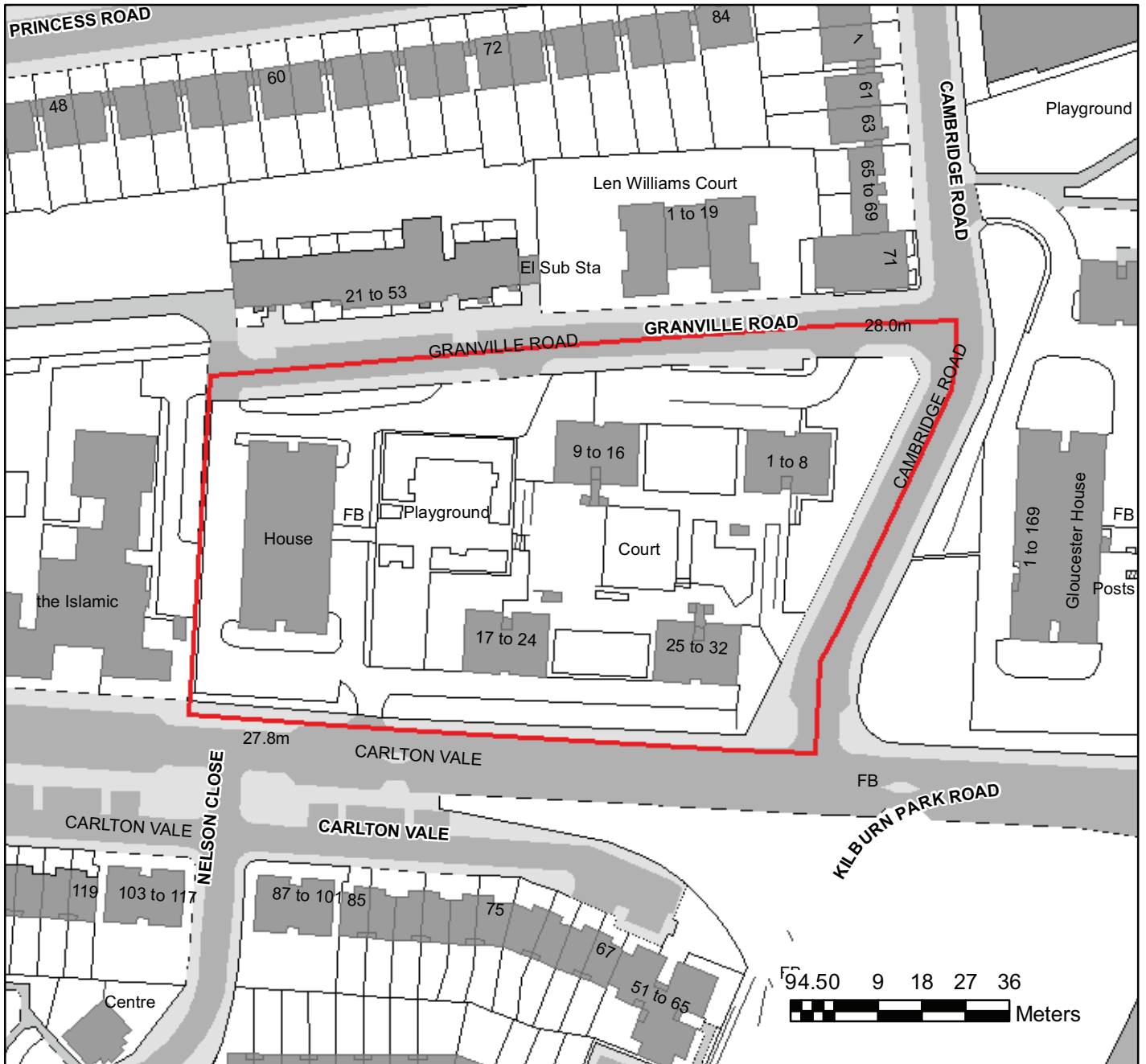
Please return this form to South Kilburn Regeneration Office, accompanied by the necessary receipts.

For Area Office Use Only

Date Returned:	Rent Arrears £                      as at
Reason for Claim:	Date of Visit
Reason For Rent Arrears	
Entitlement Checked by:	Maintaining an Agreement: Yes / No
Authorised Manager:	Passed for Payment:



# Exeter Court, Cambridge Road, London, NW6 5AJ & Hereford House, Carlton Vale, London, NW6 5QH



Premises shown edged red.

1:1,250

Plan to stated scale if printed at A4.

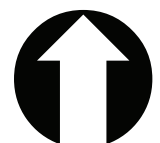
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# Equality Analysis

## Guidance and Form



## Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate: Regeneration &amp; Growth</b>  <b>Service Area: Property &amp; Projects</b>	<b>Person Responsible:</b> Name: Noreen Twomey Title: Project Manager Estate Regeneration Contact No: 020 8937 6482 Signed: Noreen Twomey
<b>Name of policy: South Kilburn Regeneration Programme</b>	<b>Date analysis started: 9 January 2013</b>  <b>Completion date: 20 August 2014</b>  <b>Review date: 1 November 2014</b>
<b>Is the policy:</b> <input type="checkbox"/> New <input checked="" type="checkbox"/> Old	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date: 27 August 2014 Contact No: 020 8937 4521 Signed: Sarah Kaiser
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Richard Barrett Title: Operational Director Date Contact No: 020 8937 1330 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee:  Cabinet  Date: 15 September 2014

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

Please refer to stage 2 of the guidance.

The regeneration programme aims to change South Kilburn into a sustainable and mixed community by delivering 2,400 new high quality homes, improved open spaces, new shops, new health facilities and a new consolidated school. The South Kilburn programme comprises of four phases. Phases 1 and 2a are already being delivered on site.

Approvals were given by the Executive in November 2013 to further progress the South Kilburn regeneration programme. Further approvals are being sought at this stage to further progress the regeneration programme; namely in relation to Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel') and Hereford House and Exeter Court (being part of 'Phase 3' of the South Kilburn Regeneration Programme).

This Equality Analysis focuses specifically on the impact (both positive and negative) the recommendations being sought from the Cabinet in relation to Peel and Hereford House and Exeter Court may have on one or more of the protected groups.

**Peel**

The proposed comprehensive redevelopment of Peel aims to deliver a mixed use scheme that would provide sufficient residential development and other uses as appropriate to deliver a new South Kilburn Health Centre at no net capital cost to the Council, as well as sufficient residential development to meet the decant requirements of existing secure tenants within Peel, re-open and reconnect the historic street pattern, create a new sense of place in the heart of South Kilburn and deliver a high quality public realm.

***Peel – Statutory Consultation with Secure Tenants Occupying Properties in Peel in relation to Ground 10A, Compulsory Purchase Order (CPO) & Peel Allocation Policy***

From 24 July to 20 August 2014 the Council undertook a statutory consultation process to seek views from secure tenants with homes in Peel on the Council's proposals to:

- (i) seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of Peel for the purpose of Ground 10A of Schedule 2 to be used to obtain possession of dwellings occupied by secure tenants in Peel;
- (ii) make a CPO on properties occupied by secure tenants with homes in Peel;
- (iii) seek views on the draft Allocation Policy which sets out the policy for the allocation of replacement homes to secure tenants currently living in homes within Peel.

The Council proposed a draft Allocation Policy for Peel which set out the policy for the allocation of replacement homes to secure tenants currently living in homes within Peel, which will be demolished as part of the South Kilburn regeneration scheme. The consultation documents noted that the Allocation Policy had been drafted to reflect the intention to use both Ground 10A and CPO powers to seek possession of homes currently occupied by secure tenants. The draft Allocation Policy also set out the policy and procedure for the making of home loss and disturbance payments to secure tenants, who

are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973).

The draft Equality Analysis appended to the report to the Executive on the South Kilburn regeneration programme in November 2013 sought to assess, by reference to the protected characteristics, the impact of approval of these three proposals on those directly affected – secure tenants with homes in Peel. The Council has considered and responded to the representations it received as part of this consultation process, and has as a result updated the Equality Analysis and further refined the Allocation Policy for secure tenants with homes in Peel, South Kilburn.

### **Phase 3**

On 11 November 2013, the report to Executive noted that the affordable homes being delivered as part of the redevelopment of Bronte House and Fielding House (being part of 'Phase 2a') will be made available to secure tenants currently residing in Hereford House and Exeter Court (being part of 'Phase 3'), thereby facilitating vacant possession of those sites for redevelopment. To this end, Cabinet approval is being sought to undertake statutory consultation with secure tenants residing in Hereford House and Exeter Court on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985 (ii) consultation on the Council's proposal to make a CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within Hereford House and Exeter Court, which will be commensurate to allocation policies adopted for previous phases of the South Kilburn regeneration programme.

If approved, the Council will undertake consultation to seek views from secure tenants with homes in Hereford House and Exeter Court on the Council's proposals to apply to the Secretary of State for use of Ground 10A of the Housing Act 1985, to make a CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants and consultation in connection with a draft Allocation Policy for Phase 3. The Council will consider the comments it receives as part of this consultation process and will report back detailing the outcome of this statutory consultation.

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

Recommendations in relation to Peel and Hereford House and Exeter Court as part of the South Kilburn regeneration programme would impact on the protected groups as follows:

#### **1. Age**

- The impact of secure tenants having to move from their current homes within Peel and Hereford House and Exeter Court to a replacement home in accordance with the final Allocation Policy for Peel (Appendix 6 of the main Cabinet Report) and an Allocation Policy for Hereford House and Exeter Court (to be developed) to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme is likely to be greater for older secure tenants. 13% of the secure tenants living within the Peel redevelopment site are aged 65 or over, compared to 10.5% of residents within Brent as a whole. This data on age was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014. Packing, moving and unpacking is likely to be particularly difficult for older people. Older secure tenants may also suffer greater psychological effects, including stress and

uncertainty, for example in relation to having to move and may rely more on neighbours and nearby family for support, and moving home may affect these support networks. To mitigate this, the Council will ensure that the South Kilburn Re-housing Team will help each secure tenant through the re-housing process. This will include identifying secure tenants' re-housing needs and requirements, informing them about the re-housing and move process, keeping them updated with the project and move timescales and supporting residents throughout the whole process. The South Kilburn Re-housing Team will be able to allocate additional support and services to assist older secure tenants when moving home. For example, offering a packing and unpacking service to help older secure tenants with the move.

- As with previous phases of the South Kilburn regeneration programme, secure tenants with homes in Peel and Hereford House and Exeter Court will be made a suitable offer of alternative accommodation, depending on their household make up. With regards to Peel, from a point of view of age, older secure tenants who are single or in a couple, whose children have left home and who are currently occupying a large home will be offered a smaller home that meets their current housing need in accordance with the final Allocation Policy for Peel. Secure tenants will be offered a larger replacement home that they would otherwise be entitled to if they or a member of their household requires larger accommodation on health grounds. Younger secure tenants who are single or in a couple with children who are over-crowded in their current homes within the Peel or Hereford House and Exeter Court will be offered a new property that meets their housing need. This would be a positive impact to reduce overcrowding.
- Secure tenants that move to a new home built as part of the South Kilburn regeneration programme will pay higher rents than on their current home, as the rents charged by Registered Providers (who own and manage new affordable homes delivered as part of the South Kilburn regeneration programme), known as target rents; are higher than those charged by the Council. The impact on secure tenants of paying higher rents on new build homes within South Kilburn than they currently pay to the Council on their existing home is likely to have less of an impact on older secure tenants who are in receipt of benefits as they will be not be affected by the introduction of a Universal Credit being introduced as part of the Welfare Reform Act 2013.
- A comment from the tenant representative and independent tenant advisor was received in relation to paragraph 5.1 of the draft Allocation Policy for Peel (which notes that each pair of children or young people aged between 10 and 20 years old of the same gender should have one bedroom), noting that the policy for the previous phase meant children under the age of 18 will be expected to share with siblings of the same sex, unless there is a five year age difference between them. Officers responded to advise that the Allocation Policy for secure tenants with homes in Peel has been drafted to align with the Brent Housing Allocation Policy 2013 which adopts the Government's bedroom standard which allocates one bedroom to each pair of children or young people aged between 10 to 20 years old of the same gender. As outlined in the main body of the Cabinet report, the Council proposes to include a new paragraph 5.2.3 of the Allocation Policy for secure tenants with homes in Peel to note that the Council will offer a secure tenant a larger replacement home than they would otherwise be entitled to under the Brent Housing Allocation Policy 2013 where household members will be aged 21 years or above by the time the secure tenant will move into the replacement home. This would have a positive impact on household members who will be aged 21 years or above by the

time the secure tenant will move into the replacement home.

## **2. Disability**

- The impact of secure tenants having to move from their current homes in Peel and Hereford House and Exeter Court to a replacement home in accordance with bespoke allocation policies, to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme, is likely to be greater for disabled secure tenants. 10.7% of the secure tenants living within the Peel redevelopment site are disabled. This data on disability was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014. Packing, moving and unpacking is likely to be particularly difficult for disabled people. Disabled secure tenants may also suffer greater psychological effects, including stress and uncertainty. Further, disabled secure tenants may rely more on neighbours and nearby family for support, and moving home may affect these support networks. To mitigate this, the South Kilburn Re-housing Team will offer additional support to disabled secure tenants, similar to that described above in relation to older secure tenants. Replacement properties will be adapted in accordance with Occupational Therapist's assessments of the individual secure tenant or a member of their household.
- The impact of having to move from their current home within Peel and Hereford House and Exeter Court as part of the South Kilburn regeneration programme, may be particularly difficult for secure tenants with mental illness. Where secure tenants have mental health problems the South Kilburn Re-housing Team will work with the secure tenants' existing support network/carers/GP to ensure that the necessary support and care is provided.

## **3. Gender Reassignment**

- It is not anticipated that the recommendations being sought in relation to the South Kilburn regeneration programme would have any differential impact on residents because of their gender identity or expression.

## **4. Pregnancy and Maternity**

- The impact of secure tenants having to move from their current homes in Peel and Hereford House and Exeter Court to enable their current home to be brought forward for development as part of the South Kilburn regeneration programme is likely to be greater for pregnant women and women on maternity leave, than for other secure tenants. Packing, moving and unpacking is likely to be difficult for pregnant women and women on maternity leave. To mitigate this, the South Kilburn Re-housing Team will offer additional support to secure tenants who are pregnant or on maternity leave, similar to that described above in relation to older secure tenants and disabled secure tenants.

## **5. Race**



- The graph below provides a summary of the ethnicity of secure tenants with homes in Peel. This data on race was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014.



**Table 1: Peel Secure Tenants - Ethnicity Breakdown**

Ethnic Group	White	Mixed/ multiple ethnic groups	Asian/ Asian British	Black/African/ Caribbean/ Black British	Chinese or other ethnic group
Peel Secure Tenants Percentage	21.4%	10.7%	7.1%	57.1%	3.6%
Kilburn Percentage	50%	6.9%	11.4%	24.6%	7.1%

Source: Housing needs assessment visits April 2014 and Census 2011

 lower than Kilburn ward percentage  
 higher than Kilburn ward percentage

- As per the above table, the impact of the Allocation Policy for secure tenants in Peel will be felt by an above-average number of secure tenants from black and mixed/dual heritage, who are overrepresented in comparison with the ethnic diversity of Kilburn ward as a whole. However the proposals should not have a negative impact on anyone because of their race and in the long term, the regeneration should benefit people from all backgrounds by delivering a range of benefits and improvements.



#### 6. Religion or Belief

- The graph below provides a summary of the religion or belief of secure tenants with homes in Peel. This data on age was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014.

**Table 2: Peel Secure Tenants – Religion or Belief**

Religion or Belief	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religion	No religion	Religion not stated
Peel Secure Tenants Percentage	41.5%	1.4%	17.8%	1.4%	18.7%	0.6%	8.2%	3.7%	6.9%
Kilburn Percentage	47.7%	1.1%	2.0%	1.4%	16.8%	0.1%	0.7%	21.6%	8.7%

Source: Housing needs assessment visits April 2014 and Census 2011

 lower than Kilburn ward percentage  
 higher than Kilburn ward percentage

- As per the above table, the impact of the recommendations being sought in relation to the proposed redevelopment of Peel will be felt by an above-average number of secure tenants from Hindu and Muslim faiths particularly, when compared with the religious breakdown of the Kilburn ward. However the proposals should not have a negative impact on anyone because of their religion or belief and in the long term, the regeneration should benefit people from all backgrounds by delivering a range of benefits and improvements.

## **7. Sex**

- According to data collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014, Peel has an equal split between male and female secure tenants. Thus the impact of the recommendations being sought are not likely to be greater for male secure tenants than female secure tenants. There is no evidence that male or female secure tenants will have any particular needs during the relocation process.

## **8. Sexual Orientation**

- It is not anticipated that the recommendations being sought in relation to the South Kilburn regeneration programme would have any differential impact on residents because of their sexual orientation.

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

- Census 2011;
- Data collected during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014;
- If approved, data on secure tenants with homes in Hereford House and Exeter Court will be collated from responses to the statutory consultation that will be undertaken on the Council's proposals to apply to the Secretary of State for use of Ground 10A of the Housing Act 1985, to make a CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants and consultation in connection with a draft allocation policy. The Council will consider the comments it receives as part of these consultation processes and will report back detailing the outcome of this statutory consultation. This Equality Analysis will be reviewed in the light of comments made in consultation. Data on secure tenants of Hereford House and Exeter Court will also be collated during housing needs assessment visits shortly due to commence.

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

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

The South Kilburn regeneration scheme proposes a phased redevelopment of the majority of the current housing stock by prioritising the redevelopment of the worst quality blocks and delivering new homes within a higher quality, better managed and more connected place. The proposition is for traditional street patterns, front doors, high quality domestic materials, and retail and community space in the right locations. The South Kilburn regeneration scheme also proposes new health facilities that meet the health needs of the existing population as well as the anticipated health needs of the increased population and a new consolidated school.

The Council aims to ensure that the South Kilburn regeneration programme will meet the varied individual needs and expectation of residents with homes due for demolition as part of the South Kilburn regeneration programme. The new homes in South Kilburn are

available to secure tenants within South Kilburn regardless of their ethnicity, nationality or national origin, age, gender, sexual orientation, disability, gender identity or expression or religion or belief. Homes are designed to Lifetime Homes standards and the London Housing Design Guide. A proportion of the new homes are designed to be wheelchair adaptable while the allocation process considers the housing needs of secure tenants in terms of providing aids/adaptations to their new home, where required.

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

The Council also aims to ensure that everyone has equal access to services, regardless of their protected characteristics. We recognise the services provided to South Kilburn residents must be relevant, responsive and sensitive and that the Council must be fair and equitable in its provision of services to residents. The additional support offered by the South Kilburn Re-housing Team to older, disabled and pregnant secure tenants will also help advance equality of opportunity.

**(c) Foster good relations**

South Kilburn Trust, a local regeneration charity working to bring about lasting change for the communities of South Kilburn, through its widening participation, seeks to find ways of involving and engaging with all local residents, particularly those who traditionally are 'hard to reach'. The delivery of a new South Kilburn Health Centre as part of the redevelopment of Peel will build good relations between residents of different backgrounds.

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

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

There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of South Kilburn are developed and delivered.

**Peel**

As outlined above, the Council undertook statutory consultation to seek views from secure tenants with homes in Peel on three proposals: (i) to seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of the Peel redevelopment site for the purpose of Ground 10A of Schedule 2; (ii) to make a CPO on properties in Peel that are currently occupied by Secure Tenants and; (iii) consultation in connection with a draft Allocation Policy for Peel. The Council has considered the comments it received as part of this consultation process. The representations received and the Council's responses to them are attached at Appendix 1 of the Cabinet report.

If the final Allocation Policy for Peel (as attached at Appendix 6 of the Cabinet report) is authorised by the Cabinet, officers will write to secure tenants with homes in Peel and, in accordance with the housing needs assessment which was carried out in April 2014, confirm the size of the replacement home that a secure tenant and their household will be offered, any preferences that the secure tenant expressed during the housing needs assessment visit (although the Council cannot guarantee such preferences will be met) and

if an occupational therapist assessment is required.

The Strategic Director of Regeneration and Growth will seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of the Peel site for the purpose of Ground 10A of Schedule 2 to be used to obtain possession of dwellings occupied by secure tenants in Peel, South Kilburn.

### **Phase 3**

If approved by the Cabinet, officers will undertake consultation to seek views from secure tenants with homes in Hereford House and Exeter Court on the Council's proposals to apply to the Secretary of State for use of Ground 10A of the Housing Act 1985, to make a CPO on properties in these redevelopment sites that are currently occupied by secure tenants and consultation in connection with the development of bespoke allocation policy to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme. The Council will consider the comments it receives as part of this consultation process and will report back detailing the outcome of these statutory consultations in due course.

#### **ii. What methods did you use?**

- Face to face communication – housing needs assessment visits in homes of secure tenants in Peel (April 2014);
- Written communication – letter, booklet and comments form in relation to the statutory consultation on the three proposals (24 July 2014);
- Face to face communication – meeting where the three proposals were explained to secure tenants and an opportunity to ask questions (29 July 2014 at The Carlton Hall, Canterbury Terrace, NW6 5DX);
- Face to face communication – meeting with tenant representative and independent tenant advisor to explain proposals (4 August 2014 at The South Kilburn Area Office, Albert Road, NW6 5DE);
- Written communication – request for written comments (to 20 August 2014).

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

Information on secure tenants housing needs and those of their household was ascertained during the housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014.

Representations were received from the tenant representative and the independent tenant advisor in response to the statutory consultation process on the three proposals.

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

The representations received from the tenant representative and the independent tenant advisor in response to the statutory consultation process on the three proposals were considered in advance of putting forward a final Allocation Policy for secure tenants with homes in Peel for adoption.

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

The representations received from the tenant representative and the independent tenant advisor in response to the statutory consultation process on the three proposals resulted in proposed changes to the original draft Peel Allocation Policy.

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

Please refer to stage 2, 3 & 4 of the guidance.

On 11 November 2013, the Executive agree to set rent levels for the affordable units at Peel once complete, at a rent equivalent to Homes and Communities Agency Target Rent Levels which are higher than those charged by the Council. Setting rent levels at target rents to reflect the fact that the regeneration programme will not be in receipt of grant funding that was previously relied upon. Instead, homes for rent will be cross-subsidised by building homes for private sale. Charging target rents was seen as the only realistic way of affording the whole regeneration programme without grant funding that would require new 'Affordable Rent', at 80% of market rent, to be charged. The Allocation Policy for Peel references this difference in rent levels. However, the overall rise in rents nevertheless provide good value for money as secure tenants are moving into brand new properties. It is also of note that tenants whose rent is met by housing benefit are likely to continue to have their rent met by housing benefit in part/full in their new home (subject to any change in circumstances and the impact of the welfare reforms). It is not anticipated that this would have a negative impact on anyone because of their ethnicity, nationality or national origin, age, gender, sexual orientation, disability, gender identity or expression or religion or belief.

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

See above.

## 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

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

## **8. The Findings of your Analysis**

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

### **No major change**

*Your analysis demonstrates that:*

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

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

The rationale for continuing the regeneration of the South Kilburn is clear; South Kilburn is identified as a priority for driving economic opportunity and regeneration within Brent – Creating Opportunities, Improving Lives (Brent Borough Plan 2013-14). The Regeneration Strategy for Brent 2010-2030 identifies the transformational change of South Kilburn within strategic priority one.

The Council has considered and responded to the representations it received as part of the statutory consultation process with secure tenants with homes in Peel, and has as a result refined the Allocation Policy for secure tenants with homes in Peel, a copy of which is attached at Appendix 6 of the Cabinet report. Officers are recommending that the Cabinet approves the adoption of the final Allocation Policy which will apply to all secure tenants with homes in Peel.

The Council will consider the potential impact the draft Allocation Policy for Phase 3 may have on secure tenants with homes in Hereford House and Exeter Court, South Kilburn. The comments it receives as part of this statutory consultation process will be collated into a consultation report which will be presented to the Cabinet in due course.

**Adjust the policy**

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

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

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

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

**Continue the policy**

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

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

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

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

**Stop and remove the policy**

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

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

**9. Monitoring and review**

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

Reports to the Cabinet on the South Kilburn regeneration programme are supported by equalities analysis. This approach will continue going forward. This equality analysis will be reviewed following feedback form the statutory consultation with secure tenants of Hereford House and Exeter Court, if approved.

## 10. Action plan and outcomes

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

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

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Formal consultation with secure tenants of Hereford House and Exeter Court	Oct/ Nov 2014	Noreen Twomey	Seek views on proposed use of three proposals: i) use of G10A, ii) CPO on properties occupied by secure tenants and iii) a draft allocation policy.		
Report back to Cabinet on outcome of consultation	Nov 2014	Noreen Twomey	Clear policy for the allocation of replacement homes for secure tenants in Hereford House and Exeter Court. Clear strategy in terms of legal tools used to take possession of homes occupied by secure tenants.		

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

### Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.



- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

### ***The Equality Act 2010***

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### ***What should be analysed?***

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

*When should equality analysis be done?*

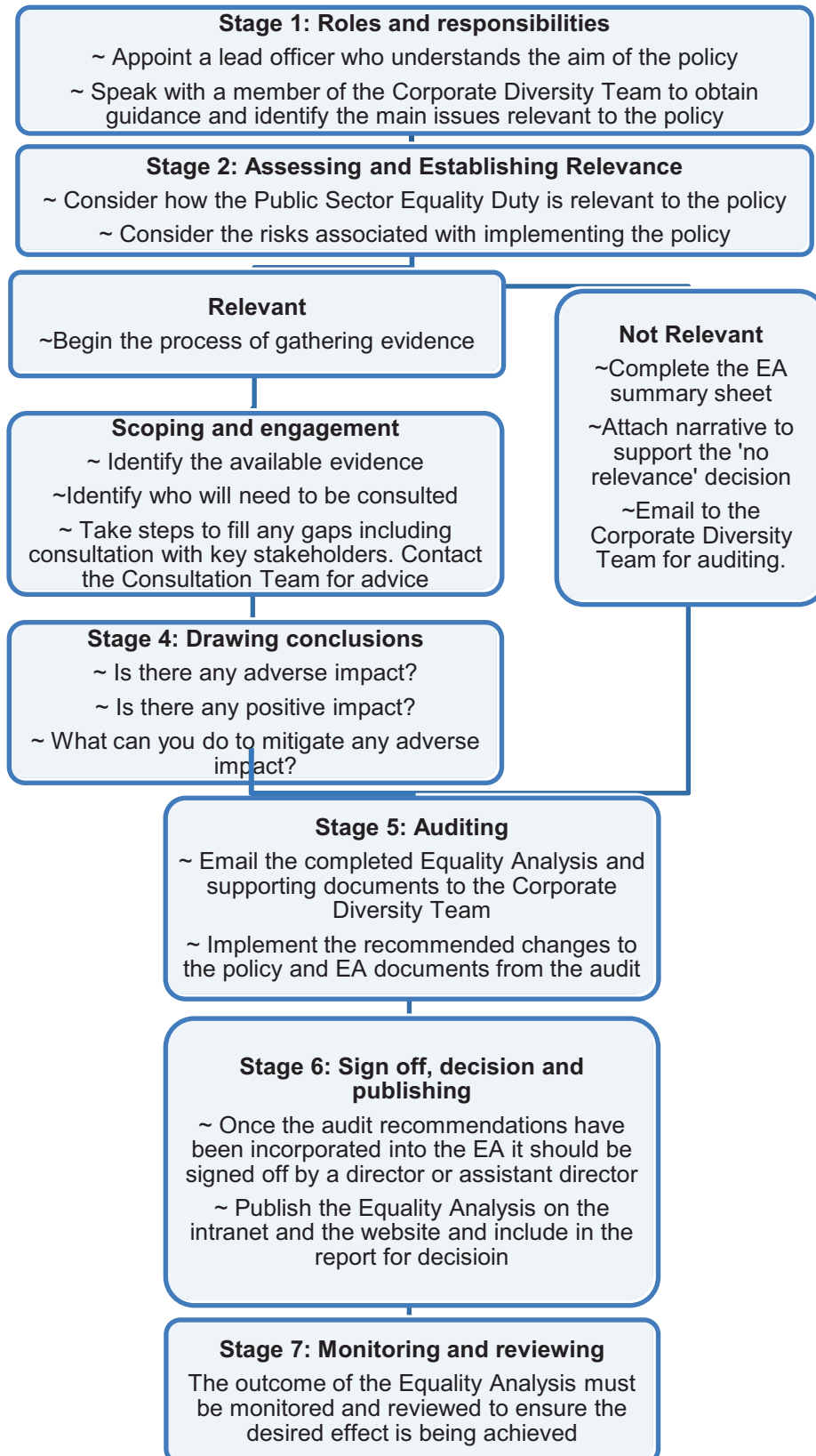
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

### **Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

**Key Questions:**

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

**“Not relevant”**

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

**Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the

policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.
- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement.

You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself "What does the evidence (data, consultation outcomes etc.) tell me about the following questions":

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?

- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure.

As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**



Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

### ***Decision-making***

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

### **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone

else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:


- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

 <p><b>Brent</b></p>	<p><b>Cabinet</b> <b>15 September 2014</b></p> <p><b>Report from the Chief Executive</b></p>
<p><b>Developing the Brent Borough Plan 2015 - 2019</b></p>	

## **1.0 Summary**

- 1.1 This paper sets out proposals for the development of the Brent Borough Plan for the period 2015 – 2019 following the local elections in May 2014. It covers the key challenges for developing a strategic, partnership agenda for the borough and outlines a programme for engaging with residents and key partners to create an ambitious programme of change, during a period of continued financial constraint. It also proposes a timetable for key actions to develop the Borough Plan through to March 2015 and alignment of this process with the budget and financial planning cycle of the council and partners.

## **2.0 Recommendations**

- 2.1 That Cabinet endorses the proposed arrangements for consulting on and developing the next Brent Borough Plan 2015 – 2019.
- 2.2 That Cabinet agrees the timetable of actions set out at 3.15.

## **3.0 Detailed considerations**

### **Challenges and context for the Borough Plan 2015 – 2019**

- 3.1 Arguably the next four years will be the most critical period of change that local government has experienced in recent decades and a key moment to redefine the role and relationship it has with both residents and partners. As we experience continued reductions in central government funding, the council will need to build a strong consensus on those services which are local priorities, innovate across service and organisational boundaries to maximise efficiencies and build capacity within local communities to build on their strengths to become more independent and resilient in the future.
- 3.2 The council will need to redefine its role as a direct provider of services and focus its resources on building relationships and influence across the public, community and business sectors to ensure future investment and growth is attracted to Brent. Within this context, the Borough Plan 2015 – 2019, is a critical opportunity to shape the strategic partnership agenda for Brent and the process for developing this vision and narrative is central to creating ownership and commitment to the Plan's objectives across all sectors.

### 3.3 The next Borough Plan should perform a number of key roles:-

- Present an ambitious vision and narrative of the administration and partners' priorities for Brent, whilst providing a distinct sense of brand identity for the area.
- Give members confidence that difficult decisions on savings and priorities have been informed by reliable and inclusive consultation with residents and partners and they reflect local needs.
- Create a set of strategic objectives, priorities and activities to shape the medium term financial strategy.
- Articulate a shared vision for the borough that informs the future partnership structures and projects, and shapes the future investment across joint commissioning arrangements.
- Adds value by joining up plans, services, activities and energy across the borough.
- Be informed by the changing demographic profile of our population and reflect their needs and preferences wherever possible.
- Use customer insight techniques to appeal to a diverse range of interests, particularly the new communities emerging in Brent.
- Address the complex issues of social and economic polarisation affecting parts of the borough.
- Engage and empower local communities to build their capacity and harness their strengths to shape their neighbourhoods.
- Establish expectations about respective roles and responsibilities and redefine the social contract with residents to manage future demand for services more effectively.
- Influence change in behaviour through a shared sense of responsibility for our borough's future and the wider impact of individual choice.
- Focus on the great opportunities Brent has for future growth and its role in the London economy.
- Promote the borough effectively to external partners, investors and government agencies.

3.4 These are a challenging set of objectives and the process for consulting and engaging with residents, partners and staff to build a strong vision and commitment to the future agenda is central to the long-term success of the Borough Plan 2015 – 2019.

3.5 As part of the process for consultation and engagement, we need to raise awareness of the challenges facing Brent over the next few years. The biggest challenge continues to be that of coping with declining funding from central government while the demand for services continues to grow, particularly for those most in need, both vulnerable children and young people and adults. There are also significant issues in a range of public services in Brent, most particularly crime, education, employment and income levels, the environment, health and housing. The Council is therefore launching a **Call for Evidence** to encourage residents, service users, the community and voluntary sector, and businesses to contribute to the debate about the future of Brent.

#### **Engaging Residents**

3.6 Given the inevitable difficult funding decisions ahead, it is vital that consultation with residents on borough priorities is realistic, informed and manages expectations effectively. The style of the consultation on the future of the borough should establish the nature of the engagement that we need to develop with communities. This should be one of mutual respect balanced with clear responsibilities on both sides of the relationship. It should aim to be inclusive and accessible through a variety of formats. Particularly important will be



enabling a range of view points to be expressed, and heard, across all sections of the community.

3.7 The intention is that the Borough Plan consultation should be a high profile conversation with the public across a number of channels and formats:-

- A **'Call for Evidence'**. This would be an open invitation for the public, partners, community groups and local businesses to provide their views on local priorities, ambitions for the area or suggestions and solutions. This call for evidence would be made on our website, and, hopefully, partner websites, through the local press, social media and the Brent magazine.
- To support the frontline call for evidence, a number of **focus groups** will also be organised. Independently facilitated focus groups are particularly effective at constructing representative groups, testing ideas and gaining constructive feedback. They can be highly effective in shaping debates and exploring conflicting expectations. A number of appealing and interactive formats for this type of consultation have been developed by research consultancies, and the council has commissioned an external company to deliver a number of focus groups. During October and early November a series of at least 10 focus groups, based on demographic and mosaic profiles, will be held to explore the challenges facing Brent, residents' priorities and test key political priorities.
- A **residents' survey** will be undertaken by an independent company. This will provide greater understanding of local residents priorities for the future and how they might want to be involved in contributing to the development of their community and indeed, of the borough.
- Our recently refreshed **Citizen's Panel** will be consulted and invited to contribute to the 'Call for Evidence'.
- Coverage on **social media** and debates on local priorities.
- **Local radio**, such as Bang Radio and also Somali TV.
- Sessions at **Brent Connects Forums** and at the five **User Forums**. These are the subject of proposals to improve local engagement and create a more interactive format. The proposals encourage a joint approach with partners to consultation, which will benefit discussion on borough plan priorities across organisational boundaries.
- **Brent Magazine** coverage informing people of the range of ways they can contribute to the discussion and shape the vision for the borough.
- A series of **Business Breakfasts** with local companies will be organised through September and October.
- Collecting views and feedback during the programme of local **Weeks of Action** in community settings.
- In collaboration with ward councillors, **local groups** such as Neighbourhood Watch and Residents' Associations should be involved as appropriate for the locality.
- All members will be provided with materials to promote the programme of engagement and consultation to residents and be involved in local events.

### **Engaging with service users**

3.8 Engagement with service users is also an important part of the process. Each Strategic Director will be responsible for consultation and engagement with the key users in their area. This will be undertaken during September and October and findings will feed into budget decision making and the development of the Borough Plan.

### **Consultation with Partners**

- 3.9 The borough's partnership structure is in need of review. The development of the borough plan gives the opportunity to shape the new partnership structures in the most appropriate way to deliver the objectives of the plan. A number of sectors are currently not adequately involved, for example, the business community and registered social landlords.
- 3.10 Consultation with partners on key challenges and borough plan priorities needs to engage a wider group of partners and also mark a new departure in the style of partnership working. Proposals for the new structure of partnership working are being developed along side the Borough Plan process. Discussion with the Partners for Brent Forum will take place on 2 September 2014 considering the process for consultation, partners priorities and timescales. Work with local partners will continue though to December focusing on:
- refreshing the partnership structure and networks.
  - clarifying priorities across particular organisations and gaining consensus.
  - setting the context and challenges for the four years head.
  - sharing the results from the resident and users consultation on borough priorities conducted from September to November.
  - undertaking workshops with partners on priorities for the Borough Plan.
- 3.11 Participation will include the voluntary and community sector, statutory public agencies and business community. The critical aspect is that it should mark a real determination to approach partnership working in a different way and strengthen commitment across all partners.
- 3.12 The CVS will be commissioned to undertake engagement with the third sector on key challenges and the development of the Borough Plan.
- 3.13 A series of Business Breakfasts will be organised through September and October. These will be managed by the Strategic Director, Regeneration and Growth and chaired by the Lead Member.

### **Engaging council staff**

- 3.14 Council staff, many of whom are also local residents, are critical to both identifying priorities and providing solutions to the future challenges faced by the borough. Engaging staff in the debate about the Borough Plan will improve clarity of purpose within the organisation, targeting of resources and service planning. A range of activities will be undertaken including a series of staff roadshows involving the Leader and Chief Executive.

### **Timetable**

- 3.15 The Residents Survey will be undertaken through September and October. Following the decision of Cabinet, it is anticipated that the launch of the **Call for Evidence** will be 16 September, 2014. Consultation and engagement across the areas identified in this Report will take place in September and October with some running into early November. As they emerge, findings will feed into consideration of spending and service planning. Key dates are as follows:
- 17/11/2014      **Council**  
The Leader will use emerging findings in his budget speech
  - Early December      **Partners for Brent Forum (PbBF)**  
PbBF will consider the draft Borough Plan and revisions to the PbB Framework

- 15/12/2014      **Executive**  
The Executive will consider the draft Borough Plan and the proposed PfB Framework
- 2/3/2015        **Council**  
The Council will consider both the new Borough Plan and the Council's budget

#### **4.0 Financial Implications**

- 4.1 The direct costs associated with commissioning independent focus groups on borough priorities are estimated to be approximately £30 – 35K. All other secondary costs would involve existing officer resources, which will be funded from the core revenue budget. It is anticipated that the direct costs will be funded from the £100k earmarked reserve carried forward from last financial year, re: Resident Survey. The Borough Plan has a key role in shaping the future financial strategy of the council and decision-making on savings.

#### **5.0 Legal Implications**

- 5.1 There is a statutory duty on local authorities to prepare a sustainable community strategy in partnership with the community. Whilst that duty is being reviewed, the current guidance emphasises the importance of consultation with local representatives, in respect of the community strategy
- 5.2 The Borough Plan provides the opportunity for such a consultation under the 2012 Best Value Guidance. It reiterates the duty to consult with the community to ensure best value. This proposal meets the requirements for consultation as required by the guidance.

#### **6.0 Diversity Implications**

- 6.1 Given the social, ethnic and economic diversity of Brent, the Borough Plan will be central to ensuring the needs of this population are reflected in our service and financial planning framework. The proposed arrangements for consultation will ensure that the diversity of views are represented and the Borough Plan itself will be the subject of an impact assessment.


#### **Background Papers**

##### **Contact Officers**

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 15 September 2014</p> <p style="text-align: center;"><b>Report from the Director of Public Health</b></p>
<p>For Decision <span style="float: right;">Wards affected: ALL</span></p>	
<p style="text-align: center;"><b>Update on Public Health Service Contracts</b></p>	

## 1.0 Summary

- 1.1 This report provides an update to the Cabinet report of 13<sup>th</sup> January 2014 on future arrangements for public health contracts that the Council inherited from the NHS. It provides an update on the proposed procurement process for contracts for 2015/16 onwards and requests approval to invite tenders in respect of such contracts as required by Contract Standing Orders 88 and 89.
- 1.2 The current contracts being re-procured have a combined value of £7.77 million. Public health contracts in 15/16 will be a call upon the ring fenced public health grant.

## 2.0 Recommendations

That the Cabinet:

- 2.1 Notes the progress made in developing options for the future commissioning and procurement of public health services.
- 2.2 Approve inviting tenders for the public health contracts detailed in Annexes 1 – 11 of this report on the basis of the pre - tender considerations set out in respect of each contract in Annexes 1 - 11 of the report.
- 2.3 Give approval to officers to evaluate the tenders referred to in paragraph 2.2 above on the basis of the evaluation criteria set out in respect of each contract in Annexes 1 – 11 of the report.
- 2.4 Give approval to an exemption from the usual tendering requirements of Contract Standing Orders in accordance with Contract Standing Order 84(a) to permit the negotiation of 2015/16 Genito-Urinary Medicine contracts as detailed in

paragraph 4.9 and to permit the procurement on behalf of Brent Council of the Pan London HIV Prevention Programme by the London Borough of Lambeth and the consequent use of its own Contract Standing Orders as detailed in paragraph 4.7.

- 2.5 Delegates authority to the Director of Public Health, in consultation with the Director of Legal & Procurement and Chief Finance Officer, to participate in negotiation of 2015/16 Genito-Urinary Medicine contracts as set out in paragraph 4.9.

### 3.0 Substance Misuse Services

- 3.1 Following the Executive meeting of 13 January 2014 which considered arrangements with regard to public health contracts, officers have reviewed options for procurement of Substance Misuse Services.

- 3.2 A soft market testing exercise (SMTE) was conducted in order to seek the market's views on the model for these service and to assess the capacity of the market to supply these services and the potential level of interest in this proposed procurement activity. A questionnaire was posted for each of the Substance Misuse Services in table 1. The SMTE generated interest from 28 organisations from whom 7 responses were received. The responses indicate there are a number of experienced providers who may be interested in participating in the tender, including the possibility of consortium bids. It appears that the proposed service model, including extended and flexible opening, is attractive to potential providers. There is a welcome interest in developing an electronic case management system. The availability of suitable estate within the borough is a potential concern. Providers expressed a preference for a three year contract with year on year extensions based on performance.

- 3.3 Having regard to the SMTE, the table below lists the current services which are proposed for procurement and the whether such procurement will be by way of a tender process:

**Table 1: Substance misuse services**

	<b>Service</b>	<b>Annex Criteria</b>	<b>Services to be Tendered</b>	<b>Quality : Price ratio</b>
1	Substance misuse: treatment and recovery	Annex 1	Yes	60:40
2	Substance misuse: outreach and engagement	Annex 2	Yes	60:40
3	Substance misuse: clinical prescribing	Annex 3	Yes	60:40
4	Substance misuse: counselling and day programme	Annex 4	Yes	60:40
5	Substance misuse: criminal justice work	Annex 5	Yes	60:40
6	Substance misuse and sexual health young people's services	Annex 6	Yes	60:40

3.4 For each of the contracts it is proposed to be procured by way of a tender exercise, the pre-tender considerations have been set out in the relevant Annex detailed in Table 1 for approval by the Cabinet in accordance with CSO 88 and 89.

3.5 Officers intend to move to the above-mentioned services onto the new model community services contract terms and conditions produced by the Department of Health and the LGA for local government public health services from 2015/16.

#### 4.0 Sexual health services

4.1 Following the Executive meeting of 13 January 2014, a SMTE was conducted in order to seek the market's views on the model for sexual health services and to assess the capacity of the market to supply these services and the potential level of interest in this proposed procurement activity. Three questionnaires for sexual health services were issued: for community contraceptive services, for chlamydia screening (combined programme management and testing of samples) and for local HIV prevention.

4.2 The SMTE generated interest from 22 organisations from whom 8 responses were received. The responses suggest the service proposal is thought to be appropriate to local needs and is potentially attractive to a market in which there are a number of experienced providers operating. Again, the availability of suitable estate within the borough is a potential concern. Providers expressed a preference for a three year contract with year on year extensions based on performance.

4.3 Having regard to the SMTE, the table below lists the current services which are proposed for procurement and whether such procurement will be by way of a tender process:

**Table 2. Sexual Health Services**

	Service[1]	Annex Criteria	Services to be Tendered	Quality : Price ratio
7	Genitourinary Medicine (GUM)		No	
8	Community contraceptive services (CaSH)	Annex 7	Yes	60:40
9	Chlamydia screening: programme management & testing of samples	Annex 8	Yes	60:40
10	Local HIV prevention	Annex 9	Yes	60:40
11	Web based condom ordering and distribution		No	N/A
12	Pan London HIV Prevention Programme		No	N/A

<sup>(1)</sup> Young people's sexual health promotion services are included in Table 1 for consistency with presentation in previous Cabinet paper

- 4.4 For each of the contracts it is proposed to be procured by way of a tender exercise, the pre-tender considerations have been set out in the relevant Annex detailed in Table 2 for approval by the Cabinet in accordance with CSO 88 and 89.
- 4.5 Officers intend to move the above-mentioned services onto the new model contract terms and conditions produced by the Department of Health and the LGA for local government public health services from 2015/16.
- 4.6 With regard to services not recommended to be tendered, the web based condom ordering and distribution is classed as a Very Low Value Contract under the Council's Contract Standing Orders and is thus not suitable to be tendered.
- 4.7 As previously reported to the Executive, it is proposed that the Pan London HIV Prevention Programme from March 2015 is procured by Lambeth Council on behalf of all London boroughs in accordance with the decision of Leaders' Committee of London Councils (at the 12/11/13 meeting). Given it is proposed Lambeth Council procure the contract on behalf of all London boroughs, Lambeth Council will use its own standing orders for the procurement.
- 4.8 For 2014/15 GUM service contracts, 12 boroughs (WLA plus the Tri-borough, Camden, Islington and Haringey) undertook a collaborative negotiation with providers located within those Boroughs. The 12 boroughs succeeded in agreeing advantageous prices, common KPIs and clinical standards through negotiating together. GUM services are open access, that is Brent residents may access services anywhere without referral. The successful agreement of contracts across 12 boroughs has meant that the majority of services used by Brent residents are under contract and specified to common standards. Within the NHS, GUM services were subject to a national price (tariff). This combined with the statutory requirement that services are open access meant the NHS had little ability to control cost. The collaborating boroughs have been able to negotiate local rather than national pricing. This equated to £253,000 (or 6% of contract value) of cost avoided in 2014/15.
- 4.9 Brent is currently participating in the London Sexual Health Services Transformation Project with 18 other boroughs. It appears that many, if not all, of these boroughs would wish to join a collaborative negotiation and management of GUM contracts for 2015/16. Given the success of a joint negotiation of GUM contracts for 2014/15 with other London boroughs, Officers recommend that Brent continues to participate in the Project and to repeat the collaborative negotiation and direct award of GUM contracts for 2015/16.

## **5.0 Children's services**

- 5.1 Following the Executive meeting of 13 January 2014, a SMTE was conducted in order to seek the market's views on the model for the school nursing services and to assess the capacity of the market to supply these services and the potential level of interest in this proposed procurement activity. The SMTE generated interest from 1 organisation and 1 response was received. It appears that there is not a well developed market for school nursing services. In response to the SMTE we have increased the weighting for partnership working and response to socioeconomic diversity in our evaluation criteria in order to ensure a service which is fit for local need.



- 5.2 Having regard to the SMTE, the table below lists current services which are being proposed for procurement and whether such procurement will be by way of a tender process:

**Table 3. Children's services**

<b>Service</b>	<b>Annex</b>	<b>Services to be Tendered</b>	<b>Quality : Price ratio</b>
School nursing	Annex 10	Yes	60:40
Health Visiting		No	N/A
Family Nurse Partnership		No	N/A

- 5.3 For each of the contracts it is proposed to be procured by way of a tender exercise, the pre-tender considerations have been set out in the relevant Annex detailed in Table 3 for approval by the Cabinet in accordance with CSO 88 and 89.
- 5.4 Officers intend to move the above-mentioned services onto the new model contract terms and conditions produced by the Department of Health and the LGA for local government public health services from 2015/16
- 5.5 It will be noted from Table 3 above that Officers do not seek authority to tender contracts for Health Visiting and the Family Nurse Partnership at the current time. Health Visiting and the Family Nurse Partnership are currently commissioned by NHS England. Commissioning responsibility will not transfer to the local authority until October 2015 and is subject to a separate process of contract transfer. The Council's public health grant will be adjusted to take account of these new responsibilities. Officers will report to the Cabinet closer to the point of transfer regarding proposals for commissioning these further services.

## **6.0 Community services**

- 6.1 The previous report to the Executive listed the following services to be procured:
1. Intensive lifestyle intervention and
  2. Community weight management.
- 6.2 Following the Executive meeting of 13 January 2014, a SMTE was conducted in order to seek the market's views on the model for these services and to assess the capacity of the market to supply these services and the potential level of interest in this proposed procurement activity. Three questionnaires were issued for community services: one for a standalone weight management service, one for an intensive lifestyle (pre-diabetic) intervention and one for a combined post health check interventions.
- 6.3 The SMTE generated interest from 15 organisations from whom 5 responses were received. Having regard to the responses, it was clear that the Council should tender for a combined specification for post health check interventions

covering both of the services detailed in paragraph 6.1. This will make referral by GP practices, who conduct the health checks, more straight forward. The contract will be titled, "Post Health Check Interventions Service Contract".

6.4 The soft market testing responses have also helped Officers to review the service specification and the following changes have been made:

6.4.1 The service will consist of a number of elements. During the initial session, patients will be assessed and offered a selection of these elements as appropriate. People who require intensive intervention, for example those with pre-diabetes, will be offered all three components.

6.4.2 Tender evaluation will assess potential providers' ability to retain clients to complete the programme.

6.4.3 The nutritional advice and cooking components can be offered as combined weekly sessions to help promote clients continued attendance

6.4.4 Providers will be asked to report on age, gender and ethnicity to monitor uptake of referrals.

6.5 The table below lists the service which is now proposed for integrated procurement and the whether such procurement will be by way of a tender process:

**Table 4: Community services**

<b>Service</b>	<b>Annex</b>	<b>Services to be tendered</b>	<b>Quality : Price ratio</b>
Post Health Check Interventions Service	Annex 11	Yes	60:40

6.6 For the contract it is proposed to be procured by way of a tender exercise, the pre-tender considerations have been set out in the relevant Annex detailed in Table 4 for approval by the Cabinet in accordance with CSO 88 and 89.

6.8 Officers intend to move the above-mentioned services onto the new model contract terms and conditions produced by the Department of Health and the LGA for local government public health services from 2015/16.

**7.0 Next steps**

7.1 Officers intend issuing Invitation to Tender for all above designated services from 22<sup>nd</sup> September 2014. All Public Health procurements will be conducted via the London tenders Portal – Brent's eTendering system hosted by Due North.

7.2 Based on the SMTE carried out on all services it is proposed are tendered, it clear that there are other local authorities tendering for the same services. This may have an impact on the number of responses received. As such, should the Council only receive 1 bid for any of the services, Officers intend to retain the right to conduct a negotiated procurement process with the 1 bidder.

## 8.0 Financial Implications

8.1 The value of current contracts which are subject to this procurement is £7.77m This is excluding the sexual health GUM contract and other smaller contracts which will not be included in this tender process. In 2015/16 these contracts will be a call upon the ring fenced public health grant. It is proposed to award contracts of a minimum duration of 2 years and therefore any shortfall will have to be met.

Services	Current Annual Value
Substance Misuse Services	£4.732m
Sexual Health Services	£1.272m
Children's Services	£1.528m
Community Services	£0.246m
<b>Total</b>	<b>£7.778m</b>

## 9.0 Legal Implications

9.1 The *2012 Health and Social Care Act* ("the Act") introduced changes by a series of amendments to the *National Health Service Act 2006*. The Act gives local authorities a duty to take such steps as it considers appropriate to improve the health of the people in its area. In general terms, the Act confers on local authorities the function of improving public health and gives local authorities considerable scope to determine what actions it will take in pursuit of that general function.

9.2 Secondary legislative provision, such as the *Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013* require local authorities to provide certain public health services. The public health services which local authorities must provide are:

1. The National Child Measurement Programme
2. Health checks
3. Open access sexual health services
4. Public health advice service to CCGs

9.3 Each of the contracts identified in this report to be tendered have an estimated value in excess of the relevant threshold under the Public Contracts Regulations 2006 ("the EU Procurement Regulations") for Services contracts. Currently all these public health services are classified as Part B Services under the EU Procurement Regulations and as such are not subject to the full application of the EU Procurement Regulations (save that there must be a technical specification contained in the contract documents and on award of contract the Council must issue a Contract Award Notice in the OJEU within 48 days of award). The public health services contracts are however, subject to the overriding EU Treaty

principles of equality of treatment, fairness and transparency in the award of contracts.

- 9.4 It is indicated in paragraph 7.2 that should the Council only receive 1 bid for any of the services, Officers intend to reserve the right to conduct a negotiated procurement process with the 1 bidder. As the procurements are not subject to the full application of the EU Procurement Regulations, the Council is permitted to do this provided this is made clear to bidders to ensure the overriding EU Treaty principles are observed.
- 9.5 The estimate value of all the contracts identified in this report to be tendered is such that they are classed as High Value Contracts under the Council's Contract Standing Orders and Financial Regulations. For High Value Contracts being tendered, the Cabinet must approve pursuant to CSO 89 the pre-tender considerations. These are set out in Annexes 1 – 11 of the report. The Cabinet must also approve pursuant to CSO 88 inviting tenders in respect of High Value Contracts.
- 9.6 For the reasons detailed in paragraph 4.9, Officers seek approval to permit the negotiation of 2015/16 GUM contracts. Further, as detailed in paragraph 4.7 Officers seek approval to permit the procurement on behalf of Brent Council of the Pan London HIV Prevention Programme by the London Borough of Lambeth and the consequent use of its own Contract Standing Orders in such procurement. Neither of these proposals is in accordance with the Council's usual procurement procedures as set out in Contract Standing Orders and Financial Regulations. The Cabinet is however permitted to grant an exemption under Contract Standing Order 84(a) to permit these proposals where there are good operational and / or financial reasons. Members are referred to paragraphs 4.9 and 4.7 for the reasons.

## **10.0 Diversity Implications**

- 10.1 The Council will need to comply with the Equality Act 2010 in the provision of Public Health Services and the NHS Constitution when making decisions affecting the delivery of public health in its area.  
An Equalities Assessment has been carried out and is included as Annex 12.

## **11.0 Staffing/Accommodation Implications**

- 11.1 The Public Health services are currently provided by a number of external contractors and there are no implications for Council staff or accommodation arising from this procurement.
- 11.2 On a re-tender of any the Services referred to in this report, where an incumbent provider is not successfully awarded a new contract, then the Transfer of Employment (Protection of Employment) Regulations 2006, ("TUPE") is likely to apply so as to transfer from the current to the new provider those employees of the current provider who spend all or most of their working time on the activities taken over by the new provider.

## **12.0 Public Services (Social Value) Act 2012**

- 12.1 Since 31st January 2013, the council, in common with all public authorities subject to the EU Regulations, has been under a duty pursuant to the Public Services

(Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; and how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract as Part B Services over the threshold for application of the EU Regulations are subject to the requirements of the Public Services (Social Value) Act 2012.

- 12.2 The services being procured have as their primary aim improving the social and economic wellbeing of some of the most disadvantaged groups in Brent. Users are regularly consulted to ensure the services meet their needs and the views of users will be taken into account in procuring services.
- 12.3 There is a limited market (for some services, very limited) for the delivery of these services; however, officers will endeavour to describe the scope of service in such a way as to further meet the requirements of the Act during the procurement process.
- 12.4 All contractors will be required to pay London Living Wage for all Public Health services contracts.

### **Background Papers**

- Authority to Tender – Public Health Contracts 13<sup>th</sup> January 2014.

### **Contact Officers**

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**MELANIE SMITH**  
**Director of Public Health**

## Annex 1 – Substance Misuse: Treatment & Recovery

Ref.	Requirement	Response	
(i)	The nature of the service.	Substance Misuse: Treatment & Recovery	
(ii)	The estimated value.	£2,480,000	
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.	
(iv)	The tender procedure to be adopted.	1 Stage tender process	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
		Expressions of interest returned	26th September 2014
		Deadline for tender submissions	27th October 2014
		Panel evaluation and shortlist for interview	28th October – 10th November 2014
		Interviews and contract decision	28th October – 10th November 2014
		Report recommending Contract award circulated internally for comment	17 <sup>th</sup> November 2014
		Cabinet approval	15th December 2014
		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	15th – 29th December 2014 (allowing for the Christmas period)
		Contract Mobilisation	January - March 2015

Ref.	Requirement	Response													
		Contract start date	01/04/2015												
(vi)	The evaluation criteria and process.	<p data-bbox="651 241 1385 533">1. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p data-bbox="651 539 1385 645">2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p data-bbox="603 651 1318 725">The evaluation will be carried out in two parts split between price and quality.</p> <p data-bbox="603 757 683 790"><b>Price</b></p> <p data-bbox="603 797 1362 831">Price will consist of 40% of the evaluation weightings.</p> <p data-bbox="603 891 715 925"><b>Quality</b></p> <p data-bbox="603 956 1327 1030">The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="708 1061 1337 2056"> <thead> <tr> <th data-bbox="708 1061 943 1099">Criteria Number</th> <th data-bbox="1018 1061 1123 1099">Criteria</th> <th data-bbox="1225 1061 1337 1135">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="708 1137 794 1171">TRS1</td> <td data-bbox="967 1137 1193 1503">Service model which demonstrates a high quality and effective substance misuse treatment and recovery service</td> <td data-bbox="1225 1137 1295 1171">25%</td> </tr> <tr> <td data-bbox="708 1581 794 1615">TRS2</td> <td data-bbox="967 1581 1203 1722">Approach to the delivery of key service outcomes</td> <td data-bbox="1225 1581 1295 1615">20%</td> </tr> <tr> <td data-bbox="708 1765 794 1798">TRS3</td> <td data-bbox="967 1765 1203 2056">Co-ordination of services including signposting, working relationships with other agencies/stake</td> <td data-bbox="1225 1765 1295 1798">25%</td> </tr> </tbody> </table>		Criteria Number	Criteria	Weighting	TRS1	Service model which demonstrates a high quality and effective substance misuse treatment and recovery service	25%	TRS2	Approach to the delivery of key service outcomes	20%	TRS3	Co-ordination of services including signposting, working relationships with other agencies/stake	25%
Criteria Number	Criteria	Weighting													
TRS1	Service model which demonstrates a high quality and effective substance misuse treatment and recovery service	25%													
TRS2	Approach to the delivery of key service outcomes	20%													
TRS3	Co-ordination of services including signposting, working relationships with other agencies/stake	25%													

Ref.	Requirement	Response
		<p>holders including service users</p> <p>TRS4      Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service      10%</p> <p>TRS5      Proposed plans for ensuring effective management of the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance      20%</p> <p>In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.</p>
(vii)	Any business risks associated with entering the contract.	No specific, other than those specified in this report.
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.



## **Annex 2 – Substance Misuse: Outreach and Engagement**

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the	Substance Misuse: Outreach and Engagement

Ref.	Requirement	Response	
	service.		
(ii)	The estimated value.	£2,160,000	
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.	
(iv)	The tender procedure to be adopted.	1 Stage tender process	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
		Expressions of interest returned	26th September 2014
		Deadline for tender submissions	27th October 2014
		Panel evaluation and shortlist for interview	28th October – 10th November 2014
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		Contract Mobilisation	January - March 2015
Contract start date	01/04/2015		

Ref.	Requirement	Response															
(vi)	The evaluation criteria and process.	<p>3. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>4. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b> The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="702 952 1340 2072"> <thead> <tr> <th data-bbox="702 952 941 996">Criteria Number</th> <th data-bbox="1021 952 1197 996">Criteria</th> <th data-bbox="1228 952 1340 1030">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="702 1019 798 1064">OET1</td> <td data-bbox="957 1019 1197 1310">Service model which demonstrates a high quality and effective outreach &amp; engagement service</td> <td data-bbox="1228 1019 1292 1064">25%</td> </tr> <tr> <td data-bbox="702 1321 798 1366">OET2</td> <td data-bbox="957 1321 1197 1467">Approach to the delivery of key service outcomes</td> <td data-bbox="1228 1321 1292 1366">20%</td> </tr> <tr> <td data-bbox="702 1478 798 1523">OET3</td> <td data-bbox="957 1478 1197 1848">Co-ordination of services including signposting, working relationships with other agencies/stake holders including service users</td> <td data-bbox="1228 1478 1292 1523">25%</td> </tr> <tr> <td data-bbox="702 1881 798 1926">OET4</td> <td data-bbox="957 1881 1197 2072">Demonstrable use of innovation to increase accessibility</td> <td data-bbox="1228 1881 1292 1926">10%</td> </tr> </tbody> </table>	Criteria Number	Criteria	Weighting	OET1	Service model which demonstrates a high quality and effective outreach & engagement service	25%	OET2	Approach to the delivery of key service outcomes	20%	OET3	Co-ordination of services including signposting, working relationships with other agencies/stake holders including service users	25%	OET4	Demonstrable use of innovation to increase accessibility	10%
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OET4	Demonstrable use of innovation to increase accessibility	10%															

Ref.	Requirement	Response
		<p>OET5</p> <p>and improve the on-going efficiency of the service</p> <p>Proposed plans 20% for ensuring effective management of the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance</p> <p>In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.</p>
(vii)	Any business risks associated with entering the contract.	No specific, other than those specified in this report.
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.

### Annex 3 – Substance Misuse: Clinical Prescribing

Ref.	Requirement	Response
(i)	The nature of the service.	Substance Misuse: Clinical Prescribing
(ii)	The estimated value.	£8,200,000
(iii)	The contract	2 years with the possibility of extending contracts up

Ref.	Requirement	Response	
	term.	to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.	
(iv)	The tender procedure to be adopted.	1 Stage tender process	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
		Expressions of interest returned	26th September 2014
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		Panel evaluation and shortlist for interview	28th October – 10th November 2014
		Interviews and contract decision	28th October – 10th November 2014
		Report recommending Contract award circulated internally for comment	17 <sup>th</sup> November 2014
		Cabinet approval	15th December 2014
		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	15th – 29th December 2014 (allowing for the Christmas period)
		Contract Mobilisation	January - March 2015
Contract start date	01/04/2015		
(vi)	The evaluation criteria and process.	5. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial	

Ref.	Requirement	Response																		
		<p>standing requirements, technical capacity and technical expertise.</p> <p>6. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b> The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="702 689 1364 2067"> <thead> <tr> <th data-bbox="702 689 949 732">Criteria Number</th> <th data-bbox="1018 689 1125 732">Criteria</th> <th data-bbox="1246 689 1364 763">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="702 763 774 801">CP1</td> <td data-bbox="970 763 1220 1093">Service model which demonstrates high quality and effective clinical prescribing service and shared care services</td> <td data-bbox="1246 763 1316 801">25%</td> </tr> <tr> <td data-bbox="702 1093 774 1131">CP2</td> <td data-bbox="970 1093 1189 1243">Approach to the delivery of key service outcomes</td> <td data-bbox="1246 1093 1316 1131">20%</td> </tr> <tr> <td data-bbox="702 1265 774 1303">CP3</td> <td data-bbox="970 1265 1220 1624">Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users</td> <td data-bbox="1246 1265 1316 1303">25%</td> </tr> <tr> <td data-bbox="702 1668 774 1706">CP4</td> <td data-bbox="970 1668 1220 1915">Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service</td> <td data-bbox="1246 1668 1316 1706">10%</td> </tr> <tr> <td data-bbox="702 1915 774 1953">CP5</td> <td data-bbox="970 1915 1220 2067">Proposed plans for ensuring effective management of</td> <td data-bbox="1246 1915 1316 1953">20%</td> </tr> </tbody> </table>	Criteria Number	Criteria	Weighting	CP1	Service model which demonstrates high quality and effective clinical prescribing service and shared care services	25%	CP2	Approach to the delivery of key service outcomes	20%	CP3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%	CP4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	10%	CP5	Proposed plans for ensuring effective management of	20%
Criteria Number	Criteria	Weighting																		
CP1	Service model which demonstrates high quality and effective clinical prescribing service and shared care services	25%																		
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CP4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	10%																		
CP5	Proposed plans for ensuring effective management of	20%																		

Ref.	Requirement	Response
		<p>the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance</p> <p>In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.</p>
(vii)	Any business risks associated with entering the contract.	No specific, other than those specified in this report.
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.

#### Annex 4 – Substance Misuse: Counselling and Day Programme

Ref.	Requirement	Response
(i)	The nature of the service.	Substance Misuse: Counselling and Day Programme
(ii)	The estimated value.	£1,080,000
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.

Ref.	Requirement	Response	
(iv)	The tender procedure to be adopted.	1 Stage tender process	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
		Expressions of interest returned	26th September 2014
		Deadline for tender submissions	27th October 2014
		Panel evaluation and shortlist for interview	28th October – 10th November 2014
		Interviews and contract decision	28th October – 10th November 2014
		Report recommending Contract award circulated internally for comment	17 <sup>th</sup> November 2014
		Cabinet approval	15th December 2014
		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	15th – 29th December 2014 (allowing for the Christmas period)
		Contract Mobilisation	January - March 2015
Contract start date	01/04/2015		
(vi)	The evaluation criteria and process.	7. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and	



Ref.	Requirement	Response																		
		<p>technical expertise.</p> <p>8. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b> The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="702 649 1372 2063"> <thead> <tr> <th data-bbox="702 649 941 694">Criteria Number</th> <th data-bbox="1069 649 1181 694">Criteria</th> <th data-bbox="1260 649 1372 728">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="702 728 798 772">CDP1</td> <td data-bbox="1021 728 1244 1019">Service model which demonstrates a high quality and effective counselling and day programme</td> <td data-bbox="1260 728 1340 772">25%</td> </tr> <tr> <td data-bbox="702 1019 798 1064">CDP2</td> <td data-bbox="1021 1019 1244 1176">Approach to the delivery of key service outcomes</td> <td data-bbox="1260 1019 1340 1064">20%</td> </tr> <tr> <td data-bbox="702 1176 798 1220">CDP3</td> <td data-bbox="1021 1176 1244 1601">Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users</td> <td data-bbox="1260 1176 1340 1220">25%</td> </tr> <tr> <td data-bbox="702 1601 798 1646">CDP4</td> <td data-bbox="1021 1601 1244 1960">Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service</td> <td data-bbox="1260 1601 1340 1646">10%</td> </tr> <tr> <td data-bbox="702 1960 798 2004">CDP5</td> <td data-bbox="1021 1960 1244 2063">Proposed plans for ensuring</td> <td data-bbox="1260 1960 1340 2004">20%</td> </tr> </tbody> </table>	Criteria Number	Criteria	Weighting	CDP1	Service model which demonstrates a high quality and effective counselling and day programme	25%	CDP2	Approach to the delivery of key service outcomes	20%	CDP3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%	CDP4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	10%	CDP5	Proposed plans for ensuring	20%
Criteria Number	Criteria	Weighting																		
CDP1	Service model which demonstrates a high quality and effective counselling and day programme	25%																		
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CDP4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	10%																		
CDP5	Proposed plans for ensuring	20%																		

Ref.	Requirement	Response
		<p>effective management of the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance</p> <p>In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.</p>
(vii)	Any business risks associated with entering the contract.	No specific, other than those specified in this report.
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.

#### **Annex 5 – Substance Misuse: Criminal Justice Work**

Ref.	Requirement	Response
(i)	The nature of the service.	Substance Misuse: Criminal Justice Work
(ii)	The estimated value.	£3,120,000
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.
(iv)	The tender procedure to be adopted.	1 Stage tender process

Ref.	Requirement	Response	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
		Expressions of interest returned	26th September 2014
		Deadline for tender submissions	27th October 2014
		Panel evaluation and shortlist for interview	28th October – 10th November 2014
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		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	15th – 29th December 2014 (allowing for the Christmas period)
		Contract Mobilisation	January - March 2015
Contract start date	01/04/2015		
(vi)	The evaluation criteria and process.		
		9. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and	

Ref.	Requirement	Response																		
		<p>technical expertise.</p> <p>10. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b> The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="702 649 1356 2063"> <thead> <tr> <th data-bbox="702 649 941 694">Criteria Number</th> <th data-bbox="1021 649 1212 694">Criteria</th> <th data-bbox="1244 649 1356 728">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="702 728 766 772">CJ1</td> <td data-bbox="957 728 1212 952">Service model which demonstrates a high quality and effective criminal justice work</td> <td data-bbox="1244 728 1308 772">25%</td> </tr> <tr> <td data-bbox="702 952 766 996">CJ2</td> <td data-bbox="957 952 1212 1097">Approach to the delivery of key service outcomes</td> <td data-bbox="1244 952 1308 996">20%</td> </tr> <tr> <td data-bbox="702 1108 766 1153">CJ3</td> <td data-bbox="957 1108 1212 1478">Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users</td> <td data-bbox="1244 1108 1308 1153">25%</td> </tr> <tr> <td data-bbox="702 1478 766 1523">CJ4</td> <td data-bbox="957 1478 1212 1736">Demonstrable use of innovation to increase accessibility and improve the ongoing efficiency of the service</td> <td data-bbox="1244 1478 1308 1523">10%</td> </tr> <tr> <td data-bbox="702 1736 766 1780">CJ5</td> <td data-bbox="957 1736 1212 2063">Proposed plans for ensuring effective management of the service including meeting quality standards, improving the</td> <td data-bbox="1244 1736 1308 1780">20%</td> </tr> </tbody> </table>	Criteria Number	Criteria	Weighting	CJ1	Service model which demonstrates a high quality and effective criminal justice work	25%	CJ2	Approach to the delivery of key service outcomes	20%	CJ3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%	CJ4	Demonstrable use of innovation to increase accessibility and improve the ongoing efficiency of the service	10%	CJ5	Proposed plans for ensuring effective management of the service including meeting quality standards, improving the	20%
Criteria Number	Criteria	Weighting																		
CJ1	Service model which demonstrates a high quality and effective criminal justice work	25%																		
CJ2	Approach to the delivery of key service outcomes	20%																		
CJ3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%																		
CJ4	Demonstrable use of innovation to increase accessibility and improve the ongoing efficiency of the service	10%																		
CJ5	Proposed plans for ensuring effective management of the service including meeting quality standards, improving the	20%																		

Ref.	Requirement	Response
		<p>quality of the service, transition and adherence to national standards and guidance</p> <p>In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.</p>
(vii)	Any business risks associated with entering the contract.	No specific, other than those specified in this report.
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.

### Annex 6 – Substance Misuse & Sexual Health: Young People's Services

Ref.	Requirement	Response
(i)	The nature of the service.	Substance Misuse & Sexual Health: Young People's Services
(ii)	The estimated value.	£1,890,148
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.
(iv)	The tender procedure to be adopted.	1 Stage tender process
v)	The procurement timetable.	<b>Indicative dates are:</b>

Ref.	Requirement	Response	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
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		Deadline for tender submissions	27th October 2014
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		Contract Mobilisation	January - March 2015
		Contract start date	01/04/2015
(vi)	The evaluation criteria and process.	<p>11. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>12. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split</p>	

Ref.	Requirement	Response																		
		<p>between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b> The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="651 465 1388 1886"> <thead> <tr> <th data-bbox="651 465 959 539">Criteria Number</th> <th data-bbox="959 465 1235 539">Criteria</th> <th data-bbox="1235 465 1388 539">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="651 539 959 759">YP1</td> <td data-bbox="959 539 1235 759">Service model which demonstrates a high quality and effective young peoples services</td> <td data-bbox="1235 539 1388 759">25%</td> </tr> <tr> <td data-bbox="651 759 959 927">YP2</td> <td data-bbox="959 759 1235 927">Approach to delivery of the key service outcomes</td> <td data-bbox="1235 759 1388 927">15%</td> </tr> <tr> <td data-bbox="651 927 959 1296">YP3</td> <td data-bbox="959 927 1235 1296">Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users</td> <td data-bbox="1235 927 1388 1296">25%</td> </tr> <tr> <td data-bbox="651 1296 959 1554">YP4</td> <td data-bbox="959 1296 1235 1554">Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service</td> <td data-bbox="1235 1296 1388 1554">15%</td> </tr> <tr> <td data-bbox="651 1554 959 1886">YP5</td> <td data-bbox="959 1554 1235 1886">Proposed plans for ensuring effective management of the services including meeting quality standards</td> <td data-bbox="1235 1554 1388 1886">20%</td> </tr> </tbody> </table> <p>In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.</p>	Criteria Number	Criteria	Weighting	YP1	Service model which demonstrates a high quality and effective young peoples services	25%	YP2	Approach to delivery of the key service outcomes	15%	YP3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%	YP4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	15%	YP5	Proposed plans for ensuring effective management of the services including meeting quality standards	20%
Criteria Number	Criteria	Weighting																		
YP1	Service model which demonstrates a high quality and effective young peoples services	25%																		
YP2	Approach to delivery of the key service outcomes	15%																		
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YP4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	15%																		
YP5	Proposed plans for ensuring effective management of the services including meeting quality standards	20%																		
(vii)	Any business	No specific, other than those specified in this report.																		

Ref.	Requirement	Response
	risks associated with entering the contract.	
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.

## Annex 7 – Sexual Health Services: Community Contraceptive Services

Ref.	Requirement	Response
(i)	The nature of the service.	Sexual Health Services: Community Contraceptive Services
(ii)	The estimated value.	£3,596,000
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.
(iv)	The tender procedure to be adopted.	1 Stage tender process
v)	The procurement timetable.	<b>Indicative dates are:</b>



Ref.	Requirement	Response	
		Adverts placed on Due North portal Invite to tender	22nd September 2014
		Expressions of interest returned	26th September 2014
		Deadline for tender submissions	27th October 2014
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		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	15th – 29th December 2014 (allowing for the Christmas period)
		Contract Mobilisation	January - March 2015
		Contract start date	01/04/2015
(vi)	The evaluation criteria and process.	<p>13. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>14. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p>	

Ref.	Requirement	Response																		
		<p data-bbox="603 143 683 174"><b>Price</b></p> <p data-bbox="603 174 1362 206">Price will consist of 40% of the evaluation weightings.</p> <p data-bbox="603 248 715 280"><b>Quality</b></p> <p data-bbox="603 280 1382 353">The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p> <table border="1" data-bbox="651 394 1362 2033"> <thead> <tr> <th data-bbox="657 398 960 506">Criteria Number</th> <th data-bbox="960 398 1248 506">Criteria</th> <th data-bbox="1248 398 1362 506">Weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="657 506 960 763">CCS1</td> <td data-bbox="960 506 1248 763">Service model which demonstrates a high quality and effective contraceptive services</td> <td data-bbox="1248 506 1362 763">25%</td> </tr> <tr> <td data-bbox="657 763 960 931">CCS2</td> <td data-bbox="960 763 1248 931">Approach to delivery of the key service outcomes</td> <td data-bbox="1248 763 1362 931">20%</td> </tr> <tr> <td data-bbox="657 931 960 1263">CCS3</td> <td data-bbox="960 931 1248 1263">Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users</td> <td data-bbox="1248 931 1362 1263">25%</td> </tr> <tr> <td data-bbox="657 1263 960 1520">CCS4</td> <td data-bbox="960 1263 1248 1520">Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service</td> <td data-bbox="1248 1263 1362 1520">10%</td> </tr> <tr> <td data-bbox="657 1520 960 2033">CCS5</td> <td data-bbox="960 1520 1248 2033">Proposed plans for ensuring effective management of the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance</td> <td data-bbox="1248 1520 1362 2033">20%</td> </tr> </tbody> </table>	Criteria Number	Criteria	Weighting	CCS1	Service model which demonstrates a high quality and effective contraceptive services	25%	CCS2	Approach to delivery of the key service outcomes	20%	CCS3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%	CCS4	Demonstrable use of innovation to increase accessibility and improve the on-going efficiency of the service	10%	CCS5	Proposed plans for ensuring effective management of the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance	20%
Criteria Number	Criteria	Weighting																		
CCS1	Service model which demonstrates a high quality and effective contraceptive services	25%																		
CCS2	Approach to delivery of the key service outcomes	20%																		
CCS3	Co-ordination of services including signposting, working relationships with other agencies/stakeholders including service users	25%																		
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CCS5	Proposed plans for ensuring effective management of the service including meeting quality standards, improving the quality of the service, transition and adherence to national standards and guidance	20%																		

Ref.	Requirement	Response
		In order to qualify bidders must reach a threshold of 70% of the score achieved for Quality.
(vii)	Any business risks associated with entering the contract.	No specific, other than those specified in this report.
(viii)	The Council's Best Value duties.	No specific, other than those covered above in each service area
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12
(x)	Any staffing implications, including TUPE and pensions.	See section 11
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.

### Annex 8 – Sexual Health Services: Chlamydia Screening Programme and Testing

Ref.	Requirement	Response
(i)	The nature of the service.	Sexual Health Services: Chlamydia Screening Programme and Testing
(ii)	The estimated value.	£1,012,000
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.
(iv)	The tender procedure to be adopted.	1 Stage tender process
v)	The procurement timetable.	<b>Indicative dates are:</b>
		Adverts placed on Due North portal Invite to tender

Ref.	Requirement	Response	
		Expressions of interest returned	26th September 2014
		Deadline for tender submissions	27th October 2014
		Panel evaluation and shortlist for interview	28th October – 10th November 2014
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		Report recommending Contract award circulated internally for comment	17 <sup>th</sup> November 2014
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		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	15th – 29th December 2014 (allowing for the Christmas period)
		Contract Mobilisation	January - March 2015
		Contract start date	01/04/2015
(vi)	The evaluation criteria and process.	<p>15. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>16. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b></p>	

Ref.	Requirement	Response																		
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(x)	Any staffing implications, including TUPE and pensions.	See section 11			
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 above.			

### Annex 9 – Sexual Health Services: Local HIV prevention

Ref.	Requirement	Response	
(i)	The nature of the service.	Sexual Health Services: Local HIV prevention	
(ii)	The estimated value.	£480,000	
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.	
(iv)	The tender procedure to be adopted.	1 Stage tender process	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
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		Contract Mobilisation	January - March 2015
		Contract start date	01/04/2015
(vi)	The evaluation criteria and process.	<p>17. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>18. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>The evaluation will be carried out in two parts split between price and quality.</p> <p><b>Price</b> Price will consist of 40% of the evaluation weightings.</p> <p><b>Quality</b> The quality assessment will be evaluated using the following criteria with an overall weighting of 60%:</p>	

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#### Annex 10 – Children’s Services: School Nursing

Ref.	Requirement	Response	
(i)	The nature of the service.	Children’s Services: School Nursing	
(ii)	The estimated value.	£6,112,000	
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.	
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#### Annex 11 – Community Services: Post Health Check Interventions

Ref.	Requirement	Response	
(i)	The nature of the service.	Community Services: Post Health Check Interventions	
(ii)	The estimated value.	£984,000	
(iii)	The contract term.	2 years with the possibility of extending contracts up to 24 months (2 extensions of 12 months each at a time) subject to performance and funding availability.	
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# Equality Analysis

Smith, Melanie  
BRENT COUNCIL



## Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

**1. Roles and Responsibilities:** please refer to stage 1 of the guidance

**Directorate:** Assistant Chief Executive

**Person Responsible:**

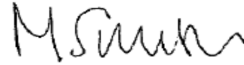
Name: Melanie Smith

Title: DPH

Contact No: 020 8937 6227

**Service Area:** Public Health

Signed:



**Name of policy:**

Reprocurement of public health service contracts

**Date analysis started:** June 2014

**Completion date** 15/8/2014

**Review date:** Dec 2014 when authority to award sought

**Is the policy:**

New  Old

**Auditing Details:**

Name: Sarah Kaiser

Title: Head of Equality

Date 15 August 2014

Contact No: x4521

Signed: S Kaiser

**Signing Off Manager:** responsible for review and monitoring

Name: Melanie Smith

Title: DPH

Date 15/8/2014

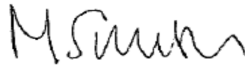
Contact No: 020 8937 6227

**Decision Maker:**

Name: Cabinet

Date: 15/9/2014

Signed:



**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

Please refer to stage 2 of the guidance.



The public health team is procuring the following services:

Drug and alcohol services  
Sexual health services  
School nursing services  
Post health check support / community services

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

Procurement: Within the procurement process for all Public Health contracts the below pre-tender considerations will be assessed:

- whether the population changes might indicate new needs
- whether there are alternative ways of meeting requirements that could advance equality

The JSNA indicates the following health inequalities which are relevant to this procurement:

Drug and alcohol services: The recoding of the take up of services in Brent is undertaken through the National Drug Treatment monitoring service (NDTMS) and quarterly reports are produced by Public Health England which profile of those engaged in structured interventions by age, gender and ethnicity. Young people, women and those from BAME communities are under-represented in the treatment system. The reprocurement will aim to increase the numbers of women and people from BAME communities, particularly those from South Asian communities, accessing treatment. As the needs of young people are different to those of older people with substance misuse difficulties, a specific service will be commissioned for that age group. The service specification will also require women only services.

Sexual health services: groups at higher risk of poor sexual health are young people aged 15 to 24 years; men who have sex with men (MSM) and Black African, Black Caribbean and Black British ethnic groups. A chlamydia screening service is being procured which will target young people. There is an existing condom distribution service which targets young people which will be continued.

Sexual health promotion services will be commissioned to target young people and BAME groups. HIV prevention services for MSM and BAME communities are commissioned on a pan London basis.

School nursing is a universal service for those of school age. The service will take a holistic, child-centred approach, recognising and locating each individual child's unique cultural, social, economic and other needs as part of the context within which the child's health and well-being needs have been identified.

Post health check support will aim to reduce cardiac risk. NHS health checks are offered to those aged 40 to 74 years. Age, gender and ethnicity affect cardiac risk and the clinical risk assessment addresses this. The eligibility criteria for the weight management programme have been adjusted to reflect the higher diabetic and cardiovascular risk in the Asian population.

We do not have local data on any inequalities relating to gender reassignment, marriage / civil partnership, pregnancy and maternity or religion and belief.

The soft market testing exercise recently conducted across all 4 service areas was designed to ensure that the marketplace was made aware of the diversity of Brent and to send a strong signal to the market that at tender stage

commissioners will consider equalities impact when assessing bids.  
Contract Terms: All contract Terms and Conditions will include a clause on equalities.

Specifications: Equality requirements have been built into the specifications as relevant to the service, in accordance with the service specific issues identified above; these also help achieve Corporate Equality Objectives. Monitoring requirements are included in the specification

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

The identification of the equalities implications of the procurement of public health services is based upon the JSNA which is itself informed by the following data sources:

**Drug and alcohol services**

LAPE – Local Alcohol Profiles for England  
Local Alcohol Synthetic Estimates for England 2011-12  
National Drug Treatment Monitoring System (NDTMS)  
2012/13 NDTMS Needs Assessment Data  
PHE, Public Health Outcomes Framework  
DOMES report data (September 2013)  
Glasgow Prevalence Estimates for drug use, 2010/11

**Sexual health services**

PHE, Brent health profile, 2014  
PHE, Brent child health profile, 2014

LA STI E Report 2011; HPA: Number of Acute STI Diagnosis in England 2009-12

Data from community services

**School nursing services**

ChiMat – Child and Maternal Health Observatory website  
PHE Brent child health profile (2013 and 2014)

**Post health check support**

Active People's Survey 2012  
Health Survey for England 2006-2008

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

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

E4. Bidders are required to comply with all legislation relating to Health & Safety, Equalities and any statutory environmental considerations

Specifications: The relevance of equality to the subject matter of the contract will help determine whether it forms part of the specification. Where equality considerations are central to the service they are normally regarded as a core requirement.

Selection Criteria: The criteria will meet all the other principles of EU law, such as transparency and non-discrimination, as discussed elsewhere in this document.

Key principles are:

- 1) Criteria need to be reasonable, proportionate and transparent. All evaluation criteria need to be properly disclosed to tenderers to ensure that the use being made of economic, social and environmental requirements is understood.
- 2) Criteria will be objective, not involving subjective value judgements, and will be clear, verifiable, targeted and have measurable outputs.

The Authority has designed strategic objectives to guide the procurement of the new contract and to ensure that residents' needs are prioritised.

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

The below questions will form part of the Pre Qualification Questionnaire in assessing bidders:

E3. There are 9 “protected characteristics” under the Equality Act: age, race, religion or belief, disability, sex, age, gender reassignment, pregnancy and maternity, marriage and civil partnership or sexual orientation. Has any finding of unlawful discrimination been made against your organisation in the last three years in respect of an individual having one of these protected characteristics?

Equality requirements have been built into the specifications as relevant to the service, in accordance with the service specific issues identified in section 3. In addition specifications will address **socioeconomic diversity**

**(c) Foster good relations**

Not applicable

**5. What engagement activity did you carry out as part of your assessment?**

Please refer to stage 3 of the guidance.

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

This procurement is informed by soft market testing with potential providers, engagement with the third sector and service user involvement in drug and alcohol services.

**ii. What methods did you use?**

Soft market testing was carried out via the London Portal. The third sector were engaged by a joint CVS / Brent Public Health event.

There is ongoing dialogue with drug and alcohol service users for example through membership of the DAAT.

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

Third sector organisations identified the potential to work with Faith leaders to

address stigma around sexual health issues.

Women and those with children are apprehensive about approaching services due to a range of issues including the potential involvement of statutory children's services.

There may be a lack of recognition as to how universal services need to respond to the diversity of the population and specifically the needs relevant to the Equality Act nine protected characteristics

Disability was identified as potential barriers to access to the post health checks service

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

The information gathered has informed the service specification and PPQ and the method questions in the ITT.

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

As we were working from the JSNA, we had an understanding about what the equalities and health inequalities issues were. For example, which groups we needed to target. The engagement activities have given us a better understanding of *how* to address the equalities and health inequalities issues

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

Please refer to stage 2, 3 & 4 of the guidance.

See section 3. We will be commissioning specific services for young people in the fields of drug and alcohol and sexual health. We will be commissioning targeted services in sexual health promotion and HIV prevention for young people and BAME groups. Our specification for drug and alcohol services will require women only services

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

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

<b>Protected Group</b>	<b>Positive impact</b>	<b>Adverse impact</b>	<b>Neutral</b>
------------------------	------------------------	-----------------------	----------------

<b>Age</b>	X	
<b>Disability</b>		X
<b>Gender re-assignment</b>		X
<b>Marriage and civil partnership</b>		X
<b>Pregnancy and maternity</b>		X
<b>Race</b>	X	
<b>Religion or belief</b>		X
<b>Sex</b>	X	
<b>Sexual orientation</b>	X	

**8. The Findings of your Analysis**

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

**No major change**

*Your analysis demonstrates that:*

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

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

To the extent that data is available, we have identified any potential concerns as to health inequalities and taken active steps to address this in the procurement exercise through the development of our specifications and our PQQ requirements and the ITT specification; this is in addition to Contract Terms and Conditions which cover current legislative requirements.

**9. Monitoring and review**

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

The EIA will be revisited during the procurement and presented to Cabinet when authority to appoint is sought

**10. Action plan and outcomes**

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

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

By when	Lead	Desired outcome	Date	Actual outcome
---------	------	-----------------	------	----------------

	officer		completed	
December 2014	Melanie Smith DPH	Maximise the potential for the reprocurement of public health contracts to impact on health inequalities		

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

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

### ***The Equality Act 2010***

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?

- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### **What should be analysed?**

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

### *When should equality analysis be done?*

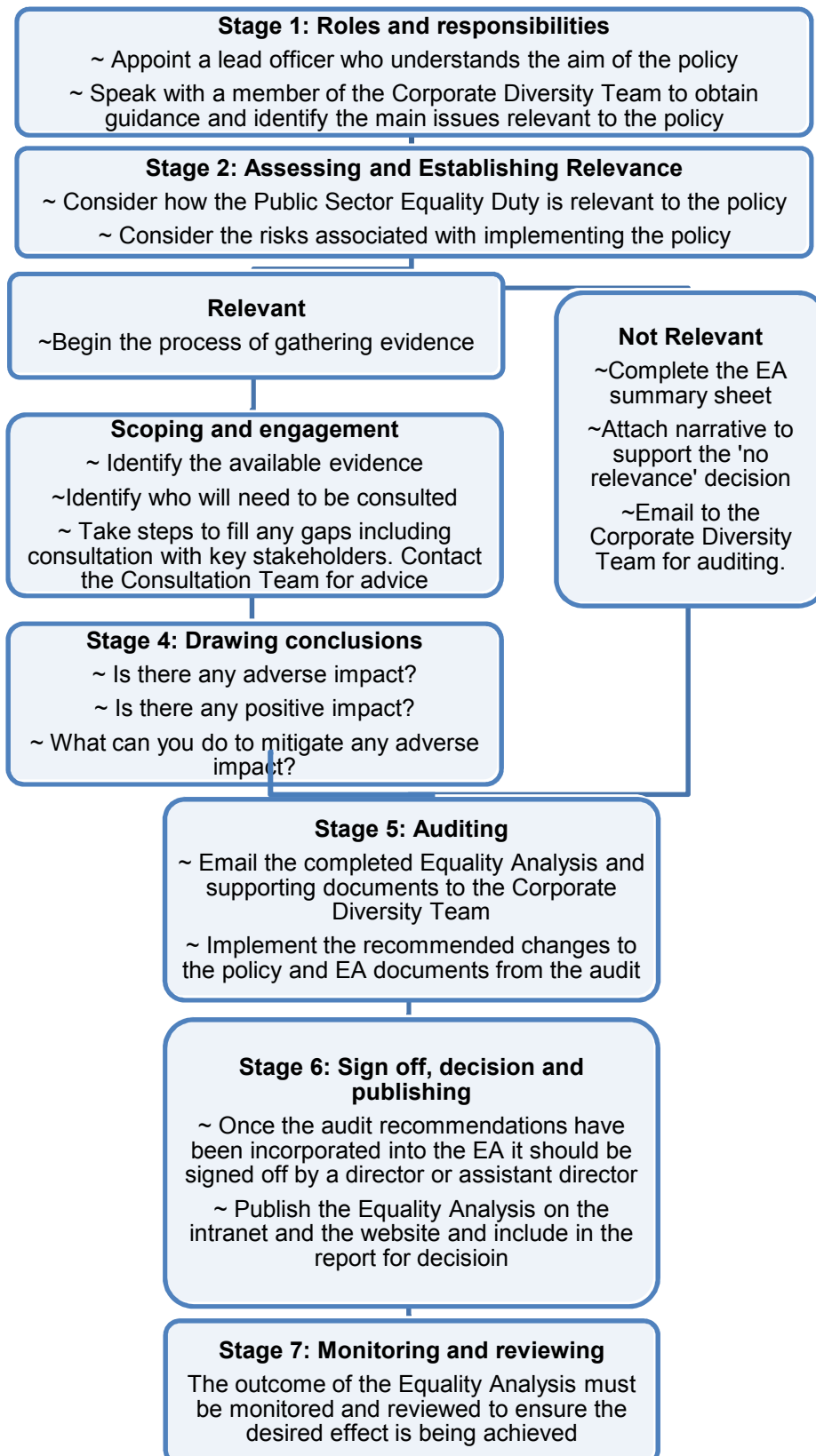
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

### **Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.





## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

### Role

Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).

The officer undertaking the EA

The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process

The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate

### Responsibilities and tasks

- Check that the analysis has been carried out thoroughly:
- Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)
- Take account of any countervailing factors e.g. budgetary and practical constraints
- Contact the Corporate Diversity and Consultation teams for support and advice
- Develop an action plan for the analysis
- Carry out research, consultation and engagement if required
- Develop recommendations based on the analysis
- Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to
- Incorporate the recommendations of the audit
- Include the Equalities Analysis in papers for decision-makers
- Provide support and advice to the responsible officer
- Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.
- Return the analysis to the responsible officer for further work if it fails to meet the necessary standard
- Consult Legal if necessary (this stage of the process will take at least 5 days)

Ensure:

- That the EA form is completed
- That any issues raised as part of the auditing process have been fully dealt with
- That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker
- Ensure that the findings are used to inform service planning and wider policy development.

## Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

**The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:**

***Key Questions:***

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

***“Not relevant”***

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

**Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.

- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.
- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.

- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**

- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure.

As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

### ***Decision-making***

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

### **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available

- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity



discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgynous/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.



### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:


- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> <b>15 September 2014</b></p> <p style="text-align: center;"><b>Report from</b> <b>Assistant Chief Executive</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;"><b>Performance Report, Quarter 1 2014/15</b></p>	

## 1.0 Introduction

1.1 The Borough Plan for 2013 - 2014 was agreed by Full Council in June 2013. It sets out six priorities for Brent as follows:

- Building a Strong Community
- Promoting Jobs, Growth and Fair Pay
- Making Brent Safer, Cleaner and Greener
- Improving Health & Wellbeing
- Better Lives for Children and Families
- Developing Better Ways of Working

1.2 The Borough Plan is an overarching plan which sets out our vision for the borough. It is part of a suite of plans which, together with the council's Corporate Plan, departmental plans, and individual targets and appraisals, establish the golden thread for all council activity.

1.3 The purpose of this report is to provide Members with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively.

1.4 The performance measures included within the report represent those considered to be most relevant to tracking achievement against the six corporate priorities for Brent. Where available, quartile and benchmarking information has been used to inform target setting. Performance measures which are reported annually have been included within this report for visibility,

but will only be reported in subsequent reports when performance data becomes available.

- 1.5 The performance measures included within this report represent a small subset of those measured within the council. A wider range of performance measures are tracked within each council department, through the One Council programme and by Partners for Brent.
- 1.6 Additional performance measures may be included, by exception, if performance levels highlight particular achievements to be celebrated, or present risks associated with the realisation of Brent's priorities.
- 1.7 A new Borough Plan for the period 2015 – 2019 is currently being developed. As part of this process we are consulting local people on their priorities for Brent. Following this consultation the performance measures included within this report will be updated, as appropriate, to reflect those priorities identified.

## 2.0 Recommendations

- 2.1 The Cabinet is asked to:
  - a. Note the performance information contained in this report and agree remedial actions as necessary.
  - b. Consider the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.
  - c. Challenge progress with responsible officers as necessary.

## 3.0 Executive Summary – Quarter 1 Performance

Priority	Green	Amber	Red	Context	Total
Building a Strong Community	4	0	0	0	4
Promoting Jobs, Growth and Fair Pay	0	1	2	1	4
Making Brent Safer, Cleaner and Greener	2	0	2	0	4
Improving Health & Wellbeing	3	0	3	0	6
Better Lives for Children and Families	3	1	3	0	7
Developing Better Ways of Working	3	2	6	0	11
Total	15	4	16	1	36
Percentage	42%	11%	44%	3%	100%

## 4.0 Financial implications

None.

## **5.0 Legal implications**

- 5.1 Under section 4 of the Local Government Act 2000, every local authority in England must prepare a sustainable communities strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom. A local authority may modify its sustainable communities strategy from time to time. When preparing or modifying its strategy, a local authority must consult with and seek the participation of “each partner authority” it considers appropriate, and any other person the local authority considers appropriate. The council’s Borough Plan 2013-14 is the council’s current strategy pursuant to section 4 of the Local Government Act 2000.
- 5.2 In table 3 of part 4 of the council’s constitution, it states that the Cabinet is responsible for formulating and preparing the sustainable communities strategy and then submitting the same to Full Council for consideration and adoption or approval. The sustainable communities strategy constitutes part of the policy framework. The council’s Borough Plan 2013-14 was approved by Full Council in 2013.

## **6.0 Diversity implications**

- 6.1 There are no direct diversity implications. However the report includes performance measures related to the council’s diversity objectives and is part of the framework for ensuring delivery of these key outcomes.

## **7.0 Contact officers**

Ben Spinks, Assistant Chief Executive, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ 020 8937 6677

Mark Fairchild, Performance Team Leader, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ 020 8937 5300

BEN SPINKS  
Assistant Chief Executive

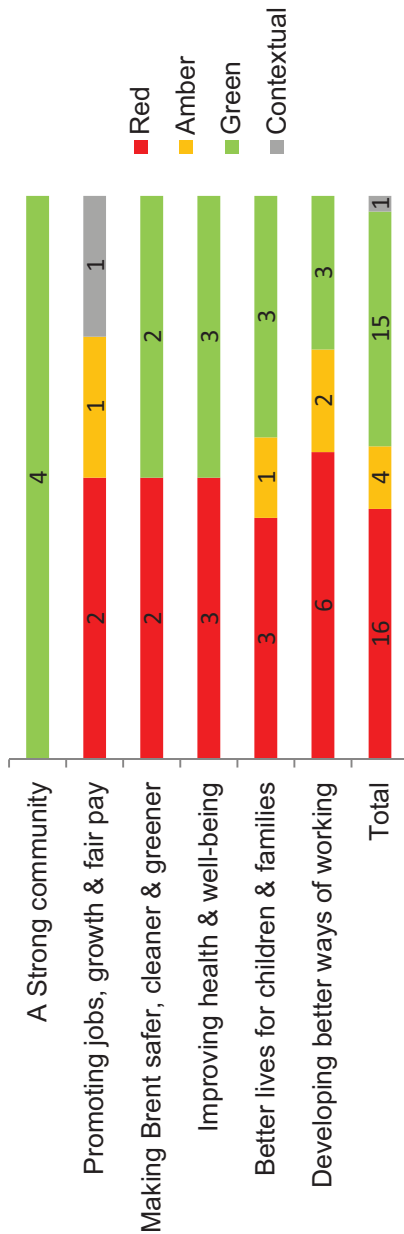
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# 2014/15 Quarter 1 Performance Report

The suite of performance measures in this report have been agreed by Cabinet in August 2014 and are directly linked to the priorities contained within the Borough Plan.

## Performance Summary



Performance information is assessed using the following “alert” symbols:

<b>Red</b>	If performance is below the level of expected performance and is <b>outside</b> the set tolerance of the target.
<b>Amber</b>	If performance is below the level of expected performance but is <b>within</b> the set tolerance of the target.
<b>Green</b>	If performance is as expected and the target has been <b>met or exceeded</b> .
<b>Contextual</b>	If performance is dependant on external factors, making it difficult to set a target.

A Strong Community

Borough Plan Outcome	Performance Measure	2013/14 Outturn	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
An independent, inclusive and thriving voluntary sector	Income to benefit the borough secured by local voluntary groups, with CVS support	N/A	324,650				600,000	High	Green		Ben Spinks
	Number of local voluntary sector groups receiving 1-2-1 advice and guidance from CVS	N/A	52				208	High	Green		Ben Spinks
Excellent sports, leisure and cultural facilities used by more people	Number of physical visits to libraries per 1,000 population	5300	1702				1428 (YTD)	High	Green	Visits target was also exceeded for the same reason as issues. In addition, the exam period in the first quarter kept the libraries very busy due to students using libraries space for exam revision. Wembley library in particular was very busy with students. Robust monitoring is being put in place to ensure end of year targets are met.	Sue Harper
	Number of visits to council sports centres for sports use	1,411,352	389,997				353,071 (YTD)	High	Green	There has been an above target performance that includes dry visits at all centres and wet visits at Vale Farm SC and Willesden SC. Areas of strength included gym usage and outdoor usage at VFSC and WSC and swimming lessons and member swims at VFSC and WSC. At Bridge Park CLC the main increase was seen in the number attending group classes, disability sessions and basketball daytime sessions. We have a new leisure contractor at Vale Farm compared to the same quarter last year and they have invested £1.7m improving the range and quality of facilities at the centre which has resulted, together with a more proactive marketing approach, in increased levels of participation.	Sue Harper
Improved satisfaction with local services	% of people satisfied with their local area as a place to live	N/A	N/A				N/A	High	-	Source will be the residents attitude survey. Field work expected to take place in the autumn; results available in Dec 14, and reported in Q3. A target will be set upon commissioning the work, and will be based on the average scores of other London boroughs that take part in a comparable survey	Ben Spinks

Promoting Jobs, growth and fair pay

Borough Plan Outcome	Performance Measure	2013/14 Outcome	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
A closing of pay gaps compared with other London boroughs	The percentage of contracts being procured that follow the Brent London Living Wage policy.	N/A	N/A				N/A	High	-	Applies to all contracts being procured via the Brent Council Procurement Team at a threshold of £20k minimum from April 1st 2014. Annual indicator to be reported in Q4.	Fiona Leddon
More local people in more jobs	% overall borough employment rate (working age)	67.6%	65.9%				Contextual	High	-	Data source is NOMIS. Data is released quarterly, and refers to a 12 month rolling period, three months in arrears. Next data release is provisionally set for October 15th, for period July 13 - June 14.	Andy Donald
Regeneration of the area to promote economic growth	Major applications determined in 13 weeks	62.5%	50%				65%	High	Red	The performance on this indicator can vary by quarter with the main driver being external parties' ability to conclude S106 agreements within agreed timetables.  We aim to complete Planning Performance Agreements wherever possible to extend the reported target time. However, the ability of applicants to complete legal agreements within agreed timescales is a significant factor behind not meeting agreed targets.	Andy Donald
	Minor applications determined in 8 weeks	67.2%	58.9%				70%	High	Red	The key factors affecting performance are the ability to recruit/retain appropriately experienced staff in the context of significantly increased numbers of planning applications - including new Prior Approvals which do not attract a fee.  The major restructure of the planning function envisages a staffing level focused on anticipated statutory planning demands in terms of both the validation and assessment of planning applications. These posts are now being filled; 2 posts are in place with the remaining posts due to start mid September. The planning function has also been reviewed to pursue scope for further improvement.	Andy Donald
	Other applications determined in 8 weeks	69.7%	79.8%				80%	High	Amber		Andy Donald

## Performance Report: Quarter One 2014/15

### Making Brent safer, cleaner and greener

Borough Plan Outcome	Performance Measure	2013/14 Outcome	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
Cleaner, safer streets and a healthier, greener environment	% of land assessed as having unacceptable levels of litter	10%	7.1%				10%	Low	Green	3% ahead of contract target. 24 inspections at B-, 14 at C or D, 366 total inspections.	Sue Harper
	No of flytips reported on public land	7011	2858				3000 (YTD)	Low	Green	Flytip reporting is much more comprehensive under the Public Realm contract, with the emphasis shifting from resident reporting to cleansing operative reporting. This means a much higher volume of flytips are being reported by cleansing operatives (rather than just cleared as was often the case in the previous contract). It also likely means that flytip classifications are more accurate, however data over a longer period will better inform this. The introduction of the Cleaner Brent mobile app has provided an additional reporting channel for the public which has also impacted on the number of incidents being reported to the council.	Sue Harper
	<b>Part A:</b> Tonnes of municipal waste sent to landfill	65,764	17,328				14945 (YTD)	Low	Red	The tonnage recorded in this quarter has increased from last year as previously only household residual waste was being included in this data, whereas municipal waste tonnage now comprises the non household waste categories of flytipping and commercial waste.	Sue Harper
People feel safer on the borough's streets	<b>Part B:</b> Number of kilograms of residual household waste collected per household	486	139				120 (YTD)	Low	Red	Last reporting year, this measure was calculated using only domestic kerbside waste. This year all types of household waste inform the measure and consequently the kg per household has increased. As one of the types of household waste is street cleansing and this waste type has increased due to more intensive cleansing regime in the first weeks of the new contract, this will have caused residual waste to rise.	Sue Harper
	<b>Part A:</b> % of people who feel safe when outside in their local area after dark	N/A	N/A				N/A	High	-	Source will be the residents attitude survey. Field work expected to take place in the autumn; results available in Dec 14, and reported in Q3. A target will be set upon commissioning the work, and will be based on the average scores of other London boroughs that take part in a comparable survey	Ben Spinks
	<b>Part B:</b> % of people who feel safe when outside in their local area during the day	N/A	N/A				N/A	High	-	As above	Ben Spinks

## Performance Report: Quarter One 2014/15

### Improving health and well being

Borough Plan Outcome	Performance Measure	2013/14 Outcome	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
More and better managed housing of a higher standard	The number of Houses in Multiple Occupation licenced under the Additional Licensing scheme.	N/A	N/A				N/A	High	-	Data expected to be available from Q4	Andy Donald
	Net additional homes provided	N/A	N/A				Contextual	High	-	This will be measured on an annual basis, with a view to reporting in the August after the end of the financial year (i.e. for FY1415 in August 2015). The reason for this is that the only way we can currently obtain complete, accurate, and validated data for this metric is through the physical survey of the new developments completed in the period.	Andy Donald
More people living healthier and longer lives	Successful completions as a proportion of all opiate drug users in treatment	11.6%	11.7%				10.7%	High	Green	Performance is one quarter in arrears. The target is set according to the lower cut-off point of the top quartile of the comparative cluster group and will vary for each reporting period. Please note that due to the Public Health Outcomes Framework revision, the defined cluster group for this KPI is changing from Q2 onwards.	Ben Spinks
More provision and more choice for people needing care and support	Number of carers that receive a completed assessment	531	143				159 (YTD)	High	Red	Carers project in place. First deliverables were delivered in Q1 to improve the process, so expect to see increase in Q2.	Phil Porter
	% of people that have received reablement/enhanced reablement and do not receive a service afterwards	73%	75%				75%	High	Green		Phil Porter
	% of people living in the community using social care who are receiving Direct Payments	17%	15.3%				20%	High	Red	Drop in June was noted, and performance has already increased back to trajectory for July 2014 (17.5%).	Phil Porter
	% of total client group that are in residential and nursing care	34%	32.1%				33% (YTD)	Low	Green		Phil Porter
	% of safeguarding adults investigations which are inconclusive	25%	20%				10%	Low	Red	Numbers of cases closed per quarter is relatively small, and the number closed in Q1 was lower than the quarterly average, a more consistent trend will emerge over the year.	Phil Porter

## Performance Report: Quarter One 2014/15

### Better lives for children and families

Borough Plan Outcome	Performance Measure	2013/14 Outcome	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
All Brent schools are good quality	% of schools that are judged good or outstanding by Ofsted	76.5%	76.5%				84%	High	Amber	This target is a top priority for the department and schools themselves. All schools which are not good or outstanding receive additional support, including a half termly 'Rapid Improvement Group' and the brokering of school to school support.	Gail Tolley
Children and young people achieve well	Achievement at level 4 or above in both English and Maths at Key Stage 2	77%	N/A				N/A	High	-	Annual measure and will be reported in Q3	Gail Tolley
	Achievement of 5 or more A*-C grades at GCSE or equivalent including English and Maths	63%	N/A				N/A	High	-	Annual measure and will be reported in Q3	Gail Tolley
Families needing support get it when they need it most and become more independent	Looked after children achieving 5 A*-C GCSEs (or equivalent) at Key Stage 4 (including English and Maths.)	19%	N/A				N/A	High	-	Annual measure and will be reported in Q3	Gail Tolley
	Number of troubled families where outcomes have been achieved	178	216				616	High	Red	Additional key workers were put in place from April and partner agencies are being worked with to take up lead professional role to speed progress in turning round families, so next quarter should show step change in outcomes and a better trajectory towards the target.	Gail Tolley
Places in Brent schools for all who need them	Take up of the 2 year old Nursery Education Grant	68%	30%				80%	High	Red	There is a major programme through the summer to recruit more 2 year olds via children's centres to increase the number for September.	Gail Tolley
	The number of primary in-year applicants who are not in a school place within 4 weeks of applying	0	7				0	Low	Red	Weekly checks are being conducted to ensure all children are offered a place promptly. This figure is in line with local mobility and turnover.	Gail Tolley
Vulnerable children and young people have high quality support when they need it and become more resilient	Proportion of referrals to Children Social Care which are repeat referrals	12%	10.5%				12%	Low	Green		Gail Tolley
	Stability of placements for LAC – 3 or more placement moves.	14.9%	1.4%				13%	Low	Green		Gail Tolley
	Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days)	599	396				550	Low	Green	The Adoption Scorecard measures against a 3 year rolling target. The reported 2013/14 adoption figure is a rolling average from 2011 to 14. The figure for Q1 shows continued improvement in performance. On the current improvement pathway our figures are projected to be in line with the DfE performance threshold when the 2012-15 figures are produced.	Gail Tolley
	% of 16-18 year olds not in Education, Employment or Training (NEETs).	3%	N/A				3%	Low	-	Annual measure and will be reported in Q3	Gail Tolley

# Performance Report: Quarter One 2014/15

## Developing better ways of working

Borough Plan Outcome	Performance Measure	2013/14 Outcome	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
A skilled, motivated and effective workforce	Total agency spend as a proportion of council pay bill (excluding schools)	10%	11%				8%	Low	Red	As above	Cara Davani
	% of black and minority ethnic staff (P08 and above)	18.6%	20.2%				25%	High	Red	There is recognition that we need to improve our performance in this area. Recruitment at these levels is limited at present due to budget reviews	Cara Davani
	% of female staff (P08 and above)	45.6%	47.5%				50%	High	Amber		Cara Davani
	% of disabled staff	7.7%	8.3%				10%	High	Red	This is likely to be low due to under reporting. It is the intention to raise awareness of what constitutes a disability in order to get a more accurate profile within the workforce.	Cara Davani
	% of lesbian, gay and bisexual staff	3.1%	3%				5%	High	Red	We have only recently started to record this data and it is likely to be low due to under reporting. Further initiatives are planned to raise awareness and get better data on the profile of the workforce.	Cara Davani
	% of people who feel their council is doing a good job	N/A	N/A				N/A	High	-	Source will be the residents attitude survey. Field work expected to take place in the autumn; results available in Dec 14, and reported in Q3. A target will be set upon commissioning the work, and will be based on the average scores of other London boroughs that take part in a comparable survey	Ben Spinks
Better quality and more efficient, value for money services	% of people who think the council provide good value for money	N/A	N/A				N/A	High	-	As above	Ben Spinks
	% of Stage 1 complaints responded to within 20 working days	74.8%	71.6%				100%	High	Red	Responding to complaints on time continues to be a challenge across the council. Environment and Neighbourhoods and Regeneration and Growth which includes Brent Housing Partnership account for over 85% of complaints received and responded to and their response rates were 81% and 66% respectively. A number of initiatives have been introduced in recent months designed to improve response rates, including the circulation weekly to Directors and Service heads of a list of open and outstanding complaints and an enhancement to the system which means that officers are reminded via email that a response is still outstanding 3 days before the deadline. Additionally, BHP are in the process of revising their approach to managing complaints with a greater emphasis being placed on the quality and speed of responses.	Ben Spinks
	% of FOI's responded to within 20 working days	53%	72%				100%	High	Red	Response rates continue to go in the right direction, as a result of the greater emphasis placed on departments by CMT to respond to FOIs on time. We expect performance to improve further in Q2.	Ben Spinks
Better quality and more efficient, value for money services	Percentage of Council Tax collected	95.7%	30.9%				30.7% (YTD)	High	Green		Andy Donald
	% of invoices paid on time	N/A	N/A				N/A	High	-	Data expected to be available from Q3	Conrad Hall

**Performance Report: Quarter One 2014/15**

Borough Plan Outcome	Performance Measure	2013/14 Outturn	Q1	Q2	Q3	Q4	Target	Good is?	RAG	Commentary and Actions	Owner
Better quality and more efficient, value for money services	% of audit reports receiving substantial or better assurance rating	58%	100%				75%	High	Green		Conrad Hall
	% of telephone calls answered across the council	N/A	N/A				N/A	High	-	Data expected to be available from Q3	Andy Donald
	% of telephone calls answered through the Council's ACD system	81%	85%				90%	High	Amber		Andy Donald
	Average customer waiting time (in minutes) at local offices	N/A	20				30	Low	Green		Andy Donald



## Performance Report: Quarter One 2014/15

### Complaints

Service	Stage 1 Complaints received	Stage 1 response rate within time period	RAG	No. of complaints progressing to Stage 2	Stage 2 response rate within time period	RAG
Adult Social Care	35	45%	Red	1	0%	Red
Children and Young People	21	50%	Red	9	57%	Red
Environment and Neighbourhoods	238	81%	Amber	14	57%	Red
Regeneration and Growth (includes BHP)	213	66%	Red	25	69%	Red
Assistant Chief Executive Service	0	-	-	0	-	-
Finance and IT	2	50%	Red	1	100%	Green
Human Resources	0	-	-	0	-	-
Legal and Procurement	4	100%	Green	0	-	-
<b>Brent Total</b>	<b>513</b>	<b>72%</b>	<b>Red</b>	<b>50</b>	<b>64%</b>	<b>Red</b>

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