



Cabinet

Tuesday 26 August 2014 at 7.00 pm

Boardroom 3, 4 & 5 - Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ

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

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democracy.brent.gov.uk

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 - 12
3 Matters arising	
4 Petitions (if any)	

Children and Young People reports

See item on Copland School under Regeneration and Growth.

Environment and Neighbourhoods reports

5 Parking Service Annual Report 2013/2014	13 - 34
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This report explains 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.

Brent is committed to providing a fair, consistent and transparent enforcement Parking Service. Publishing clear statistical and financial information helps achieve these objectives. This report includes information about the number of parking enforcement related penalty charge notices (PCNs) issued for the period 2013/2014, the income and expenditure recorded in the Council's 'parking account' and how subsequent parking surplus has been spent or allocated.

Ward Affected:
All Wards

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

Adult Social Care reports

None.

Regeneration and Growth reports

6 Copland Community School - Updates and Plans for a New Build School and Associated Costs 35 - 74

Copland Community School (CCS), is currently a foundation school governed by an Interim Executive Board (IEB), scheduled to become a sponsored Academy on 1 September 2014, transferring to ARK Schools (ARK) operating in close relationship with ARK Wembley.

CCS will receive capital funding as part of the Priority Schools Building Programme (PSBP), funded by the Education Funding Authority (EFA). It is anticipated that a new school will be completed by September 2016 and at that point the school will expand by an additional one Form of Entry (FE).

This report outlines the work with the EFA and ARK to agree a 'red line' plan for the proposed new school building. There are currently two design options, a baseline EFA design and a Brent formulated design that aims to optimise the fit with and delivery of the aspirations in the Wembley Area Action Plan. Subject to agreement on costs and Cabinet approval, the Brent design option is preferred.

Ward Affected:
Wembley
Central

Lead Member: Councillor McLennan and
Councillor Moher
Contact Officer: Sarah Chaudhry, Head of
Strategic Property
Tel: 020 8937 1705
sarah.chaudhry@brent.gov.uk

7 Proposed Expansion of Manor School, Chamberlayne Road, Kensal Green 75 - 110

The Council has a statutory duty to ensure sufficient school places are provided. There is a shortfall of special education needs (SEN) school places to meet current and projected demand. The Council has been awarded Targeted Basic Need (TBN) grant funding of £1.541m by the Education Funding Agency (EFA) 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.

The total estimated cost of works required to provide these places (£2.182m) exceeds the TBN funding available. This report therefore requests approval in principle to the additional sums required to deliver the proposed scheme from the Council's Basic Need Capital grant funding allocation subject to Cabinet approval in December 2014 to permanently expand the school following statutory consultation.

This report also sets out pre-tender considerations for the works contract and seeks approval to commence the procurement process.

Ward Affected: Queens Park
Lead Member: Councillor McLennan and Councillor Moher
Contact Officer: Richard Barrett, Property and Asset Management
Tel: 020 8937 1334 richard.barrett@brent.gov.uk

8 Brent Employment Services Provider Framework 111 - 166

This report sets out the terms of a provider framework agreement for the procurement of employment-related support services in Brent. To this end, the report explains the context and detail of the Brent Employment Services Provider Framework from conception through to anticipated delivery.

Ward Affected: All Wards
Lead Member: Councillor Mashari
Contact Officer: Shomsia Ali, Employment and Enterprise
Tel: 020 8937 5089 shomsia.ali@brent.gov.uk

9 National Non-Domestic Rates – Applications for Discretionary Rate Relief 167 - 176

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 is based on policy and criteria agreed in September 2013. This report details new applications for relief received since the then Executive last considered such applications on 22 April 2014.

Ward Affected: All Wards
Lead Member: Councillor Pavey
Contact Officer: Richard Vallis, Revenue and Benefits
Tel: 020 8937 1503 richard.vallis@brent.gov.uk

10 Selective Licensing in the Private Sector 177 - 310

In April 2014 the then 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, this report seeks approval for the introduction of a Selective Licensing scheme in the three wards of Wembley Central, Harlesden and Willesden Green.

Ward Affected:
All Wards

Lead Member: Councillor McLennan
Contact Officer: Tony Hirsch, Policy and
Performance
Tel: 020 8937 2336 tony.hirsch@brent.gov.uk

11 Housing Supply and Demand - Homelessness, Allocations and Social Letting 311 - 388

This report provides an analysis of housing supply and demand issues, including performance in 2013/14 and challenges for 2014/15 onwards. A number of recommendations are made in order to manage these challenges. These include consultation on revisions to the Council's Allocations Scheme.

Ward Affected:
All Wards

Lead Member: Councillor McLennan
Contact Officer: Laurence Coaker, Housing
Needs Service
Tel: 020 8937 2788
laurence.coaker@brent.gov.uk

Central Reports

None.

12 Exclusion of Press and Public

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

APPENDICES

- Copland Community School - Update and Plans for a New Build School and Associated Costs
- - (a) information relating to the financial or business affairs of any particular person (including the authority holding that information) and
 - (b) information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

13 Any other urgent business

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

Date of the next meeting: Monday 15 September 2014



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

- The meeting room is accessible by lift and seats will be provided for members of the public on a first come, first served basis.



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 21 July 2014 at 2.00 pm

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

Also present: Councillors S Choudhary, Collier, Farah, Filson, Harrison, Kabir, Long, Mahmood and Tatler

Apologies for absence were received from: Councillors Denselow

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

Councillors Hirani, McLennan, Pavey and Perrin declared personal interests as members of the Barham Park Trust Committee.

2. **Minutes of the previous meeting**

RESOLVED:

that the minutes of the previous meeting held on 16 June 2014 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Deputation - changes to recycling and green waste collections**

With the consent of the Cabinet, Martin Redston addressed the meeting and expressed concern over the proposals to introduce a new 'opt in' chargeable green garden waste service. He felt the proposals were unfair and would involve cross subsidy to the advantage of regular users. The new arrangements would be problematic for residents who lived in flats and had limited space. Martin Redston questioned the ability of the equipment to cope with all types of twigs and the likelihood of it becoming clogged. Finally he felt that the proposals would result in an increase in dumping as people sought to avoid paying the charge.

Mr Redston suggested that consideration of the report should be deferred to allow time for further analysis and to seek expert opinion.

5. **Changes to Recycling and Green Waste Collections**

The report from the Strategic Director, Environment and Neighbourhoods presented a proposal to reduce the amount of waste generated by Brent residents and to deliver £378,000 financial savings. This would be done by increasing the frequency of the dry recycling service and by extending the coverage of the weekly separate food waste collection service. It was intended these improvements would be made possible by implementing a new 'opt in' chargeable garden waste collection service. These proposals would improve and extend the council's recycling offer and reduce the amount of waste generated overall. They would also abide by the national waste hierarchy, which recognised prevention of all waste and the recycling of food waste as having the best environmental impacts with regard to waste management.

In response to a deputation earlier in the evening objecting to the proposals, Sue Harper (Strategic Director, Environment and Neighbourhoods) accepted there would be a differential service in the Winter months and the charge was £40 for the year, an average of 80p per week. Cross subsidies could not be avoided and she felt this was the fairest system drawing comparisons with other boroughs. Sue Harper acknowledged the chances of increased fly tipping but felt the new waste management contract was prepared to deal with this.

Councillor Perrin (Lead Member, Environment and Neighbourhoods) spoke in favour of the proposals which, he felt would help reduce demand for grey bins. Residents of all street level properties would have access to the arrangements and would still be able to take garden waste to recycling facilities should they wish. Councillor Perrin drew attention to a supplementary report which corrected para 9.2 to indicate that the contractor Veolia would make up any difference fully to a guaranteed annual amount offered of £400,000 and would pass on to the council any income collected over and above £400,000.

Other members welcomed the proposals, weekly recycling and the opportunity to reduce landfill. They looked forward to a full, clear communication strategy. Councillor Mashari felt the report was comprehensive and questioned how it could link with West London Waste Authority or the compost site at Abbey Road.

Sue Harper agreed to look into the feasibility of using the waste to provide compost for allotments and advised that discussions were taking place with Ealing Council over West London Waste.

The Cabinet heard that Viv Stein had submitted a statement on behalf of Brent Friends of the Earth responding to the proposed changes to the strategy which was read out at the meeting and which raised concerns and made suggestions over emissions, charges and equality, communications, contamination and fly tipping, community composting and recycling.

In response, Sue Harper referred members to the acknowledgement in her report that CO₂ emissions would be slightly worse as vehicles to be used were less fuel efficient however performance indicators for emissions would be in place and efforts would be made to reduce emissions in other areas.

In response to a contribution from Councillor Choudhary, the Leader of the Council pointed out that the onus would be on Veolia to make good any shortfall and the council had a responsibility to reduce landfill. He assured that the arrangements would be kept under review.

RESOLVED:

- (i) that approval be given to increasing the frequency of the dry recycling service to a weekly service;
- (ii) that approval be given to the extension of the separate food waste collection service to all street level properties;
- (iii) that approval be given to the introduction of a chargeable garden waste collection service as the means of facilitating these improvements as set out and detailed in section 4 of the report;
- (iv) that the financial and non-financial benefits that would accrue from these changes be noted;
- (v) that approval be given to the amendment to the Public Realm Contract and the minor changes to the contract targets to allow these proposals to go ahead.

6. Road closures for street parties and special events

Councillor Perrin (Lead Member, Environment and Neighbourhoods) introduced the report from the Strategic Director, Environment and Neighbourhoods which advised on the current charges for street parties and a recommendation to reduce costs for street parties and special events, following complaints that the Brent charge was excessive in comparison to other London boroughs.

Councillor Pavey (Deputy Leader) sought and received assurances that any guidance documents prepared for the public would be in keeping with Brent house style.

RESOLVED:

- (i) that approval be given to a reduction of charges for street parties and special events (for example, ad-hoc play street applications) organised by local residents on non-traffic sensitive streets from £1,325 to £200 per event plus VAT to cover the costs of producing the required statutory Traffic Order, drafting the site notice and checking traffic management plans;
- (ii) that approval be given to the reduction of charges for regular special events (e.g. street closures for annual religious events, or regular events hosted by local community groups) from £1,325 to £1,125 plus VAT;
- (iii) that the charges for special events hosted by commercial groups be maintained at the current rate of £1,325 plus VAT;
- (iv) that it be noted that street party organisers would continue to be required to arrange their own traffic management and meet these costs in full under the new application process.

7. Extension of Childcare at Treetops and Barham Park Children's Centres

The report from the Strategic Director, Children and Young People set out proposed changes to Brent's children's centres which aimed to increase the supply of childcare while maintaining the reach of children's centre provision. The changes set out in the paper represented an adjustment to the current offer rather than a major re-organisation. Councillor Moher (Lead Member for Children and Young People) in introducing the report assured Cabinet that the aim was to increase places and not decrease activity, at no additional costs to the council. The decision on the Barham Park Children's Centre was subject to the trustees agreement. It was noted that officers aimed to implement the proposals in order to enable children to begin to take up places at the new provision from September 2014.

Councillor Harrison raised questions on consultation over the proposals and how the arrangements would work with the existing scheme at St Raphael's. Councillor Collier questioned the need for changes to the provision at Treetops given the proximity to an existing health centre.

Sara Williams (Operational Director, Early Help and Education) advised that St Raphael's had space not currently used which would be brought into use to make the overall centre more viable. She acknowledged that the communication could have been more extensive. It was also put that the new arrangements for Treetops would encourage closer working with the medical centre and also provide opportunities to engage other disadvantaged groups in line with OFSTED recommendations.

RESOLVED:

- (i) that approval be given to the re-designation of the children's centre satellite delivery at Barham Park Children's Centre (currently 1.5 days per week) as Nursery Education Grant-funded childcare provision for two, three and four year olds open five days per week, managed by a private, voluntary or independent early years provider, with children's centre sessions being delivered in the evenings and at weekends and seeks permission for the proposed changes from the Barham Park Trust;
- (ii) that approval be given to the reorganisation of the Willesden Locality Children's Centres so that Treetops Children's Centre building becomes a satellite children's centre providing evening and weekend sessions, with new satellite provision being established part-time in Willesden Health Centre;
- (iii) that approval be given to the use by the current private provider of on-site nursery provision at Treetops Children's Centre of the space released during the working day to provide additional Nursery Education Grant-funded nursery for two, three and four year olds;
- (iv) that approval be given to the conversion of the large hall at St Raphael's Intergenerational Centre using two year old capital funding to provide Nursery Education Grant-funded childcare for two, three and four year olds, open five days per week, such childcare to be managed by a private, voluntary or independent early years provider.

8. **ASC Accommodation Based Care and Support Market Development Plan (MDP)**

Councillor Hirani (Lead Member, Adults, Health and Well-being) reminded the Cabinet that Brent's first Market Position Statement (MPS) was published in January 2014 as a first step in ensuring that the local authority was fulfilling its new duty under the Care Act 2014 to promote the diversity, quality and sustainability in the local care and support market. The Market Development Strategy (MDS) as now proposed, would set out the approach to be taken to developing the models of accommodation and how to engage with the market to develop new provision. The MDS therefore set out how to deliver on this commitment. Councillor Hirani added that the plan would also help meet London Living Wage obligations and drew attention to work done through the New Independent Living Accommodation (NAIL) project to intervene in the market and work with partners and also the engagement plan to improve relationships. The equalities impact assessment indicated the proposals would be beneficial to providers and service users.

The Strategic Director, Adults advised that he would be reporting back on the strategy annually.

RESOLVED:

- (i) that approval be given to the Market Development Strategy (MDS) for publication;
- (ii) that the Adult Social Care's new strategic approach to development of the local social care marketplace be endorsed.

9. **Proposals for Clement Close**

On 15 July 2013 the then Executive approved that the former respite care centre at 1 Clement Close, together with adjacent lands, be considered for an 'internal' use such as general needs housing development under the housing revenue account (HRA) or adult social care (ASC) provision. It was agreed that if a transfer between portfolios was deemed necessary to facilitate this, then the District Valuer be appointed to ascertain the appropriate transfer price. The report before the Cabinet reviewed the options for a use that supported the delivery of the Borough Plan and brought forward proposals for the subject site to be used as adult social care provision for clients with learning disabilities. The report sought approval for an exemption to the tendering requirements of Contract Standing Orders and delegation of powers to officers to agree the terms and enter into a development agreement with Brent Housing Partnership (BHP) to develop the subject site.

Councillor McLennan (Lead Member for Regeneration and Housing) advised that the council was working closely with BHP to provide 10-14 homes. Members welcomed the report and the opportunity to provide for this client group.

RESOLVED:

- (i) that approval be given to the use of the former respite care centre at 1 Clement Close and adjacent lands, London, NW6 7AL (the "Clement Close Site") as adult social care provision for clients with learning disabilities;

- (ii) that approval be given to an exemption from the procurement requirements of Contract Standing Orders and the delegation of authority to the Operational Director of Property and Projects in consultation with the Director of Legal and Procurement to agree the terms and enter into a development agreement with Brent Housing Partnership to develop the Clement Close Site as detailed in the 'development delivery' section in the report;
- (iii) that approval be given the total scheme development costs within the range of £2,604,147 (10 homes) to £3,334,017 (14 homes);
- (iv) that approval be given to capital funding comprising of grant funding contributions from the Greater London Authority Mayor's Housing Covenant 2015-18 from £430,000 (10 homes) to £620,000 (14 homes), £510,000 from the Adults Social Care capital budget allocation of £1.8m and unsupported prudential borrowing of £1,664,147 (10 homes) to £2,204,017 (14 homes).

10. **Peel Road update on proposals**

Councillor McLennan (Lead Member, Regeneration and Housing) introduced the report which set out proposals for the redevelopment of 1-5 Peel Road, Wembley detailed in Appendices 1 and 2 of the report as independent living accommodation for clients with learning disabilities. The report sought approval for an exemption to the tendering requirements of Contract Standing Orders and delegation of powers to officers to agree the terms and enter into a development agreement with Brent Housing Partnership to develop the subject site.

Members welcomed the proposals for the site which had been empty for a number of years.

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

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

RESOLVED:

- (i) that approval be given to the use of 1-5 Peel Road, Wembley, HA9 7ZY (the "Peel Road Site") as independent living accommodation for clients with learning disabilities;
- (ii) that approval be given to an exemption from the procurement requirements of Contract Standing Orders and the delegation of authority to the Operational Director of Property and Projects in consultation with the Director of Legal and Procurement to agree the terms, and enter into a development agreement with Brent Housing Partnership to develop the Peel Road Site as detailed in paragraph 3.13 of the report;

- (iii) that approval be given to the total scheme development costs in the range £2,658,158 (10 homes) to £3,373,414 (14 homes);
- (iv) that approval be given to capital funding comprising of grant funding contributions from the Greater London Authority Mayor's Housing Covenant 2015-18 from £430,000 (10 homes) to £602,000 (14 homes); £510,000 from the Adults Social Care capital budget allocation of £1.8m and unsupported prudential borrowing of £1,718,158 (10 homes) to £2,261,414 (14 homes).

11. **Housing Strategy**

The report from the Strategic Director, Regeneration and Growth presented the draft Housing Strategy, covering the period 2014-19, for approval. Councillor McLennan referred to the consultation that had taken place on the strategy and the need to continue to work closely with partners in the private and social improvement sectors.

Councillor Mashari (Lead Member, Employment and Skills) referred to the need for an employment focus and alignment with the employment market to avoid benefits caps under the Welfare Reforms. Additionally, she felt that the Living Wage should be promoted in wards with persistent under employment and unemployment levels.

RESOLVED:

- (i) that approval be given to the Housing Strategy 2014-19 as appended to the report from Strategic Director Regeneration and Growth;
- (ii) that it be noted that the Evidence Base for the Strategy would be published online simultaneously and that the Action Plan setting out the detail of delivery would be completed following approval of the Strategy.

12. **Brent RE:FIT Programme Report – authority to proceed to Call-Off Contract Phase 2**

Brent REFIT was a programme designed to deliver energy savings for existing corporate buildings and schools using the GLA REFIT Framework Agreement. Councillor McLennan (Lead Member, Regeneration and Housing) advised that the programme was an "Invest to Save" scheme with guaranteed returns over the agreed payback period which aimed to contribute to reducing energy consumption and its associated costs in addition to mitigating CO₂ emissions with the installation of Energy Conservation Measures (ECMs) in Brent Council buildings and schools. An investment of £941,980 would deliver guaranteed energy savings of 2,158MWh worth £110,376 per annum at current prices giving a simple payback of 8.5 years equating to 25.3% energy savings against baseline (CO₂ reduction against baseline equal to 26.1%). Vale Farm Sports Centre and nine schools would be involved.

Conrad Hall (Chief Finance Officer) advised that the returns would be assessed on a case by case basis and were seen to be reasonable. It was noted that should a school change status to an academy there was risk that responsibility to meet debt payments could be negated and the Chief Finance Officer assured Cabinet that terms would be as strong as possible.

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

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

RESOLVED:

- (i) that approval be given to award an Energy Performance Contract (EPC) under the Framework Agreement provided by the GLA RE:FIT programme to install energy conservation measures (ECMs) in selected Brent corporate public buildings and a number of Brent schools within the Schools Expansion Programme for the contract value of £941,980 to Imtech Technical Services Ltd (Imtech);
- (ii) that approval be given to fund the proposed Brent REFIT schemes from a combination of unsupported borrowing, corporate reserves and individual school balances to the value of £674,230 and from Salix Funding for the amount of £267,750;
- (iii) that approval be given to the appointment of the Building Research Establishment (BRE) to provide continued support and technical expertise through to completion of Call-Off Contract Phase 2 REFIT Programme (ECM Installation) at a cost of £35,152 (excl. VAT & expenses) from existing Property and Projects budgets.

13. Procurement and Management of Temporary Accommodation

The report sought authority pursuant to the council's Contract Standing Orders 88 and 89 to invite tenders for a contract for the procurement and management of temporary accommodation in support of the Council's Housing Association Leasing Scheme (HALS). The procurement exercise was designed to provide a sufficient supply of accommodation within London and predominantly within Brent. The proposed contract was anticipated to commence from 1 February 2015 for a period of three years, with an option to extend for up to a further two years.

RESOLVED:

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for the HALS Procurement and Management of Temporary Accommodation as set out in paragraph 3.2 of the report from the Strategic Director Regeneration and Growth;
- (ii) that approval be given to invite expressions of interest, agree shortlists, invite tenders for HALS Procurement and Management of Temporary Accommodation and evaluate them in accordance with the evaluation criteria referred to in section (i) above.

14. Bio Fuel Supplies for Civic Centre CHP

Councillor McLennan (Lead Member, Regeneration and Housing) introduced the report which requested authority to award contracts as required by Contract Standing Order No 88. This report summarised the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommended to whom the contract should be awarded.

RESOLVED:

- (i) that it be noted that for the reasons detailed in paragraph 3.6 of the Director's report, it was proposed that the priced is fixed for 3 years with indexation of the annual price in subsequent years;
- (ii) that the contract for bio-fuel supplies for Brent Civic Centre CCHP plant be awarded to Fleetsolve Limited.

15. **Carlyon Road - disposal of property**

The report from the Strategic Director set out proposals for the disposal of the Council's land and premises at 1C Carlyon Road, Alperton, HA0 1HH. Appendix 1 of the report detailed a location plan, title plan (as per heads of terms) and site plan (as per heads of terms). The Cabinet welcomed the proposals which were in line with council policy of mixed use development including affordable housing.

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

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

The Cabinet thanked officers involved for their work on the project.

RESOLVED:

- (i) that approval be given to the disposal of a long leasehold interest in the land and premises at 1C Carlyon Road, Alperton, HA0 1HH, as outlined on the attached plan (Appendix A) on a subject to planning basis to the first preferred bidder as identified in the exempt from publication appendix 4 for a capital receipt and 100% nominations rights in respect of affordable housing provision in favour of the Council upon the grant of planning consent, subject to financial checks;
- (ii) that in the event that the above offer does not proceed satisfactorily delegated authority be given to the Strategic Director of Regeneration and Growth in consultation with the Lead Member for Regeneration and Housing to take a decision to revert to the first reserve bid as set out in the exempt from publication appendix 4, subject to financial checks;
- (iii) that authority be granted to the Operational Director Property and Projects to agree the terms of the transaction in consultation with the Chief Finance Officer.

16. Treasury Management 2013/14 Annual Report

The report from the Chief Finance Officer provided an update on Treasury Management activity and confirmed that the council had complied with its Prudential Indicators for 2013/14.

In response to questions on the position of investments outstanding from Icelandic Banks, the Chief Finance Officer reminded Cabinet that the majority had been recovered and the balance was earning interest until released.

RESOLVED:

that the 2013/14 Treasury Management outturn report, which had been presented to the Audit Committee and would also be submitted to Full Council be noted.

17. Review of 2013/14 Financial Performance

Councillor Pavey (Deputy Leader of the Council) introduced the report from the Chief Finance Officer which set out the year end financial position for 2013/14 and the unaudited statement of accounts. The draft statement of accounts had previously been considered by the Audit Committee on 26 June and a report on the work of KPMG the council's auditors would be submitted to the Audit Committee in September. Councillor Pavey was pleased to report that the council had no debt outstanding and was able to add £3M to reserves.

Conrad Hall (Chief Finance Officer) summarised the position on outturn, the accounts, future assets and liabilities, the pension fund and Council Tax collection. On reserves, he clarified that £12M was unallocated with the remainder committed but not spent. He agreed to provide members with a detailed note on reserves and balances.

Councillor Mashari suggested that funds be ring fenced to meet the costs of future welfare reforms and pointed to other costs that may have serious financial implications in the future including adult social care, landfill charges and parking. Councillor Collier raised questions on the balance sheet and the increase by £306m over the year to £435m as at 31 March 2014. Conrad Hall summarised the key contributions to this and agreed to provide a detailed written response. Questions were also raised on the level of debt write offs to which Conrad Hall responded that recovery action had been taken early and it was considered that the debt was not recoverable. Council Tax collection was currently just on target and the pension fund performance improving which would have a positive impact on the employer contributions.

RESOLVED:

that the year end financial performance and the unaudited statement of accounts be noted.

18. Financial report - May 2014

The report from the Chief Finance Officer highlighted the overall financial position of the Council as at May 2014 covering budget monitoring summary, Council Tax and

NNDR collection rates, debt analysis, capital programme summary and financial control. Councillor Pavey (Deputy Leader of the Council) was pleased to report that the capital programme was not forecasting an overspend and improvements had been made in debt collection.

RESOLVED:

that the financial report for May 2014 be noted.

19. Revenues, Benefits and Housing Software acquisition

Councillor Pavey (Deputy Leader of the Council) introduced the report from the Chief Finance Officer which concerned the procurement of Housing and Revenue and Benefits Software to replace existing software provided to the council by Northgate Information Solutions. The report requested approval to invite tenders in respect of software to enable the council to administer and manage its Housing service and our Revenue and Benefits services as required by Contract Standing Orders 88 and 89. The new contract would start in March 2016.

RESOLVED:

- (i) that approval be given to the invitation of tenders for software for the administration and management of the Council's Housing and Revenues and Benefits Services on the basis of the pre-tender considerations set out in paragraph 3.6 of the report from the Chief Finance Officer;
- (ii) that approval be given to the evaluation of the tenders referred to in (i) above on the basis of the evaluation criteria set out in paragraph 3.6 of the report from the Chief Finance Officer.

20. Performance and Finance Review Quarter 4

The report from the Assistant Chief Executive provided members with a corporate overview of performance information, to support informed decision-making, and to manage performance effectively. Benchmarking information was also provided where available from the London Councils' benchmarking club (LAPS). Where available, performance information covering the period April and May 2014 had also been included, to provide members with further performance trend data. Commentary was also provided to explain the performance of those measures which are rated as high risk. Ben Spinks (Assistant Chief Executive) drew members' attention to the commentary on remedial actions. It was noted that this was the last time that the performance information would be presented in this format. A revised format would be introduced for 2014/15 Quarter 1, including a refreshed suite of performance measures.

The Cabinet noted the statistics on looked after children and the number of moves in a year, however Councillor Moher (Lead Member, Children and Young People) cautioned against taking the statistics at face value. Concern was also expressed at the number of secondary schools judged as inadequate by Ofsted and Sara Williams responded that the council was working with schools to improve performance.

RESOLVED:

- (i) that the performance information contained in the report be noted and remedial actions taken as necessary;
- (ii) that the current and future strategic risks associated with the information provided be noted and remedial actions taken as appropriate.

21. **Reference of item considered by Scrutiny Committee**

None.

22. **Any other urgent business**

None.

The meeting ended at 4.05 pm

M BUTT
Chair



Cabinet
26 August 2014

**Report from the
Director of Environment and
Neighbourhoods**

For Action

Wards Affected: ALL

Parking Annual Report 2013/2014

1.0 Summary

- 1.1 A requirement set out in the Statutory Guidance provided pursuant to the Traffic Management Act 2004 is for Local Authorities to produce and publish an annual report on parking enforcement activities. The purpose of this report is to explain 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.
- 1.2 Brent is committed to providing a fair, consistent and transparent enforcement Parking Service. Publishing clear statistical and financial information will help achieve these objectives. This report includes information about the number of parking enforcement related penalty charge notices (PCNs) issued for the period 2013/2014, the income and expenditure recorded in our 'parking account' and how subsequent parking surplus has been spent or allocated.

2.0 Recommendation

- 2.1 It is recommended that the Cabinet note and approve for publication the Parking Services Annual Report 2013/14 as set out in Appendix A to this report.

3.0 Details

- 3.1 The purpose of the Annual Report is to provide statistical and financial information relating to all aspects of the enforcement operation including the number of PCNs issued, the number of PCNs paid, the income & expenditure related to the enforcement activities recorded in the "parking account" and how any surplus has/will be spent.
- 3.2 It will allow interested parties, including members of the public, easy access to information regarding last year's parking operations.
- 3.3 The report will be published on the Council's website.

4.0 Financial implications

- 4.1 There are no direct financial implications as part of this report as it is a summary of the previous financial years' activities.
- 4.2 The report discusses the financial details and accounts of the last financial year and the main figures are below.

4.3 Parking Account 2013/2014

	Expenditure (£000)	Income (£000)
Parking Administration	1,157.89	(78.95)
Parking Projects	156.80	(0.00)
On-Street Pay and Display	263.27	(3,329.70)
Off-Street Pay and Display	115.93	(434.15)
Parking Enforcement and Permits	4,751.64	(10,067.71)
Traffic Enforcement	441.82	(891.07)
TOTAL	6,887.35	(14,801.57)
Net Surplus		(7,914.22)

Transfer of surplus

	Transfer (£000)
Transportation schemes	2,491.24
Street lighting	2,090.76
Environmental improvement	3,332.22
Balance on account	Nil

5.0 Legal implications

5.1 Part 6 of the Traffic Management Act 2004 (TMA) provides for the civil enforcement of parking contraventions. The Statutory Guidance from the Department of Transport entitled "The Secretary of State's Statutory Guidance to local authorities for the civil enforcement of parking contraventions", issued on 22 February 2008 pursuant to Part 6 of the TMA, confirms enforcement authorities should produce and publish an annual report about their enforcement activities within 6 months of each financial year-end, and as a minimum, cover financial, statistical and other data as set out in Annex A of the said Statutory Guidance.

5.2 Under section 55 of the Road Traffic Regulation Act 1984 (as amended and hereafter referred to as "the 1984 Act"), enforcement authorities must keep account of their income and expenditure in respect of on-street parking places. The 1984 Act requires any surplus must be applied towards specific purposes as set out under Section 55(4)..

6.0 Diversity implications

None

Background papers

N/A

Contact officer

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SUE HARPER
Strategic Director
Environment and Neighbourhood Services

Annual Report
Brent Parking Service
2013/2014



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1. Introduction

- 1.1. A requirement set out in the Statutory Guidance provided pursuant to the Traffic Management Act 2004 is for Local Authorities to produce and publish an annual report on parking enforcement activities.
- 1.2. Brent is committed to providing a fair, consistent and transparent enforcement Parking Service. Publishing clear statistical and financial information will help achieve these objectives. This report includes information about the levels of parking enforcement activity for the period 2013/2014, the income and expenditure recorded in our 'parking account' and how subsequent parking surplus has been spent or allocated.

2. Context

- 2.1. Demand for parking in the London Borough of Brent, as with other London boroughs, is extraordinarily high. Over time the Council, in consultation with residents, has introduced a number of measures to control the demand for kerb space. The south-eastern part of the borough which is closest to central London, is controlled through Controlled Parking Zones, where residents have the option of purchasing resident permits. Other parts of the borough also have residential controls, typically in and around busy high street locations, or near railway stations (where there may be a demand for parking from commuters). One of the key features in the London Borough of Brent, is the presence of Wembley Stadium.; On capacity crowd event days the local area receives an extremely high number of visitors placing large pressures on local parking and for this reason, the area surrounding the stadium also has parking controls to preserve parking for local residents. To support these controls the Council must handle applications for permits, assess eligibility, and despatch permits.
- 2.2. The Council also provides on-street and off-street parking places which may be free-of-charge, pay and display, or cashless , with supplementary customer tools including such as parking apps and web bookings. This ensures that parking is available for visitors to town centres and other destinations to support economic activity in the Borough
- 2.3. Other services are provided in order to meet the parking needs of other users, such as business permits, parking bay suspensions and dispensations. Parking Bay suspensions, as an example, facilitate large deliveries to residential properties, and allow residents to move into or away from the borough with as little inconvenience as possible.

3. Control and enforcement

- 3.1. The controls and services the Council provides need to be enforced to ensure that residents, visitors and businesses get the benefits that are intended. To meet this requirement, the Council deploys Civil Enforcement Officers (CEOs) who monitor for vehicles not abiding by local parking regulations.
- 3.2. As well as managing Controlled Parking Zones and local parking schemes, the Council also provides important enforcement of other parking restrictions to bring about motorist compliance. The list below is not exhaustive, but the work undertaken by the Service includes:

- 3.2.1. School Keep Clear enforcement. School Keep Clear markings (yellow zig-zag lines outside of school entrances) are important for road safety. The Council monitors compliance with these 'no-stopping' restrictions using a combination of CEOs and Mobile CCTV enforcement vehicles, with the intention of maintaining and improving road safety outside schools. In 2013/2014, the Parking Service also visited some primary schools in the borough to allow local children to see some of the enforcement equipment used, and allow children to directly partake in campaigns educating motorists about the need to eliminate poor driving outside schools.
- 3.2.2. Yellow Line Enforcement. Yellow lines are enforced by both CEOs and CCTV camera operators. Yellow lines are found in areas where waiting/waiting and loading are not permitted during some parts/all of the day. They are located on parts of the highway which may create a safety hazard if parking was permitted, or in locations where parking simply is not suitable due to the carriageway width or high traffic volumes. Enforcement plays an important role in ensuring the free movement of traffic along the borough's road network, and the prevention of potential traffic accidents.
- 3.2.3. Footway Enforcement. The demand for parking in Brent is high, and on occasions where parking facilities are not immediately available, some motorists inconsiderately park on the footway (pavement). Parking on the footway causes problems for the visually impaired, wheelchair users, and people with prams or buggies. It can cause costly damage to the paving stones (often creating trip hazards for residents). It can also damage utilities located beneath the footway. Footway enforcement is therefore a critical local service for some of the borough's residents. There are some footways where parking is permitted on residential streets which are too narrow for bays to be fully located on the carriageway. Details of this may be found on the Parking Service's webpage (www.brent.gov.uk).
- 3.2.4. Bus Lanes. The Service also provides the enforcement of bus lanes in the borough. The Council wishes to encourage sustainable forms of transport, and the Service therefore provides stringent enforcement of bus lanes in order to secure faster journey times for bus users.
- 3.2.5. Moving Traffic and Box Junctions. Yellow Box Junctions, prohibited turns, and no-entry signs are all examples of moving traffic violations actively enforced by the service. Such restrictions are in place to ease congestion on the borough's roads, and improve road safety.
- 3.3. Parking Administration.
The Council also provides many administrative functions which ensure that our residents receive a high standard of service, and are treated in a fair and transparent way.
- 3.3.1. Telephone Services.
We provide services over the telephone for our customers, helping customers to buy permits and services, or advising customers on parking enforcement activities. Our telephone help-line is available between the hours of 9am and 5pm, Monday to Friday. Working with the Council's new contractor, Serco, the telephone service has dramatically improved as the year has progressed.
- 3.3.2. Consulting residents, businesses and elected members on proposed changes to the service and new schemes.

Parking controls and regulation receive a lot of attention from all stakeholders, particularly in respect of parking charges and parking enforcement. Officers spend time in consulting residents and businesses to gain their views on projects we think may benefit the local community, through formal decision making processes, statutory processes and through feedback from complaints. We are continually listening to the views of our residents and have a long list of projects we wish to take forward as a direct result of feedback. One of the major successes in 2013/2014 was the implementation of a new parking tariff for cashless and pay and display parking. This substantially reduced parking charges across the board and also introduced a very low tariff to cater for short-stay parking offering users a better deal. It also introduced a price differential to encourage the uptake of cheaper cashless parking rather than pay and display services.

3.3.3. Handling requests for parking/traffic enforcement.

It is often difficult for the Council to get the balance right between providing too much enforcement and too little. Nevertheless, we aim to provide the right balance, and information provided by members of the public helps us to achieve this. As examples, in 2013/2014 the Council actively increased the enforcement of weight restrictions in Willesden Green, and footway parking in Sudbury Town following feedback from local residents and their elected members.

3.3.4. Monitoring the activities of our contractors.

The Parking Service would not be as successful without the contribution of our key suppliers who are specialists in the industry and offer residents the greatest value for money. Following an innovative joint procurement exercise with the London Boroughs of Ealing and Hounslow in 2013-14 the three boroughs awarded a contract to Serco Ltd, who bid to provide services with the most economically advantageous tender. The contract with our previous long term supplier, APCOA, came to an end in July 2013. The procurement process was very successful and by the 2015-16 financial year will be delivering an annual saving of £850,000 per annum. The contract has also provided new vehicles and equipment for the service, a new operational base and car pound, efficient working methods, and enhancements to the customer experience.

3.3.5. Responding to Penalty Charge Notices (PCNs) and Representations.

The Council provides a transparent and fair parking enforcement service. If motorists are unhappy with a PCN they have received, we provide a service which allows them to challenge the PCN. Should they remain unhappy, they may make statutory representations which we will consider. Should a motorist remain unhappy with our decision, they may make an appeal to an independent adjudicator who will make an impartial decision based upon the merits of the case in question. The Service provides highly trained, experienced and efficient workforce to handle such queries, with the aim of providing firm but fair enforcement.

4. Statistics, Financial Information and Monitoring

4.1. An important purpose of the Annual Report is to provide statistical and financial information relating to all aspects of the enforcement operation including the number of PCNs issued, the number of PCNs paid, the income & expenditure related to the enforcement activities recorded in the “parking account” and how any surplus has been or will be spent.

4.2. Account Summary 2013/2014

Parking related activity carried out by the Service in 2013/2014 generated a surplus of £7.9m. The largest contribution to the surplus was through the enforcement of parking and traffic regulations and the sale of parking permits.

	Expenditure (£000)	Income (£000)
Parking Administration	1,157.89	-78.95
Parking Projects	156.80	0.00
On-Street Pay and Display	263.27	-3,329.70
Off-Street Pay and Display	115.93	-434.15
Parking Enforcement and Permits	4,751.64	-10,067.71
Traffic Enforcement	441.82	-891.07
TOTAL	6,887.35	-14,801.57
Net Surplus		-7,914.22

The volume of work carried out by the service to ensure parking and traffic compliance and to meet customer demand for products and services generated a surplus. The surplus was used in order to fund other activities related to the public highway.

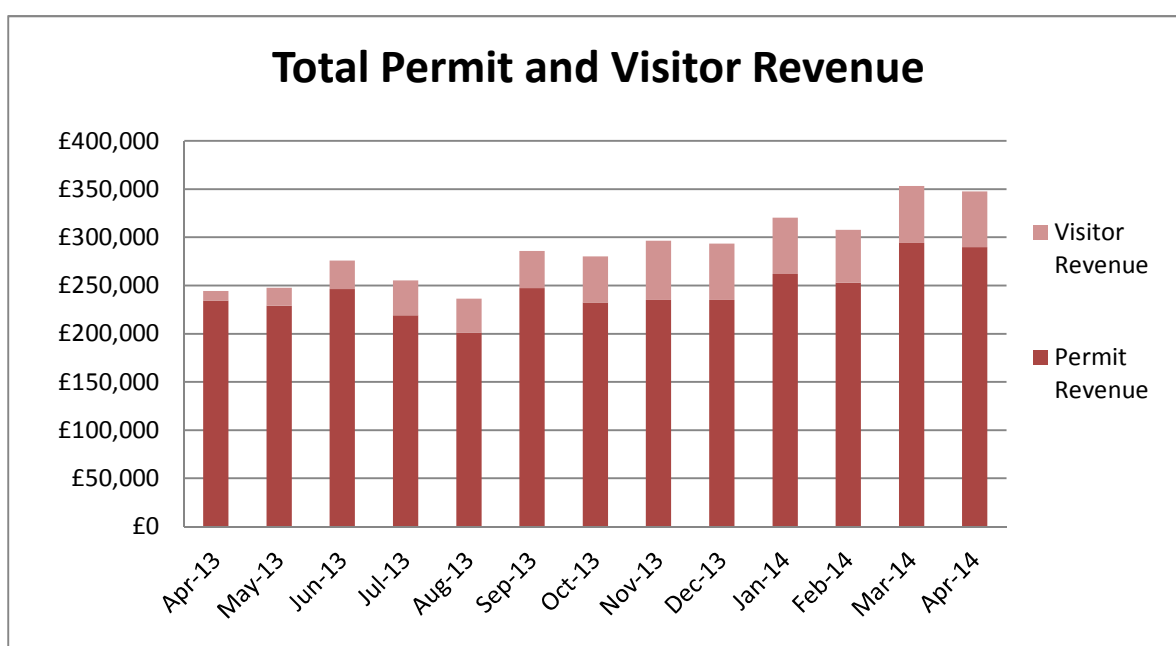
Transfer of surplus

	Transfer (£000)
Transportation schemes	2491.24
Street lighting	2090.76
Environmental improvement	3332.22
Balance	Nil

Transportation Schemes have an intrinsic relationship with parking demand and congestion. Some of the schemes implemented in 2013/2014 directly impacted on the provision of parking services (new parking bays and changes to operational hours), whilst others have more of an indirect impact (altering the flow of traffic, refurbishing shopping parades). Street lighting also has a direct impact on the highway, and the boroughs roads continue to be lit in accordance with the British Standard, ensuring that visibility is high where it needs to be. There is also a direct relationship between Street Lighting and the Service; many of the borough’s parking/traffic signs are illuminated in order to comply with statutory requirements. Environmental improvements includes the management and maintenance of some of the Boroughs parks and open space.

4.3. Parking Permits

The Council launched a new parking permit system in the 2012/2013 year, although the majority of our customers migrated to the new database in the 2013/2014 year. This migration of customers to the new service was prompted in part through the expiry of annually renewed resident permits but also through the gradual decrease in scratch card circulation. The closure of counter services and transition to online based services was met with a mixed reception, although as the 2013/2014 financial year came to a close, many of the challenges posed by the roll-out of a completely new method of providing the service had been successfully overcome; and this is demonstrated in the charts below. Whilst the Service has captured an enormous amount of feedback, both positive and negative, on how the service is provided, the new online permit system is now reaching a steady business state, providing a platform for developing enhancements.



The Council now successfully processes (on average) 35,000 customer transactions per month using the new permit system. Those transactions are spread over 20 different products, as the Council strive to meet the varying needs of local residents; and the most popular products continue to be Resident Parking Permits (11%), and Visitor Parking (76%). Resident Parking Permits are still priced according to vehicle emissions; the most environmentally friendly vehicles may still park in the borough for free. Resident's also continue to have the option of purchasing annual, six month, or three month permits, and the Council plan to make the service even more flexible and will soon introduce 24 month permits.

The volumes of use, and variety of choice provided by the new permit system ultimately demonstrate the success of the service, and that the Council are providing a flexible service to meet the needs of its residents and businesses.

4.4. Visitor Parking Use

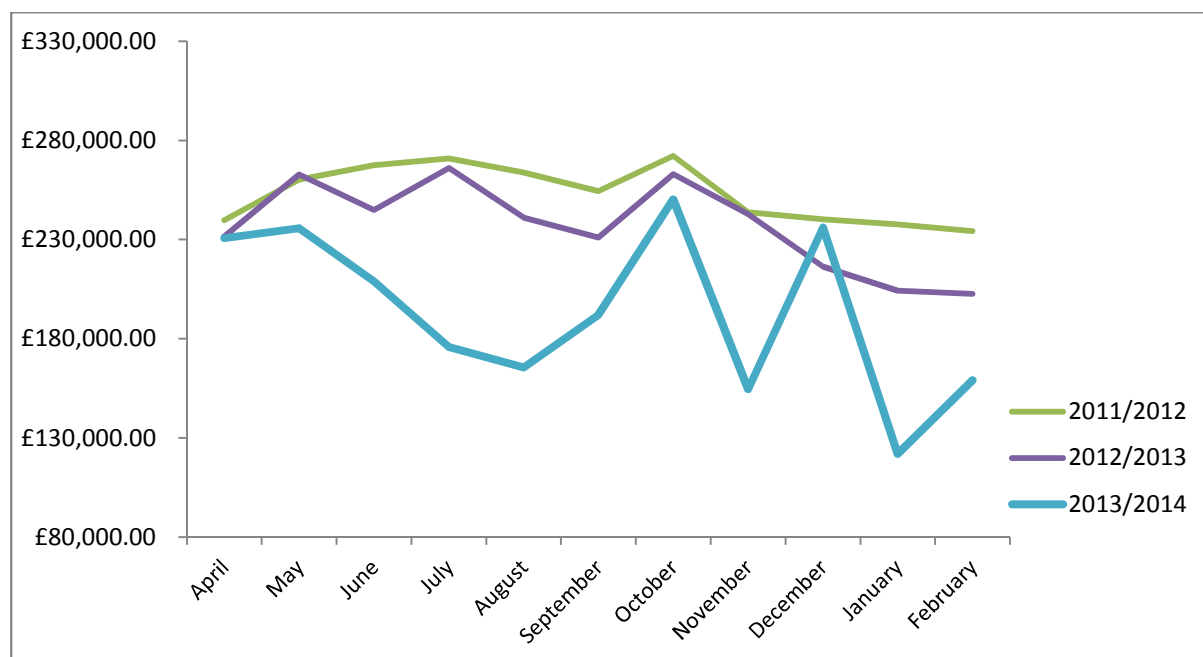
One very visible change has been the removal of the sale of visitor scratch cards. This service, once provided through parking shops, has now been replaced with an online service whereby residents may credit an account from which visitor parking may be drawn by either logging onto the Council's website, sending an SMS, or telephoning the service. Concerns have been raised, in particular, by some residents who may not wish to/be able to use the technology. This feedback was considered by officers and members, who have temporarily extended the life of Visitor Household Permits (which are non-vehicle specific) whilst working up new proposals for a Carer's Permit (scheduled to be developed in 2014/2015). Responding to resident feedback, the Council also extended the validity of existing visitor scratch cards rather than proceed with a scratch card exchange scheme.



The chart above shows the transition to the new visitor parking system, which now attracts over 30,000 transactions per month. We have noted that as the system has matured, the average credit 'top-up' made by customers has gradually increased; we believe that this is representative of increased consumer confidence in the system now that regular users have become accustomed to it.

4.5. On-Street Pay and Display sales

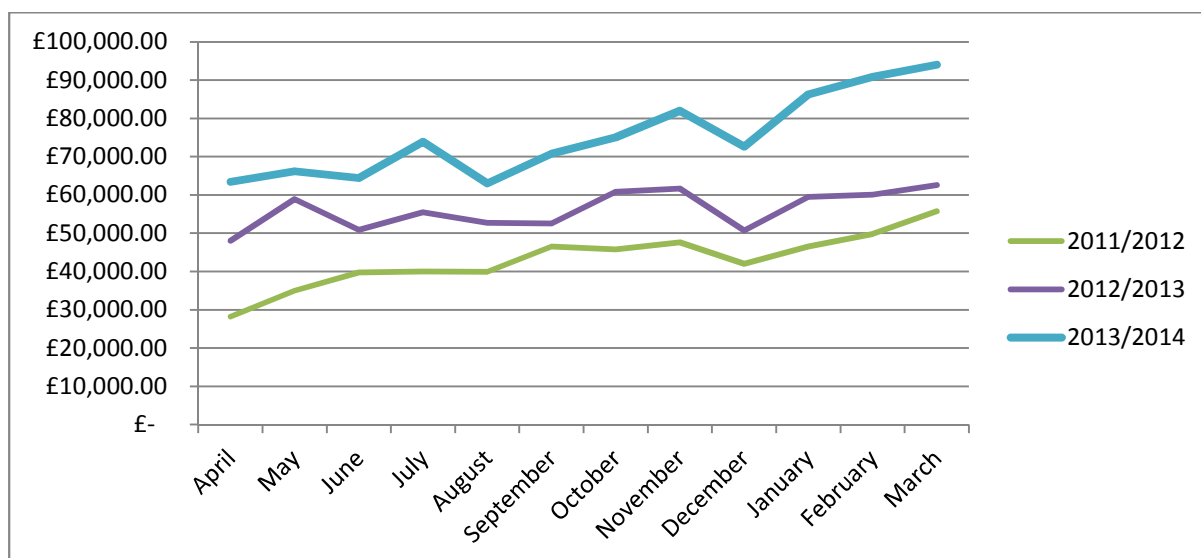
Use of pay and display parking decreased for the third consecutive year, with a greater number of customers opting for more modern services available through the Council's cashless parking providers, RingGo. The Council still has 731 pay and display locations in the borough, although it is becoming clear that as demand for these services falls, some areas no longer require as many pay and display machines. We are monitoring customer trends closely with a view to rationalising pay and display stock.



One of the major changes brought about in 2013/2014, was the introduction of a new parking tariff in October 2013. These changes came about following lengthy consultation with elected members, who had longstanding ambitions to introduce lower parking tariffs, particularly for short-stay parking. The result was for the Council to propose lower tariffs at all price points, and an ultra-low tariff for short-stay parking (just 20 pence for 15 minutes). The changes also introduced a second tariff for users of the cashless parking service, in recognition of the fact that the operating costs of a cashless service are markedly lower than a pay and display service.

4.6. On-Street Cashless Sales

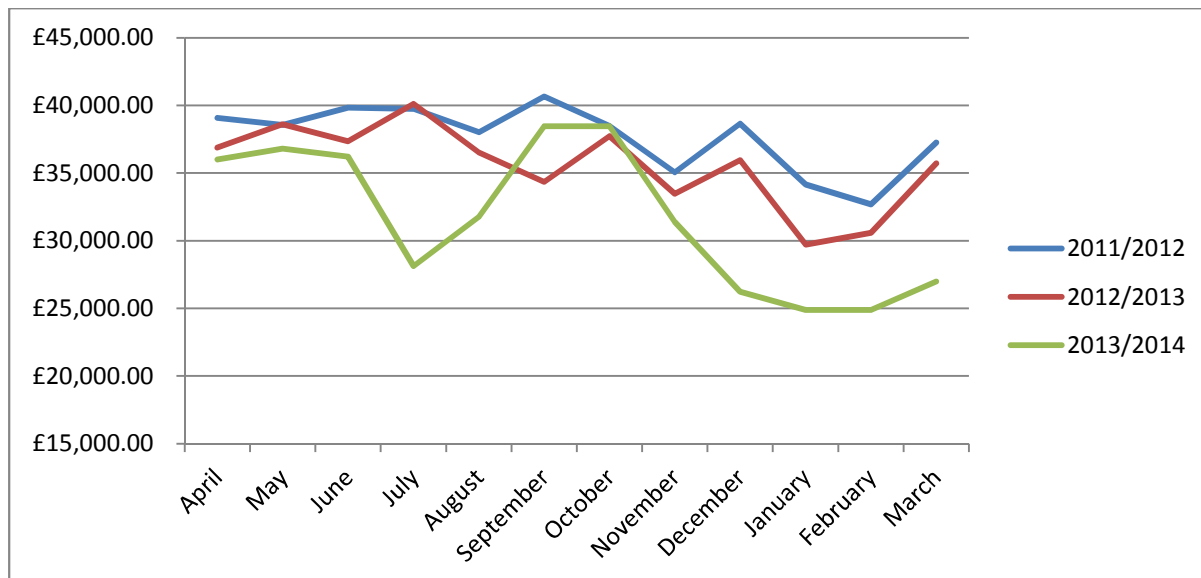
The demand for cashless parking services continued to grow in 2013/2014, with a surge in demand for the service following the launch of the new cheaper cashless tariff (October 2013). The service is becoming extremely popular with 37% of on-street sales revenues received via cashless transactions (June 2014). A number of benefits go with use of the system, including the mobile app provided by RingGo (which direct users to the nearest bay), being able to pay to park from a remote location, or from inside your vehicle together with text reminders when parking sessions are due to expire.



The above chart demonstrates the continued growth of cashless parking over the last three consecutive years, with a surge in demand prompted by the launch of new parking tariffs in October 2013.

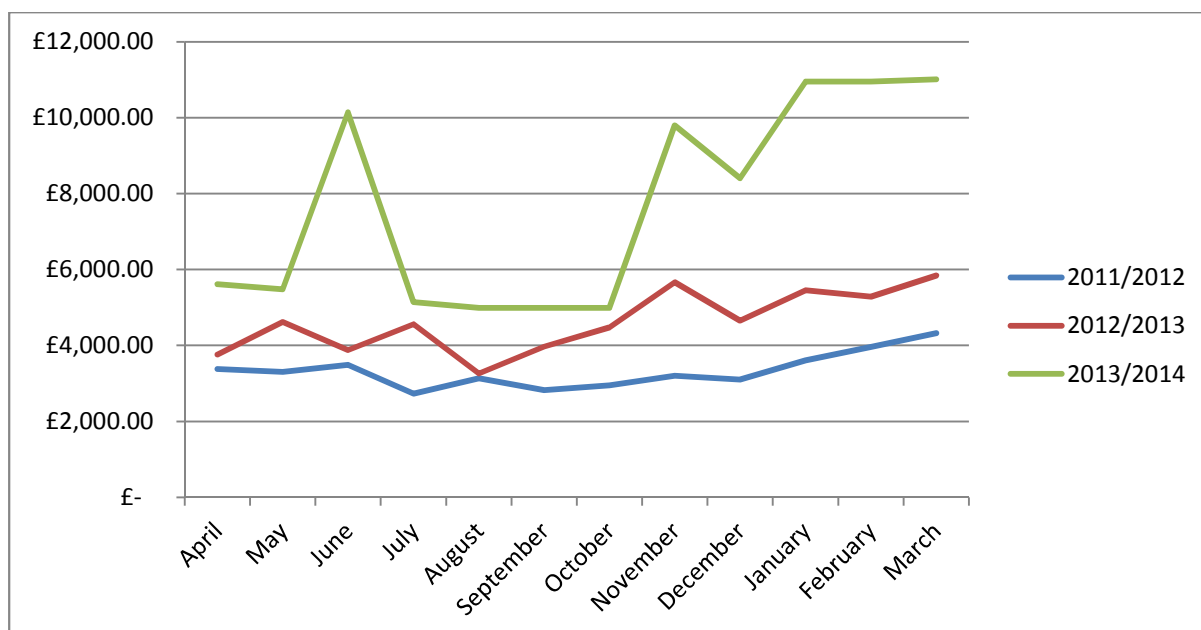
4.7 Off-Street Pay and Display Sales

Off-street (car park) pay and display use is also falling, although the volumes associated with off-street sales are markedly lower than on-street sales. The trend is notably similar to on-street parking preferences with a shift away from traditional payment for parking.



4.8 Off-Street Cashless Sales

As with on-street trends, the popularity of cashless parking is also increasing in car parks. Consumer trends off-street are broadly in line with those seen on-street.



4.9. Enforcement

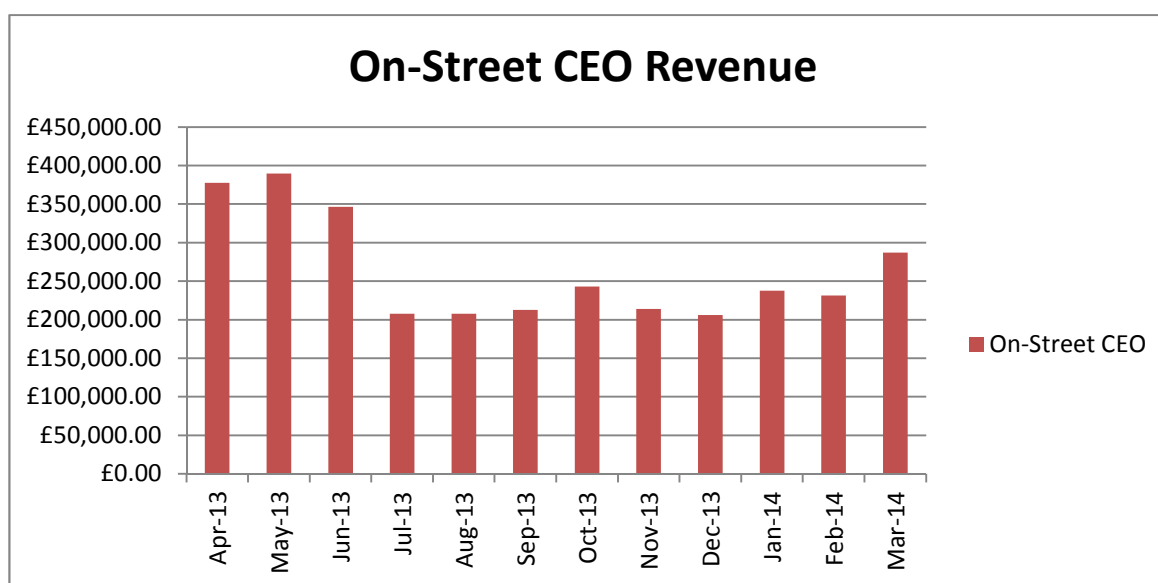
The transition to the new parking Contractor, Serco, in July 2013, had an initial major impact on service volumes, which steadied towards the end of 2013/2014. The competitive re-letting of the parking contract stimulated major operational changes for the Service:

- A large workforce transferred from the last Contractor, APCOA, to the new Contractor, Serco;
- A new parking processing system was introduced by Serco;
- A new car pound and operational base was implemented by Serco, replacing the old car pound in Wembley with a new facility in Park Royal;
- Some services were shared with other London Authorities. The new parking contract was jointly tendered by the London Boroughs of Brent, Ealing and Hounslow. This generated contractual savings where some of the managerial overheads for the contract are now shared. Further to this, all three councils now have initial correspondence (challenges), handled by Serco;
- New technology was introduced by Serco, with new mobile CCTV vehicles fitted with ANPR devices.

The re-letting of the contract offered up an annual saving of £850k on the baseline expenditure. The saving generated through the tendering exercise, a 15% saving, is a major cost reduction for a service which has always been outsourced.

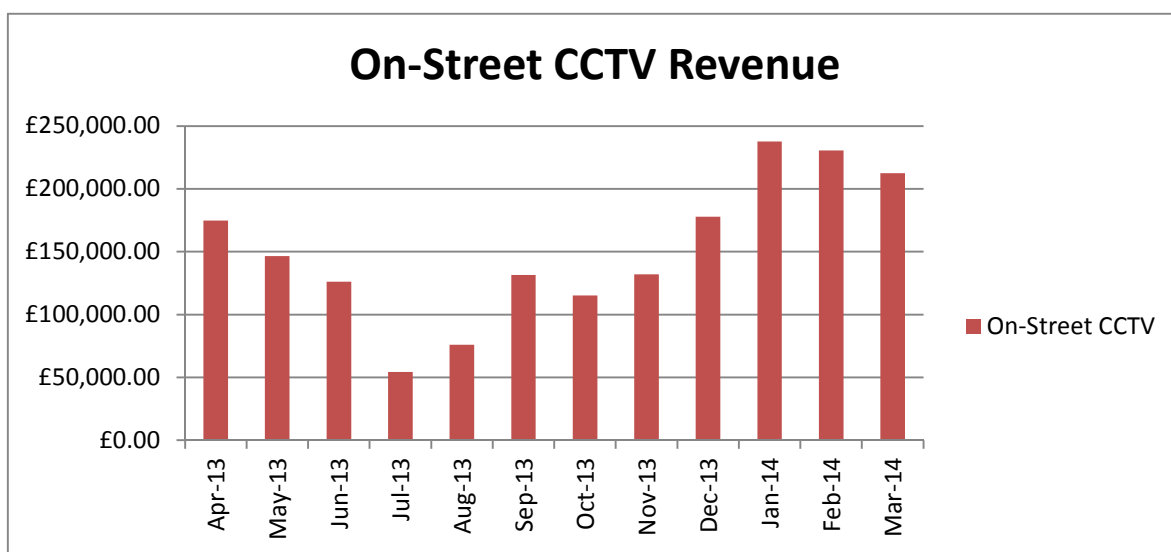
4.9.1. On-Street CEO Revenue

On-street CEO enforcement revenue decreased from over £350,000 per month in the first quarter, to just over £200,000 during the supplier handover period (July 2013). Since the handover date, the on-street revenue has been on a steady incline to almost £300,000 per month in March 2014. The transition to a new Contractor in July 2013 resulted in a lower volume of PCN issuance (and therefore lower revenues), although toward the end of the financial year the issuance volume exceeded those of previous years setting a solid foundation for the remainder of the contract.



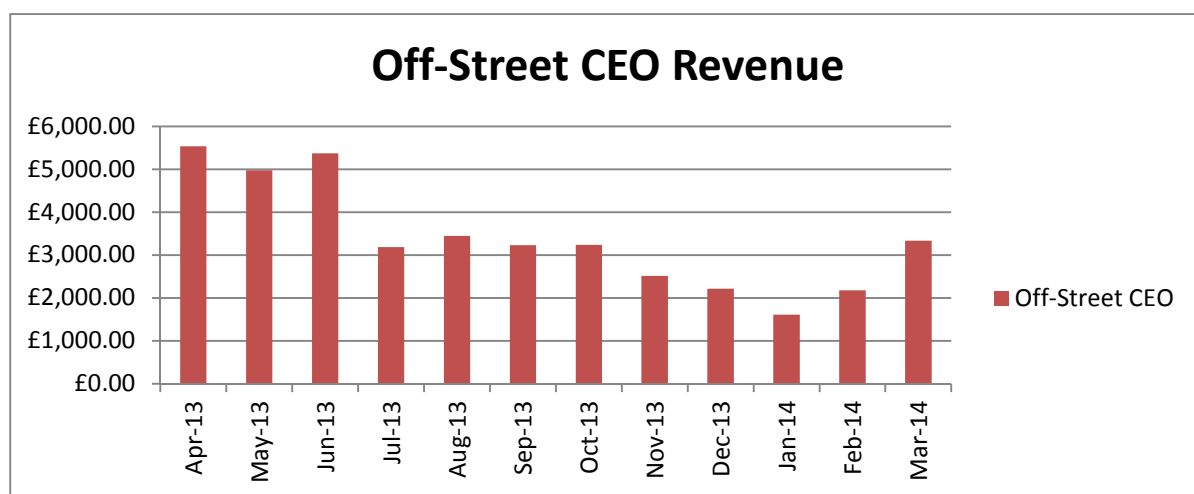
4.9.2. On-Street CCTV Revenue

As with CEO enforcement, CCTV enforcement was also impacted upon, not only by the transition to a new contractor, but also by the transition to a new enforcement suite. The Serco contract began in a new facility provided in Brent Civic Centre, with the previous service provided from an enforcement suite in Pyramid House, Wembley. Commencing a new service from a new enforcement suite provided some initial teething issues, but these were fairly insignificant considering the scale of the project. The resultant service is now more effective than ever before, with record numbers of parking contraventions being identified from the control room.



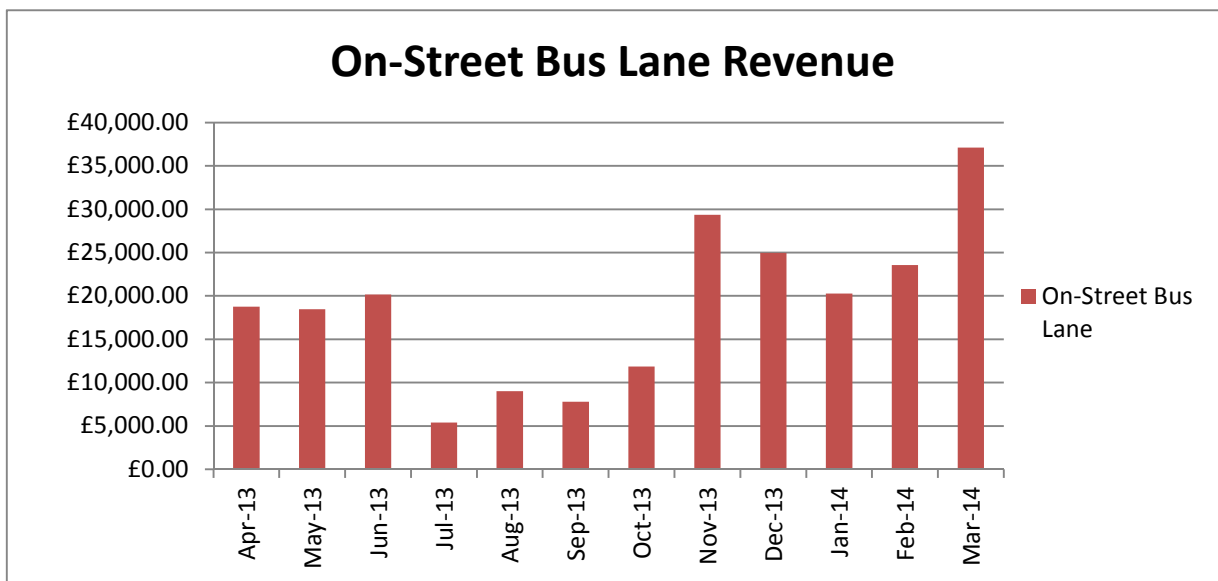
4.9.3. Off-street CEO Revenue

The volumes of issuance off-street, by Civil Enforcement Officers, are extremely low in comparison with on-street enforcement. Issuance volumes are lower than traditional issuance volumes.



4.9.4. Bus Lane Enforcement Revenue

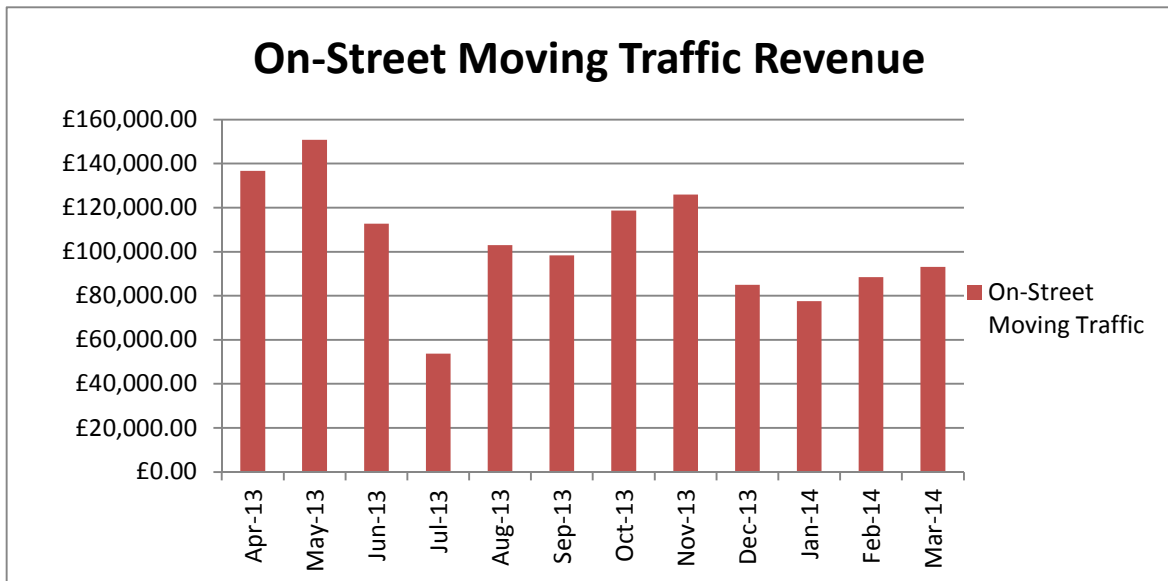
Bus Lane revenues grew dramatically towards the end of the 2013/2014 year as a result of the deployment of unattended camera systems. Unattended camera systems ensure that enforcement is concentrated on a specific restriction for the duration of its operational hours. This means that the Council are now able to apply a zero tolerance enforcement regime to bring about bus lane compliance.



Officers will continue to monitor the effectiveness of unattended systems; should this continue to prove to be an effective method of bringing about compliance, there may be scope to increase the Council's asset inventory.

4.9.5. Moving Traffic Enforcement Revenue

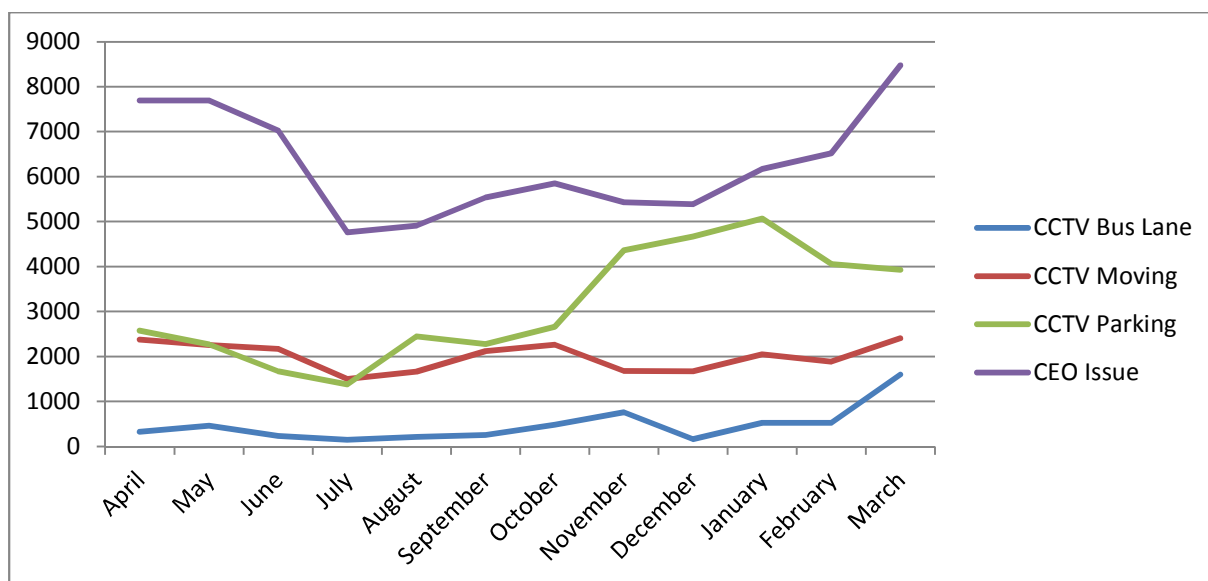
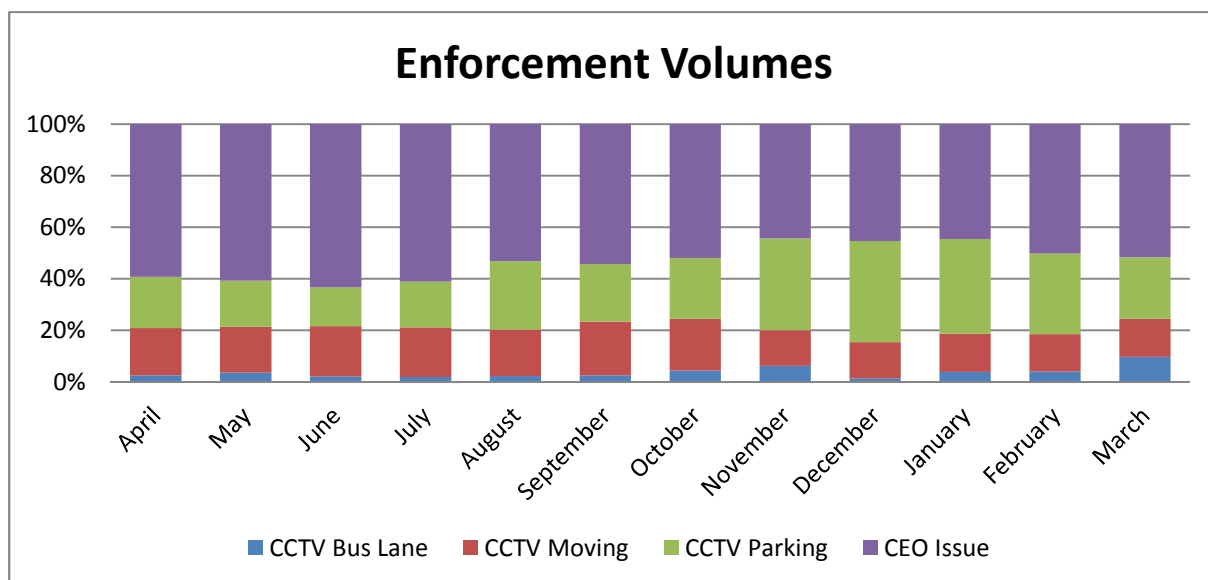
As indicated by the chart below, revenue generated through the enforcement of moving traffic (mainly box junction) violations, dropped slightly from historical revenues following the award of the contract. An increased level of parking enforcement, and bus lane enforcement, and potential increase in compliance, explains the movement in these revenues.



4.9.6. Enforcement Volumes

The chart below breaks down where the service issued Penalty Charge Notices by the different means of enforcement. Significantly, a shift can be seen in the percentage of issuances via CCTV by approximately 10%.

This follows on from the new technology and methods introduced by new parking Contractor, Serco, and the increased capacity of the CCTV operation following the move to Brent Civic Centre. The method of identifying contraventions has changed in tandem with re-letting the main parking contract, with a reduction in the number of hours deployed on-street; the Council is maximising the use of available resource, seeking efficiencies through using existing camera infrastructure; and the Council are using modern method of identifying bus lane contraventions through the use of unattended camera systems.



4.9.7. Volume Comparison with Previous Years

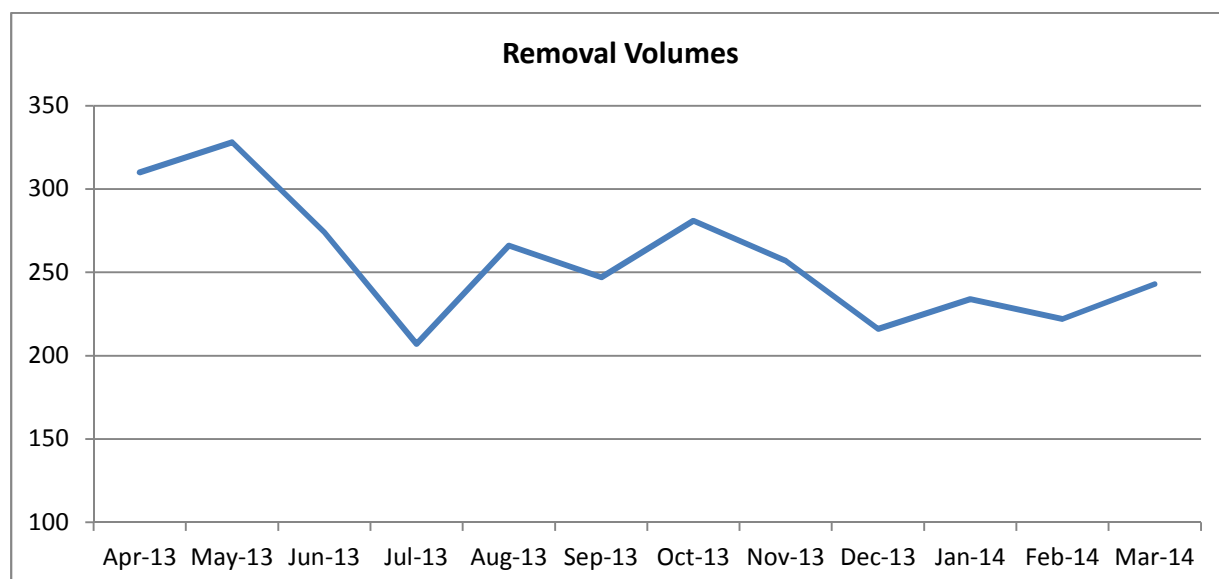
The total issuance volume for 2013/2014 was broadly in line with previous financial years, as demonstrated by the table below.

Significantly, the identification of bus lane contraventions rose to its highest level for four years, and the method of enforcing parking contraventions shifted from on-street Civil Enforcement Officers to CCTV cameras. This is also in line with previous trends, with an increase in CCTV parking contraventions and a decrease in on-street Civil Enforcement Officer issued contraventions.

	CEO	Removals (PCN)	Bus Lanes	Moving Traffic	CCTV Parking	Total
2010/2011	81,886	3,888	5,508	4,646*	1,000*	96,928
2011/2012	91,010	4,358	2,153	19,644	24,692	141,857
2012/2013	85,101	4,084	3,373	25,367	28,942	146,867
2013/2014	75,460	3,085	5,681	24,029	37,353	142,523

4.9.8. Vehicle Removals

The Council continued to provide a Vehicle Removal Service throughout 2013/14, impounding 3,085 vehicles found parked in contravention. This is a substantial drop in numbers in comparison with removal volumes in previous years, and can in part be attributed to the transition to the new Contractor, a new vehicle pound, and a reduction in on-street issuance.

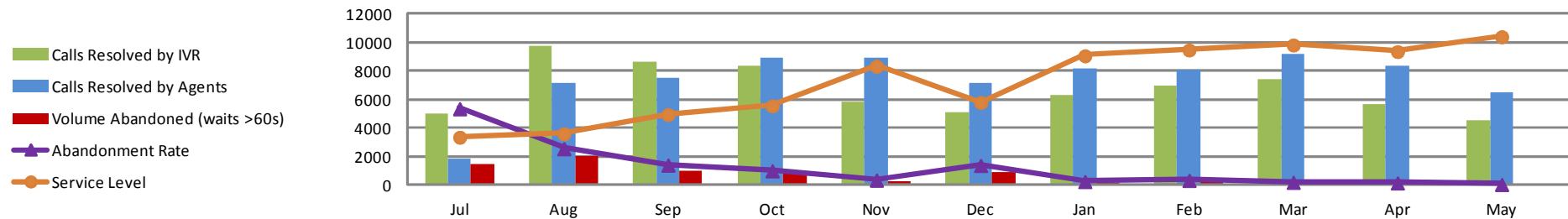


4.10 Telephone Services

The demand for telephone services rocketed following the launch of the online parking system, with customers requiring assistance in setting up and using their new online parking accounts. The heavy demand for the service at the commencement of the new parking contract (July 2013) resulted in a poor service. Neither the Council nor the contractor had anticipated such high demand meaning that capacity was not sufficient to be able to provide an acceptable level of service. Working with the new Contractor, Serco, the Council was able to rectify this problem and the service gradually improved over the course of the year, as is demonstrated below. Customers now enjoy a much improved telephone service.

Contact Centre (Aggregated)

	Part Month										
<u>Volumes</u>	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14
Total Calls Received	9907	20110	18007	18930	15734	13799	15238	15847	17625	14778	11738
Calls Resolved by IVR	4981	9764	8652	8318	5821	5073	6335	6941	7469	5695	4563
Calls Resolved by Agents	1863	7182	7512	8924	8884	7102	8200	8120	9166	8357	6485
Suspensions Voicemail/Ringbacks	52	149	116	80	29	28	25	14	21	21	24
Call Hang ups within SLA	1487	1023	686	745	686	638	466	503	772	557	612
Volume Abandoned (waits >60s)	1524	1992	1041	863	314	958	212	269	197	148	54
<u>Performance</u>	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14
Abandonment Rate	45.0%	21.7%	12.2%	8.8%	3.4%	11.9%	2.5%	3.2%	2.1%	1.7%	0.8%
Average Call Wait Time	06:15	04:19	02:47	02:18	01:03	02:49	00:49	00:51	00:39	00:42	00:24
Average Call Duration (excl wrap time)	04:52	05:14	05:06	04:57	04:22	04:43	04:30	04:28	04:06	04:12	03:59
Service Level	28.4%	30.4%	41.6%	46.6%	69.8%	48.7%	75.9%	79.2%	82.2%	78.4%	87.0%



4.9 Representations & Appeals

The Service continues to provide a firm, fair and customer focussed response to correspondence and telephone calls received.

Customers who feel that they have been unfairly issued with a Penalty Charge Notice may contest the charge by writing to the Council. The Council have a dedicated specialist team who will consider each case based upon its own merits. All statutory correspondence is handled within the statutory periods for response.


Should our customers remain dissatisfied with our decision, they may make an appeal to the independent adjudicator for parking fines, the Parking and Traffic Appeals Service (PATAS) who will make an impartial decision on the case.

The annual report by the Chief Parking Adjudicator may be found on their website <http://www.patras.gov.uk/tmaadjudicators/aboutparkingadjudicators.htm>, and full appeal figures for all London authorities, can be found at <http://www.patras.gov.uk/about/annualreports.htm>.

Key appeals figures for LB Brent in 2013/2014 are detailed below:

Appeals 2013/2014

	Heard	Allowed	Not Contested	Refused	% Refused of heard
Parking Appeals	1125	606	445	519	46.13%
Bus Lane Appeals	23	13	10	10	43.48%
Moving Traffic Appeals	280	97	65	183	65.36%
Total	1428	716	520	712	49.86%

	<p style="text-align: center;">Cabinet 26 August 2014</p> <p>Report from the Strategic Director of Regeneration and Growth & the Strategic Director of Children and Young People</p>
For Action	Ward(s) affected: Wembley Central
<p>Copland Community School – Update and Plans for a New Build School and Associated Costs</p>	

Not for publication ('below the line')

Appendices 2 (EFA option plan), 3 (Brent option plan) and 4, 4A & 4B (commercial matters) are Not for Publication.

1. Summary

- 1.1. Copland Community School (CCS), which is currently a foundation school governed by an Interim Executive Board (IEB), is scheduled to become a sponsored Academy on 1 September 2014, transferring to ARK Schools (ARK) operating in close relationship with ARK Wembley.
- 1.2. It has been confirmed that CCS will receive capital funding as part of the Priority Schools Building Programme (PSBP), funded by the Education Funding Authority (EFA). It is anticipated that a new school will be completed by September 2016 and at that point the school will expand by an additional one Form of Entry (FE).
- 1.3. To facilitate the best possible solution for a new school, Brent Executive in April 2014 approved arrangements to rationalise current land ownership as set out in Appendix 1, facilitating delivery of additional primary school places at Elsley Primary School and supporting wider regeneration in line with the Wembley Area Action Plan.
- 1.4. Officers have been working with the EFA and ARK to agree a 'red line' plan for the proposed new school building. There are currently two design options, a

baseline EFA design (appendix 2) and a Brent formulated design that aims to optimise the fit with and delivery of the aspirations in the Wembley Area Action Plan (appendix 3).

- 1.5. Subject to agreement on costs and Cabinet approval, the Brent design option is preferred.

2.0 Recommendations

- 2.1 That the Cabinet approve the Brent design option and associated costs as set out in appendix 4 of this report.
- 2.2 That the Cabinet notes that works in connection with the Brent design option will be undertaken by the Education Funding Agency under the Priority School Building Programme.
- 2.3 That the Cabinet delegate authority to the Operational Director of Regeneration and Growth (Property and Projects), in consultation with the Chief Finance Officer and the Operational Director of Children and Young People to agree the full scope and detail of the Brent design option and final additional costs.

3.0 Detail - Background

- 3.1 CCS is a large secondary school in Brent. Following an Ofsted inspection in March 2013, the school was placed into special measures and Brent appointed the IEB who put in place an interim Head Teacher. The Secretary of State (SoS) issued an Academy Order in October 2013 enabling CCS to join the ARK network from 1 September 2014. Funded by the Department of Education, the PSBP programme will fund and seek to deliver a much needed new school by September 2016 (this date may be subject to change).
- 3.2 In order to facilitate the best possible solution for the new build school Brent officers proposed arrangements to rationalise land ownership, in order to ensure an optimum footprint for the new school building and support the wider regeneration of the area in line with the Wembley Area Action Plan resulting in a report to the Executive in April 2014 and approval.
- 3.3 The report proposed the delivery of much a needed new and expanded secondary school, providing a significantly improved learning environment for the students and helping meet the medium term demand for secondary school places, the proposals also enabled the delivery of additional primary school places at the adjacent Elsley Primary School which is critical to meeting additional demand for primary school places.
- 3.4 Additionally, the proposals sought to facilitate the delivery of new homes including affordable homes, commercial and community space at the frontage of the existing CCS in line with the aspirations set out in the Wembley Area Action Plan.

April 2014 approvals and update

- 3.5 The Executive, in April 2014, approved various recommendations. Detailed below is a summary of detailed recommendations and the updated position on implementing them:
1. Agree to assist CCS's IEB with removal of the title restriction, this is complete.
 2. Agree to the Council entering into a deed of indemnity with CCS IEB, this is complete.
 3. Agree to the land transfers as outlined in the report and for the Council to seek appropriate approvals from CCS IEB, the SoS and ARK as required, this is part complete subject to consents and agreement on the location of the new build school as further detailed in this report.
 4. Agree that the Council will underwrite costs arising from the build of the new school and associated costs with transitional liabilities of the current school see appendix 4 for detailed cost approvals and an update.
 5. Agree that officers work with CCS IEB, the ARK, the EFA (in relation to both conversion issues and the PSBP), the SoS for Education as well as Sport England to secure appropriate agreements and consents, this is ongoing and remains a significant risk.
 6. Authority be delegated to the Operational Director of Regeneration and Growth (Property and Projects) in consultation with the Chief Finance Officer and the Operational Director of Children and Young People to agree the scope and detailed terms of the land rationalisation proposals outlined.

Location and options of the new build school

- 3.6 A new school building for CCS is seen as essential in the drive to improve educational standards. The building is no longer fit for purpose. In addition to improving conditions for the current students, the PSBP project will provide a one FE expansion. The expansion has been part of the scheme from the application stage and is built into the EFA funding package.
- 3.7 A new school could be provided solely within the footprint of the existing school. However, this could result in a sub-optimal solution and will entail considerable disruption to the learning environment during the two year construction period. Working with the EFA and ARK, Brent officers have looked to find a better solution.
- 3.8 The EFA's objectives have firmly focused solely on delivering a new school at minimal development costs, whereas Brent officers have been keen to ensure delivery of the Wembley Area Action Plan and a sustainable locally well integrated new school design with connectivity to the local community. ARK is

focused on delivering an environment which, through good design, provides for a quality educational experience both for students and those working in the building.

- 3.9 The EFA's PSBP splits projects into batches, the programme is carefully controlled through the use of standard contracting provisions, which include national contractor framework arrangements that are split into regions, the use of baseline designs and templates, standard facilities and services output specification and the use of template project documents.
- 3.10 Using the PSBP baseline design, the EFA has developed a design option (appendix 2) for CCS that has some regard to the Wembley Area Action Plan. Brent officers feel this option is a compromised solution as it reduces wider regeneration outcomes. It focuses heavily on delivering the new school while minimising costs, compromising on a sustainable well connected and integrated local solution without regard to the financial benefits of an improved regeneration area.
- 3.11 As guided by Brent's Planning Officer and ARK, both the EFA and the Brent option propose a new boulevard entrance and relocating a public right of way that currently dissects the school playing fields aiming to resolve issues with on-going security and safety compromising educational standards, while improving the walking experience of members of the public.
- 3.12 In order to optimise the site, Brent officers appointed Curl la Tourelle Architects to develop an alternative scheme using the PSBP design option while maximising the fit with the Wembley Area Action Plan (appendix 3) providing for the following benefits:
- Provision for community sport facilities;
 - Phasing of the new school build with no temporary buildings;
 - Improved redevelopment on the High Road;
 - Improved school aspect and orientation;
 - Independent school vehicular access;
 - Increased school privacy yet still embedded in the community;
 - Optimising of teaching space orientation;
 - Independent school facilities access if required;
 - Improved school environmental development; and
 - Possible better fit with commercial space in regeneration area.

- 3.13 The Brent option results in increased costs, the detail of which is subject to agreement with the EFA, an indicative schedule is included in appendix 4. The EFA is expecting Brent to fund additional costs resulting from the adoption of the Brent design option, if approved works will be undertaken by the EFA under the PSBP programme.
- 3.14 The EFA option would results in a reduction of development/regeneration land at the High Road, the EFA option provides for 4,150 sqm and the Brent option 7,770 sqm, an indication of value is detailed in appendix 4 and any sale would be subject to SoS consent (site areas might change as the design is further developed).

Secretary of State for Education

- 3.15 The proposals in the report are dependent on the Secretary of State for Education agreeing to disposal of education land.

4.0 Financial Implications

- 4.1 In April 2014, Brent Executive approved arrangements to rationalise the land ownership at Copland Community School facilitating delivery of additional primary school places at Elsley Primary School and support wider regeneration in line with the Wembley Area Action Plan. This report updates Cabinet on the preferred design option and seeks Cabinet approval for updated associated costs as set out in confidential appendix 4 of this report.
- 4.2 The benefits of this transaction as outlined above are the delivery of a new and expanded secondary school and an expanded primary school, along with new homes (including affordable housing) retail, commercial and community floor space in line with the ambitions of the Wembley Area Action Plan. The transactions may generate a capital receipt that will help offset the costs of this proposal as outlined in appendix 4, some of which will be incurred irrespective of whether the freehold transfer proceeds or not.
- 4.3 However there are significant financial risks associated with agreeing the proposals set out in this report. These include:
- The expenditure and income items in appendix 4 are estimated and subject to negotiation and or/tender;
 - That significant expenditure as set out in appendix 4 may need to be committed/incurred before funding for that expenditure is secured; and
 - That the proposed freehold transfer is subject to SoS approval.

5.0 Legal Implications

- 5.1 In summary any disposal of any land which is used or has been used recently for school purposes in the last 8 years requires the consent of SoS for

Education under the Academies Act 2010, this now includes disposals at no consideration to an Academy.

- 5.2 The DCLG advice on The Protection of School Playing Fields and Public Land (November 2012) states the SoS will consider the suitability of the land for use by an existing or potential Academy.
- 5.3 The phrase “Academy” now includes “Free Schools, University Technical Colleges and most Studio Schools”.
- 5.4 The DCLG advice states that the applicant for consent must provide confirmation that the school site is not needed for an existing or potential Free School proposal and that no group has expressed an interest in retaining the site for a Free School.
- 5.5 In addition generally a separate SoS consent is required under the School Standards Act 1998 for the disposal or change of use of land which is used or has been used in the last 10 years as school playing fields

6.0 Diversity Implications

- 6.1 As per the April 2014 report. The majority of pupils at CCS are from BME communities and many are from families with social disadvantage. This work will ensure a successful future for CCS and will directly contribute to promoting improved educational outcomes and therefore equality.
- 6.2 If proposals contained in this paper are approved, we anticipate the changes will provide increased access by the community to the new sporting facilities at CCS.

7.0 Staffing/Accommodation Implications

- 7.1 As per the April 2014 report, in addition proposals contained in this report will provide opportunity for the community to access new school facilities in particular new sporting provision.

8.0 Background Papers

- 8.1 April 2014 Copland School Executive paper and approval.

9.0 Appendices

1. Current landownership & existing school buildings plan
2. Design option EFA plan CONFIDENTIAL
3. Design option Brent plan CONFIDENTIAL
4. Commercial Matters CONFIDENTIAL

4A Valuation plan CONFIDENTIAL

4B Costs CONFIDENTIAL

5. Equality Analysis

Contact Officers

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Head of Strategic Property
0208 937 1705
Sarah.Chaudhry@brent.gov.uk

Sara Williams
Operational Director Early Help and Education

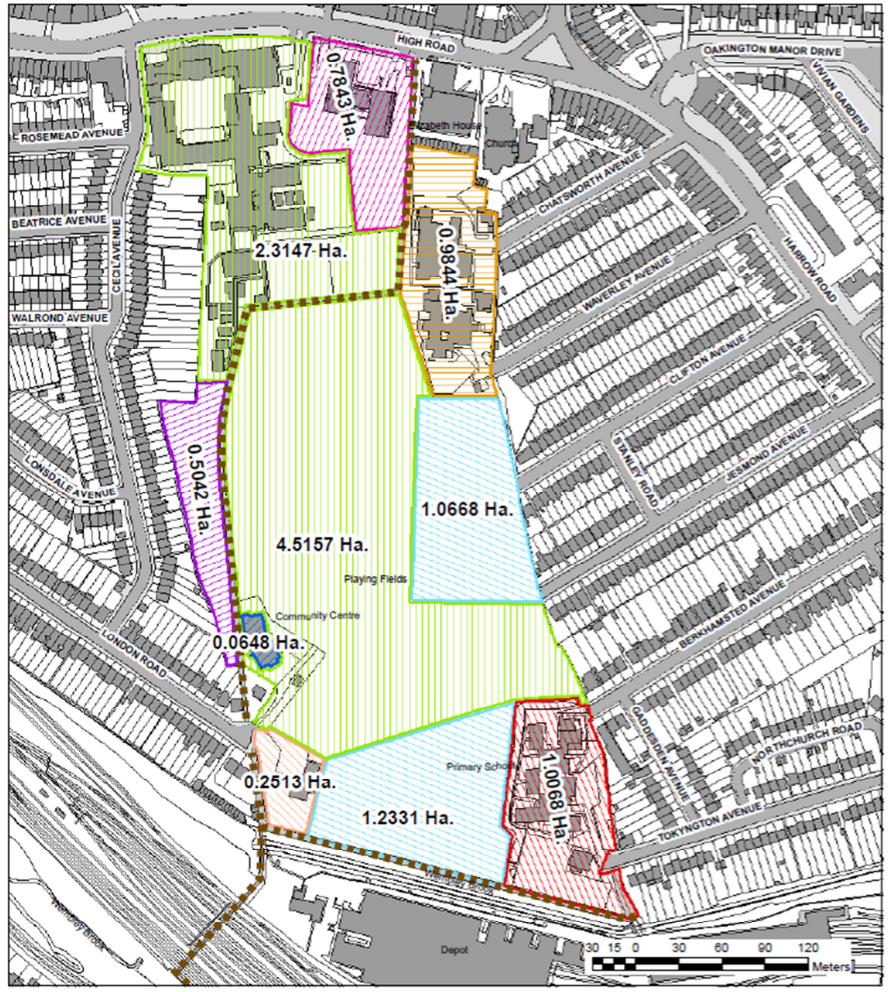
Richard Barrett
Operational Director of Property and Projects

Gail Tolley
Strategic Director Children and Young People

Andrew Donald
Strategic Director of Regeneration and Growth

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Appendix 1 – Current Landownership & School Building



Copland School Site and Adjoining Ownerships.

Legend

- St Josephs Infants and Juniors - School Freehold
- Cecil Avenue Allotments - Brent Freehold
- Wembley Youth Centre - Brent Freehold
- Brent House - Brent Freehold
- Copland Community School - School Freehold
- Elsley Primary School - Brent Freehold
- Dennis Jackson Centre - Brent Freehold
- Playing Fields - Brent Freehold - Copland Leasehold
- Usage rights for Wembley Youth Centre
- Public Rights of Way

NORTH

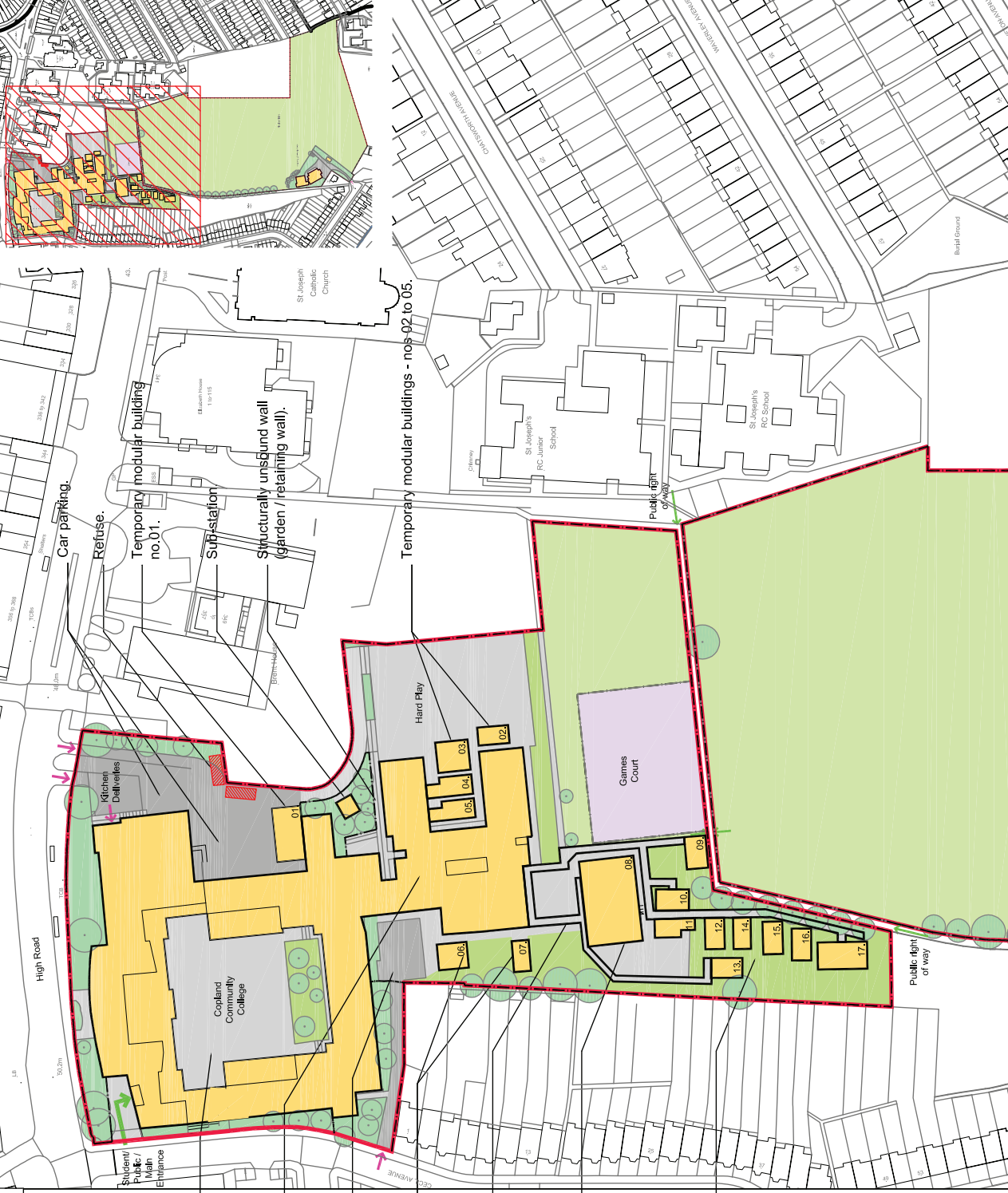


1:2,500

Plan to stated scale if printed at A3.

PSMA OS copyright statement
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 2014 Ordnance Survey 100025280
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- KEY**
- EXISTING BUILDING
 - EXISTING BUILDING USED BY OTHERS
 - BUILDING DEMOLISHED
 - SOFT SOCIAL AREA
 - HABITAT AREA
 - PLAYING FIELDS
 - ARTIFICIAL GRASS PITCHES
 - PLAYGROUNDS/HARD COURTS
 - HARD SOCIAL (INCLUDING FOOTPATHS)
 - CAR PARKING / VEHICULAR ACCESS
 - EXISTING TREE (INDICATIVE)
 - ORIGINAL SCHOOL BOUNDARY
 - FENCE WITHIN BOUNDARY
 - PEDESTRIAN ACCESS / MAIN ENTRANCE
 - VEHICULAR ACCESS

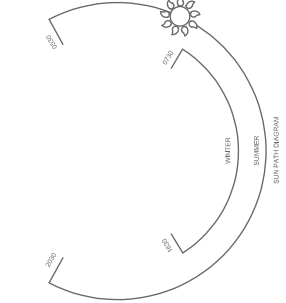
Size of Existing School:
 Secondary Places 1900-2000 Places
 (9FE plus 6th Form)
 YRS 10-12 and 6th Form on site
 Childrens Centre TBC Places
 Inclusion Places TBC Places

Existing Staff Numbers
 = TBC

Existing Car Park Places
 = TBC

Secondary = TBC
 Childrens Centre = TBC
 DDA Visitor Places = TBC
 Cycle Provision = TBC

SITE AREA
 Copeland Community College = 23,113 m²
 Playing Fields = 46,543 m²
 Site Area Total = 69,656 m²



Drawing number / Rev

Main building.

South block.

Car parking.

Temporary modular buildings - nos 06 & 07.

Covered hard social route to temporary modular buildings.

Temporary modular building no.08 2-storey Humanities block.

Temporary modular buildings - nos 09 to 17.

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Client: EDUCATION FUNDING AGENCY

Project: PRIORITY SCHOOLS BRENT & CAMDEN BATCH

Drawing title: EXISTING SITE PLAN 1 of 2

Drawing status: PRELIMINARY

Scale: 1:1250 @ A3 DO NOT SCALE

Jacobus No.: EFAP/PSCAPCB1/COPLAND/001

Client No.:

Drawing number: PSCAPCB1/COPLAND/001

Rev: 0

Copland Community School
 High Road,
 Wembley,
 HA9 7DU.

150 m
 100
 50
 0

SCALE 1 : 1250

North arrow pointing up.

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Appendix 2 Design Option EFA

Appendix 2 is not for publication on the basis that it contains information exempt from publication by virtue of paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

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Appendix 3 Design Option Brent

Appendix 3 is not for publication on the basis that it contains information exempt from publication by virtue of paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

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2012

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.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Regeneration & Growth Service Area: Property & Projects	Person Responsible: Name: Tony Nixon Title: Technical Officer Lands & Terrier Contact No: 0208 937 1565 Signed: Tony
Name of policy: Copland Community School – update and plans for a new build school and costs.	Date analysis started: 5/8/2014 Completion date: 5/8/2014 Review date: 5/8/2014
Is the policy: This is not a policy it is a proposal. This is a follow on report.	Auditing Details: Name: Sarah Chaudhry Title: Head of Strategic Property Date: 05/08/14 Contact No: 0208 937 1705 Signed: Sarah
Signing Off Manager: responsible for review and monitoring Name: Richard Barratt Title: Operational Director Property & Projects Date: 05/08/14 Contact No: 0208 937 1330 Signed: Richard	Decision Maker: Name individual /group/meeting/ committee: Cabinet Date: 26/8/14

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?

The aim of this report is to evaluate the latest proposals for Copland Community School (CCS) and adjacent land, which aim to deliver a redeveloped school in accordance with a scheme agreed between Brent Council and the Education Funding Agency (EFA). An Equality Analysis has already been undertaken in support of the 22nd April Committee Report which dealt with the wider principles behind the scheme, and this analysis will therefore concentrate on the specific Equalities impacts of the proposed development.

The redevelopment scheme will deliver:

- A much needed rebuilt Copland school
- The diversion of a public footpath dissecting the site
- Improved sports facilities with better arrangements for public access.
- A regeneration site.

All such development accords with the principles of the Wembley Area Action Plan, which has been subject to widescale consultation and analysis.

The scheme will assist the Council in delivery of the Wembley Area Action Plan, Education priorities, public access to sport and recreation, public safety through improvements to the footpath, and in the longer term access to housing and employment opportunities as part of the regeneration site that will be created on the site of the old school.

Policy and practice for the area has already been established by the Wembley Area Action Plan. The current proposals merely formalise these proposals and clarify the means of delivery.

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

The previous April 2014 provided an indepth analysis of the equalities impact of a new school building, this is therefore an update and concentrates on the impact of updated proposals concentrating on the local community.

Copland Community school is situated within the Wembley Central Ward
The 2011 Census showed that:

- The population of Wembley Central increased by 3,727 persons, or 33.9%, from 11,000 in 2001 to 14,727 in 2011
- The number of households increased by 30.0% resulting in an increase in the household size 3.4 persons
- The number of 0-4 year olds increased by 48.1% from 671 in 2001 to 994 in 2011
- Wembley Central had a 86.0% black, Asian and minority ethnic (BAME) population with an Asian population of 66.1% and a black population of 13.8%

- 31.5% of the ward's residents were born in the UK. 59.6% had a UK passport
- 90.8% of the residents in Wembley Central had a religion.

Other data sources tell us that:

- the median household income in Wembley Central is below the Brent median figure of £31,601 at £27,644.

The current proposals will result in a five court sports hall, and hard surfaced play on the existing playing fields. Access to such facilities will not only be ensured for Copland and adjoining primary schools at Elsley and St Josephs, but also by agreement with the Ark Academy to the wider community, with consequent beneficial impacts on health and well being.

The improvements to the playing field and an associated diversion of a footpath, which is currently poorly used, hidden from public view by high fences, and an invitation to anti social activity, will significantly improve security for those utilising the site, hence optimising health and well being outcomes.

Proposals for the regeneration area at the High Road frontage are yet to be developed, but the Wembely Area Action Plan envisages a mixture of housing and retail centred development, all with consequent positive impacts for the community.

Please give details of the evidence you have used:

Detail on the Wembley Central Ward make up have been drawn from Diverse Brent Borough Profile.

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;

Improvements to the playing fields and sporting provision, will result in more controlled use of the existing poor quality provision.

Therefore the proposals in the report are likely to positively impact the elimination of discrimination, harassment and victimisation.

(b) Advance equality of opportunity;

The scheme will also have significant positive impacts in terms of improved access to recreation for a locality characterised by mixed ethnic background, with increasing household size, and below the Brent average income.

Therefore the proposals are likely to positively impact equality of opportunity.

(c) Foster good relations

A new school, a better learning environment, improved educational standards and better behaviour will all contribute towards creating better relationships within the school community, the wider community in which the school is based, assisting with general regeneration in the local area all of which will contribute longer term in creating a more cohesive and sustainable community.

Of particular benefit will be public access to significantly improved sports facilities.

Therefore the proposals are likely to positively impact fostering good relations.

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

None directly for the purposes of this report. Instead regard has been had to the widescale consultation required for the Wembley Area Action Plan and to consultation undertaken by the IEB and ARK has already been mentioned in the April 2014 report.

- i. **Who did you engage with?**
- ii. **What methods did you use?**
- iii. **What did you find out?**
- iv. **How have you used the information gathered?**
- v. **How has it affected your policy?**

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

No – although as mentioned above during construction phase there will be impacts on the interim school and local area the impact of which will be mitigated through consultation at the appropriate time. It is worth emphasis that the proposals are to re-locate the existing public footpath.

Please give details of the evidence you have used:

Experience of delivering construction projects, school, residential, etc. the impacts are likely to be similar.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive	Adverse	Neutral
-----------------	----------	---------	---------

	impact	impact	
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.

N/A

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.

N/A

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:

Yes – as per the April 2014 Executive report, additionally community access to new sporting facilities and improved playing fields will greatly improve local provision and encourage increased interest and involvement positively impacting health and wellbeing. .

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.

N/A

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.

In the short term we will work with the IEB, ARK and EFA to deliver proposals in the report. In the longer term we will monitor through review of future Ofsted reports and by enforcing contractual arrangements with ARK to ensure Community access.

10. Action plan and outcomes

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

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

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome

Please forward to the Corporate Diversity Team for auditing.

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.

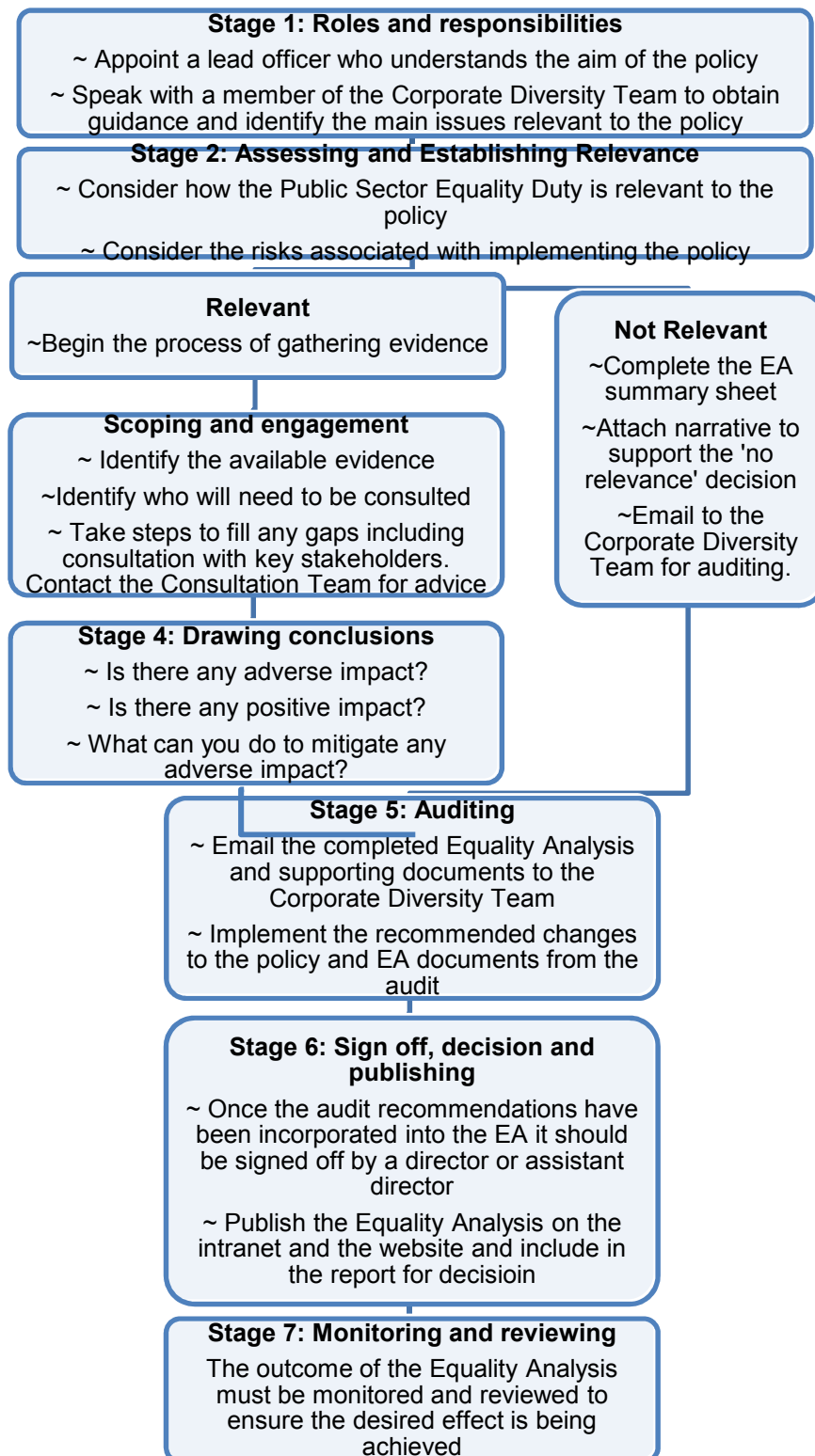
Positive action

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"> • 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
The officer undertaking the EA	<ul style="list-style-type: none"> • 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
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • 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)
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"> • 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), 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>Brent</p>	<p style="text-align: center;">Cabinet 26 August 2014</p> <p style="text-align: center;">Report from the Strategic Director of Regeneration & Growth</p>
<p>For Action Wards affected: ALL</p>	
<p>Proposed Expansion of Manor School, Chamberlayne Road, Kensal Green</p>	

1.0 Summary

- 1.1 Brent Council has a statutory duty to ensure sufficient school places are provided. There is a shortfall of SEN school places to meet current and projected demand. The Council has been awarded Targeted Basic Need (TBN) grant funding of £1.541m by the Education Funding Agency (EFA) 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.
- 1.2 The total estimated cost of works required to provide these places (£2.182m) exceeds the TBN funding available. Cabinet is therefore requested to approve in principle the additional sums required to deliver the proposed scheme from the Council's Basic Need Capital grant funding allocation subject to Cabinet approval in December 2014 to permanently expand the school following statutory consultation.
- 1.3 In order to achieve the required timescales, this report also sets out pre-tender considerations for the works contract and seeks approval to commence the procurement process on that basis in order to ensure that a works contract could be awarded in December 2014 subject to Cabinet approval to permanently expand the school.

2.0 Recommendations

- 2.1 Note that the consultation on the statutory expansion of pupil numbers will commence in September 2014, with a report on the outcome of the consultation to be submitted to the Cabinet in December 2014.

- 2.2 Approve in principle 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.
- 2.3 Approve the invitation 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 and via the London e-Tender Portal.
- 2.4 Approve the evaluation of the tenders referred to in 2.2 above by officers on the basis of the evaluation criteria set out in paragraph 3.11 of the report.

3.0 Detail

- 3.1 The Council's Special Educational Needs and Disability (SEND) services have been facing pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend due to advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. Inward migration has added to the increase in demand. The council has a statutory duty to provide sufficient school places for children within its area. Current data suggests that the demand for school places will continue to grow until at least 2020. In recent years, to alleviate the situation, the Council has had to place pupils in more costly out borough independent provision, as special schools within Brent are full.
- 3.2 Manor School is a special school catering for children aged between 4 and 11 years with a wide and varying range of learning difficulties. It is school with a 'Good' Ofsted rating and has a current capacity of 132 school places. Following consideration of options to meet the needs of specialist education placement provision, it is considered that the expansion of Manor School offers an opportunity to expand the required type of SEN places in a Good school. The proposed building works scheme at Manor School will bring the capacity to 176 pupil numbers.
- 3.3 The proposed scheme, which involves part new-build and part alterations and re-modelling works, is able to deliver 44 additional SEN pupils at Manor School by the end of August 2015. This proposal will help meet increasing demand for special school places as well as achieve considerable educational and financial benefits. In essence, the proposed scheme will enable 44 SEN children to access a local special school, whose only alternative would be to travel to independent special schools at some distance from their home addresses, which in itself comes at a cost to the Council, as independent schools are more expensive than community schools; in addition transport costs have to be factored in. Further details are provided in the Financial Implications section of this report. There are also significant social and environmental benefits of local schooling. Further, Manor School is popular with parents and its expansion would help meet parental preference.

- 3.4 Early informal consultation with the school and its Governing Body indicates that it is supportive of the expansion in pupil numbers and of the build proposals, which includes additional classrooms, offices and external all weather play areas. Informal school expansion consultation concluded on 25 July 2014. Results are currently being collated.
- 3.5 The proposed scheme, accommodating an increased number of pupils, will provide 44 of the additional primary special school places needed by 2020. The estimated cost of works to create the additional classrooms, increased dining areas, offices and external play areas is £1.6m. The Council's Contract Standing Orders No.88 state that works contracts exceeding £500,000 (High Value Contracts) shall be referred to the Cabinet for approval to commence the procurement process.
- 3.6 This proposed scheme can only be delivered with additional funding of £641k in addition to the TBN fund of £1.541m. These additional funds would need to be sourced from alternative Brent capital resources and it is recommended that this provision is made from the Basic Need Capital grant allocation. In effect 44 pupil places could be provided at a cost to the Council of £641k. Costs which the council may incur if the scheme does not proceed are detailed in the Financial Implications section of this report.
- 3.7 There is a four stage statutory process for the school expansion. It is considered an appropriate risk to seek approval to commence the procurement process now – some 4 months prior to the Cabinet's decision regarding the statutory process on the expansion of pupil numbers in December 2014. The majority TBN funding (£1,541,215) allocated by the Education Funding Agency (EFA) states that the total TBN fund must be spent (not merely committed) by end of August 2015, by which date the additional places must also be available in the expanded school. If these two principle conditions of TBN funds are not met, the greater risk is that the Council will lose all the funding, including any already committed.
- 3.8 Achieving the required TBN expenditure and having accommodation ready for pupils by 31 August 2015 requires a relatively tight building programme and is reliant on a contractor being already appointed and in a position to mobilise and commence works in early January 2015. To achieve these milestones, the procurement process needs to already have taken place such that the contract could be awarded upon Cabinet approval, in December 2014, of the permanent expansion of pupil numbers at Manor School. The programme of building works is expected to take 9 months, where enabling works will have already completed and where, towards the close of the construction programme, external improvements to create all weather play areas are to form the bulk of outstanding works. As such, it is anticipated that, by the end of August 2015, the full amount of TBN monies will have been spent and the 44 additional pupils could be accommodated in newly built classrooms, remodelled areas and that the school will be able to suitably manage day to day operational duties. The EFA grant agreement also requires that of the total TBN grant to be spent by end of August 2015, the provisional allocation of £357k received in 2013/14 be spent by the end of

August 2014. This expenditure will be met through required enabling works, associated fees and development costs.

3.9 Similarly, in the interests of delivering a completed scheme within the required time-line, planning permission for the preferred design option has been submitted, for which a decision by 25 July, at the earliest, is expected. At the time of drafting, planning approval had not been granted.

3.10 Officers consider there to be less risk to the Council to proceed with activities to prepare for this project prior to conclusion of the statutory process on the expansion of pupil numbers which will commence in September 2014 and conclude prior to the Cabinet decision in December 2014, as the risk of not doing so would prevent the additional school places being provided at all as the majority funding (£1.54m) would be withdrawn. The preferred approach would be to now commence the procurement process alongside obtaining planning approval and undertaking the statutory process on school expansion which will begin in September 2014.

The procurement process:

3.11 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.	Building works to support proposed expansion works at Manor School.	
(ii)	The estimated value.	The estimated value is £1.6m over a 9 month programme	
(iii)	The contract term.	Nine months from January 2015.	
(iv)	The tender procedure to be adopted.	Single stage selective tender after open advertising via the e- Portal.	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed on London e-Tender Portal	03.09.14
		Expressions of interest returned	19.09.14
		Invite to tender	19.09.2014
		Deadline for tender submissions	14.10.2014
		Panel selection, evaluation and shortlist for interview	15.10.2014 -5.11.2014

Ref.	Requirement	Response														
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Contract Award	23.12.14															
Contract start date	5.1.15															
(vi)	The evaluation criteria and process.	<p>An open or single stage tender process will operate. This will consist of the following elements:</p> <ol style="list-style-type: none"> 1. A check will be undertaken in accordance with the Council's Contract Procurement and Management Guidelines by the use of a qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise. 2. Tenders will be evaluated to identify the most economically advantageous tender using the following criteria: <ul style="list-style-type: none"> Quality Criteria (60%): <ul style="list-style-type: none"> • Management Structure • Logistical Approach and Preliminaries • Procurement & Supply Chain Strategy, Organisation, Communication Arrangements • Design Development • Programme & Programme Efficiencies Price Criteria (40%): <ul style="list-style-type: none"> • Costs and Benchmarks • Pricing Submission 														

- 3.12 The evaluation panel will include the Council's project manager and technical advisers. It will be overseen by the Council's procurement officer. In accordance with Standing Orders, the Director of Legal and Procurement and the Chief Finance Officer shall, if he/she considers it appropriate, be part of or appoint a representative to the evaluation panel or shall advise the panel as he/she sees fit.
- 3.13 The Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.
- 3.14 Following this procurement process, Cabinet's approval to award of the works contract will be sought in December 2014, subject to the outcome of the consultation on the expansion of pupil numbers which will be presented at the same meeting.

4.0 Financial Implications

- 4.1 The Education Funding Agency, upon receiving an application from Brent Council, awarded the Council £1.541m of Targeted Basic Need (TBN) grant funding in October 2013 to support capital works required to accommodate an additional 44 pupils at Manor School. The EFA states that the whole of the TBN grant is to be spent by end of August 2015, of which £357k has to be spent by end of August 2014. These targets will have been met, by means of enabling works, associated fees and development costs and all 44 additional pupils will have been accommodated at Manor School, thereby it is anticipated that the scheme will deliver on TBN compliancy requirements. The capital grant agreement requires that any underspend or surplus funds after the completion of the projects should be notified to and will be subject to reclaim by EFA. It is not intended to allow surplus funding to be used to extend the scope of projects or to deliver other projects. In the event that Cabinet decide not to proceed with the expansion at Manor School all of the TBN funding (£1.54m) would be subject to reclaim by the EFA.
- 4.2 The Council's Contract Standing Orders state that works contracts exceeding £500k (High Value Contracts) shall be referred to the Cabinet for approval to procure and for its subsequent approval to award a contract. Accordingly, as the indicative contract sum for proposed building works is estimated at £1.6m Cabinet is requested to approve commencement of the procurement process. Total scheme costs including enabling works, development costs, fees and contingency are estimated at £2.182m.
- 4.3 Cabinet is asked to approve the allocation of £641k from Basic Need Capital grant allocated to the Council for the provision of school places in order to address a funding gap between the allocated TBN grant and the total estimated project cost, thus enabling the retention of £1.54m TBN grant and the delivery of 44 additional school places. The use of these allocations will reduce the amount of available resources to fund future school expansion schemes forecast in the overall programme of works.
- 4.4 Members should note that in addition to the delivery of additional school places to meet the council's statutory duty there are financial benefits to be

gained by progressing a construction scheme that provides an additional 44 pupils at Manor School. These benefits are the cost avoidance associated with the alternative to providing places at Manor which is the cost of placing pupils in independent special schools or in out borough schools, as well as avoiding additional transport costs that this would incur. It is noted that the average annual cost for a place at Manor School is £24k, whereas the average annual cost of an out borough independent school is £40k, a difference of £16k per annum per place. The provision of 44 additional pupil places at Manor would, in a full year, deliver cost avoidance of £727k. Over 5 years cost avoidance of £3,636m would be achieved. In addition, the average annual cost of transporting an SEN pupil to an in borough school is £3k; the average cost of transporting an SEN pupil out borough is £9k, a difference of £6k. In a full financial year, if 44 pupils are accommodated at Manor, this would mean the Council avoided costs of £268kon transport that would otherwise have to be spent on transporting pupils to out borough independent schools. These figures relate to the avoidance of additional costs rather than savings to existing revenue budgets.

- 4.5 If Manor Special School is not expanded, the pupils will have to be placed in out borough provision. Most neighbouring boroughs maintained special schools are also full. If places could not be secured at out borough maintained special schools, the council would have no choice but to secure places at Independent provision, which are invariably at a higher cost per place than Local Authority maintained schools. There would also be a significant increase in costs to the SEN transport budget which is primarily funded from the General Fund.
- 4.6 The benefit of commencing with the procurement process in August is to enable the contractor to mobilise in December 2014, thereby allowing sufficient time for the full building works contract to run 9 months from January 2015 to September 2015, by which time, it is understood that full TBN monies will have been spent and pupil ready to be accommodated in a physically expanded school.
- 4.7 Any costs incurred by the Council in regard to enabling works, associated fees and development costs prior to a Cabinet approval for an award of contract subject to the outcome of the consultation on the expansion of pupil numbers will be at risk. Should the Cabinet approval not be obtained and the scheme not proceed any such costs would have to be treated as abortive and recharged to the Council's revenue account within which there is no budget for such costs. The council would not be able to utilise any EFA capital funding should the scheme become abortive and any TBN grant associated with the scheme would have to be returned.

5.0 Legal Implications

- 5.1 Under sections 13 and 14 of the Education Act 1996 as amended by the Education Acts 2006 and 2011 the local authority has a general statutory duty to ensure there are sufficient school places available to meet the needs to include any special educational needs of the population in its area. The local authority must promote high educational standards ensure fair access to

education opportunity and the fulfilment of every child's educational potential. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

- 5.2 It is understood that demand is increasing for school places and that the proposed expansion at Manor School will provide 44 of the additional primary special school places of the 71 projected needed by 2020. The cost to the Council of not providing this statutory provision is highlighted in the main body of the report and in detail in paragraph 4.3.
- 5.3 Cabinet is requested to authorise in principle the use of additional funding of £641k required to deliver the provision of additional places and to commence the procurement process for a works contract in August 2014. Approval to both recommendations is sought ahead of the consultation on expanding school numbers. This is to ensure the time-lines as dictated by the EFA's TBN funding may be met and so that the Council meets its compliancy requirements. Neither approval will commit the Council to proceeding with the expansion should Cabinet in December 2014, having had regard to the statutory process on the expansion of pupils numbers, decide not to proceed with the expansion at Manor School.
- 5.4 The estimated value of the works contract is £1.6m and is therefore below the EU threshold for works contracts of £4,322,012 as contained in the Public Contracts Regulations 2006. The works contract is however classed as a High Value Contract under the Council's constitution. As such, the Council's Cabinet must approve the pre-tender considerations set out in paragraph 3.11 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.5 The procurement process is outlined in paragraph 3.11 and tenders will be advertised via the London e-Tender Portal.
- 5.6 It will be necessary for tenderers to be advised during the tender process that the procurement is subject to Cabinet approval following conclusion of consultation on pupil numbers. The contract will also make it clear that performance of contract must be completed before the end of August 2015.
- 5.7 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. Following award, it is anticipated the successful contractor will mobilise to be in a position to commence works in January 2015, subject to formal approval for the expansion of pupil places, which is also to be decided by Cabinet in December.

6.0 Diversity Implications

- 6.1 An EIA is attached to this report.

The following statements are extracted from the Director of Children & Families 'Education Business Case for Expansion at Manor School' dated 15

July 2014:

The Council's Special Educational Needs (SEN) and Disability services have been facing pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend due to advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased inward migration. The council has a statutory duty to provide sufficient school places for children within its area. There will be increasing demand for school places as a result of the growing pupil population which will continue to grow rapidly until at least 2020. The school population in Brent has increased by 3151 in less than four years, and correspondingly there is also an increase in demand for special school places. In recent years the council has had to place pupils in expensive out borough independent provision as special schools within Brent are full.

Manor is special school with a Good Ofsted rating. The school offers places to pupils aged from 4 -11 with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with Autism, Moderate learning difficulties and severe learning difficulties.

The proposal to provide an additional 44 places will help meet growing demand and achieve considerable educational and financial benefits. It will enable 44 children with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses. This will reduce the amount of time they have to spend on daily transport and will enable them to mix with other children closer to their home addresses maximising the chances of developing local friendships. Manor School is popular with parents and pupils, and its expansion would also help meet parental demand.

The following factors are also to be considered as viable reasons for progressing with the scheme and so commencing the procurement process so as to ensure delivery of accommodating an additional 44 pupils:

- This expansion will provide 44 of the additional primary special school places of the 71 projected need by 2020.
- The expansion of the school will increase the availability of good quality special school experiences closer to home in a specialised environment that can meet the needs of ASD/SLD pupils.
- Will reduce travel time to and from school for ASD/SLD pupils and the cost of transport.
- Avoid costs on independent out borough provision and transport for 44 pupils with ASD/SLD needs.
- Align to the Council's strategic objective in its priority of supporting Children and Families in providing organisational efficiency.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 The building works to accommodate the expansion Manor School by 44 pupil numbers will improve conditions of teaching accommodation, offer improved play areas and will thereby facilitate the organisation, management and operation of teaching systems throughout the school.
- 7.2 There will be additional job and career opportunities for staff at Manor School in order to cater for additional pupils.

8.0 Public Services (Social Value) Act 2012

- 8.1 Whilst the Public Services (Social Value) Act 2012 (the “Social Value Act”) does not apply to works contracts, Officers have had regard to considerations relevant to the Social Value Act in this procurement, namely the how the contract 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.
- 8.2 The contract being procured has as the primary aim of improving the social wellbeing of one of the most vulnerable groups in Brent. Pupils and parent are being consulted regarding the proposed expansion of pupil numbers at the Manor School which will directly impact on the works contract.

Background Papers

Contact Officers

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ANDY DONALD
Strategic Director of Regeneration & Growth

2013

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.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Children and Families Service Area: Pupil and Parent Services	Person Responsible: Name: Judith Joseph Title: Place Planning Officer Contact No: 020 8937 1061 Signed:
Name of policy:	Date analysis started: Completion date Review date:
Is the policy: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	Auditing Details: Name: Title: Date Contact No: Signed:
Signing Off Manager: responsible for review and monitoring Name: Title: Date Contact No: Signed:	Decision Maker: Name individual /group/meeting/ committee: Date:

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.

Special Educational Needs school places

Brent Council is in the process of working with schools to expand SEN provision for Brent resident children. The growth in Brent's population is reflected in the increasing demand for school places. Numbers of four year olds on school rolls are expected to rise strongly over the next three to four years. With a growth in the overall school population there will be corresponding growth in children with SEN needing specialist provision.

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

The council in conjunction with Manor Special School is therefore consulting with staff, parents and the community on the strategy to increase mainstream and SEN school places.

The school currently consulting:

Manor Special School

According to the current roll projections, by 2020-21 Brent would require 21FE additional primary places, up to 19FE secondary places and 192 new SEN places.

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

Special Educational Needs Places

The service to be assessed is the additional provision of 44 places for children with Special Educational Needs at Manor Special School. The proposed expansion is aimed at increasing and improving the quality of provision to meet the needs of primary aged children with moderate to severe learning difficulties, and Autistic Spectrum Disorder (ASD)

There is a strong national legislative context which underpins the work of Local Authorities in assessing special educational needs development (SEND) and determining placement and support required to meet those needs. The LA has to take account of the SEN Code of Practice, and the SEND reforms within the Children and Families Bill effective from 1st September 2014 which provides statutory advice. The proposed development will increase the range of provision available to children with moderate to severe learning difficulties and ASD. It will provide opportunities for more children to be educated locally, within a peer group which allows the establishment of local friendship groups, and ensure that children do not have long journeys morning and evening in travelling to and from school.

The proposed change for consultation on expanding Manor School during 2014 is:

- Manor Special School – to expand by 44 places

3. Describe how the policy will impact on all of the protected groups. What evidence have you relied on to reach these conclusions?

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

By 2020, it is projected that 192 new SEN places will be required; of which 86 will be for primary aged children and 106 for secondary school pupils. The 44 places at Manor will contribute to the primary requirement of 86 places. The SEN requirement is over and above the mainstream places needed in Brent. If no action were taken many children with special educational needs would have no local school place and would have to travel to another borough, which could involve journeys of two hours each way.

Please give details of the evidence you have used:

Demand for SEN Places

Below is a summary of previous and current policies for the creation of new places. There is no evidence that any of the protected groups were negatively impacted.

SEN

At the time of the consultation on the proposed development there were approximately 174 young people with special educational needs who have had to be placed in schools outside the Borough boundary to ensure that they access the support they need to overcome their difficulties and achieve their educational potential. This involves them having to spend a large proportion of their day travelling which does not support their learning. There has been extensive analysis of data on children and young people with SEN that underpins the reason for this development.

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 policy will create new places, increase parental choice and will be available for both boys and girls of primary school age regardless of their culture or religion.

SEN

The proposed development will increase access to educational opportunity for children with special educational needs, in line with the provisions for overcoming discrimination and disadvantage to disabled groups as outlined in the Equality Act 2010.

(b) Advance equality of opportunity;

This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. Manor Special School is non-denominational, and able to meet the educational needs of children of all faiths. This school popular with parents, who consider a place at the school as an opportunity to improve their child's life chances and reach their full potential.

(c) Foster good relations

Expanding Manor School will inevitably lead to an increase in traffic and footfall in the local area. However, this is a relatively small expansion, many children walk to school, but those who do not walk are transported from home to Manor Special School by Brent Transport Services. The majority of pupils arrive together on vehicles that are supervised by school staff when children

are dropped off and when they are leaving. No adverse comments were received from the first stage of consultation.

5. What engagement activity did you carry out as part of your assessment? Who did you engage with? What methods did you use? What did you find out? How have you used the information gathered? How has it affected your policy?

Please refer to stage 3 of the guidance.

In 2011, the Council consulted with all schools on its school place expansion strategy. Responses were received from headteachers, governors and others. This informed us of the level of interest in the five principles developed by the authority:

- Sufficiency of demand
- Improving learning outcomes
- Efficient use of resources
- Improving local SEN provision
- Diversity of type of provision

The results were reviewed and formed one of the factors of the school expansion programme Executive report for August 2012.

We undertook further statutory consultations for individual schools by engaging with Headteachers, governing bodies, staff and parents of each school identified in the school expansion programme.

We engaged with the wider community by distributing detailed consultation documents tailored to the school and invited the community to have their say at a consultation meeting.

Statutory notice for the expansion of Manor School to be published in September 2014. Responses and representations received are illustrated below.

School	Consultation responses received	Date statutory notices published	Representations received
Manor Special School	10		

SEN

There has been consultation with the school the schools Governing Body, the staff of the school and the local community involved on this proposed development. Most of the consultation has been through face to face

meetings and continuous dialogue. Brent Children's Partnership has been consulted on SEN development within the broad range of actions the Authority is proposing to improve provision for children and young people with SEN and Disabilities.

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

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

No

Please give details of the evidence you have used:

School expansion will fully meet the requirements of the SEN Code of Practice and the SEND Reforms, Children and Families Act 2014, and the accessibility standards. A range of special education needs will be met within the expanded provision. The aim is to provide a maximum of 192 new SEN places across Brent over a period of time. Further analysis will take place to complete the due diligence in order to validate the savings over a period of time by limiting the demand for out borough provision.

7. 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.

Sections 1 to 8 of this document outlines why the policy is lawful why there is no potential for direct or indirect discrimination and the ways we have tried to foster good relations between groups. In summary -

- **the policy is to create new primary SEN school places for all those children who currently do not have a school place, or will need one in future years. This a statutory duty of the council.**
- **the policy is to create much needed additional special educational needs school places.**
- **consultations have been carried out according to Department for Education guidelines.**
- **local residents, governing bodies, staff, parents, other schools, neighbouring authorities etc. have all been informed and given a chance to give their views on each consultation**
- **all views have been considered and put before the Brent**

Executive to make the final decision.

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.

It is a statutory duty of the council to provide sufficient school places. In order to carry out this duty officers monitor the flow of school aged children into and out of the borough on a regular basis. Officers also forecast the need for places up to a decade in advance using existing data and trends. Annual reports are written for the Executive outlining the strategies for creating (or indeed removing) primary, secondary and special needs school places.

Appropriate action is then taken e.g consulting with schools to expand therefore creating additional school places where required in the borough.

10. Action plan and outcomes

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

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

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome

Please forward to the Corporate Diversity Team for auditing.

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?

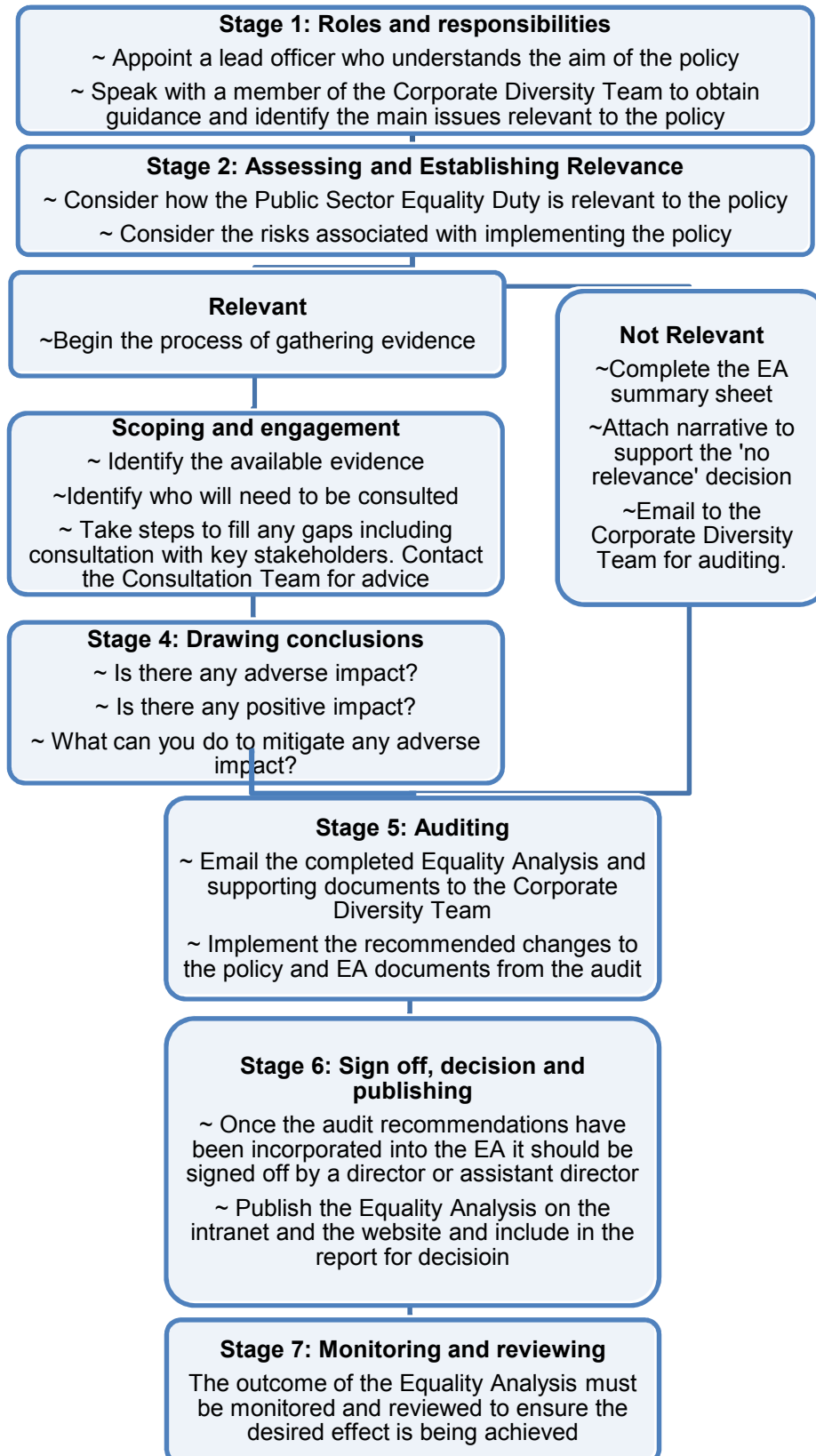
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. 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"> • 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
The officer undertaking the EA	<ul style="list-style-type: none"> • 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
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • 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)
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"> • 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), 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.



Cabinet
26 August 2014

Report from the Strategic Director of Regeneration and Growth

For Action

Wards affected:
ALL

Brent Employment Services Provider Framework

1.0 Summary

- 1.1 This report sets out the terms of a provider framework agreement for the procurement of employment-related support services in Brent. To this end, the report explains the context and detail of the Brent Employment Services Provider Framework from conception through to anticipated delivery.

2.0 Recommendations

- 2.1 Cabinet to agree 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 this report.
- 2.2 Cabinet to agree the proposal to invite expressions of interest, agree shortlists, invite tenders for the Brent Employment Services Provider Framework and evaluate them in accordance with the evaluation criteria referred to in paragraph 2.1 above.
- 2.3 Cabinet to approve 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 (MEAT) for the reasons set out in Para. 3.28 to 3.34.

3.0 Detail

3.01 Strategic Context

- 3.02 The London Borough of Brent Regeneration Strategy 2010-2030 outlines the Council's strategic priority to increase employment and income levels of Brent residents, concentrating on those most in need and our priority neighbourhoods. The emerging Employment, Skills and Enterprise strategy

will propose further support for these aims, including by proposing a place-based approach and focusing on workless residents furthest away from the labour market. This is integrated with the Council's strategies for Housing and welfare reform.

3.03 The emerging Employment, Skills & Enterprise strategy will set out the overall vision for the delivery of employment, skills and enterprise services in the borough. The Council recognises the strength of partners across the public, private, community and voluntary sectors, particularly in having connections into local communities. Wherever possible, the Council will support the capacity of these partners so employment services can be delivered by those who best know our communities that experience a high level of unemployment and economic inactivity. Brent Council will take a strategic leadership role, working with partners to inform, steer and support their activities, achieving synergies and leading by example.

3.04 *Aim and purpose*

3.05 The Brent Employment Services Provider Framework is a list of preferred organisations able to deliver employment-related support services to Brent residents in pursuit of Borough priorities. It also allows the Council to identify appropriate partners to bid with for external funding opportunities and participate in partnership activities. This will include European Structural and Investment Funds, Big Lottery Fund and opportunities from central government departments including Department for Work and Pensions, Skills Funding Agency and Department for Communities and Local Government. Framework partners will act as a first port of call, acting as preferred providers with the capacity and capability to deliver employment-related services to meet the support needs of Brent residents.

3.06 Employment related services will support residents who are out of work or in low skilled, low pay work, find, secure and sustain meaningful employment opportunities. Target groups are explained in more detail in paragraph 3.15.

3.07 The Council takes a strategic role and will support the capacity of partners to deliver commissioned services using funding secured from both external and internal sources. To this end, the Framework formalises the relationship between the Council and its partners for the procurement of employment-related services, understanding that the role of the voluntary and community sector (VCS) is crucial in achieving the overall objectives of the emerging strategy. The Framework realises the emerging strategy's ambition to support delivery of employment services by those who best know and have unique in-roads to communities with high levels of unemployment and economic inactivity.

3.08 The Framework's aim is to support and contribute to the implementation of three key strategic priorities as set out in Brent's emerging Employment, Skills and Enterprise strategy:

- To address the growing economic and social polarisation in the borough by reducing economic and social deprivation in our worst performing neighbourhoods;
- To reduce poverty through employment and progression in work by promoting sustainable employment and the London Living Wage;
- To achieve better outcomes from mainstream provision and activities such as the Work Programme, Youth Contract and Jobcentre Plus.

3.09 The Framework will be used as an 'umbrella agreement' under which individual contracts (call-offs) can be agreed.

3.10 Employment related services can be commissioned through the Framework from October 2014 to October 2016, with the option to extend by +1 +1 years.

3.12 *Needs or duties it is designed to meet*

3.13 The Framework is designed to improve access to and deliver provision of meaningful and valuable employment related support services to Brent residents.

3.14 Framework providers will have the capacity and capability to support residents from our priority neighbourhoods who are most in-need, affected by welfare reform and looking to find work for the first time.

3.15 Predominantly through support services to help unemployed residents find and sustain work, we will be looking to support people who:

- have entry-level English as a Second or Other Language (ESOL) needs;
- have a physical health need;
- have a mental health need;
- have learning difficulties;
- have a history of substance misuse;
- are from Black, Asian and Minority Ethnic (BAME) communities;
- are homeless;
- are aged 16-24 and not in Employment, Education or Training (NEET);
- are unemployed for longer than 12 months and not already engaged by the Work Programme or other Jobcentre Plus employment related provision.
- are in receipt of inactive benefits receiving little to no support, or those who have not previously engaged with employment support.

3.16 *How does it differ from any existing policy or practice in this area?*

3.17 To date, programmes are commissioned in isolation through individual open procurement rounds. This is resource intensive, uncoordinated and lacks vision. For our VCS organisations, who are best placed to deliver employment related services to our residents, bid writing capacity is limited and resource to respond to commissioning in this way acts as a significant barrier to securing contracts.

3.18 Framework agreements exist in other service areas across the Council, however, to date such a mechanism for the procurement of employment-related services has not been implemented. In part, demand and capacity hasn't previously warranted a Framework. The recently established Employment & Enterprise service, which includes the remit to secure external money to commission programmes to partner organisations, now provides a prescient need.

3.19 *Benefits of a provider Framework to the VCS*

3.20 The reduction to tendering costs apply to both providers and commissioners, as going through the tender procedure is costly and time-consuming for both. Clearly, the main advantage to providers of being on a framework agreement is the chance of being awarded valuable business opportunities, but there are also broader motivations:

- Access to contracts: we have commissioned and will continue to commission contracts for employment-related services in response to funding secured by the Employment & Enterprise team;
- Coordination of partners and aligning delivery with Council strategic priorities;
- Increasing the likelihood of securing more external funding to the borough as a result of coordinated bidding activities;
- To simplify and support the bidding activity of partners by managing the bidding process;
- A capacity building platform to work with partners to secure and deliver successful, coordinated contracts, bids and other opportunities by providing feedback on submissions, brokering relationships, support with drafting and proof reading and acting as a critical friend.

3.21 The Framework also serves a broader function beyond a procurement platform. The emerging Brent Employment, Skills and Enterprise strategy is a strategy for the whole borough, and will require the coordination of partner activity, led and steered by the Council. The Framework will allow us to support the capacity of partners, whilst steering the delivery of employment related services that align to the Council's strategic aims.

3.22 Brent's economic context and learning from previous programmes including our Navigator pilot project have identified a need for high-quality interventions to support our residents' access to meaningful employment opportunities.

3.23 *Consulting the VCS*

3.24 Close consultation with providers across the public, private, community and voluntary sectors has identified demand in the market for funding to deliver high quality employment related services:

- This was affirmed at a market testing event held in early May in partnership with Brent CVS, where we presented our proposed Framework to local and regional partners. The response was positive and reflected the absence of

a coordinated borough approach to the delivery of employment related support services previously;

- Individual conversations with beneficiaries including VCS providers currently delivering employment-related support contracts on behalf of Brent Council including Ashford Place and Lift;
- Brent Employment Summit, which brings together key players across the employment, skills and enterprise landscape in Brent including Brent CVS and VCS organisations.

3.25 The Framework was welcomed widely by VCS providers who can see the benefits it brings to the sector. Partner organisations are now thinking about how they will bid to take advantage of this business opportunity, many of the smaller community-based providers considering a consortium approach.

3.26 Pre-tender Considerations

3.27 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of CMT.

Ref.	Requirement	Response	
(i)	The nature of the service.	<p>The Brent Employment Services Provider Framework is a list of preferred organisations able to deliver employment related support services to Brent residents on behalf of Brent Council. The Framework will be used:</p> <ol style="list-style-type: none"> 1) as an 'umbrella agreement' under which individual contracts (call-offs) can be agreed. 2) to identify partners for the council for external tendering opportunities. <p>Brent Council is looking for between five and 12 organisations (including consortia) to be on the Framework, from which employment related services will be procured.</p>	
(ii)	The estimated value.	£100,000 - £20 million	
(iii)	The contract term.	October 2014 - October 2016 with the option to extend by +1 +1 year(s).	
(iv)	The tender procedure to be adopted.	Open Process evaluation based on 100 per cent Quality for appointment onto the proposed Framework	
(v)	The procurement timetable.	Indicative dates are:	
		Specification and Evaluation to legal.	16 June 2014
		Cabinet	26 August 2014

		Expression of Interest window	27 August – 01 September 2014
		Invitation to Tender (ITT) launched through e-tendering portal (3 week tendering period)	01 September 2014 00:01
		Information event	10 September 2014
		ITT closes	21 September 2014 23:59
		Evaluation period including interview day (4 working days)	22- 25 September 2014
		Report recommending Contract award circulated internally for comment	01 October 2014
		Cabinet approval	10 November 2014
		Award notice	12 November 2014
		Standstill period (11 days)	12 November - 27 November 2014
		Framework awards confirmed	28 November 2014
(vi)	The evaluation criteria and process.	<p>The Framework will be administered through the London Tenders Portal. The questions within the ITT fall in to two categories:</p> <p>Qualification questions to assess bidders in terms of business probity, economic and financial standing, and technical or professional ability and capacity. This will be online-based and will include some pass/fail criteria and other non-scored questions.</p> <p>Questions assessing the tenderer's ability to deliver the services required. Tenders will be scored on the quality of their responses to these questions. The percentage of marks awarded to each section are clearly marked. Whilst not all questions are scored all questions are compulsory, and any tender that does not respond to all questions will be automatically disqualified. These questions will be within an attached document uploaded to the e-tendering portal.</p> <p>A panel of odd numbers comprising members of the Employment and Enterprise team will mark and score</p>	

		the bids. Results will be turned around in one week.
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract.
(viii)	The Council's Best Value duties.	We are requesting exemption from Contract Standing Orders (CSOs) at Cabinet stage not to apply Most Economically Advantageous Tender (MEAT) but evaluate on quality at this stage. Competition on pricing would be secured at the mini-competition stage when procuring services through the Framework. Pricing and outcome payments in most cases will be set by an external funding commissioner, whose payments will be passed down to our Framework provider(s). If not, outcome payments will be aligned with market rate and awarded through a risk and reward model.
(ix)	Consideration of Public Services (Social Value) Act 2012	<p>The Framework will procure services of significant social and economic value, contributing widely to improving the employment rate and skills level in Brent. Health/wellbeing promotion and sustainable development are cross-cutting themes for the services procured through the Framework.</p> <p>Encouraging local voluntary, community and social enterprise (VCSE) sector organisations to apply to be a Framework provider using a VCSE friendly procurement process will maximise the opportunity for these providers to benefit from our contracts. Local VCSE providers are often best placed to understand and address local need at neighbourhood level. Local providers also retain, re-circulate and leverage funds in the neighbourhood, bringing social and economic benefit to our communities.</p> <p>The evaluation process also addresses good practice in adhering to environmental policies and operating ethically and responsibly.</p> <p>The Framework's procurement incorporates social value in line with the emerging Brent Social Value Policy.</p>
(x)	Any staffing implications, including TUPE and pensions.	See section 7 below.

(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.
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- 3.28 At the Framework stage, we are evaluating bids on the basis of 100 per cent quality rather than MEAT because payment terms for individual contracts will, in most cases, be dictated by external funding sources through risk and reward contracts. These funding sources will set a fixed payment term for outcomes, which could include a programme start, a job start and a sustained job outcome. DWP, SFA and major European Social Fund contracts apply risk and reward models that are a common and robust mechanism in the welfare to work sector to deliver value for money to the public purse. These payment terms will be passed down to our Framework provider(s). A provider will then demonstrate at call-off stage what their service will look like to deliver these outcomes at this price. The provider that demonstrates in their tender the most meaningful, balanced and achievable intervention that can deliver the outcomes for the set payment terms will be awarded the contract.
- 3.29 For funding opportunities where the commissioner has not set outcome payments, or for Council funded opportunities, we will model outcome payments on a robust value. This value will be in line with the market rate applied across welfare to work contracts, and reflect the fair and reasonable cost needed to deliver these outcomes. This will be paid through a risk and reward model, whereby providers will only receive payment for the outcomes achieved.
- 3.30 As a result of the variety of support needs and cohorts addressed by employment-related services, the Framework throughout its lifetime will commission a range of specialist services that address specific needs. As such, payment terms for outcomes will be wide ranging and differ between procurements depending on the speciality of the service. A mainstream job brokerage service for residents impacted by welfare reform demands a different pricing model than supporting residents with mental health conditions or young people not engaging in education, employment and training. As such it would undermine achieving MEAT to assess providers on cost at the Framework stage as we cannot apply one pricing model to reflect the various requirements of services to be procured through the Framework.
- 3.31 Assessing providers on a cost basis at this stage could result in the appointment of inappropriate Framework Providers who had scored highly on a theoretical pricing structure but were not the most appropriate providers and might not offer MEAT for the breadth of service provision required. The proposed procurement evaluation methodology will result in the appointment of providers who are specialists at what they deliver- ranging from mental health and physical disabilities through to young people; specialisms that are driven by very different pricing models when delivering employment-related services.

- 3.32 The call-off stage will robustly assess providers against best value principles that are specific and individual to that particular procurement and subsequently apply MEAT more effectively to individual opportunities.
- 3.33 In order to ensure that we obtain MEAT for each individual call-off under the Framework, we are assessing tenderer's ability to understand the cost implications and models applicable to different services and funding structures, together with their ability to lever in external funding. Providers will be asked to set out the cost implications of delivering three different types of service, explaining their anticipated resourcing costs to deliver set outcomes. We will compare this with the market rate and our own expectations and assess and score the response within the capacity and financial management section of the tender evaluation document.
- 3.34 In summary, we are requesting exemption from Contract Standing Orders (CSOs) at Cabinet stage not to apply MEAT but evaluate on quality at this stage, however with a robust safeguard built in to the tender to reaffirm our commitment to delivering value for money. Competition on pricing would be secured at the mini-competition stage when procuring services through the Framework. Pricing and outcome payments in most cases will be set by an external funding commissioner, whose payments will be passed down to our Framework provider(s). If not, outcome payments will be aligned with market rate and awarded through a risk and reward model
- 3.35 *Evaluation*
- 3.36 The Framework will follow an open procurement for High Value (HV) Part B Services. The value is difficult to quantify as it is dependent on external funding secured. Nevertheless it is anticipated to exceed the HV threshold of £250,000.
- 3.37 The Framework will be administered through the London Tenders Portal. The tender is in two parts.
- 3.38 Part one addresses qualification questions to assess bidders in terms of business probity, economic and financial standing, and technical or professional ability and capacity. This will be online-based and will include some pass/fail criteria and other non-scored questions.
- 3.39 Part two is the tender questions. Tenders will be scored on the quality of their responses to these questions. The percentage of marks awarded to each section are clearly marked. Whilst not all questions are scored all questions are compulsory, and any tender that does not respond to all questions will be automatically disqualified. Part two will be an attached document uploaded to the e-tendering portal.
- 3.40 The Framework will be assessed on quality and not cost. The call-off stage for specific opportunities will assess competitive costings between Framework providers at this later stage. This is discussed further in 4.0 and 5.0 under Financial and Legal implications.

3.41 Tender questions will assess a provider based on their track record of delivering high quality support services to particular cohorts and protected groups, showing an understanding of the challenges in Brent when supporting our residents into meaningful and sustainable employment. We want to see how providers quality assure and measure their performance, whilst assessing their financial and operational capacity and capability to deliver an employment-related support service. Providers will also identify their links with other specialist services across the borough and set out how they will work with local stakeholders including the Council and DWP. Evaluation scoring is allocated as below :

Section	Weighting
Your Background and Experience	20 per cent
Customers and Stakeholders	30 per cent
Capacity and Financial Management	20 per cent
Quality & Performance	30 per cent

3.42 A panel of odd numbers comprising members of the Employment and Enterprise team will mark and score the bids.

3.43 An information session will be held to provide advice and guidance on completing the tender documents.

4.0 Financial Implications

4.1 The Framework has an estimated value of between £100,000 - £20 million, depending on our ability to attract funding from external sources including:

- European Structural and Investment Funds
- Department for Work and Pensions
- Department for Communities and Local Government
- The Big Lottery Fund
- Various grant givers and funders across the public, private and charitable sectors.

4.2 Whilst the Framework will be used as the main method of procurement we reserve the right to:

- commission contracts outside of the Framework in line with Council procurement guidelines;
- remove partners from the Framework for poor performance;
- remove partners for failure to bid for any call-off contracts within a two year period.
- offer no guarantee of any call-off contracts.

In most instances, contracts will be based on a payment by results model. We cannot guarantee, from the outset, that all opportunities will follow this model, as every funding opportunity is different. Nevertheless this is unlikely.

4.3 As such the Framework makes no guarantee once it is established and therefore until a call-off contract is made, there is no contractual obligation or risk to the Council.

5.0 Legal Implications

- 5.1 An Employment, Skills and Enterprise strategy is not a statutory requirement. However, Section 1 of the Localism Act 2011 empowers the Council with, amongst other things, a broad power to do anything that individuals may do subject to any specific restrictions on local authorities, namely for the benefit of the authority, its area or persons resident or present in its area (referred to as the “General Power of Competence”). The Council's promotion of an Employment, Skills and Enterprise strategy and proposed Framework will benefit its residents.
- 5.2 Under the Public Contract Regulations 2006 (“the Regulations”) an employment support service is deemed as falling under Part B and as such the Regulations apply in part only. In order to comply with the relevant provisions contained in the Regulations, Officers must ensure adherence to the Treaty on the Functioning of the European Union (TFEU) Principles namely, transparency, equal treatment, proportionality and mutual recognition when procuring services. The structure and process proposed by Officers for establishing the Framework should comply with the TFEU Principles and the Regulations – as Officers intend to publish the proposed Framework opportunity on the Council’s e-Tender portal and will observe a voluntary standstill period.
- 5.3 The estimated value of the procurement over the potential life of the proposed Framework puts it under the category of a High Value Contract as defined by the Council’s Contract Standing Orders. In addition the Council’s Contract Standing Order 96 states that a formal tendering process must be conducted for Part B services. When embarking on a tender the practice is for Officers to seek Cabinet approval for pre-tender considerations in accordance with the criteria and timetable laid out in the body of the report.
- 5.4 Further, rather than seek to evaluate tenders in accordance with MEAT, Officers are proposing to evaluate solely on the basis of quality and to consider price when undertaking a mini-competition off the proposed Framework when intending to place a call-off contract, for the reasons set out in Para. 3.28 and 3.29 above.
- 5.5 Once the tendering process is undertaken Officers will report back to Cabinet in accordance with the Council’s Contract Standing Orders, explaining the process undertaken in procuring the service and recommending the conclusion and appointment of providers onto the proposed Framework.

6.0 Diversity Implications

- 6.1 Our Equality Impact Assessment addresses how the Framework meets our Public Sector Equality Duty under the Equalities Act 2010.
- 6.2 The Framework is anticipated to improve access to relevant and meaningful employment support across Brent’s diverse communities.

8.0 Background Papers

None

9.0 Contact Officer

Shomsia Ali, Head of Employment and Enterprise
(shomsia.ali@brent.gov.uk)

ANDY DONALD
Strategic Director, Regeneration & Growth

2012

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.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
<p>Directorate: REGENERATION & GROWTH</p> <p>Service Area: EMPLOYMENT & ENTERPRISE</p>	<p>Person Responsible: Name: Shomsia Ali Title: Head of Employment and Enterprise Contact No: 07867189594</p> <p>Signed: </p>
<p>Name of policy: Brent Employment Services Provider Framework</p>	<p>Date analysis started: April 2014 Completion date: July 2014 Review date:</p>
<p>Is the policy:</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> New <input type="checkbox"/> Old</p>	<p>Auditing Details: Name: Elizabeth Bryan Title: Equality Officer Date: 21.07.14 Contact No: 0208 937 1190 Signed:</p>
<p>Signing Off Manager: responsible for review and monitoring</p> <p>Name: Title: Date: Contact No: Signed:</p>	<p>Decision Maker: Name individual /group/meeting/ committee: Date:</p>

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.

What is the aim and purpose?

The Brent Employment Services Provider Framework is a list of preferred organisations able to deliver employment-related support services to Brent residents on behalf of Brent Council. It also allows the Council to identify appropriate partners to bid with for external funding opportunities.

Strategic context

The London Borough of Brent Regeneration Strategy 2010-2030 outlines the Council's strategic priority to increase employment and income levels of Brent residents, concentrating on those with support needs and our priority neighbourhoods. The emerging Employment, Skills and Enterprise strategy further supports these aims by taking a place-based approach and focusing on workless residents furthest away from the labour market.

The emerging strategy sets out the overall vision for delivery of employment, skills and enterprise services in the borough. The Council recognises the strength of partners across the public, private, community and voluntary sectors, particularly in having in-roads to our community. Wherever possible, the Council will support the capacity of these partners so that employment services can be delivered by those who best know our communities that experience a high level of unemployment and economic inactivity. Brent Council will take a strategic leadership role, working with partners to inform, steer and support their activities, achieving synergies and leading by example.

Framework Agreement

Employment-related services will support residents who are out of work or in low skilled, low pay work, find, secure and sustain meaningful employment opportunities.

The Council takes a strategic role and will support the capacity of partners to deliver commissioned services using funding secured from both external and internal sources. To this end, the Framework formalises the relationship between the Council and its partners for the procurement of employment-related services, understanding that the role of the voluntary and community sector (VCS) is crucial in achieving the overall objectives of the emerging strategy. The Framework realises the emerging strategy's ambition to support delivery of employment services by those who best know and have unique in-roads to our communities that experience a high level of unemployment and economic inactivity.

The Framework's aim is to support and contribute to the implementation of three key strategic priorities as set out in Brent's emerging Employment, Skills and Enterprise strategy:

- To address the growing polarisation in the borough by reducing economic and social deprivation in our worst performing neighbourhoods;
- To reduce poverty through employment and progression in work;
- To achieve better outcomes from mainstream provision and activities.

The Framework will be used as an 'umbrella agreement' under which individual contracts (call-offs) can be agreed. Employment-related services can be commissioned through the Framework from October 2014 to March 2016, with the option to extend by +1 +1 years.

Brent Council will also use the Framework to identify providers to participate in partnership activities and opportunities.

What needs or duties is it designed to meet?

The Framework is designed to improve access to and deliver provision of meaningful and valuable employment-related support services to Brent residents.

Framework partners will have the capacity and capability to support residents from our disadvantaged neighbourhoods, affected by welfare reform and looking to find work for the first time.

Predominantly support services to help unemployed residents find and sustain work, we expect to support people who face a range of challenges when accessing employment and who:

- have entry-level English as a Second or Other Language (ESOL) needs;
- have a physical health need;
- have a mental health need;
- have learning difficulties;
- have a history of substance misuse;
- are from Black, Asian or Minority Ethnic (BAME) communities;
- are homeless;
- are aged 16-24 and not in Employment, Education or Training (NEET);
- are unemployed for longer than 12 months and not already engaged by the Work Programme or other Jobcentre Plus employment related provision.
- are in receipt of inactive benefits receiving little to no support, or those who have not previously engaged with employment support.
- Are at a later stage in their working lives.

How does it differ from any existing policy or practice in this area?

National, regional and local context

National responsibility for employment sits with the Department for Work and Pensions (DWP), whilst for skills and enterprise it sits with the Department for Business, Innovation and Skills (BIS). Locally, this means that employment provision and DWP funding is via Jobcentre Plus (part of DWP) and two major contracts, the Work Programme and the Youth Contract. Skills provision is mainly (although not exclusively) through the Skills Funding Agency (SFA). The main

deliverers of SFA funded provision in the borough are Brent Council's adult community education and training service (Start)¹, and the College of North West London (CNWL).

A range of other provision is available throughout the borough, including support offered by Registered Providers and the VCS sector. Brent has a strong VCS sector with some well known and established providers within the employment, skills and enterprise sector. In addition, there is a range of smaller specialist providers with unique access to specific community groups, such as the Somali community, or ex-offenders or people with mental health needs.

In summary, there is a broad range of activity and funding in the borough, but the output is inconsistent, limited in reach and disjointed. Collectively the impact could be significant. Provision in the borough is reduced now compared to 2008 and before the recession. Notwithstanding this, existing provision could deliver better outcomes for residents and deliver more efficiency through a joint vision, and improved coordination of activities to avoid duplication and achieve economies of scale.

Council-wide commissioning

To date, programmes are commissioned in isolation through individual open procurement rounds. This is resource intensive, uncoordinated and lacks vision. For our VCS organisations, who are best placed to deliver employment-related services to our residents, bid writing capacity is limited and resource to respond to commissioning in this way acts as a significant barrier to securing contracts.

Framework agreements exist and work effectively in other service areas across the Council, however, to date such a mechanism for the procurement of employment-related services has not been implemented. In part, demand and capacity hasn't previously warranted a Framework. The recently established Employment & Enterprise service, which includes the remit to secure external money to commission programmes to partner organisations, now provides a prescient need.

The Framework also serves a broader function beyond a procurement platform. The Brent Employment, Skills and Enterprise strategy is a strategy for the whole borough, and will require the coordination of partner activity, led and steered by the Council. The Framework will allow us to support the capacity of partners, whilst steering the delivery of employment-related services that align to the Council's strategic aims.

In summary, the Brent Employment Services Provider Framework will:

- build capacity in Brent based organisations across the public, private, community and voluntary sectors, enabling those organisations best placed to address local need to deliver valuable employment-related support

¹ Previously known as Brent's Adult Community Education Service (BACES)

services and improve access;

- coordinate and align employment-related partner activity across the borough with our strategic aims as set out in the emerging Brent Employment, Skills and Enterprise strategy to achieve economies of scale and high impact.

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

The evidence for the Framework and for this analysis does not allow specific conclusions to be drawn for some protected groups – for example sexual orientation and gender reassignment – as data is either not available or insufficient. Broadly the expectation is that the impact for all protected groups will be positive, since the Framework sets out to commission services to support the needs of and improve access to underserved Brent residents, particularly those in our priority neighbourhoods where disproportionately high levels of worklessness exist.

On the whole, the Employment Services Provider Framework will prioritise and focus on cohorts who are underrepresented in current Council-led commissioning to address employment support needs. This will positively impact on these groups.

Framework providers will promote openness, inclusion and sensitivity to the needs of all our residents. The services will be personalised and work with residents one-to-one to understand and support their own individual support needs, without assuming or placing judgement on what support looks like for that particular resident. The procurement reflects these values, which are assessed in our tender evaluation.

Age

The Framework will predominantly commission services that address a need within the working-age population.

The evidence indicates some specific issues relevant to age.

- There is evidence that fifty plus residents experience higher rates of unemployment and are more likely to remain unemployed long-term. The rate of 50-64 year old JSA claimants in Brent is 1.5 per cent above the UK average (3.3 per cent in Brent vs. 2.6 per cent in London and 1.8 per cent nationally). There is a reduced resilience to re-enter the labour market.
- A quarter of women and a sixth of men nationally aged 50-64 have caring responsibilities for a sick, disabled, frail or elderly person. Many people with caring responsibilities can and do balance work and care, but the more intense the caring, the more difficult this becomes.
- Nationally, 12 per cent of economically inactive people aged 50+ are caring for a sick, disabled or elderly person for 20 or more hours per week, compared to only 3 per cent of workers.

- Although the JSA claimant rate for 18-24 year olds is at its lowest over the past two years, this cohort remain above the London average and present a national priority.
- As a whole, the borough presents an improving and resilient labour market across all age cohorts; however, ward-level analysis shows not all communities are benefitting from this improving borough-wide picture, which subsequently exasperates worklessness across ages within particular neighbourhoods.

Young people not in education, employment or training (NEET) are a targeted cohort. This aligns with Children & Families' NEET strategy for Brent who deliver targeted interventions and monitor young school leavers up to 18 years of age under their statutory duty. To this end the Framework will impact positively on this cohort.

The services commissioned through the framework will address the wide range of specialist support needs demanded by different age groups through personalised and tailored programmes and projects. This is particularly important for older and younger unemployed or economically inactive residents. The impact for these groups is therefore positive.

Where an impact could be foreseen, either side of the working-age group, the following applies:

- Young people up to 16 years of age

Although not addressed directly by Framework commissioned services, a statutory duty to deliver careers advice up to the age of 16 years of age sits with schools. Any activity commissioned through the Framework targeting this group would therefore be duplicatory.

The Connexions contract, currently delivered by Prospects also works directly with this group.

Children and Families also undertake a statutory duty to monitor and support young people NEET up to 18 years of age, which will complement any services commissioned through the Framework addressing this cohort.

- People aged 64 and above

Although above the retirement age, it is fair to assume individuals within this cohort could still seek employment. Funding streams are often limited to recipients of working-age benefits, and although opportunities exist to work with adults within this cohort, they are fewer and far between. The Framework is not indifferent to the needs of this group, however, resource and bidding activity will be aligned to the strategic aims focusing on cohorts impacted by welfare reform or facing long-term unemployment. These groups demonstrate a prescient need for employment-related support, and will be a priority.

Disability

Inactive and disability benefits such as Employment Support Allowance (ESA), Incapacity benefit, Personal Independence Payment (PIP) and Disability Living

Allowance (DLA) are widely claimed across Brent, with higher concentrations in our priority neighbourhoods, and contribute to Brent's broader economic inactivity. The highest increase in reasons for being economically inactive is a result of long term health conditions, which account for over 23 per cent of Brent's economic inactivity. Approximately 22 per cent of economically inactive residents would like to have a job in the future.

Supporting residents with either a physical, mental health or learning disability or difficulty into employment requires a tailored, specialist and intensive intervention. The Framework will identify providers with the capacity and capability to address these specialist support needs, so that provision can be its very best when commissioning services for this cohort.

The impact will be positive for this group.

Gender reassignment

There is a lack of data or evidence within the borough to support any firm conclusions. It is, however, a significant assumption to expect that residents within this group would want or require additional or specialist support beyond that of a mainstream employment provision. This would be especially true of residents who are experiencing gender variance or who are in the process of transitioning gender, who are likely to experience difficulties when accessing or sustaining employment. Residents who have completed a transition may also face some prejudice in employment.

Therefore it is reasonable to assume that residents in this group could experience prejudice, which itself can pose challenges to securing and sustaining meaningful employment. Equally we assume that some mainstream support services, through lack of awareness and experience working with this group could also fail to fully understand and address the support needs of someone going through transition or experiencing gender variance. As such we want to work with providers who are conscious of these factors.

The Framework explicitly assesses a provider on their ability to address an individual's or family's needs holistically, referring to wraparound support services when appropriate to address broader or specialist needs.

As such no particular impacts have been identified for this group; if at all, a positive impact will result from the wider range of high-quality interventions the Framework is designed to commission.

Pregnancy and maternity

All services we commission through the Framework will support and promote employment for residents throughout the pregnancy and maternity period when appropriate. We don't anticipate the Framework having any impact on this group, other than by providing valuable support for those parents struggling to return to work after pregnancy.

Marriage and civil partnership

We don't anticipate any impact on this group.

Race

The evidence provided in part B indicates that Black, African, Caribbean and minority ethnic groups in Brent are more likely to be unemployed or workless and that these groups are also represented strongly in the priority neighbourhoods in which Framework providers will focus services.

For example, Harlesden has a 67.0 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 14.4 per cent and a black population of 40.0 per cent. The largest BAME group in Harlesden were the Black/African/ Caribbean/Black British: African, 16.9 per cent of Harlesden's population compared to 7.6 per cent of Brent's population, closely followed by Black/African/ Caribbean/Black British: Caribbean at 16.2 per cent, compared to 7.6 per cent for Brent.

Stonebridge has a 76.6 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 17.2 per cent and a black population of 47.1 per cent. The largest BAME group in Stonebridge were the Black/African/ Caribbean/Black British: African, 21.5 per cent of Stonebridge's population compared to 7.8 per cent of Brent's population, followed by Black/African/ Caribbean/Black British: Caribbean: 16.4 per cent compared to Brent's 7.6 per cent.

Kilburn has a 50.0 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 11.4 per cent and a black population of 24.6 per cent. The largest BAME group in Kilburn were the Black/African/ Caribbean/Black British: African, 12.4 per cent of Kilburn's population compared to 7.8 per cent of Brent's population, followed by Black/African/ Caribbean/Black British: Caribbean 8.4 per cent.

It is therefore anticipated that the Framework will have a positive impact for these groups in a number of ways.

Religion or belief

The evidence provided in part B indicates that Muslim and Christian groups in Brent are more likely to be unemployed or workless, with some of these groups represented strongly in the priority neighbourhoods in which Framework providers will focus services. For example:

The largest religious groups in Harlesden were:

- Christian (54.6 per cent compared to 41.5 per cent in Brent)
- Muslim (21.8 per cent compared to 18.6 per cent in Brent)
- Hindu (3.7 per cent compared to 17.8 per cent in Brent).

The largest religious groups in Stonebridge were:

- Christian (49.9 per cent compared to 41.5 per cent in Brent)
- Muslim (28.2 per cent compared to 18.6 per cent in Brent)
- Hindu (6.3 per cent compared to 17.8 per cent in Brent).

The largest religious groups in Kilburn were:

- Christian (47.7 per cent compared to 41.5 per cent in Brent)
- Muslim (16.8 per cent compared to 18.6 per cent in Brent)
- Hindu (2.0 per cent compared to 17.8 per cent in Brent).

It is therefore anticipated that the Framework will have a positive impact for these groups in a number of ways.

Sex

We anticipate a positive impact, as the Framework is designed to address support needs, which transcend sex. However, we know that flexible childcare can act as a significant constraint for women and lone parents accessing meaningful and sustained employment. Services procured through the Framework will have access to and promote a flexible childcare pool as well as work with lone parents to overcome the challenges that childcare commitments can bring to an employment search.

Nevertheless if the Framework commissions a high number of services for a particular cohort, there may be a disproportionate impact on one sex over another. Some target cohorts are likely to have a weighting towards one sex or another.

These impacts are difficult to evidence with data, especially for individual ethnic minority groups where this can be a common trait with service engagement. However former projects and services have demonstrated a disproportionate impact on sex with some cohorts. However, where services will impact on one sex more positively than the other, for other cohorts it will be reversed. For instance, services supporting homelessness, such as Ashford Place will see a higher level of single men than women. Services supporting inactive benefit claimants, for instance, as seen in the Navigator pilot, will see a higher proportion of Income Support claimants, who predominantly are female lone parents (80 per cent of participants were female; 60 per cent lone parents).

As such we anticipate a neutral impact, however only by monitoring and reviewing the types of service commissioned through the Framework, so as to deliver an even spread of services to address the support needs of all cohorts fairly.

There will however be some cohorts where interventions and services are more in demand, at which point we may see a weighted impact on one gender more than the other. Strategically, a priority is to support the impact of welfare reform. Currently the Overall Benefit Cap is disproportionately affecting large, lone parent families. As such balancing the delivery of relevant and needed support services for priority cohorts whilst promoting fair and equal access for all protected groups will be an evolving process, as we review and assess the impact of commissioning through our Framework.

This will be one of the actions we take forward.

Sexual orientation

There is a lack of data or evidence within the borough to support any firm conclusions.

Nevertheless it is reasonable to assume that residents in this group could experience prejudice, which itself can pose challenges to securing and sustaining meaningful employment. As such we expect Framework providers to be conscious of this factor.

As such no particular impacts have been identified for this group; if at all, a positive impact will result from the wider range of high-quality interventions that the Framework will support and commission.

Please give details of the evidence you have used:

This analysis has drawn on the evidence base for the emerging Brent Employment, Skills and Enterprise strategy.

Whilst employment and skills trends are positive at a borough level, ward level analysis suggests that not all communities and parts of the borough are benefiting from an improving employment environment. Unemployment levels remain markedly high; in fact double the borough average rate, in Harlesden (8.9 per cent), Stonebridge (8.6 per cent), Kilburn (7 per cent), Kensal Green (6.8 per cent) and Willesden Green (6.4 per cent). Within these wards, particularly Harlesden and Stonebridge where unemployment rates are amongst the borough's highest, there are also higher levels of Black, African, Caribbean and minority ethnic groups.

These wards also have a higher concentration of residents with no qualification, with Stonebridge and Harlesden recording 26.8 per cent and 22.6 per cent of residents with no qualifications respectively. The increase in NVQ Level 3 and 4 qualifications across the borough strongly suggests the movement of more highly qualified adults as a component of the increase in the working age population in to the borough. The small increase in residents with no qualifications suggests increased levels of polarisation. Although Framework services will embed skills-related provision within their delivery, the repositioning of Brent Start (formerly BACES) to deliver employment focused skills plays a key role in Brent's response to the increasing skills gap experienced by residents.

The data suggests that:

- **There are pockets of significant entrenched unemployment.**

What is particularly stark is that the wards and neighbourhoods that have, since 1992, experienced the highest levels of unemployment continue to have deeply entrenched poverty and unemployment. The Index of Multiple Deprivation (updated in 2010 but based mainly on 2008 data) highlights concentrations of deprivation in the south of the borough, centred in particular on social housing estates – a picture that has remained largely unchanged for many years. Although there has been great progress in improving the physical quality of homes and neighbourhoods, there has been less impact on unemployment, low incomes, child poverty, educational attainment and health inequality. Mainstream interventions such as the Work Programme have made little or no impact in areas such as Harlesden, Stonebridge and South Kilburn. This level of exclusion from

the labour market requires a far more intense, targeted, personalised and community-led intervention to make significant and sustainable changes.

- **There needs to be a recognition and understanding of the distinction between registered unemployment (claimant) and worklessness.**

Brent's unemployment rate partly reflects those residents who are actively claiming JSA and this is an improving picture. However, attention on this alone masks the more significant challenge of worklessness; i.e. including the number of residents who are economically inactive (on inactive benefits). The JSA count in Brent is 9,117; economic inactivity is 31,600 - significantly higher. What is of particular significance here are the numbers who are economically inactive due to health reasons (over 23 per cent) and those who are looking after a family or home (33 per cent).

- **Low-paid employment is prevalent in the borough**

Although Brent's employment rate may be demonstrating a positive picture it masks the number of residents in established Brent communities who are trapped in low-skilled/low paid employment. The number of residents in work but earning below the London Living Wage, at 30 per cent, is too high, and higher than the London average of 20 per cent.

- **Brent's economy is low skilled and low output**

This requires Brent to not only assess its economic development plans but also to recognise that it is part of a wider sub-regional and London economy and labour market. Brent residents need to be skilled and equipped to benefit from the higher skilled and higher value jobs in the wider economy.

Of the total working age population only those who are in employment or those who are unemployed but actively looking for work are classified as 'economically active'. At the end of 2012 134,000 people aged 16 – 64 classified themselves as being economically active. Of these 118,800 are in employment (68.1 per cent of the total working age population). The London average for the proportion of working age adults in employment is 69.5 per cent, only 1.4 per cent higher than Brent. 53.9 per cent of working age adults are an employee, 13.7 per cent are self-employed and 10.6 per cent are unemployed and looking for work (a total of 14,100 unemployed people in Brent). In London the overall unemployment rate is 8.9 per cent and for the UK it is 7.8 per cent. This pattern of Brent recording an unemployment rate 2 -3 per cent above the London and the UK rate has been consistent over the past 15 years.

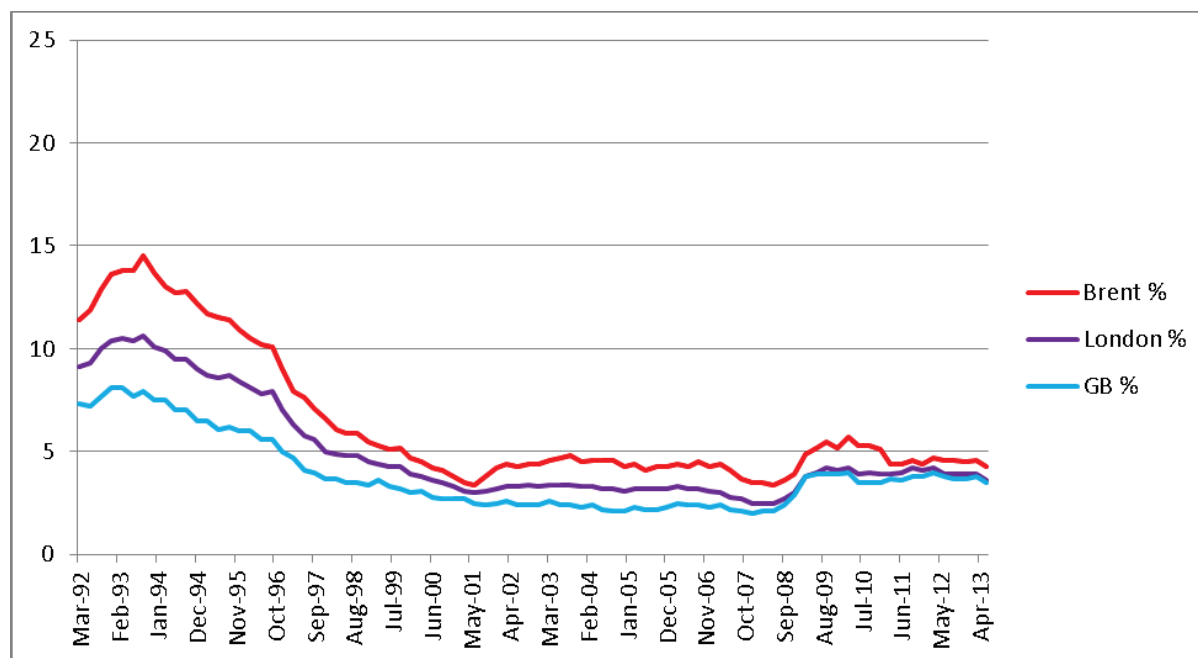
31,600 people in Brent describe themselves as 'economically inactive' and are not seeking employment. The main reasons given are students in full time education (26 per cent), unable to work due to a long term health condition (23.2 per cent) or looking after family or home (32.7 per cent). The highest increase in reasons for being economically inactive is a result of long term health conditions. A further 7,000 people are currently economically inactive but would like to have a job in the future.

There are 14,100 people who are unemployed and seeking employment, of which 9,117 are actually claiming Job Seekers Allowance (JSA). This is a rate of 4.2 per cent, higher than the London average of 3.5 per cent and the national average of 3.3 per cent. JSA levels have converged with London over the last decade. 50 per cent of people who claim JSA are unemployed for less than six months.

The rate of long-term unemployment for 18-24 year olds is marginally below the average rate for the UK (Brent 1 per cent, UK 1.2 per cent) and this age group is no more likely to be claiming JSA for more than a year than any other age group. JSA claimants aged over 50 years are marginally more likely to still be unemployed after 12 months.

The table below shows the trend in the percentage of people claiming JSA for all ages and durations of unemployment since 1992. This indicates a consistent pattern of Brent having above London and national levels of JSA claimants, although the extent of that difference has steadily decreased during the period. This suggests that while there has been a major increase in the overall number of the working age adults within the borough, many of these people are successfully finding employment either within Brent or the wider regional economy.

JSA claimants unemployed for all ages and durations of unemployment since 1992.

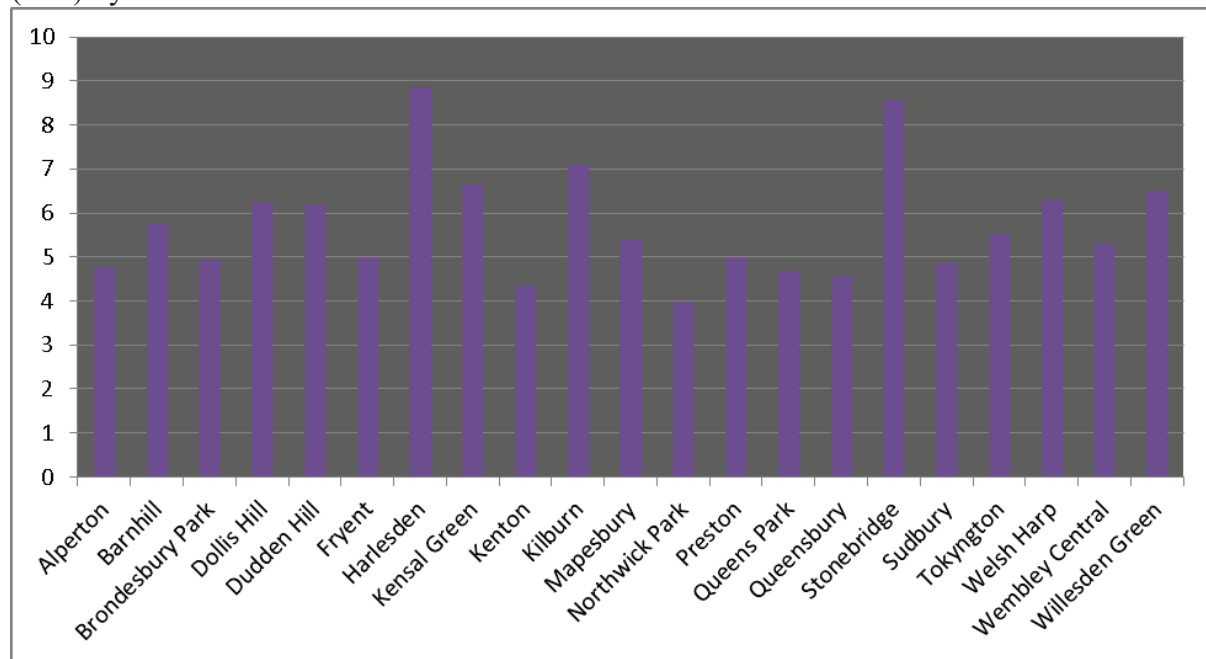


50 per cent of people who claim JSA are unemployed for less than six months. This is very close to both London and national levels and suggests that most Brent residents are able to successfully compete in the labour market if they do become unemployed.

About a quarter of all JSA claimants in Brent are unemployed for more than 12 months, but this is not dissimilar to the average duration of unemployment for London and the UK as a whole, suggesting that long term unemployment is not a widespread issue at a borough level and that resilience and ability to re-enter the labour market is no better or worse than in other parts of London. There are however some small but significant differences in the duration of unemployment in relation to the age of the claimant. The rate of unemployment for 18 – 24 year olds for less than six months is slightly higher (and also more volatile over time). However 18 – 24 year olds are no more likely to be claiming JSA for more than a year than any other age group. Indeed the rate of long term unemployment for 18 – 24 year olds is marginally

below the average rate for the UK (Brent 1 per cent, UK 1.2 per cent). Those JSA claimants aged over 50 years are marginally more likely to still be unemployed after 12 months.

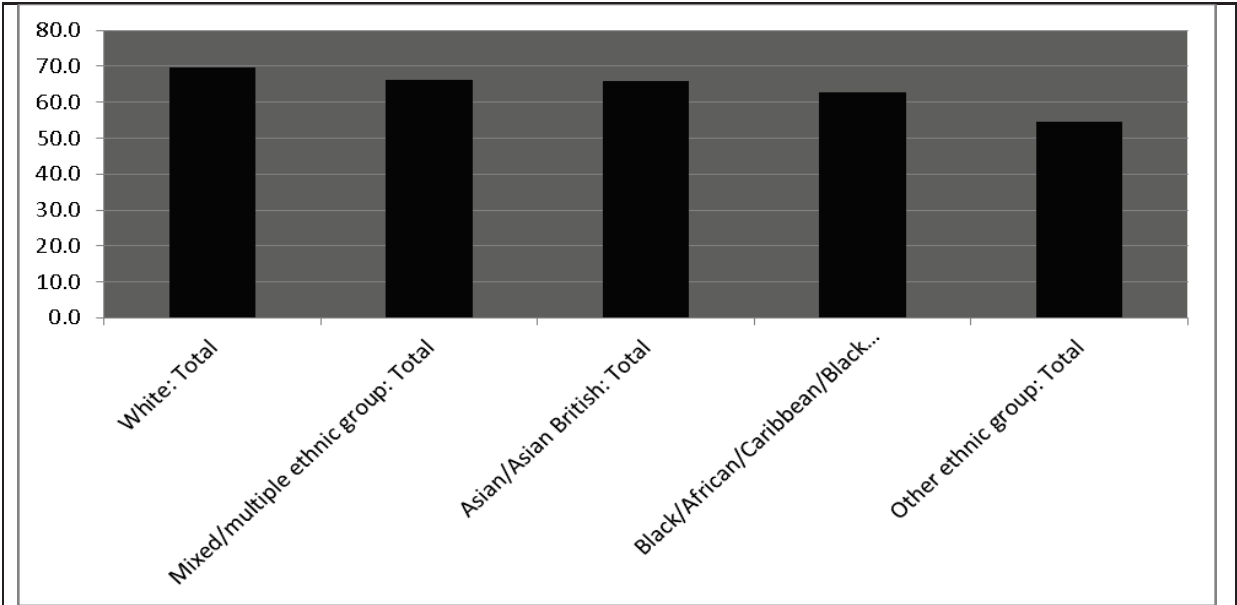
Unemployment varies significantly across the borough. In some wards unemployment levels are significantly higher than the borough average and are twice as high in a small number of wards. Unemployment levels include: Harlesden (8.9 per cent), Stonebridge (8.6 per cent), Kilburn (7 per cent), Kensal Green (6.8 per cent) and Willesden Green (6.4 per cent). The table below shows the unemployment rate (JSA) by ward for 2013.



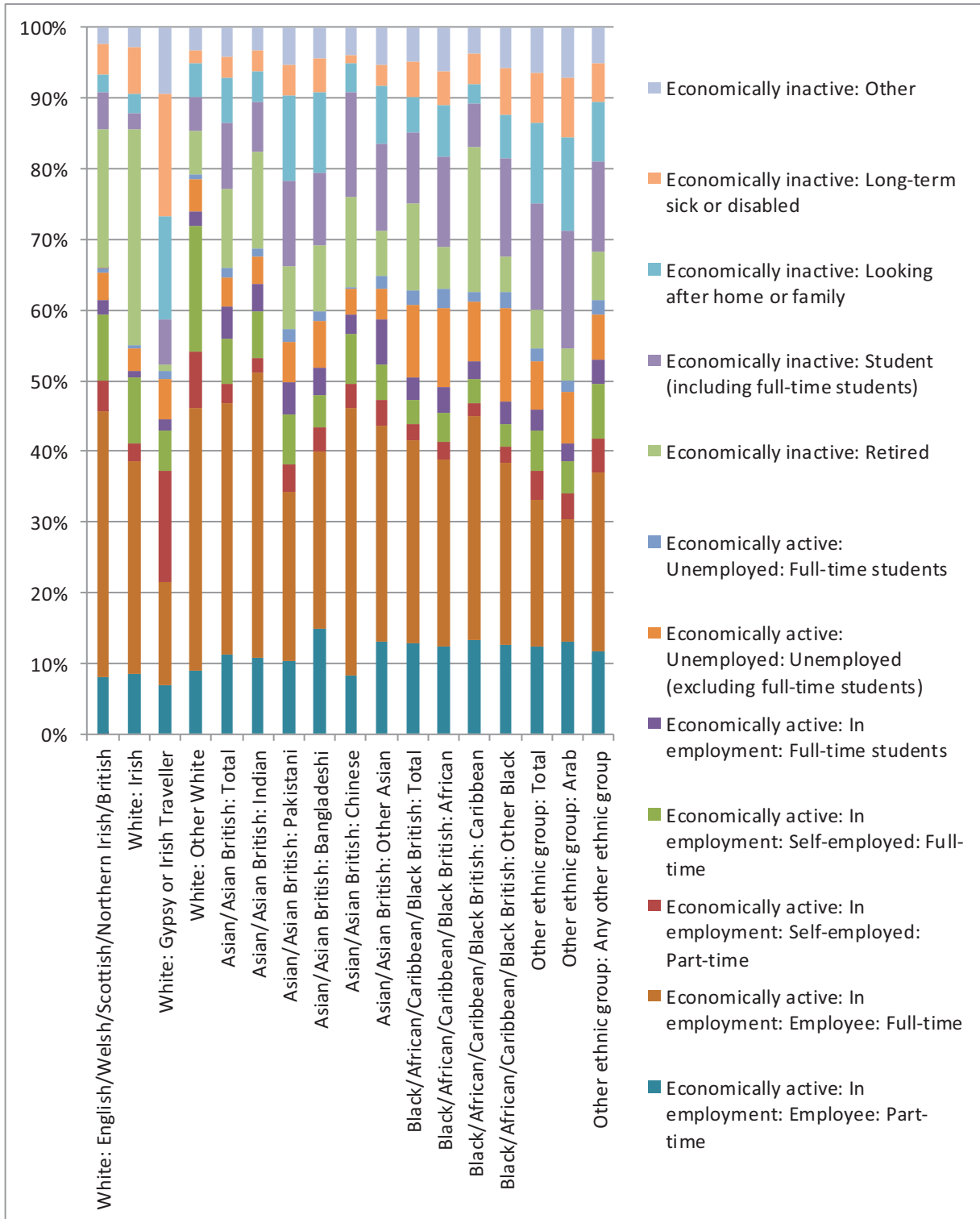
Employment Trend – Ethnicity

Looking at the percentage of adults who are economically active by ethnicity, some 70 per cent of white residents are economically active. This is the highest proportion within any ethnic group. In contrast 62 per cent of Black, African and Caribbean residents are economically active - demonstrated in the table below.

People of Asian and white ethnic backgrounds are most likely to be in full-time employment, while those of mixed ethnic backgrounds and Black/African are more likely to be in part-time employment.



A more comprehensive breakdown of both economic activity and inactivity by ethnicity is demonstrated by the chart below, based on data from the 2011 Census:

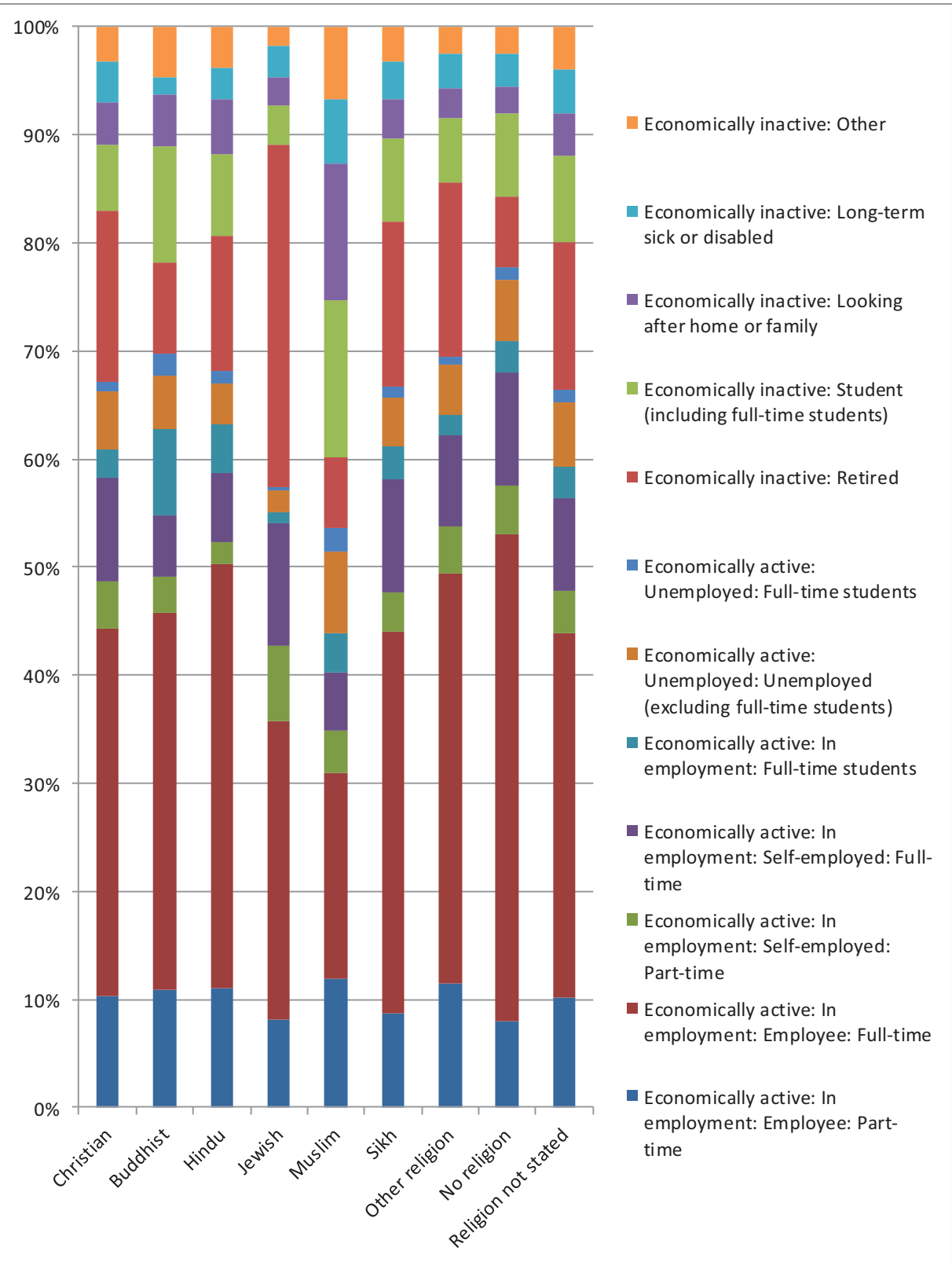


Employment Trend – Religion

Looking at the percentage of adults who are economically active by religion, almost 80 per cent of residents who claimed to have no religion are economically active. This is the highest proportion within any of the categories. In contrast 53 per cent of Muslim residents and 58 per cent of Jewish residents are economically active -

demonstrated in the chart below.

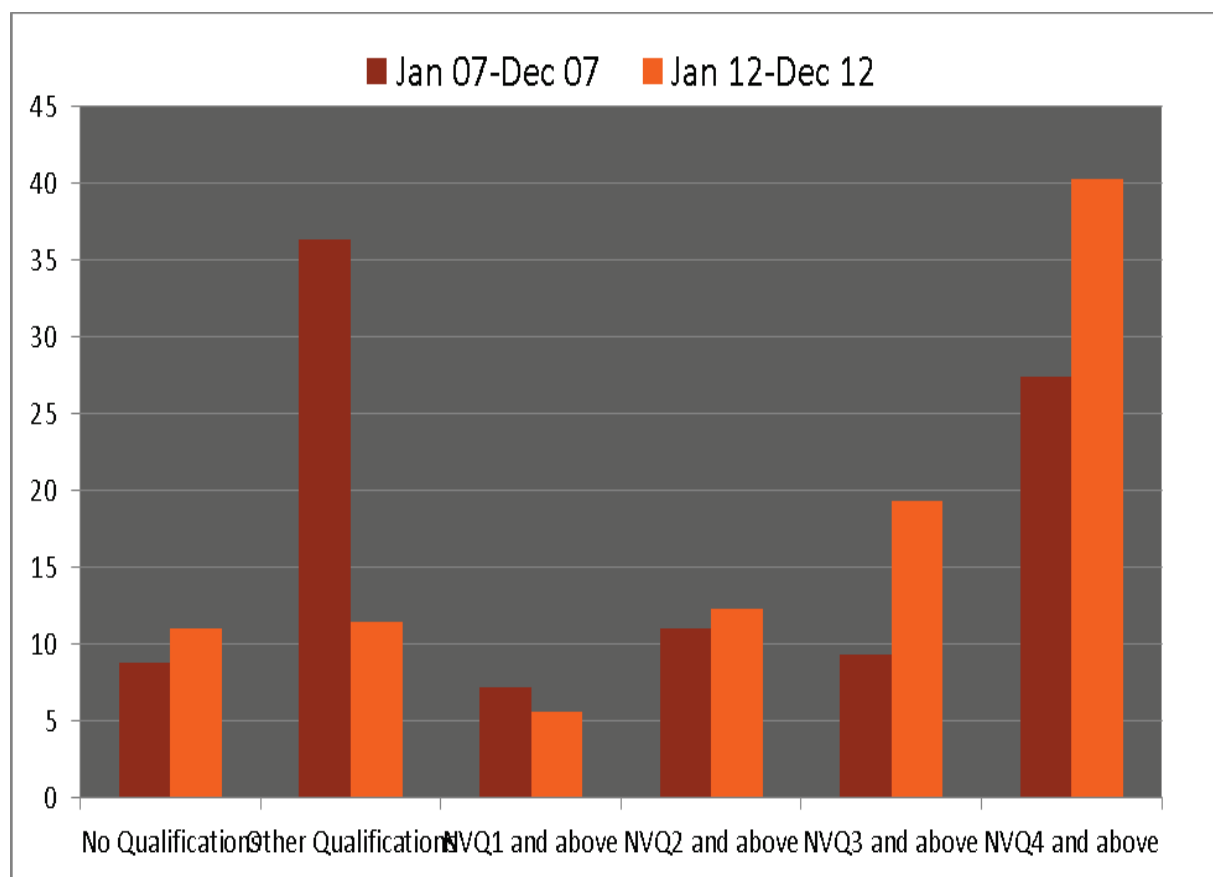
Once again those who claimed to have no religion are most likely to be in full-time employment, while Muslim residents are more likely to be in part-time employment. The chart below is based on data from the 2011 Census.



Trend – Skills and Qualifications

Over the past five years there has been a marked increase of 14 per cent in the proportion of the working age population with a NVQ level 4 or above, from 26 per cent in 2007 to over 40 per cent by 2012. The number of adults with NVQ level 3 or above has also increased by 10 per cent during the same period. However the percentage of adults with no qualifications also increased by 3 per cent.

This pattern strongly suggests the movement of more highly qualified adults as a component of the increase in the working age population in the borough. While at the same time there are a higher proportion of people with no qualification suggesting increased levels of polarisation.



Area	Per cent of people with no qualifications
Brent Average	19.21
<i>Neighbourhood</i>	

Chalkhill	20.34
Church End	25.28
Harlesden	22.58
St Raphaels	25.66
Stonebridge	26.83
South Kilburn	20.81

Trend – Earnings

Over the past 15 years gross median earnings for Brent residents have continued to be below the levels experienced across London. In recent years that gap has increased marginally. However, median earnings have not gone below UK averages and over the past year have started to increase faster than previously. The weekly median gross earning for all employees at the end of 2012 was £544, an improvement of £50 per week on the level in 2011 of £495. Such a significant increase is unlikely to indicate just improvement in existing residents' income but rather points to major increases due to people on higher incomes moving into the borough. The London average income is now £613 per week. Significantly, the median pay by work-place in Brent is £536 per week suggesting that many Brent residents are now accessing employment outside the borough to achieve a higher salary level.

Other data suggests that low pay remains a significant challenge. GLA figures show Brent has 30 per cent of employees earning less than the London Living Wage compared to the London average of 20 per cent.

This map shows the median income by ward based on earnings in 2013.



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 Framework will commission services that challenge and overcome indirect and direct discrimination experienced by our residents when accessing employment. These services aim not only to identify challenges faced by residents when accessing employment, but also to identify and respond to any indications of discrimination experienced by our residents.

Framework providers will promote openness, inclusion and sensitivity to the needs of all our residents.

The procurement will ensure that all Framework providers recognise and adhere to appropriate standards in eliminating discrimination, harassment and victimisation.

(b) Advance equality of opportunity;

The Framework is designed to improve equality of opportunity and promote access to high-quality employment-related support services for our residents.

Employment-related support services identify the challenges that are faced by our residents to find, secure and sustain employment, and work intensively to overcome these constraints on a one-to-one basis.

Our identified cohorts are underserved by mainstream provision; as such the Framework seeks to eliminate this by commissioning services that are tailored to address the specialist support needs of these groups. Subsequently, increasing the opportunity for all Brent residents to participate and access meaningful employment, and more broadly improve the life chances of whole households and families.

This seeks to narrow the gap between communities and rates of employment across Brent's neighbourhoods and advance equality of opportunity.

(c) Foster good relations

By supporting and promoting employment and, within this, supporting and promoting equality of opportunity, the Framework aims to narrow the polarisation between Brent neighbourhoods and improve the life chances and opportunities for all. Addressing this growing divide between neighbourhoods and communities in the borough fosters good relations and removes barriers between our residents.

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?

In developing the Framework a number of partners were engaged including:

- representatives from the voluntary and community sector (VCS);
- representatives from the social housing sector including Registered Providers (RP);
- strategic partners including Department for Work and Pensions (DWP) and the College of North West London (CNWL); and
- providers of nationally commissioned employment services in Brent, namely the Work Programme Primes.

Research and consultation undertaken by other Council-commissioned projects listed below, working directly with residents, have also informed and contributed to the development of the Framework, in particular:

- the Social Mobility Commission (commissioned by Brent Council)
- West London Alliance led Whole Place Community Budget business cases

for jobs, growth and skills.

- The Navigator pilot
- Overall Benefit Cap Job Brokerage services
- ESF funded Healthy Minds programme delivered in partnership with Remploy and CNWL NHS Trust
- Lift's NW10 in 2 Work programme
- CityBridge Trust's Pre-apprenticeship Programme delivered in partnership between P3 and Brent Start.

Resident engagement was a thread throughout this consultation, with various partners and projects offering direct and valuable in roads to our communities and neighbourhoods.

ii. What methods did you use?

Market Testing event – to test market response and gauge demand with providers delivering across West London.

One-to-one meetings – conversations with providers and residents to understand the role and value of employment-related support services.

Focus Groups- resident based discussions, and employers to understand local strengths and needs.

Ethnographic case notes - service delivery with residents, documenting their route to work journeys and common constraints to employment, whilst building a clear and significant evidence base.

External Evaluators (CESI) – service evaluation to inform learning and make recommendations on employment-related support.

Interviews – residents and employers to match supply and demand.

Desk-based research – ONS (census data), NOMIS (Labour market), IMD 2010, MOSAIC 2014, GIS.

iii. What did you find out?

A demonstrable need for high-quality employment-related support services to address long-term, entrenched unemployment and a growing divide between the skills of Brent residents and the demands of the labour market.

Close consultation with providers across the public, private, community and voluntary sectors has identified demand in the market for funding to deliver high quality employment related services:

- This was affirmed at a market testing event held in early May in partnership with Brent CVS, where we presented our proposed Framework to local and regional partners. The response was positive and reflected the absence of a coordinated

borough approach to the delivery of employment related support services previously;

- Individual conversations with VCS providers currently delivering employment-related support contracts on behalf of Brent Council including Ashford Place and Lift;
- Brent Employment Summit, which brings together key players across the employment, skills and enterprise landscape in Brent including Brent CVS and VCS organisations.

The Framework was welcomed widely by VCS providers who can see the benefits it brings to the sector. Partner organisations are now thinking about how they will bid to take advantage of this business opportunity, with many of the smaller community-based providers considering a consortium approach.

iv. How have you used the information gathered?

The information has been used to inform and develop an emerging Employment, Skills and Enterprise strategy for the borough, which sets out a borough approach to some of the most prescient employment support needs in Brent.

Some of the information has been processed quantitatively and used in reporting to build on and strengthen a business case or to demonstrate demand. Other data has been used qualitatively to colour and deepen a borough wide profile with nuance, supporting and complimenting quantitative datasets.

The information has been published in reports and presented to the public, partners and internal stakeholders.

Emerging from this strategy is our Framework Agreement to procure and coordinate high quality employment-related support services, which performs a key role in achieving our strategic aims to reduce unemployment in the borough.

v. How has it affected your policy?

On the whole it has confirmed that the Framework is needed, relevant and balanced, working positively to eliminate discrimination, advance equality of opportunity and foster good relations.

It has widened the remit of our Framework, reframing the mechanism so that it best serves and meets needs across a diverse range of cohorts, including those aged 50+. Although on the whole it demonstrated the wide reach of the Framework, it has also highlighted areas for monitoring and further thought.

As such, set out below are actions to take the Framework forward and improve its wider impact.

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.

No negative impacts have been identified.

Please give details of the evidence you have used:

N/A

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

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

8. The Findings of your Analysis

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

No major change

Your analysis demonstrates that:

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

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

The analysis has demonstrated that no negative impact will result from the Framework. If anything, the Framework will result in a broader positive impact across the borough for all protected groups, which will be particularly beneficial for:

Age- services will support the full portfolio of working-age residents.

Disability- needed funding will be pursued to address these specialist support needs.

Race- strategic focus on priority neighbourhoods will advance access for our diverse communities, where high concentrations of ethnic diversity are prevalent.

Religion or belief- strategic focus on priority neighbourhoods will advance access for our diverse communities, where high concentrations of diverse religious belief are prevalent.

A note on Sex-

Monitoring will identify when, if at all, services are working with one sex disproportionately, as set out and explained in section three. This will be ongoing and an indirect consequence of supporting particular cohorts who are out of work. How we commission services and bid for funding on an ongoing basis will align with the reach of current Framework services, to compliment and broaden the impact we have on supporting all protected groups fairly.

This improvement in coordinated and targeted provision of employment-related support services will benefit all communities seeking this type of support. A more widely available, high-quality service will improve access and increase the availability of provision to those currently underserved.

The Framework will clearly advance equality and foster good relations between groups by delivering services which are tailored, inclusive and sensitive to an individual's support needs, regardless of their protected characteristic.

Our evidence base and breakdown by protected group is set out in section three.

Information used to make this decision:

Market Testing event – understanding gaps in current provision and demand within the market to secure funding for this.

One-to-one meetings – conversations with providers and residents to understand the role and value of employment-related support services.

Focus Groups- resident based discussions, and some employer-led groups to understand local strengths and needs and what is needed.

Ethnographic case notes - service delivery with residents, documenting their route to work journey and common constraints to employment, whilst building a clear and significant evidence base.

External Evaluators (CESI) – service evaluation to inform learning and make recommendations on employment-related support.

Interviews – residents and employers to match supply and demand.

Desk-based research – ONS (census data), NOMIS (Labour market), IMD 2010, MOSAIC 2014, GIS.

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.

All commissioned services will require providers to monitor and record equalities data by completing an equalities monitoring form with each of their participants on registration.

The monitoring form will profile all protected groups and be the responsibility of the provider to make sure all participants complete. They will be required to record this data in a database, which will be an auditable document. This data will then be collated by the Performance Analyst at regular six monthly intervals who will review and analyse data cumulatively to understand the reach of Framework services. This will identify any uneven or unforeseen disproportionate impacts on the protected groups. The results of this will inform the focus of ongoing bidding and commissioning practice, including service adjustments or redesign to address current programmes

showing direct disproportionate impacts within our control.

Ongoing performance management will also include audits and interviews with participants and staff delivering services. This engagement aims to assess the relevance, value and importance of the service and how well it is meeting its aims.

Ongoing performance management aims to:

- identify and respond to any potential discrimination;
- continue to embed and advance equality throughout all of our programmes;
- build capacity and improve the quality of Framework providers so that residents can access the very best services that deliver services in a fair and open manner.

We reserve the right to remove providers from the Framework subject to poor performance. If an opportunity is more suited to a non-Framework provider, or new providers become available, we reserve the right to commission services outside of the Framework. This will allow us the flexibility to respond to a changing market and any potential shifts in demographics.

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
Year 1: Equalities review 1	April 2015	Genta Hajri	No negative disproportionate impact on protected groups		
Year 1: Equalities review 2	October 2015	Genta Hajri	No negative disproportionate impact on protected groups		
Year 2: Equalities review 1	April 2016	Genta Hajri	No negative disproportionate impact on protected groups		
Year 2: Equalities review 2	October 2016	Genta Hajri	No negative disproportionate impact on protected groups		
Subject to extension, repeat for	Ongoing six monthly	Genta Hajri	No negative disproportionate impact on		

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?

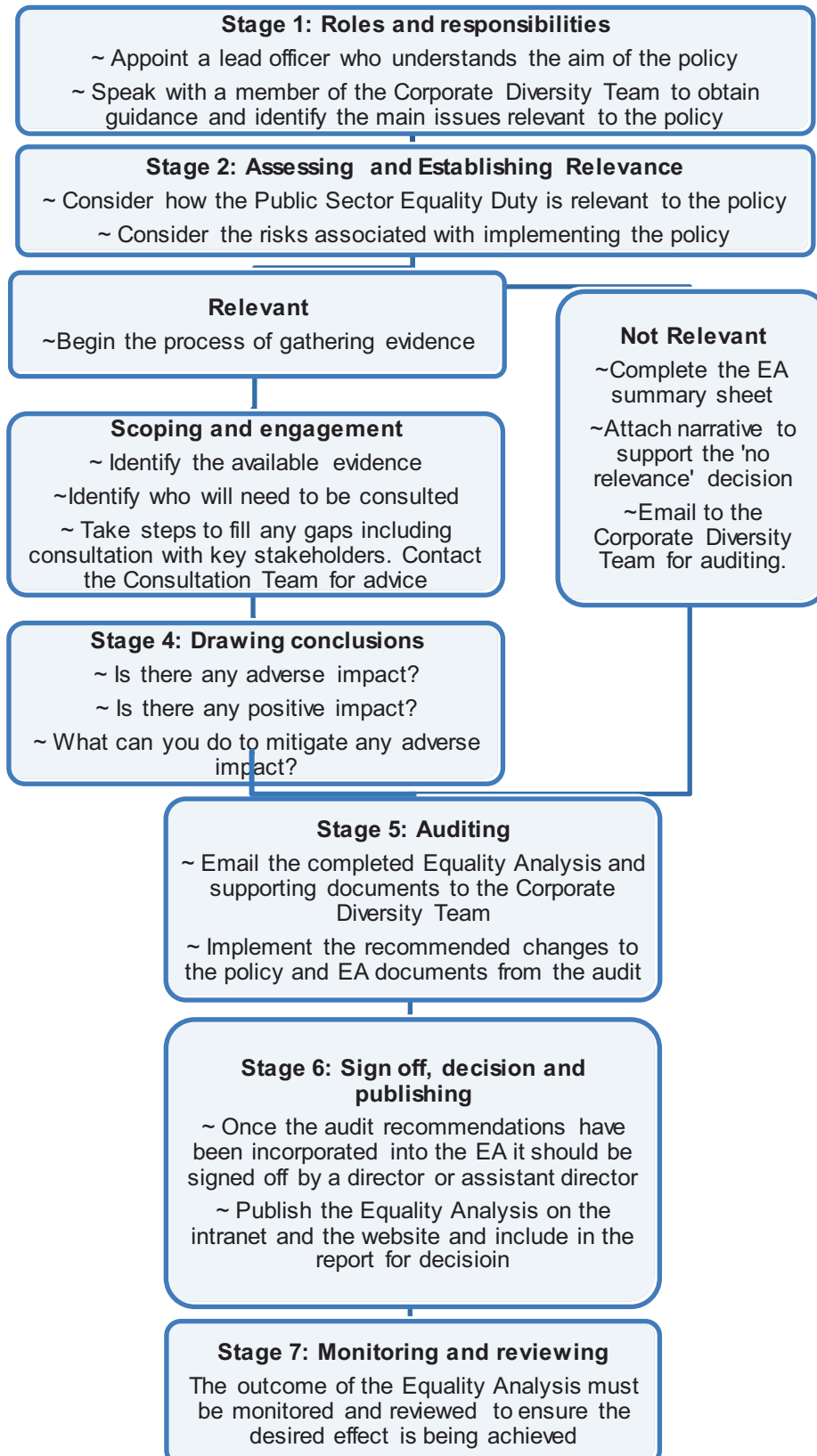
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. 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"> • 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
The officer undertaking the EA	<ul style="list-style-type: none"> • 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
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • 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)
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"> • 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), 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.

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Cabinet
26 August 2014

**Report from the Director of
Regeneration and Growth**

For Action

Wards affected:
ALL

**National Non-Domestic Rates – Applications for
Discretionary Rate Relief**

1.0 Summary

- 1.1 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 is based on policy and criteria agreed by the then Executive in September 2013. New applications for relief have to be approved by the Cabinet.
- 1.2 The report details new applications for relief received since the then Executive last considered such applications on 22 April 2014.

2.0 Recommendation

- 2.1 That the applications for discretionary rate relief detailed in Appendices 2 and 3 be agreed.

3.0 Detail

- 3.1 Details of the Council's discretion to grant rate relief to charities, registered community amateur sports clubs and non-profit making organisations are contained in the financial and legal implications' sections (4 and 5).

- 3.2 Appendix 1 sets out the criteria and factors to consider for applications for NNDR relief from Charities and non-profit making organisations. This was agreed by the then Executive in September 2013.
- 3.3 Appendix 2 lists new applications from local and non local charities that meet the criteria. These receive 80% mandatory relief, where they meet the criteria the council will award local charities up to 100% discretionary relief in respect of the remaining 20% balance and will award non local charities 25% relief in respect of the remaining 20% balance. It also shows the cost to the Council if discretionary relief is awarded.
- 3.4 Appendix 3 list new applications from non profit making organisations that meet the criteria for awarding relief. As these organisations are not registered charities they do not receive 80% mandatory relief. The Council's usual policy is to award 25% relief to organisations that meet the criteria. However it has previously been agreed to award Meanwhile Space occupations 100% discretionary relief, there is one such application and this is detailed in Appendix 3. It also shows the cost to the Council if discretionary relief is awarded.
- 3.5 The criteria for awarding discretionary rate relief focuses on ensuring that the arrangements are consistent with corporate policies and relief is directed to those organisations providing a recognised valued service to the residents of Brent, particularly the vulnerable and those less able to look after themselves. Further detail is set out in Appendix 1. Should relief be granted entitlement will remain until 31 March 2017 unless there are any changes to the organisation. During 2016/17 it has been agreed that the council will review its criteria for awarding relief.
- 3.6 Charities and registered community amateur sports clubs are entitled to 80% mandatory rate relief and the council has discretion to grant additional relief up to the 100% maximum
- 3.7 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. However the council's policy limits relief for these to 25%

4.0 Financial Implications

Discretionary Rate Relief

- 4.1 Charities and registered community amateur sports clubs receive 80% mandatory rate relief. The Council has the discretion to grant additional relief up to the 100% maximum. Prior to 1 April 2013 75% of the cost of this would have been met by the council, however from 1 April 2013 30% is met by the council with 50% being met by central government and 20% by the GLA.
- 4.2 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. Prior to 1 April 2013 the Council met 25% of the cost of any relief granted, however

this has also changed with 30% being met by the council with 50% being met by central government and 20% by the GLA.

- 4.3 The Council, where it has decided to grant relief, has followed a general guideline of granting 100% of the discretionary element to local charities and 25% of the discretionary element to non-local charities. Any additional awards of relief will reduce income to the Council by 30%.
- 4.4 In respect of non profit making organisations the council has agreed where the organisation meets the criteria to award 25% discretionary rate relief. The cost to the council of awarding this relief is 30% of the amounts granted..
- 4.5 The costs therefore of awarding relief to the charitable organisations detailed in Appendix 2 is £2,347.78 for 2014/15 and £581.53 for 2013/14. The costs of awarding relief to the non profit making organisations detailed in Appendices 3 is £1,927.37 for 2014/15 and £601.55 for 2013/14. This will be borne by the council's projected income from Business Rates Retention in 2014/15.

5.0 Legal Implications

Discretionary Rate relief

- 5.1 Under the Local Government Finance Act 1988, charities are only liable to pay 20% of the NNDR that would otherwise be payable where a property is used wholly or mainly for charitable purposes. This award amounts to 80% mandatory relief of the full amount due. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, registration with the Charity Commission is conclusive evidence of this. Under the Local Government Act 2003, registered Community Amateur Sports Clubs also qualify for 80% mandatory relief.
- 5.2 The Council has discretion to grant relief of up to 100% of the amount otherwise due to charities, Community Amateur Sports Clubs, and non-profit making organisations meeting criteria set out in the legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science, literature, the fine arts, or recreation. Guidance has been issued in respect of the exercise of this discretion and authorities are advised to have readily understood policies for deciding whether or not to grant relief and for determining the amount of relief. Details of the current policy are contained in Appendix 1
- 5.3 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow Brent to grant the relief for a fixed period. One year's notice is required of any decision to revoke or vary the amount of relief granted, if in the case of a variation, it would result in the amount of rates increasing. The notice must take effect at the end of the financial year.
- 5.4 The operation of blanket decisions to refuse discretionary relief across the board would be susceptible to legal challenge on grounds that the Council would be fettering its discretion. The legal advice provided to officers and Members is that each case should be considered on its merits.

6.0 Diversity Implications

- 6.1 Applications have been received from a wide variety of diverse charities and organisations, and an Impact Needs Analysis Requirement Assessment (INRA) was carried out in 2008 when the criteria were originally agreed. As there were no changes made to the criteria in September 2013 an Equality Impact assessment was not required. All ratepayers receive information with the annual rate bill informing them of the availability of discretionary and hardship rate relief.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

Background Papers

Report to Executive 16 September 2013 – National Non-Domestic Relief – Review of Discretionary Rate Relief Policy

Contact Officers

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Strategic Director Regeneration & Growth

Appendix 1

ELIGIBILITY CRITERIA FOR APPLICATIONS FOR NNDR DISCRETIONARY RELIEF FOR CHARITIES & FROM NON PROFIT MAKING ORGANISATIONS

Introduction

The following details the criteria against which the Local Authority will consider applications from non profit making organisations. In each case the individual merits of the case will be considered.

- (a) Eligibility criteria**
- (b) Factors to be taken into account**
- (c) Parts of the process.**

(a) Eligibility Criteria

- The applicant must be a charity or exempt from registration as a charity, a non-profit making organisation or registered community amateur sports club (CASC).
- All or part of the property must be occupied for the purpose of one or more institutions or other organisations which are not established or conducted for profit and whose main objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
- The property must be wholly or mainly used for the purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

(b) Factors to be taken into account

The London Borough of Brent is keen to ensure that any relief awarded is justified and directed to those organisations making a valuable contribution to the well-being of local residents. The following factors will therefore be considered:

- a. The organisation should provide facilities that indirectly relieve the authority of the need to do so, or enhance or supplement those that it does provide
- b. The organisation should provide training or education for its members, with schemes for particular groups to develop skills
- c. It should have facilities provided by self-help or grant aid. Use of self-help and / or grant aid is an indicator that the club is more deserving of relief
- d. The organisation should be able to demonstrate a major local contribution.

- e. The organisation should have a clear policy on equal opportunity.
- f. There should be policies on freedom of access and membership.
- g. It should be clear as to which members of the community benefit from the work of the organisation.
- h. Membership should be open to all sections of the community and the majority of members should be Brent residents
- i. If there is a licensed bar as part of the premises, this must not be the principle activity undertaken and should be a minor function in relation to the services provided by the organisation.
- j. The organisation must be properly run and be able to produce a copy of their constitution and fully audited accounts.
- k. The organisation must not have any unauthorised indebtedness to the London Borough of Brent. Rates are due and payable until a claim for discretionary rate relief is heard

(c) Parts of the process

No Right of Appeal

Once the application has been processed, the ratepayer will be notified in writing of the decision. As this is a discretionary power there is no formal appeal process against the Council's decision. However, we will re-consider our decision in the light of any additional points made. If the application is successful and the organisation is awarded discretionary rate relief, it will be applied to the account and an amended bill will be issued.

Notification of Change of Circumstances

Rate payers are required to notify any change of circumstances which may have an impact on the award of discretionary rate relief.

Duration of award

The new policy will award relief to 31 March 2017. Prior to the end of this period applications will be sent inviting recipients to re-apply, this will ensure the conditions on which relief was previously awarded still apply to their organisation. This will help ensure that the Council's rate records remain accurate.

Withdrawal of relief

One years notice has to be given by the Council for the withdrawal of relief

Unlawful activities

Should an applicant in receipt of discretionary rate relief be found guilty of unlawful activities for whatever reason, entitlement will be forfeited from the date of conviction.

	Type of Charitable/Non-Profit Making Organisation	Current Policy
		Discretionary Relief Limited to
1	Local charities meeting required conditions (80% mandatory relief will apply)	20% (100% of remaining liability)
2	Local Non-profit-making organisations (not entitled to mandatory relief)	25%
3	Premises occupied by a Community Amateur Sports Club registered with HM Revenue & Customs. (80% mandatory relief will apply)	20% (100% of remaining liability)
4	Non-Local charities (80% mandatory relief will apply)	25% (of remaining liability)
5	Voluntary Aided Schools (80% mandatory relief will apply)	20% (100% of remaining liability)
6	Foundation Schools (80% mandatory relief will apply)	20% (100% of remaining liability)
7	All empty properties	NIL
8	Offices and Shops occupied by national charities	NIL
9	An organisation which is considered by officers to be improperly run, for what ever reason, including unauthorised indebtedness.	NIL
10	The organisation or facility does not primarily benefit residents of Brent.	NIL
11	Registered Social Landlords (as defined and registered by the Housing Corporation). This includes Abbeyfield, Almshouse, Co-operative, Co-ownership, Hostel, Letting / Hostel, or YMCA.	Nil
12	Organisations in receipt of 80% mandatory relief where local exceptional circumstances are deemed to apply.	Up to 20% (100% of remaining liability)

Appendix 2

New Applications for Discretionary Rate Relief – Local Charities

	100% Relief to be awarded	Charge	Bill net of statutory relief	Cost to Brent at 30%
	<u>Organisation</u>			
33007507	CVS Brent 3 Rutherford Way, Wembley HA9 0QD 1/4/2014 – 31/3/2015 24/11/2013 – 31/3/2014	£10,724.50 £3,330.55	£2,144.90 £666.11	£643.47 £199.83
33007543	CVS Brent 5 Rutherford Way, Wembley HA9 0QD 1/4/2014 – 31/3/2015 24/11/2013 – 31/3/2014	£10,845.00 £3,367.95	£2,169.00 £673.59	£650.70 £202.08
33007561	CVS Brent 7 Rutherford Way, Wembley HA9 0QD 1/4/2014 – 31/3/2015 24/11/2013 – 31/3/2014	£9,640.00 £2,993.75	£1,928.00 £598.75	£578.40 £179.62
32942414	Barham Park Veterans Club 658-660 Harrow Road HA0 2HB 1/4/2014 – 31/3/2015	£4,940.50	£988.10	£296.43
33009606	South Kilburn Neighbourhood Trust Carlton House Hall Canterbury Terrace NWE6 5DY 11/4/2014 – 31/3/2005	£1,382.94	£276.59	£82.98
Total				
	2014/15	£37,532.94	£7,506.59	£2,251.98
	2013/14	£9,692.25	£1,938.45	£581.53


New Applications for Discretionary Rate Relief – Non - Local Charities

	100% Relief to be awarded	Charge	Bill net of statutory relief	25% relief	Cost to Brent at 30%
	<u>Organisation</u>				
32887668	Westminster Drugs Project Unit 2, 97 Cobbold Road NW10 9SU 1/4/2014 – 31/3/2015	£6,386.50	£1,277.30	£319.32	£95.80
Total		£6,386.50	£1,277.30	£319.32	£95.80

Appendix 3

New Applications for Discretionary Rate Relief – Non Profit Making Organisations

	25% Relief to be awarded	Charge	Amount of relief (25%)	Cost to Brent at 30%
	<u>Organisation</u>			
32974355	Kidz 1 st Cimmunity Project G Floor, Kassinga House 37-41 winchelsea Road NW10 8UN 1/4/2014 – 31/3/2105 15/1/2014 – 31/3/2014	£25,546.00 £5,197.78	£6,386.50 £1,299.45	£1,915.95 £389.83
	100% Relief to be awarded	Charge	Amount of relief (100%)	Cost to Brent at 30%
3300774X	Meanwhile Space CIC Carlton Hose Hall Canterbury Terrace NW6 5DY 1/4/2014 – 11/4/2014 24/9/2013 – 31/3/2014	£38.07 £705.72	£38.07 £705.72	£11.42 £211.72
Total	2014/15 2013/14	£25,584.07 £5,903.50	£6,424.57 £2,005.17	£1,927.37 £601.55

 Brent	<p style="text-align: center;">Cabinet 26 August 2014</p> <p style="text-align: center;">Report From the Strategic Director of Regeneration and Growth</p>
For Action	Wards affected: All
<p style="text-align: center;">Selective Licensing in the Private Rented Sector</p>	

1. Summary

- 1.1 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, this report seeks approval for the introduction of a Selective Licensing scheme in the three wards of Wembley Central, Harlesden and Willesden Green.
- 1.2 Consultation was undertaken from 20th May to 18th July 2014. This report sets out the results of the exercise and explains the basis and rationale for the proposed scheme, building on the April report, relevant parts of which have been incorporated into this document.
- 1.3 The consultation exercise focussed on tenants and residents in the two wards, since landlords had already been consulted extensively while a postal survey had been sent to all residents in the three original wards as part of the earlier exercise. Outcomes from both exercises are considered in this report.

2. Recommendations

- 2.1 That Cabinet:
 - 2.1.1 Considers the evidence and the responses to consultation and determines whether the proposed scheme should be introduced.
 - 2.1.2 Subject to 2.1.1 above, agrees that the legal requirements for introducing Selective Licensing as set out in paragraphs 11.1 to 11.8 of this report have been met with regard to the three wards of Harlesden, Wembley Central and Willesden Green.

- 2.1.3 Subject to 2.1.1 and 2.2.2 above, agrees to authorise 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, 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.
- 2.1.4 Agrees that the council will begin to accept applications for Selective Licensing from 1st November 2014, in anticipation of the scheme coming into effect on 1st January 2015.
- 2.1.5 Agrees that authority to issue the required statutory notifications in relation to the Selective Licensing Scheme designation is delegated to the Strategic Director of Regeneration and Growth.
- 2.1.7 Agrees that the fees for Selective Licensing will be set at £350 for the five-year licensing period.
- 2.1.8 Agrees that, subject to further consultation, authority should 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.
- 2.1.9 Cabinet is asked to note that the Selective Licensing scheme will be kept under review annually. Any significant changes, including the withdrawal of a licensing designation, will be subject to further consultation and a decision by Cabinet.

3. Background

- 3.1 Under the Housing Act 2004, there are three forms of licensing relating to private rented housing available to local authorities:

- (a) Mandatory Licensing

All local authorities are obliged to run a licensing scheme covering Houses in Multiple Occupation (HMOs) that have three or more storeys and are occupied by five or more people. A scheme has been in operation in Brent since 2006.

- (b) Additional Licensing

Section 56 of the Housing Act 2004 provides a power to licence HMOs not covered by mandatory licensing; defined as properties containing 3 or more separate households in a property of no more than 2 floors. Under Additional Licensing, local authorities can designate an area for an initial 5 years but must be satisfied that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise to one or more particular problems, either for those occupying the HMOs or for members of the public. In April 2014 the Executive approved the designation of an Additional Licensing Scheme covering the whole borough with effect from 1st January 2015.

- (c) Selective Licensing

Under Part III of the Act, local authorities can introduce Selective Licensing schemes that focus on improving the management of privately

rented properties accommodating single households as well as HMOs. Areas designated for Selective Licensing must demonstrate low housing demand or be experiencing 'significant and persistent' problems with anti-social behaviour.

- 3.2 The private rented sector has grown across London in the ten years between the 2001 and 2011 Census exercises and growth in Brent has been particularly pronounced. In 2001, the private rented sector represented almost 18% of the stock and by 2011 had grown to over 28%. Latest estimates indicate that the sector comprises around 35,000 properties - over 31% of the stock, making it bigger than the social rented sector in Brent.
- 3.3 The sector is therefore a vital resource that has grown in response to demand, particularly as house purchase has moved increasingly out of reach for Brent residents and access to social housing is restricted by short supply. Much of the sector in Brent offers good accommodation but there is also evidence of poor management and the quality of some rented accommodation is low and, in some cases, unsafe.
- 3.4 There is also evidence that poorly-managed privately rented properties have a negative impact on some neighbourhoods. Anti-social behaviour, nuisance neighbours, accumulations of rubbish and other problems can be linked to the failure of private landlords to manage their properties and tenancies effectively. Overcrowding, sub letting and illegal conversions are also features of the private rented sector in Brent on the back of huge demand for housing in the borough and all contribute to neighbourhood problems.
- 3.5 In response to the rapid growth of the sector and concern about standards of management and maintenance, Housing Quality Network (HQN) were commissioned in May 2013 to undertake a study to explore the nature and extent of the sector, problems related to it and possible solutions; in particular, the brief called for consideration of the current and possible future use of the authority's licensing powers.
- 3.6 The findings of the study indicated a correlation between poorly managed private rented housing and the incidence of anti-social behaviour in some areas, suggesting that there was a case for consideration of Selective Licensing and it was agreed that the council should consult on proposals to extend licensing and, concurrently, gather further evidence that would indicate the most appropriate course of action, including in particular further analysis of the evidence of the connection between private renting and anti-social behaviour. Mayhew Harper Associates were commissioned to carry out this analysis, which confirmed the connection. More detail on the work carried out by HQN and Mayhew Harper Associates, together with other evidence, is set out below and in Appendix 1, while the consultation exercise is also summarised below, with further detail in Appendix 2.

4. Private Renting in Brent and the Role of Selective Licensing

- 4.1 The Housing Act 2004 sets out specific requirements for the introduction of Selective Licensing and evidence gathering and consultation have sought to establish the position in relation to these. The legal requirements which the Cabinet has to consider before authorising the introduction of a scheme are set out in paragraphs 11.1 to 11.8 of this report.

- 4.2 It is a requirement that any exercise of the power is consistent with the council's overall Housing Strategy and that a co-ordinated approach is taken in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. The Housing Strategy was approved by Cabinet on 21st July 2014 and addresses these issues. The authority must also consider whether any other course of action – for example the use of other enforcement powers – would be effective and whether the designation of Selective Licensing will assist in dealing with identified problems. This is considered further below.
- 4.3 Selective Licensing is intended to assist in dealing with one or both of two problems: low demand and anti-social behaviour. Clearly, the former is not relevant in Brent and the focus has therefore been on anti-social behaviour. The relevant set of general conditions is:
- a. that the area is experiencing a significant and persistent problem caused by anti-social behaviour;
 - b. that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take, and;
 - c. that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem (s.80(6) HA 2004)

4.4 The Private Sector in Brent

- 4.4.1 With support from HQN and Mayhew Harper Associates, data provided mainly from council sources and the Metropolitan Police has been used to map the extent of the private rented sector, identify problems attributable to it and assess the link between the sector and a range of anti-social and criminal activity. Analysis also draws on responses to consultation set out in section 5 and Appendices 1 and 2.
- 4.4.2 As noted above, the sector has grown significantly. Wards with over 2,000 properties are Willesden Green and Harlesden, while wards with the highest percentage of private renting are Mapesbury (44%), Willesden Green (42%) and Kensal Green (35%). The largest increases in private renting between 2001 and 2011 occurred in Harlesden and Kensal Green. The south and south-east of the borough have the largest concentrations of private renting, with the nature of the stock and historic tenure patterns contributing to this imbalance. However, the sector has also grown in the north of the borough, where owner occupation has been the primary tenure in the past. Appendix 1 maps the distribution of the sector.
- 4.4.3 The precise extent of private renting is difficult to ascertain; there is no requirement for landlords or tenants to inform the council or others of their status in most cases and there is a constant flow of properties and people into and out of the sector. The HQN study used data from the 2011 Census which, although reliable, contains some under-reporting and only provides the picture for a particular point in time. Mayhew Harper Associates' analysis uses a predictive model, based on council data – for example Housing Benefit claims and other engagement with landlords and tenants - which arrives at a higher total. Both methods demonstrate the growth in the sector and the number of both HMOs and single household lets within the total.

4.5 Selective Licensing

- 4.5.1 There is some overlap between the requirements for Additional and Selective Licensing in terms of relevant evidence; for example, poor management leading to problems for other residents in the vicinity of private rented homes is a factor in both. However, Selective Licensing is concerned in particular with the impact of anti-social behaviour.
- 4.5.2 It should be stressed that the research does not set out to prove a causal link between incidents of ASB and any *particular* property, landlord or tenant. Nor is it implied that all landlords or tenants are responsible for ASB in an area or that licensing alone is the only solution to these problems. The focus has been on collecting evidence that would demonstrate whether or not there is a correlation between levels of ASB and related criminal activity and the scale of private renting in wards in Brent, within the meaning set out in the legislation and, in particular, whether there is a significant and persistent problem.
- 4.5.3 Focus groups and other evidence, particularly from consultation responses, noted concerns relating to overcrowding and poor management in the sector and its contribution to:
- Refuse and fly tipping.
 - Noise in converted properties, although often at a level too low for enforcement action.
 - Parking problems, particularly in the south of the borough where off-street parking is not generally available. Although parking issues are not a direct indicator of anti-social behaviour, they provide an indication of local occupancy levels and possible overcrowding, which is a factor underlying anti-social behaviour, particularly in relation to noise and waste issues.
 - Increased street drinking in some areas.
 - Use of rented properties to run unlicensed businesses or criminal activity such as drug dealing.
- 4.5.4 Examination of data from the Community Safety Team, the Police and other services indicates that the wards with the highest incidence of anti-social behaviour are concentrated in the south and east of the Borough. These wards have relatively high levels of private rented sector stock, apart from Stonebridge which has a high concentration of social housing (although it should be noted that a significant number of homes bought under Right to Buy are now let privately). The only ward in the south of the Borough that does not feature in this list is Brondesbury Park (ranked seventh highest in the Borough for relevant anti-social behaviour).
- 4.5.5 Criminal activity with anti-social behaviour undertones as recorded by the Metropolitan Police is distributed more widely across the borough than the anti-social behaviour recorded by the Council's Environmental Service. Nonetheless, the data indicate that many of these crimes occur in the south of the borough, with Harlesden particularly affected by high rates of certain types of criminal activity. Wembley Central also features prominently in these statistics. It is recognised that Wembley's status as the Borough's principal shopping area, where disproportionately high levels of crime are often found, together with the proximity of Wembley Stadium in an adjoining ward may have influenced Wembley's high ranking and this has been taken into

consideration. Mapping indicates that reports of anti-social behaviour emanate from residential streets rather than the High Road itself and anti-social behaviour linked to the Stadium is concentrated in the neighbouring Tokyngton ward, in which the Stadium is situated. Together with the high level of private renting in the area, the evidence indicates that the link is similar to that established in Harlesden and Willesden Green.

- 4.5.6 The Community Safety team collects data on anti-social behaviour by ward and by tenure. This shows that in the three years to 2012/13, 96 anti-social behaviour incidents were associated with premises in the private rented sector throughout the Borough. The six wards where the most anti-social behaviour was recorded were, in order, Willesden Green, Mapesbury, Wembley Central, Alperton, Northwick Park and Harlesden. It needs to be noted here that the number of incidents was small – less than 35 a year – although it should also be stressed that this represents only a proportion of all anti-social behaviour incidents, not all of which are reported to the Community Safety Team, either because they are reported to the police, because they are examples of other kinds of anti-social behaviour such as fly-tipping or because they are reported by social housing tenants, who are likely to inform their landlord rather than another service. Also there are some wards in this list that are unexpected (e.g., Northwick Park), perhaps reflecting reporting patterns rather than levels of anti-social behaviour experienced on the ground.
- 4.5.7 Consultation responses provided many examples of serious and persistent anti-social behaviour connected to private rented housing and these are covered in Appendices 1 and 2.
- 4.5.8 Mayhew Harper Associates analysis correlated the concentration of private renting with ASB, fly tipping and graffiti at ward level. This found that there was:
- A 56% correlation between properties likely to be HMOs and ASB/noise intensity
 - A 73% correlation between properties likely to be single family rented households and fly tipping intensity by ward
 - A 42% correlation between properties likely to be single family rented households and graffiti intensity at ward level.
- 4.5.9 More detail on the methodology and results is set out in Appendix 2 but an important finding from this analysis is that there is evidence that a strong link between significant and persistent anti-social behaviour and the prevalence of private rented housing exists in certain wards, in particular, Dudden Hill, Harlesden, Mapesbury, Wembley Central and Willesden Green. These findings prompted the decision to undertake further work to test the position in Dudden Hill and Mapesbury.
- 4.5.10 The evidence supports the view initially taken following the HQN study that some landlords are failing to take appropriate action to address anti-social behaviour that is impacting on their tenants and neighbouring homes and businesses. Direct evidence from anti-social behaviour and crime-related complaints and interventions, together with the views and examples provided by consultation, demonstrate that problems persist and are not being addressed effectively.

4.5.11 As noted earlier, licensing is not proposed as the sole solution to problems of anti-social behaviour, but as part of a range of strategies and actions. Licensing is intended to assist as far as these problems occur in and affect the private rented sector in the wards where particular problems have been identified. It will assist in tackling problems of overcrowding and poor management and maintenance, which in turn lead to issues related to noise nuisance, waste and dumping problems and other matters. It will operate in conjunction with, for example, the council's work with the Safer Brent Partnership and the council's waste management and street care strategies, as well as providing landlords and tenants with clear guidance on rights and duties.

5. Consultation

5.1 Consultation aimed to test the initial analysis of issues in the sector and seek views on and perceptions of problems associated with it and the potential of licensing to address them, in line with the requirements of the Act. The consultation on the original proposals sought views from landlords and tenants, other Brent residents and local businesses, recognising that issues impact on the whole community. The additional consultation exercise focussed solely on residents of the Dudden Hill and Mapesbury wards, since landlords and residents in the other three wards had been consulted previously (although a small number of responses were received from landlords resident in the two wards). This report draws on the outcome of both exercises. Questionnaires and other exercises focussed on:

- Views on local problems to gauge perceptions and experience of a range of matters either directly or indirectly associated with private renting. This element of the exercise supported the development of the evidence base.
- Views on licensing proposals, including perceptions of its potential efficacy and on the extent and coverage of any scheme.

5.2 Responses to the first consultation exercise were reported in full in the report to the April Executive and are also set out in Appendix 2 to this report, alongside results from the further consultation in Dudden Hill and Mapesbury. 330 responses were received from the two wards (a higher overall response rate than was achieved in the initial exercise) and some significant findings are highlighted below. For convenience, the first exercise is referred to as Consultation 1 and the more recent exercise in Dudden Hill and Mapesbury as Consultation 2.

5.3 Problems in the Private Rented Sector

5.3.1 Consultation 1 indicated that, in terms of overall perceptions of their neighbourhood among tenants, residents and businesses:

- 62.6% felt that poorly maintained properties were a problem
- 65% felt that poorly managed properties were a problem
- 90.3% agreed that landlords have a responsibility to manage effectively

5.3.2 Broadly similar results emerged from Consultation 2:

- 67% felt that poorly maintained properties were a problem
- 65% felt that poorly managed properties were a problem

- 95% agreed that landlords have a responsibility to manage effectively
- 5.3.3 Asked to identify the main problems experienced in their homes, tenants in Consultation 1 cited:
- Poor amenities – 55.5%
 - Disrepair – 59.9%
 - Damp and mould – 65.1%
- 5.3.4 Tenants in Consultation 2 responded as follows on the same issues, with a significantly lower number reporting problems:
- Poor amenities – 39.5%
 - Disrepair – 43%
 - Damp and mould – 48.6%
- 5.3.5 Asked about problems in the vicinity, Brent businesses cited:
- Poor external appearance of properties – 65.1%
 - Refuse, fly-tipping etc. – 65.4%
 - Noise from neighbouring properties – 55.1%
- 5.3.6 No responses were received from businesses in Consultation 2.
- 5.3.7 Asked about the significance of poorly maintained or poorly managed properties, landlords responded as follows:
- 45.8% said poor maintenance is a problem (43.% said there was no problem)
 - 58.4% said poor management is a problem (28.9% said there was no problem)
- It is striking that only a minority of landlords appear to feel that there are no problems relating to the sector.
- 5.3.8 As noted above, landlords were not invited to respond to Consultation 2 as they had been consulted fully in the first exercise.
- 5.3.9 In Consultation 1, landlord responses to the impact of anti-social behaviour by tenants showed a similar pattern:
- 43.7% felt there was some problem with their own tenants
 - 58.4% felt there was a problem with tenants of other landlords (with over 30% identifying problems as serious or very serious).
- 5.3.10 In Consultation 1,
- 53% of respondents indicated that nuisance neighbours were a problem, with 31% identifying this as a serious or very serious issue
 - 57% indicated noise nuisance as a problems, with 31%% identifying it as a serious or very serious one
 - 72% indicated problems with rubbish dumping and fly tipping, with 50% identifying these as serious or very serious problems
 - 67% indicated that poorly managed and maintained homes were a problem
- 5.3.11 In Consultation 2, the same issues showed the following responses:

- 58% of respondents indicated that nuisance neighbours were a problem, with 24% identifying this as a serious or very serious issue
- 69% indicated noise nuisance as a problem, with 27% identifying it as a serious or very serious one
- 88% indicated problems with rubbish dumping and fly tipping, with 63% identifying these as serious or very serious problems
- 72% indicated that poorly managed and maintained homes were a problem

5.3.12 In summary, the results of the exercise show evidence of problems with anti-social behaviour relevant to Selective Licensing. Responses from Dudden Hill and Mapesbury indicated generally higher levels of concern over poor management and maintenance and neighbourhood problems associated with private renting, but these results are not reflected in attitudes to Selective Licensing as clearly as might have been expected (see 5.4.2 below).

5.4 Views on Possible Interventions

5.4.1 In Consultation 1, a large majority (75.6%) of tenants, residents and businesses agreed that Selective Licensing would assist in reducing anti-social behaviour. 65.5% agreed with the introduction of a scheme and in terms of the area to be covered:

- 70.6% supported introduction in Willesden Green
- 71.7% supported introduction in Harlesden
- 68.6% supported introduction in Wembley Central
- 51.8% supported a borough-wide scheme

5.4.2 In Consultation 2, 66% agreed that licensing would assist in reducing anti-social behaviour, while 59% agreed that a Selective Licensing scheme should be introduced. Support for Selective Licensing in the two wards was at the following levels:

- 59% in Dudden Hill
- 57% in Mapesbury

5.4.3 Landlords were sceptical about the impact of licensing on anti-social behaviour, with 57.7% saying that it would not assist, although 23.5% agreed that it would. Asked about the impact of Selective Licensing on the quality of management and maintenance, a smaller majority of 51% felt that Selective Licensing would not lead to improvement, while 30.1% agreed that the impact might be positive.

5.4.4 67.1% of landlords opposed the introduction of Selective Licensing, with only 17.4% in favour. However, views on specific wards differed, with support for Selective Licensing at the following levels (noting that landlords were not specifically consulted on proposals for Dudden Hill and Mapesbury):

- Willesden Green – 22.8%
- Harlesden – 26.2%
- Wembley Central – 21.5%

5.5 Other Points from Consultation

- 5.5.1 In general, responses from individual landlords, both to the questionnaires and in discussion at public meetings, concentrated on a fairly narrow range of objections: that licensing is primarily a revenue-raising exercise for the council, effectively imposing a “tax” on landlords; that licensing obliges the majority of good landlords to pay for the actions of a minority; that licensing introduces an unnecessary layer of bureaucracy and that charging fees will lead to increased rents. More detailed collective responses were submitted by the National Landlords Association (NLA) and the Residential Landlords Association (RLA). These and other comments are addressed in Appendix 2.
- 5.5.2 Each of the Brent Connects Forums in Consultation 1 was attended by around fifty residents. It is not advisable to draw firm conclusions from what were, inevitably, short discussions with groups that are not necessarily representative and which were made up mainly of local residents who were neither landlords nor tenants. However, officers also spoke to residents individually and there was, with some exceptions, strong support for licensing proposals. The main feedback included concerns as to whether licence fee costs would be passed on to tenants and whether income from licensing would be used to fund other council activity; it was explained that landlords may be able to pass on fees but that levels would be proportionate and should not have a significant impact on rents, while strict rules prevent use of fee income for other purposes. There were also concerns about the council’s willingness to take robust enforcement action.
- 5.5.3 For Consultation 2, officers attended the Kilburn and Kensal forum on 1st July 2014. Following a presentation the meeting split into two groups to discuss the proposals. One group indicated support and the other was opposed, although both were sceptical about the suggestion that either ward suffered particularly high levels of anti-social behaviour or that this was related to private renting. As with the earlier meetings, it should be stressed that this discussion involved a small group not necessarily representative of the whole community (only one tenant and one landlord were involved) but the discussion reflected wider consultation responses, which indicated that support for licensing is less clear in these two wards.
- 5.5.4 The Private Housing Forum and the Landlord Fair also heard presentations on the proposals and comments were invited. Both these events were attended primarily by landlords, although a small number of tenants were present at the Forum and agents and landlord organisations were represented at the Fair. The main concerns expressed mirrored the questionnaire responses summarised in paragraph 5.11.1 above.

6. Conclusions from the Evidence and Consultation

- 6.1 Evidence required by the legislation must ultimately govern the decision in principle as to whether the implementation of Selective Licensing is justified, while outcomes from consultation indicate the level of support for or opposition to the proposals, as well as providing further indication of areas of concern.
- 6.2 The outcomes from consultation are positive and provide additional evidence in support of the case for the extension of licensing. While a numerical majority of all responses supported Selective Licensing there were, perhaps inevitably, differences of view between different interest groups. While it may have been anticipated that landlords and landlord groups would oppose

licensing in principle, as they have done elsewhere, the objections put forward raise genuine concerns that have helped to shape the detail of the proposals and will be given due weight in finalising operational arrangements.

6.3 Given the size of the sector and the extensive publicity devoted to the exercise, the number of responses to the initial consultation exercise was not high (particularly from landlords, given that the extent of the stock and experience in other authorities suggests that the number of landlords operating in Brent is likely to be well over 15,000), although it was broadly comparable to the levels achieved by other boroughs that have undertaken similar projects. As noted above, the response to the additional consultation in Dudden Hill and Mapesbury was higher, although it showed a significantly lower level of support for the proposal from residents. This is perhaps surprising, given that responses showed a broadly similar or, in some cases, more pronounced level of concern with problems of anti-social behaviour. It is also notable that tenants in Dudden Hill and Mapesbury indicated lower levels of problems with their housing than those in the other wards. In general levels of support and opposition to the proposals also reflect experience in other authorities. Responses supported the proposition that there are significant concerns about neighbourhood issues in relation to Selective Licensing. There was also strong acknowledgement of the importance of good management by landlords and of the need for the council to intervene appropriately.

6.4 From the start, a number of options were open, with each intended to be tested by consultation and evidence gathering. In summary, these were:

- To continue with a Mandatory Licensing scheme only
- To adopt Additional Licensing, either across the borough or in identified neighbourhoods
- To adopt Selective Licensing, either across the borough or in identified neighbourhoods

6.5 Mandatory Licensing Only

6.5.1 Landlords, in particular through representations from the NLA and RLA, have argued that the council has sufficient enforcement powers at its disposal so that, coupled with existing licensing arrangements, there is no need for any further scheme. In part, this is an argument against the principle of licensing, which is not accepted; the licensing powers in the 2004 Act are in themselves recognition that other powers alone may not always be sufficient. However, it is accepted that the adoption of additional mechanisms must be justified in law and in practice and that maintaining existing arrangements is an option to be considered.

6.5.2 In making the recommendations in this report, officers have considered the use of existing powers. The Mandatory Licensing Scheme covers only a very small proportion of all HMOs in the borough but has proved effective in delivering improvement in management and maintenance and it can be expected that extension of similar arrangements to other HMOs can deliver similar outcomes. Some of the limitations of existing enforcement powers have been referred to earlier and there are concerns about the time-consuming, complex and expensive characteristics of the regime. The regime is by its nature largely reactive, with officers responding to tenant complaints, which may be discouraged by lack of security of tenure and fear

of retaliatory eviction. Both landlords and tenants find the enforcement regime impenetrable and difficult to understand and there is clearly a need for better information, which is considered further below.

- 6.5.3 Analysis of enforcement activity across the private rented sector since 2007 (see Appendix 1) shows a steady increase over the period, but this is coupled with an increase in complaints for all property types. It can be inferred that the current approach being taken to deal with private rented sector properties has not led to a reduction in complaints/requests for services being made. While enforcement activity has remedied problems in individual dwellings it is not, by its nature, able to raise standards generally.

6.6 Designation of Additional Licensing

- 6.6.1 The conclusion of the report to April Executive was that there is clear evidence to show that the number of HMOs in Brent is much larger than the number covered by Mandatory Licensing and that there is evidence of poor management within the meaning of S56, Part II, Housing Act 2004 that justifies the designation of an Additional Licensing scheme for the whole borough. The spread of HMOs and the spread of enforcement activity and requests for assistance demonstrate that problems are not confined to any one neighbourhood or group of neighbourhoods. On this basis, the Executive approved the designation of an Additional Licensing scheme to cover the whole borough.
- 6.6.2 Additional Licensing will provide greater clarity for both landlords and tenants over their respective rights and responsibilities and means of redress. It should be stressed that licensing does not replace or override other paths to enforcement, which will continue to operate in tandem with it. Rather, it provides a clear framework within which enforcement powers can be used and targeted most effectively.

6.7 Designation of Selective Licensing in Three Wards

- 6.7.1 The conclusion of this report is that there is clear evidence to support a Selective Licensing designation in the three wards of Harlesden, Wembley Central and Willesden Green (but see 6.8 below). The purpose of Selective Licensing is to address anti-social behaviour and, as with Additional Licensing, the designation does not replace other powers or actions that the council and its partners may take. Rather, the intention is that Selective Licensing will act as one of a range of tools and provide a framework within which these can work most effectively.

6.8 Designation of Selective Licensing Borough-wide or in Additional Wards

- 6.8.1 The report to April Executive concluded that there was not sufficient evidence to support a borough-wide Selective Licensing designation, despite significant support for this option from tenants and other residents. Although ASB occurs in all wards, levels vary, as does the extent of private renting. Although other boroughs have elected or are proposing to introduce selective licensing on a borough-wide basis, any decision must be based on conditions in Brent.
- 6.8.2 Mayhew Harper's research, based on a mix of indicators, found that Wembley Central and Willesden Green were in the top five wards for anti-social behaviour, whilst Harlesden was in sixth place. The top five also included

Dudden Hill (in first position), Welsh Harp in third position and Mapesbury in fifth. Welsh Harp is considered to be anomalous as it contains open space and may therefore owe its higher position to fly tipping and graffiti, in which case Harlesden moves into fifth place. While this confirms that the three wards originally identified experience significant problems, Dudden Hill shows an even higher correlation and Mapesbury a comparable one to those three wards.

- 6.8.3 In light of the elevated levels of ASB and high levels of private renting in Wembley Central there is a strong case to introduce selective licensing in this ward. However, the research found a particular concentration of HMOs in this ward, which would in any case be covered by the proposed borough-wide Additional Licensing scheme, and further consideration has been given to whether this measure could be adequate in this context.
- 6.8.6 As noted earlier, consideration has been given to the influence of the presence of a high street shopping area and Wembley Stadium on levels of anti-social behaviour in Wembley Central. The evidence indicates that these are not decisive factors in the ward's high prevalence of issues. Although Additional Licensing will address some issues in the ward given the high number of HMOs, this will not address problems relating to other parts of the private rented sector. In light of this and the significant levels of concern and support for the proposal identified in consultation, the recommendation of this report is that Wembley Central should be included in the scheme.
- 6.8.7 With regard to Dudden Hill and Mapesbury, there is clear evidence to show that these wards experience high levels of anti-social behaviour relative to other parts of the borough. However, further research and consultation indicates that the evidence that this is linked directly to the private rented sector is less clear than in the other three wards. While consultation responses indicated levels of concern about anti-social behaviour and related issues as high or higher than those in other wards, consultation also indicated that respondents were less inclined to link this to the presence of private renting. Although a majority supported the introduction of Selective Licensing, numbers in favour were significantly lower than in other wards and suggest a more ambivalent attitude to the proposal.
- 6.8.8 Mapping of the patterns of anti-social behaviour (see Appendix 1) suggests a strong link to the high street areas in the two wards, rather than to residential streets. Comments made in consultation reinforce this assessment, with frequent references to street drinking and individuals congregating in public areas around high streets. In addition, a number of residents expressed surprise that their neighbourhoods were under consideration, taking the view that anti-social behaviour was not a significant local issue, even though they expressed support for the principles of licensing.
- 6.8.9 As noted earlier, majority support for licensing is not in itself a justification for the adoption of a scheme, although it may be taken into account as an indication that problems exist and are causing concern. Rather, the decision must be based on evidence of a link between the prevalence of private renting and the existence of a significant and persistent anti-social behaviour problem. The conclusion of this report is that, while there is evidence to link anti-social behaviour and private renting in the two wards, it is not conclusive or clear enough to meet the test set out in the Act. Similarly, while a majority of responses to consultation supported the extension of Selective Licensing to

Dudden Hill and Mapesbury, this support was lower than in other wards and does not provide sufficient additional weight to the case to support designation in these two wards.

6.9 Objectives and Anticipated Outcomes

- 6.9.1 Selective Licensing is aimed primarily at tackling anti-social behaviour related to private renting but will not operate in isolation and is part of wider strategies to improve standards and conditions and tackle neighbourhood problems. The Housing Strategy has been subject to extensive public consultation and was approved by the Cabinet in July 2014. It identifies addressing the growth of the private rented sector and associated problems as a high priority, recognising that a quality, well-managed rental market is an essential resource.
- 6.9.2 The Borough Plan 2013-14 notes that rapid population growth has increased the pressure on available housing, and that the huge increase in the private rented sector is a major concern, especially in relation to standards, overcrowding and illegal lettings such as 'beds in sheds'. Although the level of crime in the borough has fallen significantly over the past few years, fear of crime and antisocial behaviour remain an issue for many Brent residents, such that preventing and reducing it are key tasks. Making sure that the borough is clean and attractive and feels safe and secure by maintaining streets and neighbourhoods to a high standard is also an identified priority. The plan sets targets for reducing the number of graffiti incidents alongside a 10% reduction in the incidence of fly-tipping and dumped waste and improving waste arrangements and tidiness in HMOs through partnership work with landlords and tenants, as well as raising living standards in the private rented sector by working more closely with landlords to improve the quality and overall management of their properties. Licensing is identified as a potentially valuable element in securing these improvements.
- 6.9.3 The Safer Brent Partnership Strategic Statement identifies priorities for the period to December 2014. A focus on reducing the number of incidents in crime hotspots like Harlesden, Wembley Central and Kilburn is identified, while reducing anti-social behaviour – tackling ways of behaving that make people feel uncomfortable or unsafe in our shared public spaces – is a high priority. This includes tackling hate crime and an approach to safer neighbourhoods that encompasses environmental crime such as fly-tipping. Within the overall aim of increasing confidence and satisfaction, fire safety and awareness is a priority. Each priority will have a lead officer and appropriate partnership support to drive progress, bringing together the partners required to develop a work programme for the actions in the plan and using an optimum number of performance indicators to assess progress. Priorities and objectives for licensing will be incorporated into the work programme. There will be engagement with private landlords and their representatives and tenants and theirs in the development of operational arrangements for the schemes following implementation.
- 6.9.4 In addition, improving physical standards and the quality of management in the sector will deliver wider social and health benefits. The links between poor housing and poor health – for example the impact of damp and mould growth on respiratory conditions and the impact of poor housing on mental health – are well-established. Improved quality in all sectors can therefore have a positive effect on demand for health services and individual health and well-

being. Similarly, it is well-understood that poor housing conditions and overcrowding in particular have a negative impact on educational attainment. While the primary aims of licensing are distinct, it is expected that it will assist the council and partners to achieve objectives in these and other areas.

6.9.5 Overall, the intention is that licensing should assist the local rental market through provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect. While licensing will impose significant penalties on rogue landlords and parallel enforcement activity will be targeted at the worst properties and landlords who breach licensing conditions and HHSRS standards, a primary intention of the scheme is to support and encourage landlords who provide a good service and develop effective partnerships with the sector. Over sixty landlords who responded to the questionnaire indicated that they would be interested in regular meetings with the council to this end.

6.9.6 A range of incentives, details of which will be subject to further discussion with landlords and landlords' representatives, is under consideration and may include:

- Discounts for landlords with multiple properties
- Discounts for landlords who are already members of or agree to become members of a recognised accreditation scheme
- Support and advice on achieving accreditation
- Provision of lettings agency services through BHP
- Access to accredited training provision
- Access to advice and support over tenancy and property issues
- Access to information for landlords and tenants
- Enhanced access to Green Deal and ECO funding through the council's recently appointed ECO Delivery Partner
- Access to other grant funding – for example Empty Property Grants.

6.9.7 The original proposal highlighted the possibility of a discount for landlords who enter the scheme in its early stages – a so-called “early bird” discount of the kind that has been made available by other authorities such as Newham. However, it has been argued by the RLA that such discounts are contrary to the European Directive (European Union Directive 2006/123/EC, Services in the Internal Market) which was discussed in the recent *Hemming v Westminster* case. This question is considered further in the legal implications for this report but, at this stage, it is proposed that no early-bird discount should be offered pending clarification of the legal position.

6.9.8 In the long term, licensing will contribute to improved conditions in the sector and a more stable and accessible rental market. In particular, licensing is expected to assist in encouraging stable, long-term tenancies to the benefit of landlords and tenants. It is worth noting that evidence nationally indicates that the gains from investment in private renting are realised through the ultimate sale of the property rather than rental income, where returns generally cover costs but deliver only limited revenue gains, especially for landlords owning a small number of properties. In that context, it is in a landlord's interest to invest in the maintenance of the property to maintain or increase its eventual sale value. Licensing and the benefits associated with licensing, such as the opportunity to invest in energy efficiency improvements, will benefit landlords in this regard.

- 6.9.9 Improved stability in the market will also have a positive impact on the overall accessibility of rented housing and will assist in reducing homelessness and Housing Register applications from the sector, a central aim for the council's overall housing strategy.
- 6.9.10 In the short term, it is recognised that the implementation of licensing may impact on the willingness of some landlords to let, although as noted above, experience elsewhere suggests that this impact will not be large. To some extent, it is desirable that the very worst landlords, who operate outside the law, should be discouraged and they will be a priority for action within both schemes. It is acknowledged that this may impact on their tenants, including a risk of eviction, although it should also be stressed that tackling "beds in sheds" – the most extreme examples of rogue landlord activity – has not resulted in any rise in homeless applications. Such landlords are a minority and many issues are the results of ignorance or inexperience rather than criminality. Provision of incentives, advice and support is intended to encourage landlords to remain in the sector but, from the perspectives of the council's wider housing and related strategies, the welfare of tenants and the overall stability and efficiency of the market, a slightly smaller but better quality sector is a desirable outcome.

7. Licensing Proposals

- 7.1 The proposed draft conditions for Selective Licensing are set out in Appendix 4. Some of these are mandatory requirements under the Housing Act 2004 and therefore must be included in any scheme. Others are discretionary and these conditions and the way in which they will operate in practice will be subject to further discussion in the period leading up to commencement of the schemes. The intention is that any additional burden on landlords should be minimised and that the council's administrative requirements, and by extension the costs of the schemes, should be proportionate.
- 7.2 As noted above, the council is entitled to cover the costs associated with the scheme through a fee (subject to the provisos set out in 11.26 below) but is not allowed to make a surplus or to use the fee income for purposes unrelated to licensing. To meet these conditions, fees will need to be set at: £350 for five years for Selective Licensing.
- 7.3 It is proposed that discounts to these fees should be applicable, as noted above. The nature and application of discounts will be considered further in consultation with Brent landlords and their representatives.

8. Next Steps

- 8.1 A decision to proceed with licensing proposals triggers a formal notification by way of a designation notice, which must be followed by a period of at least three months before any scheme comes into effect. Following this, licensing applications will be invited and processed, and it is expected that this will commence no later than 1 November 2014. This will precede the formal commencement of the scheme and it is proposed that designation of the scheme should commence from 1st January 2015.

9. Equalities Implications

- 9.1 An initial impact assessment is attached at Appendix 5. In general, it is anticipated that licensing proposals will have a positive impact for all protected groups.
- 9.2 It should be stressed that data relating to the protected groups among both tenants and landlords is limited, partly due to the unregulated nature of the sector. Although Census data provides a breakdown of tenure by ethnicity and age, analysis relevant to other issues such as disability has not yet been completed by ONS. Overall, the size of the sector and the estimated number of landlords suggests that there will be members of all protected groups among both tenants and landlords. The sector also contains a mix of household and income types that ranges across the spectrum.
- 9.3 It is likely that tenants most impacted by these proposals will be among the lower income groups in the sector, living on the poorest quality housing and, similarly, that the landlords of these properties will experience the greatest impact from their perspective. In particular, there may be issues relating to people under 35 who are affected by the single room rate for Housing Benefit and are therefore more likely to be living in HMOs. In addition, the most striking finding from the initial analysis is the over-representation of the Other White ethnic group among private tenants. Although further research is required, it may be that this is due to the presence of high numbers of European migrants in the sector. Again, it is likely that many of these are living in HMOs or property in the cheaper end of the market.
- 9.4 The main identified risk of negative impact at this stage is the possibility that the introduction of licensing may lead some landlords – particularly those likely to struggle to comply with licensing conditions – to withdraw from the market and evict their tenants. It is not possible to assess the scale of this risk accurately, although experience elsewhere has not demonstrated any significant withdrawal from the market. Any impact, in this or other areas, will be monitored closely and will inform regular reviews of the operation of licensing.
- 9.5 In the longer term, licensing will, among its other benefits, provide an opportunity to obtain a more complete picture of the sector and its operation that will assist in identifying issues relevant to protected groups. At the same time, closer partnership working with landlords should support promotion of good practice on equalities in the sector.

10. Financial Implications

- 10.1 The administration of the scheme is such that it is intended to be self financing over a five year period with higher levels of income from years 1 and 2 funding expenditure over the full 5 years. A fee of £350 relating to the Selective Licensing scheme will be charged per application and is set at a level where the total revenue from the fee is intended to cover the total costs incurred
- 10.2 The income will be closely monitored and a team proportionate to the demand for the service will be employed. The costs of the scheme exclude the cost of any enforcement action on non-licensed properties but will cover the cost of processing the license application and of compliance monitoring and enforcement against an applicant who is given a license.

11. Legal Implications

Selective Licensing

- 11.1 Under section 80(2) HA 2004, before introducing a selective licensing scheme, the Council must consider that –
- a) the first or second set of general conditions mentioned in s80(3) or (6) of the HA 2004; or
 - b) any conditions specified in an order under s.80 (7) of the HA 2004 as an additional set of conditions [this does not apply here] are satisfied in relation to the area.
- 11.2 Section 80(3) HA 2004 refers to the first set of general conditions which relates to low housing demand which is not relevant for the Executive report.
- 11.3 The second set of general conditions is set out in section 80(6) of the HA 2004 and they are as follows:
- (a) that the area is experiencing a significant and persistent problem caused anti-social behaviour;
 - (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
 - (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.
- “Private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996.
- 11.4 Under section 80(9) of the HA 2004, before making a designation relating to selective licensing, the Council must-
- (a) take reasonable steps to consult persons who are likely to be affected by the designation; and
 - (b) consider any representations made in accordance with the consultation and not withdrawn.
- 11.5 Under section 81(2) of the HA 2004, the Council must ensure that any exercise of the power (selective licensing designation) is consistent with the Council’s overall housing strategy.
- 11.6 Under section 81(3) of the HA 2004, the Council must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, both:
- (a) As regards combining licensing (under Part 3 of the HA 2004 – selective licensing) with other courses available to them, and
 - (b) As regards combining licensing with measures taken by other persons.
- 11.7 Under section 81(4) of the HA 2004, the Council must not make a particular designation (for selective licensing) under section 80 of the HA 2004 unless-
- (a) They have considered whether there are other courses of action available to them (of whatever nature) that might provide an effective method of

- achieving the objective or objectives that the designation would be intended to achieve; and
- (b) They consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).
- 11.8 As for the definition of “anti-social behaviour”, this is set out in section 57(5) of the HA 2004 which states:
“anti-social behaviour” means conduct on the part of occupiers or, or visitors to, residential premises –
- (a) Which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or
- (b) Which involves or is likely to involve the use of such premises for illegal purposes.
- 11.9 When making a decision to authorise the designation for a selective licensing scheme, the Cabinet needs to be satisfied that the statutory requirements set out in paragraphs 11.1 to 11.8 above are met.
- 11.10 As for the Council’s general duties regarding selective licensing under Part 3 of the HA 2004, these are set out in section 79(5) of the Housing Act 2004 which states as follows:
“every local housing authority has the following general duties-
- a) To make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part (i.e. Part 3 HA 2004 regarding selective licensing);
- b) To ensure that all applications for licences and other issues falling to be determined by them under this Part are determined within a reasonable time.”
- 11.11 As soon as a designation regarding additional licensing is made, pursuant to section 83 HA 2004, the Council must publish in the prescribed manner a notice stating—
- (a) that the designation has been made,
- (b) whether or not the designation was required to be confirmed and either that it has been confirmed or that a general approval under section 82 of the HA 2004 applied to it (giving details of the approval in question relating to additional licensing),
- (c) the date on which the designation is to come into force, and
- (d) any other information which may be prescribed.
- 11.12 The proposed designation in respect of additional licensing will not require confirmation from “the appropriate National Authority” under section 82 of the HA 2004 as designations regarding selective licensing are covered by a General Approval dated 30 March 2010, which was issued by the Department of Communities and Local Government under section 82(6) of the HA 2004.

Licence Fees

- 11.13 Section 63(7) of the HA 2004 states as follows regarding fixing licensing fees for additional licensing:

“When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account—

- (a) all costs incurred by the authority in carrying out their functions under this Part [i.e. Part 2 HA 2004 relating to additional licensing], and
- (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter).

- 11.14 Section 87(7) of the HA 2004 states as follows regarding fixing licensing fees for selective licensing:

“When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account—

- (a) all costs incurred by the authority in carrying out their functions under this Part [i.e. Part 3 of the HA 2004 relating to selective licensing], and
- (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to Part 3 houses (so far as they are not recoverable under or by virtue of any provision of that Chapter).

- 11.15 However, the EU Directive and the Provision of Services Regulations 2009 was subsequently passed. Regulation 18 of the Provision of Services Regulations 2009 states:

“Any charges provided for or by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.”

In essence, the fees must cover no more than the actual cost of the application and authorisation process.

- 11.16 In short, the costs related to the enforcement against landlords that do not have licensed properties are not recoverable when setting the licence fee. When taking legal action against such landlords, legal costs can be recovered when the courts award costs in successful court enforcement actions. However, costs orders for all the legal costs incurred are not always made by the courts and where court enforcement cases are unsuccessful, not only does the Council not recover the legal costs of such cases, they can be liable to pay the costs of the defending parties who successfully defend such enforcement cases. The case of *Hemming v Westminster CC*, which is currently subject to an appeal, restricts the power of the local authority to the power of local authorities to include in setting the licence fee the costs of enforcement against those who have not applied for licences or have not paid the licence fee. Once fees are set, the Council is expected to review its fees and adjust them where necessary to reflect previous deficits or surpluses.

Public Sector Equality Duty

- 11.17 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to

the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic

- 11.18 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 11.19 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 11.20 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the introduction of additional licensing for the area of Brent and the introduction of selective licensing. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Executive, Members of the Executive must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this.
- 11.21 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering relevant detail and statistics.
- 11.22 The Equality Impact Assessment is set out in Appendix 5 to this report.

12. Staffing Implications

- 12.1 Private Housing Services currently employs a Mandatory HMO Licensing Team Leader and two HMO Licensing Officers. These will form part of a new team tasked to process all licence applications. If the predicted number of applications is received, further license application and administration officers will be employed on a temporary contract basis to deal with the demand. It is thought that the vast majority of license applications will be received in the first year of the scheme and there will therefore need to be more officers employed in year one of the scheme than in years two to five. In addition Licence Enforcement Officers will also need to be employed and this may include the deployment of some existing Enforcement Officers in this role. Detailed staffing and resourcing plans will be developed and will be subject to any necessary staff consultation.

12.3 As stated above, all staffing and other required activities will be funded from the income generated by the license fee.

Background Papers

Report to Executive, April 2014
Report from Housing Quality Network
Report from Mayhew Harper Associates
Consultation documents

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APPENDIX 1: EVIDENCE BASE

A: OVERVIEW

Summary

The information presented here draws on three main sources:

- A study undertaken by Housing Quality Network in summer 2013.
- A study undertaken by Mayhew Harper Associates from January to March 2014.
- Responses to consultation questions aimed at assessing concerns about neighbourhood problems and standards in the private rented sector.

There are some differences in the assessment of the scale of private renting in the borough due to the timing of the exercises and variances in methodology.

Methodology

HQN analysed data from a number of sources, including the Census and information held by the council. A survey of private tenants was undertaken alongside a mystery shopping exercise among local letting agents. Focus groups were held with key stakeholders.

Mayhew Harper Associates used current and historical data linked to individual properties included in the current Local Land and Property Gazetteer (LLPG) to create new variables such as the level of turnover by address, benefit status and number of adults. Data from environmental services and elsewhere was used to associate specific instances of ASB or noise, mapping and aggregating the data to provide evidence of the wider effects on each area as well as on specific categories of property.

Risk profiling was used to quantify the association between specific risk factors and ASB at a property level, aiming to show which risk factors or combination thereof is best predictive of ASB/noise events and how many properties fit their description.

Four factors were found to be predictive of HMO status:

- No current Council Tax Benefit recipient at address
- Any change in Council Tax liable surname since 2010
- At least one change in electoral roll registrants in last 12 months
- More than three surname changes on Electoral Roll at address in last 36 months

Four factors were predictive of single family private rented status:

- No Council Tax Benefit recipient at address
- Any change in Council Tax liable person surname since 2010
- Two or less adult electoral registrants at address
- Housing Benefit recipient at address

Once the scale, distribution and type of private renting were identified, this was correlated with the concentration of ASB, fly tipping and graffiti at ward level. This approach provides a model that indicates the scale and distribution of private renting and the extent to which this involves HMOs or single-family dwellings that can then be matched against the incidence of anti-social behaviour.

It should be stressed that it is a predictive model but it has been tested extensively in Newham, the first London borough to introduce Selective Licensing on a borough-wide scale, where it has been proved to provide a very accurate picture of the sector and associated issues, allowing the council to identify and target properties subject to licensing effectively and to address non-compliance.

In addition to the commissioned studies, the consultation exercise – both through the questionnaires and in public meetings – sought further evidence of experience of the management and maintenance of HMOs and of anti-social behaviour related to private renting

The private rented sector in Brent: its growth and distribution

The private rented sector is a major part of Brent's housing market, making up over 30% of the stock and growing by 72% between 2001 and 2011, based on Census data.

Traditionally, the distribution of private renting in the borough has been uneven, with significantly higher levels in wards south of the North Circular. In part, this is due to the characteristics of the stock, with older properties in the south and predominantly inter-war single-family dwellings in the north, where owner-occupation has been the main tenure.

Table 1 sets out the extent of private renting by ward at the time of the 2011 Census, while Figure 1 maps this information, showing the pattern is still evident. However, it also shows significant levels of private renting in the north of the borough, with the majority of wards now having higher levels than the borough average for 2001.

Figure 2 shows the percentage change, demonstrating significant rises across Brent with particular concentrations in Harlesden and Kensal Green.

Table 1: The private rented sector in Brent: 2001 and 2011 by Ward

	All households 2001	Private rented or living rent-free 2001	PRIVATE RENTED SECTOR as % of total 2001	All households 2011	Private rented or living rent-free 2011	PRIVATE RENTED SECTOR as % of total 2011	PRIVATE RENTED SECTOR: total change	PRIVATE RENTED SECTOR: % change
Alperton	4,198	806	19.20%	4,156	1,294	31.14%	488	61%
Barnhill	4,922	886	18.00%	5,407	1,492	27.59%	606	68%
Brondesbury Park	4,849	1,176	24.25%	5,338	1,799	33.70%	623	53%
Dollis Hill	4,245	669	15.76%	4,264	1,053	24.70%	384	57%
Dudden Hill	4,950	1,156	23.35%	5,198	1,839	35.38%	683	59%
Fryent	4,418	793	17.95%	4,374	1,236	28.26%	443	56%
Harlesden	4,965	850	17.12%	6,654	2,157	32.42%	1,307	154%
Kensal Green	4,447	935	21.03%	6,063	2,181	35.97%	1,246	133%
Kenton	4,045	510	12.61%	3,866	800	20.69%	290	57%
Kilburn	6,594	1,437	21.79%	7,658	2,284	29.83%	847	59%
Mapesbury	5,747	1,936	33.69%	6,307	2,885	45.74%	949	49%
Northwick Park	3,887	539	13.87%	4,139	854	20.63%	315	58%
Preston	4,765	852	17.88%	4,995	1,536	30.75%	684	80%
Queen's Park	5,205	1,145	22.00%	6,274	2,213	35.27%	1,068	93%
Queensbury	4,285	654	15.26%	4,727	1,095	23.16%	441	67%
Stonebridge	5,865	585	9.97%	5,903	997	16.89%	412	70%
Sudbury	4,747	965	20.33%	4,843	1,641	33.88%	676	70%
Tokington	4,172	815	19.53%	4,864	1,710	35.16%	895	110%
Welsh Harp	4,856	960	19.77%	4,809	1,415	29.42%	455	47%
Wembley Central	3,630	785	21.63%	4,380	1,531	34.95%	746	95%
Willesden Green	5,184	1,728	33.33%	6,067	2,723	44.88%	995	58%

Source: Census data – 2001, 2011

Figure I: Distribution of Private Renting

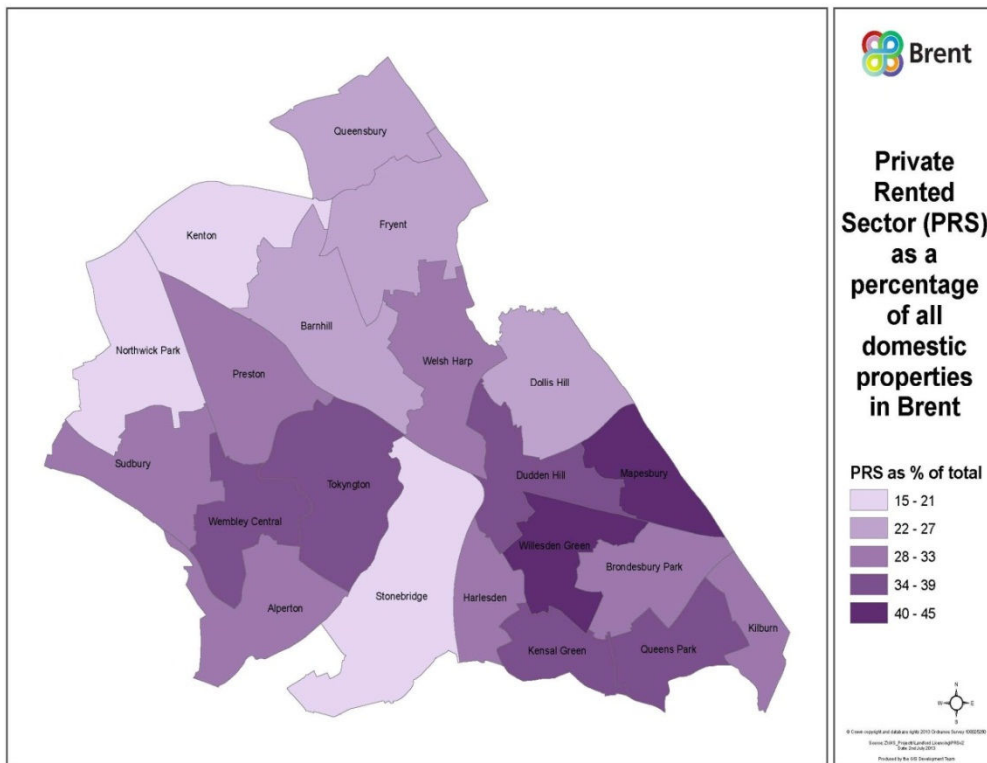
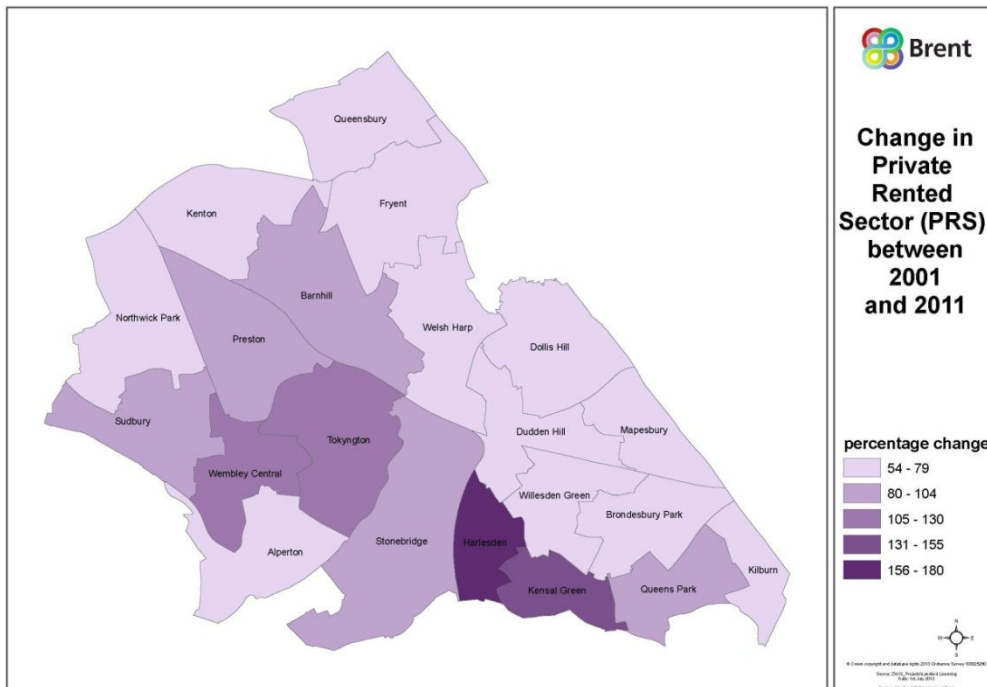


Figure 2: Percentage Change in Private Renting



B: SELECTIVE LICENSING

Analysis of anti-social and some criminal behaviour at ward level provides a ranking that shows the correlation between levels of private renting and levels of anti-social behaviour.

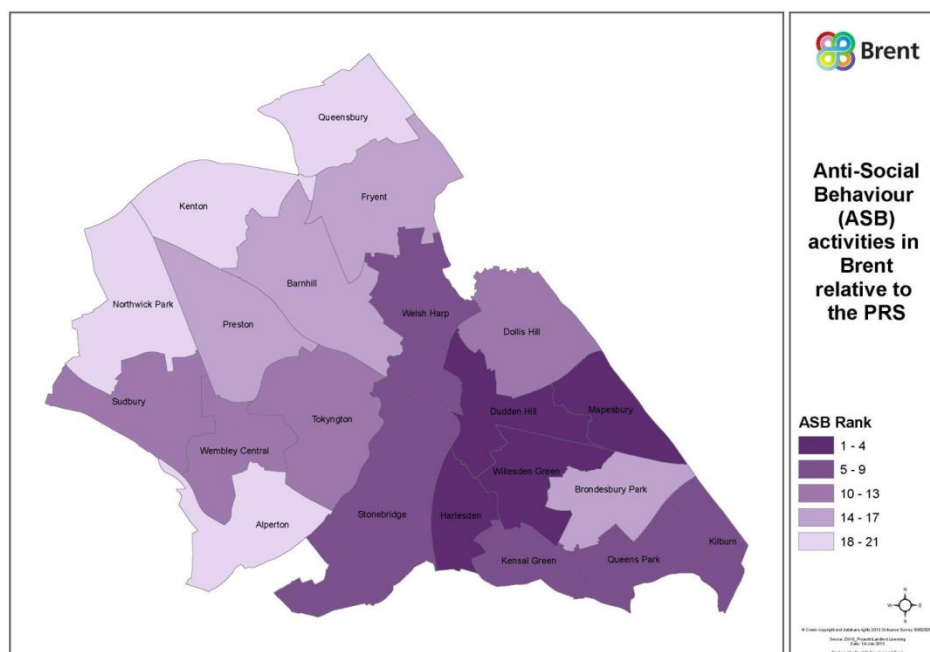
Table 2: Private Renting and ASB by Ward

Ward (a)	PRIVATE RENTED SECTOR as % of total (b)	Ranking for % PRIVATE RENTED SECTOR (c)	Score for fly-tipping, noise and graffiti (d)	Ranking (e)
Willesden Green	45%	20	9	21
Harlesden	32%	12	9	21
Dudden Hill	35%	18	13	19
Mapesbury	46%	21	14	18
Welsh Harp	29%	8	19	17
Queen's Park	35%	17	21	16
Kensal Green	36%	19	23	15
Stonebridge	17%	1	27	14
Kilburn	30%	9	29	13
Dollis Hill	25%	5	29	12
Wembley Central	35%	15	34	11
Sudbury	34%	14	36	10
Tokington	35%	15	39	9
Barnhill	28%	6	40	8
Brondesbury Park	34%	13	46	7
Preston	31%	10	47	6
Fryent	28%	7	47	5
Queensbury	23%	4	47	4
Alperton	31%	11	50	3
Northwick Park	21%	2	54	2
Kenton	21%	3	60	1

Note: The higher the number the greater the proportion of private rented sector and anti-social behaviour (columns c and e); for column d – the lower the score the greater the incidence of anti-social behaviour.

GIS mapping of this data for all wards in the Borough appears in Figure 3 below. A low score means a proportionality high level of anti-social behaviour.

Figure 3 – Ward by levels of anti-social behaviour



The wards with the highest levels of anti-social behaviour are concentrated in the south and east of the Borough and also have high levels of private rented sector stock, apart from Stonebridge which has a high concentration of social housing, although it should be noted that, as a result of Right to Buy sales, a significant number of former social rented homes are now be let privately. The only ward in the south of the borough that does not feature in this list is Brondesbury Park.

The Metropolitan Police collects information about criminal activity at Brent to ward level. Some of this criminality can be defined as anti-social in nature. Looking at certain crimes in detail over the 12 months to May 2013 reveals the following:

- a Relatively high levels of criminal damage recorded in Wembley Central and Harlesden. Other wards where criminal damage is also relatively high are Stonebridge, Willesden Green, Kensal Green, Kilburn and Queensbury.
- b Theft and handling offences are highest in Wembley Central. Other wards with relatively high levels of this type of offence include Tokyngton, Stonebridge, Queensbury, Kensal Green and Queen’s Park. This type of criminal activity is not exclusively concentrated in the south of the Borough.
- c The hot spot for drug-related offences is Harlesden. The wards surrounding Harlesden also have relatively high levels of drug-related offences. These are: Wembley Central, Tokyngton, Stonebridge, Dudden Hill, Willesden Green and Kensal Green. Kilburn also has a relatively high level of crimes related to the use and sale of drugs.

- d Violence against the person offences concentrated in Harlesden and Wembley Central, with Kensal Green also showing relatively high levels.

Criminal activity (with anti-social behaviour undertones) as recorded by the Metropolitan Police is distributed more widely across the borough than the anti-social behaviour recorded by the Council's Environmental Service. Nonetheless, the data shows that many of these crimes occur in the south of the Borough, with Harlesden particularly affected by high rates of certain types of criminal activity. Wembley Central also features prominently in these statistics. This could be because Wembley Central is the Borough's principal shopping area and there are often disproportionately high levels of crime in such places. Also, the ward is adjacent to Wembley Stadium and some people travelling to and from the ground might be engaged in criminal activity of one kind or another.

Table 3 ranks each ward in the Borough in terms of the scale of anti-social behaviour-related criminal activity they experience. This table has been compiled using two years data to May 2013. Across the whole Borough for that period there were 4,421 cases of criminal damage, 7,841 drug related offences, 16,879 cases involving theft and handling offences and 13,623 cases involving violence against the person. The wards with the most cases have the highest rankings. For this exercise the police count criminal activity in Harlesden Town Centre separately so there are 22 areas in this count rather than 21. Two wards in the north of the Borough that suffer from relatively high levels of crime of this type are Wembley Central and Tokyngton (the ward where Wembley Stadium is sited). Brondesbury Park and Dollis Hill – both in the southern part of the Borough – by contrast do not experience high levels of crime of this sort relative to other parts of the Borough.

Table 3: anti-social behaviour and related criminal behaviour by ward for the two years to May 2013

Ward	Burglary rank	Criminal damage rank	Drugs rank	Robbery rank	Theft and handling rank	Violence against the person rank	Total crimes	Rank
Alperton	12	16	4	20	12	13	2,546	13
Barnhill	11	9	10	4	10	10	2,226	10
Brondesbury Park	20	3	14	2	8	2	2,031	6
Dollis Hill	9	6	7	9	9	4	2,040	7
Dudden Hill	18	15	16	19	13	15	3,052	15
Fryent	4	2	8	6	6	8	1,888	4
Harlesden	21	21	22	21	15	22	4,170	21
Harlesden TC	1	5	12	10	7	14	2,116	8
Kensal Green	17	17	17	17	14	17	3,093	16
Kenton	5	1	2	3	1	1	1,378	1
Kilburn	6	19	19	15	18	18	3,234	18
Mapesbury	10	14	6	8	11	12	2,344	11
Northwick Park	3	7	1	1	4	3	1,600	2
Preston	19	4	11	13	5	7	2,151	9

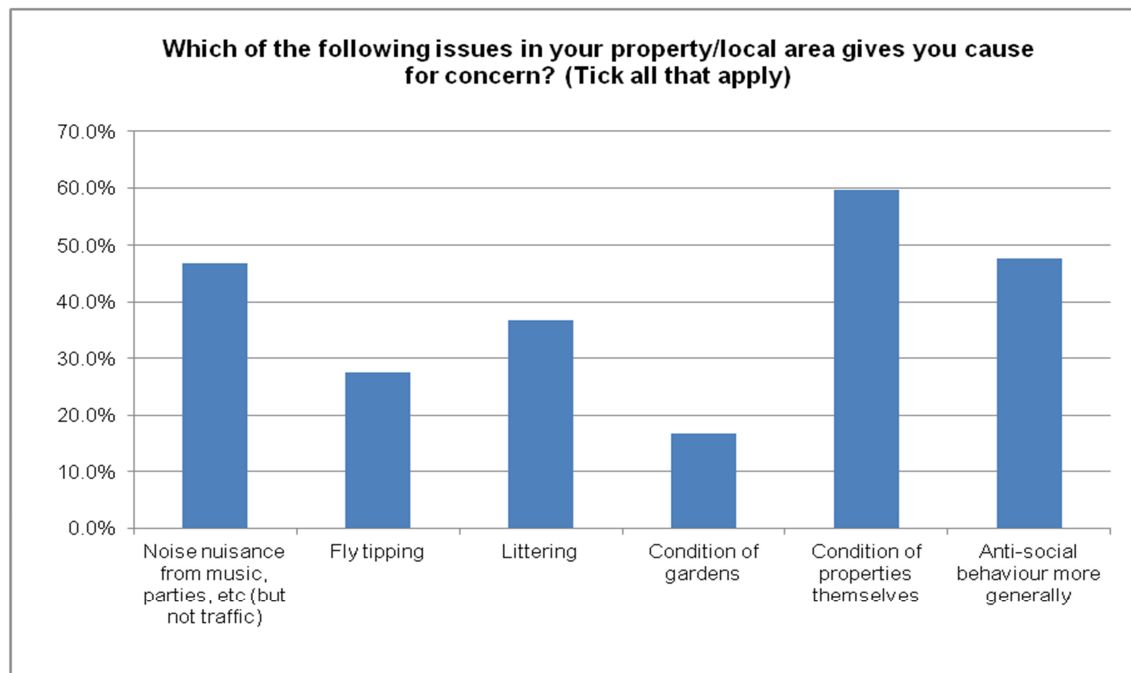
Queen's Park	13	11	13	12	19	11	2,758	14
Queensbury	14	13	3	11	17	5	2,460	12
Stonebridge	22	22	21	16	22	20	4,375	22
Sudbury	8	8	5	14	2	6	1,814	3
Tokyington	15	12	20	7	20	16	3,223	17
Welsh Harp	16	10	9	5	3	9	1,993	5
Wembley Central	2	20	15	22	21	21	3,806	20
Willesden Green	7	18	18	18	16	19	3,268	19

Note: Wards are sorted alphabetically; the higher the score the higher the crime levels; there are 22 areas in this table because the police measure crime in Harlesden Town Centre separately from Harlesden ward itself.

The Community Safety team collects data on anti-social behaviour by ward *and* by tenure. This shows that in the three years to 2012/13, 96 anti-social behaviour incidents were associated with premises in the private rented sector in the borough. The six wards where the most anti-social behaviour was recorded were, in order, Willesden Green, Mapesbury, Wembley Central, Alperton, Northwick Park and Harlesden. It needs to be noted here that the number of incidents was small – less than 35 a year. Also there are some wards in this list that are unexpected (e.g., Northwick Park) perhaps reflecting reporting patterns rather than levels of anti-social behaviour experienced on the ground.

HQN conducted a survey of private tenants to assess experience of and concerns about anti-social behaviour. Figure 4 shows the main issues cited.

Figure 4: Types of anti-social behaviour causing concern



One respondent said “My life has turned upside down and I have serious depression just because of this neighbourhood, neighbours and landlord.”

Indications from Consultation

The potential problems identified within the sector identified by the council and addressed in the HQN study, informed the questions asked in the survey undertaken as part of the consultation exercise. The following section sets out the main indications from the consultation exercise that provide additional evidence, while responses concerning the possible introduction of licensing are covered in the section on consultation below.

Table 4: Problems Identified by Tenants, Residents and Businesses

	Very serious problem	Serious problem	Minor problem	Not a problem
Nuisance neighbours (including intimidation and Harassment and street drinking)	14.6%	15.9%	22.8%	46.7%
Noise nuisance	15.7%	15.9%	25.7%	42.7%
Drug use/drug dealing	12.5%	14.1%	18.6%	54.8%
General street scene (including graffiti and excessive 'to let' & 'for sale' boards)	11.8%	11.3%	26.9%	50.0%
Rubbish dumping and fly tipping	28.2%	22.8%	21.3%	27.8%
High levels of overcrowding	17.6%	17.4%	21.2%	43.9%
Untidy front gardens	18.7%	16.7%	24.3%	40.3%
Poorly managed and maintained homes	23.0%	20.2%	24.1%	32.7%
High turnover of resident in the local area	13.6%	19.5%	23.1%	43.9%
Street prostitution and brothels	5.3%	6.7%	15.2%	72.9%
High rent levels	32.0%	20.9%	16.8%	30.2%
Lack of community engagement	21.9%	20.5%	25.2%	32.4%
Empty/boarded up properties	7.4%	7.7%	19.8%	65.1%

Table 5

Dudden Hill and Mapesbury

	Very serious problem	Serious problem	Minor problem	Not a problem
Nuisance neighbours (including intimidation and Harassment and street drinking)	10.8%	13.9%	33.0%	42.4%
Noise nuisance	12.3%	14.7%	41.8%	31.2%
Drug use/drug dealing	9.7%	11.6%	29.1%	49.6%
General street scene (including graffiti and excessive 'to let' & 'for sale' boards)	7.2%	23.2%	32.6%	37.0%

Rubbish dumping and fly tipping	36.0%	27.0%	25.3%	11.7%
High levels of overcrowding	13.9%	16.1%	29.3%	40.7%
Untidy front gardens	20.0%	19.3%	33.0%	27.7%
Poorly managed and maintained homes	22.5%	19.4%	30.3%	27.8%
High turnover of resident in the local area	17.0%	17.7%	28.5%	36.8%
Street prostitution and brothels	5.3%	6.1%	16.8%	71.8%
High rent levels	25.7%	21.3%	16.6%	36.4%
Lack of community engagement	18.6%	19.7%	35.3%	26.4%
Empty/boarded up properties	4.5%	6.4%	23.1%	65.9%

Not all of the issues mentioned here are necessarily directly relevant to a possible designation of Selective Licensing, but are intended to provide an overview of perceptions and experience within neighbourhoods. However, responses show significant concern over relevant issues of property management and anti-social behaviour.

Table 6: Problems within Homes Identified by Tenants

	Very serious problem	Serious problem	Minor problem	Not a problem
Poor amenities (e.g., toilet, bathroom, kitchen facilities, storage)	18.6%	14.4%	22.5%	44.4%
Poor fire safety (e.g., means of escape, fire doors, extinguishers)	18.9%	12.5%	22.0%	46.6%
Property in a poor state of repair	22.4%	16.1%	21.4%	40.1%
Poor management of internal common parts	15.9%	16.9%	21.0%	46.2%
Too little space/too many people/overcrowding	18.2%	11.5%	16.6%	53.7%
Poor security	22.1%	15.6%	19.4%	42.9%
Lack of energy efficiency in the property	23.8%	18.2%	18.5%	39.5%
Damp and mould	31.2%	16.6%	17.3%	34.9%
Poor noise insulation	30.4%	13.7%	18.8%	37.2%

Table 7: Dudden Hill and Mapesbury

	Very serious problem	Serious problem	Minor problem	Not a problem
Poor amenities (e.g., toilet, bathroom, kitchen facilities, storage)	14.4%	8.6%	16.5%	54.0%
Poor fire safety (e.g., means of escape, fire doors, extinguishers)	12.9%	11.5%	12.9%	52.5%

Property in a poor state of repair	20.4%	10.6%	12.0%	50.0%
Poor management of internal common parts	16.2%	8.8%	15.4%	52.2%
Too little space/too many people/overcrowding	15.2%	6.1%	7.6%	60.6%
Poor security	17.5%	10.2%	14.6%	51.8%
Lack of energy efficiency in the property	17.6%	11.8%	19.1%	46.3%
Damp and mould	21.4%	12.9%	14.3%	43.6%
Poor noise insulation	25.0%	14.0%	16.9%	38.2%

It is generally accepted and has been affirmed by national surveys that the majority of private tenants are satisfied with their homes. However, the table above indicates that a majority of respondents has at least some problem, although these appear to be less pronounced in Dudden Hill and Mapesbury. It is recognised that the response may be statistically skewed in that tenants who have a problem may be more motivated to respond, but the answers indicate clearly that there are problems in the sector in Brent.

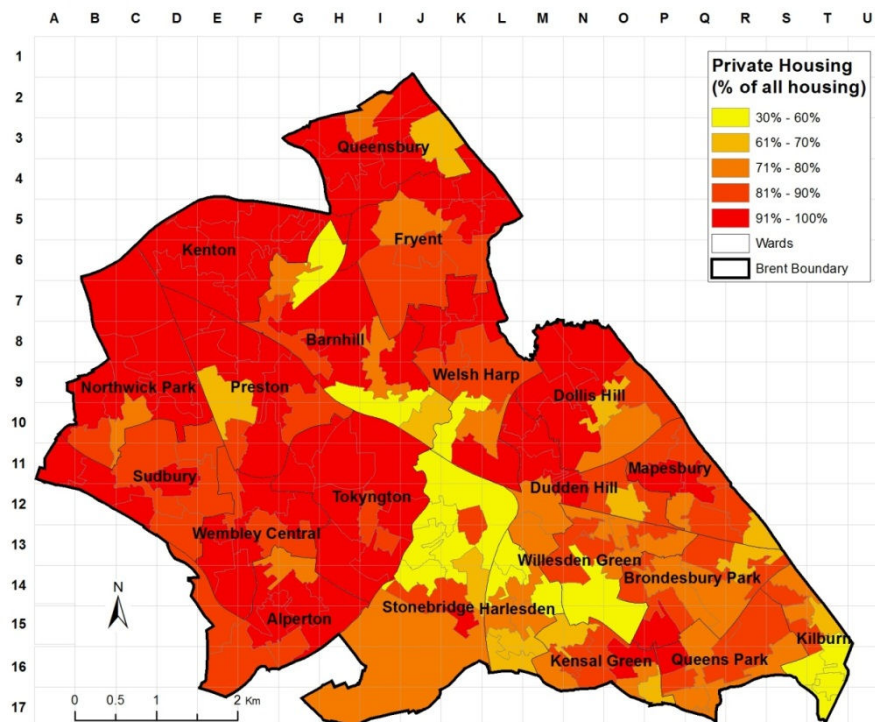
Relationship between Renting and Anti-Social Behaviour

In addition to the findings outlined above, further analysis indicates that there is evidence of an elevated risk of antisocial behaviour at both a property and neighbourhood level where there is a high likelihood of rental status and a high presence of private rented properties. ASB/noise complaints were more likely to correlate with the presence of high risk HMOs while fly-tipping and graffiti in a ward or neighbourhood were more likely to correlate with the local presence of single family rented properties.

Figure 5 shows the distribution of housing according to tenure – either privately owned or social housing – based on the analysis carried out by Mayhew Harper Associates. This map shows that most social housing is concentrated in three areas: cells G6, M16, and T16. By far the largest concentration covers a central area of Brent bounded by columns H to L and rows 9 to 14.

Of the 113,000 residential properties in Brent 81% are privately owned and of these 40% or 37,000 are estimated to be privately rented. This compares with 33,000 in the 2011 census for Brent and is consistent with predicted growth in the three years since then and the possibility of some under-reporting in the Census returns. The remaining 19%, totalling 21,000 properties, are social housing.

Figure 5: Distribution of Private Housing



ASB/noise in the privately owned and social housing sectors

The data on separate instances of noise and ASB from 2011 onwards are clearly skewed toward private sector properties. Table 8 below shows the percentage of properties by area against which noise complaints were made in the period. A majority of these complaints were music related but other categories typically include DIY or construction work. Of the three wards proposed for Selective Licensing, noise complaints were above the Brent average in Harlesden and Willesden Green but below the Brent average in Wembley Central.

Table 8: Percentage of Noise Complaints

Area	Social housing	Private housing
Brent	0.5	3.1
Harlesden	0.5	3.2
Wembley central	0.3	2.7
Willesden Green	0.5	4.2

Table 9 shows that ASB occurs at a much lower intensity than noise complaints as might be expected. Whilst reported ASB occurs on a lower scale it is relevant to point out that much of it cannot be attributed to an address and only to an area. The

data show that about a third of reported ASB is noise-related, involving disputes between neighbours or rowdy behaviour. Other significant categories are behaviours likely to cause offence (13%), loitering or congregating (9%) litter or rubbish related (9%), drug related (8%), or ball games (7%).

Table 9: Percentage of ASB

Area	Social housing	Private housing
Brent	0.3	0.53
Harlesden	0.20	0.61
Wembley central	0.27	1.03
Willesden Green	0.64	0.62

Table 10 considers private sector property (including owner-occupation) and the presence of a range of risk factors that are used to correlate the probability of anti-social behaviour, using a range of risk factors. Column two lists the number of private sector properties in each risk category. The next four columns indicate which risk factors are active. The totals at the foot of these columns indicate how many properties were affected by each risk factor. So for example, there are 72,803 properties that do *not* receive Council Tax Benefit. The final column indicates the risk of ASB/noise occurring and is expressed as a percentage of the properties meeting the particular risk profile.

Table 10: Analysis of Risk Factors in the Private Sector

Category	Number in category	No council tax benefit at address	Housing benefit at address	>4 adults at address	Harlesden/Wembley Central or Willesden Green ward	% of properties at which ASB/noise indicated
1	190	Y	Y	Y	Y	8.4
2	783	Y	Y		Y	6.0
3	1,141	Y		Y	Y	4.9
4	840		Y		Y	4.8
5	1,109	Y	Y	Y		4.5
6	6,558	Y			Y	4.2
7	4,151	Y	Y			4.2
8	2,866		Y	Y		4.1
9	7,132	Y		Y		3.8

10	11,077		Y			3.8
11	51,739	Y				3.2
12	165		Y	Y	Y	3.0
13	546			Y		2.7
14	3,619					2.0
15	501				Y	2.0
16	106			Y	Y	1.9
Total	92,523	72,803	21,181	13,255	10,284	3.5

Table 11 indicates that risk of ASB ranges from 8.4% (row 1) to as low as 1.9% (row 16). The bottom right hand cell gives the overall average level of ASB/noise in the private sector. This equates to 3.5%; hence rows 1-10 are at above average risk of ASB/noise and the remainder are below. For some risk categories including the highest in row 1 the numbers of households are small and the risk estimate less reliable. Examples of risk combinations with larger numbers of properties at elevated risk of ASB/noise include rows: 3, 5, 6, 7 and 8.

Further analysis shows that ASB/noise incidents increase:

- 1.3 times if there is no Council Tax Benefit recipient at private address
- 1.5 times if Housing Benefit is received at an address
- 1.2 times if there are five plus adults at the address
- 1.3 times if the property is located in Harlesden, Wembley Central or Willesden Green

These odds are significantly different from a value of one (evens) and also multiplicative, so that a property affected by all these risk factors has a higher chance of ASB than a property for which none of these factors applies. For example, a property *not in receipt* Council Tax Benefit, that *is* in receipt of Housing Benefit, with five plus adults living at the address, and where the property is located in one of the three candidate wards is $1.3 \times 1.5 \times 1.2 \times 1.3 = 3$ times more likely to be associated with ASB/noise than a property with none of these risk factors.

Figure 6 shows the predicted versus observed rate of ASB/noise based on the four selected risk factors, indicating a strong correlation. It can be safely concluded that this group of risk factors define and stratify at risk households quite effectively and accurately. The table is also valuable because it quantifies how many privately owned properties fall into each risk category – whether small such as row 1 or vary large such as row 11. Because each property is geo-referenced it can be mapped or grouped into other geographies such as wards or neighbourhoods. Overall the results show that there is a risk gradient with some types of private household more likely to be associated with ASB/noise behaviour than others.

Of the selected risk factors the most predictive of ASB/noise is Housing Benefit. It is also noteworthy that the results show that occurrences of ASB/noise are 1.3 times more likely in the three candidate wards than in the rest of Brent.

A limitation of the analysis is that it does not draw any distinction between privately rented and owner-occupied properties. Further analysis set out below considers which among private sector properties are most likely to be rented.

Figure 6: predicted ASB/Noise rates in private sector housing versus observed rates

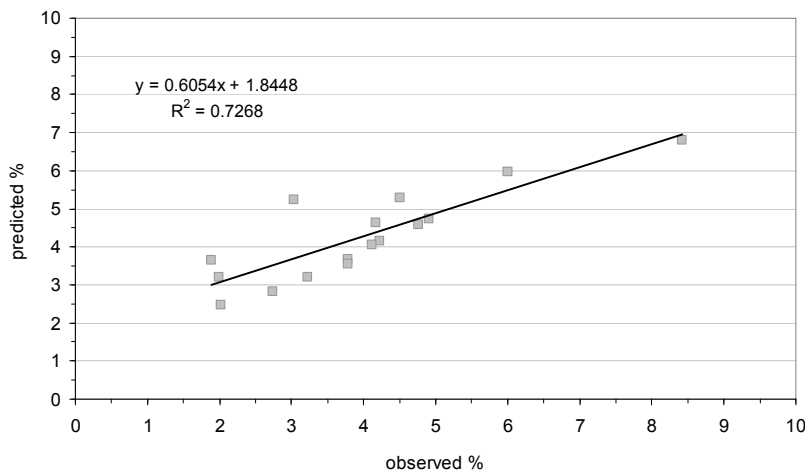


Table 11 shows the number of properties impacted by each risk factor combination. The column to the right shows the relative risk score expressed as ‘odds’ with risk categories ranked from high to low.

Risk scores are obtained by multiplying the risk factor weights at the foot of the table under each risk factor. A risk score of say 10 means that the outcome is 10 times more likely than if none of the risk factors were present.

It is noteworthy that surname changes on the Electoral Roll are the strongest predictor of HMO status amongst these. It increases the odds of private rental status 6.92 times and appears in each of the top seven risk categories.

For example, in row 1, the highest risk category with all four risk factors, there are 2,259 households conforming to this profile. Properties in this category are 48.8 times more likely to be private sector rented than the 9,502 properties in the lowest risk category in row 16.

To put a scale on the findings the results suggest that there are over 21k properties in the top seven risk categories all of which share in common the most predictive risk factor.

If the risk scores in each row are then correlated with the level of reported prevalence of ASB/noise we obtain a correlation coefficient of 48% suggesting a reasonable association with high risk HMO status.

Table 11: Analysis of Private Sector Properties by Risk Factor and Probable HMO Status

Category	Private sector housing	No council tax benefit recipient at address in 2013	Any change in Council Tax liable surname Since 2010	Any change in electoral roll registrants in the last year	More than three surname changes on Electoral Roll in last 36 months	risk score
1	2,269	Y	Y	Y	Y	48.8
2	9,065	Y		Y	Y	43.8
3	1,531	Y	Y		Y	23.6
4	6,901	Y			Y	21.2
5	419		Y	Y	Y	15.9
6	1,367			Y	Y	14.3
7	351		Y		Y	7.7
8	2,526	Y	Y	Y		7.1
9	973				Y	6.9
10	10,103	Y		Y		6.3
11	5,733	Y	Y			3.4
12	34,675	Y				3.1
13	1,275		Y	Y		2.3
14	2,958			Y		2.1
15	2,875		Y			1.1
16	9,502					1.0
	92,523	3.06	1.11	2.07	6.92	

Table 12 is constructed on the same basis as Table 11 but the risk factors and risk scores differ. For example, in row 1, the highest risk category with all four risk factors, there are 1,252 households conforming to this profile. Properties in this category are 14.3 times more likely to be single family private sector rented than the 1,986 properties in the lowest risk category (row 16) which has a risk score of one.

As previously noted, the contribution of each risk factor to the odds of private rental status is shown in the bottom row. It is noteworthy that Housing Benefit is the

strongest amongst these by increasing the odds of private rental status 4.65 times and two or less adults at an address the weakest.

If the risk scores in each row or category are correlated with the level of reported prevalence of ASB/noise we obtain a correlation coefficient of 44% suggesting an association with rented status.

Table 12: Analysis of Private Sector Properties by Risk Factor and Probable Single-Family Dwelling Status

category	private sector housing	No council tax benefit recipient at address in 2013	Any change in Council Tax liable surname 2010 - 2012	2 or less adults at address	Any recipient of Housing Benefit at address	Risk score
1	1,252	Y	Y	Y	Y	14.3
2	547	Y	Y		Y	11.9
3	2,666	Y		Y	Y	9.1
4	3,680		Y	Y	Y	8.8
5	1,768	Y			Y	7.6
6	1,049		Y		Y	7.3
7	7,630			Y	Y	5.6
8	2,589				Y	4.7
9	7,339	Y	Y	Y		3.1
10	2,921	Y	Y			2.6
11	35,815	Y		Y		2.0
12	142		Y	Y		1.9
13	20,495	Y				1.6
14	49		Y			1.6
15	2,595			Y		1.2
16	1,986					1
	92,523	1.63	1.57	1.20	4.65	

Table 13 shows Brent wards in alphabetical order. It shows the percentages of high risk HMOs and single family rented households compared with all households

regardless of whether private tenure or social tenure. For each ward it gives the intensity per household of each proxy for anti-social behaviour. Highest among fly tipping wards is Harlesden and Dudden Hill for ASB/noise.

The bottom row shows that around 19% of all residences including social housing are high risk private rented HMOs and 18% high risk single family rented homes. However, it also shows that there are wide differences between wards on each measure.

The top three wards with the highest concentrations of suspected high risk HMOs are Wembley Central, Kenton and Alperton. Harlesden is ranked 20th and Willesden Green is ranked 17th in this category.

For suspected high risk single family private rented households the top three wards are Stonebridge, Harlesden and Dudden Hill. Willesden Green is 5th and Wembley Central 8th in this category.

Analysis found that there was:

- A 56% correlation between suspected high risk HMO and ASB/noise intensity
- A 73% correlation between suspected high risk single family rented households and fly tipping intensity by ward
- A 42% correlation between high risk single-family rented households and graffiti intensity at ward level.

Table 13: Ward summary of tenures and high risk rental status and intensity of ASB proxies

Brent ward	Total households all tenures	<i>Of which</i> % high risk HMOs	<i>Of which</i> % high risk single family rented	Fly tipping sites in ward at % of all households	Reported ASB or noise reported at household (private)	Graffiti as % of all households
Alperton	4,647	29.9	17.7	9.7	3.4	0.5
Barnhill	5,641	21.4	16.9	10.8	3.4	0.3
Brondesbury Pk	5,483	16.9	11.5	4.5	2.9	0.6
Dollis Hill	4,442	19.8	24.3	15.2	3.1	1.3
Dudden Hill	5,497	19.3	24.9	18.6	4.0	2.0
Fryent	4,502	24.5	17.1	12.6	3.2	0.6
Harlesden	6,730	8.3	29.0	34.9	2.7	1.3
Kensal Green	6,091	12.5	22.3	14.3	2.8	0.8
Kenton	3,956	30.6	9.3	7.0	3.4	0.3

Kilburn	7,680	10.1	12.9	5.4	2.4	0.6
Mapesbury	6,466	15.2	18.1	9.7	3.7	2.0
Northwick Park	3,896	27.6	10.7	8.0	3.5	0.9
Preston	5,146	25.2	16.4	7.4	3.3	0.8
Queens Park	6,244	16.1	9.5	10.6	3.1	1.0
Queensbury	4,805	27.6	12.5	12.7	3.7	0.2
Stonebridge	6,164	8.0	29.6	15.1	1.8	0.4
Sudbury	5,186	23.2	19.8	8.1	3.1	1.1
Tokyngton	5,311	26.0	18.2	9.4	2.9	0.8
Welsh Harp	5,002	17.9	21.3	20.3	3.5	1.5
Wembley Cent.	4,738	31.3	20.4	13.8	3.9	1.4
Willesden Green	6,230	14.2	22.7	15.9	3.9	1.6
Brent	113,857	19.2	18.6	12.8	3.2	1.0

Table 14 is structured similarly to Table 13. However, each ward is now ranked against each variable in the columns based on the previous table. A final column gives a combined rank based on all three proxies for ASB and is produced by re-ranking the sum of ranks.

It shows that the top five problem wards for antisocial related behaviours are: Dudden Hill, Willesden Green, Welsh Harp and Mapesbury. Harlesden is sixth in the ranking; however, it could be maintained that that Welsh Harp is anomalous because it comprises a large area of open space which most likely explains why it is ranked second for fly tipping.

Table 14: Ward summary of tenures and high risk rental status and intensity of ASB proxies by rank order

Brent ward	Total privately owned households all tenures	Ward rank for HMO rented properties	Ward rank for single family rented properties	Ward rank for fly tipping sites	Ward rank for reported ASB or noise complaints	Ward rank for graffiti	Combined rank
Alperton	4,647	3	12	13	8	17	13
Barnhill	5,641	10	14	11	10	19	15
Brondesbury Pk	5,483	14	18	21	16	15	20

Dollis Hill	4,442	11	4	5	15	7	7
Dudden Hill	5,497	12	3	3	1	2	1
Fryent	4,502	8	13	10	12	14	11
Harlesden	6,730	20	2	1	19	6	6
Kensal Green	6,091	18	6	7	18	12	12
Kenton	3,956	2	21	19	9	20	19
Kilburn	7,680	19	16	20	20	16	21
Mapesbury	6,466	16	11	14	4	1	5
Northwick Park	3,896	4	19	17	7	10	8
Preston	5,146	7	15	18	11	13	16
Queens Park	6,244	15	20	12	13	9	8
Queensbury	4,805	5	17	9	5	21	10
Stonebridge	6,164	21	1	6	21	18	18
Sudbury	5,186	9	9	16	14	8	13
Tokington	5,311	6	10	15	17	11	17
Welsh Harp	5,002	13	7	2	6	4	3
Wembley Cent.	4,738	1	8	8	3	5	4
Willesden Green	6,230	17	5	4	2	3	2
Brent	113,857						

Conclusions

Analysis of data and indications from consultation confirm a significant and persistent problem of anti-social behaviour that can be associated with the presence and density of private renting in certain wards in particular.

There are also strong indications that problems are not confined to the three wards initially identified as having characteristics relevant to Selective Licensing.

APPENDIX 2: CONSULTATION

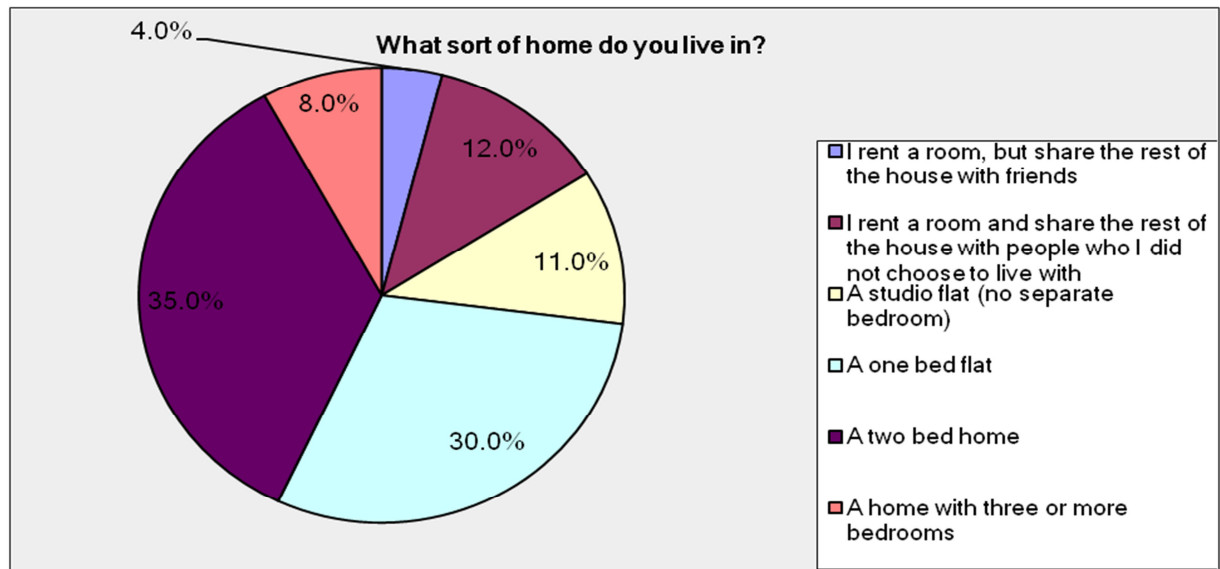
Consultation comprised three main phases. First, a relatively small-scale survey of tenants and a series of focus groups undertaken by HQN as part of their initial investigation into the sector and the potential role of licensing. Second, an extensive exercise carried out by the council in relation to initial proposals emerging from HQN's work. Third, a survey of residents in Dudden Hill and Mapesbury following completion of the initial consultation and evidence gathering. Each is considered in turn.

HQN survey of private rented sector tenants and others in Brent

HQN undertook an online survey of private rented sector tenants and others in Brent. HQN used the Council's website, the *Locata* system for choice-based lettings and other media to gather responses to the survey. Inevitably these surveys are completed by people that do not necessarily represent all private rented sector tenants in the Borough.

121 households renting in the private sector told us about their current housing circumstances and a further 67 residents of other tenures shared their views and experiences of finding housing in Brent. Most of those responding rented smaller homes in Brent, with 65% of households living in one- or two-bed accommodation. A further 16% of respondents lived in shared accommodation.

Figure 1: Type of accommodation occupied by survey respondents



Most private tenants who responded saw living in the private rented sector as something which had been forced upon them by circumstances, and was not a positive choice. When asked about their reasons for living in the private sector, one-third gave the reason "I want to live in social housing but need a home for now" as their most important reason. Many referred to their experience of being homeless and having no alternative. The other top reasons cited were: "The only way to find a home in the area of my choice" and "I can't afford to buy a home" with all respondents choosing at least one of these three reasons in their top three selections. Clearly, for many residents it is important to remain in Brent near to family, friends or work. Very few said they do not want to own their own home, but this is an aspiration that is simply out of reach for most.

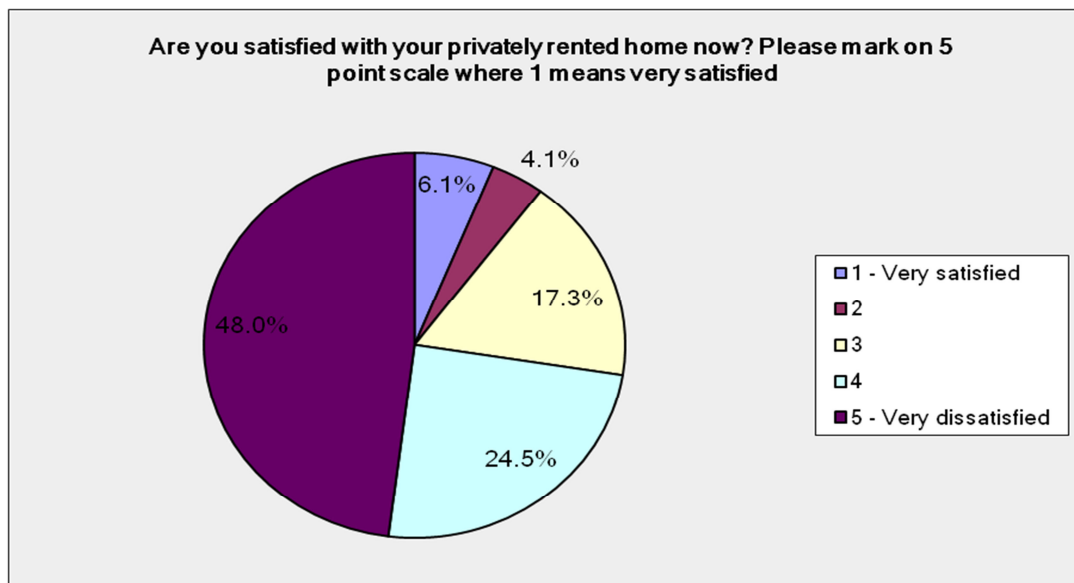
Some 72% of private renters are either dissatisfied or very dissatisfied with their current home. The most common concern is the condition of the property itself, or difficulties in getting the landlord to carry out repairs with 55% of private sector tenants reporting this as a problem they experienced.

Comments included:

- a) *“Since I have moved into this property, I’m having difficulty getting in touch with my landlord. The oven is not working and after a year the tiles in the bathroom started to crack and now it’s badly damaged. The shower is broken and the flat gets really cold and damp during the winter.”*
- b) *“My home is in very poor condition and is not habitable. My landlord will not repair [it]. My landlord threatens eviction when [repairs are] requested.”*
- c) *“I have lived in the property for over ten years; the boiler has never been serviced... I’ve asked on several times and nothing has been done. No property repairs unless it is an emergency, like a blocked drain. Last year I had the bailiff coming to my door because the landlord had sent bills to my address. I really want to move but I just cannot secure the deposit.”*

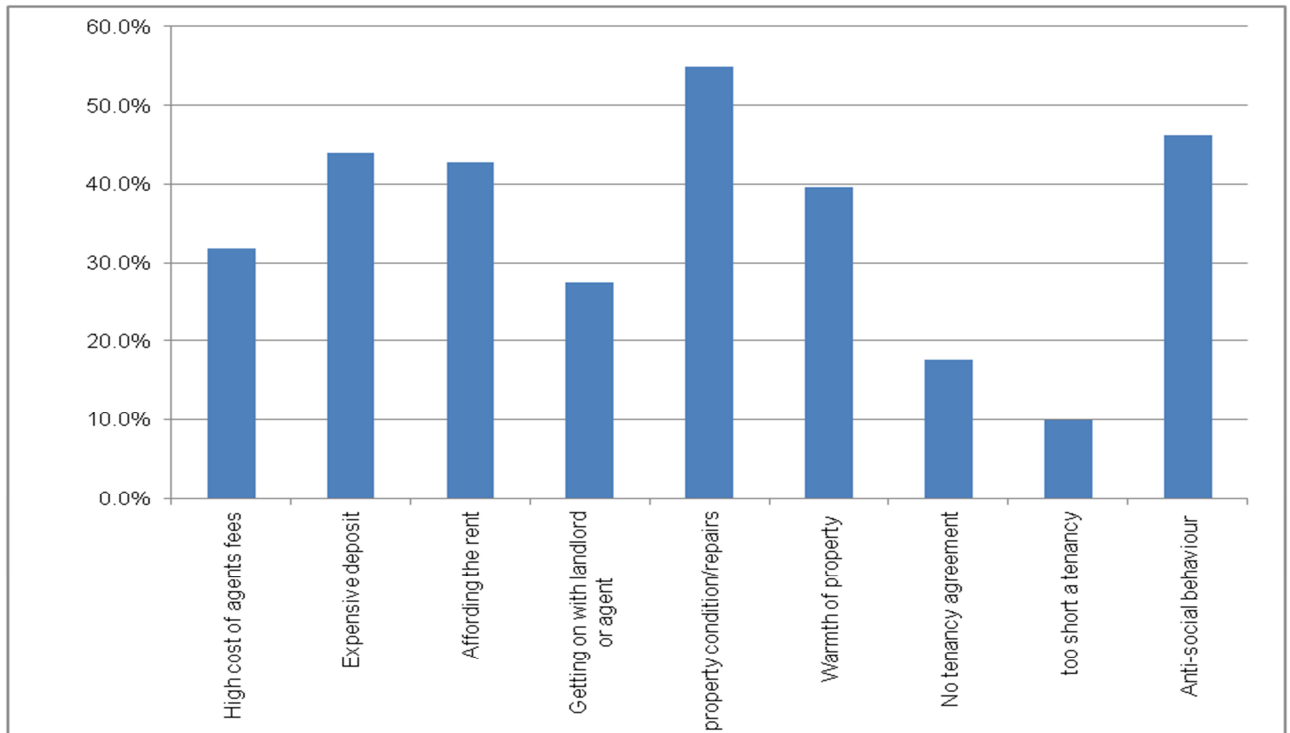
The second most common concern of respondents (46%) was about “anti social behaviour caused by people living near to me”. The survey definition of anti-social behaviour included noise and harassment.

Figure 2: Satisfaction with privately rented home by survey respondents



It should be stressed (and has been referred to in responses to consultation) that national surveys have shown much higher levels of satisfaction among tenants – at least as far as their home and relationship with their landlord are concerned, although levels of dissatisfaction with the service provided by letting agents are very much higher (including among landlords). The relatively small sample size and the fact that dissatisfied tenants may have been more motivated to respond means that the results should be treated with caution. Nevertheless, they show that there is a significant number of tenants who have experienced serious problems.

Figure 3: Concerns associated with the private rented sector in Brent identified by survey respondents



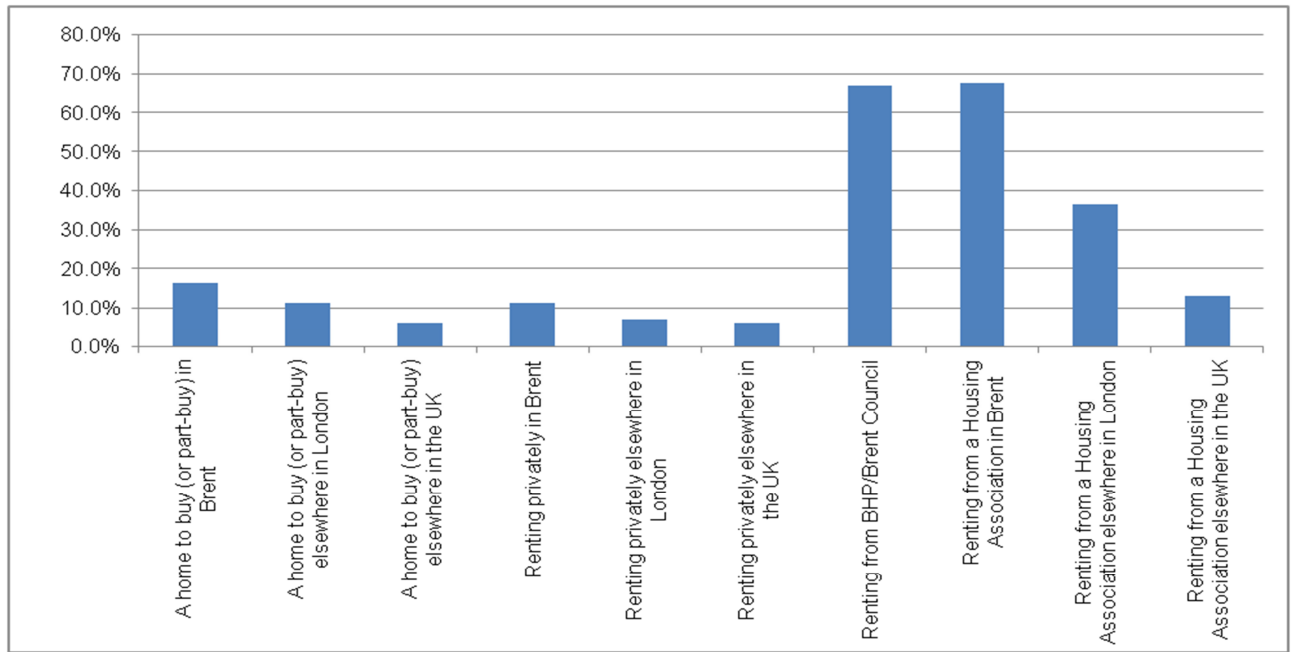
Some respondents, who were not currently living in the private rented sector, reported their experiences of renting privately in Brent in the recent past. Again, private renting had not, for the vast majority, been a positive choice, and they had experienced issues with disrepair. A large number also reported concerns about their accommodation not being warm enough. This took second place amongst tenant concerns, ahead of anti-social behaviour and expensive deposits.

Types of anti-social behaviour that caused concern to residents included noise nuisance, littering and fly-tipping, but also a range of issues which are not reported under the standard monitoring definitions currently in use in Brent.

Over 80% of respondents were looking to move within the next five years but as many aspire to move into Brent's ALMO (BHP) homes, this is unlikely to be achieved. The reasons for moving focused on affordability (affecting 54% of would-be movers) and overcrowding (46%). Over a third of respondents (36%) indicated that they wanted to move to an area where there is less trouble or anti-social behaviour. One respondent commented: *"[The] area is not safe for my family and there is no hope to get a permanent accommodation through social housing"*

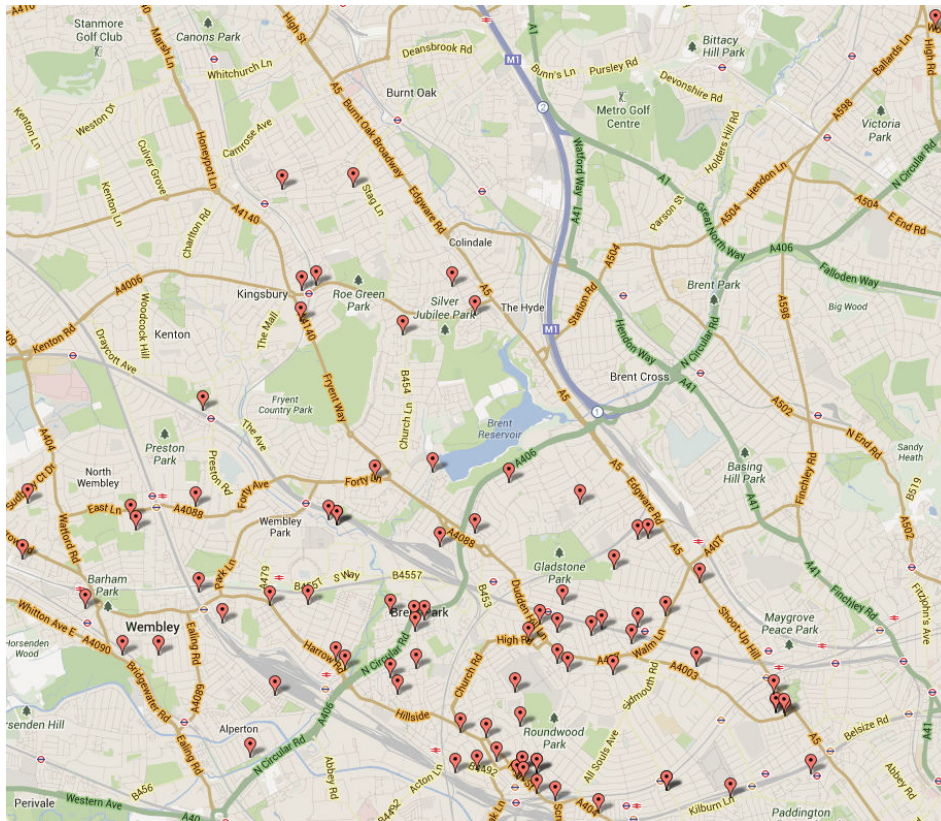
Whilst most respondents were focused on finding affordable housing locally, 13% of those looking to move were interested in affordable accommodation (from a housing association) outside of London. Interestingly, a significant number appreciated that private renting was a long-term solution to their housing needs, with 11% expecting to stay renting privately in Brent, 7% renting privately elsewhere in London and 6% considering leaving London but remaining in the private rented sector .

Figure 4: Moving on: planned/aspirational moves of survey respondents



HQN asked respondents to provide their addresses in case the study team needed to contact them to discuss their responses. Fifty-six of those completing the questionnaire supplied that information. Figure 5 shows the geographic distribution of those respondents. Reflecting the distribution of the private rented sector in the borough, these respondents lived primarily in the south of the borough.

Figure 5: Geographic distribution of survey respondents



Consultation on Licensing Proposals

Following completion of the HQN study, consultation ran from December 2013 to 10th March 2014.

Questionnaires

Two questionnaires were published on the council's website, alongside a consultation paper; one for landlords and agents and one for tenants, residents and businesses. The same information was published on the Brent Housing Partnership website and a number of voluntary sector organisations were also invited to publish the information on their websites. A dedicated email address was also provided for anyone seeking further clarification or to ask questions.

Hard copies of the questionnaires were sent to all addresses in the three wards in which Selective Licensing was proposed and to all landlords and agents whose addresses were known to the council and copies were sent by email to those whose addresses were known. Hard copies were also provided to voluntary agencies and any other residents who requested them.

Consultation Events

The Private Sector Forum on 15th January 2014 discussed the proposals following a presentation.

A presentation and question and answer session took place at the Landlord Fair on 13th February. 100 landlords and agents attended, along with representatives from the NLA.

Presentations were given at Brent Connects Forums, with each meeting attended by around fifty residents.

The consultation exercise was publicised widely through a range of media:

- On the Council and BHP websites
- Posters on street hoardings
- Posters on local buses
- Local press adverts
- Facebook and Twitter

Outcomes from Consultation

Analysis of Questionnaire Responses

The information collected from the questionnaires relevant to the evidence base is set out in Appendix 1, while this section concentrates on views on the licensing proposals.

Responses from Tenants, Residents and Businesses

Table 1: Overall Views on Licensing

	Agree strongly	Tend to agree	Neither agree nor disagree	Tend to disagree	Disagree strongly
Brent Council should intervene in areas suffering from high levels of anti-social behaviour	68.9%	22.8%	3.4%	1.7%	3.2%
Brent Council should have more control over the way that private landlords manage their properties	57.7%	24.2%	8.2%	4.8%	5.1%
Licensing of the private rented sector will help to reduce anti-social behaviour in the borough	43.5%	27.4%	16.3%	5.7%	7.0%
Selective Licensing will help ensure that privately rented properties are better maintained and managed	46.7%	28.9%	10.7%	5.2%	8.5%

Table 1a – Dudden Hill and Mapesbury

	Agree strongly	Tend to agree	Neither agree nor disagree	Tend to disagree	Disagree strongly
Brent Council should intervene in areas suffering from high levels of anti-social behaviour	68.6%	23.4%	4.2%	2.6%	1.3%
Brent Council should have more control over the way that private landlords manage their properties	56.2%	18.2%	10.9%	4.2%	10.5%
Licensing of the private rented sector will help to reduce anti-social behaviour in the borough	49.0%	17.5%	13.3%	5.5%	14.6%
Selective Licensing will help ensure that privately rented properties are better maintained and managed	49.7%	19.0%	12.1%	6.5%	12.7%

Responses indicate agreement that the council should be proactive in the sector and that licensing will assist.

Table 2: Views on Landlord Duties

Landlords should:	Agree	Disagree	Don't know
Keep their properties in good condition	95.8%	2.1%	2.1%
Obtain references for new tenants wishing to move in	82.8%	7.1%	10.1%
Ensure tenants know anti-social behaviour is unacceptable and act to address it	94.3%	2.8%	3.0%
Provide tenants with the landlord's contact details	95.1%	2.1%	2.8%

Table 2a: Dudden Hill and Mapesbury

	Agree	Disagree	Don't know
Keep their properties in good condition	99.4%	0.3%	10.3%
Obtain references for new tenants wishing to move in	89.8%	3.0%	7.2%
Ensure tenants know anti-social behaviour is unacceptable and act to address it	94.7%	3.0%	2.0%
Provide tenants with the landlord's contact details	96.1%	1.6%	2.3%

There was overwhelming agreement that landlords should undertake these basic functions.

Table 3: Support for Selective Licensing

Yes	64.5%
No	15.9%
No view/don't know	19.7%
Total Responded to this question:	100.0%

Support for Selective licensing is slightly less pronounced but still favoured by a significant majority.

Table 3a: Support for Selective Licensing in Five identified Wards

	Yes	No	Don't know
Willesden Green	70.6%	10.3%	19.0%

Harlesden	71.7%	9.7%	18.6%
Wembley Central	68.6%	11.2%	20.1%
Dudden Hill	59.4%	19.1%	21.5%
Mapesbury	57.2%	20.5%	22.3%

Responses indicate support but this is much more pronounced in Harlesden, Wembley Central and Willesden Green.

Responses from Landlords

Table 4: Will Licensing Help to Reduce ASB?

	% Total
Number of Responses	96.6%
A agree strongly	7.4%
I tend to agree	16.1%
Neither agree nor disagree	15.4%
I tend to disagree	16.1%
I disagree strongly	41.6%
No Response	3.4%
Total	

Although a majority of landlords are opposed to the proposition, a significant minority (over 20%) is supportive.

Table 5: Will Additional Licensing Ensure Better Management and Maintenance?

	% Total
Number of Responses	96.64%
A agree strongly	7.4%
I tend to agree	16.1%
Neither agree nor disagree	15.4%
I tend to disagree	16.1%
I disagree strongly	41.6%
No Response	3.4%
Total	

The response is identical to the previous question.

Table 6: Will Selective Licensing Help Ensure Better Management and Maintenance?

	% Total
Number of Responses	95.3%
A agree strongly	12.7%
I tend to agree	17.4%
Neither agree nor disagree	14.1%
I tend to disagree	16.8%
I disagree strongly	34.2%
No Response	4.7%
Total	

Again, a majority is opposed but a significant minority, larger than that in relation to Additional Licensing, disagrees.

Table 7: Support for the Introduction of Additional Licensing

Number of Responses	96%
Yes, borough wide	35.6%
Yes, but only where I own/let property	0.00%
Yes, but elsewhere in Brent	2.7%
No, I don't think that additional licensing for HMOs should be introduced in Brent	57.7%
No Response	4%
Total	

Again, a majority is opposed but a significant minority disagrees. In this case, well over one third of landlords who responded support Additional Licensing, with the majority of these in favour of a borough-wide scheme.

Table 8: Support for Selective Licensing

	% Total
Number of Responses	97.6%
Yes	17.4%
No	67.1%
No view/don't know	12.1%
No Response	3.3%
Total	

Opposition to Selective Licensing emerges more clearly. This may reflect the fact that there are landlords who are concerned about HMOs but are cautious about the application of Selective Licensing to all rented property.

Table 9: Support for Selective Licensing in Willesden Green

	% Total
Number of Responses	89.3%
Yes	22.8%
No	48.3%
No view/don't know	18.1%
No Response	10.7%
Total	

Although a majority are opposed, there are indications of support for targeted implementation of Selective Licensing.

Table 10: Support for Selective Licensing in Harlesden

	% Total
Number of Responses	89.9%
Yes	26.2%
No	46.3%
No view/don't know	17.4%
No Response	10.1%
Total	

As for Table 12

Table 11: Support for Selective Licensing in Wembley Central

	% Total
Number of Responses	88.59%
Yes	21.48%
No	50.34%
No view/don't know	16.78%
No Response	11.41%
Total	

As for Table 12, although support is at a lower level than for Willesden Green and Harlesden.

Table 12: Support for Selective Licensing Elsewhere

	% Total
Number of Responses	85.9%
Yes	16.1%
No	56.4%
No view/don't know	13.4%

No Response	14.1%
Total	
9f - If yes, where?	
	% Total
Number of Responses	2.0%
Where I live	0.00%
Elsewhere in Brent	0.00%
Borough wide	2.0%
No Response	98.0%
Total	

Although just over 16% indicated that licensing should be introduced elsewhere, only a very few indicated where this should happen.

Respondents to both questionnaires were also asked to provide any other comments and these are covered in the table below.

Analysis of Comments from Questionnaires and Other Sources

Note: Some comments have been edited for reasons of space

Ref	Respondent	Comment	Response
1	National Landlords Association (NLA)	<p>The judgment from the judicial review of Thanet Councils introduction of Selective Licensing supports the opinion that the introduction of selective licensing must be on anti-social behaviour or low housing demand. This raises questions,</p> <p>a) What additional resources will the council be committing to tackle anti-social behaviour as licensing alone will not resolve the issues – Thanet Council incurred a cost of £500,000.00</p>	<p>The council has not made a specific allocation of resources at this stage.</p>
2	NLA	<p>In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Selective Licensing a local housing authority <i>"will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour."</i> Could you provide the NLA with a copy of this strategy? How will it benefit landlords and what specific resources will the council allocate in the specific areas? What additional resources will be allocated?</p>	<p>Licensing is proposed as part of the council's wider Housing Strategy and related strategies and this is addressed in the report.</p> <p>The council's relevant strategies are public documents and available on the website, although some of these are currently in the process of revision.</p>
3	NLA	<p>This condition is also highlighted in the 'Explanatory note to Housing Act 2004, paras 26-28', which states: <i>"In order for a scheme to be approved, such a selective licensing scheme must be shown to be co-ordinated with an authority's wider strategies to deal with anti-</i></p>	<p>See above</p>

		<i>social behaviour and regeneration.</i> " Could you provide the NLA with a copy of these strategies?	
4	NLA	One of the dangers of the proposed Selective Licensing scheme could be the costs are passed through to tenants, thus increasing cost for those who rent in an area, along with the cost of the council. Thus increasing costs to Brent residents especially the most vulnerable. This could be seen as increasing the cost of living for residents of Brent.	The costs per property at the levels envisaged would, if passed on to tenants, represent a very small weekly increase. The council believes that this will be offset by the benefits of licensing to both landlords and tenants and will not have significant impact on any other costs.
5	NLA	What actions have the council taken in light of Hemming v Westminster Council case into account, and the European Union Licensing directive on which the case was based in relation to costs?	This is addressed in the report.
6	NLA	Areas that have seen the introduction of selective licensing have seen mortgages withdrawn, (Nat West and RBS). The banking industry does not wish the extra burdens that councils propose.	It is by no means clear that all lenders adopt this attitude. Further, the council believes that the benefits of licensing will include better maintenance, increased levels of property improvement and more effective management, all of which should contribute to increased asset values and reduced risk.
7	NLA	The issues raised in the case studies could and can be resolved with existing law. The issue appears to be a lack of enforcement by the council. The question raised is why did it take so long for the council to prosecute, and does the council believe that a criminal will get a license?	The case studies are cited to illustrate the kinds of problem experienced by tenants and it is not suggested that licensing alone would resolve them. The council will take the necessary enforcement action where appropriate. The fit and proper person requirements are set out in Appendix 4. Relevant criminal convictions will prevent individuals from holding licences.
8	NLA	In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons	The council recognises the need for a lower cost sector and the demand for shared housing and HMO accommodation. It also recognises the

		and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing. Thus the impact of these policies will have an impact on the lower economic groups within Brent. What measures are the council taking to mitigate the issues.	fluidity of demand and the sector's ability to respond appropriately, although the point about migration is not clear: if the suggestion is that migrants are willing to accept very low standards, which in turn will have to be accepted by others if those migrants leave, then the point is not accepted. The aim is not to restrict provision of this type of accommodation but to ensure that it meets basic standards. As noted in respect of comment 4 above, the council does not accept that licensing will lead to significant rent increases.
9	NLA	The use of Selective Licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the tenant.	The council fully accepts that tenants rather than landlords may be responsible for ASB. The aim is to ensure that both tenants and landlords are fully aware of their respective responsibilities and that landlords have access to the appropriate advice and assistance needed to take action where tenants are in breach. Action taken by landlords to address ASB can only be described as harassment if it fits the legal definition of the term, in which case such action would not be appropriate. Lawful action to recover possession would not be regarded as harassment.
10	NLA	The introduction of Selective Licensing is not a solution in itself; resources need to be allocated by Brent Council as well. Other councils who have introduced licensing schemes that have not allocated the adequate resources to resolve the problems still have the problems. We have reservations with the proposals as none have been identified.	The purpose of the proposal is to consider licensing rather than the wider approach to ASB, but the council agrees that it must be part of a comprehensive strategy.
11	NLA	One of the aims of the council is to increase tenancies	The rationale for this argument is unclear. It is well

		<p>length; the policy being proposed by the council will have the direct opposite and decrease the length of tenancies.</p> <p>Parking cannot be used as a reason to introduce licensing. Thus why have you brought it into the consultation?</p>	<p>established that longer terms benefit landlords and tenants -, avoiding rent loss through void periods for example. Reassurance that properties are managed and maintained effectively will encourage tenants to stay and ensure that landlords obtain regular income.</p> <p>Parking is not a factor in the decision but cited as evidence of occupancy levels and, by extension, overcrowding.</p>
12	NLA	The conditions that are proposed are for an HMO and not for all renting, you may wish to review them, so they are applicable.	Accepted and addressed in the final proposed conditions, which will be subject to further discussion with Brent landlords. The council would welcome input from national landlord organisations.
13	NLA	Can the council provide a copy of the equalities diversity impact assessment for Selective Licensing?	Initial EIA attached to this report.
14	NLA	The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the criminal landlords – who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords need is regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.	The principle is accepted and recognised in the scheme proposals, although the council does not accept that licensing is unhelpful in this respect.
15	NLA	A key concern over the creation of licensing schemes	The impact of resource constraints is

		<p>is the question of Brent Council's resources. It is well known that in this time of austerity, Local Authorities are being asked to do more by central government with fewer resources. The administration of a Licensing scheme is costly in terms of both officer time and a financial commitment. This is especially true around the additional resources that the council will have to deploy around issues such as anti-social behaviour. The passing of Selective Licensing by Local Authorities too often does not have the support that is required to resolve the issues. With the decisions in Thanet's Judicial Review and Hemming v Westminster Council the NLA would like to know what additional resources have been committed and how they will be paid for.</p>	<p>acknowledged. In terms of the direct costs of the administration licensing the scheme is intended to be self-funding through fees, though this does not include the cost of enforcement against landlords who do not obtain a licence.</p> <p>It is recognised that delivery of a wider strategy to address both ASB and enforcement of HHSRS standards will require some re-shaping of existing services and targeting of resources; an approach that the council intends to develop in discussion with partners, including landlords and landlord organisations. This is also discussed in the report.</p>
16	NLA	<p>The increase in the activity will increase the demand on the council what provision has the council made and how much additional resources has the council allocated i.e. staff answering phones, enquires etc.?</p>	<p>The staffing proposals in the report address this question.</p>
17	NLA	<p>At a time when Brent Council is reducing department budgets, we believe that the remaining resources should be allocated to targeted enforcement against the worst, criminal landlords. An example, in 2009 Swansea City and Borough Council spent approximately £272,000 on its mandatory and discretionary licensing schemes (of which approximately £243,000 came from landlords paying the application fee) 2. This caused a shortfall of £29,000 for the Local Authority and we would argue this money could have been better spent employing additional Environmental Health Officers to target sub-standard and poorly-managed properties. How many additional staff will Brent be employing and how much</p>	<p>The staffing proposals and financial implications in the report address this question.</p>

		additional resources has the council budgeted for per year over the next five years?	
18	NLA	Leeds City Council through the process of introducing Selective Licensing incurred a cost of around £100k to the tax payers of Leeds ³ . We have already mentioned Thanet Council incurred a cost of £500,000.00. Newham has allocated money from the general fund for enforcement and received money from central government, how much money has the council envisaged will be required for these new services?	See comment 1above
19	NLA	The introduction of Licensing will require resources to be allocated to the area it to work i.e. tenant information officers, landlord liaison officers, anti-social behaviour staff, community workers and enforcement staff. This will create added cost to Brent Council which cannot be met through licensing fees. The NLA would be willing to work with the council with the provision of Tenant Information Packs, Assured Short Hold Tenancies, support services for landlords and Green Deal packages to improve the efficiency of the homes in the area. But this would need to be complemented by resources by the council to tackle the issues the council has highlighted.	The council is keen to work with the NLA and other bodies to deliver these services.
20	NLA	How has the council budgeted for a national register, (if introduced after the next election) and a refund to landlords is required, how much money is the council setting aside for this? Many other councils who have introduced licensing fail to inspect properties and seek out those that have not registered. In Newham and other Councils who have cited similar cases, they have taken on additional staff	The council has not made provision for this at this stage and will consider the point when there are clear proposals and a timetable for implementations. The question of staffing is addressed above.

		how many additional staff is the council proposing to take on?	
21	NLA	The changes to welfare allowances and the reduction in housing couples with a rising rents, how much resources has the council allocated to help vulnerable residents with increased costs due to these policies?	The council receives government funding to assist tenants impacted by welfare reform.
22	NLA	Clarification on the council's policy, in relation to helping landlords when a section 21 notice is served is required, with the proposed Selective Licensing scheme? It would be useful if the council could put in place a guidance document which would outline the council's position in helping landlords remove tenants who are causing anti-social behaviour.	The council will be discussing a range of operational issues with Brent landlords and is happy to consider providing appropriate guidance.
23	NLA	The NLA would like further explanation on how the council will work with landlords to mitigate the tenants that leave a property early but where they still have a tenancy, thus the tenant is liable for council tax but the property is empty? If a landlord has challenges with a tenant, how will the council help the landlord?	The council intends to provide advice and support to landlords in the same way that it does to tenants and local voluntary agencies – for example Advice 4 Renters – are already providing such services. The lettings agency service being developed by BHP will also provide assistance in this area.
24	NLA	The document says it will cover three wards but hints that it could be borough wide, the introduction has to be evidence based, thus evidence will need to be provided.	This question is addressed in the final proposals.
25	NLA	Licensing can have a role, but Licensing in itself will not resolve the issue; the use of enforcement where the law is being broken is required. This requires an allocation of resources; can the council provide a breakdown of resources they will be allocating for the five year period of the license?	See above.
26	NLA	Brent Council has many existing powers. Section 57 (4) of the Housing Act 2004 states that a local authority "must not make a particular designation ... unless (a)	The council intends to use all the stated powers alongside licensing.

		<p>they have considered whether there are any other courses of action available to them ... that might provide an effective method of dealing with the problem or problems in question". The use of these powers as listed below give a Brent Council the ability to tackle many of the issues that they wish to overcome in all the parts of the city:</p> <ul style="list-style-type: none"> a) Use of Criminal Behaviour Orders; b) Crime Prevention Injunctions; c) Interim Management Orders; d) Empty Dwelling Management Orders; e) Issuing improvement notices to homes that don't meet the decent homes standard f) Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990); g) Litter abatement notices under section 92 of the Environmental Protection Act 1990; h) Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10); i) The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949. 	
27	NLA	The current proposals by the government in Parliament include reducing the threshold from which complaints can be generated that can be classified as anti-social behaviour. This would allow for the nuisance of one person to be classified as antisocial behaviour, this	No specific resources have been allocated in response to this change. The council will continue to take a proportionate approach to dealing with complaints.

		includes someone reading the bible out in the street. As this will increase the ability of neighbours to complain how much additional resource has the council allocated to tackle these issues?	The relevant definition of anti-social behaviour is set out in paragraph 11.18 of the report.
28	NLA	With references required for tenancies and the threshold being reduced this could lead to delays for prospective tenants, along with people having difficulty getting a tenancy. Could you provide the equalities and diversity assessment that the council has undertaken into referencing? What communication has the council had with RSL's being able to provide referencing along with social housing providers that neighbour Brent?	The Housing Act 2004 makes obtaining references a mandatory requirement. The council is happy to discuss how this can be met in the most effective way.
29	NLA	This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness with people being unable to secure a tenancy due to references.	As noted above, the council does not accept that licensing will reduce security for tenants. Homelessness as a result of eviction from the PRS has already increased significantly, partly due to concerns over the impact of welfare reform and partly due to overall increased demand. The council believes that licensing will provide a more stable environment. With regard to references, see comment 28 above.
30	NLA	The paperwork of a License can be reduced; the rationalisation of processing of licensing forms needs a review. The requirement to complete a form for each property needs to be reviewed. The process can be simplified along with costs that are incurred by Brent Council and to the landlord. We would be willing to work with the Council on how this can be done.	The council aims to minimise any burdens on landlords and is happy to work with the NLA and other representative bodies on this.
31	NLA	One of the conditions is that the landlord (license holder) must allow access to the council, it will be at the discretion of the tenant wither the council can enter	Accepted, although the landlord retains a right to reasonable access.

		not the license holder.	
32	NLA	Failure of Brent Council to have joined up standards between departments is also a problem for landlords. The Planning Control Departments often has different standards to that of the Environmental Health Departments, which would issue the Licence. This causes problems for landlords and creates a bizarre situation where landlords will not be complying with one of the Councils departments to comply with another. How will the council be rectifying this?	The council is happy to discuss the detail of any concerns with the NLA.
33	NLA	One of the many reasons raised by Brent Council has proposed for the introduction of Licensing is due to litter and fly-tipping. Landlords will outline to tenants at the start of the tenancy their obligations in relation to waste and what they have to do to comply with in relation to waste disposal. This in many cases this is the waste services provided by Brent Council, if the tenant does not comply with the waste collection then the tenant is responsible and the Council can take action against the tenant – Licensing is not the appropriate regulation to address this issue.	Concerns over fly tipping are not restricted to tenants and there is evidence to suggest that some landlords are also responsible. However, the council accepts that licensing will need to work hand in hand with approaches to waste.
34	NLA	In many situations fly-tipping or excessive litter is due to the tenant not understanding the waste service. The non-collection of waste/recycling by the Council can increase fly-tipping and litter in an area. The non-collection of recycling due contamination within the recycling bin will result in the tenant having to dispose of the recycling/waste; this can lead to fly-tipping or overflowing bins/litter. Neither of these can be resolved through Licensing. What additional resources will the council allocate to resolve this issue as the current resources do not seem adequate?	See 33 above. The council does not agree that current resources are inadequate.

35	NLA	Often when tenants near the end of the contract/tenancy and they are moving out they will dispose of excess waste in a variety of methods, this does include putting it out on the street for the Council to collect. A waste strategy for the collection of waste at the end of term needs to be considered by local authorities which have further education establishments. This is made worse when Council will not allow landlords to access the municipal waste collection points. The council does not have a strategy in place to tackle the problem of waste from housing that is rented out and appropriate waste collection bins provided for the accommodation. The NLA would be willing to work with the council in developing this strategy.	The council is happy to discuss any proposals for improving waste services.
36	NLA	There are currently over 100 pieces of legislation that a landlord has to comply with. An understanding of the laws that the private rented sector has to comply with can be misunderstood. A landlord is expected to give the tenant a "quiet enjoyment", failure to do so could result in harassment case brought against the landlord. Thus the law that landlords have to operate within is not fully compatible with the aims that the council wish. A landlord keeping a record of a tenant can be interpreted as harassment.	It is accepted that the legal framework is complex but the argument that this is incompatible with licensing is not clear. The council does not see how keeping tenant records, as long as this is done appropriately and proportionately and does not involve unwarranted entry into the premises, could be regarded as a breach of quiet enjoyment.
37	NLA	The ability for a landlord to enforce the law against the tenant that is causing anti-social behaviour is through the civil court where the burden of evidence is different to that of a criminal court. Although this is lower, the length of this process will often exceed the period of the tenancy. Why will a landlord continue to prosecute a person who is no longer a tenant? A landlord also	This applies whether or not a licensing scheme is in place and the council's view is that licensing will assist in clarifying the rights and responsibilities of tenants as well as landlords. The council has no evidence to indicate that landlords will resist taking action due to a fear of the tenant causing damage to the property.

		risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this?	The council does not intend to impose excessive monitoring or reporting requirements on landlords but would be happy to discuss how the impact of licensing can be monitored effectively.
38	NLA	The introduction of licensing is to tackle specific issues, many of these are tenant related and not to do with the property/landlord. Thus the challenge is for local authorities to work with all the people involved not to just blame one group – landlords. The NLA is willing to work in partnership with Local Authorities and can help with tenant information packs, assured short hold tenancies, Green Deal and accreditation of landlords, along with targeting the worst properties in an area.	As noted above, the council is keen to work with the NLA on this.
39	NLA	The NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by a licensing scheme which is not proportional. In many situations the council should consider Enforcement Notices and Management Orders. The use of such orders will deliver results immediately – why does the council wish to do this over five years. A targeted approach on a street by street approach, targeting the specific issues and joined up between agencies, the council, community groups, tenants and landlords will have a greater impact.	The council's view is that licensing as proposed is proportionate to the level of problems in the borough. This does not preclude other targeted action against the worst examples.
40	NLA	The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their powers to manage their properties effectively. A more appropriate response would be to identify issues and assist landlords to develop the required knowledge and	The council is happy to pursue accreditation and landlord development in partnership with the NLA.

		skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This can allow Brent Council to target the criminal Landlords – a joint approach is required.	
41	NLA	The NLA would also like to see Brent Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords whilst still leaving the criminal able to operate under the radar.	The council is happy to discuss any proposals in this area.
42	NLA	You propose that landlords will need to get references, there are many legal conditions that have to be complied in filling in a reference, and equally you cannot be negative in a reference. Thus many people will not be able to be housed which will increase the costs on the council. Equally will the council be able to provide references for those that were in social housing? Equally there will be groups of people unable to get a reference i.e. those fleeing domestic abuse, tenants from neighbouring social providers.	See 28 above
43	NLA	Your consultation says the anti-social behaviour is caused “near me”, thus the anti-social behaviour might not emanate from the PRS.	The further work undertaken alongside consultation gives a clearer picture of the risks associated with private renting but it is accepted that it is not necessarily the case that all ASB emanates from the sector.
44	NLA	The data that has been presented does not distinguish between owner occupied, social or private rented, it is ward based. They are based on perception – not evidence? In the same document you claim not to know where all the private rented sector is, thus how	See 43 above.

		can you claim problems emanate from one sector of housing over the other?	
45	NLA	Could the council provide a breakdown of data relating to anti-social behaviour based on tenure?	If required
46	NLA	Could the council also provide a breakdown of the type of ASB? Could this also be sub divided into anti-social behaviour that is housing related, over the last 5 years?	If required
47	NLA	The length of time that a landlord will take to prosecute a tenant and cost if prohibitive to landlords. A course of action that landlords have taken in other areas where Licensing has been introduced which requires referencing is the landlord only granting a short tenancy i.e. 6 months and when a landlord is informed of anti-social behaviour, terminating the tenancy. Thus making tenancies less sustainable.	For referencing, see above. Where a tenant is guilty of anti-social behaviour, the council would expect the landlord to take appropriate action. 6 month tenancies are the norm whether or not a licensing scheme is in place and termination would be the expected course of action where a tenant is guilty of ASB, again irrespective of licensing requirements.
48	NLA	A person who's tenancy has been shortened or expired due to anti-social behaviour but no prosecution has been made would still have a perfect reference. Why would a landlord continue a prosecution of a tenant who has moved on?	See 28 above. The point is not clear. A landlord who has experienced anti-social behaviour from a tenant would presumably wish to pass that information on in a reference. In terms of prosecution, it is unlikely that the landlord would be the person undertaking this and that either the local authority or the police would be the lead agency, for example in cases where there has been theft or criminal damage.
49	NLA	How will a landlord be able to get a reference from someone who is being housed by a third party i.e. the Home Office (refugee)?	See 28 above
50	NLA	The NLA would like to see Brent Council present a "Matrix" on the what will be achieved by the introduction of Licensing along with a clear outline of	This is referred to in the report and will be subject to further discussion with landlords.

		the services that will and will not be introduced along with a timeline.	
	NLA	We would like clarity on the anti-social behaviour, costs and resources being allocated by Brent Council. Recent court cases show that the council will have to commit resources and that these need to be targeted to resolve the issues that the council highlight.	The Safer Brent Partnership Strategic Statement and associated action plan identify priorities in this area.
51	NLA	The aims of the Council has i.e. removing nuisance, waste etc. can be achieved through existing legislation that Licencing will not and cannot achieve. The risk of introducing Licencing is likely to increase the costs for those, along with not resolving the problems that the Council wishes to resolve. Thus a more erudite approach to dealing with nuisance and a separate policy to tackle the criminal landlords would be more applicable in resolving the issues.	See above
52	Resident By email	I have lived next door to a private rented house for over 20 years. For many years I was plagued by noise - it was only when the laws changed and made landlords responsible that I was able to deal with this and get something done about it. I have the council phone number in my brain although I am 67 and forgetful. Many houses in and around my road (Vista Way) are now being privately rented and filled with 6 or more Eastern European adults all cooking at different times. These houses were built for 2 adults and children. The house next door always has bins overflowing. I have told them to phone the recycling department and get further or larger bins but they are waiting for the landlord to do this. My next door neighbour the other side and another gentleman frequently pick up litter blowing over the road. We have foxes in the area	Resident has been contacted

		magpies and rats. Landlords must be made responsible for making sure their tenants have adequate recycling bins. It is a health hazard.	
53	Brent Connect Meeting - Willesden & Cricklewood Voluntary Organisation By email	Would a landlord who had a house with 3 self-contained flats need a licence for each and if so would there be a group discount? 2. Would licensing lead to evictions?	Response has been sent
54	Resident By email	Dear PRS licensing I would like to take part in this consultation and feel that the questionnaire does not invite me to do so. I live opposite and next to 2 properties owned by a rogue landlord at XXXXXXXX Road in Kilburn The landlord lives opposite my house also. These are 2 storey properties poorly managed with rats, cockroaches insufficient bathroom facility and illegal partitioning. My quality of live has been seriously eroded over the years by this landlord and his tenants who runs these houses as a serious money making concern (all cash) 13 people per house with one shower ,without a care about local residents and how the noise and the overflowing bins and poor waste management effects them. Please can you tell me if people such as me get a say in this consultation or are you only going to let the rogue landlords have a say??	Response has been sent along with invitation to complete the survey
55	Resident By email	I still don't understand the new consultation process and need for more licensing. The current HMO licensing scheme in Brent is unable to deal with a Brent licensed Landlord illegally evicting a tenant with a knife	Response has been sent

		<p>with associates. Please watch the video of the eviction in Brent, believed to be Chichele Road NW2. http://youtu.be/7JOFhMhjHcM I have asked Brent Council why no action was taken against this HMO licensed landlord, the reply from Cllr Muhammed Butts office "In Mr X's case, the landlord in question was not prosecuted as on this occasion prosecution was not deemed appropriate" How can it not be appropriate to prosecute someone who illegally evicts a tenant with a knife? A conviction prevents them from holding a HMO licence, something that is promoted in this new consultation.</p>	
56	Resident By email	<p>I am hoping soooo much that you are going to do this borough wide not just in three areas I have spent years living opposite this landlord and it is DEPRESSING seeing how he treats his tenants ,neighbours and properties. It has taken TOO LONG A TIME to do something about this situation which I understand is rampant in Brent and causes hardship to many.</p>	Response has been sent
57	Voluntary Organisation By email	<p>I have the following points to make; 1, In the Brent mag. It says that it is in Harlesden, Willesden Green and guess where Wembley Central, but as a chair of REACH the RA for the streets just off Harlesden Town centre in the Park Parade and Kensal Green wards, we wondered if this related to us at all and if not why not? 2. HMO's which are normally owned by private landlords are one of the major problems concerning our RA in the areas of;</p>	Response has been sent

		<p>A, Waste disposal and general appearance of the properties. I.e. Multiple TV aerials and external gas/electric meters.</p> <p>B, Tenants being unaware of the Brent system for dealing with recycling etc and causing additional work to all resources because of this?</p> <p>C, Landlords not taking responsibility at all to educate/inform their tenants of the correct way to utilise these services.</p> <p>3, In what way do you consider Housing agencies here, as Landlords or merely acting on behalf of Landlords who have rented their properties to the agency for them to house their tenants? Or will this be lost in the mist?</p> <p>I have informed all our 200 plus members about this and it will be interesting to hear their views alongside those of the Kensal Green Street project that REACH is a founding member of. It seems that whenever we have a Clean Up day, it is the HMO's that cause the most problems?</p>	
58	Resident By email	<p>Having been concerned with the impact of landlords in the Preston ward, I was interested to discover your survey. However on looking through the questions, there are quite a few cases where I think that:</p> <p>1) I would want to caveat or expand on a response;</p> <p>2) I think I could make valid comments on a section from which I'm excluded.</p> <p>If I submitted the questionnaire on paper, with a supporting document with narrative comments, possibly cross referenced the questions, would that narrative input be taken into consideration?</p> <p>An example of (1) is that there is a section on planning</p>	Response has been sent

		<p>violations, but what I actually think is happening is that the planning system is being gamed by getting permission, or using permitted development rights, whilst the property can still be classed as C3, but with the intention to immediately convert it, or sell it, for C4 use.</p> <p>As an example of (2), there is a question for tenants about fire safety, but my experience of tenants, particularly in purpose built flats, is that they don't appreciate the fire safety issues that their landlord is skimping on, so won't perceive the problem. In fact, one of the landlord's responsibilities is to make sure that the tenants don't do things that compromise fire safety.</p>	
59	Residential Landlords Association (RLA)	The fee structure and the projected budget may be contrary to the European Services Directives and the ruling of the <i>Hemming (t/a Simply Pleasure) Limited v Westminster City Council</i> Court of Appeal case	See 5 above.
60	RLA	HMO additional and selective licensing schemes are ineffective at reducing incidents of anti-social behaviour	See 9 and 10 above.
61	RLA	Worrying trends are emerging in the case of discretionary licensing. Licensing entails a huge bureaucracy and much time, effort and expense is taken up in setting up and administering these schemes; rather than spending it on the ground and flushing out criminal landlords.	See 15 and 17 above.
62	RLA	Increasingly, discretionary licensing is being misused to fund cash strapped housing enforcement services. The recent Westminster sex shop Court of Appeal (<i>Hemming (t/a Simply Pleasure) Limited v Westminster City Council</i>) has brought such funding into question (see paragraph 1).	See 5 above.

63	RLA	Discretionary licensing is not being used for its intended purpose of a short period of intensive care; rather it is being used by the back door to regulate the PRS.	This is not the intention of the legislation or the council's proposals, which are made in response to current prevailing conditions and will be reviewed at the appropriate point.
64	RLA	The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords.	See response to point 4 above.
65	RLA	Despite high fee levels local authorities still lack the will and resources to properly implement licensing.	See 4 above
66	RLA	Little has been done to improve property management. Opportunities to require training have been ignored. As always it has become an obsession with regard to physical standards with very detailed conditions being laid down. No action is taken against criminal landlords.	See 19 and 40 above. The council will take action for breaches of licence conditions.
67	RLA	We believe that a significant number of landlords are still operating under the radar without being licensed.	Such landlords will be a priority in Brent's scheme. Failure of some landlords to apply for a licence is not an argument against licensing and the fact that a significant number may choose to avoid licensing is an indication of the need for better regulation.
68	RLA	As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.	The council's view is that licensing offers benefits to landlords and the sector as a whole and that fees are proportionate.
69	RLA	Licensing is not being used alongside regeneration or improvement of the relevant areas. Insufficient resources are being employed to improve the areas.	The report addresses the role of licensing within wider strategic plans. The council's view is that licensing will assist in identifying other priorities within neighbourhoods and allow landlords to influence the direction of policy and activity.
70	RLA	Where areas are designated for additional or selective licensing this highlights that they can be "sink" areas. This could well mean it would be harder to obtain a mortgage to buy a property in these areas.	See 6 above.

71	RLA	Schemes are not laying down clear objectives to enable decisions to be made whether or not these have been achieved. Proper monitoring is not being put into place to see if schemes are successful or not.	The report addresses this point.
72	RLA	There is little use of “fit and proper person” powers to exclude bad landlords.	The council intends to make full use of these powers within the scheme.
73	RLA	The council ‘believes’ ASB and criminal behaviour is ‘linked’ to management of PRS properties, but also acknowledges that ‘other factors could be at play’. This statement is weak, vague, and does not substantiate the level of licensing that they want in the Borough fully, let alone simply in Wembley Central. Indeed, ‘other factors could be at play’ in the rest of the borough when selective and additional licensing schemes are considered for private landlords.	Further research has supported the initial view expressed in the consultation paper. The council does not suggest that the PRS is the sole source of ASB but is convinced by the evidence that it plays a significant role.
74	RLA	It may be churlish to say, but is the Council also considering a Borough-wide scheme of <i>no</i> selective licensing? Is it suggesting it could be the Boroughs mentioned, or the whole Borough of Brent? The RLA sincerely hopes that not implementing the scheme is also an option seriously considered by the council, and not that the consultation is not merely a formality.	The council has considered the option of maintaining the status quo but does not believe that the evidence supports this approach.
75	RLA	Charging landlords <i>more</i> money to conduct their business and provide accommodation to their tenants in a bid to enhance their living situations is redundant. If a landlord is charged £500 per property they will have to find a way to recoup the loss. Potentially a landlord could implement those charges into rent, which could force tenants into the hands of actual criminals who flout the law. These criminals could raise their own prices ever so slightly in accordance with	See 4 above.

		other rises, pocket the difference and subject tenants to subpar property standards.	
76	RLA	Asking tenants, who readily admit that the private rented sector is not their first choice of accommodation what they think is wrong with the sector is a bit of a biased place to start. The private rented sector (PRS) provides a lot of people with the flexibility and affordability of housing that may otherwise be unavailable to these tenants.	The council fully supports the role of the private sector in meeting housing demand and accepts that it provides the advantages referred to. However, it is clear that there is a substantial number of tenants who are dissatisfied, whether or not the PRS is their tenure of choice.
77	RLA	The Council highlights that private rented accommodation isn't providing the standards and satisfaction that is expected for tenants, but does not provide much in way of alternatives. The housing shortage from across the nation is acutely realised in the capital and private renting is one of the few viable options for young working people and immigrants who may be ready to commit to a specific area upon arrival.	The council fully recognises the vital role played by the sector, which makes it all the more essential that it functions well and provides the best possible quality.
78	RLA	The council have good work already being conducted with the Housing Quality Network (HQN) and engaging with tenants is a great place to start, but the RLA would like to see more engagement with private landlords to ensure that there is a balanced conversation undertaken.	As noted above, the council is keen to work with local landlords and representative organisations.
79	RLA	Tenant education is an increasingly important criteria to ensure that properties are up to standard, and engaging with tenants and landlords over what rights and responsibilities are available to each group is an important aspect to cover when considering such a complicated framework such as housing and privately rented accommodation.	As noted above, the council is keen to work with local landlords and representative organisations
80	RLA	The RLA hopes that there have been steps to ensure that private landlords are aware of the consultation.	The proposals have been publicised widely and discussed at events targeted at local private

		The RLA campaigns team has spoken to several private landlords in the area and is under the impression there is a high level of proactivity by private landlords to respond to licensing measures. The RLA hopes that these views will be considered seriously.	landlords.
81	RLA	The two case studies put forward by the council are done in a bid to provide reasoning for licensing schemes in the private rented sector. However, if the Council is aware of specific landlords and particular properties that are performing below standard expectations, it would stand to reason that the council target these areas first before licensing any other good landlords who are providing crucial tenancies to the area.	See 7 above
82	RLA	Tenant and landlord education could go a long way to dealing with tenants exhibiting anti-social behaviours. London Councils should work together to ensure that a list of anti-social behaviour tenants, with a history of causing disturbances be monitored and provided with support if needed. Private landlords are not social workers and should not be expected to deal with challenges of anti-social behaviours without the necessary training and support.	As noted above, the council is keen to work with local landlords and representative organisations
83	RLA	As Brent Borough Council has recognised, overcrowding is a major problem – as it is in most of the London boroughs – so introducing licensing legislation that will deter investment and potentially increase homelessness figures does not appear rational.	See 29 above
84	RLA	In the most recent English housing survey it was found that 83 per cent of private rented tenants were satisfied with their homes.	It is not suggested that responses received reflect the views of all tenants and the purpose of the survey was not the same as a general survey of

		From the sound of respondents, it appears that they are more keen to live in social rented housing. Due to the increasing lack of social housing available more and more vulnerable people will be pushed into private rented accommodation. It is the responsibility of the council to ensure that landlords are receiving adequate housing benefit and support to deal with potentially problematic tenants. Once a tenant has been placed in accommodation, it is very difficult for a private landlord to evict tenants who potentially display anti-social behaviours.	tenant satisfaction levels. The increasingly important role of the sector is acknowledged and the council's view is that the clear structure and support available through licensing will assist landlords.
85	RLA	It would be very interesting to have a breakdown of the repairs that the 55% of private sector tenants, if these are serious and immediately required repairs, the RLA can acknowledge the need to complete them. However, if the repairs are small and non-essential then it is merely a statistical method of the Council trying to exacerbate an issue that doesn't really exist.	No breakdown of repairs referred to in responses is available, although the council intends to follow up where contact details have been provided.
86	RLA	The council could make it so that the incentives for private landlords to take on homeless or vulnerable tenants were enough of a draw to help alleviate the apparent issue within the borough. This could be, but not limited to, guaranteed housing payments <i>direct</i> to the landlords; accreditation for taking on vulnerable tenants; council/social workers attending to tenants on a scheduled basis to ensure both tenant and landlord are maintaining a good relationship with one another; etc.	The council is happy to discuss any proposals in this area with the RLA.
87	RLA	When taken together, there is a lack of consistency in the rationale and reasoning. As the Council has openly admitted (on Page 7 of Annex A) that anti-social behaviour and low demand are the only reasons to	The principal concern for Selective Licensing is ASB but where other problems have been identified, the council will consider how these can be tackled in consultation with Brent landlords.

		implement selective licensing schemes in the borough. The council needs to be much more direct in what issues are going to be tackled through proposed licensing schemes as it appears that warmth of properties is the over-riding issue for tenants surveyed.	With regard to affordable warmth, the council is keen to work with landlords to realise the potential of the Green Deal and ECO in Brent and has recently entered into a partnership with a provider with a specific brief to assist the sector in attracting resources.
88	RLA	<p>By admission of tenants who had been in the private rented sector, Anti-social behaviour is <i>not</i> the overwhelming issue that needs to be acknowledged by the Council. Indeed, it is insulation and energy efficiency which is the most important criteria to tenants.</p> <p>The Residential Landlords' Association (RLA) would argue that charging landlords licensing fees would take money that may otherwise go into repairs and insulation investment.</p> <p>Furthermore, Brent council repeatedly refer to anti-social behaviour being the driving force behind the rationale behind licensing schemes. While ASB has been shown to exist in the areas, property standards are a more pressing issue and if the council is sincerely trying to cater to the needs of its constituents, it would be a better use of energies to emphasise energy efficiency, rather than licensing.</p>	See above. In addition, tenants and residents have highlighted problems of ASB, among a range of other issues.
89	RLA	There is no definition of anti-social behaviour throughout the consultation and the Council seems to pick and choose which 'criminal activities' constitute 'anti-social behaviour' to fit their needs. Indeed, any criminal activity and dis-amenity (i.e., littering) within a community can be construed as <i>anti-social</i> but it would be more compelling if the Council had stuck to traditional definitions, rather than putting environmental	ASB is defined in the legislation in general terms (see paragraph 11.18), and the council has taken a view on what constitutes ASB in this context, in which environmental issues are also relevant.

		crime in with anti-social behaviours.	
90	RLA	The Residential Landlords' Association sincerely hopes that the council will be fair and balanced when considering arguments <i>against</i> any licensing schemes.	Full account has been taken of responses to consultation that opposed the proposals and consideration has been given to a range of options.
91	RLA	Local councils have hundreds of powers available to them to help monitor and regulate the private rented sector (PRS). Licensing should be the last option in a long line of other options available to the councils. The RLA believe, that if Bren Borough Council are serious about improving the standards in these converted HMO properties, it would be better to pursue accreditation and other incentives, rather than slapping all landlords with licensing fees. These fees may be incorporated into a tenants' rent and could potentially move this tenants to criminal landlords who provide substandard properties knowingly, taking advantage of vulnerable tenants.	See 26 above
92	Resident in Questionnaire	I retired this year as a firefighter after 28 years working in and around Brent. Bad landlords and tenants provide a worrying statistic on overcrowding and fire/life risk if unpoliced. Often these are only discovered (in fact the very existence of a property being an HMO) when someone is seriously injured or dies.	Noted
93	Resident in Questionnaire	Multi occupancy houses bring problems. The house near us has three families, with three cars and three vans which they bring home at night. After working really hard all my life to get a nice house in a nice area, I have to suffer all this parking and congestion outside	Noted

		in the street.	
94	Resident in Questionnaire	Over the last 10 years purpose-built, 2-storey maisonettes in certain NW10 streets e.g.: Brendon Avenue, Southview and Northview, Braemar Avenue, are only maintained by owner occupiers with no input, either practical or financial, from landlords or their tenants. This has a serious impact on the quality of life of owner-occupiers. Whilst this can be legally taken up with the freeholder, we feel that the council should insist on the need for landlords to comply with the terms of leases so that owner-occupiers can be spared the need for lengthy wrangles via the freeholder.	Noted
95	Resident in Questionnaire	Unofficial / unauthorised changes to properties e.g. Conversions of houses to flats, restricting access to gardens failure to take up/enforce recycling and use of food waste bins properties that are effectively HMOs even if not strictly falling into legal definition	Noted
96	Resident in Questionnaire	In the past we had a very serious problem on our street with HMOs'. The private landlord who owned several on our street split small bedrooms into two converted lounges into two bedrooms and at one point a 3 bedroom family house had over 12 people living there, partying and fighting every weekend. I have young children and we my husband works full time, I work part time. We had a very rough time and it took over a year for the council to deal with it. Eventually the	Noted

		<p>landlord decided to sell two of the properties. One remains, directly opposite my house. The students who live there currently are quiet but every term we wait nervously to see who will move in. I think the council should have much greater access to view these properties and to be given the power to prosecute the tenant if they are obvious breach of the regulations. Our experience of disputing the situation was weighted far too heavily in favour of the landlord. They were given far too many chances on far too long a time scale whilst they were still able to rake in the cash rents from the tenants living in appalling conditions.</p>	
97	Resident in Questionnaire	<p>The proposals will make landlords more accountable for the nuisance caused by their tenants. There are many absentee landlords who just take rent and ignore the effect antisocial tenants have on their neighbours. This includes noise, rubbish and fly tipping, dirty gardens and streets, prostitution and drug dealing. There has been an increase in rental properties, up to 50% in any one street where 10 years ago there were none. There is a real problem with multiple occupancy that is not known by letting agents. This results in excess rubbish that does not fit into bins. It also increases the unkempt and unrepaired properties causing a fall in value of owner occupied properties. Much of this can be addressed by licensing but this must have inspections attached to the program</p>	Noted

		otherwise it will be a waste of paper!	
98	Resident in Consultation 2	In most cases of residential property, It is the quality of tenants introduced by Estate Agents who encourage the contracted tenants to sublet properties which encourages overcrowded living, which can also lead to additional refurbishment costs to the Landlord when they property is vacated. On many occasions the Property owners (Landlords) who become the victim of unscrupulous estate agents. Where landlords are concerned about illegal activity of tenants introduced by the estate agents, and approaches the council regarding the tenants, there should be a separate department in the council who should work with the Landlord and or neighbours to ensure that the illegalities (e.g. drug dealing, anti social behaviour, overcrowding) are dealt with immediately.	Noted
99	Resident in Consultation 2	All the London Area must have Selective Licensing, Landlords and estate agents are always ignoring tenants and problem in the property and they just want to get the rent money no matter what state the property have.	Noted
100	Resident in Consultation 2	Also this action should be done in most areas so we can keep the places and not felt as if we are tormented out of our given habitation.	Noted
101	Resident in	As an owner occupier I have experienced terrible	Noted

	Consultation 2	tenants with threatening behaviour. It made me feel unsafe and scared to live in my property. I think it should also be extended to managing agents. I think Mapesbury is an amazing place because of the size, space and design of the properties. However, the general rubbish and conditions of the houses let the area look run down. The area is improving but I think more accountability would improve the area.	
101	Resident (and landlord) in Consultation 2	Being an owner occupier but also a landlord with a property in Brent and having rented privately and through Housing Associations linked to Brent Council, I can safely say that in my opinion Private renting tenants are more respectful of the property and local area. The block in which my flat is housed has deteriorated over the last few years due to the amount of Housing Association tenants that have moved in. Landlords seem to be on the end of a "bum" deal but the amount of times I have to make repairs to my flat because of the "animals" that Housing Association put in there is disgusting	Noted
102	Resident in Consultation 2	Brent council don't seem interested when reporting unlicensed cash in hand properties.	Noted
103	Resident in Consultation 2	Brent Council has not made its case for implementing a licensing scheme very clear at all. There is a tenuous	Noted

		link between anti-social behaviour and poor landlords and this is not a matter that licensing will solve.	
104	Resident in Consultation 2	<p>Brent must take care not to exclude potential tenants who are unable to provide suitable references; if all private Landlords decided to take this stance i feel a significant percentage would be at a disadvantage to secure a tenancy in the first instance. I do feel that single family dwellings should be of adequate standard for individuals I feel that single family dwellings should be of adequate/standard for individuals to live in.</p> <p>Therefore I can see the need for some sort of regular inspection or safety check to take place. There are currently many private properties which need a clean up, that are being rented out in the borough, This is completely unacceptable and has a detrimental effect on the health of local individual who reside in them. If a system was to come into force, whereby the Council checked for a uniform standard of dwelling in both private and public sector properties; then the removal of damp and mould should be a top priority. What the Council should not do is use such a measure as an intrusive means to gain access and control over the lives of the Landlords and tenants within the Private sector</p>	Noted
105	Resident in Consultation 2	Dudden Hill ward contains a flagrantly illegal development on Lancaster Road NW10 that the	Noted

		Council is aware of. Why has a demolition order for the illegal extensions not already been issued?	
106	Resident in Consultation 2	Ensure landlords are known - citizenship, Tax, ID - if a limited company or partnership, then who the principals behind the letting are. Structure the licensing scheme on the basis of transparency, so that landlords information is known to other agencies e.g. DSS, HM revenue as well as all Council departments. Make the scheme self-financing - make the landlords pay for the running of the registration scheme. Make the scheme wide enough to cover informal tenancies, e.g. where accommodation is provided "free" in exchange for work on the premises. Try to promote security of tenure for tenants who are good, pay on time and look after their homes, and focus on the bad/worst landlords and enforce the registration scheme	Noted
107	Resident in Consultation 2	For years Brent Council has only been happy to use Landlords that do not look after their properties, leave family for year in terrible conditions.	Noted
108	Resident in Consultation 2	From this survey, the process has not been thought through sufficiently for me to support the idea. However, I do support your willingness to tackle the problems generated by multiple occupancy, high turnover tenancy.	Noted
109	Resident in	The properties look like they are run down and	Noted

	Consultation 2	landlords are taking advantage of housing problems and over charging for rents There are no bins and or signs for rubbish, people have to leave rubbish on the pavement. I think Brent Council should enforce a rent limit that is affordable to tenants and suitable for the area. Landlords should keep one month rent to guarantee their rents. The tenant should deal with the maintenance and pass the cost on to the Landlord to avoid delays of dealing with any issue/problem with the property. Tenant to pay maximum of Â£100 fee to estate agents Landlord must provide full contact details to the tenant Landlord is not to refuse a tenant who claims Housing Benefit as long as the tenant provides a reference and have a standing order or direct debit to pay the rent	
110	Resident in Consultation 2	Household waste collection/recycling : MANY RESIDENTS DO NOT UNDERSTAND OR CARE ABOUT THE USE OF APPROPRIATE BINS. Plastic bags seem to be in most bins. North Circular Road houses do not have wheely bins and rubbish can be left in back gardens or the alley, encouraging rats. If a charge is made for the collection of garden waste, we will have more untidy gardens. There is a large number of mattresses dumped in the area - possibly when new tenants move into a property.	Noted
111	Resident in Consultation 2	Houses owned by Brent Housing Partnership need to	Noted

		be maintained, and the gardens first and foremost as there are nearly always very neglected. THEY SHOULD BE SETTING AN EXAMPLE	
112	Resident in Consultation 2	I agree with Brent Housing Action that landlord licensing would give Mapesbury an ASBO which will stigmatize the area. Good private tenants will not be attracted to what is, at the moment, a prestige area. Mapesbury is a quiet well kept attractive area. We should not stigmatize it. There is already enough legislation to protect those in overcrowded poor accommodation	Noted
113	Resident in Consultation 2	I am glad to see that the Council are going to try and tackle these social problems. I have lived in Brent for all my life and have seen the area deteriorate considerably due to a large influx of people who rent properties, rather than own them. I applaud the idea of making landlords more responsible for their properties but am not sure the proposal will work if landlords are not supported by police and courts when dealing with difficult and nuisance tenants. Evicting problem tenants is a long and difficult process. Also I think planning permissions play a big role here. Problems of over crowding and badly maintained properties are often the result of greedy landlords trying to turn properties that are inappropriate into flats, e.g., turning small terrace houses into multiple flats.	Noted

114	Resident in Consultation 2	I am so pleased to receive your survey. For some time now absent Landlords have been a big problem, as they don't have to live next to the rubbish and over filled bins caused by their tenants. You only have to walk down the street top spot the rented properties. The curtains are hanging off the windows and the front gardens are unkempt. There is a chronic problem in the access roads between Cairnfield Avenue and Ashfield Park. Tenants have old bed, mattresses, fridges, freezers etc. All of which can be collected free of charge by Brent Council for the price of a phone call.	Noted
115	Resident in Consultation 2	I am very glad to see the section regarding maintaining properties and the gardens. The houses/flats at the top of Dudden Hill Lane are in a disgraceful condition. Dirty/unkempt houses and gardens are a public nuisance and forcing tenants/landlords to maintain their houses can only improve the area and lower anti social behaviour	Noted
116	Resident in Consultation 2	I believe the Brent has too many irresponsible and even criminal Landlords and that too little is being done to control them. I suspect immigrants are particularly vulnerable when dealing with criminal landlords who are operating under the radar and exploiting people right and left	Noted
117	Resident in Consultation 2	I believe the introduction of licensing will increase rents for people renting as Landlords will look to make up the	Noted

		cost of licensing. Furthermore I think that the proposed licensing is just another scam from Brent Council to make more money.	
118	Resident in Consultation 2	I believe there is anti-social behaviour as a result of poor landlord management and over-crowding in what should be single dwelling properties, for example, single rooms being let out in a single dwelling properties leading to them essentially becoming un-licensed HMO's. Private Landlords need to be more accountable for this. In the case of split properties (e.g. 2 flats in 1 house), landlords are often difficult to deal with in regard to general maintenance e.g. communal areas., maintenance of brickwork, window sills (external) and garden areas. They can often be threatening and aggressive to deal with, leaving properties in disrepair and private tenants/owners of the shared building left to foot the bill. Council licensing could help to make all residents/ owners more accountable.	Noted
119	Resident in Consultation 2	I do not agree with licensing. Really the council should invest its own money in improving a neglected area of the borough.	Noted
120	Resident in Consultation 2	I do not really understand how licensing landlords would address anti social behaviour. Anti social behaviour is caused by exclusion and a lack of sense	Noted

		of belonging to the community.	
121	Resident in Consultation 2	I don't know if it will reduce anti social behaviour but it is very unlikely. i don't know what selective licensing is	Noted
122	Resident in Consultation 2	I don't like my flatmate who is bossy to me. I want to move somewhere else	Noted
123	Resident in Consultation 2	I have been complaining to Brent Noise Nuisance and Genesis Housing Association (the owner of the flat) about our neighbour. No results Why? Because every single landlord puts profit before people Greedy Landlords are your priority and that's the most anti-social behaviour we ever come across	Noted
124	Resident in Consultation 2	I have lived here for over 25 years and changes i have seen are: Semis being converted into flats then flats sub-let Increased levels of burglary I would support licensing if it led to an improvement in maintenance and management of the property and prevent sub-letting as bedsits. Tenants deserve well maintained houses and not be exploited by rogue landlords/agents owners need laws protecting them from adjoining properties being neglected and over crowded Houses owned by absentee landlords need to be maintained hopefully licensing can improve conditions Rubbish collection/recycling - needs organizing better Contact details should be available for absentee Landlords Will it stop tenants sub -letting? Recycling tenants should	Noted

		be well informed on how to recycle I agree with licensing if it produces well maintained properties I am pleased you are trying to do something it is a move in the right direction hope my comments help	
125	Resident in Consultation 2	I have lived in Mapesbury Ward for over 25 years. I think it is a complete disgrace that the council has neglected its civic duty to improve infrastructure in the area and instead looked at licensing in an attempt to get local landlords to contribute towards the management and improvement of the area. This is clearly an attempt by Brent Council to start introducing licensing throughout the borough so that it can make more money. Furthermore introducing licensing will only increase rents in the area because landlord will look to shift the cost to tenants.	Noted
126	Resident in Consultation 2	I hope Brent is going to address this problem as a matter of urgency. You need to address the issue of : 1 Landlords who say they live in the property but don't and therefore avoid having an HMO license 2 Owner occupiers who sub-let and sub-let after claiming rent for 8-10 tenants and do not pay tax on it. 3 Owners who are granted Planning Permission to extend for personal use but end up sub-	Noted
127	Resident in Consultation 2	I live in a house of multiple occupancy in the Dudden Hill ward and have done for 9 months. We pay a letting agent as the landlord is overseas. I hope that better	Noted

		regulation of this industry would protect tenants better from Landlords and letting agents that know the market ids in their favour and set out to take advantage of tenants' lack of knowledge/experience of their rights.	
128	Resident in Consultation 2	I prefer that instead of licensing, landlords should be easily taken to account if the do not provide accommodation at a reasonable standard	Noted
129	Resident in Consultation 2	I strongly agree with Landlord's licensing to private housing/property	Noted
130	Resident in Consultation 2	I strongly feel it is now time to license properties rented out by Landlords because the 2 properties near me are poorly maintained and the tenants seem to have no regard for the tidiness of their bins.	Noted
131	Resident in Consultation 2	I think that landlords should be licensed and rents should be controlled so that Housing Benefit is reduced. It is wrong that buy-to-let landlords should be able to realize huge profits at the expense of the Council Tax payers, in the form of Housing Benefit.	Noted
132	Resident in Consultation 2	I think the whole Landlord - Tenants business should be more transparent The name and contact details of any Management Agents should be available to the neighbours The properties should be licensed/restricted to be occupied by a maximum number of people to avoid overcrowding and rubbish	Noted

		dumping etc There should be an obligation by both the Landlords and Tenants to be considerate and respectful of their neighbours	
133	Resident in Consultation 2	I think this survey is extremely biased. All the questions are negative therefore afford only a negative response. I have lived in Mapesbury and it is a very clean, safe and well looked after neighbourhood.	Noted
134	Resident in Consultation 2	i welcome any action the council can take in tackling problems with private landlords but these problems are just as problematic with Housing Association/Council Properties.	Noted
135	Resident in Consultation 2	I work to support women in Brent who suffer domestic violence and need support of Council in moving into housing. Often now private rental only option as permanent no longer available due to Housing crisis. Sometimes women find own accommodation also as advised by Brent Housing options. Landlords in general (not always) tend to treat tenants on HB with no respect, wont carry out repairs and increase rent after 6 months to much higher level knowing there is no rent cap and they can charge high, as desperate people will pay. Licensing Landlords should be mandatory now that Private rental is the only housing option available to families in need.	Noted
136	Resident in	I would be interested in actually seeing some evidence	Noted

	Consultation 2	that this will work and why! It hasn't in other boroughs.	
137	Resident in Consultation 2	I would not like to see Brent Council taking over control of a licensing scheme generally for landlords	Noted
138	Resident in Consultation 2	This is just another scam by Brent Council to find ways to make more money. Licencing will not do anything but line the pockets of Brent Council and increase rents for tenants.	Noted
139	Resident in Consultation 2	If you will introduce licensing, the landlords will put the rent up, and no one wants	Noted
140	Resident in Consultation 2	In a report to Council, Brent Council admits that it's licensing for HMO's is ineffective and has failed Anti social behaviour is remit of the Police, not Council No evidence any issues listed will be solved by licensing	Noted
141	Resident in Consultation 2	In my street respectable family homes have been bought by Persons/Companies unknown and broken up into flats and bed sits.	Noted
142	Resident in Consultation 2	I have been informed of Landlords in the Mapesbury conservation area not abiding by conservation rules in order to cut costs/cram more people in. This needs to be more closely monitored and damage to property reversed / restored at the Landlords cost. Generally rental properties on my road are not well maintained and have a high turnover of tenants, however this is	Noted

		only a generalisation	
143	Resident in Consultation 2	It is heartbreaking to see the decline of my area (Westview Close) since I have been there (1987) I attribute the decline almost entirely to the fact the properties have been systematically snapped up by "buy to let" landlords. They are non-professional, they have no idea of their responsibilities and no interest either. The properties in my street have declined to almost slum level.	Noted
144	Resident in Consultation 2	It should be made easier and simpler for complaints to be made to Brent re: noise, rubbish collection.	Noted
145	Resident in Consultation 2	It's a re-occurring nightmare over and over, tenants renting a flat from a landlord and the anti-social behaviour begins. No one knows the landlord, no one knows how to contact the landlord, landlord seems oblivious to the area's recycling or waste scheme. The tenants do not know it until a fed up residents catching them explains it how the recycling works etc. We can predict when someone's contract is up and moving out by the increased fly tipping on our street.	Noted
146	Resident in Consultation 2	Landlord licensing would put up rents in an already high rent area. It might also mean that some Landlords will sell up making Housing problems worse. Bad Landlords would just go underground and we would see worse housing problems in what is now a good	Noted

		area to rent in. The only problems in the area come from Local Authority Housing	
147	Resident in Consultation 2	Landlords should have more responsibility for their tenants social behaviour. In most cases the landlord does not live on the premises and therefore cannot adequately check community matters in particular rubbish disposal.	Noted
148	Resident in Consultation 2	Licensing Landlords is just another revenue stream for Brent Council. Being a Landlord is difficult enough, especially with high property prices and relatively low returns on capital. Adding Licensing will only make it more difficult for new Landlords to get on the property ladder. Why not have a charter of minimum standards expected from Landlords	Noted
149	Resident in Consultation 2	Licensing will help the Council to maintain and control lodging and lodgers. The landlords should be requested to maintain the list of lodgers and monitor their movements.	Noted
150	Resident in Consultation 2	Licensing will lead to: increased rental costs, Increased bureaucracy within Brent Reduced Private Rented Housing No Improvements If Brent wish to get involved in the Private Rented Sector - <i>Build your own. Strongly Recommend that Brent Council Do NOT interfere with</i>	Noted

		the Private Market which works pretty well and supplies thousands of homes, not funded by the State.	
151	Resident in Consultation 2	Licensing will provide more bureaucracy where it is not required if it is extended to properties other than HMO's The Council do have powers to deal with poor housing, bad landlords and anti social behaviour. They should use these powers not simply introduce a big paper that which potentially will put off landlords so reducing available accommodation for people to live in and feeding through to higher rents for tenants.	Noted
152	Resident in Consultation 2	Main problem is Neasden/Dollis Hill is fly tipping and dumping of rubbish/furniture Brent Council is ignoring the issue of litter and fly-tipping	Noted
153	Resident in Consultation 2	Many of the occupiers are unregistered i.e. resident but not on council records e.g. electoral roll- even if living in property for years i.e. landlords do not declare they are landlords garages- unfit for humans are being rented out	Noted
154	Resident in Consultation 2	Many of the problems in Section 2 are due to lack of owner occupiers in Mapesbury/Dudden Hill area cause by lack of affordable properties. Properties bought for rental get tax relief on loan interest on Mortgages, but owner occupiers do not. This is unfair as it means it is easier for Landlords to buy properties. Licensing will	Noted

		not help this.	
155	Resident in Consultation 2	Many private landlords in Brent are charging tenants and housing benefit excess rent For very poorly maintained properties. If they know their tenants get housing benefit they will often refuse to carry out essential repairs If the tenant then complains the landlord will then refuse to renew the tenancy so the tenant and their family become homeless. How is this fair?	Noted
156	Resident in Consultation 2	Mapesbury has two particular problems: 1. Workers on Chichele Road, sleeping rough, leaving rubbish everywhere, leering at women and creating an unpleasant atmosphere (especially in Gladstone Park). 2. Street drinkers around Chichele, Rockhall, Howard and Oaklands Road. If landlords were required to obtain licences this would instigate checks on the casual rental market which would do much to alleviate these problems.	Noted
157	Resident in Consultation 2	Mapesbury is mainly high value owner occupied accommodation Licensing is unnecessary. Dollis Hill has more rental properties where licensing can play a role	Noted
158	Resident in Consultation 2	Most landlords keep their house tidy, the tenants are the problem especially those who receive Housing Benefits because the house does not belong to them	Noted

		and they do not treat it well. Noise/nuisance caused by tenants because Landlord does not reside at the house Should not target Landlords tenants should have moral standards to keep place clean and tidy Tenants should be wholly responsible for where they live	
159	Resident in Consultation 2	My understanding is that this questionnaire relates to rogue or irresponsible Landlords, if the tenant complains they may find themselves homeless, whilst the property is regularised. When brought up to standard the properties could be let to the private sector as opposed to the Local Authority.	Noted
160	Resident in Consultation 2	Neasden shopping centre is always very untidy and dirty	Noted
161	Resident in Consultation 2	Noise nuisance - Late at night people walk up the road talking loudly or shouting and talking loudly on mobile phones.	Noted
162	Resident in Consultation 2	Not needed	Noted
163	Resident in Consultation 2	Other issues will be created if you introduce that Landlords have to deal with/address anti social behaviour of their tenants	Noted
164	Resident in Consultation 2	Parts of poorly maintained property that are a real nuisance are: Hedges and trees that obstruct the pavement Wheelie bins that are left on the pavement	Noted

		Wheelie bins that are overflowing and a target for foxes Furniture - beds mattresses radiators left on street corners	
165	Resident in Consultation 2	People loitering on Cricklewood Broadway and especially on Anson Road Loitering in Gladstone Park and people going to the toilet on benches in the park Sleeping in the park	Noted
166	Resident in Consultation 2	People need to be educated to be good citizens by introducing spiritual culture that unifies and brings people together on a common platform.	Noted
167	Resident in Consultation 2	People purchase at auctions, build extension not notifying people.	Noted
168	Resident in Consultation 2	People should not be asked to intervene to solve problems that are the duty of the Council or Police, Social agencies etc. These problems should be solved by those elected to govern	Noted
169	Resident in Consultation 2	Poor amenities Poor state of repair Damp and mould No central heating Poor fire safety Rent Â£255 per week for Ground Floor Studio Flat	Noted
170	Resident in Consultation 2	Private landlords should have a duty to address anti social behaviour arising from tenants in their property. It's something that should be in the contract and what sanctions will be applies if not adhered to.	Noted

171	Resident in Consultation 2	Private rented housing should be regulated in the same way that social housing is, it is ridiculous that there is no regulation of the private rented sector. Take no notice of landlords complaining, if they don't want to pay a licence fee they shouldn't be in business making money out of people's homes.	Noted
172	Resident in Consultation 2	Selective licensing will not solve the problem of anti-social behaviour. This is a matter for the police and possibly the council, but not landlords.	Noted
173	Resident in Consultation 2	Something needs to be done about fly tipping in Brent. I have been renting here for over 6 years and the level of waste/rubbish on the streets has increased significantly over the years.	Noted
174	Resident in Consultation 2	Tenants should have a way to report to the Council where accommodation standards are not met and the Council should follow up with an inspection	Noted
175	Resident in Consultation 2	The abolition of fair rents in 1988 was wrong, as was the abolition of security of tenure. The Council should have powers to purchase compulsory properties that are badly managed and compensation to Landlords should be on the basis of sitting tenants.	Noted
176	Resident in Consultation 2	The issue of "hotels" should also be addressed. Establishments offering "bedsit" type accommodation have started popping up with a high turn-over of often	Noted

		noisy and inconsiderate visitors.	
177	Resident in Consultation 2	The Local Authority already has adequate powers to deal with anti-social behaviour issues; licensing PRS tenancies will have no effect on this issue.	Noted
178	Resident in Consultation 2	The pathway between Neasden Station to Norhtview School should be cleaned more often. People come here to drink on the stairs and it is always littered with cans and bottles The Council should also try to control the rent price. Loads of Landlords are over charging.	Noted
179	Resident in Consultation 2	There are groups of people congregating in Gladstone Park (30+ usually male) The large numbers of people are threatening and mean that I am reluctant to use the park. They have suitcases and bags and may camp overnight in the park.	Noted
180	Resident in Consultation 2	There is lots of subsiding in Keyes road which needs looking into as it is from the inside it is a big problem with cracks in the wall. Housing Association Genesis should be taking care of it after all most of the houses are privately owned. We as tenants should keep it clean and tidy.	Noted
181	Resident in Consultation 2	There should be something done in regards to alcohol drinking in the street. Majority who walk down my street have beer cans and once finished it gets thrown onto	Noted

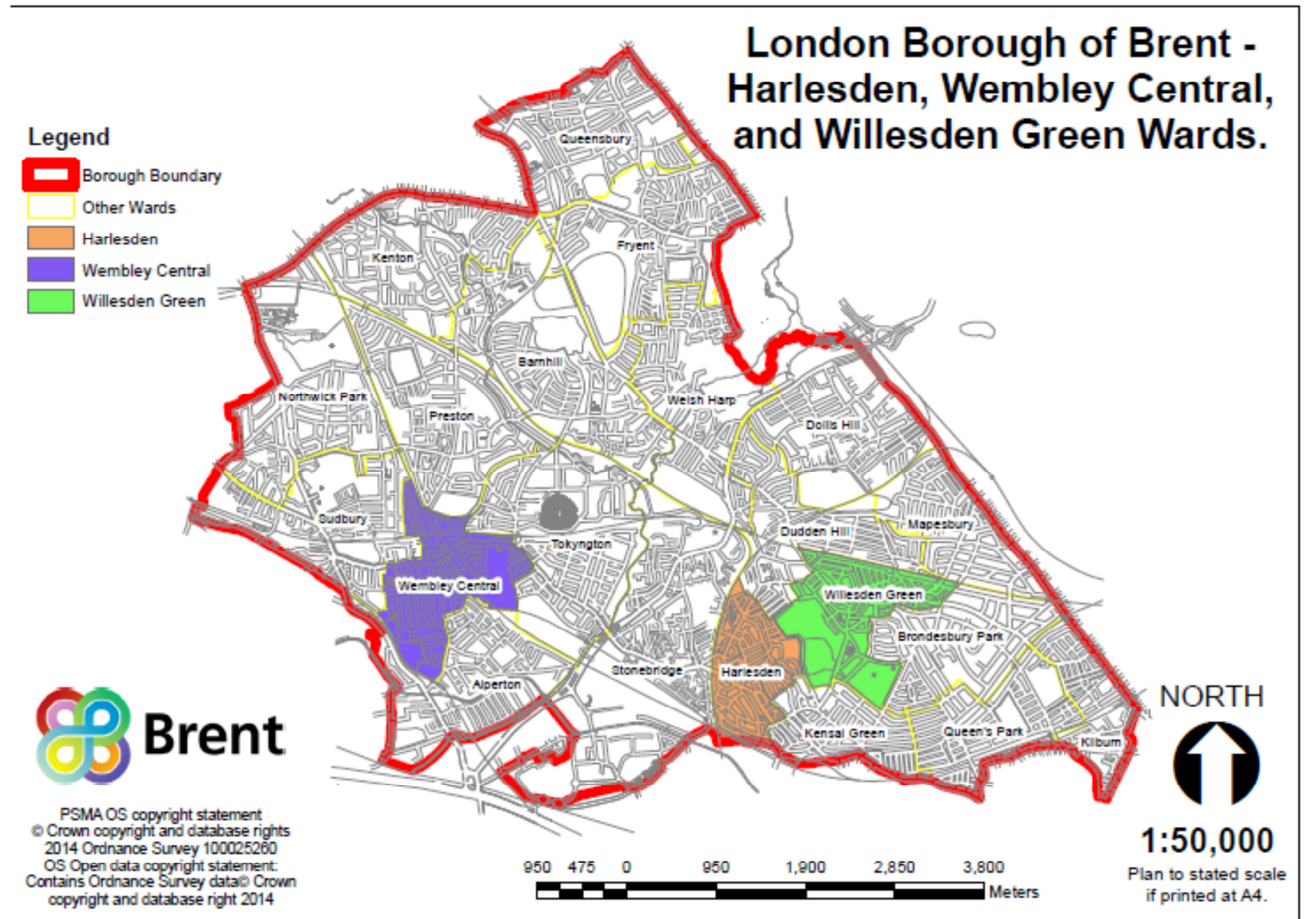
		peoples drives without a care in the world	
182	Resident in Consultation 2	This questionnaire is biased and designed to produce the result that licensing should be introduced. We need fewer controls not more. We need more houses not more Council not more Council interference	Noted
183	Resident in Consultation 2	This is a slightly desperate measure by a bankrupt Council to raise money by targeting a soft target - Landlords, with the promise of addressing anti-social behaviour. Once introduced, the Licensing will no doubt be gradually expand and the fees increased to raise further revenue.	Noted
184	Resident in Consultation 2	To discuss with the police, to have their presence seen and heard with regular patrols of troublesome areas. Griffin Close is well run by Origin Housing and has no anti social problems. Tree pruning, footpath maintenance. Ugly dirty front spaces in front of the properties. Cars racing and speeding on Park Avenue North most of time. Dangerous to cross the road all the time for everyone	Noted
185	Resident in Consultation 2	Try it out	Noted
186	Resident in Consultation 2 (former landlord)	While I have rented out my property for 6 years until recovering it as my own residence recently, I would not do so again under the proposals.	Noted

187	Resident in Consultation 2	You are proposing something without explaining what it is - a very skewed questionnaire design. The results will not be reliable. Also, if you feel that properties are badly maintained then consider grants instead of wasting resources on this exercise.	Noted
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Appendix 3

Designation of Selective Licensing

The Selective Licensing designation applies to the following wards in the Borough of Brent: Harlesden, Wembley Central and Willesden Green as highlighted on the map below.



Appendix 4

Draft Conditions

SELECTIVE LICENSING

	Conditions of Selective Licences under Part 3 of the Housing Act 2004	
ITEM	CONDITION	JUSTIFICATION
Gas	If gas is supplied to the house, the licence holder must provide to Brent Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually or on demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
Electrical Appliances	The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
Furniture and Furnishings	The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
Smoke Alarms	The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning at the time of application and thereafter to Brent Council upon demand.	Mandatory condition required by Schedule 4 of the Housing Act 2004
Tenant	The licence holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the	Mandatory condition required by

references	Council upon request.	Schedule 4 of the Housing Act 2004
Terms of Occupation	<p>The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property.</p> <p>A copy of the terms will be provided to the Council at the time of application and thereafter upon demand.</p>	Mandatory condition required by Schedule 4 of the Housing Act 2004
Numbers of Occupiers	The Licence Holder must ensure that rooms other than bedrooms are not used for sleeping purposes and that all defined bedrooms are used within the range of the permitted numbers stated within the licence.	This is to ensure that the premises comply with the space and amenity standards as assessed alongside legislative requirements and Brent's adopted Amenity and Space Standards policy.
Energy Efficiency	Each new tenancy will require an Energy Performance Certificate (EPC).	To safeguard the health and well being of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs).
Property Management	<p>The Licence Holder must ensure that:-</p> <p>(a) All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons.</p> <p>(b) All occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti social</p>	Required to safeguard the health, safety and well being of occupants and to reduce anti social behaviour (ASB).

	<p>behaviour.</p> <p>(c) If accommodation is provided on a furnished basis and includes electrical appliances, the Licence Holder must provide the occupier copies of user manuals or equipment provided as part of the agreement for the occupation of the house.</p> <p>(d) All occupiers are made aware of the licence and conditions.</p>	
Common Areas	<p>Where the dwelling is a flat in a block and the licence holder is the owner or manager of the block, the licence holder must ensure that;</p> <p>(a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping, either by tenants or their guests;</p> <p>(b) Corridors, stairways and lobbies are fitted with emergency lighting in accordance with BS5266;</p> <p>(c) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;</p> <p>Smoking is not permitted in any common areas and 'no smoking' signs should be displayed where the dwelling is a flat in a block and the Licence Holder is the owner or manager of the block. (Health Act 2006).</p>	Primarily required to safeguard the health, safety and well being of occupants in the event of fire.
Fire Safety	The Licence Holder will inform the local authority of any changes to the positioning of smoke alarms and if the property is a house in multiple occupation, produce a Fire detection and alarm system certificate upon request.	To safeguard the health, safety and well being of occupants in the event of fire. The Fire Safety Guidance is provided by LACORS, see www.lacors.gov.uk .

		The Housing- Fire Safety guidance on fire safety provisions for certain types of existing housing can also be found at Brent Council Website www.brent.gov.uk under Housing- Selective Licensing.
Security	<p>The Licence Holder must ensure that:-</p> <p>a) The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times.</p> <p>b) Where window locks are fitted, the Licence Holder will ensure that keys are provided to the relevant occupant.</p> <p>c) Where a burglar alarm is fitted to the house, the Licence Holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged.</p> <p>d) Where previous occupants have not surrendered keys, the Licence Holder will arrange for a lock change to be undertaken, prior to new occupants moving in.</p> <p>e) Where alley gates are installed to the rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.</p>	To safeguard the health, safety and well-being of occupants in the event of fire and entry by intruders and reduce any anti-social behaviour (ASB).
External areas, refuse and	<p>The Licence Holder must ensure that:-</p> <p>a) The exterior of the property is maintained in a reasonable decorative order and</p>	To ensure that the domestic hygiene and condition of the licensed property is maintained and reduce any anti-

waste	<p>state of repair;</p> <p>b) At all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation, and</p> <p>c) Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. The receptacles or plastic refuse sacks where receptacles have not yet been issued must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time.</p> <p>d) Access must be available at all times to adequate, external, refuse storage.</p> <p>e) The Licence Holder must ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, hazardous waste) are disposed of responsibly and appropriately.</p>	social behaviour (ASB).
Training	The Licence Holder and/or Manager will need to demonstrate competence of managing private rented accommodation and shall undertake property management training courses where required to do so by the local authority.	To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties and to reduce any anti-social behaviour (ASB).
Management/ Anti-Social Behaviour	The Licence Holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.	To safeguard the well being of occupants, persons visiting the premises and persons in the immediate locality and reduce any

	<p>The licence holder must:</p> <p>(a) Provide a written action plan to Brent Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request.</p> <p>(b) Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household. The Licence Holder needs to have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti social behaviour.</p> <p>(c) If a Licence holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either;</p> <p>i) decline the request for a reference ; or</p> <p>ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and if such allegations have been made give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal.</p> <p>(d) Require any prospective tenant to disclose unspent criminal convictions when applying for a tenancy. Where the prospective tenant discloses unspent criminal convictions the Licence Holder must demonstrate that due consideration was given to whether those convictions indicate a real risk that the prospective tenant is likely to commit acts of antisocial behaviour.</p> <p>(e) Cooperate with Brent Council, Local Constabulary and other agencies in resolving complaints of anti-social behaviour. The Licence Holder and/or their</p>	<p>anti-social behaviour (ASB).</p>
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	<p>nominated managing agent are required to undertake an investigation of any complaints regarding their tenants. Written records of these will be required.</p> <p>(f) The licence holder/management agents must make regular (at least monthly) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.</p> <p>(g) Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors: Cause nuisance or annoyance to neighbours; or use abusive or threatening language or behaviour to neighbours; or fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation. They will be liable to enforcement action which</p> <p>may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.”</p>	
<p>Notification/ Consultation of Changes</p>	<p>The Licence Holder and managing agents must consult with Brent Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform Brent Council of:</p> <p>1) Details of any unspent convictions not previously disclosed to the Local Authority that may be relevant to the Licence Holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in</p>	<p>To safeguard the health, safety and well being of occupants in the event of changes during the period of the licence and to reduce any anti-social behaviour (ASB).</p>

	<p>Schedule 3 to the Sexual Offences Act 2003;</p> <p>2) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;</p> <p>3) Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;</p> <p>4) Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;</p> <p>5) Information about any property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;</p> <p>6) The property becoming empty:</p> <p>7) Changes to liability insurance:</p> <p>8) Notification of repossession/foreclosure</p> <p>9) Successful claims against the licence holder for default of tenancy deposits.</p> <p>10) Change in managing agent or the instruction of a managing agent;</p>	
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	11) The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.	
Absence	The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.	To safeguard the health, safety and well being of occupants in the event of temporary absence of persons in control and to reduce any Anti-Social Behaviour (ASB).
Compliance inspections	The licence holder must allow the Council to undertake compliance checks. Council Officers will give the licence holder 24 hours notice of these checks and produce valid authorisation at the time of visit.	To ensure that the property complies with the Housing Act 2004 and licence conditions.

For more information please contact:

Private Housing Services, 7th Floor, Civic Centre, Engineers Way, Wembley HA9 0FJ

Tel: 020 8937 2384/2385 (HMO Licensing enquiries) Email: PHS @ brent.gov.uk

Appendix 5: Equality Analysis

1. Roles and Responsibilities: please refer to stage 1 of the guidance

Directorate:

Regeneration and Growth

Person Responsible:

Name: Jon Lloyd-Owen

Title: Operational Director – Housing and Employment

Service Area:

Housing and Employment

Contact No: 020 8937 5199

Signed:

Name of policy:

Selective and Additional Licensing of Private Rented Sector Residential Properties

Date analysis started: 1st January 2014

Completion date: 30th July 2014

Review date: March 2015

Is the policy:

New Old

Auditing Details:

Name: Elizabeth Bryan

Title: Diversity Officer

Date:

Contact No: 020 8937 1190

Signed:

Signing Off Manager: responsible for review and monitoring

Name: Spencer Randolph

Title: Head of Private Housing Services

Date

Contact No: 020 8937 2546

Signed:

Decision Maker:

Name individual /group/meeting/ committee:

Cabinet

Date: 26th August 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?

Around 35,000 properties in Brent are privately rented. Whilst the private rented sector is an important resource and much of it offers good accommodation, parts offer poor quality, with evidence of negative impacts from anti-social behaviour and problems including overcrowding.

The council wants to work with landlords to help the sector provide an efficient and high-quality service to residents and address poor management.

A Mandatory Licensing Scheme for larger houses in multiple occupation (HMOs) is in place and the introduction of an Additional Licensing scheme to cover all HMOs across the borough was approved by the Executive in April 2014. The Selective Licensing scheme that is the subject of this report would cover all privately rented homes in, three wards where a significant link with anti-social behaviour is established - Harlesden, Willesden Green and Wembley Central.

Selective Licensing sets out to contribute to addressing problems of anti-social behaviour associated with private renting as they affect tenants, landlords, other residents and businesses in the area.

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

In addition to the protected groups it is worth highlighting that the introduction of licensing will impact on landlords and tenants quite differently.

For landlords who, on the whole, are opposed to licensing for a range of reasons including perceived costs and bureaucracy, the impact (and perceptions about the impact) for protected groups within the cohort will differ from the impact within the tenant group. The size of the sector, representing around one third of all Brent homes, makes it safe to assume that it is occupied by all of the nine protected groups, although their distribution in the sector may not be the same as the distribution within other tenures. Similarly, the number of landlords is large: most landlords own only a small number of properties and, given the size of the sector, it is safe to assume that the number of landlords runs into the thousands and that, within the total, there will be a wide mix including members of protected groups. However, information on both tenants and landlords is, mainly owing to the unregulated and fluid nature of the sector, incomplete. One of the benefits of licensing will be that it will offer a clearer picture over time.

A central aim of Selective Licensing is, alongside other strategies and work programmes, to raise standards in the private rented sector and tackle anti-social behaviour. Therefore, groups experiencing problems such as overcrowding, disrepair and so on are likely to see a positive impact from the proposals. Within this, there may be specific benefits for certain protected groups: for example, licensing will assist in identifying and tackling properties where hazards exist and properties where the tenant would benefit from installation of disabled adaptations or measures to tackle poor energy efficiency and high fuel costs, with older and disabled people potentially seeing particular benefits.

Since these issues tend to be concentrated in the lower end of the market (although not exclusively) it is likely that poorer households will see most impact. There is evidence that certain protected groups – for example ethnic groups who are likely to

be recent migrants - are more likely to be living in the worst private housing and are likely to be on lower incomes.

As noted above, information is incomplete but there are some indications from Census and other data. Broadly, these indicate that:

- Private tenants tend to have a younger age profile than other tenures
- Certain ethnic groups are more likely to be private tenants

From the data set out below, two points are worth noting. First, since specific HB restrictions apply to under 35s (the Single Room Rate), households in this age group reliant on HB will tend to occupy shared or HMO accommodation, often at the lower end of the market. Second, the White Other group is by far the largest in the sector. Although further analysis is needed, it is possible that this reflects the fact that migrants from Europe are more likely to rent privately and there is some anecdotal evidence that this group may often occupy the worst HMOs. To some degree, this may be a matter of choice, since keeping housing costs as low as possible may be a priority for migrant workers, but it is also likely to be a product of low wages and the inaccessibility of other tenure options.

In the short term, the main risk of negative impact will arise if landlords elect to withdraw from the sector, which could lead to evictions. This risk is more pronounced in the case of households in the very worst housing, owned and managed by rogue landlords. However, it is very difficult to assess the extent of this risk or, if evictions take place, who is likely to be most affected.

Very limited data is available on the ethnic or other characteristics of landlords. From the landlord perspective, the concerns noted above are likely to be seen as a negative impact of the proposals, but it is not clear that these represent a negative impact within the meaning of the Equality Act. Licensing is only one aspect of a range of powers that the council has to enforce proper management and maintenance aimed at ensuring the health and safety of occupiers. Landlords are being asked to manage and maintain their homes in the way that a range of legislation requires them to – in summary, to comply with the law.

There is limited evidence concerning other protected groups. At the same time, there is no evidence to suggest any differential impact, either positive or negative for these groups, other than the points referred to in section 4 below.

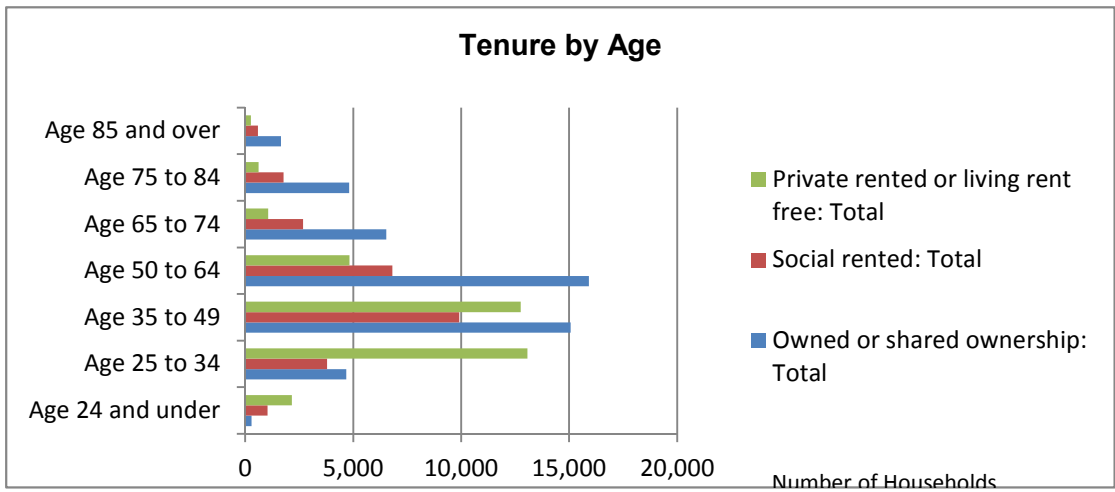
Please give details of the evidence you have used:

Census data 2011

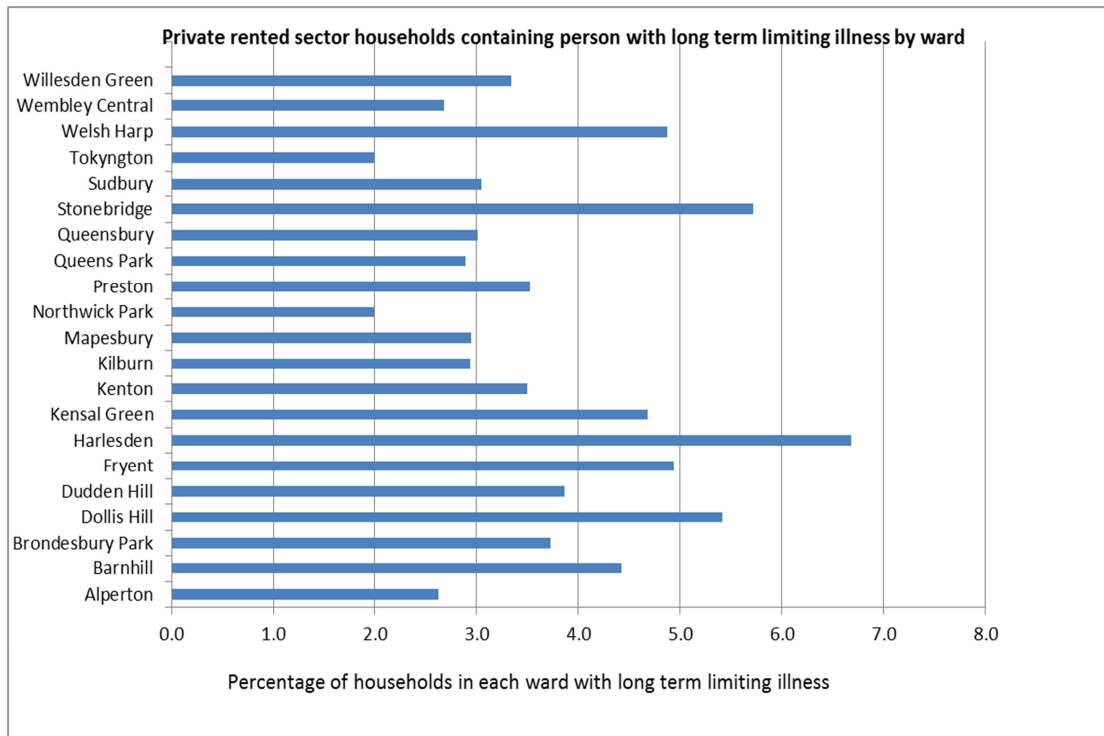
The 2011 Census provides valuable information regarding Brent's population. Data is still undergoing analysis, by ONS, however detailed below is relevant evidence regarding tenure



Source: ONS Crown Copyright Reserved Census 2011



Source: ONS Crown Copyright Reserved [from Nomis on 16 July 2013]



Source: ONS Crown Copyright Reserved Census 2011

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;

It is thought that high demand and affordability issues for those residing in the PRS have resulted in overcrowding, sub letting and illegal conversions and that this has been exploited by rogue/criminal landlords. Overcrowded homes lack enough bedrooms, taking into account the ages, sex and relationship of the people in the household. Couples, single adults, pairs of adolescents of the same sex and pairs of children under 10 each require a separate bedroom. Licensing will tackle overcrowding and illegal conversions.

A landlord who has a conviction for a racially motivated or other hate crime would not be considered a fit and proper person and therefore would not be granted a license.

The intention is that Selective Licensing will assist in tackling anti social behaviour, which would include harassment and victimisation, for example on the basis of ethnicity or sexuality – and it is therefore anticipated that this measure is likely to assist in eliminating discrimination

Housing and the quality of housing has a major impact on health and wellbeing. Investment in improving poor, overcrowded or inappropriate housing will improve the quality of life of residents and have a preventative affect on future health and social care need.

b) Advance equality of opportunity;

Licensing will have the effect of raising standards within the PRS across the board and therefore create an opportunity for all sectors of the community to live in a decent home.

In addition, licensing is intended to support the establishment of a stable rental market where landlords operate on a level playing field defined by clear standards. This should assist in:

- Improving access to the sector
- Encouraging tenancy sustainment
- Reducing risk of homelessness as a result of eviction from the PRS

Although not the subject of this policy or of the research supporting it, there is anecdotal evidence of racial discrimination by landlords and, particularly, letting agents. Licensing should assist in tackling this problem through improved information, training and communication that will raise awareness of rights and responsibilities across the sector.

c) Foster good relations

As noted above, licensing should provide a level playing field that will assist in fostering good relations between tenants and landlords and between tenants and neighbours in other sectors or businesses. In particular, licensing will assist in tackling problems of poor management and maintenance, overcrowding and anti-social behaviour that can lead to tensions between neighbours and perceptions of decline within neighbourhoods

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

i. Who did you engage with?

Two consultation exercises were carried out, with the second following the decision of the Executive to defer a final decision on Selective Licensing pending the outcome of further consultation in Dudden Hill and Mapesbury. The two exercises are addressed in turn below. For convenience, the initial exercise is referred to as Consultation 1 and the second as Consultation 2.

Consultation 1 ran from December 2013 to March 2014 and was undertaken with tenants, landlords, residents and businesses.

A questionnaire was available through the Consultation Portal and in addition:

- Questionnaires were sent by post to:
 - All residents and businesses in the Harlesden, Wembley Central and Willesden Green Wards
 - Residents in receipt of Housing Benefits
 - Landlords who received housing benefits on behalf of their tenants
 - Landlords who are known to the authority through the Housing Needs Unit and actions undertaken by Private Housing Services
 - Letting agents operating in the borough
 - Voluntary organisations

Presentations and discussion took place at:

- Private Housing Forum
- Private Sector Landlords' Fair
- All Brent Connects Forums

ii. What methods did you use?

The consultation process was promoted through:

- Consultation paper and questionnaire on consultation portal
- Facebook advert which took readers to the consultation portal
- Twitter feed
- Direct mail out of questionnaire to landlords and letting agents operating within the borough
- Direct mail out to residents / business in the Harlesden, Willesden Green and Wembley wards
- Direct mail out to residents in receipt of Housing Benefit
- Adverts ran for 4 weeks in Brent and Kilburn Times
- Article in the Brent Magazine
- Article in BHP tenant newsletter
- Press article featured in the local and housing press.
- Poster campaign with posters placed on 80 JC Decaux hoardings across the borough
- Posters placed on Brent buses
- Radio campaign involving interview and phone-in with the Lead Member for Housing
- Direct approaches to members of the public visiting the Civic Centre

iii. What did you find out?

736 responses to the questionnaire were received: 149 from landlords and agents and 587 from tenants, other residents and businesses. In addition direct contact was made through the various meetings and forums with over 350 Brent residents including a large number of private rented landlords operating in the borough.

Landlords

149 landlords responded to the consultation and response in term of the protected characteristics is as follows

Gender	
	% Total
Number of Responses	78.52%
Male	60.40%
Female	18.12%
No Response	21.48%
Total	100.00%
Age	
	% Total
Number of Responses	81.21%
Under 18	0.00%
18 - 24	0.00%

25 - 34	4.70%
35 - 44	14.09%
45 - 54	28.19%
55 - 60	14.09%
61+	14.09%
Prefer not to say	6.04%
No Response	18.79%
Total	100.00%
Disability	
	% Total
Number of Responses	73.83%
Yes	7.38%
No	66.44%
No Response	26.17%
Total	100.00%
Ethnicity	
	% Total
Number of Responses	76.51%
White: English/Welsh/Scottish/Northern Irish/British	24.16%
White: Irish	3.36%
White: Gypsy or Irish Traveller	0.00%
Any other White background	6.04%
White and Black Caribbean	0.00%
White and Black African	0.00%
White and Asian	0.00%
African: Black/African/Caribbean/Black British	1.34%
Caribbean: Black/African/Caribbean/Black British	3.36%
Any other Black/African/Caribbean background	2.68%
Chinese: Asian/Asian British	1.34%
Bangladeshi: Asian/Asian British	0.00%
Pakistani: Asian/Asian British	2.01%
Indian: Asian/Asian British	16.78%
Any other Asian background	1.34%
Arab	0.67%
Any other mixed/multiple ethnic background	0.00%
Any other ethnic group	2.68%
Prefer not to say	10.74%
No Response	23.49%
Total	100.00%

Religion	
	% Total
Number of Responses	75.84%
Buddhist	0.00%
Christian	24.16%
Hindu	15.44%
Jewish	6.71%
Muslim	3.36%
Sikh	0.67%
None	5.37%
Prefer not to say	16.78%
Other	3.36%
No Response	24.16%
Total	100.00%
Sexual orientation	
	% Total
Number of Responses	69.13%
Heterosexual/straight	59.06%
Lesbian	0.67%
Gay man	0.00%
Bisexual	0.00%
Prefer not to say	9.40%
No Response	30.87%
Total	100.00%

Given the unregulated nature of the private rented sector there is very little statistical information against which to compare this cohort of landlords. Nevertheless, it is clear that landlords are opposed to licensing and Selective Licensing in particular, which is in line with experience in other local authorities. Their reservations centre around costs, in particular the licence fee, and perceived bureaucracy associated with the scheme and a view that the local authority should be using other means to deal with poor housing and antisocial behaviour.

Resident and Business response to the Questionnaire

Gender - Response by percentage				
	Private Rented	RSL	Owner Occupied	Business
Male	51.7	37.9	42.5	62.5
Female	48.3	62.1	57.5	37.5

What was your age on your last birthday?				
Responses	Private rented	RSL	Owner Occupied	Business
Under 18	1.1%	3.1%	0.0%	0.0%
18-24	3.0%	3.1%	3.9%	12.5%
25-34	22.9%	18.5%	8.6%	12.5%
35-44	17.3%	12.3%	13.2%	0.0%
45-54	24.1%	26.2%	24.3%	25.0%
55-60	16.9%	10.8%	15.1%	50.0%
61+	11.3%	16.9%	28.3%	0.0%
Prefer not to say	3.4%	9.2%	6.6%	0.0%

Do you have any long-standing illness, disability or infirmity?				
Responses	Private Rented	RSL	Owner Occupier	Business
Yes	24.8%	32.8%	15.6%	50.0%
No	75.2%	67.2%	84.4%	50.0%

How would you describe your ethnic background?				
Responses	Private rented	RSL	O/O	Business
White: English/Welsh/Scottish/Northern Irish/British	15.9%	22.7%	39.5%	37.5%
White: Irish	4.1%	4.5%	7.2%	12.5%
White: Gypsy or Irish Traveller	0.0%	0.0%	0.0%	0.0%
Any other White background	20.7%	7.6%	7.2%	12.5%
White and Black Caribbean	0.7%	0.0%	0.0%	0.0%

White and Black African	0.4%	0.0%	0.7%	0.0%
White and Asian	0.7%	0.0%	0.7%	0.0%
African: Black/African/Caribbean/Black British	13.3%	18.2%	6.6%	25.0%
Caribbean: Black/African/Caribbean/Black British	3.3%	24.2%	6.6%	12.5%
Any other Black/African/Caribbean background	2.2%	3.0%	0.7%	0.0%
Chinese: Asian/Asian British	0.7%	1.5%	0.7%	0.0%
Bangladeshi: Asian/Asian British	0.4%	1.5%	0.0%	0.0%
Pakistani: Asian/Asian British	1.5%	4.5%	2.0%	0.0%
Indian: Asian/Asian British	10.0%	3.0%	10.5%	0.0%
Any other Asian background	7.0%	1.5%	2.0%	0.0%
Arab	7.4%	0.0%	0.0%	0.0%
Any other mixed/multiple ethnic background	1.1%	0.0%	0.7%	0.0%
Any other ethnic group	2.2%	0.0%	0.7%	0.0%
Prefer not to say	8.5%	7.6%	14.5%	0.0%

What is your religion/belief?				
Responses	Private Rented	RSL	Owner Occupied	Business
Buddhist	1.1%	1.5%	1.3%	0.0%
Christian	43.9%	53.0%	35.1%	37.5%
Hindu	8.9%	3.0%	10.4%	0.0%
Jewish	1.1%	0.0%	1.9%	0.0%
Muslim	19.9%	15.2%	4.5%	12.5%
Sikh	0.0%	1.5%	0.6%	0.0%
Other	3.0%	4.5%	3.2%	25.0%

None	9.2%	10.6%	16.9%	25.0%
Prefer not to say	12.9%	10.6%	26.0%	0.0%

What is your sexual orientation?				
Responses	Private rented	RSL	Owner Occupied	Business
Heterosexual/straight	78.1%	71.4%	66.2%	87.5%
Lesbian	0.8%	0.0%	0.0%	0.0%
Gay man	0.0%	3.2%	1.4%	0.0%
Bisexual	1.2%	0.0%	0.7%	12.5%
Prefer not to say	20.0%	25.4%	31.8%	0.0%

The detail of consultation responses is set out in Appendix 2 but, in summary, there are significant concerns about the private rented sector in relation to standards of management and maintenance, accessibility, affordability and connections to anti-social behaviour. These concerns are shared by tenants, other residents and local businesses but also by a significant minority of Brent landlords.

Tenants, residents and businesses showed strong support for the introduction of Additional and Selective Licensing. Although landlords were opposed to the proposals, a significant minority recognised the potential benefits, in particular of Additional Licensing, although there was very little support for Selective Licensing.

Consultation 2 ran from 20th May to 18th July 2014 and was focussed on residents in Dudden Hill and Mapesbury, all of whom were sent a postal questionnaire, while consultation documents were made available through the council's Consultation Portal as with Consultation 1. The consultation took this form in order to match the exercise carried out in Consultation 1, through which all residents in the three wards initially identified as potential locations for Selective Licensing were written to. Landlords were not included in Consultation 2 since they had been fully involved in Consultation 1, as noted above.

Respondents were asked to provide the same information as for Consultation 1 and showed a broadly similar mix of characteristics.

Gender

Responses:	count	% of responses
Male	110	40.7%
Female	160	59.3%
Total Responded to this question:	270	100.0%
No Reply	47	

Total	317	
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Age

Responses	Count	% of responses
18-24	2	0.7%
25-34	23	8.4%
35-44	57	20.9%
45-54	65	23.8%
55-64	57	20.9%
65+	69	25.3%
Total Responded to this question:	273	100.0%
No Reply	44	
Total:	317	

Disability

Responses:	count	% of responses
Yes	64	23.7%
No	206	76.3%
Total Responded to this question:	270	100.0%
No Reply	47	
Total	317	

Ethnicity

Responses	Count	% of responses
White: English/Welsh/Scottish/Northern Irish/British	113	42.3%
White: Irish	17	6.4%
White: Gypsy or Irish Traveller	0	0.0%
Any other White background	44	16.5%
White and Black Caribbean	3	1.1%
White and Black African	1	0.4%
White and Asian	3	1.1%
African: Black/African/Caribbean/Black British	13	4.9%
Caribbean: Black/African/Caribbean/Black British	15	5.6%
Any other Black/African/Caribbean background	3	1.1%
Chinese: Asian/Asian British	3	1.1%
Bangladeshi: Asian/Asian British	2	0.7%

Pakistani: Asian/Asian British	6	2.2%
Indian: Asian/Asian British	14	5.2%
Any other Asian background	4	1.5%
Arab	2	0.7%
Any other mixed/multiple ethnic background	1	0.4%
Any other ethnic group	0	0.0%
Prefer not to say	23	8.6%
Total Responded to this question:	267	100.0%
No Reply	50	
Total	317	

Religion/Belief

Responses	Count	% of responses
Buddhist	6	2.3%
Christian	124	46.6%
Hindu	14	5.3%
Jewish	7	2.6%
Muslim	17	6.4%
Sikh	0	0.0%
Other	23	8.6%
None	38	14.3%
Prefer not to say	37	13.9%
Total Responded to this question:	266	100.0%
No Reply	51	
Total:	317	

Sexual Orientation

Responses	Count	% of responses
Heterosexual/straight	205	80.1%
Lesbian	1	0.4%
Gay man	4	1.6%
Bisexual	2	0.8%
Prefer not to say	44	17.2%
Total Responded to this question:	256	100.0%
No Reply	61	
Total:	317	

As set out in Appendix 2, responses indicated similar concerns to those revealed in Consultation 1, but with some significant difference.

iv. How have you used the information gathered?

Information has been used to test the original proposals and to develop final versions. For example, responses have clarified the need to enter into further discussion with local landlords and their representatives about the detail of licence conditions and the potential application of discounts on licence fees.

It should be stressed that comments received as part of the consultation process did not reveal significant concerns about the impact of the proposals in relation to protected groups. This probably reflects the fact that the proposal is concerned with tenure rather than any other issue and affects a very wide range of Brent households. As noted above, there is no doubt that all protected groups feature in the cohort of private tenants and landlords and there is some evidence to suggest that some groups may be over-represented.

v. How has it affected your policy?

Consultation 1 and analysis of evidence supported the designation of an Additional Licensing scheme to cover the whole borough but suggested that the approach to Selective Licensing required further consideration and consultation with a view to identifying other wards that may meet the criteria for designation. Following this exercise, this report recommends that a designation of Selective Licensing should apply in the three wards of Harlesden, Wembley Central and Willesden. Further consultation will also consider the detail of the conditions and any discount against fees applicable to both schemes.

This equality analysis has also identified that the scheme has the potential to support improvement of standards on equalities in the PRS by informing landlords about:

- How to advertise properties in a non-discriminatory way
- Grants available to benefit older residents and promote energy efficiency
- Responsibilities to disabled tenants

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 this impact.

Overall, it is expected that the impact will be positive for all groups. However, as noted earlier, there is some risk that evictions may result if landlords opt to withdraw from the market. It is impossible to predict on what scale, if at all, this might happen but any response will need to operate mainly on a case by case basis. It may be worth noting that other boroughs that have implemented either Additional or Selective Licensing have reported that they have not experienced any significant rise in evictions or homelessness attributable to the schemes. Where households are in priority need, homeless applications may be made, while advice and assistance would be available in all cases. This may be coupled with increased publicity and

information for tenants and landlords at the point that the schemes are introduced.

On the basis of the information available, the groups most at risk are:

- Age – people under 35
- Ethnicity – Other White households

However, it should be stressed that eviction could affect any tenant within any of the protected groups and there is no reliable way of predicting any disproportionate impact. This issue will therefore need to be monitored carefully.

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		

* Note that these indications are provisional and affect only certain cohorts within the broader age and race groups.

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 policy is lawful and there are no indications of significant negative impact, beyond the speculative risk around eviction noted above and for which mitigation measures have been identified.

Although some adjustment has been made to the policy following consultation, this is not connected with equality issues.

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.

Monitoring arrangements are subject to further discussion with landlords, tenants and other interested parties during the notice period for the scheme. However, they are likely to include:

- Take-up of the scheme
- Levels of enforcement for non-compliance
- Levels of enforcement under other powers
- Assessment of tenant and landlord experience one year into the scheme
- Impact on perceptions and reports of anti-social behaviour in the wards covered by Selective Licensing


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
Further consultation on operational detail of the schemes	November 2014	Spencer Randolph	Full conditions and fees agreed		
Communication Strategy and application process agreed	November 2014	Spencer Randolph	All landlords tenants and other interested parties fully aware of schemes		
Monitoring process agreed	November 2014	Spencer Randolph	Monitoring arrangements allow for comprehensive assessment of success of the scheme and impact for Brent residents		
Application process	November 2014	Spencer Randolph	Landlords begin to apply		

commences					
Schemes come into operation	January 2015	Spencer Randolph			
Review of schemes	January 2016	Spencer Randolph	Assessment in line with monitoring arrangements as noted above		

 Brent	<p style="text-align: center;">Cabinet 28 August 2014</p> <p style="text-align: center;">Report from the Strategic Director of Regeneration & Growth</p>
For Action	Wards affected: ALL
Housing Supply and Demand – Homelessness, Allocations, and Social Lettings	

1. Summary

- 1.1 This report provides an analysis of housing supply and demand issues, including performance in 2013/14 and challenges for 2014/15 onwards. A number of recommendations are made in order to manage these challenges. These include consultation on revisions to the Council's Allocations Scheme.

2 Recommendations

That Cabinet:

- 2.1 Note the analysis of housing supply and demand issues, including performance in 2013/14 and challenges for 2014/15 onwards.
- 2.2 Agree the target proportion of social lettings for 2014-15 for homeless, housing register and transfer applicants
- 2.3 Note that consultation with our Registered Providers, households on the Housing Register and the voluntary sector has commenced on a proposed revision to the Allocation Scheme that will 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 to receive a further report for decision on this revision.

- 2.4 Note that consultation with our Registered Providers, households on the Housing Register and the voluntary sector has commenced on other proposed revisions to the allocation scheme as outlined below and detailed in Appendix D. Following the consultation a further report will be presented to Cabinet for decision on proposed revisions.

3 Introduction

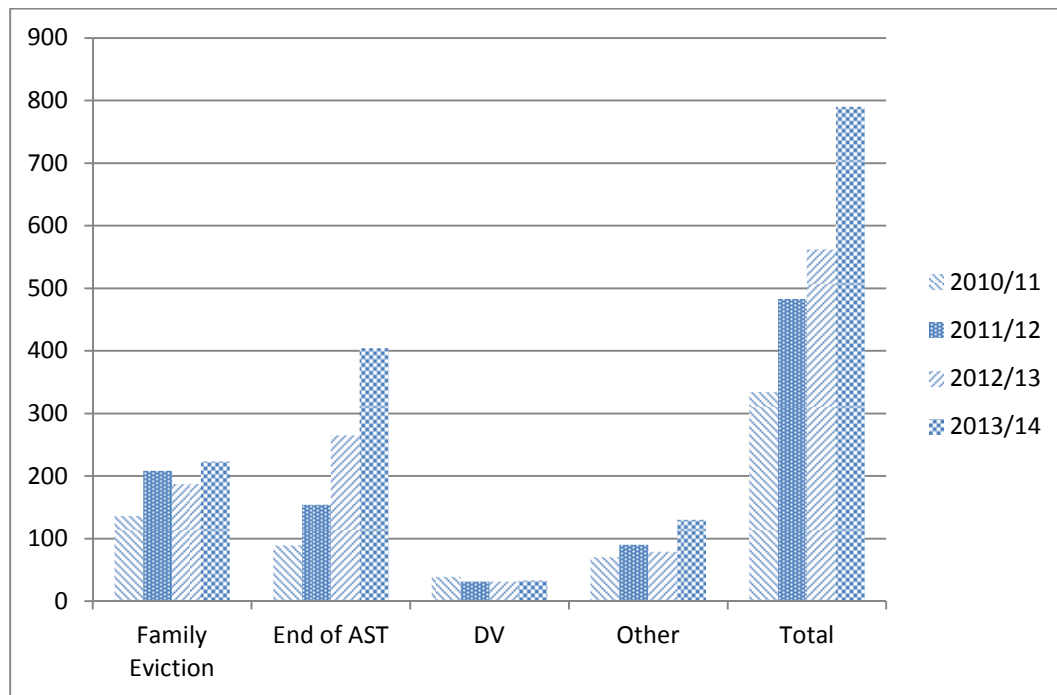
- 3.1 The body of this report is divided into the following sections:
1. Homelessness
 2. Temporary Accommodation
 3. Social Lettings

4 Homelessness

- 4.1 The significant gap between the demand for housing that is affordable and the available supply of both social housing and affordable private rented accommodation continues to increase in Brent. The demand for and supply of housing in the private rented sector that is affordable have both been significantly impacted in Brent by Welfare Reform, specifically the changes to Local Housing Allowance (LHA) and the introduction of the Overall Benefit Cap (OBC).
- 4.2 When a household approaches the council in housing need, the Housing Options team will try to prevent homelessness wherever they can. If this is not possible the Housing Options team makes a formal assessment against a number of criteria as prescribed in homelessness legislation, before determining whether there is a statutory duty to rehouse a homeless household.
- 4.3 This duty to provide accommodation for accepted homeless households may be discharged by the council providing a property in the Private Rented Sector (PRS) for all households who made their application on or after 9 November 2012. Duties owed to homeless households who applied before that date are discharged by providing social housing

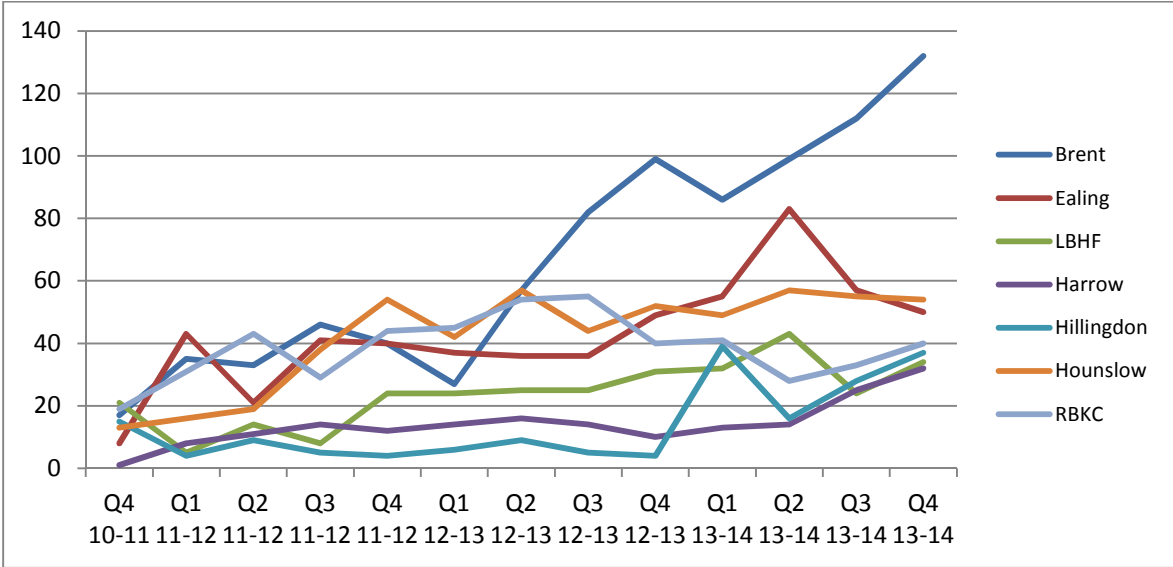
Reason for Homelessness

Figure 1 – Reason for Homelessness of Accepted Applications by Financial Year.



- 4.4 The number of households for whom the Council has accepted a full rehousing duty increased by 40% from 2012/13 to 2013/14, and has increased by 136% since 2010/11. This is largely attributable to a sharp rise in the number of households who became homeless due to the ending of an Assured Shorthold Tenancy (AST) in the private rented sector.
- 4.5 Historically the main reason for homelessness in Brent has been due to family/friends excluding households but since 2012/13 the main reason for homelessness has been the ending of an AST. In 2013/14 51% of households were homeless due to the end of an AST - this is an increase from 2012/13 (47%) and almost double the proportion in 2010/11.
- 4.6 The increase has been particularly high in Brent compared to neighbouring boroughs in West London (see Figure 2). This in part reflects exceptional growth in, and the scale of, the private rented sector in Brent – which now accounts for around one-third of all dwellings. It has also been exacerbated by high levels of benefit dependency and the severe impact of the LHA reforms in the South of the borough.

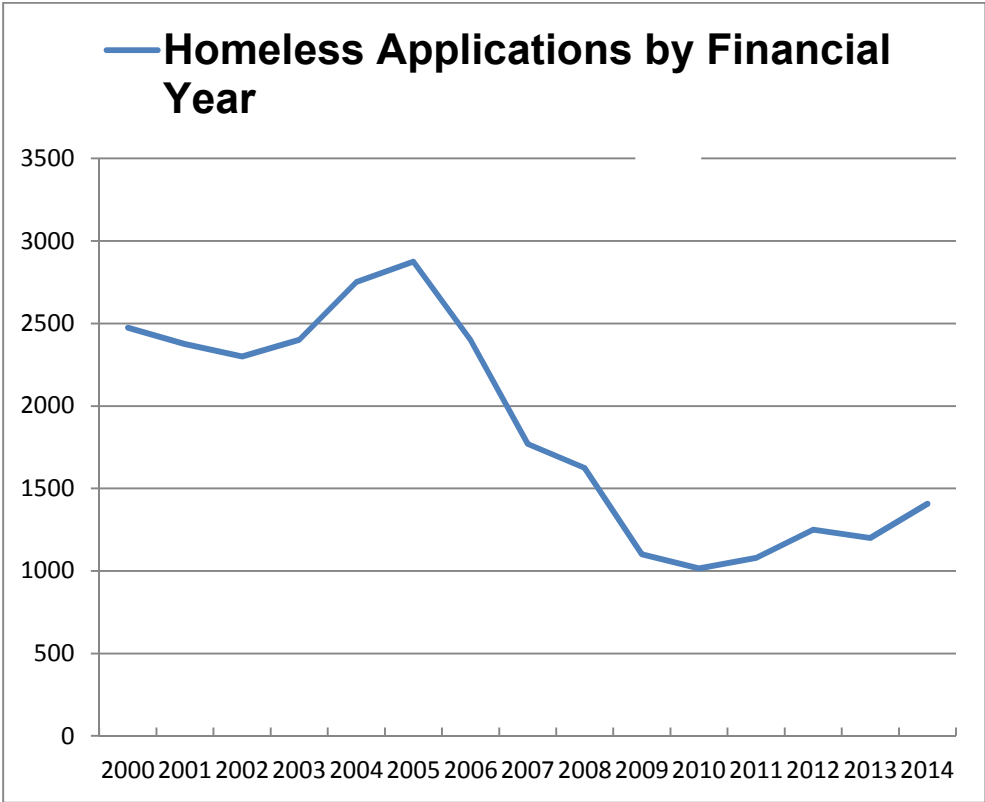
Figure 2 – Number of Accepted Homeless Applications in West London due to End of an Assured Shorthold Tenancy



Homelessness Prevention

- 4.7 The number of homeless applications has varied considerably over the period since 2000 (Figure 3). Homeless applications began to decrease in 2006, when the Council first implemented a homeless prevention strategy, by providing households in housing need with alternative accommodation in the private rented sector. The success of this strategy increased significantly in 2008 with the implementation of the Local Housing Allowance (LHA), as a means of calculating the amount that housing benefit will pay to tenants who rent from private landlords.
- 4.8 However this downward trend in homeless applications was reversed in 2011/12, following the Government’s reforms to LHA that included the introduction of a LHA cap per property size and setting the LHA rate at a lower proportion of the market rent (moving from the 50th to the 30th percentile of the market). With these reforms, renting properties to Housing Benefit recipients was no longer attractive for local landlords.

Figure 3 - Number of Homeless Applications



Changes to the Private Rented Market

- 4.9 The increase in private rented sector evictions and homelessness has been London-wide and has resulted in a ripple effect as inner London authorities procure private sector accommodation in cheaper areas of London, forcing other London authorities to seek alternative accommodation outside of their borough and outside of London.

- 4.10 The LHA caps have also had a significant impact on the Council’s ability to procure properties in the private rented sector both for the prevention of homelessness and the discharge of the homeless duty. The LHA caps make it unaffordable for most households who require 2 bedrooms or more to live in the South of Brent, unless they are in receipt of Working Tax Credit and therefore exempt from the Overall Benefit Cap. Market pressure in the South of the borough means that even if a household is working, there is not a supply of available properties. Although the North of the borough is still potentially affordable for households who require one or two bedroom properties, landlords in the North of the borough typically do not tend to rent accommodation to households in receipt of benefits, and efforts to address this with landlords have had limited success to date.

- 4.11 The number of private sector properties procured for homelessness prevention fell from 548 in 2010/11 to 164 in 2012/13. Initiatives to increase

supply last year increased this to 193. However this supply is not enough to meet the demand for affordable accommodation.

- 4.12 Local landlords are setting rents above LHA rates, and Housing Benefit will only make payments up to the LHA rate for a property. The option exists to pay landlords the difference between the LHA rate and the rent expected on the property from the Housing Needs budget, but this would be expensive and unsustainable, and drive up the Housing Needs costs for subsequent years.

The Overall Benefit Cap

- 4.13 The Overall Benefit Cap (OBC) was introduced in August 2013 to the benefit claimed by workless households. The cap limits the total amount of benefit payable to £500 per week for a family and £350 per week for a single person. Brent Council was one of the most affected boroughs in the country, with 1,250 households capped during implementation of the cap rising to 1,340 by the end of 2013/14. A breakdown of the tenure of these households is shown in Table 3 below.

Table 3: Households affected by OBC by tenure

	Tenure	Number affected
Overall Benefit Cap	Temporary accommodation	467
	Private rented sector	758
	Social landlord	98
	Gypsy and traveller site	11
Overall Benefit Cap total		1340

- 4.14 Working with households who were capped, approximately 950 had the cap removed in 2013/14, predominantly through securing employment and qualifying for the Working Tax Credit (302, 31%). Throughout 2014/15 work will continue with affected households to resolve their situation, focussing on employment, and maximising rehousing options into affordable available accommodation either in the Private Rented Sector, Social Housing, or continued Temporary Accommodation in affordable areas.

Rough Sleepers

- 4.15 In addition to increased statutory acceptances, housing and homelessness pressures generally have increased and this is reflected in significantly increased levels of rough-sleeping in the borough. Initial data indicates a

rise of a third last year following a three or five-fold increase (depending on the methodology used) over the previous four years.

- 4.16 The reasons for this increase in numbers include the impact of the recession and welfare reform and an element of under-reporting before additional resources from April 2012 allowed Brent to improve its ability to identify (and work with) rough sleepers. There is also growing evidence that the numbers of Central and Eastern European rough sleepers in the borough were not accurately recorded before this and that these numbers are growing for Brent above trend in comparison with other London boroughs.
- 4.17 A rough sleeping pathway is being remodelled to minimise the number of people spending a second-night sleeping rough in Brent. This includes the retendering of the rough sleeping service contract and commissioning assessment hostel bed-spaces for rough sleepers.

Homelessness Challenges for 2014/15

- 4.18 The combination of the capping of Local Housing Allowance (LHA) rates, and the implementation of the Overall Benefit Cap (OBC), has led to an increase in homelessness demand and a decrease in the number of affordable properties that are available in the Private Rented Sector (PRS). This has led to a steady increase in the number of households that the Council has accepted a Homeless duty towards, and who are now living in emergency bed and breakfast accommodation.
- 4.19 There are two key areas of focus for 2014/15:

1 Increasing Homelessness Prevention

The main focus of the housing needs team is to prevent homelessness. This is achieved through a variety of initiatives, including family mediation for parental exclusions and the use of the Sanctuary Scheme in cases of domestic violence. Due to the high level of evictions from the Private Rented Sector the Housing Options Team have been making use of the Discretionary Housing Payment (DHP) budget to negotiate with landlords to pay off rent arrears and keep the rent at sustainable Local Housing Allowance rates.

If it is not possible to prevent homelessness by keeping a household in their current accommodation, all households are given advice about securing alternative accommodation for themselves in the private rented sector. The housing needs team provides an incentive package and information pack to assist households to find their own accommodation.

2 Supply of suitable affordable accommodation

The housing needs team also secure accommodation in the private rented sector to offer to homeless households to prevent homelessness before a statutory duty is accepted, or to discharge that duty. In order to meet the

increase in demand it will be necessary to significantly increase the supply of private sector accommodation.

- 4.20 The housing needs team are working on various initiatives to increase supply including a partnership with the Council's ALMO, Brent Housing Partnership to develop a lettings agency in Brent that will help to increase supply.
- 4.21 Due to the over heated market in London, it will not be possible to procure the volume of affordable accommodation in Brent that is required to meet the demand from homeless households both to prevent homelessness and discharge the homeless duty. The housing needs team are therefore actively procuring the most suitable and affordable private rented accommodation available, but this is most likely to be outside of the borough and to a significant extent outside of London.
- 4.22 If a sufficient supply of private sector accommodation is not available to meet demand, the council will not be able to prevent homelessness nor discharge its homelessness duties. This will mean that the statutory duty to provide accommodation will have to be met by providing expensive bed and breakfast and other forms of temporary accommodation that may also be outside of the borough due to the lack of supply of this form of accommodation.
- 4.23 When ending the homelessness duty in the private rented sector the council is subject to the provisions and supplementary guidance of the Homelessness (Suitability of Accommodation) (England) Order 2012. The Order deals with the suitability of the accommodation offered, including the location of the accommodation.
- 4.24 If a household refuses an offer of suitable accommodation in the private rented sector the Council will consider that it has met its duties under homelessness legislation, and if the household are being accommodated in Bed and Breakfast accommodation, they will be given a reasonable period in which to make their own housing arrangements.
- 4.25 Under these circumstances a household may approach the Council for assistance under the Children Act, leading to increased pressure on the Children and Young People Service. In 2013/14, 28% of households who were offered accommodation in the private rented sector to end a homeless duty refused that offer of accommodation.
- 4.26 If the volume of homelessness discharges to the private rented sector increases, there may be an impact on the volume of homeless households who approach the council for assistance under the Children Act.
- 4.27 To help to mitigate this impact, officers from the Housing and Children and Young People services are working closely together to offer an integrated service to the household. In the majority of cases the assessment of need made under the Children Act determines that the only issue facing the

family is housing, and so accommodation in the private rented sector is offered to the family to meet this need.

- 4.28 The associated cost of keeping a household in emergency bed and breakfast accommodation during an assessment under the Children Act is met by housing, as well as the cost of procuring a property in the private rented sector. The Housing Needs team will monitor the levels of refusals of private sector accommodation and the subsequent volume of approaches made under the Children Act. If these levels increase significantly additional assessment resources may be required within the Children and Young People department, with the costs of this being met from the temporary accommodation budget.

5 Temporary Accommodation

- 5.1 At the end of March 2014 there were a total of 3,341 households living in temporary accommodation, (TA) a 3% increase during 2013/14 (95 households).
- 5.2 Temporary accommodation is used by the council to accommodate households who have been accepted under homelessness legislation until either social housing or private sector accommodation can be secured to discharge homelessness duties.
- 5.3 Often the initial form of temporary accommodation that is provided is emergency bed and breakfast accommodation (1st stage TA) where a household will remain while the council assesses their statutory homeless application. If a homelessness duty is accepted the household will be accommodated in temporary accommodation leased through a housing association, or managing agent (2nd stage TA).

Temporary Accommodation out of borough

- 5.4 The LHA reforms have led to increasing difficulty in procuring family sized accommodation within the geographical boundaries of the borough under any of Brent's existing temporary accommodation leasing schemes.
- 5.5 An additional pressure to in-borough accommodation is the end of the current Housing Association Leased Scheme (HALS) contract, due to expire in February 2015. A separate report was presented to Cabinet on 21 July 2014 seeking approval to retender this scheme. HALS accommodation currently provides over 1,800 units of Temporary Accommodation that is predominantly located in Brent. Although this portfolio is diminishing due to owners of leased properties not renewing the leases, this form of Temporary Accommodation provides good quality, well managed accommodation that is less expensive to the council than other forms of Temporary Accommodation.
- 5.6 The Council entered into a new leasing framework with 18 accommodation providers to procure Private Sector Accommodation in cheaper areas of the

country (PSA framework). This has resulted in a higher number of out of borough placements, particularly for larger sized households. Out of borough placements have risen from 120 households accommodated outside of the borough in February 2012 to 632 in May 2014, (a 426% increase.) This figure is expected to rise further due to the increasing demand pressures and the shortage of affordable supply in the borough.

Temporary Accommodation Challenges for 2014/15

Households in Bed & Breakfast accommodation

- 5.7 The Homelessness (suitability of Accommodation) (England) Order 2003 states that a Bed & Breakfast (B&B) that does not have self-contained bathroom facilities is not suitable accommodation for families with children (or a household with a pregnant woman) unless there is no alternative accommodation available and even then for no more than 6 weeks.
- 5.8 The number of households in B&B accommodation has increased significantly during 2013/14 with an average of 299 households per month living in bed and breakfast accommodation. This increase is due to the rising number of newly accepted homeless households and existing homeless households evicted from leased temporary accommodation, predominantly because the Landlord wants the property back.
- 5.9 The number of families with children in B&B for longer than six weeks is also increasing, and the council is not currently compliant with the aforementioned Homelessness Order.
- 5.10 Homeless prevention efforts, as outlined above, will help stem the flow of households into B&B, but further actions are required to provide alternative accommodation to those households in B&B. Newly accepted households will continue to receive a Private Rented Sector Offer (PRSO) to discharge the housing duty, and the supply of this will be channelled toward this group as a priority. For existing homeless households, options to move on to 2nd stage accommodation will depend on voids created by assisting the longest waiting households into social housing, or utilising the supply of properties from the PSA Framework referred to above.

Households in Temporary Accommodation Affected by the Overall Benefit Cap

- 5.11 There are currently 460 households living in temporary accommodation who are affected by the Overall Benefit Cap making their current accommodation unaffordable. The council is currently using Discretionary Housing Payment (DHP) funds to help meet the shortfall between rents and the capped Housing Benefit receipt. This is not a sustainable position for the households or the Council, with no guarantee that the DHP budget will remain at the current high level in 2015/16 and beyond.

- 5.12 In order to ensure that the position is sustainable from 2015-16 the aim is to reduce the number of capped households in Temporary Accommodation to less than 200 by the end of March 2015. The current total is 460, and with an addition of 20 newly capped households each month, the number of households whose situation needs to be resolved – through employment, by securing housing that is affordable, or by sustainably being able to cover the shortfall is 440.
- 5.13 There were 120 capped households living in TA who started employment in 2013/14 (and so became exempt from the cap). This trend may continue, however the households who manage to secure work to avoid the cap in 2014/15 may diminish, as last year's performance in part reflects the success of those closest to the job market in securing work. Services assisting with employment will continue, and further tailoring of commissioned Job brokerage services is being examined to improve outcomes.. Additional Discretionary Housing Payment funding is being provided to assist households with the transition into work, including childcare payments and to meet travel costs.

Maximising Allocation of Social Housing

- 5.14 The Welfare Reform Mitigation Team is piloting the use of proxy bidding to ensure that households who have been waiting longer than the average waiting time for an allocation of social housing maximise opportunities to secure social housing in Brent. This year, in particular, additional supply of social housing is programmed for delivery by housing associations (Appendix A).
- 5.15 It is too early to predict the outcomes of the Proxy Bidding pilot, but the intention is that these capped households, who have been waiting for a social rented home for an extended period and who have a significant shortfall between their rent and housing benefit under the OBC should be assisted into social homes where possible.
- 5.16 The current Allocation Policy states that the council expects to make an increased proportion of lettings directly, outside the Locata system, particularly where this would support regeneration priorities and best use of the social housing stock and help manage the council's resources.
- 5.17 Consultation has commenced with our Registered Providers, households on the Housing Register and the voluntary sector on changes to the Allocations Scheme that will allow, if required, direct offers to be made to those impacted by the Overall Benefit Cap provided that they have been waiting in Temporary Accommodation for longer than the average waiting time to receive an allocation of social housing for their required bed-size.
- 5.18 There will be other households who are living in temporary accommodation who are affected by the OBC who have not been waiting longer than the average waiting time for an allocation of social housing. If these households do not secure employment and they have no prospect of

securing affordable social housing in Brent, it will be necessary to relocate these households to more affordable suitable temporary accommodation, as it will not be possible to sustain them in their current temporary accommodation using limited DHP funding.

- 5.19 Before a household is relocated to cheaper temporary accommodation outside of the borough a full suitability check, including safeguard checks with Children’s Social Care will be undertaken on each individual case. If a household is identified as having to remain in Brent due to exceptional social care, welfare, medical or other exceptional circumstance, then DHP funds will continue to be used to meet the shortfall in rent while a longer term solution is sought.

Overall reduction to the number of Households in Temporary Accommodation

- 5.20 Analysis of households living in temporary accommodation has shown that a number have been waiting in temporary accommodation for a substantially longer period than the average waiting time for their bedroom requirement and this forms the basis for the Proxy Bidding Pilot above. These households are either bidding sporadically for social housing through the Council’s choice-based letting scheme, Locata, or not bidding at all, with some households choosing to remain in temporary accommodation rather than move into the limited social housing that becomes available in Brent.

Table 6: Number of Households in TA who have waited for a significantly longer period than the average waiting time for their bed size

	Average waiting time For accommodation (years)	Longest waiting time for accommodation (years)	No. of households in TA who have waited for significantly longer period than the average waiting time
1 Bed Need	4	13	39
2 Bed Need	6	13	13
3 Bed Need	11	16	40
4+ Bed Need	13	17	26
Totals	-	-	118

- 5.21 When the proxy bidding pilot for OBC affected households in temporary accommodation has been completed and if the results are positive, the project may be extended to the wider TA population, with these offers of accommodation being enforced should the household refuse to accept a suitable offer.

6 Social Lettings

- 6.1 Demand from households at risk of homelessness, households in temporary accommodation, council tenants seeking a transfer and

applicants on the Housing Register are mapped against expected future trends and supply levels.

- 6.2 The new Allocations Scheme went live on 3 February 2014. In the new Allocation Scheme four bands have been retained, with the Priority Bands A-C reflecting varying levels of housing need, while band D has been re-designated as an 'inactive' band as these households are not eligible to bid for social housing as they have a lower level or no identified housing need. Their inclusion in the register enables households with no priority for housing to access housing options information, and to update their position if circumstances change that may entitle them to a higher banding.
- 6.3 There are currently 4,700 households in the Priority bands A to C, which provides one indicator of unmet need. Including households in band D would give a level of unmet demand for social housing within the Borough of 14,200 households.

Housing Register and Transfers Demand

- 6.4 Of the 4,700 households in 'active' bands on Brent's housing Register, 20% are in Bands A or B and 80% are in Band C. Homeless households in Bands A to C make up 80% of the register. A breakdown of current applications on the lists, by demand group and the number of bedrooms needed is provided in Appendix A.
- 6.5 In 2014/15 there will be a projected 673 lettings into social housing tenancies (Council and housing association) which will meet around 14% of the current total demand from Bands A to C.

2013/14 social lettings

- 6.6 At the beginning of each financial year, Cabinet are asked to approve a set of detailed lettings projections. The table below summarises actual lettings performance for 2013/14 against original projections.

Table 6 – Lettings Variance from Targets – 2013/14

		Targets 2013/14	Actuals 2013/14	% Variance
Target Group	Homeless	299	284	-5
	Register	218	165	-26
	Transfer	153	109	-29
	Total	670	558	-17.2

- 6.7 As the table shows, 17.2% fewer lettings were achieved than had originally been expected. The original forecast of Housing Association units that would be available for letting during 2013/14 was 424, however the actual number of units that were available was 360 (a 15% reduction). The reason for the decrease in the number of Housing Association units that were

available was due to a combination of slippage in the delivery of new build units, and fewer re-lets of units, due to uncertainty around the impact of Welfare Reform.

- 6.8 Lettings to Brent Housing Partnership units during 2013/14 was 313 against a forecast of 420 (a 25% reduction). This is in line with current trends – there is a decreasing number of re-lets of social housing year on year with more and more uncertainty for tenants (fixed term tenancies and affordable rent), and fewer options to move on outside of social housing.
- 6.9 A detailed breakdown of lettings made in 2013/14, with a breakdown of beds needed and demand groups are provided in Appendix B.

Lettings Projections 2014/15

- 6.10 The majority of the 673 lettings of social housing expected to be made during 2014/15 will become available through re-lets within existing social housing stock, including those arising from the transfer of existing tenants. However the Council expects a total of 180 additional properties to be delivered through the new build programme. This is an increase on recent years because delivery of the GLA's 2011-15 programme is back-loaded. A level of contingency has been assumed to allow for slippage of delivery into 2015/16. Appendix A provides a table of anticipated supply. Table 7 summarises the distribution of these lettings by property size..

Table 7 – Brent and Housing Association – Projected Lettings 2014/15

	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Brent	15	102	140	45	11	313
RSL	8	107	145	82	18	360
Total	23	209	285	127	29	673

Priority Groups

- 6.11 The Allocations scheme will continue to give specific priority to certain key groups.
- 6.12 Homeless Households
It is recommended to increase the number of lettings that are targeted for homeless households to 80%. This percentage is higher than in previous years but is equal to the percentage of those on the housing register who are homeless. This target is also necessary to help mitigate the impact of the Overall Benefit Cap on the households currently living in temporary accommodation that is no longer affordable and to reduce the number of households in temporary accommodation generally (Table 8).

Table 8 – Distribution of Lets by Property size to demand groups

	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Housing Register	0	167	228	102	23	520

(Homeless)						
Housing Register	19	15	20	9	2	65
Transfers	3	27	37	17	4	87
Total	23	209	285	127	29	673

- 6.13 It is recommended that Cabinet agree the target proportion of social lettings for 2014-15 for homeless, housing register and transfer applicants
- 6.14 Regeneration of existing housing sites is still a key area, and as part of the transfer cases, 40 allocations have been set aside to meet the decant needs for South Kilburn in the 2014/15 projections.

Consultation on amendments to the Allocations Scheme

- 6.15 The new Allocation Scheme was fully implemented on 3 February 2014. The scheme was agreed by the Executive in April 2013 and some amendments were made by the Executive in their meeting in September 2013.
- 6.16 In order to respond effectively to the current challenges presented by Welfare Reform and other service pressures discussed above it is proposed to make certain revisions to the scheme. The following amendments to the scheme will require 4-6 weeks further consultation, and further detail is available in Appendix D:
- Auto-bidding
 - Retaining Band C award by accepted Homeless households accepting a Qualifying Offer
 - Ability to make an increased number of Direct Offers
 - Bedroom allocation amendments
 - Incentivising downsizing moves
 - Incentivising and Reward for employment with additional waiting time
 - Applying the residency criteria to Homeless cases
 - Overcrowding to receive Band C
- 6.17 . The results of this consultation will be further reported to the Cabinet for decision.

7 Financial Implications

- 7.1 The total base Temporary Accommodation budget for 2014/15 is £8.9M. This takes into account agreed savings of £1.047m from the 2013/14 budget to reflect the management of cost pressures and service demands.
- 7.2 Based on current projections and targeted reductions in numbers of households accommodated within Temporary Accommodation, the budget

is expected to underspend its budget target by £300k. However, as outlined earlier in this report, there continue to be significant risks attached to the Council's ability to control demand led pressures relating to this particular service whilst ensuring that statutory duties are met.

- 7.3 It should be noted that this remains an area of potential pressure due to the number of variables around the implementation of the different Welfare Reforms highlighted above. Work around the mitigation of Welfare Reform is continuing to try to further reduce the expected financial impact on the Council. Officers will be closely monitoring the impact of the wider reform agenda on the service's budget so that any variation can be reported as early as possible.

8 Legal Implications

- 8.1 The primary legislation that governs the allocation of new tenancies is set out in Part VI of the Housing Act 1996 ("the 1996 Act"), as amended by the Homelessness Act 2002 "the 2002 Act") and the Localism Act 2011. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable preference" is given to certain categories of applicants (which are set out in section 166A of the 1996 Act as amended by the Localism Act 2011 and includes homeless households and persons living in overcrowded conditions and persons who need to move on medical or welfare grounds), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act must be made in accordance with the Council's own allocation policy (cf. section 166A (14) of the 1996 Act). Allocation of temporary accommodation pursuant to the Council's homelessness duties under Part VII of the Housing Act 1996 is not governed by Part VI of the 1996 Act.
- 8.2 Brent adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance in 2003. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.
- 8.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.
- 8.4 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally

homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) following the changes made by the Localism Act 2011, if the homeless person accepts an offer of private rented accommodation where there is a fixed term of at least 12 months.

- 8.5 The duty under section 193 of the Housing Act 1996 will cease to exist if (I) the applicant ceases to be eligible for assistance; (II) the applicant ceases to occupy the accommodation as his/her only or principal home, or (III) the applicant becomes homeless intentionally from the temporary accommodation provided.
- 8.6 As stated above, the Localism Act 2011 has enabled Local Authorities to fully discharge the full housing duty by a Private Rented Sector Offer (PRSO) (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011.
- 8.7 The Homelessness (Suitability of Accommodation) (England) Order 2003 states that a non-self-contained Bed & Breakfast (B&B) is not suitable accommodation for families with children (or a household with a pregnant woman) unless there is no alternative accommodation available and, even then, for no more than six weeks.
- 8.8 The Homelessness (Suitability of Accommodation)(England) Order 2012 sets out what matters are to be taken into account in determining whether accommodation is suitable for a person and also sets out circumstances where accommodation, which is being provided to an applicant for the purpose of a private rented sector offer under section 193(7F) of the 1996 Act, is not to be regarded as suitable

9 Diversity Implications

- 9.1 In summary, there are negative impacts to this proposal, particularly on overcrowded households within the social sector and the Private Rented sector where applicants are predominantly from BAME origins and female headed applications. However, this negative impact is balanced by the positive impact that will be seen on this same protected groups through the increased lettings made to homeless applicants.
- 9.2 The full Equality Assessment is attached at Appendix E. The evidence outlined in the main document gives no reason to suggest that the policy is unlawful or discriminatory.

10 Staffing/Accommodation Implications

- 10.1 Resources within the housing needs service have been deployed to support the initiatives and approaches set out in this report and this deployment will be adjusted as necessary.

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ANDY DONALD

Strategic Director of Regeneration and Growth

Appendix A - Current Live Applications

		Number of Bedrooms Required									Sum:	
		0	1	2	3	4	5	6	7	8		9
	ELDERLY SHELTERED		172									172
	HOMELESS APPROVED	53	304	1562	1169	454	163	46	11	3	2	3767
	LEAVING CARE		24	1								25
	MANAGEMENT TRANSFER	5	6	10	11	5	1					38
	MEDICAL	4	48	12	19	5	1					89
	MOVE ON QUOTA	4	50	3	4	2						43
	OVERCROWDING			14	114	65	6	1				200
	PERMANENT DECANTS	1	73	28	12							114
	SOCIAL HARDSHIP	1	1	2	2							6
	STATUTORY DUTY		1									1
	SUCCESSION (UNDEROCCUPATION)	3	15									18
	UNDEROCCUPATION	14	97	20	2							133
	UNSATISFACTORY HOUSING	2	49	12	4	1						68
	Sum:	87	840	1664	1337	532	171	47	11	3	2	4694

Appendix B - Lettings Performance BHP and Housing Association - 2013/14

	Bedroom Size					Grand Total
	1	2	3	4	4+	
HOUSING REGISTER						
CHILDREN LEAVING CARE	34	4	3			41
EMERGING HOUSEHOLDS		8				8
APPROVED HOMELESS	38	117	62	4	8	229
MEDICAL 25 (HOMELESS)	1	2	3	1		7
ADULT SOCIAL CARE	3					3
OVERCROWDING						
CONTRIBUTION TO MOBILITY	22	15	13		1	51
FORMER SERVICE TENANT						0
HOUSING REGISTER (NON APPROVED)	48	16	7			71
MEDICAL 25 (REGISTER)	3	1	2	2		8
PROBATION SERVICE QUOTA	1					1
SOCIAL SERVICES (HOU REG)			1			1
VOLUNTARY ORGANISATION QUOTA	13	3				16
HOUSING REGISTER (OTHER)	5	6	1		1	13
Sub Total	168	172	92	7	10	449
TRANSFERS						
UNDER OCCUPATION	28	2	1		1	32
DECANT	26	5	3	1		35
SUCCESSION (UNDEROCCUPATION)	1					1
MANAGEMENT TRANSFER	4	2	8	2	4	20
TRANSFER LIST (APPROVED)	11	6	1		1	19
MEDICAL A (TRANSFER)		1				1
MEDICAL 25 (TRANSFER)		1				1
Sub Total	70	17	13	3	6	109
Grand Total	238	189	105	10	16	558

Appendix C – Lettings Projections 2014/15

Brent and Registered Provider – Projected Lettings 2014/15

For Brent Council properties, the projection is made based on last year's lets, i.e. Council owned properties that became available to relet.

For Registered Provider properties, the projections are made based on the number of existing properties that became available to let as well as new builds.

The table below shows the number of new build units that will become available during 2014/15. Based on experience from previous years, we are reasonably confident that properties that are due completion by 31 December will actually become available and there will be a slippage for the rest. Additionally, 40 properties (Vivian Avenue) will be extra care sheltered units and therefore not let through the CBL scheme thus leaving about 180 new units becoming available to let this year.

Site Name	HA	Tenure	Total Units	Comp Due	HC Milestone PC from GLA website
141-153 Harlesden High Street	Origin	AR	13	06-Oct-14	06-Oct-14
Crest Road (Coles Green), Oxgate Lane	PCHA	AR	14	21-Nov-14	21-Jul-14
Brook Avenue TFL	Stadium	AR	30	28-Nov-14	28-Nov-14
First Central, Park Royal	Catalyst	AR	68	05-Dec-14	05-Dec-14
Vivian Avenue, Extra Care (Willow)	Stadium	AR	40	11-Dec-14	11-Dec-14
Electric House, 296 Willesden Lane	Stadium	AR	5	31-Dec-14	31-Dec-14
Capitol Way, Colindale	Stadium	AR	107	24-Feb-15	24-Feb-15
Blarney Stone, Blackbird Hill	Catalyst	AR	36	15-Mar-15	15-Dec-14
3 Burnt Oak Broadway	Catalyst	AR	35	15-Mar-15	15-Dec-14
Barham Park Phase 2c Rent	NHHT	AR	33	16-Mar-15	16-Mar-15
Willows Yard, Rucklidge Avenue	Origin	AR	22	16-Mar-15	16-Mar-15
Stonebridge Site 10, Hillside	Hyde	AR	35	17-Mar-15	17-Mar-15
Stonebridge Site 22/24, Hillside	Hyde	AR	35	20-Mar-15	20-Mar-15
Coles Green Court, Coles Green Road	Stadium	AR	14	23-Mar-15	23-Mar-15
Alpine House	Stadium	AR	22	25-Mar-15	25-Mar-15
B&Q Alperton	Stadium	AR	54	27-Mar-15	27-Mar-15
Park Royal Asra	Asra	AR	60	30-Mar-15	30-Mar-15
Park Royal Asra Care & Support	Asra	AR	39	30-Mar-15	30-Mar-15

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Taking the above into account, the predicted number of lets for 2014/15 financial year is expressed in below table, with the number of new units in brackets:

	Bedsit	1 bed	2 bed	3 bed	4 bed	Total
Brent	15	102	140	45	11	313
RP	8 (0)	107 (43)	145 (87)	82 (43)	18 (4)	360
Total	23	209	285	127	29	673

Appendix D

Allocation Scheme, Proposed Items for consultation

1. Auto-bidding
2. Retaining Band C award by accepted Homeless households accepting a Qualifying Offer
3. Ability to make an increased number of Direct Offers
4. Bedroom allocation amendments
5. Incentivising downsizing moves
6. Incentivising and Reward for employment with additional waiting time
7. Applying the residency criteria to Homeless cases
8. Overcrowding to receive Band C

1 Auto-bidding

Many households have waited in Temporary Accommodation for a long time, longer than the average time, and many are still not housed. While we understand that the nature of demand on housing means that waiting times will be long, there are many applicants that could be moved out of TA but are taking no action to be rehoused. In the allocation scheme, priority is given to households waiting the longest, if they were bidding, these households would be more likely to receive an offer of housing. Current provision in the allocation scheme for bidding by proxy (6.5.7) is ‘...in certain circumstances..’, but this could be strengthened to allow automatic and electronic placement of bids. The system would be set to automatically bid, at the Council’s discretion, once the household falls into a target group, for example, the top 10% by waiting time per property size.

2 Retaining Band C award by accepted Homeless households who accept a Qualifying Offer

Historically, homeless households who opted to accept a Qualifying Offer (discharge of the homeless duty into the Private Rented Sector prior to the Localism Act) were able to retain their Band C priority and continue to bid on Locata. This has been inadvertently removed from the Allocations Policy, and reinstatement is recommended. The retention of the Band C acts as an incentive to households to accept a Qualifying Offer, and with very small numbers impacted, it is unlikely to be costly in terms of potential supply of housing to other demand groups.

3 Ability to make an increased number of Direct Offers (6.10)

Current wording in section 6.10 creates some confusion, and is more restrictive than required. Because 2014/15 is a year in which the Mayor’s Affordable Housing Development Programme will deliver approximately 180 additional homes to Brent and the Council needs to take best advantage of the additional lets, it is proposed that the Scheme be worded to allow ‘discretion’ rather than ‘exceptional circumstances’, in order to address the Councils objectives more directly.

The list of applicants who may qualify for a Direct Offer is still appropriate, but needs to include households previously addressed within a Quota and

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households where there is a financial risk to the Council in the future (this relates to those impacted by the Overall Benefit Cap currently, but future changes to the welfare system could mean different target groups in the future).

4 Bedroom allocation amendments (3.4)

For homeless households where adult children (over 21) remain in the household, they will be expected to share a bedroom with a same sex sibling of any age.

Couples and Lone parents with one child under 2 will be offered 1-bed properties. Two-bed need is the greatest demand group on the waiting list, and using some of the one-bed supply will help meet this demand.

5 Increasing downsizing moves.

Currently, adult children over the age of 21 aren't considered part of a household for a transfer/downsizing move. However, under-occupiers are refusing to be rehoused without their adult children. Adult children could be included on the transfer request as part of the incentive package

6 Incentive and Reward for employment (12.9, 12.10) - Additional waiting time for households in employment for 9months out of the last 12 months.

The current wording for the scheme states that the additional waiting time of 5 years will be granted for those working at the time of application, but this excludes households who start and sustain employment after they first approach and are accepted on the register – particularly homeless households in TA. It is recommended that the wording is amended to provide for the additional ability to apply for the extra waiting time for this via a change of circumstances. For example, a household that was not working when accepted as homeless who has now started and sustained work for the required amount of time, can then submit a change of circumstance request to apply for the additional waiting time. Verification of employment will occur at the time of applying and at the point of offering a tenancy.

7 Applying the Residency criteria to Homeless acceptance cases

In section 3.5.3 in the Allocation Policy it states that 'applicants must currently be living in the London Borough of Brent and have continuously lived here for the period of 5 years or more prior to joining the housing register. Households in TA have been exempt from applying the residency criteria, but we recommend removing the exemption. This would dis-incentivise homeless approaches. Households would receive their acceptance date as normal, but the ability to bid would only start after 5 years residency applies, counting residency years prior to the Acceptance date, and since acceptance. (Additional waiting time for households who are working would only apply 5 years after the acceptance date.)

8 Overcrowding to receive Band C

While overcrowding continues to be recognised as an issue in Brent, the proposal is that Overcrowding receives equal priority as Homeless cases (Band C). Overcrowded applicants should also receive support and services to assist

them with moving to more suitable accommodation, possibly in the Private Rented Sector, as an alternative to waiting for social accommodation.

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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.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Regeneration & Growth Service Area: Housing Needs	Person Responsible: Name: Laurence Coaker Title: Head of Housing Needs Contact No: 020 8937 2788 Signed:
Name of policy: Projected Allocation of Social Housing 2014/15	Date analysis started: 01 July 2014 Completion date: 29th July 2014 Review date: 31st January 2015
Is the policy: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	Auditing Details: Name: Elizabeth Bryan Title: Equalities Officer Date: 30 th July 2014 Contact No: 020 8937 1190 Signed:
Signing Off Manager: responsible for review and monitoring Name: Laurence Coaker Title: Head of Housing Needs Date: 29 July 2014 Contact No: 020 8937 2788 Signed:	Decision Maker: Name individual /group/meeting/ committee: Cabinet Date: 26 th August 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 projected number of social properties to lets in 2014/15 is 673. The proposed policy increases the percentage of the total of social lets to homeless households from 60% (as agreed in 2013)) up to a maximum of 80% between 1 April 2014 and 31 March 2015. More social housing will therefore be let to homeless households for 2014/15, and a smaller proportion will be let to households who are already in social homes (transfers) or are 'homeseekers' (households not currently in a social home) but not homeless.

Lettings to social housing stock in Brent have decreased year on year and social lettings are now a very limited resource. The number of lets is made up from re-letting units within the current stock, and delivery of new stock from development programmes.

Social lettings need to be targeted for vulnerable households in our communities, but also to address the Council's ongoing financial commitments for the provision of Temporary Accommodation (TA). The increased proportion of lets is proposed for three reasons:

- 1 Households accepted as homeless are vulnerable applicants, and the Council has accepted a duty to provide sustainable accommodation for those households. A very large number (3,400) of households remain not rehoused since their acceptance as homeless and this figure is growing. This means that currently, a large number of vulnerable households are accommodated in temporary accommodation.
- 2 The provision of TA is an expensive service (2014/15 budget £7.1million). Since the introduction of the Overall Benefit Cap to workless families, the cost of providing TA has increased due to reduced Housing Benefit received for some homeless families, and the risk is that this cost will escalate further in 2015/16. This policy is aimed at reducing the number of households in TA overall so that future costs to the Council are minimised as much as possible.
- 3 In 2013/14 Brent updated the Allocation Scheme and Band D applicants, (applicants with no priority for housing) can no longer bid for or be allocated social homes on the Choice Based Lettings system. Homeless households now make up 80% of the applicants on the register. Homeseekers (not homeless) and Transfer applicants make up the remaining 20% of the waiting list. This proposal means the proportion of housing supply going to homeless is representative of the size of the demand from this cohort of applicants.

These projected lettings are dependent on the households on the waiting list participating in Choice Based lettings – ie, bidding and accepting properties.

This proposal addresses the lettings plan for 2014/15. The lettings projections for 2015/16 will be submitted in Q1 of next year.

Projection 14/15 if homeless lets = 60%	%	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Homeless Lets 14/15	60	14	125	171	76	17	404
Housing register Not homeless 14/15	15	3	31	43	19	4	101
Transfers 14/15	25	6	52	71	32	7	168
Total 14/15	100	23	209	285	127	29	673
Projection 14/15 if homeless lets = 80%	%	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Homeless Lets 14/15	80	0	167	228	102	23	520
Housing Register (not homeless) 14/15	7	19	15	20	9	2	65
Transfers 14/15	13	3	27	37	17	4	87
Total 14/15	100	23	209	285	127	29	673

The projected lettings will result in 153 social lets available for allocation to Homeseeker (not homeless) and transfer applicants. These lets will continue to be allocated in accordance with the Allocation Scheme, prioritising by band and waiting time. This lettings projection does not change how properties are allocated within the respective groups (Homeseeker, Transfer).

The 153 lets are anticipated to be split between homeseeker (not homeless) and transfer, Band A and Band B in the following way, using the current number of applicants as a guide:

	Homeseeker (not homeless)	Transfer	Total
Band A	3	53	56
Band B	58	39	97
Total	61	92	153

Note that the numbers are accurate at the time of analysis (18 July 2014). During the year there will be movement in these figures due to changes in circumstances. In addition, validating older applications may result in that application being closed without the need to provide housing and new cases will arise during the year. However, analysis of the current waiting list will provide a level of understanding of the demand as a starting point.

Impact of the projected lettings – a breakdown of the band reasons is provided in Appendix 1:

Band A [Emergency Housing Need] – no negative impact. These applicants are in the highest priority to be housed and the projected lettings plan anticipates meeting this demand.

Band B [Urgent Housing Need]

The current demand from the following groups is anticipated to be met:

Leaving Care

Move-On

Management Transfers

Statutory Overcrowding

Medical (Transfer)

Armed Forces

Band B medical (homeseeker, not homeless): Current demand needs to be validated to ascertain true demand. Following this, we anticipate meeting the needs of this group.

There will be a slight negative impact is seen on the number of lets that will be received by Overcrowding Homeseekers (not Homeless) and Overcrowding (Transfers).

Band C [In housing need]: A positive impact on Homeless accepted applicants, but projections show that there may be no allocations to Band C (not homeless) applicants which is consistent with previous years so this proposal does not negatively impact these applicants. (There are no transfer applicants in Band C).

Note that projected lets to homeless will be up to 80%, but that in this proposal we maintain the flexibility to address the needs of vulnerable cases as presented if necessary. New applicants to Band A and Band B will be rehoused according to their band and band reason, eg, if a new applicant with a disability is awarded Band A (Medical) then that applicant is likely to be rehoused within 6 months, and a new applicant with a disability awarded Band B (Medical) will be likely to be rehoused within 1 year in accordance with the allocation scheme.

During the year, if additional units over and above the projected supply become available, then it is most likely that they will be made available to Band B Overcrowded Transfer and Band B Overcrowded Homeseeker (not Homeless) applicants.

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

Housing management systems currently do collect information on gender reassignment and Civil partnership in addition to the other protected characteristics, but due to the recent introduction of the data fields, these fields are not populated sufficiently for analysis to be conducted. In some of the analysis, the last two years of data has been used to provide an indication of the demand groups.

The impact of the lettings projections is two-fold and these need to be dealt with separately:

- 1 Increased lets to homeless households,
- 2 Decreased lets to homeseeker (not-homeless) and transfer applicants.

- 1 Increased lets to homeless households

The policy will have a positive impact on homeless households. There is no change to the way households are prioritised for homes, that is that all homeless households will be allowed to bid for the homes, and those waiting the longest will be offered the properties in accordance with the allocation scheme. This means that the households that will benefit from the additional social lets will directly reflect households accepted as homeless historically, and this will be dependent on the required bedrooms.

Disability: there is 1 homeless applicant with a Band A (medical) and 7 homeless applicants with a Band B medical that are most likely to be positively impacted by the increased lets going to homeless applicants because of their high priority band. There are 13 accepted homeless cases in Band C with a disability, and those that have been waiting longest are likely to benefit from the increased lets.

The allocations team provide housing and make sure that it is appropriate for the applicants based on the District Medical Officer's (DMO) recommendations. This is often limited to a mobility category award:

M1 – suitable for a wheelchair user, indoors and outdoors (it will have a wet room, ramps etc)

M2 – Suitable for people who cannot manage steps or stairs, and may use a wheelchair some of the day

M3 – Suitable for people only able to manage 1 or 2 steps or stairs.

In addition to that, where a medical condition can affect a persons ability of handle numerous stairs, the DMO will make a recommendation about the number of flights of stairs the applicant can handle in a building without a lift.

If there is a mental impairment, we ensure that there is support in place, particularly if the applicant is alone in being housed. Eg, a mental impairment in a youngster will be known to the Children with Disabilities team, a solo adult with an impairment will be referred to support provision if they are not already receiving support.

There are currently zero applicants in need of mobility categories 1 in Band C Homeless. There are 5 applicants with a Mobility level 2 award, and 68 with a Mobility Level 3 award. Households waiting longest are most likely to benefit from the additional allocations to homeless households, and if they do have a DMO

recommendation, then they will be housed when the appropriate units come available.

Age Group – Applications appear to be fairly spread across age-groups between 26 and 50 years old, with fewer applicants aged under 25 or over 50 years. However, allocation of properties will go to the longest waiting applicants and we expect these to be fairly distributed across applicants of all ages. A review of allocations by age at a later stage will provide this information, but the reporting tool does not currently allow us to analyse this.

Count of Age group	
Age group	Total
18-25	6.31%
26-30	13.16%
31-35	16.92%
36-40	16.82%
41-45	17.82%
46-50	13.88%
51-55	8.16%
56-60	3.64%
61-65	1.38%
66-70	0.63%
71-75	0.87%
76-80	0.34%
81-85	0.02%
86-90	0.05%
(blank)	0.00%
Grand Total	100.00%

Race: BAME groups are over represented among the homeless households in Brent, the following table shows the breakdown of ethnicity of applicants. Therefore, BAME applicants are positively impacted by this proposal, receiving a higher allocation of properties.

Ethnic Origin - General	Total
Asian	19.90%
Black	39.99%
MIXED	3.39%
No Data	12.60%
Other	8.43%
White	15.66%
WOC	0.02%
Grand Total	100.00%

Gender – application by the women of the household is actively encouraged when applying as homeless and applicant statistics reflect this (72% female). The data available does not allow us to distinguish between female only and couple or male only applicants. However, national statistics show that the biggest demand group is female lone parents [ref: Statutory Homeless report, DCLG].

Pregnancy – There are currently 16 pregnant women in households accepted as

homeless. The average wait for a home for homeless applicants is between 4 years (1-bed) and 12 Years (4 bed), and therefore actual lettings to pregnant members is very much chance rather than discrimination. This is similar to maternity - there are 140 children under 1 year old, and theory suggests that half would be born within the last 6 months, so 70 children under the age of 6 months. Pregnancy and Maternity are temporary states within a household, and difficult to project the impact of this proposal.

In summary – this proposal has a positive impact on BAME and female lone parent homeless households. These vulnerable households will receive a greater number of social lets in 2014/15.

2 Allocations to households who are not homeless.

2.1 Band B Medical (Homeseeker)

All applicants that have been awarded a Band B Medical award are likely to have a disability and we anticipate meeting the needs of this group of applicants with the provision of more suitable housing. Some applicants have been waiting over 5 years and others considerably longer, and it is very likely that there has been a change in circumstances since their application. Therefore a validation exercise will be carried on all current applicants to confirm their medical needs and ascertain true demand for this group, to be completed by December 2014.

Medical priority is given where the current housing conditions exacerbate a medical condition, and for some of the 42 applicants there may be an alternative solution within the Private Rented Sector ie provision of more suitable private housing that does not exacerbate a medical condition.

Applicant Profile

- 51% female and 49% male applicants,
- 32% 65 or over, with an additional 9% aged 55 – 65.
- Ethnicity – 21 % white, but 52% unknown. This could suggest an over representation of White applicants. The last 3 years of applicants appears to be a mix of ethnicities more reflective of Brent's population.
- Religion – 17% Christianity, 4% Muslim, and 79% unknown
- Sexual Orientation – 19% confirmed Heterosexual, 2% lesbian, and 79% unknown
- Disability – not currently known although likely to be a high proportion of applicants that will be considered to be disabled. Data will be collected and reviewed following the validation exercise.
- No pregnancies at the time of analysis

In summary, a neutral impact on this cohort based on the limited data available, and the validation exercise will reveal how disability is represented within this band of applicants.

2.2 Overcrowding (Transfer)

Proposed lettings to Overcrowding (Transfer) – 0 (Zero)

We recognise that as the landlord we have a duty to provide suitable housing to Households in Brent Stock that are overcrowded, and in the case of severe overcrowding, there are 124 households that require a larger property. However there is not enough supply of large homes to meet the demand from this cohort. Larger properties that are available will be allocated to other demand groups that have been deemed more urgent, eg resulting from a medical condition or fear of violence.

While there are no allocations proposed to this group, if there are changes to the demand or letting numbers of Management transfers, Medical needs, Support needs, or any other Band A or B band reason, then this group is most likely to benefit from the additional supply of properties. Validation of applicants in Band A and Band B is required, particularly longer waiting households, and any movement in the waiting list will decrease demand (rather than increase). The results of which will increase supply that will be made available to Overcrowded households for transfer.

Profile of applicants

- 76% of applicants are female, 24% are male. The majority of tenants are female because landlords generally advise the woman (of a heterosexual couple) to become the tenant.
- The majority of applicants are under 45 years (51%), (no further detail available on current data)
- Ethnicity – 45% Black, 36% Other, 11 % White, and 6% Asian
- Religion - 9% Christian, 34% Muslim, 57% unknown
- Sexual Orientation - 22% of applicants have confirmed that they are heterosexual, 68% are unknown.
- No pregnant applicants.
- 4 children under 6 months
- No members of the 132 households listed with a medical need. (Households with a disabled member would be given awarded a priority band reflective of the housing needs of that household).

In summary, there is a negative impact of the proposal on this cohort of applicants, who are predominantly BAME, female headed households. No other protected characteristics stand out. However, with regard to the fact that homeless applicants will benefit from this proposal for the next 12 months, it is considered the negative impacts overall will be balanced out by the positive impacts of the proposal.

Mitigation steps

- While the BAME community may lose out on the number of lets in this cohort,

an increased number of lets will be made to this ethnic cohort via the Homelessness lets (at 80%), and so no additional mitigating actions need be taken. Homeless applicants are 63% BAME.

- Female headed families lose out here, but an equal portion of applicants gaining lets through the homeless allocation is also predominantly female headed, so the overall impact will be neutral
- If any families experience an increase in vulnerability then a change of circumstance, and or medical form can be submitted for assessment and a change of banding awarded where necessary.

2.3 Overcrowding Homeseeker (not homeless)

Proposed lettings to Homeseeker Overcrowded: 0 (zero)

There are fewer and fewer large properties available in our social stock (includes all stock that Brent have nomination rights to) each year and this presents a challenge to address the demand for larger accommodation. A total of 6 properties will be made available to Transfers and Homeseekers (not homeless) that require a property larger than a 3-bed, and we have prioritised management transfer cases and medical cases over Overcrowding where we can.

The lettings plan projects that there will be a negative resulting impact on this cohort:

- Some applications are very old, and a lot existed before we started collecting data on much of the protected characteristics. (Appendix 4, Table 1 shows 221 out of 505 applicants applied over 5 years ago). Validation of older applications may also see a reduction in demand as children have grown and moved on. Because these applicants are predominantly in the Private Rented Sector, we expect that there have been changes in circumstances that the applicants have not necessarily updated on the application.
- 60% female headed, 40 % male applicant
- Ethnicity – indicative from the last two years of applicants: 36% black, 23% Asian, 23% white
- 63% are under 45 years of age.
- Religion – 13% Christian, 1% Hindu, 10% Muslim, and 76% unknown. There is better data provided if analysis looks at the last two years of applicants only: 34% Christian, 4% Hindu, 36% Muslim, and 26% unknown.
- Sexual Orientation – 25% of all applicants are heterosexual, 75% unknown. The last two years of applications show 74% heterosexual (44 applicants).
- Pregnancy or maternity in applicants within the last 18 months:
 - o 1 person currently pregnant
 - o 8 children under the age of 6 months (estimated on the basis that there are 16 children under the age of 1)

In summary, although there is a resulting negative impact on this cohort, this

proposal is only temporary for a 12 month period and those persons with similar protected characteristics in the cohort of homeless persons will benefit from this proposal in the next 12 months. However, in anticipating that zero lets will be made to overcrowded applicants (homeseeker not homeless), it is worth considering the options that will be made available to these homeseekers by way of mitigating the adverse impact for the 12 month period.

Mitigating measures:

- The housing market has led to a lot of Privately Rented Sector (PRS) properties now unaffordable for low income families, and reforms to Local Housing Allowance (LHA) and the Overall Benefit Cap have led to challenges in finding available privately rented accommodation, however, we propose to assist as many households as possible into the PRS utilising a New Start Payment from the Discretionary Housing Payment (DHP) fund. In short, if there a need for urgent rehousing for a household, then the Housing Options prevention team will work with them to identify alternative PRS housing rather than a social let. In many situations, alternative affordable Private Rented Accommodation will be out of borough, and likely to be out of London and this is a further negative impact of the proposal.
- While the BAME community may lose out on the number of lets in this cohort, an increased number of lets will be made to this ethnic cohort via the Homelessness lets (63% BAME), and so no additional mitigating actions need be taken
- If any families experience an increase in vulnerability then a change of circumstance, and or medical form can be submitted for assessment and a change of banding where necessary.

Please give details of the evidence you have used:

- 1 **Locata Reports**
- 2 **Northgate reports**
- 3 [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/205221/Statutory Homelessness Q1 2013 and 2012-13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/205221/Statutory_Homelessness_Q1_2013_and_2012-13.pdf)
- 4 <https://www.gov.uk/government/publications/statutory-homelessness-in-england-january-to-march-2014>

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 Allocations Policy is agreed in consultation with Brent's residents, the Council, Voluntary Sector, and Partners in providing housing services and aims to ensure the widest possible access to housing and prevent discrimination on the grounds of age, race, religion, gender, gender reassignment, marital status, sexual orientation or disability. It does this by setting out clear priorities, making consistently fair and transparent decisions, and closely monitoring the outcomes of policy decisions, and providing specialist support and advice where needed.

This proposal is for a 12 month period only, and where negative impacts have been identified for some groups and protected characteristics, this is mitigated by the positive impact on those same protected characteristics with an increase in lets to Homeless applicants.

(b) Advance equality of opportunity;

For households with a disabled member in the family, there are a number of measures in place to ensure equal access to housing within the community:

- Where necessary households are referred to support workers to assist them into a social home and during their tenancy
- Households with limited access to the internet or limited abilities with respect to the internet are assisted with proxy bids placed on their behalf, or local internet facilities
- Properties adapted to meet the needs of some disabled household members are ring-fenced for households requiring such adaptations, and where necessary, adaptations will be made to meet requirements.

Interpretation services are employed for all families identified as non English speaking and will continue to do so to minimise any disadvantage to non English speaking.

(c) Foster good relations

Transparency: data for resulting lets for any property is shared with applicants once let to show the band and priority date, and transfer/homeseecker status of any successful applicants.

Consultation with department groups and external partners – the proposal has been raised with different groups and there are continuing concerns related to the lack on supply of social lets year after year. The on-going balance between supply and demand is a regular discussion with partners.

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?

Welfare Reform Network Group – a communications and feedback group bringing together members from the Voluntary Sector and partners working for communities across the borough specifically considers households affected by Welfare Reforms
Two main Registered Providers (social landlords) that provide current accommodation for homeless households
Desktop analysis of applications on the public website.
Working With Families (WWF) - Operational group update

ii. What methods did you use?

Meetings dates:
Welfare Reform Network – 11th July 2014
HA providers – meeting 3rd June 2014
Working With Families Operational Group – 17 July 2014

iii. What did you find out?

We have consulted with a range of departments who have demonstrated a high level of need attached to their client groups and that this will be reflected in the strategic approach and how we balance priorities.

From the desktop analysis, it has become apparent that some historic applications need further investigation to validate their claim.

How have you used the information gathered?

While the projections for 2014/15 show a decreased number of lets going to overcrowded households, it is important to note that this represents a delay to the lets and is likely to be rectified in subsequent letting years (depending on new demand). Activity in 2014/15 needs to target and address the back log in some of the higher priority cases.

Further actions on the Rehousing Support team regarding the Band B medical (homeseeker) applicants to validate applications and ensure that applicants who are recognised as high priority and vulnerable are monitored closely.

iv. How has it affected your policy?

With a limited number of social lets available, there is a strategy to prioritise vulnerable homeless households over households with an overcrowded home within both the social stock and the private rented sector.

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.

Slight negative impact of BAME social tenants requesting a transfer into a larger property, but the policy has a positive impact on BAME applicants who are homeless and will gain a social housing let under this proposal, so we consider the positive benefits to outweigh the negative impacts in this case.

There is anticipated to be a negative impact on severely Overcrowded homeseekers in Brent, and slightly higher for BAME because LB Brent has a diverse ethnic population. Again, the increased lets to accepted homeless households neutralise this impact as BAME households are over-represented in the homeless population.

Alternative housing options exist for Overcrowded households, but larger affordable properties are scarce within Brent (smaller households applying from overcrowded situations might be able to source locally available private rented properties). Options to move out of Brent and out of London can be offered to large families but it is likely that households will chose to remain overcrowded in Brent than be appropriately housed further away from Brent.

Please give details of the evidence you have used:

Locata and Northgate reports on the protected characteristics for applicants in each of the cohorts affected.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age			√
Disability	√		√

Gender re-assignment			√
Marriage and civil partnership			√
Pregnancy and maternity	√		√
Race	√	√	
Religion or belief			√
Sex	√		
Sexual orientation			√

8. The Findings of your Analysis

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

No major change

Your analysis demonstrates that:

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

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

In summary, there are negative impacts to this proposal, particularly on overcrowded households within the social sector and the Private Rented sector where applicants are predominantly from BAME origins and female headed applications. However, this negative impact is balanced by the positive impact that will be seen on this same protected groups through the increased lettings made to homeless applicants

The evidence outlined in the main document gives no reason to suggest that the policy is unlawful or discriminatory.

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.

- Monthly monitoring of allocations
- Data collection at time of allocation
- Safety net – analysis of the presentations to the Allocations Panel to assist vulnerable clients that are missing out on allocations will alert us to needs not met.

Each year a supply and demand report is presented to Cabinet that proposes the lettings plan for the year. Reverting back to a lesser proportion of lets allocated to Homeless households is easily agreed. This proposal is only for a 12 month period.

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
Validating older applications	Dec 2014	Lavdrim Krashi	Confirmed demand by priority groups		
Further monitoring of lettings	March 2015	Lavdrim Krashi	Improved knowledge of allocations for protected characteristics		

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?

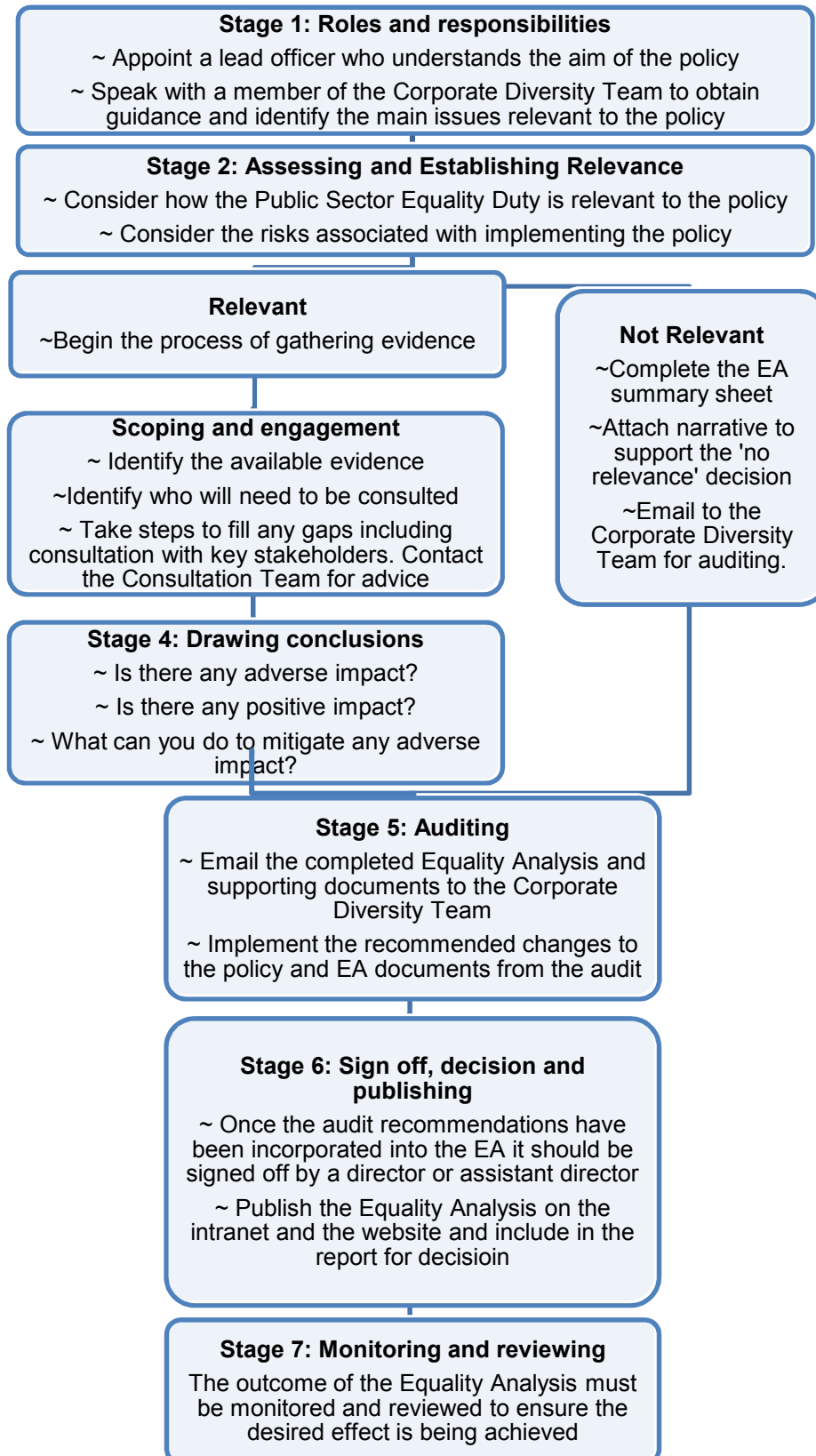
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. 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"> • 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
The officer undertaking the EA	<ul style="list-style-type: none"> • 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
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • 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)
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"> • 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), 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

Appendix 1: Priority Bands

When you register for a transfer or for re-housing as a home seeker, your application will be assessed by your landlord or Council. You will be placed in one of the priority bands described below.

If you disagree with your priority band you can ask the landlord or Council, which holds your registration details, to review your banding.

When bids are considered for advertised properties, priority will be given to bids from people in the highest priority band. If people from the same priority band bid for the same property the person with the earliest priority date will be considered first.

If your priority band is increased at any stage, your priority date will be the date you went in to the higher priority band. If you move back to a lower band, your priority date will revert to the date that applied when you were previously in that lower band or any earlier date when you were in a higher band (usually your original registration date).

Below is a general guide to the Priority Bands. However, this does not represent a definitive list of categories and you should speak to your housing department or housing office with whom you have registered if you would like precise information about how the scheme applies to you.

Band A – Emergency Need to move

- Brent Council tenants where the property is imminently required (within 9 months) because of lease expiry or for essential work (e.g. Redevelopment scheme). Brent Council tenants who need to be moved to allow major repairs or full scale rehabilitation/conversion work to be carried out
- When the applicant/tenant or member of their household has a life threatening condition, which is seriously affected by their current housing.
- Private sector tenants where the Council's Private Housing Services has determined that the property poses a Category 1 Hazard and a Closing Order has been issued
- Housing have agreed to a Social Services recommendation to provide permanent accommodation to enable fostering or adoption.
- Council and housing association tenants downsizing to another social home with fewer bedrooms.
- Urgent need to move for medical or welfare reasons, where current housing conditions are having a major adverse effect.
- Private tenants living in conditions that pose a serious risk to health and safety which cannot be resolved by the landlord within 6 months.
- Council and housing association tenants in adapted properties they no longer need.
- Successors and tenants with a flexible tenancy approved by the council for a move to more appropriate accommodation.
- Ex-service tenants where there is a contractual re-housing obligation.

Band B – Urgent Need to move

- where the current housing of an applicant or a member of the applicant's household is having a major adverse effect on their medical condition. It will not apply where the effect of housing conditions on health is comparatively moderate, slight or variable.
- Where a Brent Council tenant has been assessed as being statutorily overcrowded in accordance with Part X of the Housing Act 1985
- Where an applicant is severely overcrowded, lacking 2 or more bedrooms based on their household composition
- Older people moving to sheltered housing (this is generally for people aged 60 or over)
- Ex-member of Armed Forces in accordance with regulations
- Clients that have been accepted under move on quota such as leaving care, social services, probation services, Adult social care

Band C – Reasonable preference

- Accepted homeless applicants living in temporary accommodation provided by the Council regardless of the type of accommodation they are living in (B&B, Hostel, AST etc). Please note that clients that are living in TA where the lease of their property is due to end will be band C. They need to contact TA Support team when they receive their lease end from their Landlord/Housing Association.
- Where a Brent resident is living in poor accommodation and this has been assessed and accepted by the Private Housing Services.

No Priority for Housing

If you register for social housing in Brent, but do not qualify for band A,B or C, you will not be able to bid for properties through Locata.

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Appendix 2: Equalities data for Homeless Applicants

Table 1: Applicants by year and required bedsize

Count of Band Priority Date	Column Labels										Grand
Row Labels	0	1	2	3	4	5	6	7	8	9	Total
1994			1	2	1	1					5
1995				2	2		1				5
1996				3	3	1	1	1			9
1997	2		4	10	10	2					28
1998	1	1	1	18	17	4	2	1			45
1999	1	3	6	20	13	7	1				51
2000		2	7	43	27	14	1	2			96
2001	4	3	16	52	41	19	3	1			139
2002	1	2	25	96	41	19	2	1			187
2003	6	2	40	67	25	5	6		1		152
2004	5	5	49	81	23	8	5	1	1		178
2005		9	57	75	33	7	2			1	184
2006	7	12	86	85	34	16	2	1			243
2007	6	11	129	103	16	8	5	1			279
2008	4	12	92	76	20	8	1				213
2009	2	12	78	40	9	2					143
2010	2	19	114	46	19	5	2				207
2011	4	34	211	89	22	8	1		1		370
2012	4	56	287	120	47	13	3	1		1	532
2013	7	84	263	115	40	15	5	2			531
2014	5	40	112	43	19	3	1				223
Grand Total	61	307	1578	1186	462	165	44	12	3	2	3820

Table 2: Gender by bedsize required

Gender	0	1	2	3	4	5	6	7	8	9	Grand Total
Female	1%	3%	33%	23%	9%	3%	1%	0%	0%	0%	72%
Male	0%	5%	9%	8%	3%	2%	1%	0%	0%	0%	28%
(blank)	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Grand Total	2%	8%	41%	31%	12%	4%	1%	0%	0%	0%	100%

Table 3: Age Group by bedsize required

Row Labels	0	1	2	3	4	5	6	7	8	9	Grand Total
Under 45	1%	4%	33%	20%	6%	1%	0%	0%	0%	0%	65%
Between 45 and 49	0%	1%	4%	6%	3%	1%	0%	0%	0%	0%	14%
Between 50 and 54	0%	1%	2%	3%	2%	1%	0%	0%	0%	0%	9%

Between 55 and 59	0%	1%	1%	1%	1%	1%	0%	0%	0%	0%	5%
Between 60 and 64	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	2%
65 and over	0%	1%	1%	1%	0%	0%	0%	0%	0%	0%	4%
Grand Total	2%	8%	41%	31%	12%	4%	1%	0%	0%	0%	100%

Table 4: Age distribution across year of application

Row Labels	Under 45	Between 45 and 49	Between 50 and 54	Between 55 and 59	Between 60 and 64	65 and over	Grand Total
1994			2	2	1		5
1995	2	1		1		1	5
1996	1	2	4	2			9
1997	7	10	4	3	1	3	28
1998	13	14	13	4	1		45
1999	16	10	13	5	3	4	51
2000	42	17	18	10	6	3	96
2001	60	45	21	7	1	5	139
2002	89	35	36	13	4	10	187
2003	96	18	16	8	6	8	152
2004	108	27	20	9	6	8	178
2005	121	30	14	7	7	5	184
2006	149	39	25	15	3	12	243
2007	191	39	27	9	4	9	279
2008	134	34	18	12	8	7	213
2009	98	25	13	3	1	3	143
2010	138	33	15	11	3	7	207
2011	272	36	30	14	5	13	370
2012	416	53	22	19	9	13	532
2013	372	62	40	23	8	26	531
2014	169	22	11	6	5	10	223
Grand Total	2494	552	362	183	82	147	3820

Table 5: Age distribution for the early applicants

Row Labels	Under 45	Between 45 and 49	Between 50 and 54	Between 55 and 59	Between 60 and 64	65 and over	Grand Total
1994			2	2	1		5
1995	2	1		1		1	5
1996	1	2	4	2			9
1997	7	10	4	3	1	3	28
1998	13	14	13	4	1		45
1999	16	10	13	5	3	4	51
2000	42	17	18	10	6	3	96
2001	60	45	21	7	1	5	139
2002	89	35	36	13	4	10	187
2003	96	18	16	8	6	8	152

2004	108	27	20	9	6	8	178
Grand Total	434	179	147	64	29	42	895

Table 6: Ethnicity by bedsize required

Row Labels	0	1	2	3	4	5	6	7	8	9	Grand Total
A White - British	0%	0%	1%	1%	0%	0%	0%	0%	0%	0%	3%
B White - Irish	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
C White - other	0%	0%	1%	2%	0%	0%	0%	0%	0%	0%	4%
D Mixed - White and Black Carribbean	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%
E Mixed - White and Black African	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%
F Mixed - White and Asian	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
G Mixed - other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
H Asian or Asian British - Indian	0%	0%	1%	1%	0%	0%	0%	0%	0%	0%	2%
J Asian or Asian British - Pakistani	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	2%
K Asian or Asian British - Bangladeshi	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
L Asian or Asian British - Other	0%	0%	1%	3%	1%	0%	0%	0%	0%	0%	6%
M Black or Black British - Caribbean	0%	0%	4%	2%	1%	0%	0%	0%	0%	0%	7%
N Black or Black British - African	0%	0%	3%	5%	3%	2%	0%	0%	0%	0%	14%
P Black or Black British - other	0%	0%	1%	1%	0%	0%	0%	0%	0%	0%	2%
R Chinese	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
S Other	1%	6%	28%	15%	5%	2%	0%	0%	0%	0%	57%
Z Not Stated	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(blank)	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Grand Total	2%	8%	41%	31%	12%	4%	1%	0%	0%	0%	100%

Table 7: Religion by bedsize required

Row Labels	0	1	2	3	4	5	6	7	8	9	Grand Total
Christian	0%	0%	1%	1%	0%	0%	0%	0%	0%	0%	2%
Hindu	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Muslim	0%	0%	0%	1%	1%	0%	0%	0%	0%	0%	2%
No Religion	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Religion Not Stated	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%
Sikh	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
(blank)	2%	8%	39%	29%	11%	4%	1%	0%	0%	0%	94%
Grand Total	2%	8%	41%	31%	12%	4%	1%	0%	0%	0%	100%

Table 8: Sexuality by bedsize required

Row Labels	0	1	2	3	4	5	6	7	8	9	Grand Total
Bisexual	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Gay man	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Heterosexual	0%	0%	2%	1%	1%	0%	0%	0%	0%	0%	0%	5%
Not stated (blank)	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%
Grand Total	2%	8%	41%	31%	12%	4%	1%	0%	0%	0%	0%	100%

Table 9: Pregnancy by bedsize required

Row Labels	0	1	2	3	4	5	6	7	8	9	Grand Total
No	1	5	63	52	19	8	2	2		1	153
Yes		2	11		3						16
(blank)	60	300	1504	1134	440	157	42	10	3	1	3651
Grand Total	61	307	1578	1186	462	165	44	12	3	2	3820

Table 10: Applicants with known Mobility Level required by bedsize required

Count of Band Priority Date	Column Labels											Grand Total
Row Labels	0	1	2	3	4	5	6	7	8	9	Grand Total	
1	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
2	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
3	0%	1%	1%	2%	1%	0%	0%	0%	0%	0%	0%	5%
(blank)	1%	7%	40%	29%	11%	4%	1%	0%	0%	0%	0%	95%
Grand Total	2%	8%	41%	31%	12%	4%	1%	0%	0%	0%	0%	100%

Table 11: Applicants with a child under 1 year old by year of applicant

Applicant Age of Youngest Child 0

Count of Band Priority Date	Column Labels							Grand Total
Row Labels	0	2	3	4	5	6	7	Total
1996						1		1
1998					1			1
2001					1			1
2002			1	1	1			3
2004			2	2				4
2005			1	1				2
2006	1	1	1	3				6
2007		1	4					5
2008		1	3					4
2009		2	1	1				4
2010		1	1		1			3

2011		3	5					8
2012		8	5	1			1	15
2013	2	41	3				1	47
2014	1	29	4	2				36
Grand Total	4	87	31	11	4	2	1	140

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Appendix 3 – Band B Medical Homeseekers

Table 1: Year Band applied by bedsize required

Year Band award	Bedsize required						Grand Total
	1	2	3	4	6	(blank)	
1998				1			1
1999	1						1
2000			1				1
2001		1					1
2004		1					1
2006	2						2
2007	1		2				3
2008	1						1
2009	1	1	2			1	5
2010	4	1	1	1			7
2011	1	1	2	1			5
2012	2	1	5				8
2013	2	1					3
2014	4		2		1	1	8
Grand Total	19	7	15	3	1	2	47

Table 2: Gender of applicant

Gender	1	2	3	4	6	(blank)	Grand Total
Female	13%	6%	19%	6%	2%	4%	51%
Male	28%	9%	13%	0%	0%	0%	49%
Grand Total	40%	15%	32%	6%	2%	4%	100%

Table 3: Age group of applicant

Age Group	1	2	3	4	6	(blank)	Grand Total
Under 45	9%	6%	17%	2%	2%	2%	38%
Between 45 and 49	2%	2%	11%	0%	0%	2%	17%
Between 50 and 54	0%	2%	2%	0%	0%	0%	4%
Between 55 and 59	4%	2%	0%	2%	0%	0%	9%
65 and over	26%	2%	2%	2%	0%	0%	32%
Grand Total	40%	15%	32%	6%	2%	4%	100%

Table 4: Year of application and current age of applicant

Year Band awarded	Age group					Grand Total
	Under 45	Between 45 and 49	Between 50 and 54	Between 55 and 59	65 and over	
1998					1	1
1999	1					1
2000					1	1
2001				1		1
2004			1			1
2006					2	2
2007	2				1	3
2008					1	1
2009	2	2			1	5
2010	1	1		1	4	7
2011	4				1	5
2012	5	2	1			8
2013		1		1	1	3
2014	3	2		1	2	8
Grand Total	18	8	2	4	15	47

Table 5: Ethnicity (all applicants)

Ethnicity	1	2	3	4	6	(blank)	Grand Total
A White - British	5%	2%	2%	0%	0%	0%	9%
B White - Irish	2%	0%	2%	0%	0%	0%	5%
C White - other	2%	2%	2%	0%	0%	0%	7%
G Mixed - other	0%	0%	2%	0%	0%	0%	2%
H Asian or Asian British - Indian	0%	0%	0%	2%	0%	0%	2%
L Asian or Asian British - Other	2%	5%	0%	0%	0%	0%	7%
M Black or Black British - Caribbean	5%	0%	0%	0%	0%	2%	7%
N Black or Black British - African	0%	0%	5%	0%	2%	2%	9%
S Other	27%	7%	14%	5%	0%	0%	52%
Grand Total	43%	16%	27%	7%	2%	5%	100%

Table 6: Ethnicity of last 3 years applicants

Ethnicity	Number of applicants
A White - British	1
B White - Irish	2
C White - other	1
L Asian or Asian British - Other	2
M Black or Black British - Caribbean	1
N Black or Black British - African	3
S Other	8
Grand Total	18

Table 7: Religion

Religion	1	2	3	4	6	(blank)	Grand Total
Christian	9%	0%	4%	0%	2%	2%	17%
Muslim	0%	0%	4%	0%	0%	0%	4%
Religion Not Stated	0%	0%	2%	0%	0%	0%	2%
(blank)	32%	15%	21%	6%	0%	2%	77%
Grand Total	40%	15%	32%	6%	2%	4%	100%

Table 8: Sexuality

Sexuality	1	2	3	4	6	(blank)	Grand Total
Heterosexual	9%	0%	6%	0%	2%	2%	19%
Lesbian	0%	0%	2%	0%	0%	0%	2%
Not stated	0%	0%	2%	0%	0%	0%	2%
(blank)	32%	15%	21%	6%	0%	2%	77%
Grand Total	40%	15%	32%	6%	2%	4%	100%

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Appendix 4 - Proposed lettings to Transfer Overcrowding – 0 (Zero)

Table 1: Year of applicant by bedsize required

Row Labels	2	3	4	5	(blank)	Grand Total
1994			1			1
1997	1					1
1998		1				1
1999		3	1			4
2000	1	1	2			4
2001		1				1
2002	1	1				2
2003	2	1				3
2004		5				5
2005		3	1			4
2006	1	17	2			20
2007	2	2	2			6
2008		2	4	1	1	8
2009		7	6			13
2010	1	7	5			13
2011	1	11	2			14
2012	1	11	4	1	2	19
2013		6	3			9
2014		2	2			4
Grand Total	11	81	35	2	3	132

Table 2: Gender of applicant by bedsize required

Row Labels	2	3	4	5	(blank)	Grand Total
Female	8%	50%	15%	1%	2%	76%
Male	1%	11%	11%	1%	0%	24%
Grand Total	8%	61%	27%	2%	2%	100%

Table 3: Age group of applicant by bedsize required

Row Labels	2	3	4	5	(blank)	Grand Total
Under 45	4%	35%	11%	0%	2%	51%
Between 45 and 49	2%	13%	10%	2%	1%	27%
Between 50 and 54	2%	8%	3%	0%	0%	13%
Between 55 and 59	0%	4%	1%	0%	0%	5%
Between 60 and 64	0%	1%	1%	0%	0%	2%
65 and over	1%	1%	2%	0%	0%	3%
Grand Total	8%	61%	27%	2%	2%	100%

Table 4: Ethnicity of applicant by bedsize required

Row Labels	2	3	4	5	(blank)	Grand Total
A White - British	1%	4%	1%	0%	0%	5%
C White - other	0%	4%	2%	0%	1%	6%
D Mixed - White and Black Carribean	1%	0%	0%	0%	0%	1%
H Asian or Asian British - Indian	0%	1%	0%	0%	0%	1%
J Asian or Asian British - Pakistani	0%	1%	1%	0%	0%	2%
K Asian or Asian British - Bangladeshi	0%	1%	0%	0%	0%	1%
L Asian or Asian British - Other	0%	0%	2%	0%	0%	2%
M Black or Black British - Caribbean	3%	9%	2%	0%	0%	13%
N Black or Black British - African	1%	16%	10%	2%	2%	29%
P Black or Black British - other	2%	2%	0%	0%	0%	3%
Q Gypsy /Romany / Traveller	0%	0%	1%	0%	0%	1%
S Other	2%	26%	9%	0%	0%	36%
Grand Total	9%	61%	26%	2%	2%	100%

Table 5: Ethnicity of applicants by bedsize required (where ethnicity is known)

Row Labels	2	3	4	5	(blank)	Grand Total
C White - other	0%	6%	0%	0%	0%	6%
L Asian or Asian British - Other	0%	0%	3%	0%	0%	3%
M Black or Black British - Caribbean	0%	3%	3%	0%	0%	6%
N Black or Black British - African	0%	23%	13%	3%	6%	45%
Q Gypsy /Romany / Traveller	0%	0%	3%	0%	0%	3%
S Other	3%	26%	6%	0%	0%	35%
Grand Total	3%	58%	29%	3%	6%	100%

Table 6: Ethnicity of applicants applying between 2012-2014 by bedsize required

Row Labels	2	3	4	5	(blank)	Grand Total
C White - other		2				2
L Asian or Asian British - Other			1			1
M Black or Black British - Caribbean		1	1			2
N Black or Black British - African		7	4	1	2	14
Q Gypsy /Romany / Traveller			1			1
S Other	1	8	2			11
Grand Total	1	18	9	1	2	31

Table 7: Religion

Row Labels	2	3	4	5	(blank)	Grand Total
Christian	0%	6%	0%	0%	3%	9%
Muslim	0%	19%	13%	3%	0%	34%
No Religion	0%	0%	3%	0%	0%	3%
Religion Not Stated	0%	3%	0%	0%	0%	3%
(blank)	3%	31%	13%	0%	3%	50%
Grand Total	3%	59%	28%	3%	6%	100%

Table 8: Sexuality by bedsize required

Row Labels	2	3	4	5	(blank)	Grand Total
Heterosexual	3%	13%	5%	0%	1%	22%
Not stated	0%	3%	1%	1%	0%	5%
(blank)	5%	45%	20%	1%	2%	73%
Grand Total	8%	61%	27%	2%	2%	100%

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Appendix 5 - Proposed lettings to Homeseeker Overcrowded: 0 (zero)

Table 1: All applicants, year of application by bedsize

Year of application	Bedsizes required							Grand Total
	1	2	3	4	5	6	(blank)	
1993		1						1
1997		1			1			2
1998			1					1
1999		1	1		1			3
2000			2					2
2001		3	1					4
2002		2						2
2003		5	7	4		1		17
2004		2	10	2	1			15
2005			8	15	4			27
2006	2	4	17	3	2			28
2007	1	12	13	3				29
2008	2	15	21	2			1	41
2009	1	19	21	8				49
2010	1	29	37	5	1			73
2011	9	54	39	15	3			120
2012	2	13	22	6			1	44
2013		3	22	9	1		1	36
2014		1	6	1	2	1		11
Grand Total	18	173	235	62	12	2	3	505

Table 2: Gender of applicant by bedsize required

Row Labels	1	2	3	4	5	6	(blank)	Grand Total
Female	2%	23%	25%	7%	2%	0%	0%	60%
Male	2%	11%	21%	5%	0%	0%	0%	40%
(blank)	0%	0%	0%	0%	0%	0%	0%	0%
Grand Total	4%	%	%	%	%	%	1%	100%

Table 3: Age of applicant by bedsize required

Row Labels	1	2	3	4	5	6	(blank)	Grand Total
Under 45	1%	25%	29%	7%	1%	0%	0%	63%
Between 45 and 49	1%	3%	10%	3%	1%	0%	0%	18%
Between 50 and 54	1%	3%	5%	2%	0%	0%	0%	11%
Between 55 and 59	0%	2%	2%	0%	0%	0%	0%	5%

Between 60 and 64	0%	0%	1%	0%	0%	0%	0%	1%
65 and over	1%	1%	1%	0%	0%	0%	0%	2%
		34	47					
Grand Total	4%	%	%	12%	2%	0%	1%	100%

Table 4: Ethnicity of applicants by bedsize required

Row Labels	1	2	3	4	5	6	(blank)	Grand Total
A White - British	0%	1%	1%	1%	0%	0%	0%	2%
B White - Irish	0%	0%	0%	0%	0%	0%	0%	1%
C White - other	1%	2%	4%	0%	0%	0%	0%	7%
D Mixed - White and Black Carribean	0%	0%	1%	0%	0%	0%	0%	1%
E Mixed - White and Black African	0%	0%	1%	0%	0%	0%	0%	1%
F Mixed - White and Asian	0%	0%	0%	0%	0%	0%	0%	0%
G Mixed - other	0%	1%	0%	0%	0%	0%	0%	1%
H Asian or Asian British - Indian	0%	1%	4%	0%	0%	0%	0%	6%
J Asian or Asian British - Pakistani	0%	1%	1%	0%	0%	0%	0%	2%
K Asian or Asian British - Bangladeshi	0%	0%	0%	0%	0%	0%	0%	0%
L Asian or Asian British - Other	0%	1%	5%	1%	0%	0%	0%	8%
M Black or Black British - Caribbean	1%	4%	3%	0%	0%	0%	0%	8%
N Black or Black British - African	0%	4%	6%	3%	1%	0%	0%	15%
P Black or Black British - other	0%	1%	1%	0%	0%	0%	0%	2%
R Chinese	0%	0%	0%	0%	0%	0%	0%	0%
S Other	1%	16%	19%	5%	0%	0%	0%	42%
Z Not Stated (blank)	0%	1%	2%	0%	0%	0%	0%	3%
Grand Total	4%	34%	47%	12%	2%	0%	1%	100%

Table 5: Ethnicity of applicants in the last 2 years (2012-2014) by bedsize required

Row Labels	2	3	4	5	6	(blank)	Grand Total
A White - British	0%	2%	2%	0%	0%	0%	4%
C White - other	0%	13%	2%	0%	0%	0%	15%

E Mixed - White and Black African	0%	2%	0%	0	0	0%	2%
				0	0		
H Asian or Asian British - Indian	0%	4%	0%	2	0	0%	4%
				0	0		
J Asian or Asian British - Pakistani	0%	0%	0%	11	0	0%	2%
				0	0		
L Asian or Asian British - Other	0%	%	2%			0%	13%
M Black or Black British - Caribbean	2%	0%	0%	0	0	0%	2%
				17	2		
N Black or Black British - African	4%	%	4%	0	0	0%	30%
				0	0		
S Other	0%	4%	6%	2	0	0%	11%
				2	0		
Z Not Stated	2%	6%	4%			2%	17%
Grand Total	9%	%	%	60	21	6	2
						2%	100%

Table 6: Ethnicity - Last 2 years of applicants where ethnicity is known by bedsize required

Count of Band Priority Date	Column Labels					Grand Total
	2	3	4	5	6	
A White - British	0%	3%	3%	0%	0%	5%
C White - other	0%	15%	3%	0%	0%	18%
E Mixed - White and Black African	0%	3%	0%	0%	0%	3%
H Asian or Asian British - Indian	0%	5%	0%	0%	0%	5%
J Asian or Asian British - Pakistani	0%	0%	0%	3%	0%	3%
L Asian or Asian British - Other	0%	13%	3%	0%	0%	15%
M Black or Black British - Caribbean	3%	0%	0%	0%	0%	3%
N Black or Black British - African	5%	21%	5%	3%	3%	36%
S Other	0%	5%	8%	0%	0%	13%
Grand Total	8%	64%	21%	5%	3%	100%

Table 7: Religion of applicants by bedsize required

Row Labels	1	2	3	4	5	6	(blank)	Grand Total
Christian	1%	4%	8%	1%	0%	0%	0%	13%
Hindu	0%	0%	1%	0%	0%	0%	0%	1%
Muslim	0%	2%	4%	3%	1%	0%	0%	10%
No Religion	0%	0%	0%	0%	0%	0%	0%	0%
Religion Not Stated	0%	1%	2%	0%	0%	0%	0%	3%
(blank)	2%	27%	33%	8%	1%	0%	0%	72%
Grand Total	4%	34%	47%	12%	2%	0%	1%	100%

Table 8: Religion of applicants in last 2 years

Row Labels	2	3	4	5	6	(blank)	Grand Total
Christian	2%	30%	0%	0%	0%	2%	34%
Hindu	0%	4%	0%	0%	0%	0%	4%
Muslim	2%	11%	17%	4%	2%	0%	36%
Religion Not Stated	2%	6%	2%	2%	0%	0%	13%
(blank)	2%	9%	2%	0%	0%	0%	13%
Grand Total	9%	60%	21%	6%	2%	2%	100%

Table 9: Sexuality of applicant by bedsize required

Row Labels	1	2	3	4	5	6	(blank)	Grand Total
Heterosexual	1%	6%	12%	4%	1%	0%	0%	25%
Not stated	0%	1%	1%	0%	0%	0%	0%	3%
(blank)	2%	27%	33%	8%	1%	0%	0%	72%
Grand Total	4%	34%	47%	12%	2%	0%	1%	100%

Table 10: Sexuality of applicants in last 2 years by bedsize required

Row Labels	2	3	4	5	6	(blank)	Grand Total
Heterosexual	4%	45%	17%	4%	2%	2%	74%
Not stated	2%	6%	2%	2%	0%	0%	13%
(blank)	2%	9%	2%	0%	0%	0%	13%
Grand Total	9%	60%	21%	6%	2%	2%	100%