



## Cabinet

**Monday 24 August 2015 at 2.00 pm**

The Library at Willesden Green, 95 High Road,  
Willessden NW10 2SF

### Membership:

#### Lead Member Councillors:

#### Portfolio

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

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 Housing and Development  
Lead Member for Children and Young People  
Lead Member for Environment

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence.

Item	Page
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<b>1</b>	<b>Declarations of personal and prejudicial interests</b>	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

<b>2</b>	<b>Minutes of the previous meeting</b>	1 - 12
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<b>3</b>	<b>Matters arising</b>	
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## Children and Young People reports

<b>4</b>	<b>Determination of the proposal to permanently expand Elsley and Uxendon Manor Primary Schools</b>	13 - 28
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In line with the School Place Planning Strategy approved by Cabinet in October 2014, the following alterations have been proposed by the relevant governing bodies in partnership with Brent Council:

- Permanently expand Elsley Primary School by two forms of entry (2FE)
- Permanently expand Uxendon Manor Primary School by two forms of entry (2FE)

This report informs the Cabinet of the outcome of the statutory consultations on the proposals to alter Elsley Primary School from September 2016 and Uxendon Manor Primary School from September 2015 through permanent expansion and recommends that the statutory proposals to

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Moher and McLennan

**Contact Officer:** Cate Duffy, Operational Director, Early Help and Education  
Tel: 020 8937 3510 cate.duffy@brent.gov.uk

<b>5</b>	<b>Authority to Award Contract for Clinical Input to the Inclusion Support Team</b>	29 - 56
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This report requests authority to award contracts as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Moher  
**Contact Officer:** Cate Duffy, Operational  
Director, Early Help and Education  
Tel: 020 8937 3510 cate.duffy@brent.gov.uk

## Regeneration and Growth reports

### 6 **Authority to extend the temporary bed and breakfast schemes at 1 Clement Close and 1-5 Peel Road** 57 - 68

Members are being asked to give their approval to extend the existing temporary bed and breakfast schemes at 1 Clement Close and 1-5 Peel Road, which were scheduled to end on 10<sup>th</sup> August 2015. The Brent Housing Partnership (BHP) led development of the sites for new accommodation for independent living (NAIL) for clients with learning disabilities, which was approved by the 21<sup>st</sup> July Cabinet, has been delayed, with a new start-on-site forecast for December 2015. This has provided the opportunity to extend the temporary bed and breakfast schemes and thereby continue providing much needed temporary accommodation for homeless households until vacant possession of the sites is required for development.

**Ward Affected:**  
Brondesbury  
Park; Northwick  
Park

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

### 7 **Affordable Housing Supply Programme – Right to Buy Receipts 2015 - 2019** 69 - 84

This report sets out proposals for Cabinet consideration to establish and deliver a Right to Buy (RTB) receipt enabled new supply housing programme for 2015-19.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor McLennan  
**Contact Officer:** Jon Lloyd-Owen, Operational  
Director, Housing and Employment  
Tel: 020 8937 5199 jon.lloyd-owen@brent.gov.uk

### 8 **Disposal of loft spaces** 85 - 96

This report seeks approval to proceed with the disposal of the Council's loft spaces within the Housing Revenue Account (HRA) at 72b Purves Road, London NW10 5TB, 38b Wendover Road, London NW10 4RT and 31b Sellons Avenue, London NW10 4HJ, for capital receipts.

**Ward Affected:**  
Harlesden;  
Kensal Green

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

### Chief Operating Officer's reports

#### 9 Agreement to novate Public Health children's 0-5 commissioning contract from NHS England 97 - 102

This report requests approval Novate the NHS England contract with London North West Healthcare Trust for 0-5 children's health services for health visiting and FNP services with effect from 1st October 2015 from NHS England to Brent Council for its remaining term of 6 months to 31st March 2016.

**Ward Affected:**  
All Wards

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

#### 10 Street Works Permit Scheme Regulation Changes from October 2015 103 - 210

This report explains the changes to the Street Works permit Scheme Regulations from October 2015, the implications for London Borough of Brent and, in view of the timescales, seeks the delegation of the decision to approve the details of the new scheme to the Lead Member for Environment, to be taken in conjunction with officers.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Southwood  
**Contact Officer:** Tony Kennedy, Head of  
Transportation  
Tel: 020 8937 5151 tony.kennedy@brent.gov.uk

#### 11 Long Term Transport Strategy 211 - 276

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Southwood  
**Contact Officer:** Tony Kennedy, Head of  
Transportation  
Tel: 020 8937 5151 tony.kennedy@brent.gov.uk

### Central Reports

#### Adult Social Care reports

#### 12 Reference of item considered by Scrutiny Committee

Long Term Transport Strategy - comments from the Scrutiny Committee who considered this report on 12 August 2015 will be circulated in

advance of the meeting.

### **13 Exclusion of Press and Public**

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

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

#### **APPENDICES:**

- Clinical Input to the Inclusion Support Team
- Clement Close London NW6 7AL and 1-5 Peel Road Wembley HA9 7ZY Temporary Bed and Breakfast Accommodation Schemes
- Disposal of loft spaces

*(Reports above refer)*

### **14 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 21 September 2015**



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

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

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 27 July 2015 at 7.00 pm

PRESENT: Councillor Pavey (Vice Chair, in the Chair) and Councillors Denselow, Hirani, Mashari, McLennan, Moher and Southwood

Also present: Councillors Filson, Marquis and Stopp

Apologies for absence were received from: Councillor Butt

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

2. **Minutes of the previous meeting**

RESOLVED:

that the minutes of the previous meeting held on 29 June 2015 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Order of business**

The Cabinet agreed to vary the order of business so as to take earlier in the meeting those items for which members of the public were present.

5. **2015/16 Temporary School Expansion Programme**

The joint report from the Strategic Director of Regeneration and Growth and the Strategic Director of Children and Young People sought approval from Cabinet for the 2015/16 Temporary Expansion Programme and use of annexe buildings in order to meet the council's statutory duty for the provision of sufficient school places for 2015/16 academic year.

With the consent of the Chair, Mr Philip Bromberg (Save Preston Library) addressed the meeting and questioned the inclusion of the former Preston Library premises in the council's Property Disposals Programme which he felt was incompatible with its current use as a community library. He reminded the Cabinet of the list of activities provided to which had recently been added holiday reading and a cinema. Mr Bromberg stated that visitor numbers had increased, there were at least 40 active volunteers and the community library was carrying out a number of activities formerly the responsibility of the council which accorded with council

policy. Mr Bromberg acknowledged reference in the report to future school use of the site taking into account local aspiration for the community library to continue in some way however felt there was a need for a clear direction from the council on sharing the site particularly as the licence to occupy expired on 31 July 2015. He called on the Cabinet to confirm the value their work and, as a result, declare support.

Mr Kaushik Bhattacharya, a local independent film maker, addressed the Cabinet and outlined recent film events hosted by the Community Library one of which was a documentary film on Brent in association with the British Film Institute, all of which been shown to full houses and well received. He felt this demonstrated the importance of the service to all the community. Mr Bhattacharya outlined proposed uses of an investment grant and plans to use alternative premises while building works were in progress. He encouraged Cabinet members to join the film club so as to observe its value at first hand and referred to the potential significant loss should the library have to be relocated or close.

The Chair consented to a submission from Mr Mel Hacker (local resident) who took issue with reference in the report to 'Preston Road Library' and to it being an annexe and pop up facility. Mr Hacker reminded the Cabinet that Preston Library had been in existence since 1964 and used by the whole community. He put that the Community Library was a fully fledged service providing a wide range of facilities with 653 visits since April.

Councillor Pavey (Deputy Leader, in the Chair) responded to the concerns from members of the public and reiterated that the council's priorities were school places. With the Community Asset Transfer programme it would work with the community to revitalise underused buildings. He assured that no decisions on the future of the community library site would be taken until July 2017 apart from finding school places for 60 children. He welcomed the use of the premises as cinema.

Councillor Mashari (Lead Member, Employment and Skills) emphasised the extent to which the members and officers had engaged with the Preston Community Library supporters including personal visits to the premises however promises could not be made to one community group outside of due process. Furthermore, it had always been made clear that the priority should be for school places.

Councillor McLennan (Lead Member, Housing and Development) in introducing the report, drew attention to the outcome of a review of GLA pupil projection data and projected need for school places. She confirmed that the indications in the report relating to property disposal had been superseded and that the approval had been given to an extension of the lease to the Community Library until July 2017. Councillor Moher (Lead Member, Children and Young People) referred to the projected number of primary pupils against capacity for 2015-16 which was currently 2.3% instead of the recommended 5% and regretted the necessity to use temporary classrooms with little prospect of improvement in the near future.

Councillor Pavey reconfirmed that school places were the priority however the reference in the report at 3.16, section 5, third paragraph, to disposal of the former Preston Library site to fund investment was inaccurate. He clarified that it should instead state 'The property is currently identified as being surplus to operational requirements from 2016/17. Approval of the proposal to extend the school use until



July 2017 will clearly mean that this will not be the case, with the impact being that there is no prospect of the building being disposed of either under Community Asset Transfer or for a commercial lease, until 2017/18.'

Councillor Denselow (Lead Member, Stronger Communities) acknowledged the proximity of the deadline for the extension of the lease for Preston Road Community Library and trusted they would receive assurances.

Gail Tolley (Strategic Director, Children and Young People) referred to the future pressure on secondary places as the primary school children move through the system and the reliance that would be placed on Free Schools. Councillor Moher drew attention to the proposals to expand Byron Court and Oakington Manor primary schools which would now not be ready for September 2015.

RESOLVED:

- (i) that the projected demand for primary school places in 2015/16 alongside the planned capacity be noted;
- (ii) that approval be given to the 2015/16 Temporary School Expansion Programme as described in paragraphs 3.9-3.12 of the report from the Strategic Directors Children and Young People and Regeneration and Growth;
- (iii) that approval be given to the budget of £2.148m for the 2015/16 Temporary School Expansion Programme to be met from secured Basic Need Funding within the Schools Capital Portfolio;
- (iv) that approval be given to the continued use of council buildings to meet the required number of school places across the borough as described in paragraphs 3.15-3.16 of the report and to delegate authority for the Operational Director, Property and Projects to enter into necessary licences for use with the managing schools.

## **6. Tudor Gardens – Supporting Independent Living**

The report from the Strategic Director, Adults reminded the Cabinet that in February 2015 agreement had been given to consult residents, families and stakeholders on the proposal to deregister Tudor Gardens Residential Care home and re-provide it as supported living accommodation in line with the department's objectives to support people to have increased choice and control to live as independently as possible. Following a twelve-week statutory consultation on proposed changes, the report outlined the responses to that consultation, the potential impact on the residents and resulting recommendations taking into account the feedback that had been received from service users, family members, advocates, staff and unions.

With the consent of the Chair, Mr Ken Knight addressed the meeting on behalf of relatives and carers at Tudor Gardens Residential Care Home and spoke against the proposals to move towards more independent living for the residents. Mr Knight contrasted the finding in the Equalities Assessment document produced in February 2015 which stated that the impact of the proposals on the residents would be negative with the EA appended to the report now before members which now

stated that the change in policy would have a positive impact on residents. He circulated a document to members which highlighted the changes between the February pre consultation report and that now before members for approval.

Mr Knight felt that all the residents needed 24/7 care and, given their mental age, lacked the capacity to understand what was on offer. He felt residents were not ready for employment and in any event, no assessments had been carried out since the home had opened in 2010. Mr Knight expressed concern that the managers and staff were leaving, claimed that one in three members of staff were on zero hour contracts and that he had no confidence in the TUPE guarantees. He was also not confident that the most successful bidder would necessarily be the best service provider.

Phil Porter (Strategic Director, Adults) in responding to the concerns put forward by Mr Knight, drew attention to an addendum to the report published before the meeting, which sought to correct and clarify perceived anomalies in the original report based on comments from Mr Knight. Regarding the change in the Equalities Assessment, he advised that following consultation, a different conclusion had been reached on the impact on residents, resulting in the change from 'negative' to 'positive'. Phil Porter stated that supported living would give residents more control over the support they received, acknowledged concern over assessments and gave assurance that in the next stage of the process, the assessments would ensure that the new service fully met needs of Tudor Gardens residents.

Members expressed concern and requested clarification on the journey from negative impact to positive, the issue of residents' capacity and the thoroughness of the consultation exercise. Members heard that it was not uncommon for the result of the Equalities Assessment to change as the result of a consultation process as efforts would have been made to address concerns raised in the first stage of the assessment and proposals changed to accommodate. Phil Porter advised that it had been made clear that this was not the end of the process but that engagement would carry on throughout the procurement exercise.

Councillor Hirani acknowledged that the de-registration process was not easily understood and explained that where some of the responses from residents had clearly indicated a lack of capacity, these had been intentionally omitted so as to avoid embarrassment. On behalf of the Cabinet, Councillor Hirani thanked Ken Knight for his contribution.

Councillor Hirani then went on to outline the advantages of supported living and that, in the light of the outcome of the consultation, it was proposed that the de-registration process would commence. He referred to the support that would be available to residents who would have their accommodation costs met through housing benefits. Residents would also have greater security of tenure and would be assisted to make applications for personal entitlements. The number of people coming through the care system was increasing, approximately 200 in the current month, and the new proposals would allow the council to help more residents. He felt that consultation had been extensive and reminded the Cabinet that the scheme was due to go live in April 2016 and that de-registration was subject to Care Quality Commission approval. Councillor Hirani stated that the proposals were designed to offer a different mode of care, avoid duplication with the Department for Work and Pensions, benefit those of working age and promote independent living.

In response to an enquiry from Councillor Moher, the Cabinet heard that residents with high care needs would still have access to 24 hour care. On the question of capacity, Phil Porter acknowledged the varied needs of residents and assured members that the aim of the next phase in the process was to have individual assessment assisted by an advocate, provide more tailored support and ensure individual needs continued to be met through the new provision.

In response to questions from Councillor Southwood regarding Care Quality Commission monitoring and the market for service providers, Phil Porter advised that quality standards would be monitored as they would for any service the council purchased through the contract management team, the service would still be provided by a provider registered and inspected by the CQC, that there were a large number of potential service providers and that TUPE would apply.

Councillor Pavey requested a note be sent to members of the Cabinet setting out in more detail the reasons for the change in the Equality Assessment, and Councillor Hirani confirmed that a further report would come back to Cabinet at the end of the procurement process, which would evidence not only that the assessment process had informed the procurement process, but also that all needs would continue to be met.

**RESOLVED:**

- (i) that the responses received during the consultation meetings over the 90 statutory consultation days between March and June 2015 as amended in the supplementary report, be noted;
- (ii) that approval be given to start the process to de-register Tudor Gardens as a residential care home and the re-provide as supported living accommodation for the reasons detailed in paragraphs 3.7 and 3.8 of the report;
- (iii) that approval be given to the invitation of tenders for the on site care and support services at Tudor Gardens on the basis of the pre-tender considerations set out in paragraph 7.1 of the report;
- (iv) that approval be given to the evaluation of the tenders referred to in (iii) above on the basis of the evaluation criteria set out in paragraph 7.1 of the report.

**7. Adult Social Care Transforming Day Care-Direct Services**

Councillor Hirani (Lead Member, Adults, Health and Well-being) introduced the report from the Strategic Director, Adults which reported on the outcome of consultation with service users, carers and stakeholders, agreed by Cabinet in February 2015, on the proposal to close Kingsbury Resource Centre and re-provide day opportunities services in the voluntary and independent sector. Consultation was carried out over three months; March, April and May 2015. Cabinet also agreed for council officers to consult and work up proposals to ensure the future financial viability of New Millennium Day Centre and that this would be done co-productively working with service users, carers and staff.

Councillor Hirani summarised the outcome of the consultation process, the options for change and the recommended course of action for the future of Kingsbury Resource Centre and New Millennium Day Centre. The proposal before the Cabinet was to remodel the New Millennium Day Centre as a hub to support users to use the community and to also better use the building through with extended operational hours.

Cabinet members expressed support for the proposals which were designed to give users more choice and improve their quality of life.

**RESOLVED:**

- (i) that the responses received during the consultation and co-production meetings held in March, April and May 2015 on the council proposals to close Kingsbury Resource Centre and remodel services at New Millennium Day Centre, be noted;
- (ii) that approval be given to the closure of Kingsbury Resource Centre following a comprehensive and inclusive reassessment and support planning process for current service users, noting that any closure would be subject to a further statutory 45 day staff and union consultation;
- (iii) that agreement be given to the remodelling of services at New Millennium to create a social enterprise. A full business case, including detailed financial implications and an implementation plan will be brought back to Cabinet in the autumn for further discussion and agreement.

**8. Brent Mental Health Improvement operating model and Section 75**

The report from the Strategic Director, Adults set out the outcomes of the Mental Health Operating Model work, which had been undertaken in partnership with Central and North West London NHS Foundation Trust (CNWL) and NHS Brent CCG (Clinical Commissioning Group) to develop a new assessment and care management model for community mental health services in Brent. It explained the thinking behind the new operating model and its fit into the broader mental health system and the wider work on mental health improvement that was taking place in North West London.

Councillor Hirani (Lead Member, Adults, Health and Well-being) in introducing the report, outlined the context referring to the recent Care Quality Commission inspection and the need for improved care coordination resource within the community mental health teams. Councillor Hirani highlighted proposals for the new operating model whose new structure would be based on a single point of access for all new referrals and also the establishment of a Brent Recovery Service delivering a range of functions including a "Staying Well Plan" for each service user being discharged. Future work would also include improved access to private housing, joint commissioning with the Clinical Commissioning Group, voluntary sector commissioning and improved partnership arrangements.

Members welcomed in particular the opportunity to improve integration and reduce fragmentation between services. They also looked forward to the introduction of a

“Staying Well Plan”, involvement with Employment Support Services and training to help reduce isolation and joint commissioning.

**RESOLVED:**

- (i) that the work of the Brent Mental Health Improvement Project to date be noted;
- (ii) that the emerging Brent community mental health service operating model be endorsed and approval given to the move towards implementation;
- (iii) that the move towards joint commissioning with Brent CCG of community mental health service teams and mental health services commissioned from the voluntary sector be endorsed;
- (iv) that approval be given to the extension of partnership arrangements with Central and North West London NHS Foundation Trust by entering into a 12 month partnership agreement under section 75 National Health Service Act 2006 for the delivery of mental health social care services;
- (v) that approval be given to an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value Contracts to permit the council to enter into the partnership agreement referred to in recommendation (iv) above for the good operational reasons set out in the report at paragraphs 3.52 and 3.53.

**9. Bridge Park Redevelopment - to enter into Heads of Terms**

Councillor McLennan (Lead Member, Housing and Development) was pleased to introduce the report which provided an update on the lands at Unisys and Bridge Park Leisure Centre and which sought agreement to enter into Heads of Terms with General Mediterranean Holding SA (“GMH”) as Guarantor and Harborough Invest Inc as Property Owner. The agreement was to sell part of the land owned by the London Borough of Brent at BPCLC to fund the design and build of a new leisure centre paid for out of the proceeds of sale and advanced Community Infrastructure Levy (CIL). Members were reminded that the report followed on from two previous reports to the Executive on 17 June 2013 and 17 February 2014 and it also set out the next steps following entering the Heads of Terms.

The current proposal was for a hotel and housing development on the land to be developed by GMH and Harborough and Councillor McLennan referred to discussions taking place on percentage of accommodation that would be designated as affordable. Councillor McLennan looked forward to the health benefits of having a swimming pool in the leisure centre while acknowledging the annual revenue costs.

Members welcomed the opportunity to develop the site which was long awaited. They urged officers to negotiate as hard as possible for a significant proportion of the housing development to be affordable mindful of the restrictions on viability. Reference was made to recent advertisements abroad for housing development in Willesden and Councillor McLennan referred to the need for a policy to avoid this. Councillor Hirani referred to residents who were not entitled to social and affordable

housing and enquired about the option of buy to rent. Councillor McLennan assured that a mix of housing development was under consideration.

Councillor Filson (Chair of Scrutiny Committee) stressed the importance of obtaining accurate financial status checks on General Mediterranean Holding SA and Harborough Invest Inc as they were both in overseas ownership and not registered at Companies House and also thorough background checks. Members noted that any concerns would be reported back. He also drew attention to the staffing implications should the existing centre not remain open until the new premises was complete.

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 authority be delegated to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to finalise negotiations and enter into Heads of Terms with General Mediterranean Holding SA as Guarantor and Harborough Invest Inc as Property Owner in substantially the form set out in Appendix 3 of the report from the Strategic Director, Regeneration and Growth;
- (ii) that authority be delegated to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to enter into negotiations, finalise and enter into a land sale agreement with General Mediterranean Holding SA and Harborough Invest Inc.

#### 10. **Sudbury Town Neighbourhood Plan Referendum**

Following the independent examination of the Sudbury Town Neighbourhood Plan, the report from the Strategic Director, Regeneration and Growth sought approval for the Plan to proceed to referendum subject to the modifications set out in the examiner's report. Subject to the majority of those who vote in the referendum being in favour of the Plan, it was recommended the Plan is made (adopted) by the Council as planning policy for the neighbourhood area.

RESOLVED:

- (i) that Sudbury Town Neighbourhood Plan, incorporating the recommended changes of the examiner, proceed to referendum;
- (ii) that subject to the majority of those who vote in the referendum being in favour of the Plan, the Plan is made (adopted) by the Council.

#### 11. **Housing Supply and Demand - Homelessness, Allocations, and Social Lettings**

Councillor McLennan (Lead Member, Housing and Development) introduced the report from the Strategic Director, Regeneration and Growth) which provided an analysis of housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards. She referred to the challenges of homelessness, temporary accommodation and evictions and the report set out proposals in response which included inside and outside borough provision. Councillor McLennan also drew attention to proposals for BHP to operate a leasing scheme and also establish an ethical lettings agency.

**RESOLVED:**

- (i) that the analysis of affordable housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards be noted;
- (ii) that agreement be given to the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation (PRSO) as set out in Appendix D to the report from the Strategic Director, Regeneration and Growth;
- (iii) that Brent Housing Partnership set up an ethical lettings agency as set out in paragraphs 4.23 to 4.26 of the report;
- (iv) that the Council award the contract to Brent Housing Partnership to continue to operate The Brent Direct Leasing Scheme (BDL) subject to consent being provided by the Secretary of State under section 27 of the Housing Act 1985;
- (v) that approval be given to an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value contracts, to allow the award of the contract referred to in Recommendation (iv) above to Brent Housing Partnership for the good financial / operational reasons set out in paragraphs 5.20 and 5.25 of the report.
- (vi) that agreement be given to the target proportion of social lettings for 2015-16 for homeless, housing register and transfer applicants as set out in paragraph 6.12 in the main body of the report.

**12. Wembley and Alperton Housing Zones**

Councillor McLennan was pleased to report that the Council had secured GLA Housing Zone designations for Wembley and Alperton which would help to accelerate the delivery of hundreds of new homes and bring forward regeneration in these areas. Cabinet noted that on 15 September 2014, approval had been given for the Council to submit bids to the GLA for Alperton and Wembley to become Housing Zones and agreed for a further report to be brought to Cabinet on the required funding arrangements between the Council and the GLA and any associated matters requiring approval.

It was noted that the Housing Zone designations would be used to increase and accelerate the delivery of new homes in Wembley and Alperton, largely through the acquisition and assembly of land, and by working with development partners.

Transport infrastructure would also be improved and Councillor McLennan paid tribute to the work of staff in the Regeneration Investment Team.

**RESOLVED:**

- (i) that approval be given in principle to entering into contract with the Greater London Authority to receive Housing Zone grant funding to assist with delivery of the Housing Zone objectives in Alperton (£13.9million) and Wembley (£8 million) with approval of the terms of such funding contracts to be delegated to the Strategic Director for Regeneration and Growth in consultation with the Chief Financial Officer;
- (ii) that approval in principle be given to taking steps to make use for development of retained land along the Wembley High Road frontage at Ark Elvin Academy through the Wembley Housing Zone, subject to receiving section 77 approval from the Secretary of State for Education and subject to meeting agreed costs in the fit out of the new academy;
- (iii) that the intention to make use of the Mayor's London Development Panel to develop the retained land at Ark Elvin Academy and to form a development partnership for the Wembley Housing Zone be noted;
- (iv) that authority be delegated to the Strategic Director for Regeneration and Growth in consultation with the Chief Finance Officer to take steps to dispose of the retained land at Ark Elvin Academy. The final decision on the disposal of the land will be subject to a final decision remaining with Cabinet;
- (v) that approval in principle be given to make Compulsory Purchase Orders of land interests within the Housing Zones under Planning, Housing and Highways legislation to bring forward the development objectives, subject to a further specific resolution of Cabinet in respect of the making of each order.

**13. Brent Council Membership of the West London Economic Prosperity Board**

The Cabinet considered the report from the Chief Executive which sought approval to establish a Joint Committee to be known as "West London Economic Prosperity Board," in partnership initially with Barnet, Ealing, Harrow and Hounslow (with other WLA members, namely Hammersmith & Fulham and Hillingdon also potentially joining later). The Cabinet also noted that the Leader or person nominated by the Leader, would take up membership of the Board on the behalf of Brent.

**RESOLVED:**

that the following be noted:

- (i) that Brent Council will enter into arrangements with some other West London local authorities for certain of their functions (as specified in the report) to be discharged jointly;



- (ii) that the Leader, having consulted the Chief Legal Officer, will agree the arrangements for functions and procedures (see Appendix 1) with the other authorities and/or their executives as appropriate;
- (iii) that the arrangements will include a Joint Committee (to be known as “the West London Economic Prosperity Board”);
- (iv) that the Leader (or suitable alternative chosen by the Leader) will be appointed as a voting member of the Joint Committee;
- (v) that the functions to be discharged by the Joint Committee will be with the intention of promoting economic prosperity within the local government areas of the participating boroughs;
- (vi) that it is anticipated that the participating boroughs will initially be Barnet, Brent, Ealing, Harrow and Hounslow, but that other WLA members (namely, Hammersmith & Fulham and Hillingdon) are also invited to join;
- (vii) that any changes to the constitution resulting from this report will be reported to Full Council for approval.

#### **14. Financial Report - May 2015**

The report from the Chief Finance Officer highlighted the overall financial position of the Council as at May 2015 including a Revenue Budget monitoring summary, 2015/16 Savings, Council Tax and NNDR Collection Rates, Other debt analysis and collection and Capital Programme monitoring summary. Councillor Pavey (Deputy Leader) considered the report a worthwhile reminder of the council’s financial position, including the current forecast risk the general fund budget being overspent by £2.6m by the year end. Members put forwards proposals to control spending including use of assets to reduce use of temporary accommodation and also noted efforts being made to recruit permanent social workers thereby decreasing the use of agency social workers. Attention was drawn to the Brent Start forecast overspend attributed to a unexpected reduction in classroom capacity and management information was being reviewed to ensure the final claim was fully accurate (and therefore maximising the grant draw down) and the provision of additional courses that would deliver further qualification outcomes. Council Tax collection was also down on last year and a procedure review was under way to improve processes.

RESOLVED:

that financial position of the Council as at the end of May 2015 be noted.

#### **15. Reference of item considered by Scrutiny Committee**


With the consent of the Cabinet, Councillor Filson (Chair, Scrutiny Committee) gave an update on discussion at the previous meeting held on 17 July 2015 which had considered Brent Housing Partnership performance in particular voids turnaround performance and also the impact of central government’s Right To Buy extension.

16. **Any other urgent business**

None.

The meeting ended at 9.05 pm

M PAVEY  
Vice Chair, in the Chair

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 24 August 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director Children and Young People and the Strategic Director Regeneration and Growth</b></p>
Wards Affected: ALL	
<p><b>Determination of the proposal to permanently expand Elsley Primary School and Uxendon Manor Primary School</b></p>	

## 1. Summary

- 1.1. In line with the School Place Planning Strategy approved by Cabinet in October 2014, the following alterations have been proposed by the relevant governing bodies in partnership with Brent Council:
  - Permanently expand Elsley Primary School by two forms of entry (2FE)
  - Permanently expand Uxendon Manor Primary School by two forms of entry (2FE)
- 1.2. This report informs the Cabinet of the outcome of the statutory consultations on the proposals to alter Elsley Primary School from September 2016 and Uxendon Manor Primary School from September 2015 through permanent expansion and recommends that the statutory proposals to expand the schools be approved.
- 1.3. The representation period on the proposals ended on 16 July 2015 for Elsley Primary School and 9 July 2015 for Uxendon Manor School. This report also informs the Cabinet of the responses to the consultations.

## 2. Recommendations

- 2.1. The Cabinet is recommended to:
- 2.2. Approve the permanent expansion of Elsley Primary School, a community school, by two forms of entry from September 2016, (conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by February 2016 or at such date as agreed by the Strategic Director Children and Young People and the Strategic Director Regeneration and Growth).

- 2.3. Approve the permanent expansion of Uxendon Manor Primary School, a community school, by two forms of entry from September 2015, (conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by December 2015 or at such date as agreed by the Strategic Director Children and Young People and the Strategic Director Regeneration and Growth). In the event planning permission is not granted, the additional 60 Reception places for September 2015 will provide temporary bulge provision until the children leave the school after Year 6.
- 2.4. The alterations are to provide sufficient permanent primary school places in this region in line with the council's statutory duties and its School Place Planning Strategy 2014.

### 3. Background

- 3.1.1. In October 2014, the Cabinet approved a School Place Planning Strategy. This established the need for a continuing programme of provision of additional school places and, for the first time, a set of principles which the council would use to determine its future decision making on school place planning. These were established in the context of the overall objective of securing sufficient high quality school places for all Brent's children in line with the council's statutory responsibilities. The strategy also established that the council would aim to meet the DfE guideline of having a five per cent vacancy rate to allow for mobility and fluctuations as well as to support parental preference. Currently the vacancy rate in Brent primary schools is 2.1 per cent. Currently there is no comparative London wide data available.
- 3.1.2. The Strategy identified a total primary requirement for the opening of 23 additional forms of entry by 2018. Members will recall that the strategy set out the list of planned permanent new places in Brent which included Elsley Primary and Uxendon Manor Primary Schools:

Table 1: Planned permanent new places for September 2015

	No. of places	No. of additional FE	Will be total FE
Wembley High Technology College	840	4	4
Uxendon Manor Primary	420	2	4
Elsley Primary *	420	2	4
Stonebridge Primary	210	1	3
Islamia Primary	210	1	2
Malorees Infants and Juniors	210	1	3
Byron Court Primary *	420	2	5
Leopold (Gwenneth Rickus)	420	2	4
Kilburn Grange (Free School)	420	2	2
Oakington Manor Primary*	210	1	4
<b>Total number of places</b>	<b>3,780</b>	<b>18</b>	

\*Now scheduled for September 2016

Table 2: Planned permanent new places for September 2016

	No. of Places	No. of additional FE
Oriental City site	420	2
Quintain site	630	3
Carlton Vale Infants and Kilburn Park (South Kilburn regeneration)	210	1
<b>Total number of places</b>	<b>1,260</b>	<b>6</b>

Table 3: Planned permanent new places for September 2017

	No. of Places	No. of FE
Stanley Avenue Alperton site	630	3

- 3.1.3. This shows a programme of expansion right across the borough (see a school map as Appendix 1). Elsley Primary School is situated in Planning Area 3 (Wembley Central ward) this planning area has the second highest projected demand for places of all five planning areas.
- 3.1.4. Planning Area 2, where Uxendon Manor Primary School is placed (Kenton ward), is also experiencing increasing demand. A shortfall of places in this area will arise without the permanent expansion of Uxendon Manor.
- 3.1.5. The number of on-time applications for Reception places received for September 2015 totals 3,925. It is anticipated that there will be approximately 800 late Reception applications received between the closing date in January 2015 and the end of the academic year in July 2016. The number of late applications for reception places has been increasing in recent years, primarily because of high population mobility and inward migration.

#### **The proposal in relation to educational standards (Principle 1)**

- 3.1.6. Elsley Primary School was judged 'Good' by Ofsted at the inspection in January 2012. Attainment of Level 4 in reading, writing and mathematics at the end of Key Stage 2 was 72 per cent in 2014 which was below the national average 79 per cent. However the proportion of pupils making the expected two levels of progress in reading and writing by the end of Key Stage 2 was five percentage points above the national average and in mathematics just one percentage point below the national average.
- 3.1.7. Uxendon Manor was judged 'Good' by Ofsted at the inspection in July 2013. Attainment of Level 4 in reading, writing and mathematics at the end of Key Stage 2 was 92 per cent in 2014 which was well above the national average 79 per cent, and the proportion of pupils making the expected two levels of progress in reading and writing by the end of Key Stage 2 was two percentage points above the national average on reading, equal to the national average in writing and 5 percentage points above the national average in mathematics.

#### **Proposals to alter the schools**

- 3.1.8. The proposals comply with the Government's guidance on school expansions and their current agenda for raising standards, innovation and transforming education.

The internal accommodation and external play areas in the proposed expansion meet the area and design guidance standards detailed in Building Bulletin 103 (the document which sets out the government's current area guidelines for primary schools).

- 3.1.9. The expansion of the schools is fully in line with the aim of the guidance and the wish of the Secretary of State that local authorities provide school places where demand is high. Both schools serve a range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them by providing additional parental choice.
- 3.1.10. The expansions at both schools will increase the choice available to local parents and residents in areas of demand. The proposal will increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils. The additional places will be provided for current and future need.
- 3.1.11. Additional classrooms and facilities will be provided to support the educational standards for all pupils and staff at both schools. The expansion will provide:
- a safe and secure environment
  - a healthy environment with properly ventilated, appropriately sized classrooms with easy access to outside space (where required).
  - spaces to maximise natural day lighting and control sunlight, to maximise thermal comfort, control glare and provide a suitable internal environment.
  - environmentally friendly and efficient spaces
  - minimal loss of 'down-time' i.e. travel to core facilities, toilets, etc. at least within the expanded building.
  - allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external in line with the requirements of the EFA baseline designs.
  - Maximised use of existing outdoor playing space and enhancement where possible and required.
  - Classrooms to support easy access to ICT provision.
- 3.1.12. In line with the criteria for developing school expansion projects approved by Cabinet in January 2015, a strategic view of anticipated future costs of significant items of building condition work was taken at Elsley and Uxendon Manor Primary schools. As a result, the proposed works will include some work to the existing buildings in order to achieve an optimal layout from a school management perspective.
- 3.1.13. Subject to planning application approval and detailed programme review, it is anticipated that the building works at both schools will commence in the Spring/Summer of 2016 and last for approximately one year.
- 3.1.14. No change to the existing SEN provision is being proposed. The proposal will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed expansion of primary provision. The proposal will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

### 3.2. Background information for Elsley Primary School

- 3.2.1. Elsley Primary School was judged as Good by Ofsted in their inspection in January 2012. It is a very popular school and there are few vacancies in the school overall.
- 3.2.2. Elsley Primary School is located at Tokynton Avenue, Wembley, HA9 6HT. It is a Community school (i.e. maintained by the local authority). It offers co-educational places for pupils aged 4-11 years. The current capacity of Elsley Primary School is 420. The school's admission number is 60 pupils per year (two forms of entry). The expansion plans to increase the school's capacity to 840 places and its admission number to 120 (four forms of entry.) This means an increase of 420 pupils.
- 3.2.3. From September 2015 the school has agreed to take two Reception bulge classes (a) because they have the space required and (b) due to the shortage of Reception places in that part of the borough. If the proposal to expand is agreed these bulge Reception places will become permanent places in September 2016. If not, they will remain as temporary places until the children leave the school after Year 6.

Table 3: Proposed numbers on roll for Elsley Primary School

Date	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Sep-14	60	60	60	60	60	60	60	420
Sep-15	120	60	60	60	60	60	60	480
Sep-16	120	120	60	60	60	60	60	540
Sep-17	120	120	120	60	60	60	60	600
Sep-18	120	120	120	120	60	60	60	660
Sep-19	120	120	120	120	120	60	60	720
Sep-20	120	120	120	120	120	120	60	780
Sep-21	120	120	120	120	120	120	120	840

- 3.2.4. The non statutory informal consultation process commenced on 6 January 2015 and the architects began developing the previously completed feasibility study into a fully designed scheme (alongside the consultation). If expansion is approved new permanent Reception places will be accommodated at the school from September 2016.
- 3.2.5. The proposed accommodation for the expansion by two forms of entry would be of a permanent high quality construction located adjacent to the main school building. It will be built to optimise educational standards. There will be no change to existing SEN arrangements at the school.
- 3.2.6. As part of the permanent expansion proposals, the Council has provided additional land to accommodate the enlarged school. This has served to increase the Elsley total site area to 14,173m<sup>2</sup>.

### 3.3. Background information for Uxendon Manor School

- 3.3.1. Uxendon Manor Primary School was judged as Good by Ofsted in their inspection in July 2013. It is very popular school and there are few vacancies in the school overall.

- 3.3.2. Uxendon Manor Primary School is located at Vista Way, Kenton, HA3 0UX. It is a Community school and offers co-educational provision for pupils aged 4-11 years. The current capacity of Uxendon Manor Primary School is 420. In addition from September 2014 the school agreed to take an additional Reception temporary (bulge) class of 30 pupils, making a total of 450 pupils aged 4-11 onsite for the 2014/15 academic year. The 30 additional pupils admitted in Reception in 2014 will continue to Year 1 in September 2015.
- 3.3.3. The expansion plans to increase the school's capacity to 840 places and its admission number to 120 (four forms of entry.) This means an overall increase of 390 pupils.

Table 4: Proposed numbers on roll for Uxendon Manor Primary School

Date	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Sep-14	90	60	60	60	60	60	60	450
Sep-15	120	90	60	60	60	60	60	510
Sep-16	120	120	90	60	60	60	60	570
Sep-17	120	120	120	90	60	60	60	630
Sep-18	120	120	120	120	90	60	60	690
Sep-19	120	120	120	120	120	90	60	750
Sep-20	120	120	120	120	120	120	90	810
Sep-21	120	120	120	120	120	120	120	840

- 3.3.4. The non statutory informal consultation process commenced on 24 April 2015 and the architects began developing the previously completed feasibility study into a fully designed scheme (alongside the consultation). If expansion is approved new permanent Reception places will be accommodated at the school from September 2015, subject to planning approval for the works required to expand the school by two forms of entry. If planning isn't approved the additional reception places will provide temporary bulge provision until the children leave the school after Year 6.
- 3.3.5. It is anticipated that there will be a new build accommodation block with at least a 60 year design life. The designs are currently being developed to ensure that the school would be built in the most efficient way, with sustainable standards targeting a BREEAM rating of very good.
- 3.3.6. The council will complete the permanent building works for the 2017/2018 academic year. Should approval to expand the school be granted based on this report, the school will take the first additional permanent Reception classes from September 2015 in temporary accommodation. It is anticipated that a planning application will be submitted later in the year for the new permanent accommodation required. Subject to approval being granted the construction work will commence in Spring 2016 and be phased to account for the school being occupied during construction.

### 3.4. Statutory Consultation Process – Four Stages

#### Pre- statutory consultation (informal)

- 3.4.1. Since January 2014 the statutory school expansion process has four stages instead of five - Stage 1 Publication, Stage 2 Representation (formal consultation), Stage 3 Decision, Stage 4 Implementation. The informal consultation carried out



by Brent Council prior to Publication is not legally required but is good practice as quoted by the Department for Education below:

*'Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.'*

#### The informal consultation process

##### 3.4.2. The informal consultation consists of:

- a detailed consultation document outlining the proposal, timelines, background information, next steps, list of consultees, response slip and details of the public meeting. This document is given to every child to give to their parents. In addition copies are hand delivered to homes and businesses in the local vicinity. The document is also posted on the school website and school gates and on the Brent consultation website.
- At least one public meeting is held at the school concerned with representatives from the governing body and the council.
- A 4 week response time (minimum) is given

##### 3.4.3. There are many reasons for an informal consultation before the formal consultation:

- it allows extra time for public to digest what is being proposed
- it gives chance for the public, school and the council to meet as a collective
- it is a chance to eradicate misunderstandings or ambiguity
- it gives a chance to gauge the feeling of the public before the statutory consultation
- it gives the council a chance to build up a database of interested people to provide information on the next steps of the project e.g. the publication date of the statutory notice marking the start of the formal consultation.

#### The formal consultation process

##### 3.4.4. The formal consultation process consists of the issuing of the statutory consultation in the local newspaper. It is also posted on the school website, the Brent consultation website and on all entrances to the school for the passing public to see. This is a second chance for the public to give their views on the proposal. A four week representation period is given for responses.

#### Elsley Primary School informal consultation

##### 3.4.5. The Governing Body of Elsley Primary School in partnership with the local authority carried out an informal consultation with key interested parties on the alteration proposals. The consultation document is attached as Appendix 2. Over 1,300 copies of the consultation document were distributed through hand delivery, email and/or internal/external post:

- the document was available at the consultation meetings
- the document was placed on the school website and the Brent consultation website
- approximately 400 copies were emailed out, including to all Councillors in Brent, all Brent schools, neighbouring boroughs and other statutory consultees.

- 3.4.6. The informal consultation began on 6 January 2015 and ended on 9 February 2015. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 3.4.7. A consultation meeting on the proposal to expand Elsley Primary by two forms of entry was held on 14 January 2015. Notes of this meeting can be found at Appendix 3.
- 3.4.8. The Elsley proposal received 25 responses in this first informal consultation. Responses were received via post and email.

Table 5: Breakdown of responses received for Elsley Primary (informal)

	Number of responses received	Percentage of response overall
Agree with expansion	19	76%
Disagree with expansion	05	20%
No decision reached	01	04%
<b>Total responses</b>	<b>25</b>	<b>100%</b>

- 3.4.9. All 25 responses can be found in Appendix 4

#### Elsley Primary School formal consultation

##### **Stage One - Publication of Statutory Notice**

- 3.4.10. Following careful consideration of the responses in the consultation stages outlined above, the governing body of Elsley Primary School in partnership with the local authority published the Statutory Notice in the Brent and Kilburn Times on 18 June 2015 for altering the school by 2FE from September 2016. Notices were also displayed on the school gates, on the school website, on the Brent Council consultation website.
- 3.4.11. The statutory notice is attached as Appendix 5.

##### **Stage Two – Representation (formal consultation)**

- 3.4.12. The statutory notices (issued on 18 June 2015) were followed by a four week statutory period (Representation stage), which ended on 16 July 2015, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal (in this consultation) and ensures that they will be taken into account by the Cabinet when the proposal is determined.
- 3.4.13. In total only one representation was received during statutory period disagreeing with the proposal as outlined in Table 6 below and in full in Appendix 6.
- 3.4.14. In addition a 4 page petition against the proposal with 48 names and signatures were also received (Appendix 7). This petition has been sent to Democratic Services to be dealt with through the official process.

Table 6: Breakdown of responses received for Elsley Primary (formal)

	Number of responses received
Agree with expansion	0
Disagree with expansion	1
Petition against the expansion	48 names / signatures
<b>Total responses</b>	<b>49</b>

3.4.15. The main concerns expressed during both consultation periods (informal and formal) included:

- Disruption to residents
- Construction noise and damage
- Increased traffic
- Parking
- Unruly parents
- Noisy children
- Bright security lights
- Over populated area

3.4.16. Many of the concerns raised above will be dealt within the planning permission consultation.

3.4.17. The council is estimating that the planning permission would be granted under Part 3 of the Town and Country Planning Act 1990 from February 2016. Hence, the Cabinet is requested to approve the expansion of Elsley Primary School from September 2016, conditional upon the granting of planning permission and in accordance with Schedule 3 paragraph 3 of the School Organisation Regulations 2013.

#### Uxendon Manor School informal consultation

3.4.18. Key interested parties were also consulted on the proposed alterations to Uxendon Manor Primary School. The consultation document is attached as Appendix 8. Over 1400 copies of the consultation document were distributed through hand delivery, email and/or internal/external post:

- the schools distributed 550 documents by hand to parents, pupils, staff and other interested parties,
- a private company was commissioned to hand deliver 450 copies to homes in the areas surrounding the school,
- the document was available at the consultation meetings,
- the document was placed on the school website and the Brent consultation website,
- approximately 400 copies were emailed out, including to all Councillors in Brent, all Brent schools, neighbouring boroughs and other statutory consultees

3.4.19. The informal consultation began on 24 April 2015 and ended on 25 May 2015. All applicable statutory requirements to consult in relation to these proposals have been complied with.

3.4.20. A consultation meeting on the proposal to expand Uxendon Manor by two forms of entry was held on 6 May 2015. Notes of this meeting can be found at Appendix 9.

3.4.21. The Uxendon Manor proposal received 35 responses in this first informal consultation. Responses were received via post and email. All 35 responses can be found in Appendix 10.

Table 7: Breakdown of responses received

	Number of responses received	Percentage of response overall
Agree with expansion	15	43%
Disagree with expansion	13	37%
No decision reached	07	20%
<b>Total responses</b>	<b>35</b>	<b>100%</b>

#### Uxendon Manor Primary School formal consultation

##### **Stage One - Publication of Statutory Notice**

3.4.22. Following careful consideration of the responses in the consultation stages outlined above, the Governing Bodies of Uxendon Manor School in partnership with the local authority published the Statutory Notice in the Brent and Kilburn Times on 11 June 2015 for expanding the schools by 2FE from September 2015. Notices were also displayed on the school gates, on the school website, on the Brent Council consultation website and on the Brent and Kilburn Times electronic edition.

3.4.23. The statutory notice is attached as Appendix 11 for Uxendon Manor School.

##### **Stage Two – Representation (formal consultation)**

3.4.24. The statutory notice (issued on 11 June 2015) was followed by a four week statutory period (Representation stage), which ended on 9 July 2015, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal (in this consultation) and ensures that they will be taken into account by the Cabinet when the proposal is determined.

3.4.25. In total 3 representations were received during statutory period as outlined below. A table containing all representations for the proposal to expand the school can also be found in Appendix 12 of this report.

Table 8: Breakdown of responses to the formal consultation – Uxendon Manor

	Number of responses received	Percentage of response overall
Agree with expansion	1	34%
Disagree with expansion	2	66%
<b>Total responses</b>	<b>3</b>	<b>100%</b>

3.4.26. The main concerns expressed during both consultation periods (informal and formal) included:

- Doubling the number of children
- Falling education standards
- Parking
- Traffic congestion
- Narrow roads
- Pollution
- Migration into the local area
- Construction disruption
- Disabled swimming pool required
- Limited playground and playing field facilities
- Health and safety
- Inadequate toilets
- Flooding
- Objections to community hall use
- The expansion is too soon
- Confusion between the education and planning permission consultations
- Some local residents not receiving the consultation document

3.4.27. Many of the concerns raised above will be dealt within the planning permission consultation.

3.4.28. The council is projecting that the planning permission for the new permanent accommodation would be granted under Part 3 of the Town and Country Planning Act 1990 from December 2015. Hence, the Cabinet is requested to approve the expansion of Uxendon Manor School from September 2015, conditional upon the granting of planning permission and in accordance with Schedule 3 paragraph 3 of the School Organisation Regulations 2013.

### 3.5. Next Steps

3.5.1. The anticipated dates for the key project milestones following a decision by the Cabinet to determine this proposal to alter Elsley Primary and Uxendon Manor Schools respectively are set out in the timetable below:

Table 9: Project milestones

<b>Milestone</b>	<b>Elsley</b>	<b>Uxendon Manor</b>
Cabinet Decision to expand the schools	August 2015	August 2015
Planning Application submitted	November 2015	Sept 2015
Planning Approval anticipated by	February 2016	Dec 2015
Award of contract for building works by the Cabinet	March 2016	Dec 2015
Permanent expansion commences	Sept 2016	Sept 2015
Building work finishes	August 2017	March 2017

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

- 4.1. As part of consideration of the Update on Schools Capital Portfolio report dated 26 January 2015, Cabinet approved the proposal to expand Elsley Primary School and Uxendon Manor School. This report stated the total estimated cost of the project is provided for within the element of the School Expansion Programme of Works to be met from secured grant funding.
- 4.2. The proposed expansion of pupil numbers at the schools will result in increased revenue costs associated with the additional provision. These costs will be met from the individual school's budget, which will increase proportionately based on the formula allocation from the DfE. However, the proposed intake of additional pupils from September 2015 and September 2016 will mean that the schools will not receive the increased grant until the following academic year as the calculation is based on the previous October's pupil numbers. As such the schools will require funding equivalent to 7/12 of the total additional grant to meet the costs of the expanded pupil numbers until the following year's allocation is received. This shortfall in funding will be provided from existing Dedicated Schools Grant revenue budget as funding has been set aside for additional classes.

#### **5. Legal implications**

- 5.1. The procedure for the enlargement of Elsley Primary and Uxendon Manor Schools is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The local authority is entitled to make prescribed alterations to Elsley Primary and Uxendon Manor Schools pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedules 2 and 3 Regulations.
- 5.2. The authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Schedule 3 paragraph 3 of The School Organisation Regulations 2013.
- 5.3. 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. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 5.4. The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 of the School Organisation Regulations 2013.
- 5.5. The Cabinet would need to have regard to guidance issued by the Secretary of State before making a decision upon this proposal entitled School Organisation Maintained Schools – guidance for proposers and decision makers January 2014 - <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.
- 5.6. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received

representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the two month period.

**5.7. Decision Making:**

5.8. The department does not prescribe the exact process by which a decision-maker carries out their decision-making function. However, the body or individual that takes the decision must have regard to the statutory 'Decision-makers Guidance' (at Annexe B).

5.9. There are four key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided.

**All necessary information has been provided.**

- Does the published notice comply with statutory requirements?

**The statutory notices are complete and in line with the statutory requirements. The four week statutory representation period closed on 16 July 2015 for Elsley Primary School and 9 July for Uxendon Manor Primary School.**

- Has the statutory consultation been carried out prior to the publication of the notice?

**All applicable statutory requirements to consult in relation to the proposal have been complied with.**

- Are the proposals "related" to other published proposals?

**No.**

**5.10. Types of Decision**

5.11. When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate); or
- approve the proposal – with or without modification – subject to certain prescribed events<sup>11</sup> (such as the granting of planning permission) being met.

5.12. A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the governing body (as appropriate) and the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

**5.13. Rights of appeal against a decision**

- 5.14. The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:
- the local Church of England diocese;
  - the local Roman Catholic diocese; and
  - the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.
- 5.15. On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for its decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.
- 5.16. Procurement: The construction contract(s) associated with this expansion will be addressed as part of the wider primary school expansion, with preference to undertake the procurement for Elsley Primary School and Uxendon Manor Schools as a separate construction contract. A report approved by Cabinet in September 2014 set out the procurement strategy to be adopted for these projects in accordance with Council Standing Orders. Subsequent Cabinet approval will be sought to award any works contract in accordance with Council Standing Orders.

## **6. Diversity Implications**

- 6.1. Both schools have an ethnically diverse pupil population and catchment of pupils who need places. The expanded schools would enable the council to provide additional new places required for Brent's growing pupil population.
- 6.2. The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.
- 6.3. Two Equality Assessments have been completed for the proposed expansion of Elsley Primary and Uxendon Manor schools - Appendix 13 and 14

## **7. Staffing Issues**

- 7.1. With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the Dedicated Schools Grant allocated through the funding formula.

## **8. Background Papers**

- 8.1. School Organisation Maintained Schools - Guidance for proposers and decision-makers - January 2014



## **9. Appendices**

- Appendix 1 Map of Brent Schools
- Appendix 2 Elsley Primary School consultation document
- Appendix 3 Elsley Primary School notes of the consultation meeting
- Appendix 4 Elsley Primary School informal consultation responses
- Appendix 5 Elsley School statutory notice (stage 1 of the statutory process)
- Appendix 6 Elsley Primary School formal representations
- Appendix 7 Petition against the Elsley proposal
- Appendix 8 Uxendon Manor Primary School consultation document
- Appendix 9 Uxendon Manor Primary School notes of the consultation meeting
- Appendix 10 Uxendon Manor Primary School informal consultation responses
- Appendix 11 Uxendon Manor Primary School statutory notice (stage 1 of the statutory process)
- Appendix 12 Uxendon Manor School formal representations
- Appendix 13 Draft of the Equality Impact Assessment for Elsley Primary School
- Appendix 14 Draft of the Equality Impact Assessment for Uxendon Manor Primary School

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 24 August 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director of Children and Young People</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<b>Authority to Award Contract for Clinical Input to the Inclusion Support Team</b>	

## 1.0 Summary

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

## 2.0 Recommendations

- 2.1 That Cabinet approve the award of contract for the Clinical Input services to the Inclusion Support Team to the Anna Freud Centre.

## 3.0 Detail

### ***Background***

- 3.1 The background to the retendering of the Clinical Input services (the “Services”) is set out in the report submitted to Cabinet on the 16<sup>th</sup> March 2015, which gave authority to put the Services out to tender for a three year period, with the option to extend it for a further twelve months. A copy of the 16<sup>th</sup> March 2015 report is enclosed in Appendix 5 of this report.
- 3.2 This contract is to be funded by the Dedicated Schools Grant (DSG) and will deliver 2.2 FTE clinicians to the Inclusion Support Team to work with pupils, age 4-16 (and their families), at risk of exclusion from school. Please refer to Section 3 of the March 2015 cabinet report (Appendix 5) and the Equalities Impact Assessment (Appendix 3) for evidence of the impact of this service.
- 3.3 The tender exercise has now been completed and the Inclusion and Alternative Education Service are requesting authority to appoint Anna Freud Centre to deliver this contract.

### ***The tender process***

- 3.4 Advertisements to bid for these Services were placed on the London Tender Portal on the 22<sup>nd</sup> May 2015. Bidders were provided with an outline specification and details of the tender approach and were invited to bid using the Council's Electronic Tendering Facility.
- 3.5 Two bidders returned completed tenders by the closing date of 18<sup>th</sup> June 2015. Both bidders met the minimum requirements in terms of company finances and safeguarding. The two bids were fully evaluated.
- 3.6 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council and that the panel would evaluate the tenders using a 40%:60% quality: price split.
- 3.7 The quality of bids submitted for the Services were evaluated on the basis of the criteria set out in the Method Statements and Evaluation Methodology (Appendix 4) namely:
- Ability to meet the requirements of the service specification to the required timescales
  - Proven track record and experience of providing similar services to a high standard
  - Project plan and implementation plan feasibility and achievability
  - Monitoring arrangements and data feedback to the Local Authority
  - Suitability of the company's quality systems (e.g. accreditations, quality frameworks, policies and procedures)
- 3.8 The price of bids submitted was evaluated using a relative cost score methodology which allocates a score for each price in relation to the lowest price assessed.

### **Evaluation Process**

- 3.9 The tender evaluation was carried out by a panel of officers from the Inclusion and Alternative Education Service. Also in attendance was the Procurement Lead for this area.
- 3.10 All tenders had to be submitted electronically no later than midday on 18<sup>th</sup> June 2015. Tenders were opened on 18<sup>th</sup> June 2015. Each member of the evaluation panel read the tenders using evaluation sheets to note down their comments on how well each of the award criteria was addressed. Each evaluator had two weeks to complete their individual quality evaluation of the submissions against the Method Statement Questions.
- 3.11 The panel met on 2<sup>nd</sup> July 2015 and each method statement was marked by the whole panel through a moderation exercise. The panel discussed individual scores and comments for each question.
- 3.12 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer B was the highest scoring tenderer. Officers therefore recommend the award of the contract to Tenderer B, namely Anna Freud Centre.

3.13 The new contract, if awarded, will commence 1<sup>st</sup> October 2015.

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 4.2 The value of this contract is £134,937 per annum. This would be £404,811 for the 3 year contract or £539,748 should the option to extend for a further 12 months be taken. The previous value of the contract was £134,901.
- 4.3 A finance business partner was involved in the evaluation of the both tenderers' company accounts for their financial years 2012/13 and 2013/14. The financial evaluation determined that both tenderers are financially viable and meet the minimum (financial) requirements for consideration of contract award.
- 4.4 The cost of this contract will be funded by the Dedicated Schools Grant (DSG). The Inclusion and Alternative Education Service hold a budget envelope (funded by DSG) for commissioned services as agreed following the restructure of the service (at the end of 2013) and ratified by the Schools Forum on 26th February 2014 <sup>1</sup>.

#### **5.0 Legal Implications**

- 5.1 Clinical Input services fall within the social and other specific services listed in Schedule 3 of the Public Procurement Regulations 2015 (the "EU Regulations"). Schedule 3 services' current EU threshold is set at £625,050 which is higher than the estimated value of the proposed contract over its lifetime which is potentially £540,000. However, the award of contract is subject to the EU Treaty overriding principles and due to its value it is deemed, under the EU Regulations, as a 'below threshold procurement' pursuant to regulation 112 and as such should Members be minded to approve the award of contract, such decision is required to be published in Contracts Finder, within a reasonable time of the formal decision.
- 5.2 The proposed award is subject to the Council's own Contract Standing Orders in respect of High Value contracts and Financial Regulations and Cabinet is required to consider the recommendation seeking approval to award this contract pursuant to Contract Standing Order 88(c).
- 5.3 As Officers are recommending awarding the contract to the incumbent provider, there will be no relevant service provision change and as such, the Transfer of Employment (Protection of Employment) Regulations 2014 ("TUPE") will not apply.
- 5.4 The council's duties (as applicable to this procurement) in connection with the Public Services (Social Value) Act 2012 are contained in Section 8.

#### **6.0 Diversity Implications**

- 6.1 Members are referred to the Equalities Impact Assessment at Appendix 3 and will note that there are no negative equality implications. On the contrary, the continuation of this service supporting vulnerable young people and families will have a positive impact on particular characteristics (age, gender, and race) of pupils at risk of exclusion. This is due

to disproportionately high exclusion rates amongst particular groups; the clinical support works to reduce this.

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

- 7.1 This service is currently provided by the Anna Freud Centre and therefore there are no implications for council staff arising from awarding the proposed contract.
- 7.2 No accommodation implications arise for the council from the award of these contracts.

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

- 8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation.
- 8.2 The service being awarded will address the needs of pupils at risk of exclusion, which will improve the social wellbeing of vulnerable young people, their families and the community. There is a limited market for delivery of these services however officers endeavoured to ensure the services were specified in such a way as to meet the requirements of the Act in the procurement process.

## **9.0 Background Papers**

- 9.1 16 March 2015 – pre-tender Cabinet Report

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## APPENDIX 2

### CLINICAL INPUT TO INCLUSION SUPPORT TEAM CONTRACT

#### TENDER EVALUATION GRID

	<b>Contractor B</b>	<b>Contractor A</b>
<b>Quality</b>	36.80	19.20
<b>Price</b>	58.79	60.00
<b>Total tender score</b>	95.59	79.20

## APPENDIX 3

### EQUALITIES IMPACT ASSESSMENT

# Commissioning Clinical Input in the Inclusion Support Team

**Department**

Children and Young People

**Person Responsible**

Emma Gould

**Created**

16th February, 2015

**Last Review**

16th February, 2015

**Status**

Screened

**Next Review**

16th February, 2016

### Impact Assessment Data

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

5.1 Age (select all that apply)

- Positive

The clinical professionals (as part of the Inclusion Support team) work with pupils from age 4 up to age 16 who are at risk of exclusion from school. The clinical roles include psychotherapists, psychologists and family therapists to support young people and their families.

Their role is:

- a) To undertake comprehensive assessment of pupils who have social, emotional and mental health difficulties and develop an action plan to address identified needs;
- b) To work intensively with a small number of individual pupils with more severe and complex social, emotional and mental health difficulties through delivery of an education plan including evidence based approaches and multi-agency working as appropriate;
- c) To contribute to the successful reintegration of pupils into mainstream settings; and
- d) To help strengthen skills and competencies in understanding the underlying needs of children and young people and in managing behaviour in mainstream schools/pupil referral units, including monitoring and assessing the quality of school interventions.

As the Inclusion and Alternative Education Service is DSG funded (Designated School Grant) it focuses on supporting young people of school age (4-16). However the clinicians (and the wider Inclusion Support Team) work not only with the pupils but with the whole family. This results in a more holistic family model, focusing on early intervention. Firstly to consider the age profiles of excluded pupils from Brent schools over the past 4 full academic years (2010-2014). This data combines both permanent and fixed term exclusions. The trends show that secondary exclusions (aged 11-16) from Brent schools are decreasing, whereas primary exclusions (aged 4 -11) are increasing. The service has seen an increased proportion of overall exclusions in primary pupils (aged 4 -11) from 9.5% (204) of exclusions in 2010-2011, steadily increasing to 16.5% (272) in 2013-2014. In 2013-2014 the primary age with the most exclusions is 10-11 years, year 6 (3.2% of overall exclusions). This demonstrates the need for early intervention, transition support and the increased teams focus on working with primary aged pupils. On the other hand excluded secondary pupils (aged 11-16) have decreased as a proportion of all exclusions from 83.7% in 2010-2011 to 77.5% (1792) in 2013-2014 (1275). In terms of secondary exclusions in 2013-2014, the highest percentage of these are aged 14-16, year 10 (19%) and 11 (19.1%). Overall, in 2013-2014, 18% of exclusions were primary, 77.7% secondary, 0.5% special school and 3.8% from the PRU (pupil referral unit).

For 14-15 we have data from our own records using data reported to the local authority by schools. This cannot be verified as accurate from census data but is useful as a guide. Considering permanent exclusions alone of primary pupils, these have remained relatively stable at 2-3 primary exclusions per year (2012-2013: 3; 2013-2014: 2; 2014-2015 to date: 2). However in 14-15 there have already been 3 permanent exclusions of Brent residents from Brent schools and there may be further ones in the following half term due to known pressures. Additional to this, there have been 3 permanent exclusions of Brent residents attending out of borough schools, which Brent are then responsible for education and support. Fixed term exclusions so far in 2014-2015 (286) for primary pupils have already significantly exceeded 2013-2014 (226) and 2012-2013 (126). 25% of fixed term exclusions have been of primary students and this is the highest it has been. This trend demonstrates the continued increased demand for additional support to primary pupils. The number of permanent exclusions may increase further if those at risk of exclusion are not supported. This increase in primary exclusions is not simply a local Brent trend but is also seen nationally. We are seeing this in the high proportion of primary referrals in 2014-2015 (45%) from schools.



Fixed term exclusions of secondary pupils are decreasing; however permanent exclusions have increased from 21 in 2012/2013 to 37 in 13/14 to already 40 so far in 2014/2015 (10th June 2015). This is again showing increasing pressures. So far in 2014/2015 the highest number of exclusions (totalling permanent and fixed) have been from year 11 (221 exclusions: 16.7%), followed by year 9 (201 exclusions: 15.2%). There has been a decrease this year from 2013/2014 and 2012/2013 in year 7, 8, 9 and 10 exclusions but an increase in year 11 exclusions. For primary exclusions this year, there has been an increase in year 1,2,4,5 and 6 exclusions from 2012/2013 and 2013/2014. This further demonstrates the increased pressures.

The Inclusion Support Team holds a weekly Inclusion Support Referral (ISR) panel meeting where all schools referrals of pupils at risk of exclusion are discussed. The multi-disciplinary team discuss the needs of each child and the support or interventions that can be put in place. All pupils that will access clinical support will come through this referral route. A range of other support can be offered at these meetings, for example: family support, inclusion support in schools, behaviour support and support for teachers. Pupils who have been permanently excluded from mainstream school are also discussed at this meeting and suitable alternative education provision is coordinated. Since the beginning of this academic year (September 2014) to date (10th June 2015) there have been 248 referrals to this panel for support. Out of these referrals 112 (45%) have been for primary aged pupils (aged 4-11) (including nursery) and 136 (55%) for secondary aged pupils (aged 11-16). The highest number of referrals to the panel since September was for year 10 (46 referrals: 18.5%), followed by year 9 and 11 (30 referrals: 12.1%), year 8 (22 referrals: 8.9%) and then year 4 (21 referrals: 8.9%). Any school can refer pupils which they are concerned about and the team will use their professional expertise to produce the outcomes for the pupils and/or families. The high proportion of primary pupils supported in relation to actual age breakdown of exclusions positively responds to the growing demands in the primary students.

The current clinical provider submits quarterly reports detailing outcomes over the course of the contract. For the 1st year of their contract (1st April – 31st March), they worked with children aged between 4 and 16, with a mean age of 10.5. Around 55% of the expertise of the clinical team goes to support primary aged pupils with complex needs and at risk of exclusion. Although a higher proportion of permanent and fixed term exclusions are of secondary age pupils, the data demonstrates the increased pressures and growing trends in rising primary exclusions and the need for this early intervention model. The wider inclusion supports team works with a higher proportion of secondary students and therefore students of all ages are supported. The pupils referred for support from the schools reflect the rising demand and complexity in these age groups for clinical interventions. This clinical input into the Inclusion Support Team follows an early intervention approach in order to resolve issues as soon as possible and reduce risk of exclusions throughout future education. In line with this increasing trend the clinical early intervention work has increased its emphasis in terms of working with the younger primary aged pupils and their families.

Therefore this work positively impacts on the equality characteristic of age as it is working increasingly with the younger age groups using early intervention methods to address the emerging age trends in exclusions; and is additionally working with the whole family and not simply the pupil.

## 5.2 Disability (select all that apply)

- Neutral

This service has a neutral affect on disability. The Clinical team work with a proportion of young people with Special Educational Needs and Social, Emotional and Behavioural Disorders. The primary purpose of the service is to work to put in place individualised support and placements for excluded pupils to meet their learning needs, special educational needs and social, emotional and behavioural disorders are included in this. The exclusion census does not collect data on disability.

## 5.3 Gender identity and expression (select all that apply)

- Unknown

Both the service and the exclusions census return do not collect data on gender identity or gender expression and therefore it is difficult to say if this equality characteristic is impacted.

## 5.4 Marriage and civil partnership (select all that apply)

- Unknown

This characteristic is not impacted as the service that is being commissioned works with pupils aged 4-16.

## 5.5 Pregnancy and maternity (select all that apply)

- Neutral

This characteristic is not impacted as the service that is being commissioned works with pupils aged 4-16. The service do not often get referrals for support in this area. There is not any data available on this as it is not collected by the census. There have been a few referrals from girls who are pregnant and struggling to access education and who require inclusion or clinical support. However individualised support is available to them if they are referred.

## 5.6 Race (select all that apply)

- Positive

There are a highly disproportionate percentage of Black exclusions from Brent schools. This has been the long term case, not only locally in Brent but also nationally. In 2013-2014, 50% of all exclusions were of Black students (25.2% black Caribbean, 20.5% black African, 4.4% black other), and a further 5.2% mixed –white and black Caribbean. This is disproportionate in terms of the whole Brent school population of which 26% is black. However this has improved slightly from 2010-2011 and 2011-2012 at 55-56%. The schools have been trying to address this through a range of programmes. It is known that this disproportionate impact is not only in terms of exclusions but also in terms of attainment of Black pupils in comparison to peers. In comparison to other groups, Asian exclusions make up 12% of total exclusions when the Asian school population is 33%. White exclusions account for 16% of total exclusions when the white school population is 22%. The Mixed Race exclusions account for 11% of total exclusions, when the mixed race school population is 7%. This disproportionately high number of exclusions in terms of school population can be broken down into mainly Mixed - White and Black Caribbean (5% exclusions when school population is 2%) and Mixed - White and Black African (2% exclusions when the school population is 1%). (Figures from 2013-2014). To consider the trends 2010-2014, Asian and Mixed Race exclusions have remained relatively stabled, Black exclusions have decreased, white exclusions have seen an increase (from 13% in 2010 to 16% in 2014).

However the Inclusion Support teams work (including the clinical input) is representative in terms of the above figures. Out of the referrals to the Inclusion Support Team, 47.6% are from Black Pupils with an additional 8% coming from White – Black Caribbean and White - Black African groups. The team works with a much higher number of black pupils in their early interventions to reduce the likelihood of exclusions. The Clinical team (April 2014-March 2015) have worked with 41% Black pupils with an additional 12% identified as Mixed – White and Black Caribbean or Mixed – White and Black African. As there are 8% unknown we anticipate that these percentages are higher. This data is current for this academic year and therefore not verified from the census data. Therefore this data should only be taken as a guide. It is important to note this in reference to Child and Adolescent Mental Health Services, as BME uptake of these services by BME groups have historically been poor.

The clinical team works with a similar proportion of black pupils as the proportion of black pupils excluded. The services interventions address the race imbalance in terms of school exclusions through balancing this with the support offered.

## 5.7 Religion or belief (select all that apply)

- Unknown

Religion is not gathered in the school census return for exclusions and therefore the service does not have data on the religion of excluded pupils.

## 5.8 Sex (select all that apply)

- Positive

School exclusions have always included a much higher proportion of male pupils than female pupils. Overall exclusions (permanent and fixed) in 2013-2014 were 80% male and 20% female. However the proportion of females excluded is higher in secondary school at 22% in 2013-2014. Permanent primary exclusions have been almost entirely male up to 2013-2014; however in 14-15 to date (as of 11th June 2015) permanent exclusions have risen to 26% female (fixed term has remained stable). In previous years (2010-2014) female permanent exclusions have been between 1 and 5 a year, however in 2014-2015 there have already been 11.

The clinical team over the first year of the contract (April 2014-March 2015) worked with 69% males and 31% females. This is higher than the 20% exclusions however takes into account the rising numbers of permanently excluded girls this year. The work of the inclusion support team responds directly to the demand as required, dependent on referrals from schools when pupils are at risk. The work of the team responds to these changing trends, therefore these early interventions are positive in terms of impact on this equality characteristic. Overall referrals from schools to the wider Inclusion Support Referral Panel are almost identical in terms of breakdown, 30.6% female and 69.4% male. This is suggesting the increased risk of exclusion of females in line with the data trends.

## 5.9 Sexual orientation (select all that apply)

- Unknown

Sexual Orientation is not data gathered in the school census return for exclusions and therefore the service does not have data this.

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

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

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?  
How did your findings and the wider evidence base inform the proposal?

An online survey was sent out to consult with service users (pupils, parents/carers and teachers) and the Inclusion Support Team about their experiences of the clinical input service. It was decided that because of the complexity of the pupils and families that access this service, a group consultation would not have been appropriate. The Inclusion Support team who work regularly with the service users and have built good relationships with them, spoke to them about these surveys and helped young people and parents complete them. The consultation survey provided detailed qualitative feedback of views which will be taken forward into the next clinical input contract. In depth data analysis also formed a significant part of the report.

- What did you find out from consultation or data analysis?

The consultation report demonstrated how much pupils, parents, teachers and the inclusion support team value this clinical input. The pupils' responses were that they had good relationships with their clinical professionals, are able to openly discuss their feelings and that they have learnt new strategies to calm down when angry and control behaviour. Pupils have said they are happier in school due to this support and enjoy learning and break times more with their peers. They have noted a change in their behaviour and more understanding in how to manage behaviour and stay calm. Pupils have been happier in the home since this input and find it easier to talk to their family. The only suggestion for improvement was to have more sessions.

All parents/carers who responded said that their children have benefited from the clinical support they have received. They noted that the clinical support has helped them to learn new ways of understanding their child and helping them with their difficulties. Parents have acknowledged improvements in family relationships. Parents also have said that they feel comfortable talking to the clinicians, able to express feelings and appreciate that there is someone to turn to for support. Parents would like this support to continue to help further develop relationships and home and work effectively with the school. Parents would like more feedback from the clinical and more knowledge of the service as a whole.

The teachers of the pupils at risk of exclusion have responded that the feedback given to them by the clinicians was extremely helpful and that they were provided with invaluable advice about the child's needs. They were given some useful suggestions to implement and the gained insight into pupils' perceptions of self. They acknowledged that it was beneficial for the pupil to share openly with someone detached from the school. Teachers have received regular contact and feedback from the clinicians. They have seen better behaviour in the pupils, and families acknowledging difficulties in therapy has allowed pupils to progress. Other comments were that pupils have been more settled at school, willing to talk and a lot calmer, better relationship with new class teacher and more positive relationships with peers. All teachers that responded wanted to see this clinical support continue.

The Inclusion Support Team has said that there are many benefits of clinical expertise as part of their team.

This includes:

- Consultation and Specialist advice on complex issues when needed
- Clinical Perspectives on issues facing children and families
- Quick referrals and short waiting times
- Reduced anxiety of pupils and parents
- Training from the team giving more insight into attachment and MH issues
- Observing clinicians interacting with Children and Families
- Meeting and working with Children and families in a more holistic way
- Early identification, screening and assessment of young persons needs
- Gateway to CAMHS, understanding of thresholds, referrals and evidence needed
- Easy to work with and good advice
- Fast actions have reduced exclusions

The team have identified potential limitations of overlaps/duplications of work due to the number of professionals working with the children and families, staff not always available in working hours and that demand exceeds capacity. They would like to see more training within the team, an experienced full time member of staff, more regular updates to schools, increased capacity, more time for consultation and shadowing opportunities. They have also noted that it would be good if the clinicians could assess and formally diagnose ASD and ADHD. The team have said that they have seen a difference in children and families. They have seen reduced aggression in pupils and therefore risk of exclusion. Pupils are self regulating their behaviour. Parents concerns and heard, and families have a safe place to unpick their family dynamics and look at source of distress or trigger for their children's behaviour. Teachers feel supported to better understand pupils difficulties and have improved their strategies of dealing with pupils. They have also acknowledged the impact professionally of access to clinical expertise within the team. They are helped to make informed decisions about the ways forward to support individuals and families and managing risk associated with mental health concerns. They have gained advice on using clinical measures, identifying screening tools and interpreting results to support practice. The team have said that they are more effective in their role as a result of the clinical input and that the expertise in the weekly referral meeting is very positive. There is more knowledge of some conditions and disorders and the team are better able to suggest appropriate and effective strategies. 100% of staff responding would like to see this clinical support continue and have said that it is essential (and overdue) for multi agency working that results in positive outcomes.

In summary, what this consultation showed was how much this service is very valued by pupils, parents, teachers and the inclusion support team. There have been some small suggestions for improvements that will be implemented in the

future contract, however largely the users are very positive about the current service operation. The data analysis has shown the increase pressures on the service and the increased demand for this early intervention.

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

The consultation gained the views of pupils, parents, teachers and the Inclusion Support Team. All types of service users were therefore represented. There were not however any primary pupil responses. The pupils were pupils that have had direct sessions with the clinicians. All teachers have had pupils in their classroom who have received direct clinical support. Over half of the inclusion support team (in a variety of roles) completed the survey. Due to the highly specialised service worked intensively with a relatively small number of complex pupils and families the responses were not high in number but very beneficial in terms of the qualitative responses. In terms of pupil responses (total of 4 - 1 anonymised) covered pupils year 8 to year 10 and black Nigerian, black Caribbean and white British pupils. All non-anonymised responses were male.

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

The data has demonstrated that the clinical team have been able to meet their objectives for children across the protected characteristics. It has demonstrated the extent to which pupils, parents, teachers and the inclusion support team value this clinical input service. The service is going to tender for a new longer term clinical input contract (3 years with the option to extend for a further 12 months) very similar to the existing clinical input. The responses will be used to enhance potential benefits and deliver improvements to the service under the new contract. The data gathering and understanding of the service broken down by different equality characteristics will be used to ensure that the service supports pupils and families in line with the demand.

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

- No

There are not any impacts identified that could be unlawful under the Equality Act 2010. All impacts are positive, neutral or not applicable for this service.

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

The service is going to ensure that the cohort of pupils supported by the clinical team and the wider inclusion support team is in line with the inequalities in exclusions. This will be done through regular data analysis of our exclusions in terms of the equality characteristics. The provider will produce quarterly reports to the inclusion and alternative education service which details all of the pupils that have been referred to them. Quarterly contract management meetings can take place to ensure that the support is in line with the pupil exclusions and the equality characteristics impacted. For example race, age, gender.

The Inclusion and Alternative Education are currently working on an Equality and Exclusions Project which is working to tackle the inequalities in exclusions of black pupils, in particular black boys. This will involve in depth data analysis and research into best practice (case study examples, evidence of successful interventions) across Brent schools to form a guidance report and educational film for all schools to inform their teaching staff of successful interventions currently taking place in Brent. The schools themselves have got some very successful projects to reduce exclusions and increase attainment and these experiences, interventions and success stories will be shared with all teaching staff as guidance.

The service is also putting together exclusion training for governors to understand their role and responsibilities within the exclusion process and when exclusions may need challenging.

As a result of the consultation the service will work with the clinical provider to improve parental feedback and increase the consultation/training/shadowing opportunities for the inclusion support team. The parents have requested more knowledge of the service as a whole, and the website and outgoing communications will reflect this.

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

Tendering and continuing the clinical support to children and families will ensure that positive impacts remain. Regular data analysis will ensure that the work of the team is in line with exclusion trends. A longer term contract will mean stronger relationships with pupils, parents, teachers and the team and the ability to better respond to changes in trends over time. The current evaluation project will work towards understanding and using more evidence based interventions to result in better outcomes for children and families.

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

No negative impacts have been identified. Cabinet have approved the request to tender for this service to continue. There would be potential negative impacts on equality characteristics if this specialist service was not in operation.

## Appendix 4

### METHOD STATEMENTS AND EVALUATION METHODOLOGY

#### INSTRUCTIONS TO TENDERERS

##### 1. Overview

- 1.1. The Tender Evaluation Panel will consist of officers from the Council's Inclusion and Alternative Education Service and the Procurement Unit.
- 1.2. The panel will evaluate the tenders in terms of the minimum standards, Quality (40% weighting) and Price (60% weighting).
- 1.3. Price will consist of 60% of the evaluation weighting. The provider is expected to show that the application is economically advantageous to the Council and be able to ensure the quality of the service meets that specified in the tender document.
- 1.4. The provider should note that the current available budget for this service is £135,000 per year and the provider should use this as a guide and tailor their costings to account for this.
- 1.5. Quality will consist of 40% of the evaluation weighting. The quality assessment will be evaluated using the following criteria and indicative weightings. The criteria and questions that bidders will be evaluated against are provided within the Invitation to Tender (ITT) documentation. The provider will need to return a response to each individual method statements.
- 1.6. Of the 40% quality weighting, the weighting breakdown is outlined below. **The organisation is expected to provide a separate answer for each method statement question listed below.**

Method Statement Number	Method Statement	Responses to include:	Weighting (%)
1.	Please demonstrate your organisation's ability to meet the requirements of the service specification to the required timescales	<ul style="list-style-type: none"> <li>• Service provision of all activities covered listed in the specification</li> <li>• Service provision including training, recording and reporting</li> <li>• Reliability &amp; Integrity</li> </ul>	30
2.	Please detail your organisation's experience & proven track record of providing similar services to a high standard	<ul style="list-style-type: none"> <li>• Appropriate clinical experience</li> <li>• Skills of the team delivering this contract (including CV's and organisational structure)</li> </ul>	20
3.	Please provide your organisation's project plan for delivering the service specified and the implementation plan.	<ul style="list-style-type: none"> <li>• Timescales</li> <li>• Key milestones</li> <li>• Set up &amp; delivery plan</li> <li>• Contingencies</li> </ul>	20
4.	Please outline the organisation's monitoring arrangements and data feedback to the Local Authority in line with the specification.	<ul style="list-style-type: none"> <li>• Regular feedback on pupil and family progress</li> <li>• Quarterly reporting on outcomes across the service</li> <li>• Systems for measuring success of interventions</li> <li>• Ensuring the needs of the service users are met and their views are acknowledged</li> </ul>	20
5.	Please demonstrate the suitability of your organisations quality systems for the service provision	<ul style="list-style-type: none"> <li>• Policies and procedures</li> <li>• Quality Framework</li> <li>• Any accreditations</li> </ul>	10
<b>Total</b>			<b>100</b>

## 2. Quality Evaluation Instructions

- 2.1. Tenderers are required to submit method statements demonstrating how they intend to deliver services if selected to provide the services required under this contract. Responses to the method statement questions will enable the evaluation panel to assess tenderers against the requirements of each criteria. Organisations should focus their answers to respond to the question asked and as well as keeping it to the point.
- 2.2. Tenderers should provide information which demonstrates and supports their understanding of, and ability to meet the service specifications. **It is vital that responses do not simply replicate or list policies and procedures, but clearly demonstrate how and when these might apply and how they will be utilised in the service delivery of this contract.** Failure to complete all required questions may result in the submission being rejected.
- 2.3. Please answer all questions and present the information as requested with any documentary evidence required. **Excess information such as corporate brochures, pictures must not be submitted / inserted in your completed method statement. This may result in your tender being rejected or not considered.**
- 2.4. If more than one organisation is involved in a bid, this should be explained clearly in the response to the tender. Only the Lead Organisation should be involved in submitting the bid, clearly demonstrating any partnership relationships and what proportion each of these will own of the proposed consortium organisation.

## 3. Scoring Quality

- 3.1. The scoring methodology for the evaluation of the Method Statements will be in accordance with the following table:



Score	Acceptability	Tenderer Response Demonstrates
0	Unacceptable	Information is either omitted or fundamentally unacceptable and/or there is insufficient evidence to support the proposal to allow the Authority to properly evaluate
1	Major Reservations	The information submitted has insufficient evidence that the specified requirements can be met and/or there are significant omissions, serious and/or raises many concerns
2	Some Reservations	The information submitted has some minor omissions against the specified requirements. The solution achieves basic minimum standard in some respects but is unsatisfactory in others and raises some concerns
3	Satisfactory	The information submitted meets the Authority's requirements and is acceptable in most respects, and there are no major concerns
4	Good	The information submitted provides good evidence that the specified requirements can be met. It is a full and robust response, and any concerns are addressed so that the proposal gives confidence
5	Outstanding	The information submitted provides strong evidence that the specified requirements will be exceeded, and provides full confidence with no concerns

3.2. Bidders must score a minimum of 50% or higher in the quality area of the evaluation for their proposal to be considered further.

3.3. Should a bidder score 0 or 1 in any areas of the quality assessment then their proposal will not be taken further.

#### 4. Price Evaluation

4.1. We use a relative cost score methodology to calculate the score for each overall price which allocates a score for each price in relation to the lowest price assessed. The lowest price will receive the full 60% mark available for cost. Each tender price above this will receive proportionally less.

4.2. All responses and submissions provided may form part of the contract should your application subsequently be successful. Please be aware that the Council is not

committed to accepting any tender or placing any order whatsoever. If the Council chooses to accept a tender then there will be no binding agreement until a written contract is executed by the Council having received the proper authority to do so. Tenderers are asked to note that all tender submissions and other documentation are prepared at the tenderer's own cost.


## 5. Indicative Timeframe

5.1. The indicative timeline for this Tender Process is outlined below.

Task	Date
Adverts placed/ITT issued on London Tender Portal	22 May 2015
Deadline for Clarification Questions	10 <sup>th</sup> June 2015
Deadline for tender submissions	Midday, 18 June 2015
Contract Award	31 <sup>st</sup> July 2015
Contract start date	1 October 2015

**Appendix 5**  
**Cabinet Report – 16 March 2015**

ITEM NO. (                      )

 <b>Brent</b>	<b>Cabinet</b> <b>16 March 2015</b>  <b>Report from the Strategic Director</b> <b>Children and Young People</b>
<b>For Action</b>	<b>Wards Affected:</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">[ALL]</div>
<b>Authority to tender a contract for the Clinical Input into the Inclusion Support Team</b>	

## 1.0 Summary

- 1.1 The Clinical Input (psychology and psychotherapy) into the Inclusion Support Team (part of the Children and Young People's Department) is an integral part of the council's work to combat exclusion from schools. The multi-professional Inclusion Support Team is funded by the Dedicated Schools Grant (DSG) with agreement from Schools Forum and works together using an early intervention approach to support vulnerable pupils (age 4-16) at risk of exclusion from school.
- 1.2 After a competitive commissioning process, a 12 month contract was awarded to the Anna Freud Centre commencing on the 1 April 2014. A further six month extension was granted in order to gather significant evidence around the impact of this service. The current contract will end on the 30 September 2015.
- 1.3 Officers have reviewed the outcome data from this clinical input and as a result of its positive impact recommends this provision continues (see section 3). This report requests approval to invite tenders for the provision of Clinical Input services to the Inclusion Support Team as required by Contract Standing Orders 88 and 89.

## **2.0 Recommendations**

- 2.1 That the Cabinet gives approval to the pre-tender considerations to seek expressions of interest and invite tenders for clinical input to the Inclusion Support Team as set out in paragraph 3.12 of the report, with a proposed contract period of three years with an option to extend for a further one year.
- 2.2 That the Cabinet gives approval to officers to evaluate the tenders on the basis of the evaluation criteria set out in paragraph 3.12 (vi) of the report.

## **3.0 Detail**

- 3.1 In 2013, the services to support children excluded from school and at risk of exclusion were reviewed as part of a One Council project. This led to a major restructuring, working in partnership with schools. One of the key aims of the restructuring was to put a stronger emphasis on preventative work, intervening at an earlier stage to prevent exclusion of children from school. In particular, the review identified that the work to work with children at risk of exclusion needed clinical input (psychology and psychotherapy) as an integral component.
- 3.2 Following the service review, the Inclusion Support team was therefore established as a multi-professional team that supports vulnerable young people aged 4-16 who are at risk of exclusion from school. The team works to support inclusion in mainstream schools and address emerging concerns as soon as they arise for individuals, groups and families. They receive referrals from schools at a weekly panel meeting where key workers are allocated and the team work together to ensure appropriate support is provided. The five commissioned clinical staff work alongside four Inclusion Support Officers, one Family Support Worker, one Alternative Provision and School Engagement Coordinator, two SEBD (Social, Emotional and Behavioural Difficulties) Advisory teachers, one SEBD Casework Officers and one Behaviour Support Worker. All are funded from Dedicated Schools Grant. The service currently operates at full capacity with a high level of referrals. In particular, officers are observing an increase in complexity of need at a young age in their caseloads with pupils requiring more intensive wraparound support.
- 3.3 The current Clinical Input into the Inclusion Support Team is provided by five part-time Anna Freud Centre clinical members of staff (equating to 2.1 FTE). This support consists of two psychotherapists, two psychologists and one family therapist. All members of staff are experienced mental health

clinicians with a range of professional training including Family Therapy, Clinical Psychology, Child and Adolescent Psychotherapy and Social Work.

Their role is to:

- a) Undertake comprehensive assessment of pupils who have social, emotional and mental health difficulties and develop an action plan to address identified needs;
- b) Work intensively with a small number of individual pupils with more severe and complex social, emotional and mental health difficulties through delivery of an education plan including evidence based approaches and multi-agency working as appropriate;
- c) Contribute to the successful reintegration of pupils into mainstream settings; and
- d) Help strengthen school staff's skills and competencies in understanding the underlying needs of children and young people and in managing behaviour in mainstream schools/pupil referral units, including monitoring and assessing the quality of school interventions.

3.4 From commencement of the current contract, the provider has submitted quarterly outcome reports which are discussed in regular contract management meetings. In the nine months from 1 April 2014 to 31 December 2014 the Anna Freud team worked with 80 pupils; 55 per cent from primary schools, 30 per cent from secondary schools and 15 per cent from Alternative Provisions; this includes Ashley College (our health needs service) Brent River College (our Key Stage 3 and 4 PRU) and Alternative Provisions (such as Plan B, Red Balloon, 14-16 college places and virtual learning where a number of our young people are placed). The sessions delivered to pupils/families included both direct and indirect therapeutic intervention.

3.5 Through this quarterly reporting the Anna Freud Centre provide in depth case studies on the targeted work they have done with individual young people, and the outcomes of the interventions. For example, family therapy for a ten year old pupil whose home life was leading to disruptive behaviour in school. Intensive family therapy over a ten week period positively improved the family interactions and dynamics; as a result the school have seen a rapid improvement in his progress and behaviour. A second example is Child Psychotherapy sessions for an eight year old pupil referred for repeated fixed term exclusions as a result of persistent disruptive behaviour and violence towards peers. As sessions progressed, this pupil

was able to understand his own behaviour through play, link his behaviour to his feelings, and to recognise particular situations, like feeling unfairly treated, and how to negotiate them without immediately reacting. He is now able to manage much better in classroom situations, and has more friends and better peer relationships. He is more reflective, calmer and able to recover from setbacks much faster. The service has seen significant improvements in a large number of pupils as a direct result of this clinical input and collaborative working with other professionals in the wider Inclusion Support team. Importantly, since September 2014 there have not been any permanently excluded primary age pupils signifying the value of this early intervention model in terms of outcomes.

- 3.6 The current contract with the Anna Freud Centre (AFC) benefits from the organisation's 'Evidence Based Practice Unit'. The AFC is currently working with the Inclusion Support team to systematically evaluate progress and impact using standardised measures. This will allow the service to map outcomes against interventions more effectively. The AFC has added value to the wider Inclusion Support Team through their professional expertise, providing drop in clinics to discuss cases and providing their input from a clinical perspective into the weekly referral meetings (ISR).
- 3.7 A longer term contract of three years would enable tenderers to provide stability of provision and consistency in staffing and relationships with pupils and families. It would also mean this evidence of impact collated through the evaluation project can be analysed and developed to inform future practice.
- 3.8 The current contract is due to expire on the 30 September 2015. In order to continue this service, a new contract needs to be re-tendered and awarded by July 2015. This will allow sufficient time for a handover period for a new supplier to take over the service should the current provider not win the contract. The tender process will need to start in April 2015. Feedback from schools and relevant officers is good and the contract deliverables appear to be fit for purpose. Officers are not therefore considering making significant changes to the current specification.
- 3.9 The value of the proposed contract is estimated at £135,000 per annum, £405,000 over the 3 year life of the contract and £540,000 should the contract be extended for a further 12 months. As a High Value Contract under the Council's standing orders a full tender exercise needs to be conducted.

- 3.10 Under the new Public Contract Regulations 2015 ("the Regulations"), Clinical Input service is classified as a Schedule 3 service (social and other specific services) and is below the relevant threshold, therefore subject to a lighter touch regime under the Regulations; such services being below threshold are exempt from adhering to the normal OJEU timescales. Officers are proposing to follow broadly the OJEU timeframe as set out below. An open or one stage procedure will be followed; in accordance with the timeline below.
- 3.11 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response	
(i)	The nature of the service.	Clinical Input into the Inclusion Support Team	
(ii)	The estimated value.	£135,000 per year, £405,000 over the three years life of the contract, and/or £540,000 if the contract is extended for 12 months.	
(iii)	The contract term.	Three years with the option to extend for a further 12 months.	
(iv)	The tender procedure to be adopted.	Schedule 3 - social and other specific services procedure to be followed – Open tender process.	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed/ITT issued on request	15 April 2015
		Deadline for tender submissions	15 May 2015
		Tender evaluation	1 June 2015
		Panel evaluation/Moderation Exercise	5 June 2015
		Cabinet approval	July Cabinet Date tbc
		Cabinet 5 day call in period.	July Cabinet + 5 days Date tbc
		Contract Mobilisation	10 August 2015

Ref.	Requirement	Response	
		Contract start date	1 October 2015
(vi)	The evaluation criteria and process.	<ol style="list-style-type: none"> <li>1. An open or one stage tender will be used to tender the requirements.</li> <li>2. Tenders will be evaluated in line with best value principles to identify the economically most advantageous tender having regard to price and quality elements. The price, quality ratio will be a 60/40 split in favour of price.</li> <li>3. Quality will be evaluated by analysis of method statements produced by the tenderers these include;</li> <li>4. Proposals for ensuring effective quality management of the service and maintenance of the quality standard including self monitoring and evaluation will be evaluated.</li> <li>5. The tenderers' approach to working in partnership with all key stakeholders including the Council, children/young people and parents will be evaluated.</li> <li>6. The Tenderer's proposals for adhering to child protection and safeguarding requirements will be evaluated</li> <li>7. Specific safeguarding and health and safety matters relevant to the contract will be evaluated.</li> <li>8. Price will be evaluated using a proportionate scoring methodology.</li> </ol>	
(vii)	Any business risks associated with entering the contract.	<i>There are no specific business risks associated with this tender.</i>	
(viii)	The Council's Best Value duties.	The procurement process and on going contractual requirement will ensure the Council's Best Value obligations are met.	
(ix)	Consideration of Public Services (Social Value) Act 2012	This is a highly specialist market but officers will endeavour to ensure the requirements of the Act are taken into account as part of the procurement.	
(x)	Any staffing implications, including TUPE	See section 5.4 and 7.1 below.	



Ref.	Requirement	Response
	and pensions.	
(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

- 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.

#### 4.0 Financial Implications

- 4.1 The estimated value of this service over the period of the contract is £135,000 per annum, £405,000 over the three years of the contract. In the event that the option to extend for an additional 12 month is taken, this will amount to a total of £540,000. The full cost of this contract will be met from the existing IAES budget envelope for commissioned services, which is funded by the Dedicated Schools Grant <sup>2</sup>
- 4.2 The proposed plan is intended to ensure better stability and consistency of the Inclusion and Alternative Education Service, and improve the longer term outcomes and life chances of Brent's vulnerable pupil population at risk of permanent exclusion. The target is that this early intervention reduces the demands and related costs relating to permanent exclusions (i.e. specialist placements in the PRU or Alternative Provision) in the future. It also aims to reduce demand on other related services such as CAMHS<sup>3</sup> by addressing problems before they reach the service threshold.

#### 5.0 Legal Implications

- 5.1 Clinical Input services fall within the social and other specific services listed in Schedule 3 of the Regulations and are subject to a lighter touch regime ("Schedule 3 Services"). Under the Regulations Schedule 3 Services are required to be advertised in the OJEU where they are above their relevant EU threshold (currently set at £625,050). Schedule 3 Services are afforded greater flexibility in determining the procurement procedure to be applied in connection with the award of contracts. Consequently as the estimated

<sup>2</sup> IAES delivery & funding proposals following restructure presented to and ratified at the Schools Forum of 26th February 2014

<sup>3</sup> CAMHS (Child and Adolescent Mental Health Services) provide specialist mental health services in Brent to children and young people. They offer assessment and treatment when children and young people have emotional, behavioural or mental health difficulties.

value of this proposed tender (£540,000 including possible extension) will be below the relevant EU threshold, officers are not required to issue an advert in the OJEU.

- 5.2 The estimated total value of this contract is in excess of £250,000 making it a High Value Contract under the Council's Contract Standing Orders, as such the proposed contract is subject to the Council's own Standing Orders and Financial Regulations and therefore the Cabinet is required to consider approval of the pre-tender considerations as set out in paragraph 3.12 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 Once the tendering process is undertaken, Officers will report back to Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contract and making recommendations for an award.
- 5.4 In the present case if the contract is awarded to a new contractor the Transfer of Employment (Protection of Employment) Regulations 2006 (as amended) ("TUPE") is likely to apply where there is a service provision change from the incumbent contractor to a new contractor and there are an identified grouping of employees of the current contractor who spend all or most of their working time dedicated to the delivery of the services to be taken over by the new contractor.

## **6.0 Diversity Implications**

- 6.1 An Equality Impact Assessment (EIA) is being prepared in conjunction with the Equalities team. An initial screening has been completed to be reviewed by the Equalities team. A full EIA will be completed for the July Cabinet Meeting where the tender award report will be presented. This will include consultation with pupils, parents and schools and will impact the specification and contractual agreement during contract award.

## **7.0 Staffing and Accommodation Issues.**

- 7.1 This service is currently provided by an external contractor and there may be implications for staff arising from re-tendering the contract.
- 7.2 No accommodation implications arise for the Council out of the retendering of this contract.

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

- 8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation.
- 8.2 The services being procured have as their primary aim improving the social and economic well being of some of the most vulnerable groups in Brent. They are highly specialist with only a very limited number of suppliers who can meet the Council's requirements. Nevertheless, officers will endeavour to ensure the requirements of the Act are implemented as part of the procurement process.

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Strategic Director of Children and Young People

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 24 August 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p style="text-align: right;">Wards Affected: Brondesbury Park and Northwick Park</p>	
<p><b>Authority to extend the temporary bed and breakfast schemes at 1 Clement Close and 1-5 Peel Road</b></p>	

## Appendix 1 is Not for Publication

### 1.0 Summary

- 1.1 Members are being asked to give their approval to extend the existing temporary bed and breakfast schemes at 1 Clement Close and 1-5 Peel Road, which were scheduled to end on 10<sup>th</sup> August 2015. The Brent Housing Partnership (BHP) led development of the sites for new accommodation for independent living (NAIL) for clients with learning disabilities, which was approved by the 21<sup>st</sup> July Cabinet, has been delayed, with a new start-on-site forecast for December 2015. This has provided the opportunity to extend the temporary bed and breakfast schemes and thereby continue providing much needed temporary accommodation for homeless households until vacant possession of the sites is required for development.

### 2.0 Recommendations

- 2.1 That Members give delegated authority to the Operational Director of Property and Projects to extend the temporary bed and breakfast schemes at 1 Clement Close and 1-5 Peel Road from 11<sup>th</sup> August 2015 until the expiry of the temporary planning consent on 9<sup>th</sup> December 2015, and to accordingly extend the current lease arrangements for this purpose.
- 2.2 That Members give delegated authority to the Operational Director of Property and Projects to extend the temporary bed and breakfast schemes beyond 9<sup>th</sup> December 2015, subject to further development start-on-site delays and extension of temporary planning consent, and to accordingly extend the current lease arrangements for this purpose.

### **3.0 Detail**

- 3.1 Number 1 Clement Close, London NW6 7AL and Number 1-5 Peel Road, Wembley HA9 7ZY (appendix 2) are former children's respite care centres, which the Council decommissioned in January 2013 following a relocation of services. The properties are held under the General Fund.
- 3.2 The properties were consequently declared surplus to requirement and were approved by the Cabinet for redevelopment by BHP in conjunction with Adult Social Care for permanent independent living provision for clients with learning disabilities at both sites. The development start-on-site was forecast for August 2015.
- 3.3 The properties were likely to remain vacant for 6-12 months pending development start-on-site. The original intention was to keep the properties secure from unauthorised occupation and associated nuisance during this time. However, subsequently it was considered that they could be used in the interim period to provide much needed temporary accommodation, with the added benefit of rental income for the Council.
- 3.4 Following an options appraisal, the preferred option was to utilise the properties for temporary bed and breakfast schemes which would accommodate interim placements of households made by the Council under Section 188 Housing Act 1996 ("HA96") as non-secure tenants, while homelessness enquiries are undertaken.
- 3.5 The extent of demand for temporary accommodation and its limited supply in Brent has been exacerbated by the new Local Housing Allowance caps implemented as part of the Welfare Reforms, which have rendered many private units as unaffordable to be used as temporary accommodation.
- 3.6 The Council also currently uses other forms of temporary accommodation, including other forms of bed and breakfast accommodation (e.g. Knowles House in Harlesden), private sector and housing association leasing, which are also under pressure from increased demand.
- 3.7 It was estimated that the proposed schemes would provide approximately 12 units of non self-contained good quality bed and breakfast accommodation each, for which the Council would have exclusive nomination rights.
- 3.8 The properties were in a reasonable state of repair and condition and only minor void and health and safety works were required by the provider/s for conversion for bed and breakfast use. The costs of works were to be funded by the provider/s.
- 3.9 The proposal was for the schemes to run for approximately six months with the provision to extend the schemes, subject to the NAIL development timetable.
- 3.10 The schemes were therefore marketed for an appropriate period under sealed bids tender, via the Council web pages, other suitable forms of electronic media and directly approaching established providers and managing agents who have suitable experience in providing bed and breakfast accommodation.
- 3.11 The Council applied for temporary planning consent, which was a key risk, and other relevant statutory consents concurrently with the marketing exercise to ensure the temporary bed and breakfast schemes could be up and running as soon as possible following the selection of provider/s.



- 3.12 Following an informal tender exercise, which was evaluated on the basis of the most economically advantageous tender, the Council entered into leasing arrangements with the successful tenderer - Altwood Housing Limited, under the delegated powers of the Operational Director of Property and Projects. The amount of lease rent payable by the provider to the Council is shown in appendix 1.
- 3.13 Following temporary planning approval for a period of 12 months and void works carried out and funded by the provider, the schemes commenced on 11<sup>th</sup> February 2015. The properties were remodelled and optimised by the provider so that the schemes provided a total of 30 units of temporary bed and breakfast accommodation (15 units each).
- 3.14 An overarching nomination agreement has been entered into with the provider (lessee) to ensure that the Council receives a 100% of the nomination rights or right of first refusal for the duration of the schemes.
- 3.15 Rental income collection is carried out by the Council's housing department that in turn pay the provider an agreed level of rent in return for the nomination rights (shown in appendix 1). Under the terms of the leases, the provider is responsible for the day to day expenditure and utility bills for each property and the Council guarantees 95 per cent occupancy at each scheme.
- 3.16 The existing leasing arrangements with the provider ran from 11<sup>th</sup> February 2015 to 10<sup>th</sup> August 2015. However, development delivery for which start-on-site was scheduled for August 2015 has been delayed because the planning pre-application is still progressing. The revised start-on-site date is December 2015, but this is very much subject to planning. Officers are therefore seeking Member approval to extend the temporary accommodation bed and breakfast schemes to roughly align with the new development start-on-site timetable. It is proposed to initially extend the schemes until 9<sup>th</sup> December 2015, but the schemes will be ended earlier should the redevelopment works be able to start-on-site earlier than this, and there will therefore be no delay to the development of the new NAIL provision planned for these sites.
- 3.17 The underlying use class of the sites is class C2 (residential institutions). The temporary planning consent for the temporary bed and breakfast schemes (Sui Generis) expires on 9<sup>th</sup> December 2015. A decision will be made by Officers in the autumn as to whether there is a need to submit an application for an extension of the planning consent.
- 3.18 The existing leasing arrangements include the provision for a one-month rolling extension on each lease. This allows the Council to exit the temporary bed and breakfast schemes with one month's notice in order that the sites are handed back with vacant possession for development as quickly as possible.

#### **4.0 Financial Implications**

- 4.1 The value of the lease rent received by the Council's Property and Projects department and rent payable to the provider by the Council's Housing department is shown in appendix 1.
- 4.2 The potential slippage in the delivery timescales for the NAIL development at 1 Clement Close and 1-5 Peel Road may impact on the achievement in full of the savings target (as set out in the Cabinet reports of 21<sup>st</sup> July 2014) by the due date.

## **5.0 Legal Implications**

- 5.1 The schemes accommodate interim placements of homeless households made by the Council under Section 188 Housing Act 1996 ("HA96"), while homelessness enquiries are undertaken.
- 5.2 Under the schemes the Council will rely on ground 4 of Schedule 1 of the Housing Act 1985 which means that the occupiers are non-secure tenants/licensees as the Council are housing these occupiers pursuant to their homelessness functions under Part VII of the Housing Act 1996.
- 5.3 In accordance with the Council's constitution, the Operational Director of Property and Projects may acquire or dispose of leases, licences, and easements in respect of land or buildings except where the value of the premium or term of the lease exceeds delegated authority limits.
- 5.4 The delegated authority of the Operational Director of Property and Projects gave authority to enter into leasing arrangements with the successful provider of the temporary bed and breakfast schemes. However, Member approval is required to extend the schemes until the expiry of the temporary planning consent on 9<sup>th</sup> December 2015 because the level of lease rent which would be obtained for the additional lease term proposed would fall outside of the delegated authority limits.
- 5.5 Members are also being asked to provide delegated authority to the Operational Director of Property and Projects to extend the temporary bed and breakfast schemes beyond 9<sup>th</sup> December 2015, subject to further development start-on-site delays and subject to an extension of the temporary planning consent being granted.
- 5.6 The terms of the lease arrangements will be as per appendix 1.

## **6.0 Equality and Diversity Implications**

- 6.1 There are no negative equality and diversity implications arising from this proposal, which is for an extension of existing temporary use subject to an approved redevelopment of the sites.

## **7.0 Staffing/Accommodation Implications**

- 7.1 An external contractor will provide the service and therefore there are no additional implications for Council staff arising from the proposed leasing arrangements.

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

- 8.1 Not applicable

## **9.0 Background Papers**

Appendix 1: Lease terms  
Appendix 2: Site plans

### **Contact Officer(s)**

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July 2014

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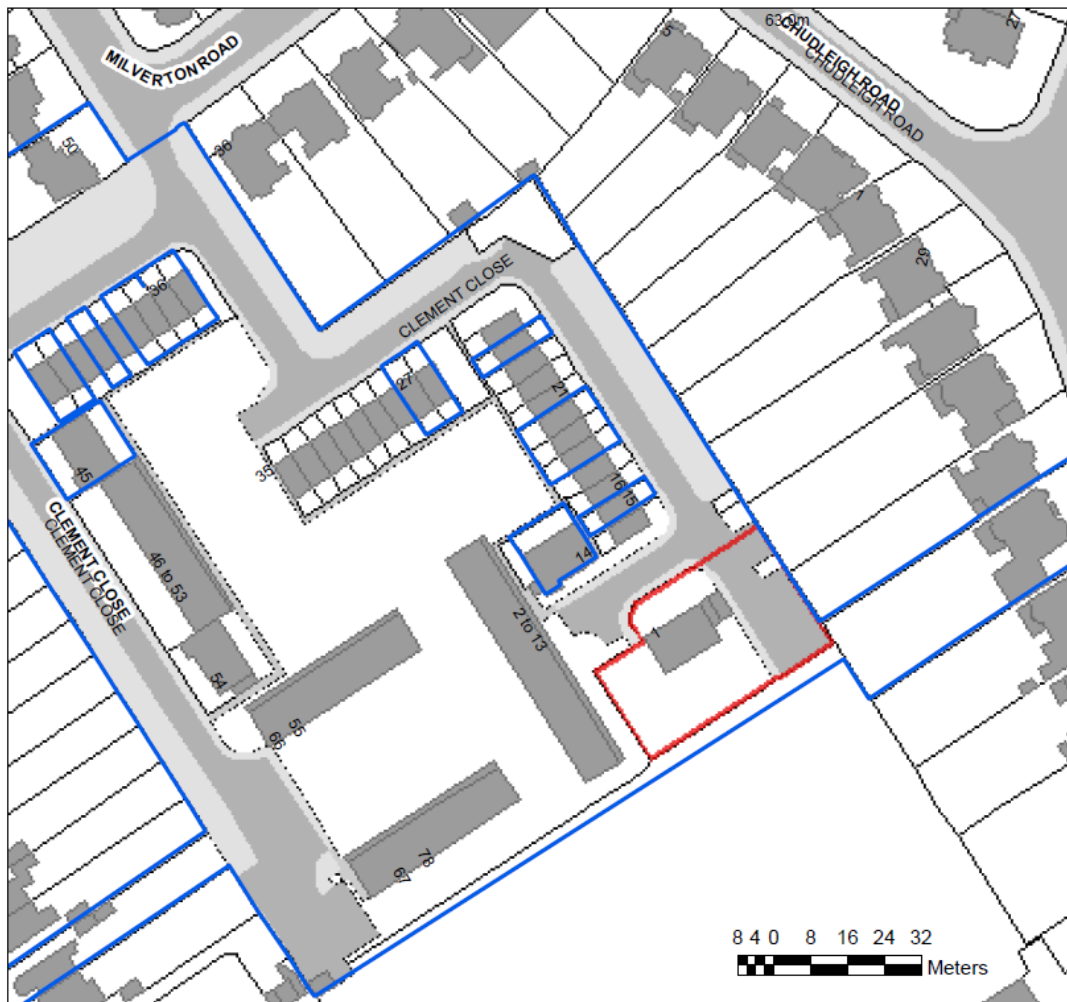
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**ANDY DONALD**  
**Director of Regeneration and Major Projects**

Appendix 2: Site areas (in red outline)

# 1 Clement Close, London, NW6 7AL



**Brent**

Premises shown edged red.  
Land in applicants ownership edged blue.

**1:1,250**

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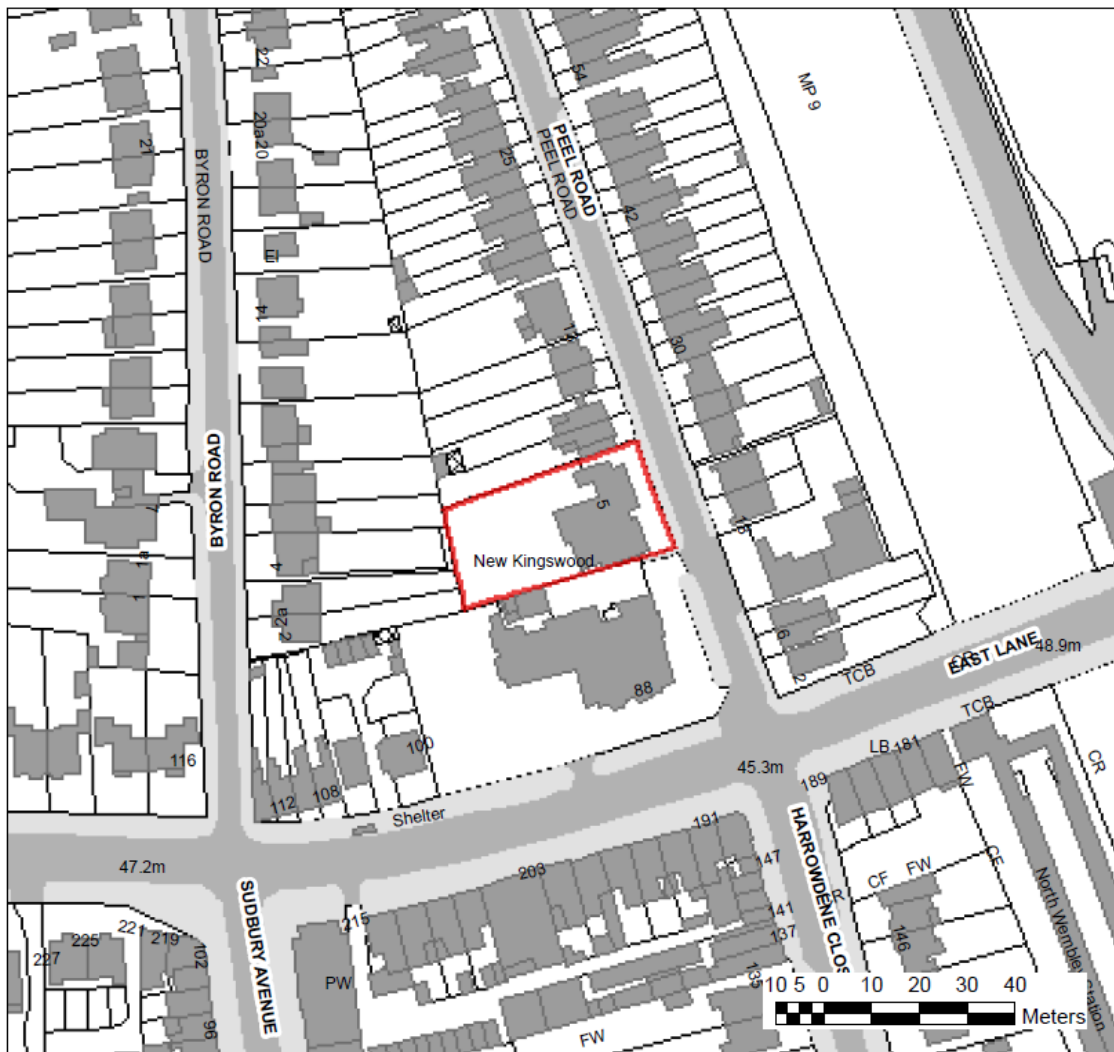
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NORTH



# 5 Peel Road, Wembley, HA9 7LY



**Brent**

Premises shown edged red.

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**NORTH**



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Cabinet  
24 August 2015

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

### **Affordable Housing Supply Programme – Right to Buy Receipts 2015 - 2019**

#### **1.0 Summary:**

This report sets out proposals for Cabinet consideration to establish and deliver a Right to Buy (RTB) receipt enabled new supply housing programme for 2015-19.

- 1.1 The Borough is facing well recognised housing pressures. It is likely that these will be exacerbated as a consequence of recent announcements in the 2015 budget. The Borough's adopted Housing Strategy proposes a clear approach for seeking to address these pressures. Increasing the supply of new housing is fundamental to this.
- 1.2 The Borough has seen an increase in RTB applications since the government increased the discount available. To date 187 properties (142 flats and 44 houses) have been sold from 1 April 2011 to 31 March 2015. This has now generated a critical mass of receipts and the focus now needs to be on spending this money to accelerate the delivery of replacement affordable homes in line with the priorities set out in the Housing Strategy.
- 1.3 The recommended actions set out in this report aim to commit the existing and future RTB receipt pool in a cost-effective and efficient way to ensure both value for money and the timely delivery of replacement affordable homes. The approach will ensure that all RTB receipts are utilised before the quarterly milestone date, so as to prevent any loss of this funding to the borough under the requirements of the section 11(6) (Local Government Act 2003) Retention Agreement.

#### **2.0 Recommendations:**

Cabinet Agree:

- 2.1 The continuing retention of Right to Buy receipts (subject to government legislation), as part of the Brent Retention Agreement (2012) with the

Secretary of State for Communities and Local Government, until 31 March 2019.

- 2.2 From 1 September 2015 to 31 September 2016 the purchase of open market properties in accordance with criteria to be agreed by the Chief Finance Officer, for the provision of affordable housing, expending a minimum of £2.01m of RTB receipts (30%) and £4.69m of HRA (70%) capital resources, and to delegate authority to the Operational Director for Property and Projects to agree the final terms of these acquisitions.
- 2.3 To commence procurement of a Preferred Delivery Partner, either via the Greater London Authority London Development Panel 'Mini Competition' process or through the Official Journal of the European Union, to provide new affordable housing with the support of Right to Buy receipts in 2016-19 and to thereafter seek Cabinet approval to award this contract.
- 2.4 That a minimum of £11.64m RTB receipts be committed to the Delivery Partnership set out in recommendation 2.3 and that the balance be available to support investment in the two Housing Zones subject to further Cabinet approval.

### **3.0 Details**

#### **Right to Buy Policy and Brent's Retention Agreement**

- 3.1 The Government's revised policy on Right to Buy (RTB) discount is intended to stimulate sales and generate additional receipts to fund replacement stock on a one-for-one basis. In order to keep the receipts from additional sales, local authorities were able to enter into a Retention Agreement with the Secretary of State for Communities and Local Government on condition that they are used for the provision of affordable housing. Brent entered into a Retention Agreement in 2012 (Executive decision of July 2012).
- 3.2 National guidance sets out a number of criteria for the deployment of retained RTB receipts. In summary, these criteria require that:
  - RTB receipts must be committed, as per the Brent Retention Agreement requirements and criteria before the deadline (3 years)
  - Capital receipts must be used to create rental (revenue) income
  - Receipts must provide Social Housing (low cost rental accommodation as defined by section 68 (1) (a) of the Housing and Regeneration Act 2008).
  - The 30% Benchmark must be applied as set out in para 3.3 below
- 3.3 The main restriction is that the Right to Buy receipts can be used to fund no more than 30% of development cost within 3 years from the Quarter received, otherwise the Council would need to return, with interest, any receipts that breach this 30%. This is known as the 30% Benchmark.
- 3.4 Brent entered into its Retention Agreement on 20<sup>th</sup> July 2012. The 'pool' of receipts has now reached a sufficient level where deployment can commence,

with £13.65m available as at end of 2014/15 Financial Year to support the provision of new affordable homes by 31<sup>st</sup> March 2018.

Given the projected level of future RTB sales and the legislative changes in March 2015 to the RTB discount rates, it is also timely that a more long-term and partnership approach to deploy the RTB receipt pool from 2015-16 financial year be agreed.

### 3.5 RTB Receipt Pool at April 2015

The table below summarises the position for retained receipts, required contributions, cumulative spend and required utilisation dates for the period to the end of the 2014/15 financial year.

Period	Amount Retained £m	Cumulative Retained RTB Receipts £m	Required 70% Contribution £m	Cumulative amount of Investment £m	To be utilised by:
2014/15 Qtr 4	1.58	13.65	3.68	45.49	31.03.18
2014/15 Qtr 3	1.87	12.07	4.36	40.23	31.12.17
2014/15 Qtr 2	1.48	10.20	3.46	34.00	30.09.17
2014/15 Qtr 1	2.22	8.72	5.19	29.06	30.06.17
2013/14 Qtr 4	2.34	6.50	5.45	21.65	31.03.17
2013/14 Qtr 3	2.15	4.16	5.00	13.86	31.12.16
2013/14 Qtr 2	1.34	2.01	3.12	6.70	30.09.16
2013/14 Qtr 1	0.17	0.67	0.40	2.24	30.06.16
2012/13 Qtr 4	0.50		1.17	1.67	31.03.16

### 3.6 RTB Receipt Deployment Options

Guidance from the CLG states that there are two ways a council can spend the receipts for the provision of affordable housing:

- Use the receipt itself, as a direct provider, whereby the council finds the remaining 70% of the cost of provision; and/or
- Transfer the receipt to another provider, with another provider contributing the remaining 70% funding towards the provision

There are a range of ways the above approach can be delivered and some of the options are summarised below:

#### 3.7 Option A - Self-Funded Model (New Development / Purchase)

The council could use the RTB receipt pool to build and/or purchase new affordable homes itself. Right to Buy receipts can only be used to fund 30% of the affordable housing costs. If the council were to build or acquire affordable homes itself, it would need to find 70% of the remaining cost from the Housing Revenue Account (HRA).

The HRA must work within Government borrowing restrictions which imposed a debt cap of just under £199.29m. If all the RTB receipts to date were deployed through a self-funded model, HRA borrowing of £31.84m would be required to meet the remaining 70% capital cost contribution to 31st March

2018. The borrowing headroom at 31 March 2014/15 stood at £58.81m and in addition capacity needs to be reserved to fund the stock investment programme and the new-build development programme which has been awarded GLA grant funding.

The government has also recently announced that rents are to be reduced from 2016 by 1% per annum for four years and this will limit the resources available within the HRA.

### **3.8 Option B – Seed-Funded Investment Leverage Model**

The council could use the RTB receipt pool as ‘seed funding’, working in partnership with a Preferred Delivery Partner. The benefit of this approach is that for every £3 of RTB receipt, the Preferred Housing Partner would contribute a minimum of a further £7 from their financial resources, called investment leverage.

The procurement of this Preferred Delivery Partner would include evaluation of the maximum degree of leverage and affordable homes thereby provided. The homes may be delivered through new development or acquisition. The council would enter into a Nominations Agreement to ensure access to this affordable housing in perpetuity.

Using RTB receipts to fund a Registered Provider-led programme would provide new affordable housing without the need for the council to fund the other 70% of the capital cost contribution and would leave HRA borrowing capacity available for stock investment and grant-funded new development more generally, whilst increasing the supply of new affordable housing.

This approach could also provide for the council’s RTB receipt contribution to be treated as an effective equity stake if the property was sold, and this will be explored through the procurement of the Preferred Delivery Partner. The value realised could potentially be higher than the initial investment if the property sold had increased in value over time. This is a long-term option with returns on investment being realised maybe 20-30 years in the future with the potential of the receipt on disposal being ‘recycled’ to support the provision of new affordable housing. There would be a potential loss of the affordable housing upon sale of the properties.

### **3.9 Option C. Hybrid Model (Mixed)**

A Hybrid Model could be used to deploy RTB receipts in specific housing intervention areas of the Borough, such as in the Housing Zones. The council could use its RTB receipts in a number of ways – to purchase land, property, invest in stock or act as ‘seed-fund’ provider to enable new or additional affordable housing as part of the acceleration and housing growth proposals.

### **3.10 Option D. Receipt Return Model**

The council could decide not to spend the RTB receipts. This would result in having to pay the money back to the Government with an interest payment of 4% above base rate (calculated from the date of receipt on a day to day basis compounded with three-monthly resets) and no new and/or additional affordable housing would be provided for Brent through this route.

### **3.11 Recommended Brent Approach**

It is clear that there are a range of models that can be used to support the use and deployment of RTB receipts. However, it is important that these models maximise and accelerate affordable housing delivery and mitigate cost, risk and provide value for money for Brent.

The recommended approach also takes account of the impact of national housing policy emerging from the Summer Budget 2015 on the HRA, supports strategic housing priorities within intervention areas and the delivery timescales to meet government RTB guidance.

The rationale for each recommendation is set out in more detail, as below:

#### **3.12 Recommendation 1: Continuation of the RTB Receipt Retention Agreement (until 31 March 2019)**

There is a large and urgent need for good quality, affordable accommodation in the borough. It is recommended that Brent continues to retain its RTB receipts until 31 March 2019 for the provision of new and additional affordable housing.

The recent extension to the national Right to Buy arrangements provides for a continuation of the RTB policy, with financial changes, as set out at 4.1 in this report. These are likely to further increase take-up of RTB and the receipts being received over the longer-term. The continuation of the RTB Receipt Retention Agreement would enable the council to retain the eligible proportion of RTB receipts for the provision of affordable housing.

#### **3.13 Recommendation 2: Adoption of a Self-funded RTB Model from 1 September 2015 for 12 months to deliver approximately 35 new homes for affordable rent**

In relative terms, the RTB receipt pool in the next 12 months is small, with only £2.01m required to be invested for new affordable housing provision. It is important that Brent commits its first RTB receipts in a timely way to avoid any interest or 'claw-back' from the government.

It is therefore recommended that £6.7m be invested to purchase approximately 35 open market properties for the provision of affordable housing by 30 September 2016. These homes are anticipated to be a number of 1, 2 and 3 bedroom homes for affordable rent in or near to Brent.

This approach will enable the RTB receipts to be deployed to deliver an early phase of new affordable housing supply, whilst a long-term partnership arrangement is procured, as set out at 3.14.

The properties would be managed by Brent Housing Partnership, as per the existing Management Agreement.

Approximately £4.69m of HRA capital resources will be used to support this direct purchase programme alongside £2.01m of RTB receipts.

The current approved HRA capital programme makes provision for £1.17m of borrowing to be deployed for the purchase of properties on 2015/16. The required balance of 3.52m will have to be included in the setting of the 2016/17 capital programme and allowance made in the HRA Business Plan and available headroom.

### **3.14 Recommendation 3: Procurement of a Preferred Delivery Partner to deliver approximately 200 new Homes for Affordable Rent**

The HRA cannot sustain a fully, self-funded model of RTB receipts spend to provide new affordable housing.

Additionally, the Summer Budget announcement (2015) set out a number of national policy changes which are anticipated to directly impact upon the HRA business plan from 2016-17 including:

- A 1% decrease in rents per annum for four years from April 2016.
- A potential requirement to sell high value properties above the London Threshold Level.
- A number of Welfare Reforms that will impact on housing benefit entitlements and tenants' incomes and may affect rent collection levels
- Increased Right to Buy discounts.

There is also a need to balance the requirement to provide new affordable homes with stock investment requirements as set out in the Asset Management Strategy agreed in November 2013.

It is therefore proposed to appoint a Preferred Delivery Partner, as described in Option B above. This partner will be procured via the London Developer Panel (LDP) 'mini competition' process if initial invitation of expressions of interest indicate that there will be a sufficiently competitive environment or, alternately, through an open EU-complaint procurement.

The LDP, which was established by the GLA, is intended to be used for the procurement and development of housing-led sites and development services. The Panel has been procured for 4 years (from 10 May 2013) and comprises Registered Partners and Developers approved as per the Official Journal of European Union (OJEU) procurement process.

It is envisaged that this partnership could deliver approximately 200 new homes for affordable rent, with £11.64m of RTB receipts and private investment leverage of at least £27.16m. This proposed Partnership Delivery programme is of an estimated value of £38.8m (at July 2015). These homes are anticipated to be a number of 1, 2, 3 and 4 bedroom homes for affordable rent. As part of the procurement of this Partnership, commercial options will be sought for the delivery and location of the new homes and reported to Cabinet for consideration in summer 2016.

This approach would reduce the impact on the HRA and see investment leverage of at least 70% of the capital cost being met through private investment, without additional financial recourse to the council's HRA. The council would agree a Nominations Agreement in perpetuity to secure access

to this new affordable housing. The variant of the council taking an effective 'equity' stake in the properties will also be explored through this procurement.

## **Procurement Considerations**

OJEU allows for two bases of award: lowest price or most economically advantageous tender (MEAT) from the point of view of the contracting authority.

It is envisaged that the MEAT criteria for this procurement would therefore consider, in summary:

- Price and value for money benchmarked against commercial price information including the degree of investment leverage offered.
- Operational costs which are benchmarked and are in the lower threshold for delivery programmes of this nature
- Excellent housing management services performance and neighbourhood working
- Technical expertise of the team and/or organisation to deliver such a programme. Ability to demonstrate sufficient resourcing, knowledge, scale and pace, previous delivery record and technical merit
- Corporate strategic alignment to support the borough's housing strategy priorities and objectives
- Demonstrate and bring commercial innovation in approach, particularly focused on the ability to maximise affordable housing provision
- Commitment to the Social Value Act 2012 and enabling through corporate, social responsibility approaches community benefit and contract 'additionality', such as demonstrating a clear commitment to jobs, training, skills and local construction supply chains.
- It is anticipated that the lead Preferred Delivery Partner (Developer and/or Housing Association) will hold and continue to retain Investment Status with the GLA, with a sound track-record of 'Green light' GLA compliance audits for governance, finance and development services.

The Invitation to Tender (ITT) will be evaluated upon 50% quality and 50% price. It is proposed that the contract will be awarded to a lead Development / Housing Association partner (this maybe a consortium arrangement) based on the quality, value for money and technical experience demonstrated in the tender.

The tender pack will comprise:

- service and delivery specification
- financial information about the RTB receipt pool and deployment timetable
- RTB guidance and national information
- contract terms and conditions
- contract award criteria
- complaints procedure
- nominations for new homes procedure
- monitoring requirements
- background information about the London Borough of Brent

- method statement

#### Pre-Tender Considerations:

In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below. The considerations set out apply whether procurement is through the LDP or through an open OJEU procurement and are set out in the standard form for the latter approach with a corresponding timetable.

Ref	Requirement	Response
(i)	The nature of the service	<p>The provision of full development management services including:</p> <ul style="list-style-type: none"> <li>• Preparing development delivery plans</li> <li>• property / land / asset identification and/or acquisition</li> <li>• feasibility modelling / testing</li> <li>• Grant, 'seed' or investment funding</li> <li>• Design team</li> <li>• Pre-construction works and planning and/or technical applications</li> <li>• Negotiation of s.106 Agreements</li> <li>• Technical support services and/or consultants</li> <li>• Project/ Programme and gateway contract management</li> <li>• Construction management including CDMC requirements</li> <li>• Supply chain and contractor / sub-contractor management</li> <li>• Corporate, social responsibility as per Social Value Act 2012</li> <li>• Housing management services (as required) , including administration of the Nominations Agreement</li> <li>• Programme resourcing</li> <li>• Handover and defects liability periods (where applicable)</li> </ul>
(ii)	Estimated value	To be determined through the procurement. Estimated to be in the region of £38.8m based on the delivery of 200 new affordable homes including £11.64m RTB receipts
(iii)	The contract term	4 years, with the possibility of one 1-year extension to be granted, subject to review of performance (up to a total maximum contract term of 5 years) and RTB receipt government guidance.
(iv)	The tender procedure to be adopted	Formal tender by way of Restricted procedure (two-stage process) in accordance



		<p>with the Public Contract Regulations 2006 and the Council's Contract Standing Order 95</p> <p>Being a Part A service and likely to be of interest to the wider market the service will be advertised through the Official Journal of the European Union (OJEU) and on the Councils web site.</p>
(v)	The procurement timetable – the dates shown are target dates	<ul style="list-style-type: none"> <li>• Cabinet decision – August 2015</li> <li>• Adverts placed &amp; PQQ issued – November 2015</li> <li>• PQQ returned – January 2016</li> <li>• PQQ evaluation - February 2016</li> <li>• Shortlist - February 2016</li> <li>• Invite tenders - March 2016</li> <li>• Tender return – May 2016</li> <li>• Tender evaluation - June 2016</li> <li>• Cabinet approval - Aug 2016</li> <li>• Alcatel period - 10 days</li> <li>• Contract award – September 2016</li> <li>• Contract start – 30 September 2016</li> </ul>
(vi)	The evaluation criteria and process	<p>The tenders received will be evaluated on quality and price.</p> <p>Quality will represent 50% of the marks and will be evaluated against the following criteria:</p> <ul style="list-style-type: none"> <li>• A demonstrated ability to provide a full housing development and management service.</li> <li>• Demonstration of value for money in the delivery of high quality services</li> <li>• A demonstrated ability to identify and respond to changing priorities with due regard to the diversity and varying needs of the community</li> <li>• A demonstrated commitment to the operation of a quality assurance policy in all aspects of service delivery</li> <li>• A demonstrated ability to collect, maintain, analyse and provide statistical and other information</li> <li>• A demonstrated ability to deal with tenancy and management issues taking into consideration our Equality &amp; Diversity Policy</li> </ul> <p>Price will represent 50% of the marks and will be evaluated on the basis of the value-for-money represented by the proposals</p>

		<p>including the additional investment leverage that will be generated to match the contribution of the RTB receipts.</p> <p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the Pre Qualification Questionnaire and thereby meeting the Council's minimum requirements in relation to financial standing requirements, technical capacity, technical expertise and compliance with statutory requirements such as health and safety. Candidates who meet the Council's minimum requirements will be shortlisted and invited to tender, and such tenders will subsequently be evaluated in accordance with the criteria above.</p> <p>Financial and legal considerations on tenders returned are to be given by the Housing Finance Team and representatives from the Council's Legal and Financial services respectively. Where required, these representatives will participate in the evaluation panel.</p>
(vii)	Any business risks associated with entering the contract	The scheme is funded (30% Benchmark) from the RTB receipts pool via the RTB Retention Agreement.
	The Council's Best Value duties.	The advertising of the contract on the OJEU will attract competition from the wider market. Contract monitoring and management will ensure the Council's Best Value obligations are met.
(ix)	Any staffing implications, including TUPE and pensions	None identified.
(x)	The relevant financial, legal and other considerations	As noted in this report (paras. 4.0 and 5.0)

### 3.15 Retention of a Proportion of RTB Receipts 2016-19 to Support the Housing Zones

It is proposed that a proportion of remaining available RTB receipts are reserved for use in the housing zones or other housing growth areas. This is to enable additional affordable housing provision in these areas and also to continue to support the acceleration and growth of housing supply in these local housing markets. Details of the proportion of RTB receipts

recommended to be deployed to support this priority will be reported to Cabinet when further assessment of investment opportunities in the Housing Zones has been undertaken. Such investment would be distinct from and additional to affordable housing secured in the Housing Zones through s.106 agreements or through GLA Housing Zone grant funding.

These RTB receipts would be deployed through bespoke arrangements (based around the Option E Hybrid RTB Receipt Model). Further details will be presented to Cabinet for consideration and approval when the procurement of the Preferred Delivery Partner is reported to Cabinet in summer 2016.

## **4.0 Financial Implications**

4.1 From 26 March 2015, the following RTB discount levels will apply from the same date:

- 3 years – 35% discount for a house and 50% discount for a flat
- 4 years – 35% discount for a house and 50% discount for a flat
- 5 years – 35% discount for a house and 50% discount for a flat
- 6 years plus – add 1% per year for houses (up to 70% or the cash maximum – whichever is lower), add 2% per year for flats (up to 70% or the cash maximum – whichever is lower)
- Uplift to the national maximum discount for RTB to £103,900 available to those who qualify under secure tenancy terms. Currently percentage discount levels (60% maximum for houses and 70% maximum for flats) are applied.

4.2 Under the Retention Agreement entered into on 20<sup>th</sup> July 2012, the 'pool' of retained RTB receipts has reached £13.65m, as at end of 2014/15 Financial Year, with receipts being available to support the provision of new affordable homes up to a required utilisation date of 31<sup>st</sup> March 2018. Taking into account the projected level of future RTB sales and the legislative changes in March 2015 to the RTB discount rates, this pool of retained receipts will continue to accumulate until such time that the Retention Agreement is terminated.

4.3 The retained RTB receipts can be used to fund no more than 30% of development cost within a period of 3 years, otherwise the Council is required to return, with interest at 4% above base rate, any receipts that breach these conditions. A match funding contribution of 70% of development costs is required which can be provided by the Council as a direct provider or by another provider to whom the 30% retained receipts are transferred.

4.4 The first tranche of retained RTB receipts totalling £500k derived from 2012/13 Quarter 4 must be spent by 31 March 2016 to avoid any interest or 'claw-back' from the government. This will require a match funding contribution of £1.17m which is currently provided for in the 2014/15 HRA Capital Programme budgets.

4.5 A further £1.51m of retained RTB receipts derived from 2013/14 Quarter 1 and 2 must be spent by 30<sup>th</sup> September 2016 which will require a total match funding contribution of £3.52m. This match funding requirement will have to be included in the setting of the 2015/16 capital programme and allowance made in the HRA Business Plan and available headroom.

## **5.0 Legal Implications**

- 5.1 Section 17 of the Housing Act 1985 allows Councils to acquire land for housing purposes and to dispose of land used for housing purposes to a person or organisation which intends to provide housing accommodation on the land or provide facilities which serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided. The general power of competence under section 1 of the Localism Act 2011 gives local authorities a broad range of powers "to do anything that individuals generally may do" subject to limits within other legislation and there are no adverse limits on the proposed scheme under the current legislation.
- 5.2 The Council has powers under section 24(1) of the Local Government Act 1988 to provide any person with financial assistance for the purposes of, or in connection with, the acquisition, construction, conversion, rehabilitation, improvement, maintenance or management (whether by that person or by another) of any property which is or is intended to be privately let as housing accommodation. Although this power is subject to consent from the Secretary of State for the purposes of section 25 of the Local Government Act 1988, in 2010 the Secretary issued a general consent under section 25 and that general consent allows, amongst other things, a local authority to provide any person with any financial assistance (other than the disposal of an interest in land or property) for the purposes of or in connection with the matters mentioned in section 24(1) of the 1988 Act;
- 5.3 Right to buy receipts must be applied in accordance with relevant legislation and guidance and particularly the Local Authorities (Capital Finance and Accounting)(England) Regulations 2003 (as amended) and the terms of any agreement reached under section 11(6) of the Local Government Act 2003 modifying the applicability of the regulations.
- 5.4 As part of the retention agreement, the GLA has agreed to:
- i. allow the local authority to retain additional net Right to Buy receipts to fund the provision of replacement stock, limited to 30% of the cost of replacement homes.
  - ii. allow the local authority three years (from the commencement of the agreement) to invest those receipts before asking for the money to be returned.
- 5.5 In return, the Council has agreed with the GLA:
- i. that Right to Buy receipts will not make up more than 30% of total spend on replacement stock, and
  - ii. to return any used receipts to the Secretary of State with interest.
- 5.6 It is worth emphasising that the retention agreement with the GLA does not require a local authority to complete the building of any home within three years. All that is required is that the local authority should have incurred expenditure sufficient that Right to Buy receipts form no more than 30% of it.

- 5.7 Under the Deregulation Act 2015, from 26 May 2015, tenants will only need a minimum of 3 years public sector tenancy to qualify for the Right to Buy. Other aspects of the eligibility criteria remain unchanged.
- 5.8 On 19 July 2012, the Executive gave the current Strategic Director of Regeneration and Growth delegated authority to make Right to Buy receipts available to Registered Providers of Social Housing under a competitive bidding process to deliver replacement low cost rented accommodation in accordance with the Council's Contract Standing Orders.
- 5.9 Acquiring or disposing of freehold land or buildings which in the view of the Operational Director Property and Projects are over £250,000 require the approval of the Cabinet.
- 5.10 Recommendation 2.3 indicates that in financial year 2016-19 the Strategic Director of Regeneration and Growth wishes to procure a preferred development partner using the Greater London Authority London Development Panel to deliver new affordable housing with the support of Right to Buy receipts in 2016-19. In accordance with Contract Standing Order 86(e)(ii), the Strategic Director of Regeneration and Growth may commence a call-off under the relevant framework provided that the Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible. Given that the estimated value of the contract for a preferred developer partner is likely to be in excess of £500k and thus classified as a High Value Contract under the Council's Contract Standing Orders and Financial Regulations, Cabinet approval is required for the award of such contract.

## **6.0 Diversity Implications**

An Equality Impact Assessment has been completed for the potential RTB programme. No specific equality groups have been identified and/ or are anticipated to be adversely effected by the proposals set out in this Report:

It is anticipated that all equality groups will benefit from the deployment of RTB receipts through:

- Providing more housing choice and improving access to affordable accommodation
- Provide better quality housing across the borough

An Equality Impact Assessment will be undertaken for each recommendation as set out at 3.8 – 3.11. and each individual proposal will consider equality and diversity implications as part of each recommended action, as set out in 2.0.

## **7.0 Background Papers:**

- Brent Executive Report - Right to Buy: Reinvesting Receipts in New Affordable Rented Homes (July 2012)
- Housing Capital Receipts: Exemptions from Regulations: Guidance for Local Authorities (November 2012)

- CLG *Reinvigorating Right to Buy and 'One for One' Replacement*: Information for Local Authorities (March, 2012)

## **8.0 Contact Officers:**

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ANDREW DONALD  
Strategic Director for Regeneration and Growth

Table 1 and 2: Forecast Profile of RTB Receipts requiring to be Committed Quarterly and Cumulative Total for 2015-19 (at Q4 2014-15)

Table 1

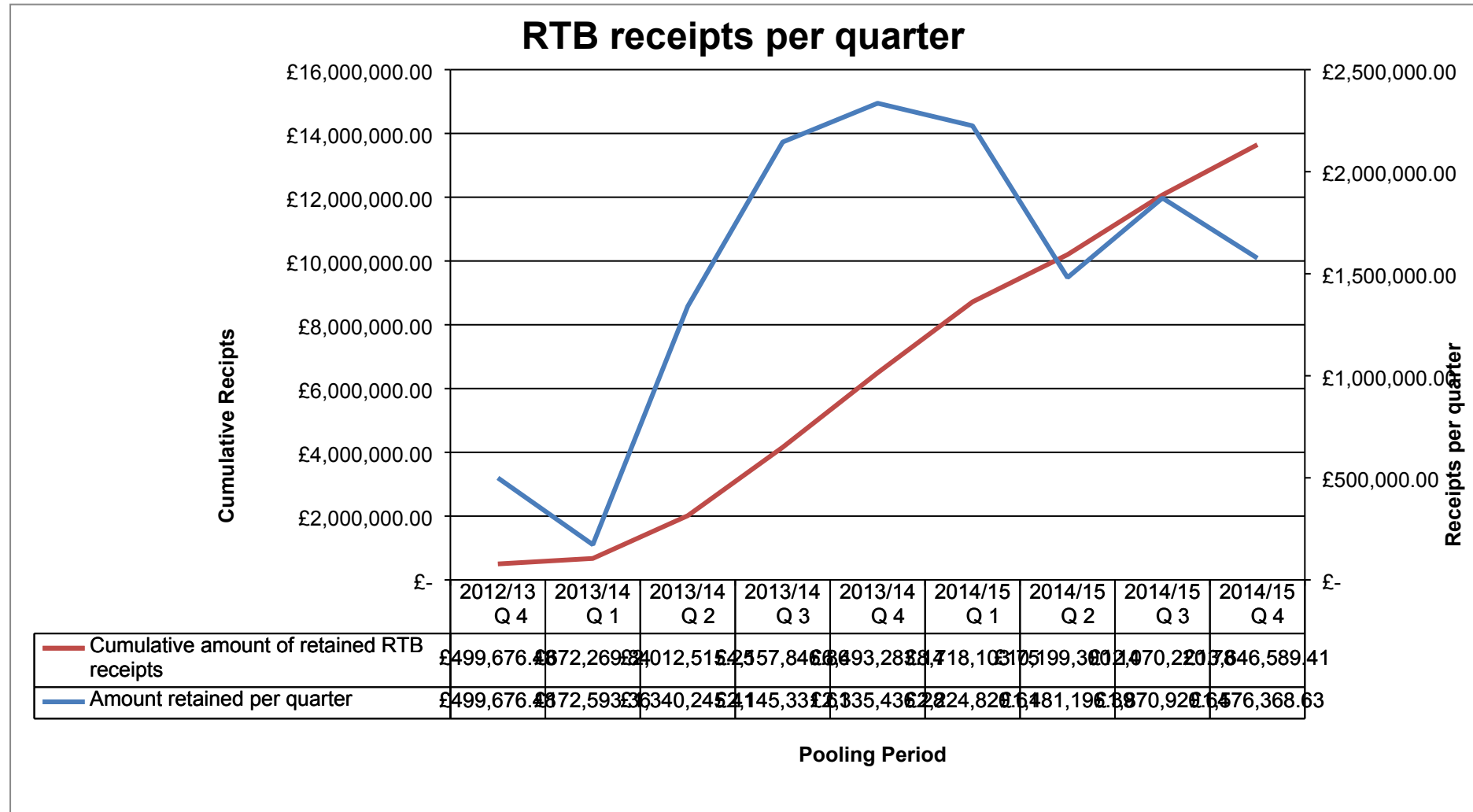
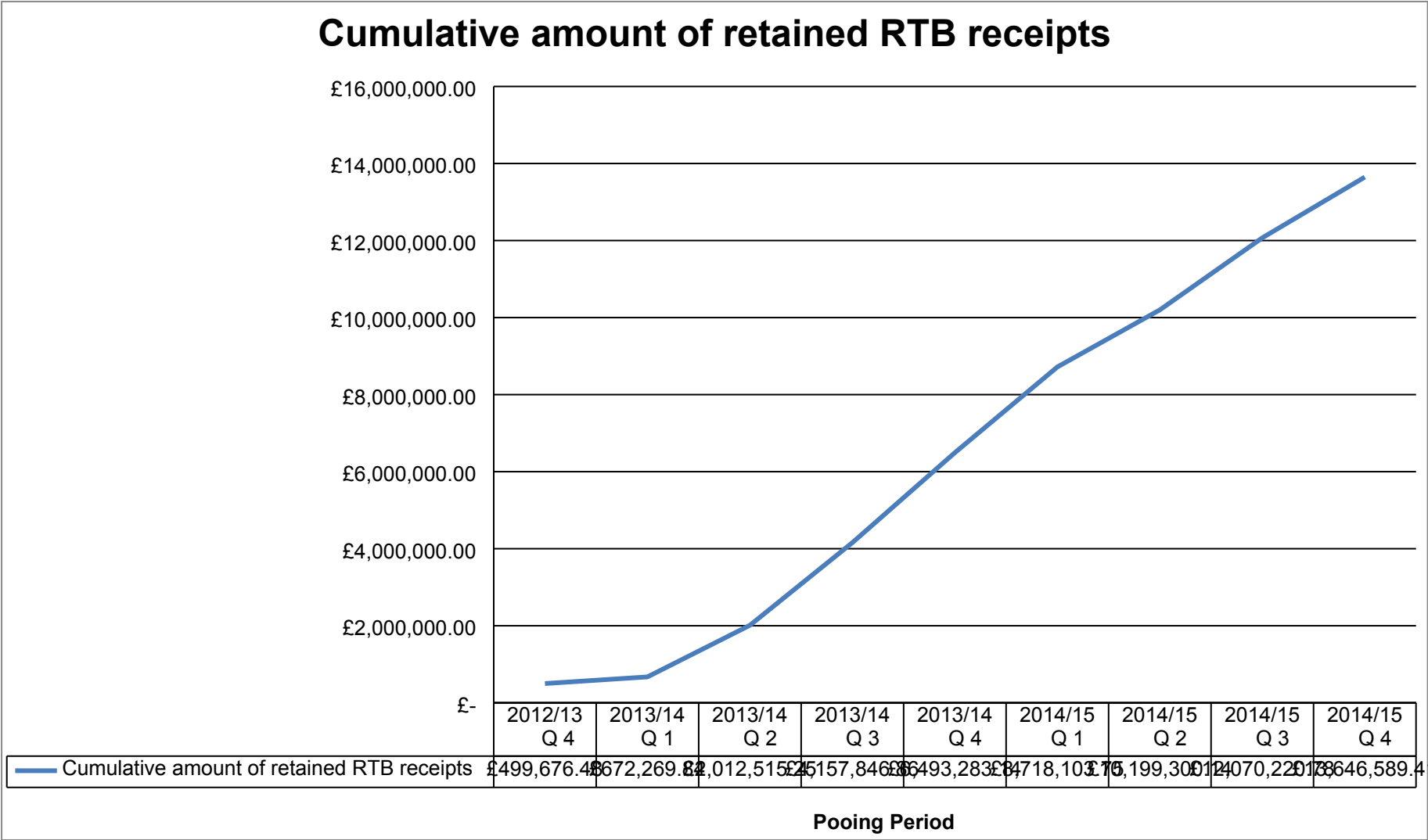



Table 2





 <p><b>Brent</b></p>	<p><b>Cabinet</b> <b>24 August 2015</b></p> <p><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p>Wards affected All</p>	
<p><b>Disposal of loft spaces</b></p>	

\*Appendix 1 is not for publication.

## 1.0 SUMMARY

- 1.1 This report seeks approval to proceed with the disposal of the Council's loft spaces within the Housing Revenue Account (HRA) at 72b Purves Road, London NW10 5TB, 38b Wendover Road, London NW10 4RT and 31b Sellons Avenue, London NW10 4HJ, for capital receipts.
- 1.2 The Constitution currently delegates powers in relation to the disposal of property to the Strategic Director, Regeneration and Growth and the Operational Director of Property and Projects. The report seeks approval from Members to delegate powers to the Strategic Director, Regeneration and Growth where these powers apply to enter into property transactions for un-demised areas, such as the disposal of loft spaces and basements. Such transactions require the granting of new rights under deeds of variation or new leases, but which are generally not of significant monetary value in themselves.
- 1.3 While the number of loft and basement sale enquiries per year from leaseholders has historically been relatively low, the last few years have seen a marked increase in the number of applications. The length of time it takes to obtain Member approval for such disposals can affect the number of applications that actually progress through to completion. Ideally, such transactions should complete within 3 months of the valuation date. However, various factors such as the length of time it takes to negotiate the premium and the requirement for Member approval can contribute to such disposals falling through.

- 1.4 Therefore, delegated powers for such disposals would ensure that opportunities which are in the best interest of the Council can be progressed within a timely and efficient manner without the need for further Cabinet approval on each and every case.

## **2.0 RECOMMENDATIONS**

- 2.1 That Members approve the disposal of the Council's loft spaces, as set out in paragraph 3.8, for capital receipts.
- 2.2 That Members delegate authority to the Strategic Director, Regeneration and Growth to finalise and agree the terms of the loft space disposals as set out in paragraph 3.8 in accordance with the premiums set out in appendix 1.
- 2.3 That Members agree to waive the limitation of the Officer delegated authority limit where this applies to the disposal of undemised areas such as loft and basement sales, in order that the Strategic Director, Regeneration and Growth may, in consultation with the Lead Member for Regeneration and Growth, approve such disposals. In such transactions, the leasehold term that is required to be granted exceeds the delegated authority limit, but the value of the premium is generally relatively low. Such approvals would be subject to the value of the premium falling within the delegated authority limit.

## **3.0 DETAIL**

- 3.1 The Council receives a number of enquiries from leaseholders in street properties within the HRA wishing to acquire the un-demised areas of land or property above or neighbouring their flats in order to extend their existing flats. The number of enquiries can vary from one year to the next but generally does not exceed 10-15 enquiries per year.
- 3.2 No formal written policy or framework is currently in place to deal with these types of leaseholder enquiries. Instead, each case is reviewed on a case-by-case basis and in the context of the practical, legal and technical reasons in relation to each property. The Council's general approach is set out below.
- 3.3 The Council is not legally required to dispose of areas of land and property which are not demised, such as loft spaces and basements, to adjoining leaseholders. However there is the potential to generate capital receipts for the Council from these types of disposals and potentially allow development to take place to increase the number of habitable rooms in the borough.
- 3.4 When an enquiry is received from a leaseholder wishing to acquire an un-demised area of land or property, the Council will consult with Brent Housing Partnership (BHP), who manages the properties, about the feasibility of the disposal and to set out the procedure and timescale for

investigating whether we would be agreeable to the sale to the leaseholder.

- 3.5 The Council may agree in principle to the disposal except in the case where we would wish to retain the un-demised area of land or property within the HRA, or if there are other practical or technical reasons against the disposal. It must be emphasised that each case must be viewed on its own facts and merits because of the legal and technical complexities inherent in some property ownership structures.
- 3.6 The Council or BHP will appoint an external Chartered Surveyor to carry out a valuation on behalf of the Council. The valuation will assess the amount of premium we would seek for the disposal of the un-demised area of land or property. The valuation will take into account any potential development value. In addition to the premium payable, the leaseholder will be required to pay any reasonable legal or surveyor fees incurred by the Council in relation to the transaction.
- 3.7 If the premium and costs being sought are agreed with the leaseholder and the necessary approvals obtained by Officers, a deed of variation or new lease will be executed which will include the un-demised area of land or property in the new lease. The disposal is conditional on the leaseholder bearing the sole responsibility and risk for obtaining the necessary licence for alterations, planning permission, building regulations and any other consent that may be necessary for development.
- 3.8 The subject flats are:
- Loft space above first floor flat at 72b Purves Road, London NW10 5TB
  - Loft space above first floor flat at 38b Wendover Road, London NW10 4RT
  - Loft space above first floor flat at 31b Sellons Avenue, London NW10 4HJ
- 3.9 The properties comprise terrace houses within mature and well-regarded residential locations that have been converted to provide two self-contained flats, one at ground floor and one at first floor levels. The proposed loft conversions are immediately over the leaseholders' first floor flats. The Council owns the freehold interest in the properties.
- 3.10 In the case of the subject flats, Council officers have reviewed the cases with BHP and have agreed in principle to the disposal of the loft spaces with the leaseholders, subject to agreeing the final terms.
- 3.11 The basis of valuation, which is a standard valuation approach, is as follows. Considering that a potential loft conversion is likely to increase the value of the flat, the resulting estimated net increase in value

(additional value arising from the conversion less development costs) is divided between the parties under negotiation to arrive at a valuation for the disposals. The premiums being sought by the Council for the loft spaces in relation to the subject flats, which have been agreed by the leaseholders on a without prejudice and subject to contract basis, are shown in appendix 1.

- 3.12 It is assumed that the leaseholders have satisfied themselves that full planning consent would be available for their proposed use and the Council's valuations are on that basis.
- 3.13 The deeds of variation or new leases will set out the new ownership details and the responsibility for the management and maintenance of the roofs and loft spaces under the new arrangements. It is generally a condition of sale that when a loft area under the main roof is sold the purchaser takes on the full responsibility of the whole roof.
- 3.14 The proposed loft spaces are entirely over the subject flats and there is little risk posed to the occupiers of the ground floor flats. However, it will be necessary for the leaseholders to obtain the Council's or BHP's consent for any technical work and the precise construction detail of any redevelopment, particularly where such work may have an impact on the ground floor flats.
- 3.15 The leaseholders of the subject flats will be required to obtain all statutory consents prior to works, including full development licences and indemnity for the Council to complete the works at the leaseholders' expense in the event of default.
- 3.16 The leaseholders will also be required to obtain the Council's consent (as landlord) for any alterations or change of use. The Council will review such applications in conjunction with BHP and in accordance with existing policies in relation to property management. This is to ensure that there is no adverse impact to the infrastructure of the subject buildings or other occupiers.

#### 4.0 Options Appraisal

##### *Recommended option*

Option 1 – Dispose of the loft spaces to the first floor leaseholders (regarded as special purchasers) at an open market valuation, for a capital receipt

- 4.1 The loft spaces are currently vacant and can only be accessed through the first floor flats that are privately owned and this is therefore a strong factor in favour of the disposals.
- 4.2 The disposals will provide capital receipts for the Council and this is a strong factor in favour of the disposals.

- 4.3 Regular maintenance expenditure on specific building elements will be passed to the leaseholders and this is a strong factor in favour of the disposals.

*The discounted options are shown below*

Option 2 – Do nothing

- 4.4 The current loft spaces are not being utilised by the Council. The disposal of the loft spaces will provide for additional habitable rooms within the borough if the purchasers subsequently develop the loft spaces. Otherwise the loft spaces will remain vacant and unused.

4.5 Option 3 - Open market sale

Not applicable because the loft spaces can only be accessed by the leaseholders of the first floor flats and could not be reasonably sold to any other purchaser. However, the premium being sought is based on an open market value and therefore satisfies the best consideration requirement.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The estimated gross capital receipts on the disposals are given in Appendix 1.
- 5.2 There is no annual rent loss to the HRA under the proposal because no rent is being received on the vacant loft spaces.
- 5.3 The Council's reasonable transaction costs for the disposals are to be covered by the leaseholders.
- 5.4 The Council's general policy is that receipts arising from the disposal of land and properties are used to support the overall capital programme.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtains (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable.
- 6.2 Disposal at market value to the leaseholders of the first floor flats will satisfy the best consideration requirement.
- 6.3 Where the leasehold flats are extended by loft spaces then the parties execute a deed of variation to the existing leases or a new lease is drawn up. The terms of the existing leases will not be extended.
- 6.4 The proposed transactions are 'without prejudice' and 'subject to contract'.

- 6.5 In most cases, the value of the premium being sought for the disposal of un-demised areas would be within the Officer delegated authority limit. However, the term of the lease being granted under a new lease or deed of variation in such cases would exceed the limit. Therefore Member approval is being required for each and every case on a technicality rather than on the monetary significance of the transaction.
- 6.6 It is therefore proposed that Members approve to waive the Officer delegated authority limit where this applies to the granting of a new lease or deed of variation in relation to the disposal of un-demised areas, such as loft and basement spaces. This will enable Officers in consultation with the Lead Member for Regeneration and Growth to approve such disposals. Such approvals would be subject to the value of the premium falling within the delegated authority limit.

## **7.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 There are no negative equality and diversity implications indirectly or directly arising from this proposal because the loft spaces being sold are unused and vacant and can only be accessed via the leaseholders' first floor flats.

## **8.0 STAFFING/ACCOMMODATION IMPLICATIONS**

- 8.1 As per main body of the report.

## **9.0 ADDITIONAL INFORMATION**

Appendix 1: Valuation and premium [below the line]

Appendix 2: Loft plans

### **Contact Officers**

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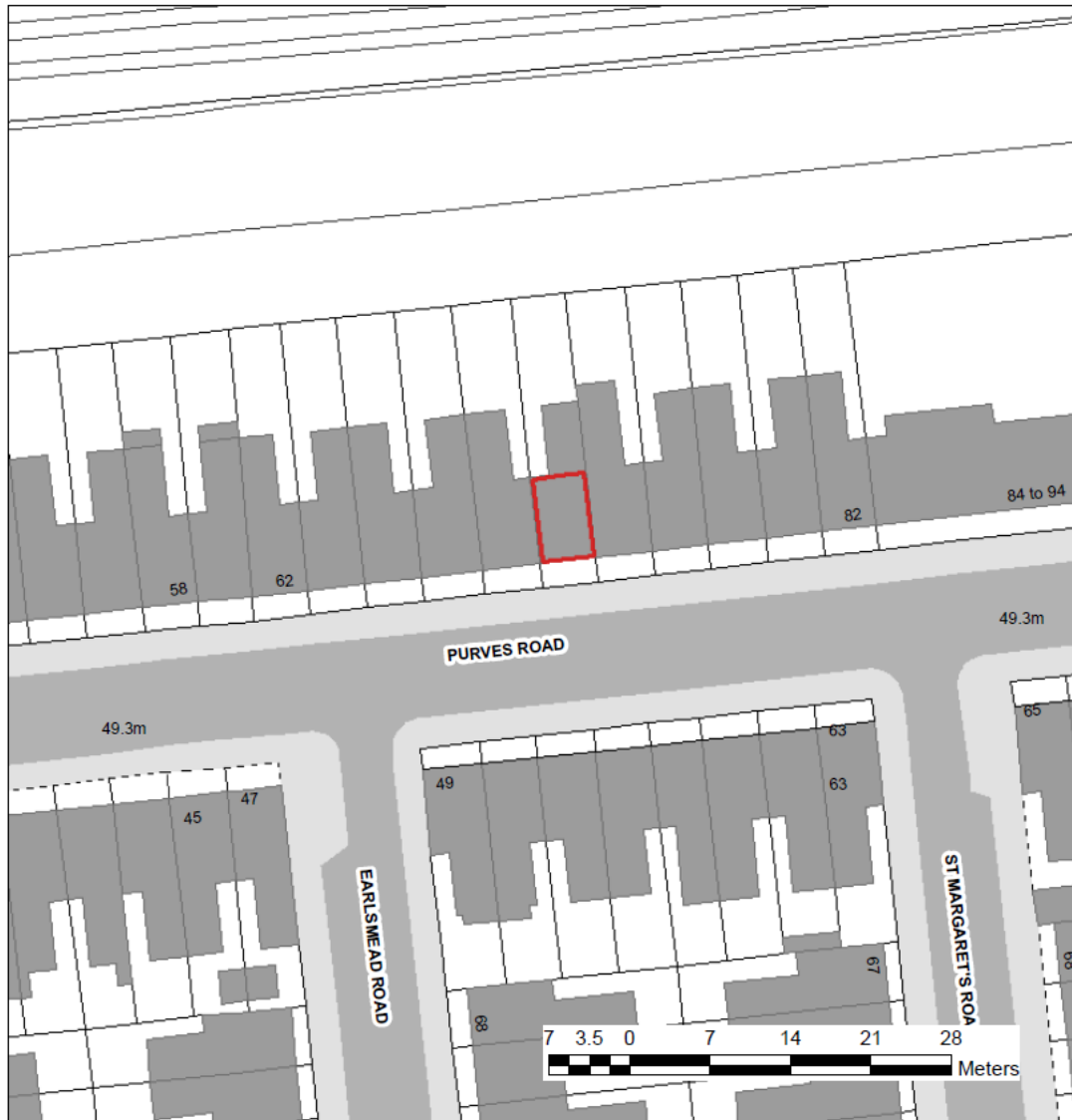
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**Strategic Director of Regeneration and Growth**

## Appendix 2: Loft plans (indicative)

### Loft Space, 72 Purves Road, London, NW10 5TB



**Brent**

**1:500**

Plan to stated scale if printed at A4.

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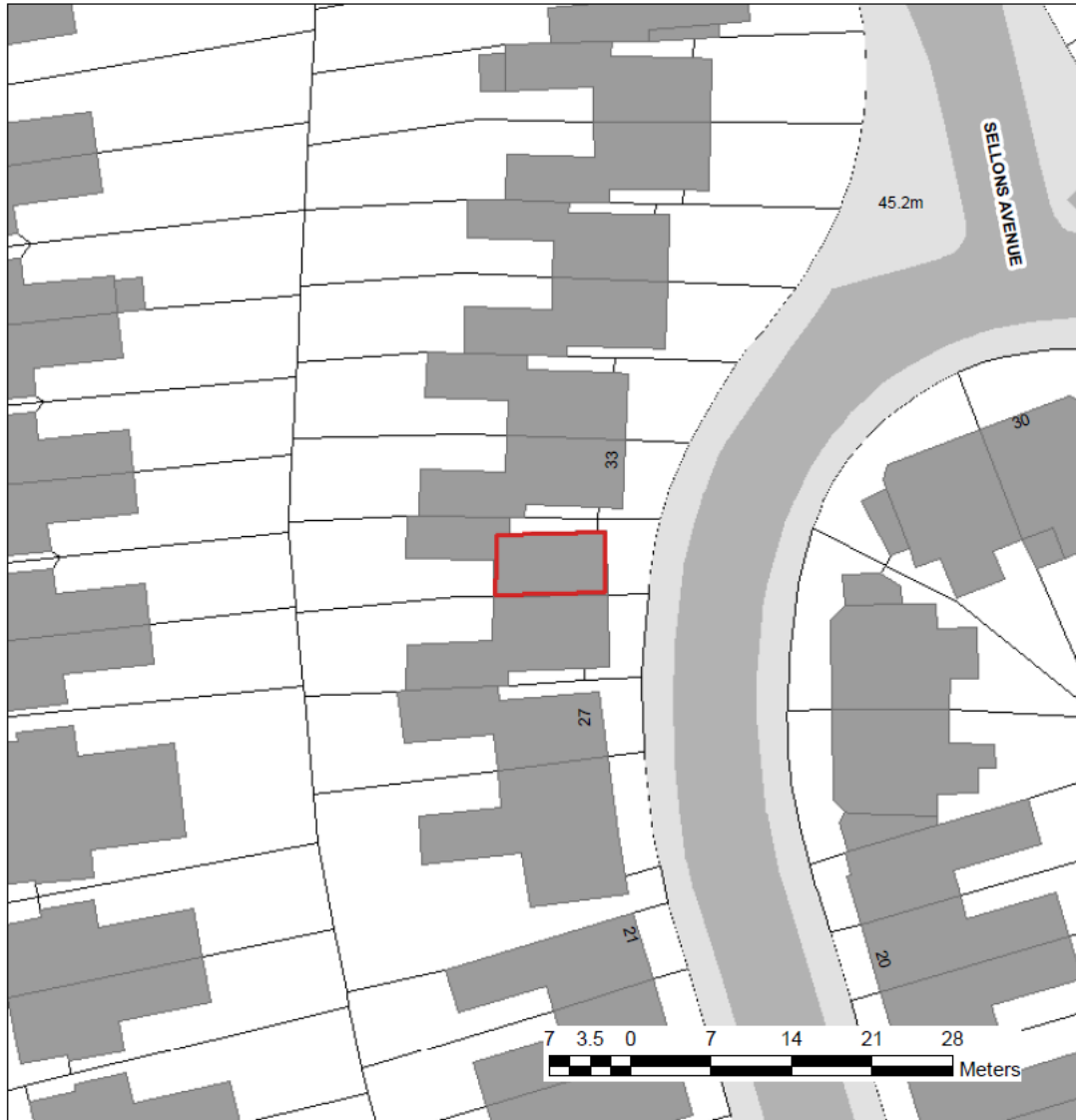
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**NORTH**



**Loft Space,  
31 Sellons Avenue,  
London, NW10 4HJ**



**Brent**

**1:500**

Plan to stated scale if printed at A4.

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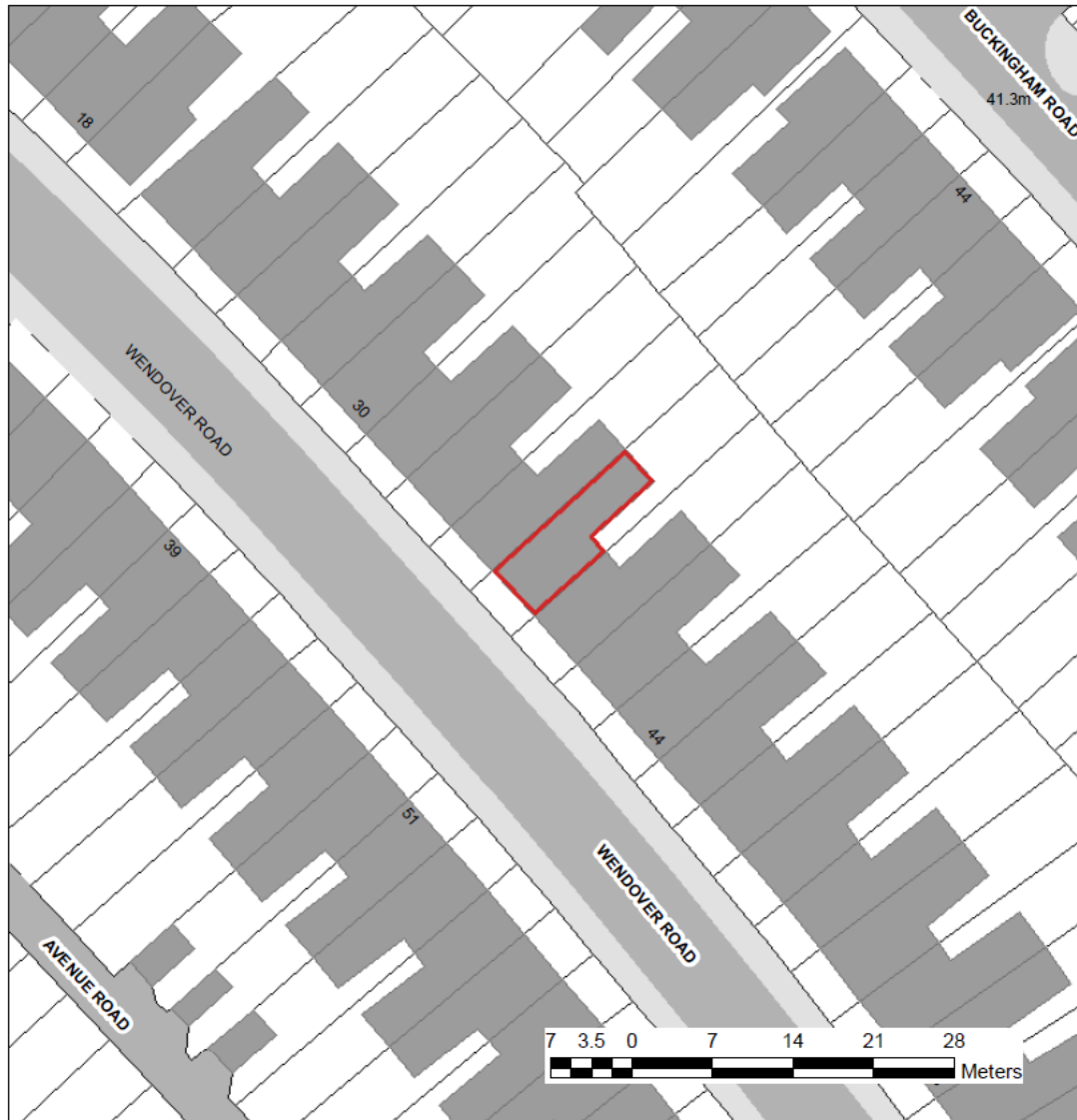
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**NORTH**





# Loft Space, 38 Wendover Road, London, NW10 4RT



**Brent**

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**NORTH**




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 <p><b>Brent</b></p>	<p><b>Cabinet</b> 24 August 2015</p> <p><b>Report from the Chief Operating Officer</b></p>
<p>For Action</p>	
<p><b>Agreement to novate 0-5 children's public health commissioning 2015/16 contract from NHS England</b></p>	

## 1.0 Summary

- 1.1 The responsibility for commissioning of 0-5 children's public health services will transfer from NHS England (NHSE) to local authorities on 1<sup>st</sup> October 2015. NHSE London currently holds a contract for health visiting and Family Nurse Partnership (FNP) services for Brent with London North West Healthcare Trust (LNWHT). This contract has a six month value of £2,563,000.
- 1.2 The Council will receive an increase in its public health grant to reflect the transfer of commissioning responsibility. On 29<sup>th</sup> July the Department of Health (DH) published the 2015/2016 allocation for Brent as £2,763,000. This allocation will cover the six month period 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016.
- 1.3 Earlier provisional and draft financial allocations published by DH were challenged by Officers as not being adequate to cover the cost of the current service.
- 1.4 The signing of the 2015/16 contract between NHSE London and LNWHT for health visiting and FNP services has been significantly delayed, as has the publication of the final DH financial allocation to Brent Council for these services. This has prevented the Council being able to agree a contract novation at an earlier date. However there is now in place an agreed and signed contract which can novate and DH have indicated their intent to publish an increase to the Brent public health grant which will cover the costs of this contract.
- 1.5 The allocation is in excess of the contract value because it includes an allocation for the costs of commissioning by the Council and for a previously agreed growth in health visitor numbers.

## 2.0 Recommendation

Cabinet is recommended to give its approval to:

Novate the NHS England contract with London North West Healthcare Trust for 0-5 children's health services for health visiting and FNP services with effect from 1st October 2015 from NHS England to Brent Council for its remaining term of 6 months to 31st March 2016.

### **3.0 Detail**

- 3.1 The responsibility for commissioning the Healthy Child programme 0-5 children's public health services is transferring from NHS England to the Local Authority on 1<sup>st</sup> October 2015<sup>1</sup>. Brent's health visiting and FNP ("Healthy Child Programme 0-5") services are currently provided by London North West Healthcare Trust under a contract with NHSE London with an annual value of £5,126,000 (half year value £2,563,000). The resource for the commissioning of these services will be part of the Public Health grant which DH have indicated will be increased in year by £2,763,000 for the six months 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016.
- 3.2 The Council is already the commissioner for school nursing services ("Healthy Child Programme 5-19"). This gives the Council the opportunity in the future to join up the commissioning of the Healthy Child programme for children 0-5 years with that for 5-19 year olds.
- 3.3 Cabinet agreed a repurchase of the inherited NHS contract for school nursing during 2014/15 and at its December meeting approved the award of contract for school nursing to Central London Community Health (CLCH) until 31<sup>st</sup> March 2017 with the potential for two one year extensions thereafter.
- 3.4 The new local authority responsibility for commissioning of 0-5 children's public health services provides opportunities in the future to achieve synergies with other Council responsibilities for the early years.
- 3.5 From 1<sup>st</sup> October 2015, local authorities will be under a legal duty to secure the provision of the five mandated elements of the Healthy Child Programme 0-5. These are:
- antenatal health promoting visits;
  - new baby review;
  - 6-8 week assessment (the health visitor or Family Nurse led check. The GP led 6-8 week check will continue to be commissioned by NHS England through Primary Care Commissioning).
  - 1 year assessment; and
  - 2-2½ year review.
- 3.6 The Department of Health ("DH") have recognised that the NHS is not currently achieving 100% against these mandated elements referred to in para. 3.5 above and that local authorities can only be required to maintain the

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<sup>1</sup> By virtue of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment) Regulations 2015

performance they inherit. However, DH expects that local authorities will aspire to raise performance.

- 3.7 In determining the funding allocation to local authorities for the new commissioning duties, DH's position is that the financial allocation should be on a "lift and shift" principle i.e. Councils should receive an increase to their public health grant to cover inherited commitments. These commitments would include both the existing contracts and also any commitment by DH to increase health visitor numbers in line with the "Call to Action". The "Call to Action" was a commitment by the Coalition Government to increase the numbers of health visitors and to fund this increase.
- 3.8 Unfortunately the publication of the final DH financial allocation to Brent for the Healthy Child Programme 0-5 children's public health services has been considerably delayed.
- 3.9 Following negotiations between the Council and the current commissioner NHSE London on the accurate identification of "lift and shift" costs, DH have informed the DPH that Brent's final allocation for 0-5 children's public health services will be £2,763,000.
- 3.10 The expectation in "lift and shift" was that the 2015/16 contract for the Healthy Child Programme 0-5 children's public health services between the current commissioner (NSHE London) and the provider (LNWHT) would be a roll over of historic agreements. However 2015/16 contract negotiations between NHSE London and LNWHT have not been straightforward and it was only in July that NHSE London was able to provide the Council with an electronic version of the signed contract to be novated from 1<sup>st</sup> October 2015.
- 3.11 The "lift and shift" approach to the transfer of commissioning responsibilities during 2015/16 taken by DH means Brent will inherit a resource allocation based upon historic activity rather than need. DH have signalled an intent to move towards funding based on population needs. The implications of this for Brent are not yet clear as the funding formula has not been finalised.
- 3.12 The novation of the existing contract will safeguard continued service delivery of the "as is" service. However, from Autumn 2015 following novation, Officers will review the service, with families and partners, to determine how it may need to develop to meet the Council's requirements, including the need for greater efficiencies, and how in future the service may best meet the evolving needs of Brent's preschool children.

#### **4.0 Financial Implications**

- 4.1 The final 6 month allocation from DH for period 1 October 2015 to 31 March 2016 (£2,763,000) is sufficient to fund the novation of the existing remaining 6 month contract (£2,563,000) with the current provider London North West Healthcare Trust (LNWHT). The existing contract has an annual value of £5,126,000.
- 4.2 Included in the final 6 month allocation is the funding for existing contracts and also any commitment by DH to increase health visitor numbers in line with the

“Call to Action”.

- 4.3 The future funding implications are not yet clear, as the 6 month’s funding in 15/16 is based on historic activity with an established provider and the 16/17 is not yet known. The future activity and service will be scrutinised to project if the funding allocation is sufficient, with a plan for continued service delivery in place before the end of the novation period.

## **5.0 Legal Implications**

- 5.1 The Council from 1<sup>st</sup> October 2015 will be under a legal duty to commission the Healthy Child Programme 0-5 pursuant to the *Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment) Regulations 2015* (“the Principal Regulations”).
- 5.2 The Healthy Child Programme 0-5 is currently commissioned by NHS England with a provider, London North West Healthcare Trust, for the period 2014 – 2016. Historically, this contracting arrangement was by way of a block contract agreement covering 3 geographical areas (namely, Brent, Ealing and Harrow Councils). However, in order for existing contracts to be novated by individual boroughs, NHSE London for 2015/16 agreed and executed separate contracts for each local authority whereby permitting novation of the relevant contract, should a local authority elect to do so as opposed to negotiating and executing its own new contract with the provider for the remaining six (6) months.
- 5.3 As referred to within the body of the report, Officers have now reached agreement with NHSE London with regards to the true ‘lift and shift’ costs of delivering the Healthy Child Programme 0-5 in the borough, which has been forwarded to DH to agree and publish Brent’s final in year allocation.
- 5.4 Members are being asked to give its approval to the novation to the Council of the contract executed by NHSE London with the provider, London North West Healthcare Trust for the remaining six (6) month term effective from 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016. Should Members be minded to agree such novation, it is on the basis of the Council executing a deed of novation which will transfer the original contract to the council without amendment. Prior to the expiration of the novated contract, Officers should be in a position to identify a plan for the continued provision of services post March 2016.

## **6.0 Diversity Implications**

The specifications within the contract will not change and therefore the provider will ensure continued equity of delivery.

## **7.0 Risk Management Implications**

The potential for disruption in service delivery due to change in commissioners etc. would be minimal as the Council has agreed its funding



allocation and has elected to novate the existing NHSE London contract with the same provider. Thereby, on the face of it, there should be a seamless transfer of the service within the borough.

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LORRAINE LANGHAM  
Chief Operating Officer

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**Cabinet**  
24 August 2015

## **Report from the Chief Operating Officer**

For Action

Wards affected: ALL

### **Street Works Permit Scheme Regulation Changes from October 2015**

#### **1.0 SUMMARY**

- 1.1 This report explains the changes to the Street Works permit Scheme Regulations from October 2015, the implications for London Borough of Brent and, in view of the timescales, seeks the delegation of the decision to approve the details of the new scheme to the Chief Operating Officer, in discussion with Lead Member for Environment.
- 1.2 The London Permit Scheme (LoPS) is a common scheme which is currently operated across all of London by TfL and the London Boroughs. The existing scheme was brought into operation on the 11<sup>th</sup> January 2010 under Statutory Instrument 2009 No. 3142, and currently each authority within London has its own Statutory Instrument to operate the scheme.
- 1.3 LoPS is designed to control access to road space on the authority network with all works promoters having to secure a permit for their works. Since its introduction, LoPS has added additional rigour and control to the management of street works and has become an essential element in the co-ordination of works in order to minimise disruption arising from those works and in smoothing traffic flow.
- 1.4 Between 12<sup>th</sup> August and 25<sup>th</sup> September 2014, the Department for Transport (DfT) consulted on amendments to the existing regulations on a number of issues, including whether to remove the Secretary of State from the approval process of future schemes. In early 2015 they published their response to that consultation, stating that they were to seek further stakeholders' views on the matter. In January 2015 they undertook a further consultation which proposed that the amended regulations would apply to both existing and future schemes.

1.5 On the 9<sup>th</sup> of February 2015 DfT announced their response to the consultation and that they intended to bring into effect new regulations. These regulations were made on the 26<sup>th</sup> March 2015 and come into force on the 30<sup>th</sup> of June 2015 and the new regulations will require LoPS members to change LoPS to comply with the amended regulations by the 1<sup>st</sup> Oct 2015.

1.6 This paper sets out the implications for LoPS and what actions are required to be completed to ensure that LoPS members comply with the new regulations and LoPS continues to operate as a common scheme.

## **2.0 RECOMMENDATIONS**

2.1 That Cabinet note the contents of the report and the 1st October 2015 deadline for the London Permit Scheme to comply with the new Traffic Management Permit Scheme (England) (Amendment) Regulations 2015

2.2 That Cabinet delegates the authority to sign the order to the Chief Operating Officer in discussion with the with Lead Member for Environment, to give effect to the amended London permit scheme when it becomes available

## **3.0 LEGISLATION**

3.1 The Deregulation Act 2015 (the 2015 Act), which received Royal Assent on the 26<sup>th</sup> March, removes the requirement for permit schemes to be approved by the Secretary of State and given effect to by Statutory Instrument (SI). The 2015 Act (Schedule 10, Part 2, paragraph 11) amends the Traffic Management Act 2004 to enable authorities (local highway authorities or strategic highway companies) to approve their own schemes and to vary or revoke existing schemes.

3.2 The 2015 Act provides that a scheme, which previously had effect by virtue of an order (an SI) made by the Secretary of State under s.34 (4) of the Traffic Management Act 2004, is from 30<sup>th</sup> June 2015 to be treated as if it had been made by the highway authority by order under section 33A (2) of that Act. Each local highway authority (permit authority) will need to make, vary, or revoke its permit scheme by order, so as to ensure that by 1st October 2015 that scheme is in compliance with the Traffic Management Permit Scheme (England) Regulations 2007 (“the 2007 Regulations”), as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 (“the Amendment Regulations”).

3.3 The Amendment Regulations provide, amongst other things, a definition of ‘order’, by which permit schemes can be made, varied or revoked by a permit authority. Despite the requirement that all schemes adopt the changes brought in by the Amendment Regulations by 1st October 2015, the Amendment Regulations exempt existing permit schemes from undertaking most obligations which arise for new schemes, such as detailed stakeholder consultation, before the amendments come into effect (other than giving 4 weeks’ notice of the implementation date). The mechanism for dealing with issues related to interpretation of the regulations has not changed.

## **4.0 IMPACT OF THE AMENDMENT REGULATIONS ON BRENT**

- 4.1 LoPS is a common scheme and has been adopted by all London authorities. This ensures that the same permitting rules apply across all of London and it is desirable that this arrangement continues.
- 4.2 The Amendment Regulations require LoPS to be amended to comply and to ensure LoPS remains a common scheme each authority will need to make an order adopting the amended LoPS.
- 4.3 If Brent does not act to amend LoPS then the scheme would be a non-conforming scheme and would be liable to challenge from work promoters. This would create a significant risk to Brent's ability to control works across borough and manage the network.
- 4.4 Therefore the main impacts of the amended regulations (i.e. the 2007 Regulations as amended by the Amendment Regulations) are;
- LoPS members need to work together to amend the existing version of LoPS to ensure it complies with the new regulations
  - All LoPS members need to ensure that the amended scheme document is given effect by an order and signed by a person authorised by the relevant LoPS authority to give effect to the amended permit scheme
- 4.5 TfL commenced consultation with utility companies on 14<sup>th</sup> July. The consultation period closed on the 11 August 2015 and comments have been received from three separate utility companies. All the points raised were discussed at a Joint Working Group on the 12<sup>th</sup> August with the final document agreed by the Business Task Force on 17<sup>th</sup> August. All London Authorities will sign up to the document at an Operational Committee on the 25<sup>th</sup> August. LoPS is a Common Scheme agreed and operated by all London Authorities and cannot be changed without full consultation.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The cost associated with implementing the recommendations of this report is anticipated to be insignificant and will be met from Transportation's budget. This cost may go up, should Brent not conform to the changes in regulations.
- 5.2 As a result of these changes in regulations, the Brent scheme may encounter a possible loss of income resulting from a mandatory discount on permit fees for activities that take place on traffic sensitive street, but wholly outside of traffic sensitive times. As agreed with the other London Permit Authorities, Brent's current scheme already makes a provision for this discounted rate. In all likelihood, the discounted rates will only apply to minor activities.
- 5.2 On the assumption that there is a significant increase in utility companies managing their work more efficiently, it would entitle them to the discounted rate. Brent may have a reduction in minor permit application fees estimated at under £10k. This figure is based on every minor permit granted last year for activities on type 3 and 4 traffic sensitive streets being charged at the discounted rate.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 As in the current guidance, Brent as a Permitting Authority will need to inform stakeholders of the amendments made to the scheme by 'notice' at least 4 weeks prior to the implementation date plus 4 weeks consultation by TfL.
- 6.2 Regulation 14 of the Amendment Regulations (as described in above paragraph 3.2) provides the 'transitional' arrangements and it is set out in two parts. Regulation 14(1) requires that by 1<sup>st</sup> October 2015 Permit Authorities must ensure that existing permit schemes comply with the 2007 Regulations, as amended. The effect of Regulation 14(2) is that an authority with an existing scheme does not have to consult just to make the changes needed to comply with the amended regulations.
- 6.3 DfT guidance emphasised that Regulation 14 of the 2015 amended regulations says that existing permit schemes must be in compliance with the amended 2007 Regulations by 1 October 2015. Schemes requiring amendment will only be in compliance once the necessary amendments have been made. The Traffic Management Act 2004 s36 (as amended) requires those amendments to be made by Order. This means the Order making the amendments needs to have been made / signed by 1 October 2015.
- 6.4 TfL has consulted with their solicitors' department concerning the changes to LoPS and the document has been update with their recommendations. See Appendix 1 for amended LoPS document.
- 6.5 On the 16<sup>th</sup> June 2015, all Thirty Two London Boroughs who operate the LoPS met at Westminster City Hall and confirmed the proposed changes required and that TfL should represent them when discussing the changes with the utilities.

## **7.0 DIVERSITY IMPLICATIONS**

- 7.1 The proposals in this report have been subject to screening there are considered to be no diversity implications that require partial or full assessment. The London Permit Scheme does not have different outcomes for people in terms of race, gender, age, sexuality or belief.

## **8.0 Risk**

- 8.1 There is a risk to Brent as the Highway Authority if the required changes are not implemented by the 1<sup>st</sup> October 2015. Brent would not be able to operate a Permitting Scheme and would be required to carry out a full 3 month consultation before implementing the new scheme.

## **CONTACT OFFICERS**

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Chris Whyte, Operational Director of Community Services

LORRAINE LANGHAM

Chief Operating Officer

# LONDON PERMIT SCHEME

For Road Works and Street Works



Traffic Management Act 2004

Amended Version 1 October 2015



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### 1 INTRODUCTION

- 1.1 This is the London Permit Scheme for Road Works and Street Works, (“the **LoPS**”), and is made pursuant to Part 3 of the Traffic Management Act 2004 (“**TMA**”) (Sections 32 to 39) and the Traffic Management Permit Scheme (England) Regulations 2007 (“**the 2007 Regulations**”), Statutory Instrument 2007 No. 3372 made on 28 November 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958 made on 26 March 2015 (“**the Amendment Regulations**”). It is a Permit Scheme within the meaning of Section 32 (1) TMA .
- 1.2 The highway and traffic authorities in London, to which the LoPS applies, in preparing this Permit Scheme have had regard to the guidance contained in the Code of Practice for Permits dated March 2008 and the Permits Fees Guidance dated June 2008 issued by the Department for Transport. In addition the highway authorities have had regard to the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions dated March 2015 issued by the Secretary of State pursuant to section 33(5)(b) of the TMA.
- 1.3 LoPS was first brought into effect in January 2010, in many London boroughs and on the TfL network, with each highway authority receiving approval by the Secretary of State through its own Statutory Instrument (Traffic Management Permit Scheme Order) to operate the scheme.] By April 2013, LoPS was in operation across all of London with each authority operating LoPS under their own relevant Statutory Instrument.
- 1.4 The Deregulation Act 2015 (“the **2015 Act**”), which received Royal Assent on the 26th March 2015, removed the requirement for permit schemes to be approved by the Secretary of State and given effect to by Statutory Instrument. The 2015 Act (Schedule 10, Part 2, paragraph 11) amended the TMA to enable authorities (local highway authorities) to approve their own schemes and to vary or revoke existing schemes.
- 1.5 The 2015 Act provided that a scheme – such as LoPS - which previously had effect by virtue of an order (an SI) made by the Secretary of State under s.34 (4) of the TMA, is from 30<sup>th</sup> June 2015 to be treated as if it had been made by the highway authority by order under section 33A (2) of that Act.
- 1.6 The transitional provision under regulation 14 of the Amendment Regulations required that Permit Authorities operating permit schemes in effect on the day on which the Amendment Regulations came into force (30 June 2015) must ensure that, by 1<sup>st</sup> October 2015, those schemes were compliant with the 2007 Regulations , as amended by the Amendment Regulations.
- 1.7 LoPS was amended to align with the Amendment Regulations and by the 1<sup>st</sup> October 2015 each local highway authority (permit authority) operating LoPS



had an order to bring the scheme into effect on their network. Copies of these orders are available, on request, from the individual authority.

- 1.8 As a Permit Scheme within the meaning of the TMA, the LoPS is a scheme which is designed to control the carrying out of specified works in specified streets in a specified area. It replaces the “notice system” under the New Roads and Street Works Act 1991 (**NRSWA**) whereby utility companies inform highway authorities of their intentions to carry out works in their areas. It uses similar concepts to the notice system in a number of key areas, such as road categories and works categories. This is to ensure consistency, and facilitate better co-ordination.
- 1.9 Those provisions of the NRSWA which are disapplied and modified in respect of works to which the LoPS applies in line with the Statutory Regulations and Guidance are set out in Appendix B.
- 1.10 The LoPS is a Common Permit Scheme (which may be contrasted with a Joint Permit Scheme as set out in the Glossary in Appendix A). This means that a number of highway and traffic authorities, in London in the case of LoPS, have developed a common scheme. The scheme has a single set of rules which each London highway authority operating the scheme apply independently to their own roads, subject to normal cross boundary liaison and co-operation. As individually operated schemes these have required an application and an Order for each participating authority. Where either a Design, Build, Finance and Operate (DBFO) or a Contracting out Order is in force for an organisation, then it will be necessary for the authority controlling the contracting out provision or the DBFO contract to apply to operate this Permit Scheme on their behalf or pass that arrangement to the contracted out organisation or the DBFO operator in accordance with current legislation.
- 1.11 Contact details for the Permit Authorities operating the LoPS may be found on the web site [www.oneroadnetwork.org](http://www.oneroadnetwork.org) However contact details can change regularly and activity promoters are encouraged to make full and constant use of that website.
- 1.12 In addition appropriate details of all registered road works and street works to which this Permit Scheme applies will be registered on the Londonworks Central Register. It is of particular importance that these details are accurate, this is because they will be available to the public, as a consequence, through the Londonworks facility and, which is more, will be relied upon especially by people with disabilities and those who are likely to be most affected by such works.
- 1.13 The highway and traffic authorities in London, to which the LoPS applies, in preparing this Permit Scheme, also had regard to the requirements of the Public Sector Equality Duty under section 149 of the Equality Act 2010.
- 1.14 In order to identify the nature and content of the Public Sector Equality Duty and the steps required to comply with it, particular regard has been paid both



to statutory requirements and to relevant guidance including the advice and references provided on the Equality and Human Rights Commission website ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)).

- 1.15 Specific and careful consideration was given in developing the LoPS to reflect the needs of pedestrians and motorists with disabilities. There has been wide ranging consultation with a number of groups well placed to assist on issues arising which concern, in particular, those with disabilities including the Disabled Persons Transport Advisory Committee and The Guide Dogs for the Blind Association.
- 1.16 The LoPS reflects the above principles and requirements and there has been full compliance with the Public Sector Equality Duty.



## 2 OBJECTIVES

- 2.1 Section 59 of NRSWA places a duty on highway authorities to co-ordinate works of all kinds on the highway. Equally important is the parallel duty on undertakers to co-operate in this process under Section 60.
- 2.2 The TMA and the associated Regulations widened the Section 59 co-ordination duty to include other prescribed activities that involve temporary occupation or use of road space and incorporates any activities included in a Permit Scheme.
- 2.3 Each of the authorities to which this Permit Scheme relates has a duty under Section 16 of the TMA, as well as the duty to co-ordinate under Section 59 of NRSWA, to manage their road network, or Network Management Duty (NMD) with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following overriding objectives:
- a) securing the expeditious movement of traffic on the authority's road network; and
  - b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 2.4 This Permit Scheme seeks to enable more effective co-ordination applying the following guiding principles:
- a) to ensure safety;
  - b) to minimise inconvenience to people using a street, including a specific reference to people with a disability; and
  - c) to protect the structure of the street and the integrity of apparatus in it.
- 2.5 The LoPS has been prepared in accordance with the aforementioned statutory duties.
- 2.6 It is the objective of the LoPS to:
- a) Provide an environment to help each of the Permit Authorities operating the LoPS to meet their NMD; and
  - b) Support those seeking to minimise disruption and inconvenience across London by encouraging good practices, mutual and collaborative working arrangements and a focus on co-ordination and getting it right; and



- c) Encourage a high emphasis on safety for everyone including site operatives and all other road users with special emphasis on people with disabilities; and
- d) Encourage a sharing of knowledge and methodology across the industries working within the LoPS; and
- e) Emphasise the need to minimise damage to the structure of the highway and all apparatus contained therein; and
- f) Provide a common framework for all activity promoters who need to carry out their works in London; and
- g) Treat all activities covered by the scheme and activity promoters on an equal basis.

2.7 In accordance with the 2007 Regulations the Permit Authorities will evaluate these objectives so as to measure whether they are being met. The means by which that will be achieved are set out in Section 22 of this document.



### 3 COMMON ELEMENTS WITH NRSWA NOTICE SYSTEM

- 3.1 In order to facilitate working across all highway authority boundaries, this Permit Scheme uses the same or similar definitions or requirements as are used in the NRSWA notice system for:
- a) Registerable activities/works;
  - b) Categories of activities/works (Major, Standard, Minor and Immediate);
  - c) Street gazetteers, including street referencing by means of Unique Street Reference Number (USRN) and Additional Street Data (ASD);
  - d) Street reinstatement categories as defined in the Specification for the Reinstatement of Openings in Highways;
  - e) The distinction between main roads and minor roads, where such distinctions are relevant; and
  - f) Streets designated as protected, having special engineering difficulty or traffic sensitivity.
- 3.2 In accordance with Regulation 39 of the 2007 Regulations, authorities operating this Permit Scheme must be set up to receive applications, issue notices and otherwise communicate electronically. All such communications relating to works on the highway will be made using the Electronic Transfer of Notices (EToN) system wherever possible.



## 4 SCOPE OF PERMIT SCHEME

### 4.1 Registerable Activities

4.1.1 Permits are required under the LoPS in respect of all registerable activities as referred to in the Code of Practice for Permits and the Statutory Guidance both dated March 2008 and/or any additional or replacement Codes of Practice or Guidance published by the DfT.

4.1.2 The term “registerable activities” corresponds to “specified works” under the Regulations. The following activities defined in the Regulations as specified works are registerable for all activity promoters and information related to them has to be recorded on the register:

- a) all activities that involve the breaking up or resurfacing of any street;
- b) all activities that involve the opening of the carriageway or cycleway of traffic sensitive streets at traffic-sensitive times;
- c) all activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works;
- d) all activities that reduce the number of lanes available on a carriageway of three or more lanes;
- e) all activities that require a Temporary Traffic Regulation Order or notice, or the suspension of pedestrian crossing facilities;
- f) all activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time; and
- g) pole testing which involves excavation and any reinstatement following pole testing whether it involves any of the above criteria or not
- h) street lighting.

4.1.3 Bar Holes which are used to detect and monitor gas leaks fall into this category under particular circumstances. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under Section 70 (3) of NRSWA should be sent within 10 (ten) days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.

4.1.4 An application for a Permit in respect of a bar hole must be made within two



hours of the commencement of any other registerable activity (i.e. excavation, or any other activity defined above) associated with the bar holes. In this latter case, these bar holes will not count as further excavations and reinstatements for the purposes of registrations but will be incorporated with the registerable activity.

- 4.1.5 All bar holes must be reinstated and registered when work on site is complete.

## 4.2 Non Registerable Works

- 4.2.1 The following activities are non registerable:

- a) traffic census surveys have deliberately not been included, as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows;
- b) pole testing which does not involve excavation does not require a Permit; and
- c) road marking works that are not part of other works do not require a Permit and are not required to be registered when the above criteria does not apply.

## 4.3 Criminal Offence

- 4.3.1 All registerable activities for which a Permit is required and has not been sought and granted cannot be carried out without committing an offence (see Section 15 (Sanctions) of this scheme).

## 4.4 Activity Categories

- 4.4.1 The LoPS applies to the following activity categories:

- Major,
- Standard,
- Minor and
- Immediate.

- 4.4.2 **Major Activities** are defined as those activities which:

- a) have been identified in an activity promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity; or





- b) require a Temporary Traffic Regulation Order (i.e. not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other activities other than immediate activities; or
- c) have a duration of 11 days or more, other than immediate activities.

4.4.3 **Standard Activities** are defined as those activities, other than immediate or major activities, that have a planned duration of between four and ten days inclusive.

4.4.4 **Minor Activities** are those activities, other than immediate or major activities, where the planned duration is three days or less.

4.4.5 **Immediate Activities** are either:

- a) **emergency works** which are defined in Section 52 of NRSWA, as works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property. This applies to both street works, and works for road purposes, which fall within the definition of activities. The term also includes activities not falling within that definition but which cannot be severed from those that do - such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the Permit given for the parent activity); or,
- b) **urgent activities** which are defined in the Regulations as activities:
  - i) (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):
    - to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
    - to avoid substantial loss to the promoter in relation to an existing service; or
    - to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and,
  - ii) includes works that cannot reasonably be severed from such works.

4.4.6 Any works to be carried out in the course of erecting or setting up stand-pipes or water tanks by statutory water undertakers in pursuance of an order



made under Section 73 of the Water Resources Act 1991 to meet any deficiency of supplies during a drought are to be included within the definition of “emergency works” *ibid.* Section 132 (8), and see Schedule 8 paragraph 122 to this Act.

### **4.5 Dispute as to whether Activity is Immediate**

4.5.1 If the Permit Authority disputes whether an activity, or part of an activity, is immediate, as reflected in Section 52 of NRSWA the burden of proving that the activity is immediate lies on the promoter.

4.5.2 Where it transpires following such a dispute that works which have been carried out by the Promoter on the basis that they were immediate was incorrect, the Permit Authority will consider whether it is appropriate in the circumstances to apply any of the sanctions as set out in Section 15.

### **4.6 Specified Area and Streets/Roads**

4.6.1 A Permit Authority operating the LoPS will operate the scheme across the whole of the area encompassed by that authority’s boundaries. TfL will operate the scheme across the GLA area on the roads comprising the TLRN.

4.6.2 Within the Permit Authority’s area Permits will be required on all types of roads as defined under Regulation 3 of The Street Works (Reinstatement) Regulations 1992 No. 1689, dated 15<sup>th</sup> July 1992, which came into force on 1 January 1993. These are shown as Road Categories in paragraph 1.3.1 in the Specification for the Reinstatement of Openings in Highways, Second Edition for each of the highway authorities operating this Permit Scheme. The only exception to this general rule is that roads not maintained at the public expense, as indicated in Regulation 8 (2) of the 2007 Regulations are not included.

4.6.3 To assist in this identification each London highway authority operating this Permit Scheme will provide, through any current NSG Concessionaire, an Additional Street Record for each street for which a Permit to carry out activities is required.



## 5 REQUIREMENT FOR A PERMIT

**5.1** Any activity promoter as defined in the Glossary at Appendix A who wishes to carry out any registerable activity in a road or street, as indicated in Section 4, must obtain a Permit from the relevant Permit Authority operating the LoPS in respect of that road or street. The Permit allows the promoter to carry out the specified activity:

- a) at the specified location;
- b) between the dates shown and for the duration shown; and
- c) subject to any conditions that may be attached.

**5.2** The LoPS does not apply to anyone who is not entitled by virtue of a statutory right to carry out street works or works for road purposes who seeks to carry out such works. Such a person will require a Street Works Licence under S.50 of NRSWA.

**5.3** Immediate activities can commence without the requirement for a Permit, however this is only for an initial stage. It is a requirement that Promoters in such circumstances must apply for a Permit within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the commencement of the next working day.

**5.4** Non-registerable activities can take place without requiring a Permit. However in the event that circumstances change so that the work then becomes a registerable activity, the work must cease, the highway must be fully restored for use by all traffic, and the correct Permit obtained.

**5.5** In addition to a Permit, which may be defined as a full Permit with final details required for all registerable activities, the LoPS requires a Provisional Advance Authorisation to be sought prior to an application for a Permit in respect of major activities. A Provisional Advance Authorisation (PAA) is effectively an early provisional Permit issued before the final details of an activity have been worked out. PAAs are dealt with in Section 6.

### **5.6 Phasing of Works or Activities**

**5.6.1** Where a promoter proposes to carry out works or activities in phases then a separate Permit will be required for each phase. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works. The dates given in a Permit application and in the issued Permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.



- 5.6.2 A promoter must clarify when an activity is to be carried out in phases on the application. Each phase will require a Permit and, if a major activity, also a Provisional Advance Authorisation (PAA), and all phases will be cross referenced to previous phases and Permits for those phases.
- 5.6.3 Phased activities must relate to the same works. These could be a single or multiple-but-linked excavation, or a trench dug progressively along the street as part of a continuous operation. Or they could be where an interim reinstatement is made and the permanent reinstatement is done some time later.
- 5.6.4 In addition where temporary reinstatement is required by the Permit Authority in particular to minimise risk to the public and allow safe passage, for example where works are sited on a street or road that will be used by people attending a sporting event, carnival, festival, the works must also be treated as being phased and therefore a separate Permit will be required for each phase.
- 5.6.5 Normally a fee will be required in respect of issuing each Permit for each phase, however, where the requirement for separate Permits arises solely out of the need for temporary reinstatement in order to minimise risk to the public as referred to above, then the Permit Authority will not require a fee to return and complete the phase that was interrupted at the request of the Permit Authority.
- 5.7 New Customer Connections**
- 5.7.1 A new main or cable run, which includes new customer connections, can be classed as one phase if all the work is completed in a single occupation of the street. Otherwise a new Permit must be obtained for the customer connections stage.
- 5.8 Reinstatements**
- 5.8.1 If a permanent reinstatement cannot be completed on the first pass, the activity will be regarded as having two or more separate phases; a separate Permit must be obtained for each phase. (Under the provisions of NRSWA this also means two or more separate works for the purposes of Section 74 of NRSWA). Each phase is from the start date in the relevant Permit to the completion of either interim or permanent reinstatement and the removal of all surplus materials and equipment from site. The same activity reference must be used for all phases in their respective applications and will similarly appear on each issued Permit.
- 5.9 Linked and Cross Boundary Activities**
- 5.9.1 Linked activities carried out at separate locations in a street will be treated as belonging to the same set of works. However, unconnected activities carried out by the same promoter in one street will not be treated as parts, or phases, of a single set of works.
-



- 5.9.2 Even if an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street or USRN or from each permit authority where the works cross the boundary of two permit authorities in the same street.
- 5.9.3 Where a project with activities in more than one street straddles the boundary between one LoPS Permit Authority and another LoPS Permit Authority or an authority operating a Permit Scheme, separate Permit applications, including those for Provisional Advance Authorisation, should be submitted to both Permit Authorities. Furthermore, the project reference should be included on both applications so that each Permit Authority can consider the impact and co-ordinate the activities together.
- 5.9.4 If a cross boundary project involves activities on a street of an authority operating a notice system under NRSWA, then the Permit application to the LoPS Permit Authority must identify the activity in the other authority so that the LoPS Permit Authority can co-ordinate with them.
- 5.10 Severable Works**
- 5.10.1 The definition of emergency works in Section 52 of NRSWA provides that items of work which “cannot be reasonably severed” from the emergency works are regarded as part of them. The same test applies to urgent works.
- 5.10.2 Work which can be “reasonably severed” from the immediate activity must therefore be regarded as separate activities and classified accordingly.
- 5.10.3 Typically, immediate activities shall consist only of a repair to end the emergency, or restore the service, and complete the necessary reinstatement. Subsequent activities to provide a permanent solution are “severed” and subject to a separate Permit application.
- 5.10.4 If the promoter leaves the site after dealing with the immediate problem, including carrying out an interim reinstatement and closing down the site, and returns later for further activities - it is clear that these are “severed” one from the other. However, even where activities are continuous, the later stages which do not relate to the immediate problem cannot be treated as part of the immediate activity.



## 6 PROVISIONAL ADVANCE AUTHORISATIONS (PAAs)

- 6.1** Regulation 11 of the 2007 Regulations provides that a Permit Scheme may include provision requiring a Provisional Advance Authorisation (“PAA”) for certain specified works in specified streets to be obtained as part of the application for certain classes of Permit.
- 6.2** PAAs are a means of enabling significant activities to be identified, co-ordinated and programmed in advance, by allowing activities to be provisionally “booked in” by the Permit Authority pending the authority’s subsequent decision on whether, and with what conditions, to issue a Permit for the activities. They are in many ways equivalent to advance notices issued under Section 54 of NRSWA.
- 6.3** It is important to ensure that PAAs can be properly considered and issued in the expectation that a Permit will ultimately be issued for the activities. The purpose of the PAA is to allow the activity promoter to advise that he has work to undertake and would like provisionally to reserve workspace on the highway, although in accordance with Regulation 11 (5) of the 2007 Regulations it will be made clear that the granting of a PAA does not guarantee that a Permit will subsequently be issued.
- 6.4 Activities or Works Requiring PAA**
- 6.4.1** It is a requirement of this Permit Scheme for PAAs to be sought for major activities or works but not in relation to other works which will only require a Permit.
- 6.4.2** As with Permits a PAA can only be sought in respect of works proposed in one street.
- 6.5 Timing of Application for PAA**
- 6.5.1** The PAA must be applied for, in relation to major works, not less than three months in advance of the proposed commencement date of those works or as agreed with the Permit Authority. The information required in support of an application for a PAA is set out below. Whilst the information is equivalent to that required in support of an application for a Permit it is recognised that very detailed information may not be known at this early stage.
- 6.6 Advanced Publicity**
- 6.6.1** Based on the information provided within the application for a PAA the Permit Authority will be able to confirm whether the proposed activity or activities have the potential to be especially disruptive to local residents businesses and/or road users. In such circumstances the Permit Authority will require the activity promoter to provide advance publicity to nearby householders or businesses, or to traffic or pedestrians using the road.



6.6.2 A Permit Authority cannot impose a condition upon a PAA and it is not possible to incorporate additional time beyond the dates when the road will be occupied for the major works within any subsequent full Permit in order to ensure that an effective advance publicity exercise can be carried out. Where the Permit Authority therefore concludes the Promoter must provide advanced publicity prior to the works commencing they will inform the Promoter of such at the PAA stage. When the subsequent application is made for the full Permit, the Promoter will be required to supply evidence with that application that the notification exercise has been carried out and this will be reflected in a condition upon the full Permit.

6.6.3 Where the details of the major works change to any significant degree between the time the advance publicity is carried out and when the Permit is applied for, and most particularly, where the dates of the works change significantly, then the Promoter will be required to carry out a further publicity exercise. The purpose of the exercise is to ensure that the changes are publicised and that the relevant members of the public and road users are made aware of those changes. This will then be reflected as a condition on the Permit.

### **6.7 Content of PAA Application**

6.7.1 An application for a PAA must contain the same matters required for a full Permit set out in Section 7. Reference may also be made to the relevant information set out in the Technical Specification for ETON.

6.7.2 Standard, Minor and Immediate activities do not require an application for a PAA.

6.7.3 PAA applications must contain the following:

- a) location of activity;
- b) proposed start and end dates (but see below);
- c) an outline description;
- d) times of working, including hours of the day and any weekend provisions;
- e) the road space occupancy;
- f) method of working; and
- g) traffic management.

### **6.8 Decision to give PAA**

6.8.1 The Permit Authority must respond to an application for a PAA within one calendar month from the date the application is received by the Permit





Authority. As with applications for a full Permit, set out in Section 7, the Permit Authority may either give the PAA, or refuse the PAA giving reasons.

- 6.8.2 If the Permit Authority does not respond to a PAA within the response time, the PAA, as with an application for a Permit, will be deemed to be granted.
- 6.8.3 The Permit Authority, when considering an application for a PAA, must act reasonably. Where the promoter has completed the application in full in accordance with the requirements set out in Section 6.7, there will be a presumption that the PAA will be granted unless relevant and material considerations in line with the NMD and objectives of the LoPS outweigh that presumption.

### **6.9 Fees**

- 6.9.1 Fees are addressed in Section 13. PAAs are described in the 2007 Regulations, the Statutory Guidance and the Code of Practice as part of an application and are therefore not separate from a Permit application. The power of a Permit Authority to charge a fee for an application for a Permit where the Permit Scheme requires a PAA to be obtained as part of that application is therefore considered to mean, in accordance with the guidance in paragraph 39 of the Statutory Guidance, that a charge will be made at the time when the subsequent application for the full Permit is made and not at the time when the application for the PAA is made.

### **6.10 Changes to Proposed Works Subject to PAA**

- 6.10.1 It is recognised that it may be difficult to be certain of the start date three months before the event. The proposed start date is regarded, as are all aspects of the PAA, as provisional and may be amended in the subsequent application for a full Permit.
- 6.10.2 In circumstances however where a PAA has been given but a full Permit has not yet been issued, and the proposals, including the proposed start and end dates change, the Promoter must inform the Permit Authority of the changes as soon as possible.
- 6.10.3 Following this the Permit Authority will inform the Promoter whether the changes mean either:
- a) that the changes are not significant so as to warrant a new application for a PAA;
  - b) that the changes are significant so as to warrant a new application for a PAA; or
  - c) that a PAA is no longer required and an application for a full Permit only will be required.





## **6.11 Subsequent Application for Permit**

- 6.11.1 Once a PAA is given the promoter is required to submit the relevant application for a full Permit at a date no later than ten days beginning with the proposed starting date set out in the PAA.
- 6.11.2 Where the Promoter is unable to fulfil the requirement in section 6.11.1 then, following a request by the Promoter the Permit Authority may allow a further period within which the Promoter may submit the application for the full Permit.
- 6.11.3 Where the Promoter fails to submit an application for a Permit following and relating to a particular PAA within the relevant time period, then there will be a presumption against issuing a Permit applied for subsequently. In simple terms the PAA will be treated as ceasing to have effect and the Promoter will have to start the process again by applying for a new PAA unless the Promoter has the agreement of the Permit Authority to allow the Promoter to make an application for the full Permit.



## 7 PERMIT APPLICATIONS

- 7.1** The minimum times within which applications must be made are set out in Section 8. Activity promoters are however encouraged to contact the Permit Authority early so that conditions can be discussed and, if possible, an agreement can be reached so that the application is approved quickly. Early applications will improve the co-ordination process and enable the Permit Authority to control better all the activities that take place on the highway.
- 7.2** The Permit Authority will ensure that existing and potential activity promoters can access the contact details of the persons dealing with applications by publishing the relevant information on the [www.oneroadnetwork.org](http://www.oneroadnetwork.org) website as referred to in Section 1.11. Promoters are again reminded that contact details can change regularly and activity promoters are encouraged to make full and constant use of that website.
- 7.3** Whilst the LoPS is a Common Permit Scheme, where an activity crosses the boundary between Permit Authorities, the activity promoter must apply for a Permit from each authority. Where an activity crosses the boundary between a Permit Scheme and an area where noticing under NRSWA is used, both systems will need to be invoked. However, fees are payable only to Permit Authorities.
- 7.4** In both cases, early discussion with all involved will help to avoid any conflicting requirements.
- 7.5 Method of Making Permit Applications**
- 7.5.1** Permit applications, wherever possible, must be made electronically using the EToN system, but where this is not possible, they may also be made by alternative means, i.e. by fax, post or hand delivery and must comply with the requirements set out in the Technical Specification for EToN. The Code of Practice for Permits states that by April 2009 all activity promoters must make electronic applications.
- 7.5.2** Applications containing the relevant information must be made within the timescales set out in Section 8 and are set out in the table at the end of the same Section.
- 7.6 Copies of Applications**
- 7.6.1** Permit applicants must also note that in accordance with Regulations 9 (9) and 11(6) of the 2007 Regulations, the LoPS requires promoters applying for Permits or PAAs to provide copies of their applications to any authority or undertaker that has requested to see PAAs or Permit applications on certain streets. The Permit Authority will inform the applicant of this requirement following receipt of the application.
- 7.6.2** In addition, in accordance with Regulation 37 (7) of the 2007 Regulations, which imposes the equivalent requirement (through an amendment to Section



93 of NRSWA), the LoPS also requires copies of applications for activities in the vicinity of a level crossing to be sent to the relevant transport authority.

- 7.6.3 Where those authorities or undertakers do not have access to EToN applicants can comply with the above by sending copies of the applications either by e-mail, fax or by post.

## 7.7 Format of Permit Applications

- 7.7.1 The definitive format and content of both paper and electronic Permit applications is given in the Technical Specification for EToN, and all applications must comply. The system will be able to print a paper application after it is received, but it is emphasised that from April 2009 all applications should be made electronically. Those using paper systems must take particular care to code Permit applications appropriately.
- 7.7.2 The description of activities must be in plain English without any industry specific jargon. A standard description used consistently, with added text for exceptions, allows quicker analysis resulting in clearer information and helps authorities to co-ordinate activities.

## 7.8 Content of Permit Applications

### 7.8.1 The Street

An application shall relate to proposed activities in only one Street.

### 7.8.2 Detailed Description of Activity and Collaborative Promoters.

A detailed description of the activity, setting out what the works are and their purpose, must be provided to allow the Permit Authority to assess its likely impact (similar to that already required under NRSWA). In addition, where collaborative working is proposed the promoter must provide a detailed description of the collaborative scheme of works, the identity of the other promoter or promoters, how they may be contacted and a summary description of the work they propose within the collaborative scheme.

### 7.8.3 Location

- 7.8.3.1 Promoters must give an accurate location based on National Grid References (NGRs) for openings and excavations, along with the dimensions of the space taken up by the activity in the street. Where trenches are proposed then a NGR for each end of the trench must be included. Where a small opening or small excavation as defined in the Glossary in Appendix A is proposed, then a NGR in the centre of the opening or excavation must be provided.
- 7.8.3.2 As set out in Section 8.3.4 promoters must apply for a Permit within two hours of an immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the



commencement of the next working day as defined in the Glossary in Appendix A. Where the Promoter finds that the location in which they have started digging is not where the leak (or other emergency) actually is, a Permit is still required for those works because they have broken open the street. In such circumstances the promoter is required to have a Permit for the works already carried out and must apply for a variation of that Permit for:

- a) the first excavation in each further 50 metre band away from the original opening or excavation in the same street, i.e. 50-100 metres, 100-150 metres etc, measured from the furthest point of the original hole to the nearest point of the new opening or excavation. Separate variations for further excavations or openings will be required for bands going in opposite directions;
- b) if the search carries into a different street, i.e. a different USRN, or if the street changes to a different authority, then a separate Permit application is required.

### **7.9 Duration**

- 7.9.1 Each application for a Permit must include proposed start and end dates of the works which in effect will be the date from which the Promoter requires the road space until the road space is no longer required. For all streets, details of the times of day when the activity is to be carried out must also be provided, including any proposal to work at night. If the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce disruption, then they must also say so. This information will be taken into account when imposing conditions on the Permit.

### **7.10 Illustration**

- 7.10.1 Activity promoters must provide an illustration of the activity with their application for a Permit where the activity is significant in terms of potential disruption due to the position and size of the activity. This means that all applications for major activities and for all registerable activities undertaken on the Transport for London Road Network (TLRN) and the Strategic Road Network (SRN) must be accompanied by such an illustration. Illustrations, where provided, should be based on an extract of the plan held by the activity promoter showing the location of their apparatus at the site in question.
- 7.10.2 For activities other than major activities, an illustration may also be required, as a small excavation at a critical junction may be equally as disruptive or much more so than a major activity. Where an application other than a major application is not accompanied by an illustration and the Permit Authority considers that it should, then the authority will respond as soon as possible setting out that the application has to be rejected in the absence of the illustration. The promoter will then be able to amend and submit a further application with the appropriate illustration.



- 7.10.3 The illustration must include details of the activity, whether it is likely to affect more than one lane of the street and, if possible, a Disruption Effect Score as set out in Appendix C. The Technical Specification for EToN provides appropriate details as to the form of such illustrations, but plans, digital photographs and similar would normally be required. How the illustration is to be transmitted can also be found in the Technical Specification for EToN.
- 7.10.4 Activities on those streets, or parts of a street, subject to a Special Engineering Difficulty designation will in any case require a plan and section as indicated in NRSWA Schedule 4 (2).

### **7.11 Government Security Zone - Notification to Police**

- 7.11.1 In London, for certain streets, it is required, for national security reasons, that the Metropolitan Police are advised before works commence. These streets are contained within what is known as the Government Security Zone (GSZ) and such information can be found on NSG and ASD information. It is a requirement that all activity promoters making Permit applications in respect of works within the GSZ indicate that they will advise the Metropolitan Police of the proposed works once the Permit has been granted.

### **7.12 Methodology**

- 7.12.1 Details of the proposed techniques, such as open cut, trench share, minimum dig technique or no dig must be provided.

### **7.13 Traffic Management, Parking and Traffic Regulation Orders/Notices**

- 7.13.1 Where traffic management proposals will be required as a consequence of the proposed works then a description of the proposals and when they will be instituted as part of the works must be provided in the application. Any requirement for action on the part of the highway authority such as the need to make Traffic Regulation Orders (TROs) or Notices, to suspend parking restrictions and to give approval for portable light signals, sometimes known as portable traffic signals (hereafter referred to as portable light signals), must be included or referred to, in the application. The costs associated with these are not within the scope of the Permit fees and will be separately applied.
- 7.13.2 Reference to the separate statutory requirements for TROs is set out in Section 17.
- 7.13.3 Other than immediate activities all activities requiring a TRO are categorised as major activities.
- 7.13.4 Activity promoters should familiarise themselves with the length of time that the relevant traffic authority needs to process such orders or approvals and build that into their application process i.e. they must apply early enough for the TRO to be made before works commence. It is expected that this will be at least six weeks beforehand.



- 7.13.5 Individual approval will be required, as has always been the case for portable light signals at activities across a junction, and requests for the use of portable light signals can be included in the Permit application for the relevant activities. However, for minor activities the minimum approval time for portable light signals (seven days) exceeds the minimum time for Permit applications and an earlier Permit application or separate signals approval application will be needed if both time periods are to be met.
- 7.13.6 Where parking bays are to be suspended, an application must be made to the relevant parking authority. This must be separate from any Permit application. It is important to fully consider the parking needs of people with disabilities when seeking the suspension of parking bays. Evidence of the agreement of the relevant parking authority must be included in the Permit application. If parking bays have been suspended, every endeavour will be made to approve the Permit for the same dates. However if this is not possible the Permit Authority will discuss this with their parking team on the activity promoter's behalf.
- 7.13.7 As indicated, if the advance approval notice period required for any temporary traffic restrictions is longer than that required for a Permit, such measures must be applied for separately and sufficiently early for the subsequent Permit to be issued under LoPS with the traffic management requirements assured. If this happens it will be necessary to indicate that this is the case on a Permit application, cross-referencing the earlier application for traffic management (including parking) by its unique application reference number.
- 7.13.8 In any event as referred to in Section 10 any subsequent Permit will reflect these matters.

### **7.14 Needs of People with Disabilities**

- 7.14.1 For all works it is a requirement that full consideration is given to the needs of people with disabilities. This is particularly important in respect of the availability of road space and parking arrangements. It is important therefore at the application stage that any arrangements that will be necessary to accommodate the needs of people with disabilities as a consequence of the proposed works can be established, such as ensuring safe passage, but also whether bus stops and disabled parking bays will be affected or suspended.

### **7.15 Depth**

- 7.15.1 Activity promoters must provide their best estimate of the excavation depth. While this might be expressed as a range, it must nonetheless provide a meaningful indication of the nature and extent of activity involved.
- 7.15.2 Parts of London fall into areas of Outstanding Archaeological Importance as defined by English Heritage. Works on these streets that are deeper than 1.5 metres from the surface level of the highway must be reported to English Heritage prior to works commencing. It is therefore a requirement that any



Permit application in respect of such works provides evidence that English Heritage have been consulted. Such information can be found on NSG and ASD information.

- 7.15.3 It will be presumed that any Permit application in respect of proposed works within an area of Archaeological Importance that does not include information as to excavation depth and notification to English Heritage means that all excavations will be at a shallower depth than 1.5 metres.

### **7.16 Site Maintenance**

- 7.16.1 The application must indicate what arrangements are proposed to maintain the site in a clean and tidy condition, including removal of any spillage of materials on the public highway, during and on completion of the works. Such arrangements must include the action that may be required to remove all spray paint markings of underground apparatus if such markings remain on site sixty days after the completion of the works.

- 7.16.2 Any subsequent Permit will reflect these matters.

### **7.17 Inspection Units**

- 7.17.1 The application must state the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the Inspections Code of Practice and associated Regulations.

### **7.18 Reinstatement Type**

- 7.18.1 The application must, wherever possible, indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both. If it is the latter, then details must be provided as to where interim or permanent reinstatements will be completed within that Permit. This may prevent the need for a different activity Closing Notice under the provisions of Section 74 NRSWA.

### **7.19 Contact Person**

- 7.19.1 The application must include the name and contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including provision of an out-of-hours contact by the promoter.

### **7.20 Cross Boundary, Linked Applications and/or Permits**

- 7.20.1 As stated in Section 7.8.1 the LoPS requires a separate Permit for each street. In London, some USRNs may apply to a single street or streets that are partly maintained by separate London highway or Permit Authorities.
- 7.20.2 In circumstances where proposed activities are located in more than one Permit Authority's areas, an application must be made to each Permit





Authority. Where one or more of the authorities is not a Permit Authority then the NRSWA notice system will apply and be relevant only to that part of the street within that non Permit Authority.

- 7.20.3 The project reference must be included on every application so that the Permit Authorities can consider the impact and co-ordinate the activities together.
- 7.20.4 It must be noted that under no circumstances will an application containing activities in more than one street be acceptable.

### **7.21 Service of Permit Applications**

- 7.21.1 The application process starts when the recipient receives the application, not when it was sent. With electronic transfer, receipt should be almost instantaneous and it is assumed an application has been received at the time it was given, unless there is evidence to the contrary.
- 7.21.2 Where, after three attempts to give an application by EToN (duly recorded by the person serving the application or notice), the application cannot be given (for example because the distant server is down), notification must be given by telephone or fax for immediate activities with formal EToN application or notice following as soon as reasonably practicable.
- 7.21.3 If applications are sent by fax, it is assumed that they have been received when the transmitting equipment records satisfactory completion of the transmission.
- 7.21.4 In respect of applications sent by post, it should be noted that is not guaranteed that applications sent by first-class mail will be received the following day. Promoters must take this into account.

### **7.22 Advanced Publicity**

- 7.22.1 As referred to in Section 6.6 in respect of works requiring a PAA it may be considered necessary by the Permit Authority for the activity promoter to carry out an exercise publicising and/or informing members of the public and road users directly of the proposed timing and nature of the major works to which the PAA relates. Where a Promoter has been informed of such a requirement at the PAA stage, the subsequent application for a Permit must provide evidence that the relevant notification exercise has been carried out.
- 7.22.2 It is also possible that other proposed activities to which the LoPS applies have the potential to be especially disruptive to local residents, businesses and/or road users, despite not being major works. In such circumstances therefore it will be considered necessary for the promoter to carry out a similar exercise as referred to above, providing advance publicity to those members of the public who are likely to be affected by the proposed activities. The Permit Authority will be able to establish this either following informal pre-application discussions with the promoter or on receipt of the application and





will inform the promoter of the requirement and what form of exercise and extent the Permit Authority considers will be sufficient.

- 7.22.3 Applications in such circumstances will therefore have to provide evidence that the promoter has carried out the required exercise. This will be reflected in a condition on a subsequent Permit, see Section 10.



## 8 TIMING OF APPLICATIONS AND RESPONSES

**8.1** For effective planning and co-ordination, information needs to be provided to the Permit Authority in good time. In accordance with the advice contained in the Statutory Guidance, the LoPS provides for the minimum time periods before the proposed start date of an activity by which time the relevant Permit application needs to be made and a subsequent response made to the Permit applicant. In addition the LoPS recognises that it is equally important that any applications to vary existing Permits are made in a timely manner.

**8.2** The time period is measured from the time of receipt of the application by the Permit Authority. The EToN system will provide an auditable record of when an application was sent and received.

### **8.3 Minimum Application Times.**

#### **8.3.1 Major Activities**

In respect of major activities, as set out in Section 6, the LoPS requires promoters to apply for both a Provisional Advance Authorisation at least three months in advance of the activity and a Permit ten days before the activity is due to start.

#### **8.3.2 Standard Activities**

A Permit application for standard activities is required ten days before the proposed start date.

#### **8.3.3 Minor Activities**

A Permit application for minor activities is required three days before the proposed start date.

#### **8.3.4 Immediate Activities**

In order not to prevent activities that are necessary for emergency or urgent reasons, the LoPS provides that these works can commence and for an initial stage may be exempted from requiring a Permit. During this initial stage, Section 10.3 of this scheme is applicable. Promoters must apply for a Permit within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the start of the next working day and must telephone the Permit Authority immediately works commence on such streets where such a requirement is designated by the Permit Authority and which is shown by record 63 ASD designation.

#### **8.3.5 Non Compliance with Minimum Application Times**

Normally an application that is made outside of the minimum time limits will be rejected. Where it is not possible, however, for an activity promoter to



adhere to the minimum application times then the Permit Authority may still consider applications where there are mitigating circumstances justifying the failure to apply within the minimum times. The promoter must contact the Permit Authority and seek permission to apply outside of the timescales providing reasons why it has not been possible to comply. Such permission is solely at the discretion of the Permit Authority and will only be given exceptionally. Where permission is granted to apply out of time it will be recorded by the Permit Authority. Where permission is not granted and the application has been, or is still made, it will be refused.

- 8.3.6 In respect of applications to vary or extend Permits (see Section 11), applications must be made by the promoter a minimum of two days before the Permit expires or at a point when the existing Permit has more than 20% of its duration to run, whichever is the longer.
- 8.3.7 As where the activity promoter fails to apply for a Permit within the relevant time limits, the Permit Authority may consider applications to vary or extend Permits where the promoter is able to provide mitigating circumstances justifying the failure to apply within the minimum times. It will be relevant for the Permit Authority to take account of the need to avoid the activity promoter having to leave the project site unnecessarily. It should be noted, again, that permission to apply outside of the time limits is an exception to the rule (and any rule in the LoPS as to minimum time requirements) and is solely at the discretion of the Permit Authority.
- 8.3.8 In these circumstances the promoter should first telephone the LoPS Permit Authority, providing reasons to justify an application outside of the time limit in order to ascertain whether the authority is prepared to grant an extension to the time limit to make the application. Where the Permit Authority accepts that those reasons do justify the requested extension to the time limit to apply, the Permit Authority will record that agreement and the promoter should then apply electronically to the Permit Authority formally to grant the variation to the Permit.
- 8.3.9 As set out below the Permit Authority must respond to the application to vary the Permit within two days of receipt.

## **8.4 Maximum Response Times**

- 8.4.1 In accordance with Regulation 16 of the 2007 Regulations time limits have been set out in the LoPS committing the Permit Authority to respond to applications within set periods. It is essential that a Permit Authority replies to Permit applications within the given response times. If it fails to do so, the Permit is deemed to be granted in the terms of the application. For the sake of clarity the maximum response time period will start to run on the next day following receipt of the application.
- 8.4.2 A “response” for the purposes of LoPS means a decision to grant or refuse a Permit. Where there are reasons why the Permit cannot or should not be



granted in the terms applied for (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response indicating that a Permit will not be granted in those terms will explain the reasons to the applicant, which will enable promoters to make a revised, compliant application.

### 8.4.3 Major and PAAs

In respect of major activities the maximum response time for issuing a PAA is one calendar month from the date of receipt of the application and in respect of an application for a Permit, five days from the date of receipt of the application.

### 8.4.4 Standard Activities

In respect of applications for a Permit for standard activities, the maximum response time is five days from the date of receipt.

### 8.4.5 Minor Activities

In respect of applications for a Permit for minor activities, the maximum response time is two days from the date of receipt.

### 8.4.6 Immediate Activities

In respect of applications for immediate activities the maximum response time is two days from the date of receipt however the works may continue throughout that period.

### 8.4.7 Applications to Vary

In respect of applications to vary a Permit (there is no provision for the variation of a PAA) the maximum response time is also two days from the date of receipt.

8.4.8 As indicated previously, reference must be made to dates of receipt. An application for a PAA or Permit is therefore treated as properly made when it is received by the Permit Authority within the relevant time period and is treated as properly responded to when the Permit is issued or refused before the end of the relevant time period.

8.4.9 As referred to in the Statutory Guidance, “Days” in this context is a reference to working days, as defined in NRSWA and Regulations.



**Table 1 Application and Response Times**

ACTIVITY TYPE	Minimum application periods ahead of proposed start date		Minimum period before Permit expires for application for variation (including extension)	Maximum response times		Response times to applications for Permit variations
	Application for Provisional Advance Authorisation	Application for Permit		Application for Provisional Advance Authorisation	Application for Permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is longest	1 calendar month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	
Minor	n/a	3 days		n/a	2 days	
Immediate	n/a	2 hours after		n/a	2 days	



## 9 DECISIONS IN RESPECT OF PERMIT APPLICATIONS

**9.1** The Permit Authority in operating the Permit Scheme and in reaching decisions with respect to applications for a Permit must act reasonably and in particular will consider whether issuing the Permit will accord with the statutory duties to co-ordinate and to manage the network and the objectives of this Permit Scheme.

### **9.2 Permit Issue and Deemed Permit**

**9.2.1** Where the Permit Authority is content with the proposal having taken into account all relevant matters set out in an application and any other material considerations, including ensuring the statutory duties to co-ordinate and to manage the network and that the LoPS objectives are met, it will issue a Permit to the activity promoter within the response times.

**9.2.2** The Permit will contain the details provided in the application, including any associated documentation such as drawings, and any conditions imposed by the Permit Authority (see Section 10). It will be issued by electronic means.

**9.2.3** Where the Permit Authority fails to respond within the response times then the Permit is deemed to be granted and in such terms only as reflected in the application. In such circumstances there will be no fee charged.

### **9.3 Grounds for Refusal**

**9.3.1** ***Whilst the Permit Authority cannot refuse legitimate activities, it can refuse a Permit application or a Variation Application if elements of the proposed activity, such as timing, location or conditions are not acceptable*** when measured in accordance with the relevant factors as referred to below. In such cases the Permit Authority will comply with requirement of the Technical Specification for the Electronic Transfer of Notifications.

**9.3.2** Where it is necessary for the Permit Authority to refuse a Permit Application, the Permit Authority will provide a reason for the refusal. The Permit Authority will use a standard list of reasons for refusal and this list will be maintained and reviewed on a regular basis by the LoPS Joint Permit Working Group. This list can be found at [oneroadnetwork.org](http://oneroadnetwork.org).

**9.3.3** An applicant may withdraw or cancel an application by way of an electronic works notice at any point up until the Permit Authority has either granted or refused the application. No fee will be charged for the cancellation or withdrawal of an application under these circumstances.

### **9.4 Examples of Reasons for Refusal**



9.4.1 The following are non-exhaustive examples of matters that are likely to lead to applications being refused or subject to requests for further information or modification to address them.

9.4.2 Overlapping Activities

Where other activities are scheduled to take place in the same street, or other streets affected by the proposed activity, at the same time, the authority may refuse a Permit for the period requested but propose to grant it for different times. Information about some other activities is available to the promoter through the Permit register, so in such situations the promoter must contact the authority to discuss acceptable options before applying for a Permit.

9.4.3 Timing and Duration

An activity promoter must ensure when making an application for a Permit that the proposed duration of the activity takes into account both his legitimate need to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway.

9.4.4 The Permit Authority may query the proposed duration, for example on the grounds that:

- a) it can be completed more speedily or, that realistically, not enough time has been allowed; or,
- b) that the specific dates and times proposed may clash with other proposed activities or events which occupy road space, in such a way as to be likely to cause an unacceptable level of disruption.

9.4.5 Location of Activity

A Permit must specify the location where the activity is to take place. The Permit Authority may refuse to issue a Permit due to the proposed location of the activity. This is a similar power to that under Section 56A of NRSWA i.e. where the location of a proposed activity is unacceptable to the authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status.

9.4.6 Refusals on this basis would only apply:

- a) in relation to the installation of new apparatus - it cannot be used to require existing apparatus to be moved, or
- b) where disruption would be reduced by installing the apparatus in an alternative street where it is reasonable to use the alternative street or a different location within the same street.



## 10 PERMIT REQUIREMENTS & CONDITIONS

### 10.1 Requirements

#### 10.1.1 Permit Period - Road Category and Traffic Sensitive Streets

10.1.1.1 A Permit is valid only for the period of time given on the Permit. This will, in most circumstances, be the period of time applied for by the activity promoter. As set out in Section 9.3 when considering the application the Permit Authority may consider an alternative period is appropriate. Where the activity promoter disagrees they may appeal in line with the dispute resolution procedure set out in Section 16.

10.1.1.2 On main roads (i.e. category 0, 1, and 2 streets and category 3 and 4 streets that are traffic-sensitive for all or part of the time), the start and end of the Permit period will match the start and finish dates for the activity. The promoter must not carry out any activity, including delivery and storage of materials on site, outside of these times without applying for and obtaining a Permit variation from the LoPS Permit Authority.

10.1.1.3 In relation to category 3 and 4 streets that are not traffic sensitive, Permit start and end dates allow for flexibility in the start of the activity but once the activity is started it must be completed within the activity duration period specified in the Permit. The starting window is five working days for major and standard activities and two working days for minor activities. This is in line with the validity period within the NRSWA notice system. Thus the start date on the Permit will be the planned start date for the activity but the end date allows for the possibility of the activity starting on the last day of the starting window, noting that the last day of the starting window would then be day one of the activity duration. The maximum activity duration will be specified in the conditions of the Permit.

#### 10.1.2 Days of Work

10.1.2.1 The start and end dates will be in calendar days, even though many aspects of Permit Schemes will operate on working days.

10.1.2.2 Where a Permit allows working at weekends or on Bank Holidays, then the Permit start and end dates will also accommodate that, even if those days do not count towards the reasonable period under Section 74 of NRSWA or the starting window.

#### 10.1.3 Form of the Issued Permit

10.1.3.1 A Permit will be issued in accordance with the formats given in the Technical Specification for EToN. The Permit will be sent to the promoter electronically through the EToN system wherever possible. The issued Permit will contain all relevant conditions so that there is no ambiguity about the validity and terms of the Permit. All Permits and PAAs will also be placed on the Permit register and, where applicable will be copied to any authority, undertaker and





relevant body that has asked to be informed about PAA approvals and permits on a particular street.

- 10.1.3.2 As required under Regulation 12 of the 2007 Regulations, all Permits will be given a unique reference number (URN) by the Permit Authority, so as to provide an effective means of cross-referencing and assist in the compilation of the register. To the same end, the EToN numbering conventions will be followed when determining reference numbers, under which variations to Permits are denoted by the use of the same unique reference with a suffix to denote the variation. The Permit Authority will also mark Permits with cross references to linked Permits and any separate approvals such as TROs which have been issued, where this is known.

### 10.1.4 Description of Activity and Location

- 10.1.4.1 For all works it will be a requirement that a description of the activity which is to be permitted will be described clearly in the Permit.
- 10.1.4.2 For all works it will be a requirement that the road or street to which the Permit applies and the location within that road or street will be described clearly on the Permit.

### 10.1.5 Contact

- 10.1.5.1 The Permit Authority must also provide its out-of-hours contact details on the Permit.

## 10.2 **Conditions**

- 10.2.1 The LoPS makes provision for the attachment of conditions to Permits and those conditions are as set out in the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions dated March 2015 issued by the Secretary of State pursuant to section 33(5)(b) of the TMA.
- 10.2.2 The Permit Authority will also have regard to any further statutory guidance issued by DfT and any other relevant guidance agreed by the industry in relation to the application of conditions to Permit Applications. In simple terms any Permit issued must set out in detail the activity it allows as set out in Section 10.1.4 and the conditions attached.
- 10.2.3 The approach that will be taken by the Permit Authority, when granting a Permit, is to reflect in the Permit, as far as is reasonable and practicable the description of the activity, its permitted duration and any other limits or constraints as provided in the application. The Permit Authority may also vary the conditions on a Permit after it has been issued as set out in Section 11.

## 10.3 **Conditions upon Immediate Activities before Permit Issued**

- 10.3.1 By virtue of the Regulations and as set out earlier, activities that are necessary for emergency or urgent reasons (i.e. immediate activities) can



commence and continue for an initial stage without requiring a Permit to be obtained first. Nevertheless the Permit Authority has the power under Regulation 13 of the 2007 Regulations to impose conditions in such circumstances upon immediate activities for the period before a Permit is finally issued for the activity.

- 10.3.2 Activity promoters must apply for a Permit as soon as is practicable but at least within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the commencement of the next working day and must telephone the Permit Authority immediately works commence on such streets where such a requirement is designated by the Permit Authority and which is shown by a record 63 ASD designation.
- 10.3.3 Until a Permit is issued following an application for a Permit for an immediate activity, a promoter will be required to work within the terms of their application; for example if the application refers to specific working hours then the promoter must work within those hours.

### **10.4 Imposing Conditions upon Highway Authority Works Permits**

- 10.4.1 The Permit Authority will impose further conditions upon a Permit in respect of works to be carried out by or on behalf of a highway authority in the same form and for the same reasons referred to above
- 10.4.2 In addition, in accordance with Regulation 10 (3) of the 2007 Regulations conditions on such Permits may also require the highway authority to consult with any person who has apparatus likely to be affected by the Permit works and require the highway authority to take all reasonably practicable steps to comply with any requirement made by that person which is reasonably necessary for the protection of the apparatus or for securing access to it.



## 11 PERMIT VARIATIONS

- 11.1** In accordance with Regulation 15 of the 2007 Regulations LoPS allows for the variation of Permits and the conditions attached to Permits. This is important as it allows the Permit Authority, operating the LoPS, actively to manage other activities on the network in the light of changing circumstances. Variations can take place at any time after the Permit has been issued and before the activity has commenced or during the activity itself. However applications by the activity promoter, if a variation is required, must be made before the Permit end date is passed as set out below.
- 11.2** As set out in Section 6 PAAs cannot be varied. In circumstances where a PAA has been given but a full Permit has not yet been issued, and proposals change, the activity promoter must inform the LoPS Permit Authority of the proposed changes and the Permit Authority will indicate whether or not a new application for PAA or Permit must be made.
- 11.3** In accordance with Regulation 15 (2) of the 2007 Regulations LoPS provides that applications by the activity promoter to vary a Permit or to vary Permit conditions must be made in the following way:
- a) where the existing Permit has more than 20% of its duration or more than two working days to run, whichever is the longer, the promoter shall apply for a variation electronically; or
  - b) in any other case the promoter shall first telephone the Permit Authority to ascertain whether the authority is prepared to grant a variation and only apply, again electronically, if the authority is so prepared.
- 11.4** Activities can be particularly subject to change where an activity promoter has to make several excavations or registerable openings of the street in order to locate a fault. An example would be where gas had migrated along a duct to emerge from the ground some distance from the actual leak. The nature of searches in this sort of situation is that a series of excavations or openings are made from where the symptoms are apparent to trace back to the point where the fault is occurring. In normal circumstances each new excavation would require a Permit variation. The arrangements below aim to avoid a potential excess of Permit variations in a short space of time as each successive hole is dug. While LoPS seeks to avoid too many Permit variations, it is nonetheless important that the Permit Authority knows what is going on so that they can co-ordinate and manage these and other works in the area.
- 11.5** Therefore the LoPS provides that only in these fault-finding circumstances requiring a series of excavations or openings, and where the activities are immediate activities, the following arrangements will apply.



- 11.6** As immediate works, the promoter must submit the first Permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:
- a) for any further excavations on the same street within 50 metres of the original hole, the promoter will telephone the authority to inform them of the new location but no Permit variation will be needed and no Permit charge can apply.
  - b) the activity promoter will have to apply for a Permit variation for the first excavation in each new 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. The standard variation charges will be applied. Separate variations would be required for bands going in different directions along the street in question.
  - c) for any further excavations within each band the promoter will have to telephone the authority to inform them of the new location but no Permit variation will be needed and no Permit charge can apply.
  - d) if at any time the search carries into a different street, or more strictly a new USRN (including if the street changes to a different authority), then a separate Permit application must be made for the new street.
- 11.7** If the activity promoter cannot contact the authority by telephone they should record that and send the message electronically, for example via ETOn.
- 11.8** The conditions imposed upon these activities can be varied, e.g. to take account of the fact that the new location, even if within the same 50 metre band, is in a potentially more disruptive location.
- 11.9 Variation at Permit Authority's Initiative**
- 11.9.1** In accordance with Regulation 15 (3) of the 2007 Regulations the statement of policy as to the circumstances in which a LoPS Permit Authority will vary Permits on its own initiative is set out below (the issue of revocation of Permits is addressed separately in Section 12).
- 11.9.2** One of the main features of LoPS is that it effectively allows road space to be "booked" by promoters for their activities. Once the Permit is issued it will provide the promoter with reasonable confidence that the road space will be available for them. Nevertheless, even when a Permit has been issued in good faith by the Permit Authority, circumstances beyond the authority's control may cause the authority to have to review the Permit and may lead them to conclude that the Permit or its conditions need to be changed.
- 11.9.3** Such changes however will be the exception and will only happen when the new circumstances could not have been reasonably predicted or where the impact is significant. Examples of such circumstances are where, roads are



closed by floods, burst mains, a dangerous building or structure, or an unexploded bomb and significant traffic disruption has ensued or any further problems have arisen which would lead to traffic being diverted onto the road where an activity was underway or about to start but the Permit had been issued. If the consequent disruption cannot be mitigated in a better way it may then be necessary to vary the Permit for the activity e.g. by changing the time or manner of working.

- 11.9.4 The procedures which will apply in such circumstances are that the Permit Authority will first contact the promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved. Hopefully those discussions will lead to an agreement on the variations required. The Permit Authority will either then issue a new Permit in those terms, or, by agreement, the promoter may apply for a Permit variation from which the authority will issue the varied Permit. The latter will be more appropriate if the promoter needs to reconsider elements of its plans within the parameters agreed with the authority.
- 11.9.5 If agreement cannot be reached, the Permit Authority will then vary the Permit to reflect the terms and conditions the Permit Authority considers appropriate. The promoter would have the option of invoking the dispute resolution procedure where it disagrees, set out in Section 16.
- 11.9.6 No fee is payable for Permit variations initiated by the Permit Authority, unless, at the same time, the promoter seeks variations which are not the result of the circumstances causing the authority's action. In that case a variation fee would be payable, subject to the exemptions in Section 13 addressing Permit fees.



## 12 REVOCATION

- 12.1** There is no mechanism in LoPS for formally suspending or postponing a Permit only for varying or revoking one. If the authority has to suspend or postpone an activity for which it has already given a Permit but which it intends must happen at a later date, it will use the Permit variation provisions, as described above, to change the dates.
- 12.2** If the activity promoter wishes to cancel a Permit for which it has no further use, it must use the cancellation notice provided in the Technical Specification for EToN containing the relevant Permit number. There is no fee for such a cancellation notice but there will also be no refund of the fee required for issuing the Permit or any PAA as set out in Section 13.
- 12.3** The Permit Authority can revoke a Permit at its own initiative; in particular, it has the power to do so under Regulation 10(4) of the 2007 Regulations where there has been a breach of a condition (which is also a criminal offence). In such circumstances the Permit Authority may use the provisions replacing section 66 of NRSWA to clear the street, if required, namely the provisions under Regulation 18 of the 2007 Regulations referred to below in section 15.
- 12.4** In accordance with Regulation 15 (3) of the 2007 Regulations the statement of policy as to the circumstances in which a LoPS Permit Authority will revoke Permits on its own initiative is as follows.
- (a) As with variations where circumstances arise which cause the authority to have to review the Permit, they may lead them to conclude that the Permit needs to be revoked rather than simply being varied.
- (b) Revocation will be the exception and will only happen when the new circumstances could have been reasonably predicted or where the impact is significant.
- 12.5** The procedures which will apply in such circumstances are that the Permit Authority will first contact the promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved. The aim of those discussions is to try to reach an agreement and if variation is a feasible option then, as set out in Section 11, an agreement as to the form of that variation. The Permit Authority will either then issue a new Permit in those terms, or, by agreement, the promoter may apply for a Permit variation from which the authority will issue the varied Permit. The latter will be more appropriate if the promoter needs to reconsider elements of its plans within the parameters agreed with the authority.
- 12.6** If agreement cannot be reached, the Permit Authority will then vary the Permit to reflect the terms and with the conditions the Permit Authority considers appropriate.



- 12.7** No charge will be made for revocation in such circumstances, i.e. where a Permit is revoked on the Permit Authority's own initiative and the Permit Authority will also refund the promoter the fee for issuing the Permit. However no such refund will be made where the reason the Permit is cancelled was as a consequence of any action or omission on the part of the promoter which would amount to a criminal offence as set out in Section 15.
- 12.8** In these circumstances, revocation will only be used as an alternative to criminal action, where it is reasonable, taking into account the nature of the breach and where it is proportionate.
- 12.9** Where the promoter disagrees with the Permit Authority's decision in any of the above respects, then the promoter would have the option of invoking the dispute resolution procedure set out in Section 16.



## 13 FEES

**13.1** In accordance with the provisions of Section 37 TMA 2004 and Regulation 30 of the 2007 Regulations Permit Authorities have the power to charge a fee for:

- a) the issue of a Permit;
- b) an application for a Permit, where the Permit Scheme requires a Provisional Advance Authorisation to be obtained as part of that application; and
- c) each occasion on which there is a variation of a Permit or the conditions attached to a Permit unless the circumstances are as described in 13.7.4.

**13.2** A fee will be charged therefore for a PAA when the subsequent application for a full Permit is made, when a Permit or Variation to any Permit is issued and when Permits (or conditions on Permits) are varied subject to the circumstances set out in Section 13.7.

**13.3** Permit fees do not include costs charged or recoverable by highway authorities in relation to consents or other requirements such as for Temporary Traffic Orders or Notices or parking suspensions related to other works being carried out.

**13.4** It is not the purpose of fee charging under LoPS to generate revenue for Permit Authorities, although subject to the constraints set out below an authority may cover its costs.

### **13.5 Fees Payable**

**13.5.1** In accordance with the 2007 Regulations, LoPS authorities may charge undertakers but highway authorities are not charged. This is due simply to the fact that the money charged would only circulate around a highway authority.

**13.5.2** To promote good practice Permit Authorities operating LoPS (and other highway authorities) are encouraged to use a shadow charging arrangement to show the cost of issuing Permits to its own activity promoters both to help understand its own costs and to set those alongside the costs to other promoters, but this is not a statutory requirement and it is not a requirement of the LoPS.

### **13.6 Level of Fees**

**13.6.1** The LoPS has set out the Permit fees for each authority operating the LoPS in Appendix D.





- 13.6.2 The 2007 Regulations and Statutory Guidance set maximum fees that Permit Authorities may not exceed. The fees are structured to reflect the greater work involved in handling larger activities and busier roads.
- 13.6.3 With regard to the variation of Permits, the 2007 Regulations and Statutory Guidance set a maximum flat fee for Permit variations initiated by the promoter with a lower fee for category 3 and 4 non traffic-sensitive streets and a higher fee for category 0, 1 and 2 and traffic-sensitive streets.
- 13.6.4 If a Permit variation moves an activity into a higher fee category, the promoter will be required to pay the difference in Permit fee as well as the Permit variation fee.
- 13.6.5 All the LoPS fee levels are at or within the current statutory maxima.

### **13.7 Circumstances where no Fee will be Charged**

- 13.7.1 No fee will be charged in the circumstances described below.
- 13.7.2 Cancellation of a permit
  - 13.7.2.1 No fee will be charged where, prior to the Permit Authority's determination, an applicant cancels or withdraws a permit application.
- 13.7.3 Refusal of Permit or Variation
  - 13.7.3.1 When an application for a Permit or Variation is refused there will be no fee.
- 13.7.4 Cancellation or Revocation of Permit
  - 13.7.4.1 No fee will be charged for the cancellation or revocation of a Permit as set out above. There will also be a refund of a fee already paid when the Permit is revoked on the Permit Authority's initiative except where the reason the Permit is cancelled was as a consequence of any action or omission on the part of the Promoter which would amount to a criminal offence as set out in Section 15.
- 13.7.5 Variation of Permit at Permit Authority's Initiative
  - 13.7.5.1 No fee is payable for Permit variations initiated by the Permit Authority, unless, at the same time, the promoter seeks variations which are not the result of the circumstances causing the authority's action. In that case a variation fee would be payable.
- 13.7.6 Deemed Permits
  - 13.7.6.1 Where the Permit Authority fails to respond to an application for a permit within the relevant response time and the permit is subsequently deemed to be granted, there will be no fee charged for issuing of the permit.



### 13.7.7 Permits in Lane Rental areas

- 13.7.7.1 Where a Permit Authority is an Approved Authority for the purposes of the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012, a fee may not be charged in relation to a permit for works where a fee applied under those regulations.

## 13.8 **Permits for Collaborative Works**

- 13.8.1 As set out previously it is one of the main objectives of the LoPS to encourage collaborative working and trench sharing. In such circumstances, which must be set out in a detailed scheme of works at the application stage, there must be a Primary Promoter to take overall responsibility as the agreed point of contact with the Permit Authority. The Secondary Promoter(s) retain the same responsibility for submitting Permit applications for work to be carried out by them or on their behalf.
- 13.8.2 To avoid any ambiguity, the Permit Authority will issue Permits to each of the promoters involved, not just the Primary Promoter. All issued Permits will record the identity of the Primary Promoter and all the Secondary Promoters.
- 13.8.3 In such circumstances, where at least two or more promoters intend to collaborate their works within the same site over the same period they should submit applications at the same time or ensure the applications are at least received by the Permit Authority within three working days of each other, beginning with the day on which the first application is received (see Regulation 31 of the 2007 Regulations). In such circumstances none of the Permits will attract a Permit fee.
- 13.8.4 It must be noted however that if , some or all of those promoters then fail to co-ordinate their works in accordance with the detailed scheme of works set out in the way stated in the applications, the Permit of that promoter (be they primary or secondary) may be revoked, taking into account the circumstances. New Permits may then be required which will either be in the form of individual chargeable Permits or a further collaborative Permit structure which will again attract no fee but will risk further delay.
- 13.8.5 Phasing of Works to Lessen Risk and Inconvenience to Highway Users
- 13.8.5.1 As set out in Section 4 where temporary reinstatement is required by the Permit Authority in particular to minimise risk to the public and allow safe passage for example, where works are sited on a street or road that will be used by people attending a sporting event, carnival, festival the works must also be treated as being phased and requiring separate Permits for each phase. The Permit Authority in these particular circumstances will not require a fee for issuing a Permit to return and complete the phase that was interrupted at the request of the Permit Authority.



13.8.5.2 To be clear therefore where works need to be phased for any reason other than as a consequence of the need to minimise risk to the public and allow safe passage, a fee will be charged for each Permit for each phase.

### 13.8.6 Works in Traffic Sensitive streets at non traffic sensitive times

13.8.6.1 Only works taking place at traffic sensitive times on traffic sensitive streets should be charged at the higher rate.

13.8.6.2 Works promoters should indicate on their permit request that works will only take place outside of traffic sensitive times by un-ticking the Traffic Sensitive marker on the permit application and noting this as a condition. The fee will be based on this information and not on what a promoter says has happened after the event, it is therefore important to make applications as accurate as possible.

13.8.6.3 This discount applies only to works undertaken wholly outside Traffic Sensitive times on category 3 and 4 traffic sensitive roads. The higher charge will apply to works that occupy the highway and take up road capacity during traffic sensitive hours, even though no actual work is physically being undertaken, with the exception of non-disruptive working methods such as plating.

13.8.6.4 Some roads are traffic sensitive for only part of the day and for these roads the higher rate will usually apply to all works that take more than a day to complete unless the site is cleared before the onset of traffic sensitive times, and the road returned to full operational use and all barriers removed during the traffic sensitive hours (e.g. excavation plated after a repair, road returned to full use and all barriers removed before the next Traffic Sensitive time and then after the Traffic Sensitive time has ended, the site is reinstated and returned to full public use before onset of the next Traffic Sensitive time).

13.8.6.5 For roads that are traffic sensitive only on certain days the higher rate applies if works continue on site on those dates.

### 13.8.7 Highway Authority Works

13.8.7.1 As referred to previously, Permits required by the highway authority, although part of the scheme, will not attract a Permit fee. However operators of the Permit Authority will keep full records of all Permits issued and the fees that could have been paid in order to assist in the review mentioned in Section 13.9.1.

## 13.9 **Fee Review**

13.9.1 The Permit Authority will review the fee structure in accordance with Regulation 16A of the 2007 Regulations. This is with a view to ensuring that the overall income from fees paid by undertakers and activity promoters does not exceed the prescribed costs described in Regulation 29 of the 2007



Regulations (the costs of operating the Permit Scheme in relation to undertakers and activity promoters).



## 14 INSPECTION PROCEDURES

**14.1** The procedures for dealing with all aspects of inspections under the LoPS will, with the exception of those related to overrun charges under Section 74 of NRSWA and Permit condition checks, reflect the procedures set out in the current Code of Practice for Inspections dated September 2002.

14.1.1 There are four types of inspections procedure set out in the Code:

- a) Sample Inspection;
- b) Defect Inspection;
- c) Investigatory Inspection; and
- d) Inspection of works undertaken by licence under Section 50 NRSWA.

14.1.2 Inspections under the LoPS will follow the sample inspection methodology for assessing and carrying out all category A, B and C inspections which are those that are:

- A) Undertaken during the progress of the works;
- B) Undertaken within the six months following interim or permanent reinstatement; and
- C) Undertaken within the three months preceding the end of the guarantee period.

14.1.3 In addition inspection under the LoPS will include processes for dealing with any defective signing and guarding and for reinstatements; improvement plans; together with any costs that may be recoverable, e.g. sample inspections fees from the activity promoter.

14.1.4 The procedures for inspections dealing with Section 74 and Permit Condition checks are as follows:

### 14.2 Section 74

14.2.1 These inspections are related to works that should have been completed by a due date or have been notified as having done so.

14.2.2 They will be randomly selected from works that fall into this availability so that the actual situation can be confirmed and as a combined total of 10% from the annual total number of actual number of inspection units, calculated using the method contained within the Code of Practice for Inspections. The individual fees charged will be as set down in Regulations from time to time by the Secretary of State and recharged using the same principles as for other sample inspections.



- 14.2.3 LoPS Permit Authorities will run the overrun charging scheme alongside the LoPS under Section 74 of NRSWA as set out in Section 17.22

### **14.3 Permit Conditions**

- 14.3.1 These inspections will check for compliance with any Permit conditions that have been required under any particular Permit, for those conditions, which are not included in any other inspections procedures e.g. signing and guarding.
- 14.3.2 Similar to Section 74 checks, Permit Conditions checks will be randomly selected as a combined total of 10% from the annual total number of Permits, calculated using the method contained within the Code of Practice for Inspections, mentioned above.



## **15 SANCTIONS**

**15.1** In accordance with the Statutory Guidance and the sanctions provided by the 2007 Regulations which Permit Authorities may use to achieve compliance with Permit Schemes, the policy of the Permit Authority as follows.

**15.2** Where there is proof that any undertaker has committed a criminal offence the Permit Authority, where it is both practicable and appropriate, will contact the undertaker before taking action against the undertaker and seek to discuss the matter in order to establish whether such action is required

### **15.3 Criminal Offences**

**15.3.1** Regulation 19 of the 2007 Regulations provides that it is a criminal offence for an undertaker or someone acting on its behalf to undertake works without a Permit. The offence carries a maximum fine of level 5 on the standard scale.

**15.3.2** Permit offences apply only to undertakers and not to highway authorities. However Permit Authorities are required to monitor the performance of highway authority promoters to ensure a consistent approach and it will therefore be a matter of public record if a highway authority acts in such a way that would amount to the commission of an offence under Regulations 19 and 20 of the 2007 Regulations were it not the highway authority.

**15.3.3** Regulation 20 of the 2007 Regulations provides that it is a criminal offence for an undertaker or someone acting on its behalf to undertake works in breach of a condition. This offence carries a maximum fine of level 4 on the standard scale.

**15.3.4** These offences may be enforced in the following ways:

- (a) Fixed Penalty Notice
- (b) Prosecution

### **15.4 Fixed Penalty Notices**

**15.4.1** Regulations 21 to 28 (and Schedules 1 and 2) of the 2007 Regulations authorise Permit Authorities to issue Fixed Penalty Notices (FPNs) in respect of the criminal offences. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount.

**15.4.2** A FPN may not be given more than 91 calendar days after the commission of the offence, beginning with the day on which the offence is committed. This is the maximum period allowed, but to improve co-ordination the Permit Authority, will, once it is decided that a FPN is to be given, do so soon as possible.

**15.4.3** The penalty amount is £500 for working without a Permit, but a discounted amount of £300 is available if payment is made within 29 days. For working in



breach of a condition the penalty is £120 and the discounted amount £80, the same as for Fixed Penalty Notices under the notices system.

- 15.4.4 FPNs shall be in the form set out in Schedule 1 to the 2007 Regulations (and in Chapter 18 of the Code of Practice for Permits) or in a form to substantially the like effect.
- 15.4.5 A FPN shall identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence. It must also state:
- a) the amount of the penalty and the period within which it may be paid;
  - b) the discounted amount payable in accordance with Regulation 25 of the 2007 Regulations and the period within which it may be paid;
  - c) the person to whom and the address at which payment may be made;
  - d) the method or methods by which payment may be made;
  - e) the person to whom and the address at which any representations relating to the notice may be addressed; and
  - f) the consequences of not making a payment within the period for payment.
- 15.4.6 The person specified under (c) shall be the Permit Authority or a person contracted to act on its behalf.
- 15.4.7 FPNs will be served electronically where possible. But other means of giving the fixed penalty notice are permitted.
- 15.4.8 If an undertaker wishes to receive FPNs by electronic means, it must tell the Permit Authority which method (e.g. EToN, e-mail or fax) and provide details of the EToN web service URL, e-mail address or fax number to be used as appropriate. Where an address for service using a particular method for transmitting an electronic communication has been given for receipt of FPNs and the Permit Authority has not been notified that the address is withdrawn then an FPN must be given by sending to that electronic address.
- 15.4.9 The Permit Authority will apply the three conditions set out in Regulation 5 (3) of the Street Works (Fixed Penalty) (England) Regulations 2007 when giving an electronic FPN, "the fixed penalty notice shall be –
- a) capable of being accessed by the person to whom it is being sent;
  - b) legible in all material respects; and





- c) in a form which permits the notice to be retained for subsequent reference, and for this purpose "legible in all material respects" means that the information contained in the notice is available to that person to no lesser extent than it would be if given by means of a notice in printed form."

- 15.4.10 An electronic FPN is deemed to be given on the day and at the time the transmitting apparatus records as being the day and time of satisfactory completion of the transmission, unless the contrary is proved. This is subject to Section 98 (2) of NRSWA (see below).
- 15.4.11 In all other circumstances, including system failures or if the Permit Authority has tried and failed to use electronic means, the fixed penalty may be given by alternative methods such as:
  - a) delivering it to the person to whom it is to be given;
  - b) leaving it at his proper address;
  - c) sending it by first class post to him at that address; or
  - d) by any other agreed means.
- 15.4.12 For service of a fixed penalty notice in these circumstances, the "proper address" is the postal address given by the undertaker to the street authority for those purposes, or, the registered or principal office of a corporation, or the last known address of such person.
- 15.4.13 Section 98 (2) of NRSWA provides that a notice given after 16:30 on a working day is deemed to have been given on the next working day.
- 15.4.14 The Technical Specification for EToN includes a non-mandatory message type for sending an FPN using EToN.
- 15.4.15 In accordance with Regulation 27 of the 2007 Regulations if the Permit Authority considers that a FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN. The notice shall be in the form set out in Schedule 2 of the 2007 Regulations (or in a form to substantially the like effect).
- 15.4.16 The Permit Authority in such circumstances will repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice.
- 15.4.17 The Permit Authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

## 15.5 Prosecution



- 15.5.1 If the undertaker pays either the full penalty or the discounted amount within the required period, then no further proceedings can be taken against that undertaker for that offence.
- 15.5.2 If the undertaker does not pay the penalty within the 36 days then the authority may bring proceedings in the Magistrates' Court for the original offence. Legal action must be taken before the expiry of the six months deadline from the date of the offence for bringing a case before the Magistrates' Court (Section 127 of the Magistrates' Courts Act 1980). This is the case even if the FPN was not given for some time after the offence was committed.
- 15.5.3 In circumstances where a Fixed Penalty Notice has been issued in relation to an offence, but the Permit Authority subsequently forms the view that it would be more appropriate to prosecute the offender, the authority must withdraw the Notice under Regulation 27 of the 2007 Regulations before bringing the proceedings.
- 15.5.4 Further the Permit Authority may consider the most appropriate action in the circumstances is to proceed directly to prosecution of the offence.

### **15.6 Application of Money by the Permit Authority**

- 15.6.1 The Permit Authority may deduct from the fixed penalties received under Section 37 (6) of the TMA, the reasonable costs of operating the FPN scheme under which they are paid.
- 15.6.2 The Permit Authority shall apply any net proceeds to promoting and encouraging safe, integrated, efficient and economic transport facilities and services, to, from and within its area.
- 15.6.3 The Permit Authority will need to be able to demonstrate that the costs of running the FPN scheme are reasonable and that the net proceeds after deducting these costs are being correctly applied. Those enquiring should note that accounts are generated annually.
- 15.6.4 Although it is not a requirement that separate accounts should be kept for the FPN scheme, it should be possible to follow the audit trail to check income and expenditure for this scheme.
- 15.6.5 The Permit Authority and every Permit Authority operating the LoPS recognises that the FPN scheme is NOT intended to be an additional source of income for authorities, although some income may be generated incidentally. The objective of the FPN scheme is to enable highway authorities to manage and control activities better on the street and thereby contribute to the overall aim of the TMA, which is to minimise disruption from street works and will be operated with that in mind. LoPS authorities will therefore not expect any net proceeds emerging from the FPN scheme.

### **15.7 Regulation 18 – Discretionary Unauthorised Works Notices**

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15.7.1 There is a discretionary power under Regulation 18 (1) of the 2007 Regulations, by which a Permit Authority may instead of proceeding by way of the criminal sanction route, issue a notice. Such a power may be used where a person undertakes works without a Permit for which a Permit is required to have been obtained or breaches a Permit Condition. The Permit Authority will only issue such a notice where it is considered to be an appropriate response in the circumstances and not as a matter of course.

15.7.2 Where such a notice is issued it will require the person to take such reasonable steps as are specified in the notice, which may include steps to remove the works, to remedy the breach or to minimise or discontinue any obstruction to the street connected with the works, and to propose remedial action which must be undertaken within the timeframe set in the notice.

### **15.8 Failure to take Remedial Action**

15.8.1 Where a notice is issued under Regulation 18 (1) of the 2007 Regulations and the relevant person has not taken the remedial action within the timeframe, the Permit Authority under Regulation 18 (3) of the 2007 Regulations may take such steps as it considers appropriate having regard to the original non-compliance, at the cost of the undertaker. The policy to be applied in such circumstances is that failure to comply with a Regulation 18 Notice within the relevant period will normally lead to such action being taken on the part of the Permit Authority.

### **15.9 Other Offences under NRSWA**

15.9.1 Any offences relating to sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning and failure to send appropriate notices.

### **15.10 Revocation of Permit**

15.10.1 Whilst it is a criminal offence for an undertaker or someone acting on its behalf to undertake works in breach of a condition, as a further alternative to taking criminal action in such circumstances against the undertaker the Permit Authority has the power under Regulation 10(4) of the 2007 Regulations to revoke the Permit. This power is addressed in section 12.

### **15.11 Keeping of Records**

15.11.1 The Permit Authority will keep records of all sanctions under LoPS. This information will be made available upon request to the relevant Permit Authority.



## 16 DISPUTE RESOLUTION

**16.1** The TMA provides wide powers to devise a suitable dispute resolution procedure and to identify the stages of the Permit application process at which it can be invoked. There are no prescribed statutory dispute resolution procedures as yet and the approach taken therefore is to build on arrangements which already exist through the Highways Authorities and Utilities Committee (HAUC UK) at local and national level for resolving disputes and are set out in the Code of Practice for Permits.

**16.2** LoPS Permit Authorities will and activity promoters are expected to use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. This might, for instance, be achieved by referring the issue to management for settlement.

### 16.3 Incidence of Dispute Resolution

16.3.1 Two stages of the Permits process provide for dispute resolution:

- a) A promoter applies for a Permit, the Permit Authority makes it clear that it will only issue the Permit with conditions attached or with different dates than in the application, and may in fact issue a Permit in those terms. The promoter believes that one or more of these conditions are unreasonable or unrealistic. The two parties are unable to resolve their differences; or
- b) A promoter who has been issued with a permit and has started work realises that it will no longer be able to comply with the original Permit. It applies, therefore, for the Permit or its conditions to be varied or extended. The two parties are unable to reach agreement on any variation or perhaps, on whether any variation should be allowed.

16.3.2 Permit Authorities and Permit applicants should try, where ever possible, to resolve their disagreements between themselves. However, it is recognised that occasionally this may not be possible.

### 16.4 Appeals Procedure

16.4.1 The dispute resolution procedure for appeals under LoPS may be by way of dispute review, adjudication or arbitration.

### 16.5 Dispute Review

16.5.1 If agreement cannot be reached locally on any matter arising under any part of the LoPS the dispute will be referred for review on the following basis:

- a) Straightforward issues - Where the two parties consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of a regional HAUC



(that is those not representing parties directly involved in the dispute) for review. That review should take place within five working days from the date of referral. Both parties are recommended to accept the result as binding.

- b) Complex issues - If the parties to the dispute think the issues are particularly complex, they should/will ask HAUC (UK) to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (UK) joint chairs.

- 16.5.2 Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (UK). It is recommended that both parties accept the advice given by the review panel as binding.

### 16.6 Adjudication

- 16.6.1 If agreement cannot be reached by the procedure above, for instance if one or more of the parties does not accept the ruling of the Regional HAUC or HAUC (UK) review as binding, the dispute will be referred to independent adjudication provided that the parties agree that the decision of the adjudicator is deemed to be final. The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them. Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from suitable recognised professional bodies.
- 16.6.2 Where the parties do not agree that the decision of the adjudicator is deemed to be final the promoter will have the option of challenging the Permit Authority's decision through the administrative court by way of judicial review.

### 16.7 Arbitration

- 16.7.1 Disputes relating to matters covered by the following sections of NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA:
- a) Section 61 (6) - consent to placing apparatus in protected streets;
  - b) Section 62 (5) - directions relating to protected streets;
  - c) Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged;
  - d) Section 74A (12) - charges determined by reference to duration of works;
  - e) Section 84 (3) - apparatus affected by major works;



- f) Section 96 (3) - recovery of costs or expenses.



## **17 RELATED MATTERS & PROCEDURES**

### **17.1 Road Closures and Traffic Restrictions**

- 17.1.1. Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14 – 16 of the Road Traffic Regulation Act 1984, as amended by the Road Traffic (Temporary Restrictions) Act 1991, and Regulations made under the 1984 Act.
- 17.1.2 There are two procedures:
- a) Where urgent action is needed the relevant London traffic authority may issue a ‘temporary notice’ imposing a short-term closure or restriction. Prior notice is not necessary. The notice is limited to 21 days if there is a danger to the public or risk of serious damage to the road, independent of street works, a leaking gas main, for example. It can be extended by one further notice. The notice is limited to five days if there is no risk of danger or damage.
  - b) In less urgent cases the traffic authority may make a ‘temporary order’, which may remain in force for up to 18 months. This is limited to six months for footpaths, bridleways, cycle tracks and byways open to all traffic.
- 17.1.3 A temporary notice and a temporary order may provide that restrictions have effect only when traffic signs are lawfully in place. This will help limit traffic disruption where activities progress along a length of road.
- 17.1.4 In extraordinary circumstances, the Road Traffic Act 1991 Section 49 (4A), allows the police to suspend designated street parking places temporarily to prevent or mitigate traffic disruption, or danger to traffic. This could prove useful to promoters carrying out emergency works.

### **17.2 Temporary Notices**

- 17.2.1 This procedure will normally only apply to immediate activities. The promoter will inform the relevant traffic authority as soon as practicable if a closure or traffic restriction is needed. The Permit Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether or not a notice will be made.
- 17.2.2 The traffic authority must state in the notice:
- a) the reason for issue;
  - b) its effect;
  - c) alternative routes (where applicable); and





d) the date and duration of the notice.

- 17.2.3 The traffic authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be done on, or before, the day the notice is issued.

### **17.3 Temporary Orders**

- 17.3.1 The traffic authority must publish notice of intention to make a temporary order at least seven days in advance. If the order is expected to last for more than 18 months because activities are to be executed on or near the road, it is advisable to make application for a Permanent Traffic Regulation Order. Any Orders should be revoked as soon as the activity is completed.
- 17.3.2 The traffic authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be done on, or before, the day the order is issued. These bodies should be consulted, as well as notified, if the closures are expected to last for more than 18 months.
- 17.3.3 A temporary traffic order is generally needed for planned activities in the street (except where the order follows a closure notice). If a closure order is needed, the promoter should notify the traffic authority at least three months in advance. This will allow the authority time to consult, and to obtain approvals and advertise the order.
- 17.3.4 Activities that require a temporary traffic order are automatically classed as major and require at least three months notice for applying for a PAA, initially, and a temporary traffic order.
- 17.3.5 The promoter must submit all the information needed to justify a road closure with the application for an order.
- 17.3.6 As set out above it will be a condition of a Permit where a temporary traffic order is required that the order will be in place before the activity, or the relevant part of the activity, starts on site.

### **17.4 Continuation of Closures and Restrictions**

- 17.4.1 A five-day temporary traffic closure or restriction notice cannot be extended. A 21-day temporary notice can be extended by one further notice giving up to 21 days more. Both five-day and 21-day notices may be followed immediately by a temporary order. This may be made without the seven days prior notice normally needed for such orders.
- 17.4.2 If the original estimate of the duration of the activity changes, a request for a Permit variation will be necessary.
- 17.4.3 There will be cases where works will unavoidably overrun the temporary notice period. Where this is apparent from the beginning, promoters must





inform the traffic authority. The authority will take the necessary follow-up action, without delay, to enable the activity to continue uninterrupted.

- 17.4.4 If the overrun becomes apparent only after the activity has started, the promoter should immediately inform the authority that either a further notice or an order will be required. This may be needed before the request for a Permit variation is made.
- 17.4.5 It might not be possible to make a follow-up order before a five-day notice expires. The activity may have to be suspended, and the site temporarily restored to traffic until the correct procedures have been followed. The traffic authority will try to minimise both, the number of cases where this happens, and, where it is unavoidable, the period of suspension involved. This problem is unlikely to arise in the case of a 21 day temporary order.
- 17.4.6 Subject to the time limit for temporary orders, see above, a closure or restriction imposed by a temporary order may be continued by a further order. If this is required, the promoter should notify the traffic authority immediately, giving, wherever possible, at least one month's notice.

### **17.5 Policy Guidance**

- 17.5.1 When a notice or order has been made, the promoter must comply with the requirements of the traffic authority and the police for the closure of the road.

### **17.6 Charges for temporary notices or TROs**

- 17.6.1 Section 76 of NRSWA allows for traffic authorities to recover the costs of issuing temporary notices or making Temporary Traffic Regulation Orders (TROs). Upon receipt of an application for a TRO, the relevant traffic authority can provide utilities with the estimated cost. Invoices will be itemised, for example:
- a) cost of order;
  - b) advertising in local papers; and
  - c) administration.
- 17.6.2 There may also be charges made for erecting and maintaining the on-site notices that are required.

### **17.7 Maintenance of Undertakers' Apparatus**

- 17.7.1 Undertakers have a duty, under Section 81 of NRSWA, to maintain apparatus in the street to the reasonable satisfaction of the street authority, having regard for the safety and convenience of traffic, the structure of the street, and integrity of apparatus in it. Bridge, sewer and transport authorities also have an interest, so far as any land, structure or apparatus they own is concerned.



## **17.8 Practical Considerations**

- 17.8.1 Although NRSWA gives street authorities certain default powers to inspect and carry out emergency works, neither street authorities nor undertakers expect the need to arise. However, should it happen, then (without impeding any immediate emergency action) the matter will be referred to the agreed dispute resolution procedure.
- 17.8.2 The relevant street authority will immediately notify the undertaker if surface apparatus is found to be defective or the cause of significant surface irregularity, or where an unexplained subsidence or other disturbance of the road surface occurs. This will be done in accordance with the protocols set out in the Technical Specification for EToN. The relevant street authority may arrange a site meeting by agreement with the undertaker.
- 17.8.3 If the fault identified by the street authority is for or as a result of previously un-attributable activities by undertakers, and an undertaker subsequently accepts responsibility for that activity, the undertaker must apply for a Permit for any registerable activity required to rectify the problem. The undertaker must use its own activity reference, rather than that generated by the street authority.
- 17.8.4 If the problem is agreed to be the undertaker's responsibility, it must take immediate action to investigate and initiate any necessary remedial works, in accordance with the following principles:
- a) Dangerous defects – requires an immediate response;
  - b) Non-Dangerous – requires a response within the timescales agreed with the street authority.

## **17.9 Dangerous Occurrence or Defects:**

- 17.9.1 Apparatus that requires an immediate response or remedial works or to avoid injury or damage to persons or property shall be considered dangerously defective.
- 17.9.2 The street authority may execute any emergency action needed to safeguard the public, for example, by fencing off the location from traffic and the general public.
- 17.9.3 Non-Dangerous defect or occurrence requires a response within the timescales agreed with the street authority. Non-Dangerous defective apparatus is apparatus which requires attention to comply with specifications or remove nuisance; or has the potential to escalate to "Dangerous" in the near future.
- 17.9.4 The decision on whether an occurrence is Dangerous or Non-Dangerous will, by necessity, have to be made on site. The relevant street authority will make the decision objectively. It should not be challenged unreasonably.



- 17.9.5 An undertaker may reduce the time for response, to meet operational needs for example, but must not exceed the agreed timescales. It is important that only the responsible undertaker, or a specialist contractor working on its behalf, investigates suspected damaged or defective apparatus, excluding manhole covers and frames.
- 17.9.6 The street authority will carry out investigations or remedial works (using appropriately trained and experienced persons) only in an emergency, or where the undertaker is unable or unwilling to use their own operatives or specialist contractor.
- 17.9.7 Permit applications for any necessary remedial work that is a registerable activity must be made following the rules set out in the LoPS and using the protocols set out in the Technical Specification for EToN.
- 17.9.8 If the street authority has opened the street or exposed an undertaker's apparatus in an emergency, or in the circumstances described above, the undertaker will assist the authority by jointly inspecting the problem, within a reasonable time agreed between them, to agree a remedial plan and timescale. The reasonable costs incurred by the street authority may be charged to the undertaker.
- 17.10 Working Near Rail Tracks**
- 17.10.1 Particular attention must be given to the possible effects of activities taking place at or in the vicinity of level crossings. Promoters planning works in such locations must refer to Appendix C of the Code of Practice for Permits published in March 2008 or as subsequently amended, which sets out Network Rail's requirements.
- 17.11 Vehicle Parking at Street and Road Works**
- 17.11.1 This is not safety advice. The Code of Practice on Safety at Street Works and Road Works should always be consulted.
- 17.12 Vehicle within Activity Site**
- 17.12.1 A works vehicle may be parked in an activity site provided that it is necessary for the carrying out of that activity. Basic site layouts are shown in the Code of Practice on Safety at Street Works and Road Works.
- 17.12.2 A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.
- 17.13 Vehicle Outside Activity Site**
- 17.13.1 A vehicle may be parked outside an activity site provided the parking rules that apply to any other vehicle in that street are obeyed. Outside of the activity site, the vehicle has no special status and no exemption from parking enforcement.



#### **17.14 Implications**

- 17.14.1 When assessing the impact of activities, the parking of any vehicles associated with the activity must be taken into account. This is a particular problem for activities which, but for the presence of a works vehicle, would take place entirely within the footway. If a vehicle is parked adjacent to the activity, in a place which vehicles could not normally use, then it must be part of the activity site. It must be signed and guarded appropriately. The activity is then not wholly confined to the footway but encroaches onto the carriageway. Applications for Permits must reflect this.

#### **17.15 Parking Restrictions**

- 17.15.1 A Traffic Regulation Order imposing parking restrictions on a particular street should already contain an exemption allowing for activities to take place in a parking bay. Promoters should check whether any further dispensation is required well before the works are due to start.

#### **17.16 Storage of Materials**

- 17.16.1 Activity promoters must take care to place materials so that they do not cause an obstruction to road users. This is one of the factors that the Permit Authority will take into account when making decisions in respect of Permits. This is especially important if materials are stored away from the activity site but still within the highway boundaries. The storage must have its own Permit with conditions if it is separate from the activity site.

#### **17.17 Apparatus Belonging to Others**

- 17.17.1 There may be other apparatus where activities are planned and under Section 69 of NRSWA, those carrying out activities must ensure that the owners of that apparatus are able to monitor the activity and that requirements to take reasonable steps to protect the apparatus are followed. Failure to do so is a criminal offence.

#### **17.18 Assessing the Impact of Activities**

- 17.18.1 All activities in the highway have a disruptive effect on traffic. An assessment of that effect is part of the process of applying for a Permit. The activity promoter should discuss with the Permit Authority what sort of assessment is required as set out below:



### 17.18.2 Disruption Effect Score

17.18.2.1 The Disruption Effect Score as set out in Appendix C is based on a measure of congestion resulting from a restriction on the highway. It is derived from a number of simple factors that should be easily established for any given activity.

17.18.2.2 The nature of traffic flow and the relationship between flow, capacity, and delay are highly complex and subject to a variety of factors. However three specific factors can be used to provide an indication of congestion: the total width of a road; the extent to which the activities reduce the available width; and the traffic flow.

### 17.18.3 Impact Assessments

17.18.3.1 Assessment of the impact of activities on general traffic, buses and pedestrians may be included, together with the disruption effect score, in the information included in a Permit application. The assessment is a broad indicator of the likely disruptive effect of the proposed activity.

### 17.18.4 Use of Impact Assessments

17.18.4.1 The impact assessment will be used within the co-ordination process to prioritise activities according to their potential for causing disruption. The assessment may also be used to provide public information on the disruptive effects of activities.

## 17.19 **Environmental Issues**

17.19.1 Activity Promoters are strongly advised to liaise with the authority's arboriculture consultants and other environmental officials along with any necessary authority officers when drawing up their proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met.

17.19.2 Promoters considering burying plant and apparatus that is currently above ground should contact any other promoters with similar apparatus to see whether it wishes to share the underground facility.

## 17.20 **Codes of Practice and Regulations**

17.20.1 All relevant Codes of Practice and Regulations also apply to LoPS, including, but not restricted to:

- a) The Specification for the Reinstatement of Openings in the Highways (or special or local agreement if employed by some authorities) and the appropriate current Regulations;
- b) The Safety at Street Works and Road Works, A Code of Practice and the appropriate current Regulations;



- c) The Section 74 Regulations will apply and an overrun charging scheme will be applied as set out in Section 17.22; and
- d) A Notice of Completion must be provided, as required by Section 70 of NRSWA, within ten days of completing a reinstatement.

### **17.21 Notice of Completion**

17.21.1 The Notice of Completion must contain the following:

- a) Whether the reinstatement is interim or permanent;
- b) National Grid References either:
  - i) one in the centre of small excavations; or
  - ii) one at each end of trenches. A trench is any opening over 10m in length.
- c) The dimensions and description of each and every reinstatement;
- d) The date the site was reinstated, which in the case of a permanent reinstatement is the start date for the guarantee period;
- e) The reinstatement construction method for all the reinstatements carried out; and
- f) The actual number of inspection units.

17.21.2 The Notice may also include an illustration, which may be a plan, sketch or digital photograph, showing the extent and location of the reinstatement.

### **17.22 Overrun Charging Scheme – Section 74 NRSWA**

17.22.1 Permit Authorities operating the LoPS will each run a scheme for overrun charging under Section 74 of NRSWA to operate alongside the LoPS. Like Permit schemes, Section 74 schemes are not compulsory, however, unlike Permit schemes, an authority does not require Secretary of State approval. The details of the Section 74 scheme operating in conjunction with LoPS are set out below.

17.22.2 The Section 74 Regulations current at the time of drafting the LoPS namely the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations will apply but may be subject to change from time to time in which case the amended or replacement Regulations will apply. The operation of the overstaying regime however is modified under the LoPS to incorporate the process of setting and modifying the duration of the activity (or “works” in Section 74 terms) through the Permit application, approval and variation processes.



- 17.22.3 Activities carried out by an activity promoter on behalf of a highway authority or by the highway authority themselves are not subject to Section 74 overrun charges. However, under the LoPS, promoters of such activities will be required to follow the same procedures as promoters who are undertakers. KPIs as described in Section 22 provide an indication of performance in relation to overrunning.

### **17.23 Section 74 - Charges for Unreasonably Prolonged Occupation**

- 17.23.1 Section 74 of NRSWA enables highway authorities to charge undertakers if their works in the highway take longer than previously agreed.
- 17.23.2 The Section 74 Regulations apply to every publicly maintainable highway other than:
- a) a footpath or bridleway;
  - b) a highway with a pedestrian planning order is in force; and,
  - c) a highway prohibited for use by vehicular traffic by a traffic order - unless that prohibition is only at particular times.
- 17.23.3 If the activities take longer than the “Prescribed Period” and also take longer than the “Reasonable Period”, they become unreasonably prolonged - and the Permit Authority as highway authority may levy a charge for each day, or part of a day they over-run.
- 17.23.4 If the activities are prolonged due to reasonable circumstances, such as unforeseen weather or ground conditions, the Permit Authority will discuss the circumstances with the promoter and may agree an extended duration.

### **17.24 Exempt Activities**

- 17.24.1 Certain types of activities are exempt from Section 74 charging:
- a) activities in non traffic-sensitive streets that require opening the highway, but not breaking it up;
  - b) replacing manhole or chamber covers - that do not involve breaking up the street;
  - c) replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street;
  - d) pole testing that does not involve breaking up the street;
  - e) bar holes; and
  - f) works carried out on behalf of a highway authority.





- 17.24.2 If one of the exemptions applies, the promoter must record the appropriate charge exemption in the Permit application and Works Clear/Closed notices - see the Technical Specification for EToN.

### **17.25 Prescribed Period**

- 17.25.1 The “Prescribed Period” is the period during which no overrun charges can be levied. It is set down by the Secretary of State in the Section 74 Regulations which currently (as of April 2009) provide it as two days, starting on the day works begin.
- 17.25.2 The prescribed period does not relate to the time required to carry out any particular type of activity. Therefore it will not be used to judge the duration of proposed activities.

### **17.26 Duration of Works for Section 74 Purposes**

- 17.26.1 All Permit applications must include proposed start and end dates so that the duration can be calculated.
- 17.26.2 The Permit Authority may challenge the dates and duration using the application and response processes described in previous sections. The reasonable period for Section 74 purposes will be the same as the duration of the activity set out in the relevant Permit condition on the Permit for the activity and will be recorded as such on the Permit.
- 17.26.3 However, the process used to assess whether the activity has overrun for Section 74 purposes, taking account of setting up the site, completion of the activity and any necessary reinstatement, will follow the requirements of the Section 74 Regulations current at the time. The notices to be given by the promoter as part of this process are detailed below.
- 17.26.4 Interim and permanent reinstatements are treated as separate phases in the LoPS and promoters must obtain separate Permits for each. The period between these cannot be considered as an overrun provided the site has been properly cleared. All spoil, excess materials, stores and signing, lighting and guarding must be removed from site before the activity can be regarded as finished.
- 17.26.5 Further activities to complete the reinstatement, for example the replacement of road markings where delay is permitted by the reinstatement specification, should be indicated by using the appropriate site status, such as ‘interim reinstatement’. This includes circumstances where other materials are permanent. The replacement of road markings will be a separate phase if carried out at a separate time from other reinstatement activities.

### **17.27 Actual Start (Sections 74(5B) and 74(5C) of NRSWA)**

- 17.27.1 Although the Permit start date is also the proposed start for the activity, the actual start date may differ. For category 3 and 4 non traffic-sensitive streets





a flexible starting window is explicitly provided for. On category 0, 1 and 2 and traffic-sensitive streets, although they do not have the same flexibility, there may be occasions when activities cannot start when proposed.

Therefore notification of the actual start for the activity must be given to begin the reasonable period, as well as to inform the Permit Authority of what is happening on the network. Activities must not begin before the start date of the Permit; to do so would be committing an offence.

- 17.27.2 Once the activity has begun, a Notice of Actual Start of an activity must be given by 10:00 the next working day on category 0, 1, 2 and traffic-sensitive streets and by the end of the next working day in the case of category 3 and 4 non traffic-sensitive streets. In the case of immediate activity the Permit application will be taken as the actual start date notice as it is made after the activity has commenced, and the status should always be "In Progress".
- 17.27.3 Notice of Actual Start must be given in accordance with the requirements described in the Technical Specification for EToN. The identity of the main contractor or, if appropriate the Direct Labour Organisation ("DLO") must be provided on the Notice of Actual Start Date. This should always be the organisation with whom the undertaker has the contract, and not any subcontractor who may be actually carrying out the activity.

### **17.28 Revised Reasonable Period and Duration Estimate**

- 17.28.1 Unforeseen circumstances can delay the completion of activities. A promoter must apply for and obtain a variation of its Permit, if the activity is likely to extend beyond the Permit end date or the activity duration set in the conditions is likely to be exceeded. Such an application must provide full justification for the extension. Sections 11 and 8 respectively describe the process for obtaining variations to Permits and the timing of applications. This same process must be used for making any changes to the reasonable period for Section 74 purposes, which will usually be the same as the duration given in the Permit conditions.
- 17.28.2 As with the original application the Permit Authority reserves the right to challenge an application for an extension to the Permit end date or activity duration. If it does, the Permit Authority will attempt to first discuss with the promoter with a view to reaching an agreed way forward, if possible. There could be circumstances where the agreed activity duration and reasonable period are not the same following a Permit variation. For example, the Permit Authority might consider that the promoter had not expedited their work and an extension to the reasonable period was therefore not justified, but that the wider network management circumstances meant that it was better to let the activity finish. In that case a longer duration could be allowed in order to avoid the promoter working illegally outside the conditions of a Permit, even though the reasonable period was not extended. If the duration and/or reasonable period are changed, the revised figures will be incorporated in the new Permit that the Permit Authority will issue following the variation



## **17.29 Section 74 (5C) Works Clear Notice**

- 17.29.1 A Works Clear Notice is used following interim reinstatement. The Works Clear Notice must be given in accordance with the Section 74 Regulations and in the manner specified in the EToN specification. Where the activity is completed in different phases such as interim and permanent reinstatement, there must be separate Permits for each phase. In no circumstances should Permits be sought for more than one phase.
- 17.29.2 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a works clear notice. A new Permit must be obtained for any subsequent phases, such as to complete the permanent reinstatement.

## **17.30 Section 74 (5C) Works Closed Notice**

- 17.30.1 A Works Closed Notice is used following permanent reinstatement. The Works Closed Notice must be given in accordance with the Section 74 Regulations, which currently state that this must be by the end of the next working day following the day on which the activity was closed, and in the manner specified in the EToN specification.
- 17.30.2 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a Works Closed Notice.
- 17.30.3 If temporary road markings have been used, then the activity is not complete until the permanent markings are applied and the activity duration must also cover this period or a separate Permit will be required for later placing of road markings.

## **17.31 Informal Warning**

- 17.31.1 The Permit Authority may send an undertaker an informal warning, normally via a works comment, when their activity has begun to attract overrun charges. A non statutory notice has been defined in the Technical Specification for EToN for this purpose.

## **17.32 Charging Regime**

- 17.32.1 Charges vary according to the type of activity, the road category and whether the street is traffic-sensitive. The charges are set down in the Section 74 Regulations.
- 17.32.2 The Permit Authority as highway authority will take care to ensure that the facts used for proposing charges are accurate, along with the activity type and category of road. Where there is evidence that the dates given in Section 74 notices are incorrect the charges will be based on the evidence.



- 17.32.3 If incorrect information has been given in a notice the Permit Authority as highway authority may issue a FPN if it considers that an offence has been committed.
- 17.33.4 The arrangements for inspections in relation to Section 74 are reflected in the Code of Practice for Inspections in relation to Street Works and any Code of Practice that supersedes it. The same rules apply to Section 74 when applied in conjunction with the LoPS as would apply under a noticing regime under NRSWA.
- 17.34 Remedial Works**
- 17.34.1 Remedial works to rectify defective reinstatements will be dealt with as a new activity with its own Permit, following the full procedures accordingly.
- 17.34.2 Any overrun on remedial works will be charged at the rate appropriate to the activity category, as set out in the Section 74 Regulations.
- 17.35 Keeping Accounts**
- 17.35.1 Section 74 overrun charges and Permit fees will be kept in separate accounts.



## **18 CHANGES TO THE LoPS**

- 18.1** It may be necessary to change LoPS from time to time.
- 18.2** As the LoPS is a Common Scheme it will only be possible to change the principal LoPS where a unanimous decision is reached in favour of the change by all the Permit Authorities operating the LoPS.
- 18.3** In accordance with Regulation 5 of the 2007 Regulations, prior to making proposed changes to the LoPS, the Permit Authority shall consult with the persons referred to in Regulation 3(1) of the 2007 Regulations.



## **19 CEASING TO RUN LoPS**

- 19.1** If a Permit Authority operating the LoPS wishes to cease to run the LoPS or to revoke their scheme order, in accordance with Regulation 5 of the 2007 Regulations they shall consult with the persons referred to in Regulation 3(1) of the 2007 Regulations



## **20 CREATING AND UPDATING the LONDON AREAS of the NATIONAL STREET GAZETTEER (NSG)**

### **20.1 National Street Gazetteer NSG**

- 20.1.1 The LoPS recognises that a key element of controlling or managing activities is knowing accurately where the activities are to take place, in which street and where in the street. There is already a nationally consistent street gazetteer system for identifying streets that is used under NRSWA whereby every highway authority produces a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Concessionaire. Each of these local gazetteers shall contain the information, required by and defined in the Technical Specification for EToN, about the streets in that authority's area.
- 20.1.2 Permit Authorities and activity promoters must obtain full copies and updates of the street data from the NSG Concessionaire's website.
- 20.1.3 Under this system each street has a Unique Street Reference Number (USRN). LoPS provides for the same system to be used, along with the Additional Street Data linked to those streets.
- 20.1.4 USRNs can refer to a whole street (as identified on the ground) or, if the street is long, to part of a street between significant junctions. Under LoPS a "street" refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.
- 20.1.5 It is the responsibility of the highway authority (which in the case of LoPS are the Permit Authorities), either individually or jointly with others, to create, maintain and publish street gazetteer data for all streets within their geographical area, whether or not they are the street authority for any particular street.
- 20.1.6 The specification for street gazetteers is set out in British Standard BS 7666. The Standard specifies three levels of detail; the highest, level 3 includes the geospatial representation of the centre-line of the street as well as the end points. With the degree of attention which will be exercised by the LoPS authorities operating a Permit Scheme, accurate locations will often need the centre-line information if the impact of activities are to be properly assessed.
- 20.1.7 In light of this and the guidance in the Code of Practice for Permits, the London highway authorities have been working together on producing the Pan-London, Level 3, Street Gazetteer.

### **20.2 Additional Street Data (ASD)**

- 20.2.1 Additional Street Data (ASD) refers to other information about streets held on the NSG Concessionaire's website alongside the NSG data. Highway authorities, activity promoters and other interested and approved parties may obtain copies and updates to this data from the concessionaire.



20.2.2 LoPS authorities will provide the following information for the ASD:

- a) the street authority responsible for maintaining the street;
- b) whether the street is publicly maintainable, prospectively publicly maintainable, or private;
- c) whether the street, or part of the street, is covered by a Permit scheme or NRSWA notification regime, who the Permit Authority is or street authority is, details of shared streets if this applies, and whether it is an individual, common or joint scheme;
- d) any other authorities and activity promoters with an interest in the street;
- e) the street reinstatement category;
- f) designations of protected streets;
- g) designations of streets with special engineering difficulty; and
- h) designations of traffic-sensitive streets.

20.2.3 LoPS authorities may also provide the following information for the ASD which is optional:

- a) whether the street is subject to early notification of immediate activities;
- b) where possible, streets on which it might be expected that conditions relating to the non use of that street for new apparatus, but not the maintenance of existing apparatus, may be used; and
- c) other features of the street, such as structures, environmental areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc.

20.2.4 Designations may cover only part of a street or may vary along a street. The relevant detail should/will be recorded in the ASD.

### **20.3 Responsibility for Creating and Updating ASD**

20.3.1 Where the street authority is also the highway authority, it creates the ASD together with the NSG.

20.3.2 Where the street authority is not the highway authority, it may create and submit its own ASD to the NSG Concessionaire. This will be referenced to the highway authorities' gazetteers. Organisations that fall into this category are:



- a) The Highways Agency (which manages the motorway and trunk road network in England)
- b) Transport for London (which manages the main road network within London) which is a Permit Authority operating LoPS
- c) Network Rail (which is the street authority for level crossings between the barriers).

20.3.3 Any other authority, activity promoter or interested party must send their records to the NSG Concessionaire to ensure that their interest in a street is logged. The interest records should/will be entered into the ASD maintained by the highway authority. This is particularly appropriate to neighbouring authorities in the exercise of their network management duty. The NSG Concessionaire will administer this process.

#### **20.4 Use of ASD and Pan-London, Level 3, Street Gazetteer**

20.4.1 All activity promoters are advised to use the level 3 gazetteer and this ASD information when making their Permit applications.

20.4.2 Activity Promoters' attention is particularly drawn to the fact that many streets in London are partly maintained by the authority who will have what is currently known as a "Type 61" in their ASD record. This reference may be subject to a change. This record indicates the area of the street that the authority maintains. Similarly Transport for London will have produced a "Type 61" record in their ASD for the area of street that they maintain. Activity Promoters must ensure that they make their Permit application to the appropriate Permit Authority.





## 21 REGISTERS

- 21.1** In accordance with Part 7 of the 2007 Regulations the Permit Authorities operating LoPS will maintain a register in connection with their Permit Scheme. Each LoPS Permit Authority will maintain its own local register for its own geographic area. It will include information on all streets other than those streets that are the responsibility of another authority
- 21.2** London Permit Authorities will also maintain a street works register required under Section 53 of NRSWA for any private streets and for historic information.
- 21.3** Details in respect of registers are also shown in Chapter 3 of the Code of Practice for Permits and Requirements for NRSWA registers are contained in the Code of Practice for Co-ordination of Street Works and Works for Road Purposes and Related Matters.
- 21.4** The statutory requirements for maintaining the two registers will be met in such a way that the information can be combined easily to aid the co-ordination of activities and to provide information to road users.
- 21.5 Form of Registers**
- 21.5.1** The registers will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the LoPS registers will use Geographic Information System (GIS) by October 2008/April 2009. Permit registers will follow this requirement to ensure consistency between all holdings of street-related data. Each register will be maintained against the same digital map base to ensure consistency between all holdings of street-related data. This common geographical dataset will be vector based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.
- 21.5.2** It will include:
- a) vector objects (polygons, lines and points) representing real-world geographical features and boundaries, each with well-defined lifecycles and royalty-free unique identifiers suitable for referencing; and
  - b) road centreline geometry objects, each with royalty-free unique identifiers, which reference the road surface and form a complete and fully consistent topological network with no breaks or misalignments at administrative boundaries. All LoPS authorities will synchronise their holdings of the common digital map data so that they all contain the same version of the data at any given point in time.



21.5.3 The minimum specification of the common map base is as follows:

- a) Scale Urban areas: 1:1250;
- b) Rural areas: 1:2500;
- c) Remote areas: 1:10000;
- d) Accuracy Urban areas:  $\pm 1.0\text{m}$ ;
- e) Rural areas:  $\pm 2.0\text{m}$ ;
- f) Remote areas:  $\pm 4.0\text{m}$ ;
- g) Coverage: National and seamless, exhausting space over all land areas;
- h) Geometry Types: Point, Line and Polygon;
- i) Classification: Objects classified by physical form; and
- j) Update Cycle: 8 weeks (max.).

21.5.4 All streets in Local Street Gazetteers will reference the road centreline geometries in the common map base (using royalty-free unique identifiers), which will in turn reference polygons representing the road surface. Such a structure promotes consistency and maximises the possibility for interoperability between applications, both in the highway's arena and in a wider context.

21.5.5 LoPS will provide the USRN definitions and attribution as defined in BS7666, while the geometries will be recorded by referencing the road centreline objects in the digital map base. This will promote reuse and consistency between datasets. All data will follow the principles of the Digital National Framework ([www.dnf.org](http://www.dnf.org)).

## 21.6 Content of Registers

21.6.1 The LoPS Permit registers will record:

- a) copies of all Provisional Advance Authorisation, Permit and Permit variation applications submitted to the Permit Authority relating to registerable activities in any street;
- b) copies of all Permits and Provisional Advance Authorisations given by the authority, including conditions attached as well as all variations to Permits and conditions including any Permits "deemed" to be granted (see Section 7.9);



- c) copies of all revoked Permits, refused Provisional Advance Authorisations and refused Permits, together with the reasons for such refusals;
- d) copies of all notices, consents and directions served by a street authority under Sections 58 or 58A of NRSWA;
- e) copies of all notifications served by a promoter / undertaker under Sections 58 and 58A of NRSWA;
- f) copies of all notices given under Section 74 of NRSWA;
- g) description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
- h) particulars of notices given by any relevant authority under Schedule 4 of NRSWA;
- i) particulars of street works licences under Section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
- j) information under Section 70 (3) and (4A) of NRSWA as to completion of reinstatements;
- k) particulars of apparatus notified to the street authority under Section 80(2) of NRSWA;
- l) every notice of works pursuant to Section 85 (2) of NRSWA;
- m) details of every street for which the highway authority are the street authority;
- n) details of every street which is a prospectively maintainable highway over which a Permit scheme would operate;
- o) details of every street over which a Permit scheme would operate, of which the highway authority is aware, which is a highway but for which it is not the highway authority; and
- p) details of every street which is a:
  - i) protected street;
  - ii) street with special engineering difficulties; or
  - iii) traffic-sensitive street.



21.6.2 Authorities should/will ensure that their register also includes the following items, which are contained within the ASD:

- a) the road category of each street; and
- b) details of every street where early notification of immediate activities is required.

### **21.7 Access to Registered Information**

21.7.1 Everyone has a right to inspect the register(s), free of charge, at all reasonable times, except as noted below where there are restrictions. "All reasonable times" may be taken to mean normal office hours (e.g. 08:00 to 16:30, Monday to Friday except Bank Holidays).

21.7.2 Every Permit Authority operating LoPS will publish their register on their public website. This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance. This work will, wherever possible, be done outside normal office hours.

21.7.3 Much of the detailed information in the register is unlikely to be of interest to the public and it is the responsibility of each Permit Authority to decide how much information to make available in this way. Permit applications and notices contain confidential information such as names and telephone numbers of contacts in organisations. The Permit Authority will ensure that such information remains confidential. The Permit Authority will also make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the promoter.

21.7.4 The websites will allow records to be searched by the USRN or the "street descriptor" (the street name, description or street number) as given in the NSG. The Highways Agency has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment to records.

### **21.8 Restricted Information**

21.8.1 Restricted information is anything certified by the Government as a matter of national security, or information which could jeopardise the promoter's commercial interests such as details of a contract under negotiation. The promoter must indicate restricted information on the application.

21.8.2 The approach taken is that restrictions on the release of information should be as limited as possible. In particular, it will not be assumed that because some item of information about an activity needs to be restricted, all information about it needs to be. For example, a PAA might need to be restricted for commercial reasons, whereas a later Permit need not be. The case for restriction will be considered on an item-by-item rather than an activity-by-activity basis.



- 21.8.3 The right of access to restricted information is limited to:
- a) persons authorised to execute any type of activity in the street; or
  - b) persons "otherwise appearing to the authority to have a sufficient interest".
- 21.8.4 Any person wishing to see restricted information must satisfy the Permit Authority, as a minimum, that his interest is greater than the general interest of the ordinary member of the public.



## 22 MONITORING AND EVALUATION OF OBJECTIVES

- 22.1 The objectives of the LoPS are set out in Section 2.
- 22.2 In accordance with the 2007 Regulations, the Permit Authorities operating the LoPS shall evaluate the Permit scheme so as to measure whether the objectives are being met and publish those reports in accordance with Regulation 16A of the 2007 Regulations .
- 22.3 As the LoP S is a common scheme, which in itself means that the objective of providing a common framework for all activity promoters who need to carry out their works in London will be met.
- 22.4 Specific guidance is provided by the Department for Transport in respect of the objective of ensuring parity of treatment, under Regulation 40 of the 2007 Regulations, for all types of works and promoters/undertakers and in respect of the evaluation of that and which is addressed below.
- 22.5 The evaluation of the LoPS will be in accordance with the published Key Performance Indicators and any relevant statutory guidance published by DfT.
- 22.6 **LoPS Governance**
- 22.6.1 A committee consisting of representatives of Permit Authorities operating the LoPS will meet on a regular basis to evaluate the overall objectives of the scheme. The information flowing from this Operational Committee will be discussed with stakeholders. In addition the committee will work to drive consistency across all Permit Authorities operating LoPS and provide support to members. The committee may establish further working groups to assist in these aims.
- 22.6.2 Further groups and meetings will be held on a regular basis to provide further guidance and to ensure LoPS ***continues to meet its objectives. These groups*** will consist of representatives ***from both the*** Permit Authorities and ***statutory undertakers***.
- 22.7 **Non-Discrimination: Parity in Relation to Registerable Activities and Activity Promoters/Undertakers**
- 22.7.1 A key principle and objective of the LoPS is that it treats all activities covered by the scheme on an equal basis. The 2007 Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (but street works licensed under Section 50 of NRSWA are excluded), and highway works, defined in Section 86 (2) of NRSWA as works for road purposes. Although the term “specified works” is used generically in the Regulations, “activities” is used in this scheme to encompass both types of works and anticipates subsequent sets of Regulations which may extend



the scope of Permit schemes to other activities on the street and this is set out in Section 4.

- 22.7.2 Whilst not all activities require a Permit, activity promoters are strongly recommended to check on the London Works Central Register to ensure that they are not planning to work at the same time as other works in that street.
- 22.7.3 As noted above, Permits will be required for all qualifying street works and works for road purposes, and all applications, which can only be made by licensed undertakers or highway authorities, will be treated in a non-discriminatory way, as required in Regulation 40 of the 2007 Regulations. In other words the highway authority's activities and their applications will be treated in exactly the same way as those of a licensed undertaker's with regard to co-ordination and the setting of conditions.
- 22.7.4 In order to show that the Permit Authorities operating LoPS are operating the scheme in a fair and equitable way each Permit Authority's Permit Officer (that is the person responsible for granting Permits) will be separated from the highway activities of the authority.
- 22.7.5 In addition each Permit Authority will apply the nationally agreed Key Performance Indicators (KPIs) developed by the DfT. Each Permit Authority operating the LoPS must report against these KPIs and this will feed into the evaluation reporting schedule as set out in Regulation 16A of the 2007 Regulations.
- 22.7.6 The KPI reports will also be published on a suitable forum. Quarterly Co-ordination Meetings (as defined under the NRSWA) as well as other regular meetings with promoters such as London Highways Authorities Utilities Committee will provide the forum for monitoring compliance with Regulation 40 of the 2007 Regulations.
- 22.7.7 These KPIs apply to both Road Works and Street Works and will be produced at least once a year and will be discussed at co-ordination or similar meetings. The national KPIs will also be used to measure parity in respect of the application of the provisions of the Permit Scheme. If any promoter considers that they are not being treated in accordance with Regulation 40 of the 2007 Regulations then they can take the matter up either through the regular co-ordination or similar meeting or the dispute resolution procedures highlighted in Section 16.

**APPENDIX A GLOSSARY**

<b>Term</b>	<b>Explanation</b>
Above Ground Works	Any works (not being overhead works) which do not involve the breaking up or opening of the street or tunnelling or boring under it.
Activities	Means street works as in Part 3 of NSWRA, except for works by licensees under Section 50 of NRSWA and works for road purposes as defined by Section 86 of NRSWA.
Activity Promoter	Means a person entitled by virtue of a statutory right to carry out street works or works for road purposes.
Additional Street Data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG adjudication.
Amendment Regulations	Means the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958
Apparatus	As defined in Section 105 (1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus".
Appeal	Where there is an unresolved disagreement between the activity promoter and the Permit Authority about a Permit Authority's decision or actions the promoter may appeal using the procedure in Section 15 of LoPS.
Arbitration	As defined in Section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers".
Bank holiday	As defined in Section 98 (3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated".
Bar hole	A bar hole is used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).





Bridge	As in Section 88 (1) (a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street".
Bridge authority	As defined in Section 88 (1) (b) of NRSWA, "bridge authority means the authority, body or person in whom a bridge is vested".
Bridleway	As defined in Section 329 of the Highways Act 1980, "bridleway means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway".
BS7666 - British Standard number 7666	Relating to gazetteers.
Carriageway	As defined in Section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles".
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan area.
Code of Practice for Permits	As published by Department for Transport March 2008.
Co-ordination Meetings	Quarterly meetings to co-ordinate works in highway authority and neighbouring authorities roads.
Critical gyratory or roundabout system	A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds.
Critical signalised junction	A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal.
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road.
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot".



Day	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.
DfT	Department for Transport.
Distribution Network Operator (DNO)	Operator of an electricity distribution network.
Disability	As defined in Section 105 (5) of NRSWA, "Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act".
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers.
Emergency works	As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property".
EToN	Electronic Transfer of Notices System
Excavation	"Breaking up" (as defined above).
Extensible Markup Language (XML)	A self-describing data format providing (amongst other things) a method of transferring data between systems. Note that the UK Government eGIF standard mandates XML for this purpose.
File transfer protocol (FTP)	A method of transferring data between computers defined by RFC959 (RFCs - Request for Comments) are the standard documents that define the operation of the internet).
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty".
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway".
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only".
Frontager	A person or body occupying premises abutting the street.



Geographical information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.
Guidance	The Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions dated March 2015 issued by the Secretary of State pursuant to section 33(5)(b) of the TMA
HA 1980	The Highways Act 1980.
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
Heavy commercial vehicle	As defined in Section 138 of the Road Traffic Regulation Act 1984, "heavy commercial vehicle means any goods vehicle which has an operating weight exceeding 7.5 tonnes".
Highway	As defined in Section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway".
Highways Act 1980	(dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Highway authority	As defined in Sections 1 and 329 of the HA 1980.
Highway works	"works for road purposes" or "major highway works".
Immediate activities	As stated in Section 4.5, immediate activities or works are either emergency works as defined in Section 52 of NRSWA or urgent activities or works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
In	As defined in Section 105 (1) of NRSWA, "in, in a context referring to works or activities, apparatus or other property in a street or other place includes a reference to works or activities, apparatus or other property under, over, along or upon it".



Joint Permit Scheme	Where several authorities have submitted a joint application to operate a Permit scheme over their combined areas. Such a scheme will either be administered by one authority on behalf of all the others or by each authority retaining responsibility for the scheme within its boundaries.
Land	As defined in Section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land".
Local authority	As defined in Section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local highway authority	As defined in Section 329 of HA 1980, "local highway authority means a highway authority other than the Minister".
Local planning authority	Has the same meaning as in the Town and Country Planning Act 1990.
Local register	A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority.
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility.
Main roads	Category 0, 1 and 2 streets and category 3 and 4 streets that are traffic-sensitive for all or part of the time.
Maintainable highway	As defined in Section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense".
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly".



Major activities	<p>Activities which have been identified in an Activity Promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the works; or street works, other than immediate works, where</p> <ul style="list-style-type: none"> <li>(i) the street authority has indicated to the undertaker; or</li> <li>(ii) the undertaker considers, that an order under Section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or street works, other than immediate street works, which have a planned duration of 11 days or more".</li> </ul>
Major bridge works	As defined in Section 88 (2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge".
Major highway works	<p>As defined in Section 86 (3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway –</p> <ul style="list-style-type: none"> <li>(a) reconstruction or widening of the highway;</li> <li>(b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts);</li> <li>(c) substantial alteration of the level of the highway;</li> <li>(d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway;</li> <li>(e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980;</li> <li>(f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges);</li> <li>(g) provision of a cattle-grid in the highway or works ancillary thereto; or</li> <li>(h) tunnelling or boring under the highway".</li> </ul>
Major transport works	As defined in Section 91 (2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking".
Material consideration	A consideration which relates to the carrying out of registerable activities and the impact of those activities. The weight to be accorded to any material consideration will depend upon the circumstances of the case.



Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
Minor works	Minor works are those street works other than immediate works or major works where the planned duration is three days or less.
National Grid Reference	Location reference using nationally defined eastings and northings.
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data Nationally consistent street gazetteer (NSG), a database defined as “an index of streets and their geographical locations created and maintained by the local highway authorities” based on the BS7666 standard
Nationally Consistent Street Gazetteer (NSG)	A database defined as “an index of streets and their geographical locations created and maintained by the local highway authorities” based on the BS7666 standard.
Network management duty	As set out under Section 16 of the TMA is a duty imposed upon the local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following overriding objectives: (a) securing the expeditious movement of traffic on the authority’s road network; and (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information.
NRSAWA	New Roads and Street Works Act 1991.
NSG	National Street Gazetteer
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities.
ODD	Operational District Data.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any “breaking up” of the street.
Order	A document signed by a person authorised by the Permit Authority to give effect to, vary or revoke a permit scheme
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.





OSGR	Ordnance Survey Grid Reference.
Passenger Transport Authority	One of seven authorities (Greater Manchester, Merseyside, South Yorkshire, Strathclyde, Tyne & Wear, West Midlands and West Yorkshire) made up of representatives from local authorities in the area, responsible for public transport in their area.
Passenger Transport Executive	The executive arm of a Passenger Transport Authority.
Pedestrian Planning Order	This refers to an order made under Section 249(2) or (2A) of the Town and Country Planning Act 1990.
Permit Authority	In relation to a permit scheme, means the relevant local highway authority or strategic highways company which has prepared a permit scheme under section 33(1) or (2) of the TMA
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases".
Promoter	Means the same as Activity Promoter.
Protected street	Any street that serves a specific strategic traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed in the protected street. See Section 61 of NRSWA.
Provisional street	A street that does not yet have an entry in the NSG. Typically these will be newly created and/ or private streets.
Public Sector Equality Duty	Duty of public authorities in respect of people with protected characteristics defined in section 149 of the Equality Act 2010
Public sewer	Public sewer has the same meaning as in the Water Industry Act 1991.
Railway	As defined in Section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway".
Reasonable period	As defined in Section 74(2) of NRSWA, "a reasonable period means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question".
Reasonable times	A reasonable time may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)



REC	Regional electricity company 10 <i>The Town and Country Planning Act 1990 c.8.</i>
Registerable activities	As set out in Section 4 registerable activities correspond to what are “specified works” in the Traffic Management Permit Schemes (England) Regulations 2007.
Reinstatement	As defined in Section 105 (1) of NRSWA, “reinstatement includes making good”.
Relevant authority	As defined in Section 49 (6) of NRSWA, "references in this Part to the relevant authorities in relation to any works in a street are to the street authority and also (a) where the works include the breaking up or opening of a public sewer in the street, the sewer authority; (b) where the street is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and (c) where in any other case the street is carried or crossed by a bridge, the bridge authority".
Remedial works	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and Regulations.
Road	Means "Highway".
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice entitled “Specification for the Reinstatement of Openings in Highways” dated June 2002 and approved by the Secretary of State for Transport on 30 June 2002, as revised or reissued from time to time.
Road works	Works for road purposes.
Schema (XML)	Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.
Sewer	As defined in the Water Industry Act 1991 "includes all sewers and drains (not being drains within the meaning given by this subsection) which are used for the drainage of buildings and yards appurtenant to buildings".
Small Openings and Small Excavations	All openings with a surface area of two square metres or less.





Special Engineering Difficulties (SED)	By virtue of Section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified works	Means registerable activities and comprises both street works and works for road purposes as described in the LoPS.
Standard works	Standard works are those street works, other than immediate works or major works, that have a planned duration of between four and ten days inclusive.
Statutory right	As defined in Section 105 (1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence".
Strategic Road Network (SRN) (in Greater London)	The network of roads designated as strategic roads for the purposes of sections 301A of the Highways Act 1980 and 121B of the Road Traffic Regulation Act 1984 in Greater London by the Secretary of State by virtue of Section 60 of the Traffic Management Act 2004, which are roads other than roads for which he or Transport for London ("TfL") is the traffic authority.
Street	As defined in Section 48 (1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not".
Street authority	As defined in Section 49 (1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority; and (b) if the street is not a maintainable highway, the street managers".



Street managers	As defined in Section 49 (4) of NRSWA, "the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street"
Street works	As defined in Section 48 (3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".
Street works licence	As stated in Section 50 (1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
The 2007 Regulations	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 3372.
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105 (1) of NRSWA, "traffic includes pedestrians and animals".



Traffic authority	<p>As defined in Section 121A of the Road Traffic Regulation Act 1984: "</p> <p>(1)(a) The Secretary of State is the traffic authority for every highway in England for which he is the highway authority within the meaning of the Highways Act 1980</p> <p>(1A) Transport for London is the traffic authority for every GLA road;</p> <p>(2) In Greater London, the council of the London borough or the Common Council of the City of London are the traffic authority for all roads in the borough or, as the case may be, in the City that are not GLA roads and for which the Secretary of State is not the traffic authority;</p> <p>(3) In England and Wales outside Greater London, the council of the county or metropolitan district are the traffic authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic authority.</p>
Traffic control	<p>Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".</p>
Traffic flow	<p>The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.</p>
Traffic order	<p>This means an order made under Section 1, 6 or 9 of the Road Traffic Act 1984.</p>
Traffic sensitive street	<p>This means a street designated by a street authority as traffic-sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64 (3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.</p>
Transport for London Road Network (TLRN)	<p>The description the Mayor of London chose for those roads in London designated as Greater London Authority (GLA) Roads by virtue of Orders under Ss.14A and 14B of the Highway Act 1980 (as inserted by Sections 260 and 261 of the Greater London Authority Act 1999) (see Schedule to the The GLA Roads Designation Order 2000 Statutory Instrument 2000 No. 1117 and subsequent amendments)</p>
Traffic sign	<p>As defined in Section 105 (1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984".</p>
Tramway	<p>As defined in Section 105 (1) of NRSWA, "tramway means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed</p>



	exclusively or mainly in a street"
Transport authority	As defined in Section 91 (1) (a) of NRSWA, "transport authority means the authority, body or person having the control or management of a transport undertaking".
Transport undertaking	As defined in Section 91(1)(b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority".
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10 (1) or Section 19 above or by virtue of an order or direction under Section 10 above or under any other enactment".
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666.
Undertaker	As defined in Section 48 (4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Unique street reference number (USRN)	As defined in the British Standard BS7666.
Urgent activities or works	<p>are immediate activities which are</p> <p>(a) activities (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required)</p> <ul style="list-style-type: none"> <li>i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;</li> <li>ii) to avoid substantial loss to the undertaker in relation to an existing service; or</li> <li>iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and</li> </ul> <p>(b) Includes activity that cannot reasonably be severed from such activities.</p>



Working day	A working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and for the purposes of this Permit Scheme the commencement of a working day will be treated as being 08:00 and its end as 16:30.
Works	Street works or works for road purposes.
Works clear	A works clear notice is used following interim reinstatement.
Works closed	A works closed notice is used following permanent reinstatement.
Works comment	Means an electronic communication using EToN.
Works for road purposes	As defined in Section 86 (2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles".
XML	Extensible Markup Language

**APPENDIX B      DISAPPLICATIONS and MODIFICATIONS****B1      NRSWA 1991**

The 2007 Regulations disapply or modify certain sections of NRSWA.

**Promoters' Duties – Disapplied Sections of NRSWA**

In Permit areas the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the Regulations.

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 53	The street works register	Disapplied	Permit regulations prescribe similar provisions for Permit registers.
Section 54	Advance notice of certain works	Disapplied	Replaced by applications for provisional advance authorisation
Section 55	Notice of starting date	Disapplied	Replaced by applications for Permits
Section 56	Power to direct timing of street works	Disapplied	Replaced by Permit conditions and variations including those initiated by the Permit Authority
Section 57	Notice of emergency works	Disapplied	Replaced by applications for immediate activities
Section 66	Avoidance of unnecessary delay or obstruction	Disapplied	Replaced by equivalent provisions for Permit Authorities to require promoters in breach of the Permit requirements to take remedial action and failing that for the authority to act. 24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances.



## Promoters' Duties – Modifications to NRSWA

The 2007 Regulations modify the following sections of NRSWA to accommodate the issuing of Permits rather than the exchange of notices:

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 58	Restriction on works following substantial road works	Modified	The authority's ability to issue Permits with start and end dates replaces directions to start work covered in S58 (5) to (78). The Regulations provided the equivalent of S58A powers by allowing authorities to take into account whether promoters responded to the S58 notice by submitting an application for their planned activities.
Section 58A	Restrictions on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with Permits.
Section 64	Traffic-sensitive street	Modified	Permit Regulations provide that Permit applicant are notified of proposal to designate streets as traffic-sensitive streets.
Section 69	Works likely to affect other apparatus in the street	Effectively extended	Permit Regulations create an equivalent requirement on highway authority promoters
Section 74	Charge for occupation of the highway where works are unreasonable prolonged	Modified	Permit Regulations make provision to operate in parallel with Permits
Section 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with Permits.
Section 89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with Permits.
Section 90	Provisions as to reinstatement of sewers, drains or tunnels	Modified	Modified to work in conjunction with Permits.



**B2      The Crossrail Act 2008**

The provisions of the LoPS shall not apply in relation to works proposed to be, or being carried out under powers contained in the Crossrail Act 2008 and the relevant provisions of the New Roads and Street Works Act 1991 subject to Schedule 14 paragraph 14 of the Crossrail Act 2008 shall still apply to the execution of works under the powers conferred by the Crossrail Act 2008.



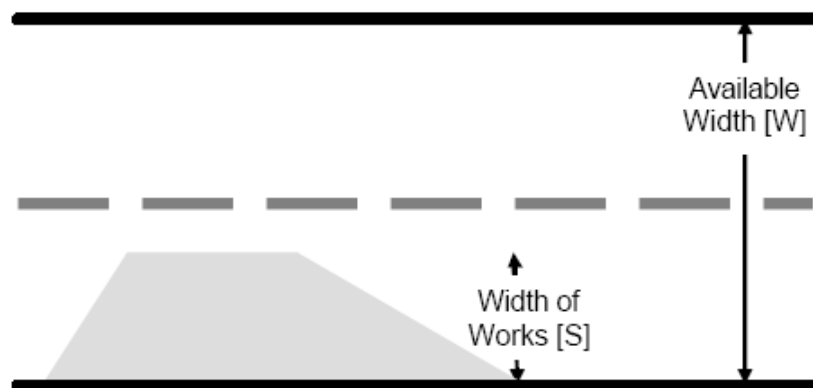


## APPENDIX C DERIVATION OF DISRUPTION EFFECT SCORE

### C1 Input Factors

The disruption effect score is based on the reduction in capacity resulting from an activity on the highway. The reduction in capacity may be calculated using an algorithm that requires the entry of a number of simple factors. These factors are as follows:

Factor	Description
[P]	The daily traffic flow, measured as an average am/pm peak hour flow in PCUs per hour, so that it takes account of HGV percentages.  Source: Highway authority
[W]	The total width in metres of the carriageway (or the width of both carriageways for a dual carriageway road).  Source: Ordnance Survey mapping using GIS tools
[S]	The width in metres of the activity occupying the carriageway, or in the case of activities on the footway, this would be the width in metres of the carriageway occupied by attendant vehicles and associated traffic management, as well as the width needed for any incursion of pedestrians, cyclists and horse riders into the carriageway.  Source: Established as part of the works planning process





## **C2 Calculation of Disruption Effect Score**

The following algorithm is used to calculate the Disruption Effect Score:

$$\text{Disruption Effect Score} = [(P \times 100) / (1600 \times (W - S) / 3.65)]$$

## **C3 Use of Disruption Effect Score**

The disruption effect score has a number of specific uses including:

- a) Derivation of the Traffic Impact Assessment;
- b) Objective based prioritisation of activities for co-ordination; and
- c) Performance indicators.

However, this is not a mandatory requirement.

## **C4 Impact Assessment**

The impact assessment is a broad indicator of the potential disruption that could arise from an activity on the highway.

## **C5 Impact on General Traffic**

The impact assessment for general traffic is derived directly from the daily disruption effect score for the activities, as follows:

Disruption Effect Score / Factor	Impact
Greater than or equal to 75	Severe
Dedicated bus lane closed	Severe
Greater than or equal to 50 and less than 75	Moderate
Dedicated bus lane diverted	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

**C6 Impact on Pedestrians**

The impact assessment for pedestrian traffic is derived as follows:

Factor	Impact				
	Footway Hierarchy Category				
	1a	1	2	3	4
Closure	Severe	Severe	Severe	Severe	Moderate
Complete Diversion	Severe	Severe	Severe	Moderate	Slight
Partial Diversion	Severe	Severe	Moderate	Moderate	Slight
Narrowing >50%	Severe	Severe	Slight	Slight	None
Narrowing <50%	Severe	Moderate	Slight	None	None

A 'complete diversion' of a footway is where a new route for pedestrians has been established, for example where there is a requirement to cross the road to use the opposite footway.

A 'partial diversion' of a footway is where the route for pedestrians is diverted around the activity's site but remains on the same side of the road.

In addition, the impact of any activities on footways associated with urban transport facilities will be considered as 'severe'. For the purposes of this section these are any activities on footways that are within 100 metres of an entrance to a bus, tube, railway or tram station.

## APPENDIX D

### PERMIT FEES

#### TABLE 1

##### Permit Fees

	Category 0, 1, 2, & TS						Category 3, 4 & non-TS					
	Major PAA	Major	Standard	Minor	Immediate	Permit Variation	Major PAA	Major	Standard	Minor	Immediate	Permit Variation
Barking & Dagenham	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Barnet	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Bexley	£99.00	£208.00	£130.00	£65.00	£60.00	£45.00	£75.00	£147.00	£75.00	£45.00	£40.00	£35.00
Brent	£105.00	£223.00	£130.00	£65.00	£60.00	£45.00	£75.00	£140.00	£75.00	£45.00	£40.00	£35.00
Bromley	£89.00	£176.00	£120.00	£65.00	£60.00	£45.00	£64.00	£105.00	£72.00	£45.00	£40.00	£35.00
Camden	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
City of London	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£101.00	£70.00	£45.00	£40.00	£35.00
Croydon	£105.00	£217.00	£126.00	£65.00	£60.00	£45.00	£75.00	£142.00	£75.00	£44.00	£40.00	£35.00
Ealing	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Enfield	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Greenwich	£105.00	£239.00	£130.00	£65.00	£60.00	£45.00	£75.00	£149.00	£75.00	£45.00	£40.00	£35.00
Hackney	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Hammersmith & Fulham	£105.00	£221.00	£130.00	£65.00	£60.00	£45.00	£73.00	£150.00	£75.00	£45.00	£40.00	£35.00
Haringey	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Harrow	£105.00	£234.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Havering	£97.00	£220.00	£129.00	£65.00	£57.00	£45.00	£75.00	£149.00	£75.00	£45.00	£40.00	£35.00
Hillingdon	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£70.00	£140.00	£75.00	£45.00	£40.00	£35.00
Hounslow	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Islington	£91.00	£214.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Kingston	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£450.00	£75.00	£45.00	£40.00	£35.00
Lambeth	£105.00	£239.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Lewisham	£105.00	£229.00	£130.00	£65.00	£47.00	£45.00	£75.00	£150.00	£75.00	£42.00	£30.00	£35.00
Merton	£105.00	£223.00	£130.00	£65.00	£60.00	£45.00	£75.00	£143.00	£75.00	£45.00	£40.00	£35.00
Newham	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£42.00	£37.00	£35.00
Redbridge	£105.00	£224.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Richmond	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Southwark	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Sutton	£105.00	£119.00	£98.00	£65.00	£53.00	£45.00	£75.00	£118.00	£75.00	£45.00	£40.00	£35.00
Tower Hamlets	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Waltham Forest	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
Wandsworth	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00




Permit Fees	Category 0, 1, 2, & TS						Category 3, 4 & non-TS					
	Major PAA	Major	Standard	Minor	Immediate	Permit Variation	Major PAA	Major	Standard	Minor	Immediate	Permit Variation
Westminster	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
RBKC	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
TFL	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00

**Notes:** The table above shows the permit fees for the LoPS authorities as at the 1 October 2015.

For the avoidance of doubt it must be noted that where a permit variation moves an activity into a higher fee category, as shown in Table 1 above, then the activity promoter will be required to pay the difference between the original permit fee and the fee for the higher category. This is in addition to the fee for the variation to the permit.

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> <b>24 August 2015</b></p> <p style="text-align: center;"><b>Report from the Chief Operating Officer</b></p>
For Action	Wards Affected: ALL
<b>Long Term Transport Strategy</b>	

## **1. SUMMARY**

- 1.1. The Long Term Transport Strategy (LTTS) has been developed to provide strategic direction to transport investment throughout the borough over the next 20 years (2015 - 2035).
- 1.2. Priorities and objectives have been developed following consultation with residents and key stakeholders regarding transport and travel in the borough which also reflect the priorities and objectives set out in the Borough Plan and the Mayors Transport Strategy.
- 1.3. The priorities and objectives of the LTTS when implemented will also complement and support work of other service areas such as Regeneration and Growth and Air Quality.

## **2. RECOMMENDATIONS**

- 2.1. That Cabinet notes the consultation, and
- 2.2. That Cabinet provides comments to the Long Term Transport Strategy for Brent 2015 – 2035 as set out in Appendix A.
- 2.3. That Cabinet delegate to the Chief Operating Officer, in liaison with the Lead Member for the Environment final approval of content, including design, following any required changes agreed at Cabinet.

### **3. BACKGROUND**

- 3.1. A draft LTTS, was taken to the Highways Committee in March 2014. The Committee agreed the following:
- (i) that the draft Long Term Transport Strategy for Brent be approved, subject to inclusion of changes agreed by the then Executive;
  - (ii) that the draft Long Term Transport Strategy be subject to public and stakeholder consultation during 2014, and be reported back to the Highways Committee and Executive for final approval.

### **4. PURPOSE OF THE LTTS**

- 4.1. The LTTS has been developed to provide a strategic direction for investment in transport throughout the borough over the period of 2015 to 2035. It will be used to inform the development of other transport strategies for the borough and will provide a basis for future Local Implementation Plan (LIP) annual spending submissions to Transport for London.
- 4.2. It will primarily be implemented via the action plans of daughter strategy documents, such as the Cycling Strategy etc. and the LIP annual spending submission.
- 4.3. It also will enable us to demonstrate clearly what progress is being made towards achieving the objectives as it contains targets, measuring the success of the strategy. Performance against these targets will be monitored and reported annually.

### **5. PUBLIC CONSULTATION**

- 5.1. The draft LTTS went out for public consultation from 21<sup>st</sup> August 2014 to 16<sup>th</sup> October 2014. Local elected Members and stakeholder groups were consulted separately.
- 5.2. The consultation process included the following:
- A Member workshop including a presentation and opportunity to comment on each section of the draft LTTS.
  - An online questionnaire via the consultation portal.
  - Stakeholder organisations, including statutory stakeholders, partner organisations, community and interest groups received a letter with information on how to access the full consultation document with a link to the questionnaire and an offer to meet.



- Members of the public received notification of the consultation via the Brent Magazine, Facebook, Twitter and the Brent Borough Council website.
  - Questionnaires placed in libraries throughout the borough and a link to the e-questionnaire was widely advertised via the above media and a press release.
  - Three staffed events held on the 25<sup>th</sup> September from 17:00 to 20:00, the 26<sup>th</sup> September from 10:00 to 16:00 and Saturday 4<sup>th</sup> October from 11:00 to 16:00. By holding these events at two different times of day, during the week and at the weekend we sought to maximise the amount of people able to attend. The events were advertised via the same media as the questionnaire.
- 5.3. A good level of response was received and all comments submitted during the consultation process were assessed for incorporation into the final LTTS.
- 5.4. The numerical survey results can be seen in Appendix C.

## **6. CONSULTATION ANALYSIS**

- 6.1. On viewing the comments it is evident that the consultation highlighted a number concerns regarding the draft LTTS, some of which were raised by a number of individual groups or members of the public. Concerns of particular note included:
- Poor structure
  - Lack of emphasis on health and wellbeing
  - Non-specific targets and objectives
  - Lack of emphasis on air quality
  - Lack of emphasis on walking
  - Lack of emphasis on cycling
  - The need for improved bus services
- 6.2. The free text comments received from stakeholders, members and members of the public are set out in full in Appendix B.
- 6.3. The identified concerns suggested that further work was required in order to ensure the LTTS was fully reflective of the needs of the borough.

## **7. FURTHER WORK**

- 7.1. Due to the nature of the comments received it was not felt that minor alterations of the draft LTTS was sufficient to fully reflect the outcome of the consultation.

- 7.2. As such, following input from senior officers and the portfolio holder the draft LTTS was revised significantly to better reflect the needs of the borough as suggested by residents, stakeholders and Members.
- 7.3. This has resulted in a number of changes which includes a consolidation of the number of objectives that now reflect the current priorities and objectives of the council and the Mayor's Transport Strategy.
- 7.4. The structure of the document has been revised to present the priorities and objectives earlier in the document outlining from the outset of what we are aiming to achieve for transport and travel in Brent. Emphasis is now placed on each objective enabling the reader to immediately understand how they are going to be achieved with the relevant target indicating when we will aim to achieve it.
- 7.5. The revised structure has enabled the length of the document to be halved whilst not losing strategic focus. This has enabled comments regarding the long length and repetitiveness of the draft LTTS to be answered
- 7.6. Appendix B sets out all comments received, highlighting where comments have been incorporated into the final LTTS (Appendix A) and provides a comparison point (where available) to the consultation document. It also provides an explanation where we have been unable to take comments forward.
- 7.7. Appendix A was scrutinised on 12<sup>th</sup> August 2015. Extensive discussion was had and a detailed note will follow, see background papers.

## **8. CONCLUSION**

- 8.1. Following the revisions as a result of the consultation and scrutiny (to be reported at Cabinet by the Lead Member) it is considered that the final LTTS is now a focussed strategic document that is accessible and fully reflects the consultation results, the Borough Plan and the Mayors Transport Strategy. It is recommended that it be adopted as policy by Cabinet.

## **9. FINANCIAL IMPLICATIONS**

- 9.1. There are no direct financial implications arising as a result of the adoption of the LTTS as it seeks to embody strategies and policies that Brent Borough Council is already committed to. However, it may provide a good basis for bidding for further funding in the future.
- 9.2. Any costs linked to implementing the strategy would be met from existing resources or would be subject to a further report to Cabinet before proceeding.

## **10. LEGAL IMPLICATIONS**

10.1. There are no known legal implications associated with adoption of the LTTS.

## **11. DIVERSITY IMPLICATIONS**

11.1. The consultation material was made available to all groups on an equal basis. Stakeholders included faith groups, disability groups and ethnic minority community groups. The majority of responses received were from those identifying as white and Christian, however, a significant proportion were received from those identifying as black.

11.2. There are no known diversity implications associated with the LTTS. This report is accompanied by an Equality Impact Assessment, see Appendix D.

## **12. STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)**

12.1. There are no requirements for increased staffing levels or alteration of accommodation.

## **13. BACKGROUND PAPERS**

13.1. Minutes from Scrutiny Committee on 12<sup>th</sup> August 2015

13.2. Lead Member for Environment note regarding Scrutiny Committee on 12<sup>th</sup> August 2015.

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## **1. Introduction**

### **The purpose of the Long Term Transport Strategy**

- 1.1. The Long Term Transport Strategy (LTTS) has been developed to provide a strategic direction for investment in transport throughout the borough over the period of 2015 to 2035.
- 1.2. This will enable Brent Borough Council to make further improvements to the transport networks that will enhance mobility and accessibility for all.
- 1.3. The LTTS will be used to inform the development of other transport strategies for the borough and will provide a basis for future Local Implementation Plan (LIP) annual spending submissions. This is the main mechanism via which funding from Transport for London is granted for schemes and initiatives to improve transport infrastructure and travel behaviour. It is therefore important the submission accurately reflects the long term needs of the borough.

### **Policy context of the LTTS**

- 1.4. The LTTS has been developed to reflect both the objectives set out in the Borough Plan and the Mayor's Transport Strategy (MTS) and the needs of the borough as highlighted by public consultation and stakeholder engagement.
- 1.5. The Borough Plan has been developed by Brent Borough Council following extensive consultation with Brent residents and businesses and provides objectives focussed on making Brent a better place to live, work and visit.
- 1.6. The MTS provides a long term strategic view of transport for London in the wider context and therefore must be considered when developing policy on a borough level. However, it is acknowledged that the priorities reflected within the MTS may change following the development of a new strategy over the coming years. Any changes that materially affect the LTTS will be incorporated following the first review of the LTTS five years after adoption.
- 1.7. The LTTS is also supported by and reflected within a variety of other borough strategies, including:
  - The Cycling Strategy
  - The Walking Strategy
  - The Freight Strategy

- Brent Place Making Guide
  - Parking Policy
  - Strategic Infrastructure Plan
  - Speed Limit Strategy
  - Travel Planning Strategy
  - Air Quality Strategy
  - Promotion of Independent Travel for Adult Social Care Service Users
- 1.8. The LTTS will be supported by future LIP annual spending submissions and will provide a policy basis for transport input to proposed development within the borough.

### **Development of the LTTS**

- 1.9. The LTTS has been developed following public consultation from August to October 2014. This consultation resulted in a high level of feedback from both members of the public and stakeholders and this has been utilised to inform all areas of the LTTS.
- 1.10. Responses to this consultation were monitored to ensure the diverse nature of Brent was fully represented within the results.
- 1.11. The LTTS has been further developed with input from partner organisations and key stakeholder groups to ensure it is fully reflective of all the needs of the borough over the next 20 years.
- 1.12. This LTTS will be reviewed on a regular basis to ensure it stays current to the needs of the borough. The first full review will take place in 2020, and every five years following that. Though given the long life span of the LTTS five yearly reviews appear appropriate it is possible that under some circumstances reviews prior to these dates will be required.

### **Monitoring and Implementation**

- 1.13. The LTTS contains targets aimed at helping the borough measure the success of the strategy in achieving its objectives. These targets are SMART, meaning they are
- Specific
  - Measurable
  - Achievable

- Realistic
  - Time-related
- 1.14. These targets will be subject to a full monitoring regime. Some targets will be shared with other strategies and therefore will accumulate economies of scale on monitoring activities.
  - 1.15. It is envisaged that monitoring data will be collated annually to give an indication of how much progress has been made towards achieving the objectives. This will then be used to inform the five year reviews.
  - 1.16. Due to the long-term nature of the LTTS and its primary purpose as a guidance document for future policy formulation and funding allocation, it does not contain a detailed action plan of measures to be implemented independently. It is not the purpose of this document to provide details of specific schemes. This detail will be contained in the annual LIP submission and other strategies that will be formulated to reflect the objectives of the LTTS and other relevant borough and regional policies.
  - 1.17. Therefore the main implementation mechanism associated with the LTTS will be incorporation of its objectives into policy development and scheme design, in particular as part of the yearly LIP submissions and the action plans of other strategies.
  - 1.18. The LTTS will also feed into and influence the Strategic Infrastructure Plan and the Highways Asset Management Plan with regard to where and how future Community Infrastructure Levy and section 106 funds may be allocated.
  - 1.19. It is expected that future transport strategy and policy development throughout the borough will make reference to this document and contribute to achieving the objectives it contains. It is also expected that future transport policy development will be formulated with reference to relevant policies from other service areas within Brent Borough Council. This will ensure through partnership working that future policies reflect the needs of all residents, visitors and businesses within the borough.
  - 1.20. As part of the development of further transport strategies stemming from this LTTS inclusivity and accessibility for all members of the community will be taken forward at every opportunity.
  - 1.21. When designing future schemes current best practice regarding shared space and public realm design will be used to capture the potential for these schemes to be inclusive of all members of the community. This will also be taken forward in future iterations of the Brent Placemaking Guide



## 2. Priorities and Objectives

- 2.1. The following priorities and objectives have been formulated following analysis of the results of the public and stakeholder consultation which took place from August to October 2014. They also take into account the objectives of the Mayors Transport Strategy, the Borough Plan, the Regeneration Strategy and the need to improve air quality and the health of Brent residents.

### Priorities

- 2.2. The results of the consultation suggest that there are certain key areas that are of concern to Brent residents. These include accessibility within the borough, air quality and road safety. These have been taken forward and added to established regional and local policy priorities in order to formulate five priority areas that will provide a focus for further work. These are:
- Road safety
  - Air Quality
  - Health
  - Congestion
  - Growth and regeneration
- 2.3. The consultation results highlight the support for improved air quality, with 89% of respondents agreeing with a policy statement to “Improve air quality where possible.” Free-text comments also supported this, with samples being:
- “An absolute commitment to improve air quality is needed”*
- “A low emission strategy is essential”*
- 2.4. Air quality and its impacts on health is also a key concern regionally and nationally with increasing policy emphasis placed on the introduction of low-emission measures that reduce the production of NO<sub>2</sub> and PM.
- 2.5. A priority of reducing congestion has been formulated as a mechanism for capturing the responses to a number of questions and free-text responses that all require reduced car use and more sustainable travel to be achieved. These include:
- 84% support for promoting walking and cycling
  - 81% support improving Brent’s town centres

- 92% support for making local streets more attractive
  - 89% support for improving air quality
- 2.6. Responses to the consultation identified health as an important issue going forward in terms of quality of life for residents. This is now reflected in the LIP prioritisation matrix and will be taken forward in the development of other transport strategy documents. We will work with health providers and other service areas within the council to achieve delivery of improved public health outcomes including mental well being for residents of Brent.
- 2.7. High levels of congestion reduce the quality of life of Brent residents and have a negative effect on economic growth. They also suppress the uptake of active travel modes by degrading the environment for cyclists and pedestrians. Therefore, given the large number of policy areas influenced by congestion and the potentially significant benefits gained by reducing it, congestion has been included as a priority within the LTTS.
- 2.8. As the level of growth expected within Brent over the next 20 years is significant, both in terms of population and jobs, it is important that the LTTS fully incorporates the need to provide for this. Failure to provide adequate focus on growth areas and the need for increased transport facilities, both conventional and innovative, to cater for increases in demand will result in a reduction in quality of life for Brent residents. The emphasis on growth reflected in the Borough Plan, the Regeneration Strategy and more widely the proposed Mayors Infrastructure Plan and Mayors Transport Strategy mean that growth must be considered a priority within the LTTS.
- 2.9. The need to reduce accidents on Brent's roads was supported by 92% of respondents to the questionnaire, suggesting it is an important issue for local residents. Road safety, accident reduction and perceived personal safety is also a key priority in the Borough Plan and the Mayors Transport Strategy and has been a focus for LIP submissions for several years with particular focus given to vulnerable road users. Due to these factors, it is included as a priority within the LTTS.

## **Objectives**

- 2.10. These objectives have been formulated to reflect the Priorities in a measurable context. They will provide the focus for the LTTS and will inform the targets set out later in this document. This will enable the borough to measure progress against the objectives and therefore progress against the key policy areas reflected in the priorities.

- 2.11. As this document forms the basis of future LIP submissions by providing an over-arching strategy containing long-term goals, they will also by default provide objectives for future LIP formulation. This is reflected in the fact that the LIP submission is considered to be the iterative and live action plan for implementation of the LTTS.
- 2.12. The objectives of this strategy will also be incorporated into other transport strategies developed by Brent. These include the documents outlined in paragraph 1.6.

***Objective 1: Increase the uptake of sustainable modes, in particular active modes.***

- 2.13. Increasing the uptake of cycling and walking will actively contribute to a reduction in congestion and air pollution and improve the health of Brent residents. Use of public transport or car clubs instead of the private car also contributes to reduced congestion and is important in enabling access to services. Uptake of all these modes can be influenced by effective travel planning measures and infrastructure.

***Objective 2: Reduce conventional vehicular trips on the network, particularly at peak time***

- 2.14. This is not about reducing the total number of trips on the network as mobility is highly important for local economic growth and for those residents who struggle to travel by other means, and require motorised travel to facilitate independent travel. However, trips can be re-timed to avoid peak hours or take place in less polluting vehicles.

***Objective 3: Support growth areas and town centres to enable acceptable development***

- 2.15. Brent is expected to see high levels of growth over the next 20 to 30 years, focussing on the growth areas. Adequate transport investment will be required to ensure this development takes place on a sustainable basis, is accessible for all users and does not place undue pressure on the transport networks.

***Objective 4: Reduce KSI incidents and slight accidents on Brent's roads***

- 2.16. Over the last 10 years roads in Brent have become safer, however there is still considerable amounts of work to do in further reducing accidents to create safe and accessible streets for all users.

***Objective 5: Reduce the exposure of Brent residents to particulate matter (PM) and nitrogen dioxide (NO<sub>2</sub>) generated by the transport network***

- 2.17. It has become apparent that particulate matter and nitrogen dioxide generated by a variety of sources has a significant adverse impact on the health of those who are regularly exposed. A proportion of these

pollutants are generated by transport. Reduction in exposure of Brent residents could result in significant health benefits.

### **3. Increase use of Sustainable modes, in particular active modes**

- 3.1. Brent is expecting high levels of growth over the next 20 years, with another 66,000 people expected to move in and another 21,500 houses to be built. This growth will put more pressure on the road network, so if it is to be accommodated without affecting the quality of life of Brent residents, more journeys must take place by sustainable modes. These include walking, cycling and public transport. They can also be considered to include use of car clubs and, in particular, car clubs that make use of low emission or ultra-low emission vehicles.
- 3.2. It is also acknowledged within the Borough Plan and by Public Health that use of sustainable travel modes can have a hugely beneficial impact on health. Cycling and walking have been shown to contribute to increased 'Years of Healthy Life' as the exercise gained improves fitness and reduces the risk of heart disease and other common causes of death and illness.
- 3.3. Walking and cycling are also low cost and easily accessible for many people, making them particularly important for young people and people on low incomes who may find it difficult to access a car.
- 3.4. Modal shift from use of private cars towards sustainable modes also contributes to reduced congestion and therefore the ability to provide a higher quality environment on local streets enabling greater mobility through improved accessibility and increased perceived personal safety for all. Fewer cars result in reduced emissions of particulate matter and NO<sub>2</sub> contributing to better air quality and better health.
- 3.5. The LTTS therefore seeks to provide a framework by which the use of sustainable modes can be promoted and increased.

#### **Cycling**

- 3.6. Cycling within London has grown considerably over recent years and provision for cyclists has become more important. Cycling has been prioritised within the MTS as a zero-emission, congestion reducing mode that has benefits for both society and the individual.
- 3.7. Cycling is considered particularly beneficial in terms of health and wellbeing, with those who cycle regularly reporting less stress, less ill-health and improved cardio-vascular fitness levels. Regular cyclists are half as likely as the average person to suffer from heart disease, 27% less likely to have a stroke, and will live, on average, more than two years longer.

- 3.8. Cycling is a relatively cheap mode of travel once a bike has been obtained, making it accessible to a large section of the population. In particular, for those without access to a car cycling can expand the distance which an individual is able to travel and hence increase the number of services, jobs and other destinations that they can access.
- 3.9. This can be very important for young people who may have limited access to other modes of transport and therefore may struggle to access education or work opportunities. To help young people take up cycling and remain safe on the roads, Brent Borough Council continues to offer free cycle training.
- 3.10. There are now a wide variety of cycles on the market designed to cater for the needs of a diverse population. These include hand-cycles, trikes, cycles adapted for carrying large loads and electric bikes designed to provide motorised assistance for those who need it. This increasing variety is enabling an ever greater number of people to access cycling even when a conventional cycle is unsuitable for their needs.

### ***Cycle Strategy***

- 3.11. As part of the development process a data gathering exercise was carried out to assess who cycles in Brent, for what purpose and what they consider to be most important in improving the situation for cyclists in the area and encouraging uptake. The headline results of this survey are:
- The most significant barrier to cycling was considered to be road safety (94% of respondents) and the cycling environment (86% of respondents).
  - 69% of respondents believed that the development of a network of quiet, on-road routes avoiding major links would be the best way to encourage cycling and reduce concerns over road safety.
- 3.12. It has also become apparent that uptake of cycling in the north of the borough lags behind that of the south. In the south of the borough cycling claims 2-5% modal share of journeys, where as in the north this fall to 0-1%.
- 3.13. The action plan contained within the Cycle Strategy will be considered to be the main method of achieving an increase in the up-take of cycling within Brent over a five year period and addressing the points raised within the survey. Following this five years review of this strategy will result in new targets being set and a new action plan being produced.

- 3.14. Given the important accessibility and inclusivity implications of cycling, one of the key aims of the Cycle Strategy will be to identify and remove barriers to cycling in the borough for all groups.

### **Targets**

- 3.15. These targets are shared with the Cycling Strategy to ensure consistency.
- 3.16. The targets are set for 2021, the end of the lifespan of the first Cycle Strategy. It is expected that at this time either these targets will have been achieved and new targets will be set in line with the relevant Cycle Strategy or an assessment will be made as to why they have not been met and what needs to be done to achieve them. Base years will vary according to the data available.
- Increase mode share to 3% in 2020/2021 from 1% in 2013
  - Increase the number of cycle parking spaces by 1000 by 2021
  - Increase number of adults accessing cycle training by 50 adults per year up to 2021
  - Increase the number of children accessing cycle training by 50 children per year up to 2021
  - Increase the number of cyclists from currently underrepresented groups by 200 by 2021 as indicated by the London Travel Demand Survey
- 3.17. It is expected that the main method employed in achieving these targets will be the successful implementation of the Cycle Strategy and following Cycle Strategies.
- 3.18. However, encouraging use of sustainable transport and improving air quality are also criteria used to prioritise schemes submitted as part of the LIP. Therefore, the LIP submission is also expected to contribute to achieving these goals.
- 3.19. Adequate maintenance of facilities for cyclists is an important element in encouraging cycling and keeping people cycling rather than reverting to car use. It is therefore important that the Highway Asset Management Plan adequately reflects the maintenance needs of cycle infrastructure.

### **Walking**

- 3.20. It has been identified that walking as a mode needs more emphasis placed upon it than has been the case previously. This was particularly important for groups such as Living Streets and WestTrans who commented that the benefits of walking are similar to those of cycling and

that most journeys begin and end on foot. Therefore, the LTTS seeks to afford walking and pedestrians a higher level of priority and to fully support further uptake of this mode.

- 3.21. It is increasingly understood that while walking has similar health benefits to cycling it also has different characteristics which make it suitable for different user groups. Unlike cycling it does not require equipment to be purchased and is readily available to the majority of the population. This makes it a very accessible mode for both the younger population and the older population.
- 3.22. For groups who struggle to access other modes it can have the benefit of providing a greater level of independence, improving mental health and well-being through enhanced mobility. It can also provide a way into physical activity for those who are older and may not be confident enough to take up cycling in their later years.
- 3.23. Increasing the number of trips carried out by foot also reduces car travel and therefore contributes to better air quality as well as lower levels of congestion and improved road safety.

### ***Walking Strategy***

- 3.24. It is expected that a full Walking Strategy will be produced and it will seek to implement the objectives of this strategy within its action plan. Through the Walking Strategy the LTTS will aim to increase walking through developing, promoting and maintaining safe, secure, convenient, efficient and attractive infrastructure for all.

### ***Place making***

- 3.25. There are a number of factors that are important in encouraging or discouraging walking, however the quality of the environment is vital in persuading individuals that the streets are both safe and accessible and that therefore walking to their destination is not just practical but also pleasant.
- 3.26. Place making plays an important role in this and will be instrumental in increasing the uptake of walking going forward. This should be reflected in scheme design, particularly for major schemes.
- 3.27. In opportunity areas which are due to see high levels of growth or re-development it is important that place making is incorporated into the development. This will enhance the sustainability of the development and encourage greater uptake of walking. The extant Place Making Guide, or approved area specific design guides should be taken into account when designing the infrastructure for these areas.



- 3.28. Place making and a high quality urban realm are also important in encouraging use of the streets by more people. This in itself makes the streets feel safer due to the greater level of surveillance by other members of the public. This is important in enhancing community safety and designing out crime where possible.

### ***Walking targets***

- 3.29. There are two targets associated with monitoring progress against this area of the strategy. These are as follow:
- The Travel Demand Survey projects an increase in walking from 29% in 2013 to 32% in 2030. However, it is hoped that the increased investment made in walking facilities through the Walking Strategy will enable a greater increase to take place in Brent. Therefore the target set within this strategy will be to increase the mode share of walking by 5% for 2030.
  - A 10% increase in the number of schools in Brent which have gold standard travel plans by 2030. These are designed to reduce the number of trips made to the school by car and encourage the uptake of walking.
- 3.30. The main method of achieving these targets will be the implementation of the Walking Strategy over the next five to ten years. Measures included within this strategy are expected to be aimed at improving access to walking for all members of society and thereby enabling an increase in the walking mode share.
- 3.31. However, it is also important that the need to accommodate pedestrians is taken into account in LIP submissions and in particular major schemes, which have the potential to vastly improve local environments. This is reflected within the prioritisation matrix for the LIP.
- 3.32. It is also important that footways, signage and other facilities are maintained to an acceptable standard in order to provide an environment which is fit for purpose and safe to use. The Highways Asset Management Plan will be instrumental in ensuring that this is taken forward and that facilities remain in usable condition once installed.
- 3.33. Brent currently has a Place Making Guide which takes account of the need to make places inviting for pedestrians to spend time in and feel safe. This guide and future iterations thereof should continue to be taken into account in scheme design and location.

### **Public Transport**

- 3.34. While Brent Council does not directly fund, manage or control any public transport services, the Borough maintains a role in lobbying Transport for London (TfL) for service improvements as and where they are required. Brent seeks to work closely with TfL in developing schemes and strategies in order to ensure public transport is well catered for within the Borough and will continue to do so.
- 3.35. Public transport plays an important role in providing an alternative to car use and, though bus and train use are not considered active modes, they contribute to reduced congestion and lower emissions by reducing the number of car trips taking place.
- 3.36. Bus services in particular are also important in enabling access to services, employment and education for those who do not have access to a car. They therefore perform a vital function in reducing social exclusion and enhancing social cohesion.
- 3.37. Through the Bus Accessibility Programme 94% of bus stops are now accessible for people with mobility impairments, facilitating independent travel. This Programme provides improvements that allow buses to pull up to the kerb allowing a disability ramp to be extended. This has improved access to transport for groups who may otherwise struggle to move around the borough.
- 3.38. To further improve access to and the user experience of public transport, Brent has introduced the bus guardian scheme. This scheme places “guardians” on some bus services to protect passengers from the anti social behaviour which may be generated by some passenger groups. This has helped reduce concerns over safety on public transport.
- 3.39. Brent is well served by a variety of public transport networks, including:
- Four London Underground lines (Bakerloo, Jubilee, Metropolitan and Piccadilly lines)
  - London Overground services on the North London line and Euston-Watford Junction line
  - Chiltern Railways services from High Wycombe to London Marylebone
  - Southern Railway services from East Croydon to Milton Keynes Central
  - London Bus services throughout the borough
- 3.40. Key strengths include the Metropolitan line, which provides a fast and efficient link into Central London and is currently under capacity. The London Overground has seen considerable patronage growth since control was assumed by TfL in 2007. This has resulted in substantial investment in new trains, platform extensions and station upgrades to meet demand.

- 3.41. The greatest weakness of public transport in Brent is in bus services. Due to traffic congestion and a lack of dedicated infrastructure, buses are often stuck in traffic, leading to slow travel speeds and a lack of travel time reliability.

### ***Planned improvements***

- 3.42. Brent is strongly supportive of TfL's ongoing line upgrade programmes to increase frequency and capacity of services, along with improving step-free access at its stations and modernising rollingstock, signalling and operational infrastructure. Notwithstanding this support, Brent will continue to lobby for upgrades to the condition of rollingstock and signalling on the Bakerloo and Piccadilly lines to be prioritised and brought forward from current expected timeframes, where possible.
- 3.43. TfL also has an ongoing Pinch Point funding programme aimed at removing barriers to bus services by either altering routes or providing facilities to enable services to avoid congestion. There are sites identified by TfL in Brent that will be subject to improvements going forward.
- 3.44. It is projected that these improvements will result in greater capacity on the effected lines and will help to achieve the objectives of the MTS and therefore of this LTTS.

### ***Future lobby work***

- 3.45. The largest change in urban development and travel patterns in West London will be delivered by the development of Old Oak Common around the proposed High Speed 2, Crossrail and Great Western Mainline interchange. Brent is strongly supportive of TfL's proposal for inclusion of London Overground services to this area through the provision of new stations to improve interchange accessibility and support regeneration. It is noted that this development provides huge opportunity for regeneration not just of the Old Oak area but also for the locality, including potential improvements to extant transport infrastructure such as Willesden Junction station. This could improve access to and within Brent significantly.
- 3.46. Brent will also continue to express support for the expansion of Heathrow as the preferred option for the creation of a hub airport in the London area. It is considered that this option is likely to be the most beneficial to Brent of those proposed due to its greater potential for job creation for Brent residents. This creates potential for greater prosperity and regeneration within the borough.
- 3.47. In particular Brent will continue to work with TfL to find route improvements that address the concerns of residents. The availability of bus services, particularly to central London and key borough destinations,

was raised during public consultation as an important issue for many respondents.

- 3.48. Brent will also seek to engage with TfL to create public transport strategies for areas of the borough which are likely to see significant change as part of regeneration or growth, similar to that produced for the Wembley area.

### ***Target***

- 3.49. As suggested above, Brent has limited control over public transport within the borough, however provision of good services is important to achieving the objectives of this strategy. Therefore, the target included here is based on predictions generated by TfL, which themselves are based on the London Travel Demand Survey.
- 3.50. Public transport use as a proportion of demand is expected to remain stable at 20% up to 2030. However, if adequate interventions are made, private vehicle mode share is expected to decline from 41% in 2013 to 30% in 2030. Therefore, the LTTS will adopt this as an indicator of success in this area.

### **Travel Planning**

- 3.51. Expanding from our current good work on work place and school travel plans we are looking at personal travel planning. Travel planning and in particular personalised travel planning is important in reducing car dependency, enabling independent travel and encouraging sustainable travel. Ensuring residents and businesses are aware of travel options and how they can function to their benefit can make a significant difference to travel habits and it has been shown that travel plan measures can yield good cost benefit ratios.
- 3.52. Currently we have a high number of schools with travel plans. These plans indicate how the school will progress to increasing the number of pupils and staff travelling by active modes rather than by private vehicle. Our future transport strategies, such as cycling and walking will provide further detail on how we are encouraging the uptake of these modes.
- 3.53. In the past Travel Planning has been mostly associated with new development, however, personalised travel planning is capable of implementation at any stage and can be a useful tool in encouraging behaviour change and identifying travel choices that are right for individuals.
- 3.54. In recent years technology has advanced and products have become available that enable travel planning to achieve more than would previously have been possible. These take the form of Personalised

Mobility Services aimed at providing seamless, mobile and user-focussed services to customers on a retail basis that enable trips by modes other than the private car.

- 3.55. This market is supported by a growing younger population, particularly in urban areas, who no longer aspire purely to own and use a car. Younger generations are seeking other services and new alternatives to expensive personal transport and there is growing private sector interest in catering to this market, which is estimated to be worth £9bn annually.
- 3.56. Provision of Personalised Mobility Services relies on the availability of data, much of which is now gathered by international players including Google. This information is then used to develop, promote and retail services to customers. Much of this data is available in formats which can be utilised at low cost.
- 3.57. Pilot “Living Lab” projects have already been developed with transport providers, data providers and businesses working together to create a new approach to providing sustainable transport.
- 3.58. Though this area is yet to be developed to full potential by any sector, due to the long term nature of the LTTS these issues must be included here as they are likely to be of increasing importance going forward. In future this technology has the potential to be the main method by which sustainable transport modes are accessed and therefore could be hugely influential in encouraging take up of specific modes, such as walking and cycling.

### ***Travel Planning Strategy***

- 3.59. As much of the potential for this technology and partnership working with innovative companies is yet to be explored, the LTTS does not seek to set numeric targets at this time for the inclusion of measures into transport planning in Brent. However, it is important that the potential of this emerging method of transport provision is fully explored by Brent in order to enable both efficient use of funds and future-proofing of services.
- 3.60. Brent will therefore develop a Travel Planning Strategy that will seek to outline the potential of these developments and how they may best be utilised to benefit Brent residents going forward.
- 3.61. In particular, it is considered that personalised travel planning may provide opportunities to explore the particular needs of individual service users and establish how mobility may best be provided for specific groups, including those with limited mobility, on low incomes or suffering from lack of access to services for other reasons.

#### **4. Reduce conventional vehicular trips on the network, particularly at peak times**

- 4.1. The MTS places an emphasis on the need to reduce trips by conventional cars into and out of London in order to improve air quality and road safety. This is supported by the Office for Low Emission Vehicles, a government department focussed on removing the barriers to low and ultra-low emission vehicle use.
- 4.2. The LTTS acknowledges that in order to support economic growth, both locally and regionally, mobility needs to be enabled rather than constrained. This strategy therefore does not aim to reduce the total number of trips on the network over a 24 hour period, but to enable many of these trips to take place either in cleaner vehicles or at different times of the day. This will contribute to two main effects:
  - Spreading of demand for trips over a longer time period thereby reducing congestion at peak times. This will work in conjunction with increased use of sustainable modes to enable the road network in Brent to flow more freely and therefore avoid buses becoming caught in congestion.
  - Transferring many trips which need to be carried out by car into electric or other low-emission vehicles which do not emit NO<sub>2</sub> or carbon dioxide. They also contribute far less than conventional vehicles to the production of particulate matter. This will result in improved air quality throughout the borough.
- 4.3. Achieving this will require demand management measures as well as measures to improve the uptake of alternative vehicles.

#### **Freight**

- 4.4. The success of London and the local economy is dependent on the movement of goods as well as people. Also logistics is a major employer with approximately 5% of the London workforce employed directly by organisations whose main activity involves freight transport and logistics.
- 4.5. Brent has a number of industrial estates that both rely on and generate freight movements. London wide, LGVs and HGVs formed 13% and 4% respectively of all vehicle kilometres travelled on London roads in 2012. This has a significant impact on the network in terms of congestion, road safety and air quality.
- 4.6. HGVs only form part of the delivery and servicing fleet that operates within the area. Vehicles delivering to private residences and construction traffic also contribute significantly to the number of vehicle movements on the network.

- 4.7. TfL's document Delivering a Road Freight Legacy sets out aspirations to improve the safety and efficiency of freight activity within London, and focusses on working with freight operators to re-time deliveries outside of peak times and to provide efficient loading facilities.
- 4.8. Due to the high percentage of vehicle kilometres attributable to freight, it is important that the LTTS also aspires to reduce the amount of peak time freight trips and to encourage where possible the use of alternative vehicles. This supports the Delivering a Road Freight Legacy document and the London Plan.
- 4.9. Out of hours deliveries and changing driver behaviour to enable deliveries to be made over-night without disturbing local residents could be instrumental in achieving this as it moves trips out of peak time traffic and thereby reduces the impact of freight on the most congested times of day. This has been successfully trialled in Paris, where out of hours deliveries were encouraged through working with operators and retailers to inform them of the benefits of receiving goods out of normal business hours.

### ***Freight Strategy***

- 4.10. Brent is currently working with WestTrans and the other boroughs that form the WestTrans group to formulate a Delivery and Servicing Strategy for the six north-west London boroughs. This strategy will seek to outline an approach and develop schemes to reduce the impact of freight on air quality, road safety and congestion.
- 4.11. Brent will develop the Brent-specific element of this strategy in coordination with WestTrans. This approach is taken to reflect the fact that freight cannot effectively be controlled on a borough-wide basis, but that a larger geographical area is required in order for policies to have full effect.
- 4.12. The Servicing and Delivery Strategy will be the main vessel through which research into the best way of encouraging freight movements to occur either after business hours (whilst showing due consideration to the need to keep disturbances to local residents to a minimum) or in a more sustainable form of vehicle will be carried out. It will also seek to address the serious road safety issues generated by freight movement, particularly construction traffic, and the disproportionate impact this has on cyclists and pedestrians.
- 4.13. The Delivery and Servicing Strategy is due to be adopted by Brent Cabinet in January 2016. As it will contain specific targets these will be incorporated into the yearly reporting on the LTTS to enable assessment of progress to be made. There is therefore no numeric target included here.

### **Car clubs and ULEVs**

- 4.14. Car clubs have been proven to be effective in reducing the number of vehicles privately owned by car club members. This in itself is beneficial as it reduces the dominance of the private car in the street scene and will in the future make space available for other user groups.
- 4.15. However, if car clubs use low emission or ultra-low emission vehicles the benefits can be dramatically increased due the positive effects on air quality throughout the borough. Electronic vehicle car clubs are therefore highly beneficial and provide a way of both reducing conventional vehicle ownership and use and increasing the up take of ULEV vehicles.
- 4.16. At the present time access to ULEVs on a private basis is restricted due to the comparatively high cost of the vehicles and the lack of easily available charging infrastructure. ULEV car clubs can help overcome these boundaries by providing both the vehicle and charging points at an affordable price. This has the added benefit of increasing the exposure of ULEVs to the public and hence expanding the potential market for private owners.

#### ***Car club expansion***

- 4.17. Due to the advantages that car clubs can generate in terms of reduced car ownership and opportunities to introduce more ULEVs, car club expansion will be encouraged within Brent.
- 4.18. In order to ensure this is done to the benefit of all residents and can be accommodated in terms of highway usage and infrastructure required, Brent Borough Council will draw up a Car Club Management Plan that will aim to both provide encouragement for car clubs in Brent, but also to provide a framework by which space on the highway can be equitably allocated between both competing car club operators and private vehicle owners. This plan will consider how many bays will be appropriate and how many should be expected to contain charging infrastructure for ULEV/LEV use.

#### ***Charging infrastructure***

- 4.19. Charging infrastructure in Brent is currently insufficient to enable proper expansion of electronic vehicle use. This infrastructure will be required in future years and options for providing this will require further investigation as part of the Car Club Management Plan.

#### ***Target***

- 4.20. Increase the number of car club vehicles available to Brent residents by 20% by 2035.



- 4.21. This target may appear conservative, however experience has shown that the re-allocation of parking bays to car club vehicles can be controversial and often difficult to achieve. This target has therefore been set with a view to re-assessing following the five year reviews of the LTTS. If the target appears to be under-ambitious following review it may be reset to stretch achievement.

## **Parking**

- 4.22. Parking is an important part of the transport infrastructure for many Brent residents and can have a significant impact on quality of life. However, it is also true that enabling large-scale free parking for residential vehicles can discourage use of sustainable modes, particularly public transport which can find it difficult to compete with the convenience of the private car.
- 4.23. The local economy is also influenced by parking provision, particularly at service and retail hubs and employment locations. Again, a balance needs to be achieved between providing sufficient parking to support the growth of the local economy and the need to encourage residents and visitors to access these areas by means other than the private car.
- 4.24. Parking provision going forward therefore needs to aim to achieve a balance between competing needs. It is known that parking controls, particularly at destinations, can play a significant role in influencing travel choice and therefore in encouraging trips to be carried out by sustainable modes.
- 4.25. Permit sacrifice schemes can go some way to reducing demand for residential parking in areas covered by Controlled Parking Zones, as they provide incentive to reduce household car ownership on a voluntary basis.
- 4.26. Less on-street parking enables highway space to potentially be re-allocated to other user groups via the provision of cycle paths, improved footways or better public realm. This in turn encourages use by pedestrians and cyclists.

## ***Parking Strategy***

- 4.27. A Parking Strategy will be developed by Parking Services during the 2015/16 period. This Strategy will seek to analyse the current situation regarding parking in Brent and identify problems and opportunities for improvement.
- 4.28. The Strategy will seek to achieve a balance between the needs of residents to park, access to local employment and local retail and service providers, and the need to reduce trips by conventional cars throughout the borough.

## **5. Support growth areas and town centres to enable acceptable development**

### **Expected growth in Brent**

- 5.1. London is expected to grow by a significant amount in terms of employment, jobs and population over the next 25 years. Brent will therefore also see considerable growth over this period.
- 5.2. Increased growth has the potential to place greater pressure on the transport network and could lead to reduced utility for residents if it is not adequately supported by transport investment.

### ***Population***

- 5.3. Over the next 20 years, the borough is expected to grow by 66,000 people to reach 396,000 residents. This represents growth of 20% over the existing population.
- 5.4. This will result in increased trips on the networks and increased demand for services.

### ***Jobs***

- 5.5. Brent had a total of 111,000 employee and self-employed jobs in 2011. This is projected to grow steadily to 137,000 by 2036, a growth of 23.5% since 2011.
- 5.6. The addition of more jobs within the borough will help reduce unemployment and enable local economic growth. However, it is important that employment locations are fully accessible by all modes and enable equal opportunity for all residents.

### ***Housing***

- 5.7. Brent's Local Development Framework includes a Core Strategy which states that 21,210 houses will be delivered across Brent by 2026. Of these 89% will be developed within the five growth areas across the borough.
- 5.8. It is highly important that these growth areas see sufficient investment to enable sustainable growth in terms of access by modes other than the private car. Increased car use would contribute to congestion on the network and reduced air quality for all residents.

### **Growth areas**

- 5.9. Brent currently has five identified growth areas around the borough, providing a focus for increased employment, housing and population. These growth areas have been identified for their ability to concentrate

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<sup>1</sup>Greater London Authority, 2013, *GLA Employment Projections by borough*, Greater London Authority: London [Accessed from <http://data.london.gov.uk/dataset/gla-employment-projections>]

sustainable development close to transport hubs, in order to help mitigate potential impacts.

- 5.10. The areas identified can be seen on the map below.

*Map inserted by design and present in PDF document*

### **Wembley**

- 5.11. Wembley is the largest Growth Area within Brent, delivering a total of 11,500 new homes by 2026. This represents over half of all the new houses expected borough-wide. Given the scale of this development, a more bespoke transport strategy for the area is being developed to meet the needs of regeneration and economic growth, though this will largely focus on connections to existing rail stations at Wembley Park, Wembley Stadium and Wembley Central.

### **Burnt Oak / Colindale**

- 5.12. The Core Strategy identifies 2,500 additional homes to be built in this area by 2026. This Growth Area actually forms part of a wider area of growth, the majority of which falls within Barnet.
- 5.13. Brent officers in partnership with Barnet and the GLA have commissioned architects to develop a public realm and placemaking plan which will contain transport elements for this area going forward. The transport elements will consist of improved connectivity and junction improvements as well as developing a framework for this area which can be used to assess transport aspects of planning applications as they are received.

### **Alperton**

- 5.14. An anticipated additional 1,600 homes will be built in the Alperton Growth Area. To support this a series of transport improvements are being developed for Alperton which build on the assets of the area including a 1.6 km stretch of the Grand Union Canal, good public transport and the unique Ealing Road town centre.
- 5.15. A public realm improvement planned for Alperton underground station will provide a gateway into Alperton from the south as well as improved bus stopping facilities and improved public realm in the current space occupied by the station forecourt. This project is being worked on jointly with TfL and will come forward over the life tie of the LTTS
- 5.16. Additional measures are being developed along Ealing Road including removal of road humps and street clutter, and provision of improved cycle facilities as part of the wider strategic corridor study recommendations. Delivery of these measures is subject to funding through developer contributions (including Section 106 and Community Infrastructure Levy), LIP and grant funds.

### **South Kilburn**

- 5.17. The Core Strategy identifies 2,400 new homes within South Kilburn. This area will experience substantial transformation as the council facilitates a shift from the housing estates of the 1960s and 1970s to a compact district set around a traditional street pattern with a substantial increase in the proportion of owner occupied households. This will also impact on the demand for travel within the area.
- 5.18. The transport strategy for this area will develop improvements to facilitate better access from South Kilburn into the transport network. This will include improved connectivity to local centres, such as Queen's Park and Kilburn, along with easier access to transport into central London and other town centres in the borough.

### **Church End**

- 5.19. The smallest of Brent's growth areas, it is expected that 800 new homes will be delivered as part of the Core Strategy. Church End is to the south-east of Wembley, south of the North Circular Road.
- 5.20. Delivery of this growth area will require improved access to public transport interchanges, including making safer, more convenient connections to local town centres.

## **Supporting Growth**

### **Town Centres**

- 5.21. Town centres provide access to services, jobs and social activities which are vital to Brent residents. Therefore, providing enhanced access to these areas by sustainable modes is important in enabling residents of new developments to have adequate access to the facilities they need.
- 5.22. Town centres in Brent are categorised in a hierarchy according to their functions and roles which take account of size, extent of catchment area, and the range of shops and facilities provided. This can be seen in the table below.

Centre hierarchy in Brent *will be designed*

Major Town Centres	District Centres	Local Centres
 <b>Wembley</b>  <b>Kilburn</b>	 <b>Burnt Oak</b>  <b>Harlesden</b>  <b>Cricklewood</b>  <b>Colindale</b>  <b>Willesden Green</b>  <b>Ealing Road</b>  <b>Wembley Park</b>  <b>Kingsbury</b>  <b>Preston Road</b>  <b>Neasden</b>	 <b>Kenton</b>  <b>Queen's Park</b>  <b>Kensal Rise</b>  <b>Sudbury</b>

- 5.23. Of Brent's two major centres, Wembley has its own Area Action Plan related to its status as the borough's primary growth area. This Action Plan will be the primary means by which increased access will be delivered going forward. This will include access by all modes, but will place an emphasis on sustainable modes.
- 5.24. Though a number of other areas, including Kilburn, have seen improvements in the recent past with relation to transport, these will need to continue if access to these areas is to be considered adequate to support the levels of development outlined above.
- 5.25. Brent will therefore provide increased weighting in the LIP for schemes which provide support for town centres, particularly for those that improve access by, and the environment for, walking, cycling and public transport. Where achievable, town centres will also form the basis for major scheme generation and submission of Major Scheme bids to TfL via the LIP.
- 5.26. The Park Royal Opportunity Area Planning Framework also provides scope through the regeneration to further improve links to Harlesden in association with accessibility improvements at Old Oak Common. These opportunities to improve sustainable access will be taken forward as and when possible.

### ***Strategic links***

- 5.27. Brent has a relatively limited high-order road network (Transport for London Road Network, Strategic Road Network), which plays an important role for freight and traffic which can not be transferred to public transport. While all of Brent's growth areas are located alongside the Strategic Road Network (SRN), it is envisaged that most passenger movements, particularly commuting, will occur by public transport.
- 5.28. By minimising unnecessary private vehicle traffic, Brent will maintain the greatest potential road capacity for freight, cyclists and pedestrians, whilst also improving traffic flow across the borough. This is particularly the case with radial routes into Central London, such as the A5 (Edgware Road), A4088 (Dudding Hill Lane / Blackbird Hill) and A404 (Harrow Road). On orbital routes such as the A406 (North Circular Road, A4006 (Kingsbury Road) and A4127 (Sudbury Court Drive), it may be more necessary to provide greater capacity for private vehicle trips which are not able to be completed on public transport

### ***Sustainability and Travel planning***

- 5.29. Levels of growth make it imperative that trips to and from development areas are carried out by sustainable modes to control impacts on the network. Growth areas have been selected to ensure new development is co-located with high quality public transport and to minimise the need for residents to own a private vehicle.

- 5.30. However, it is also important that new residents are provided with high-quality information regarding the travel choices available to them. New residents moving into the area are potentially more open to behaviour change and the development of a sustainable transport culture than existing residents, who have already formed habits regarding transport.
- 5.31. Therefore, it is important that new developments are associated with high-quality, robust travel plans that are adequately monitored. Travel plans should be target-driven and contain measures that can be considered strong enough to truly influence the behaviour of new residents.
- 5.32. To ensure travel plans are implemented, Brent will continue to work with WestTrans to monitor travel plans to assess their success.

### **Targets**

- 5.33. Travel Plan compliance to increase by 30% by 2035. We will work with WestTrans to continuously assess the compliance of development with travel plans and seek to increase compliance as development within the growth areas come forward.
- 5.34. Implementation of this target will rely on working closely with both Planning and WestTrans to provide feedback to developers regarding proposed or existing plans and to ensure targets set within them are achieved.

## **6. Reduce Killed and Seriously Injured (KSI) incidents and slight accidents on Brent's roads**

### **Impacts of Road Safety**

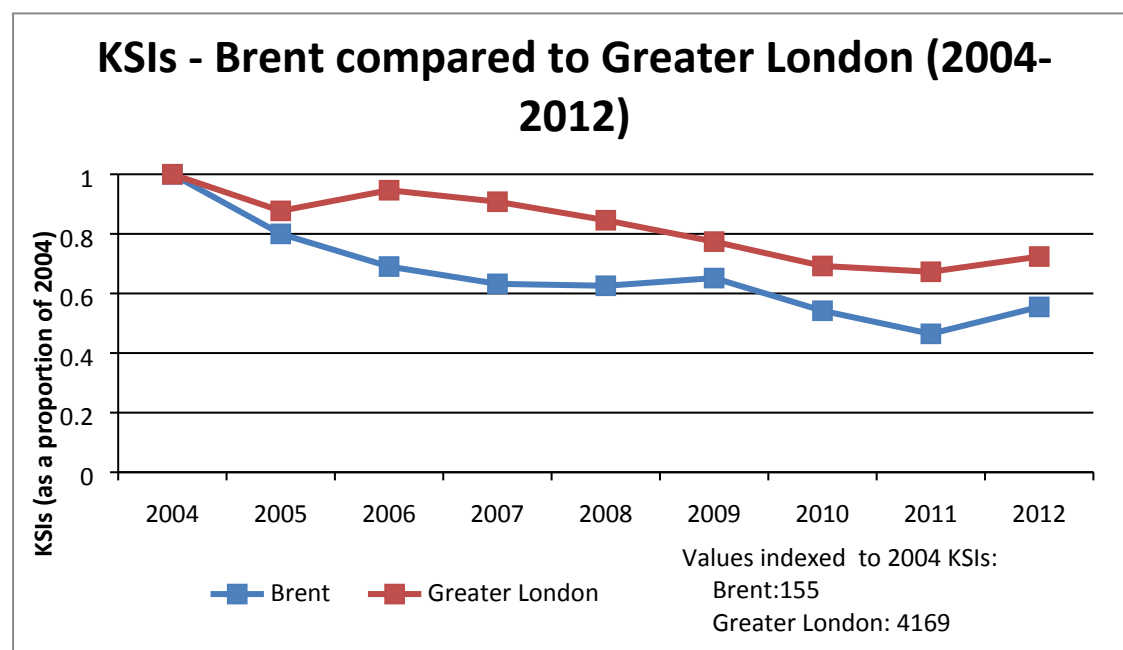
- 6.1. Reduction of road casualties is central to the Mayors Transport Strategy and therefore to the Local Implementation Plan. Guidance from Transport for London suggests that going forward the LIP will continue to focus on road safety and that schemes aimed at reducing road casualties should be given some emphasis, though not to the exclusion of other objectives. Given the close relationship between the LTTS and the LIP it is important that this focus is shared.
- 6.2. Improving road safety is essential in encouraging behaviour change to achieve greater levels of active travel and an associated reduction in car usage by addressing concerns over personal injury. As outlined earlier in this document, road safety is the primary reason given by non-cyclists for avoiding taking up cycling. It is therefore of great importance that road safety in the borough is improved in order to enable sustainable transport objectives to be met.
- 6.3. Road traffic collisions also have significant social and economic costs. The total cost of a fatal accident to the economy is estimated at over £1m, accounting for all aspects including lost revenue that would have been generated by the individual. Accidents can therefore have a significant negative impact on economic growth.
- 6.4. Residents of areas which see serious accidents can also suffer from reduced confidence in the safety of their environment, which discourages use of the street scene and can lead to feelings of social isolation. As noted elsewhere in this document, a high-quality environment is important in encouraging active travel, particularly walking.
- 6.5. Poor road safety is an equality issue for the borough as different groups within the community can be affected disproportionately. It is known that amongst children, the Black, Asian and Mixed Ethnicity (BAME) population, are more likely than white children to be injured or killed in a road traffic collision<sup>2</sup>. It is also known that areas of deprivation tend to suffer from worse road safety records than other areas.
- 6.6. Providing equality of opportunity is a key aspect of both the MTS and the Borough Plan and this is not supported by disparities in the way communities are impacted by road safety. This therefore needs to be addressed within the LTTS.

### **Brent's current road safety record**

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<sup>2</sup> Transport for London, 2014, *Understanding the travel needs of London's diverse communities: A summary of existing research*, Greater London Authority: London

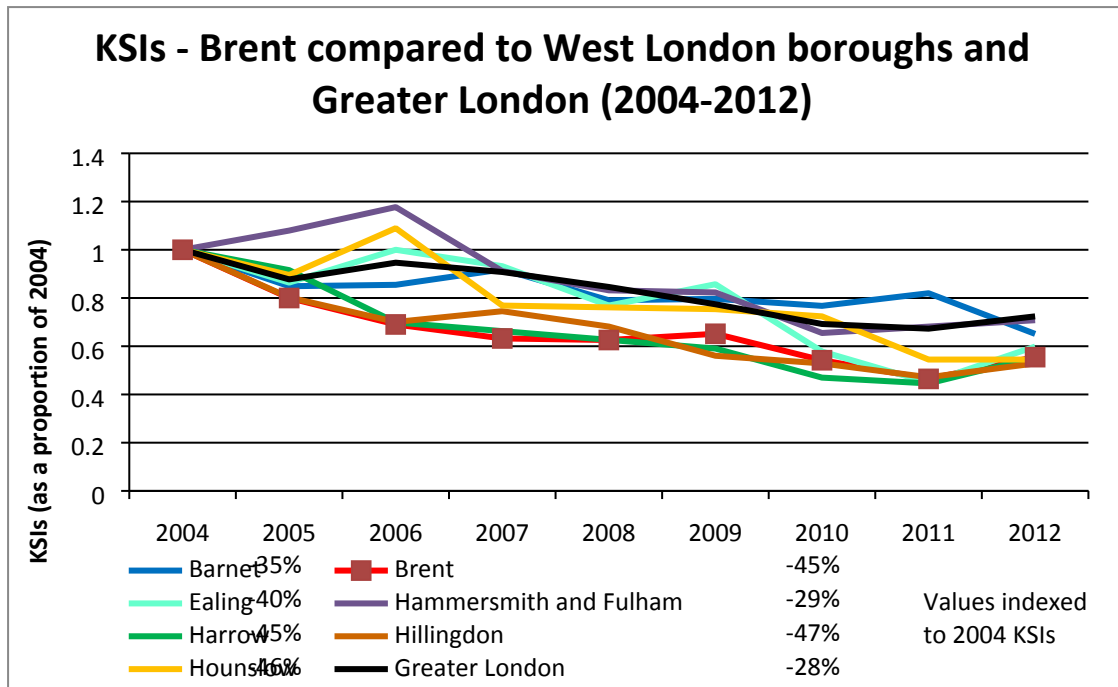
- 6.7. Significant progress has been made in the area of road safety by Brent, particularly in relation to accidents resulting in KSIs. Between 2004 and 2012, Brent saw a 45% reduction in KSIs from road traffic collisions<sup>3</sup>, which placed the borough 7th of the 33 London boroughs. By comparison, London wide KSIs reduced by 28% over the same period.



- 6.8. Within the West London sub-region, all boroughs have reduced KSIs by a greater proportion than Greater London, with Brent ranked 4th of 7 boroughs for KSI reductions between 2004 and 2012.

<sup>3</sup> Greater London Authority, 2014, *Casualties by Severity (2004-2013)*, Originally published by the Department for Transport, London: HMSO, [Available online: <http://data.london.gov.uk/dataset/road-casualties-severity-borough>]





- 6.9. Brent expects progress on KSI reductions to continue across the borough into the future, as it remains a key focus of the Local Implementation Plan (LIP), the Borough Plan, and the Mayor's Transport Strategy (MTS). However,

### Further improvement

- 6.10. While Brent and all of Greater London have seen considerable reductions in KSIs accidents, reductions in total casualties have not been as dramatic. If all accident data is included a 21% decrease in total casualties in Brent has been achieved over the same 2004 to 2012 timeframe. This is against a 17% drop across London as a whole.
- 6.11. Though this shows that our roads are getting safer against all accident types, it suggests that success has been heavily focussed on KSI accidents and that more work is required to reduce crashes of all severities. It should be noted that all incidents impact the environment and the quality of life of Brent residents and therefore it is also desirable to reduce slight incidents.
- 6.12. Addressing slight accidents can be particularly important for pedestrians and cyclists, who may be seriously impacted by incidents that do not result in injury or damage but could potentially have done so. These incidents reduce confidence in the safety of the network and can lead to adverse behaviour change, reverting to car use having been a pedestrian or cyclist.
- 6.13. It has been noted that in recent years progress has plateaued in comparison with previous years. Though it is not clear at the present time precisely what has caused progress to slow, if the targets set out below

are to be achieved this will need to be addressed via future LIP development and submission.

## **Targets and monitoring**

- 6.14. These targets have been set as part of the extant LIP and extend to 2020. These have been included in order to provide consistency between the two documents, however it should be noted that they end five years prior to the LTTS. Therefore at the last five-year revision of the LTTS assessment will need to be made regarding how this is taken forward. If the targets have been fully met it is suggested that a five-year stretch-target is produced. If they are not this opportunity should be taken to assess why and to alter the approach if necessary.
- 6.15. The targets are as follows:
- Brent is aiming to reduce annual KSIs to below 60 by 2020. This represents a 30% decrease from the current level of 84, and over a 60% reduction from 2004.
  - Brent's aim is to reduce total casualties to 540 by 2020. This is a 44% reduction from the current level of 957, and a 55% reduction from 2004.
- 6.16. These targets are ambitious, however as progress in previous years has been rapid it is hoped that with adequate focus they can be achieved.

## **Implementation**

### ***LIP road safety focus and matrix***

- 6.17. As has been stated the LTTS has a close relationship with the LIP and it is expected that schemes included within the LIP will form the action plan of implementation of this document. Given the road safety emphasis of the LIP it is likely that most schemes aimed primarily at reducing collisions will come forward through this mechanism.
- 6.18. Future LIP submission should therefore consider the further work identified above and seek to include schemes that work towards achieving this.
- 6.19. The prioritisation matrix that forms part of the LIP has been formulated to enable schemes that will achieve the most benefit against the objectives of the MTS, the Borough Plan and the LTTS to receive funding. This is particularly focused on investment in relatively small-scale local safety schemes to meet specific localised safety issues, such as pedestrian crossings, cycling facilities, traffic calming or local speed compliance.
- 6.20. Major schemes can also be submitted as part of the LIP and will be fully reflective of the targets set out here.
- 6.21. Accident statistics are monitored regularly by officers at Brent and the Greater London Authority, and reported each year as part of the LIP

process. This will ensure Brent remains aware of progress made and to be made in order to meet targets.

### ***Freight Strategy***

- 6.22. It is acknowledged by Transport for London as part of the forthcoming Servicing and Delivery Strategy that freight represents a particular safety concern, particularly for vulnerable road users. HGVs are involved in a disproportionately large number of cyclist fatalities in London and ways of addressing this are being sought.
- 6.23. Brent is currently working with WestTrans to develop a Delivery and Servicing Strategy that will be implemented in the six north-west London boroughs. It is expected that his strategy will address road safety concerns specific to freight in Brent.

### ***Highways Asset Management Plan***

- 6.24. The Highways Asset Management Plan is designed to ensure all Council highway assets are maintained in the most efficient manner to benefit the borough. This includes highway network assets which play a key role in road safety, for example traffic lights, pedestrian crossings and cycle facilities.
- 6.25. It is important to ensure that emphasis is placed on maintenance of these assets to enable them to provide meaningful facilities for those using them. In particular, cycle and pedestrian facilities should be maintained to an adequate, safe standard.

### ***20 mile per hour zones***

- 6.26. 20 mile per hour zones have been shown to improve road safety by reducing traffic speed. This reduces both the quantity of accidents and the severity of those that occur. However, it must also be acknowledged that there are some roads within Brent that may not be suitable for implementation of a 20mph limit, such as those leading directly off the strategic network. In order to fully inform the development of both 20mph limits and other speed limits Brent Borough Council will develop a Speed Limit Policy.

## **7. Reduce the exposure of Brent residents to Particulate Matter (PM) and NO<sub>2</sub> generated by the transport network**

- 5.36. Air quality improvement measures have previously been focussed on the reduction of carbon and CO<sub>2</sub> production. However, in recent years it has become apparent that particulate matter and NO<sub>2</sub> pose the most significant risks to the health of those exposed to them on a regular basis.
- 5.37. Evidence shows that fine and ultra fine particulate matter present in air pollution increases the risk of cardiovascular morbidity and mortality. Conventional vehicles are responsible for 41% to 60% of air pollutants in the UK, which have an impact on cardiovascular and respiratory diseases.
- 5.38. It has been shown that NO<sub>2</sub> acts as an irritant, exacerbating respiratory conditions and contributing to premature deaths, particularly in vulnerable members of the population such as those with asthma. NO<sub>2</sub> is generated as part of the combustion process that takes place in conventional cars.
- 5.39. Particulate matter can enter the body through the lining of the lungs and creates inflammation. In particular, particulate matter has been shown to contribute to conditions that have an inflammatory element, such as heart attack and stroke. It is uncertain precisely how many deaths are brought forward by the presence of particulate matter, however, it is estimated to be a significant number.
- 5.40. Though not all particulate matter is generated by transport, diesel engines do produce significant amounts as does friction on the road surface and other moving parts.
- 5.41. Reducing the exposure of Brent residents to both of these substances will directly contribute to improved health and longer life. Though it is not achievable through this strategy to reduce exposure from the transport network to 0 due to the nature of transport and the built environment, there are some measures that are achievable that will both reduce overall levels of air pollution and lessen the exposure of individuals.

### **Reducing exposure**

- 5.42. There are two main ways in which the exposure of Brent residents to this type of pollution can be controlled and reduced. These are reduction in the overall production of the pollutants and avoidance of the pollutants that are still produced.

#### ***Reduction***

- 5.43. All the objectives of this LTTS will contribute to improved air quality through reduced vehicle trips on the network. In particular increased use of sustainable modes and reduced peak-time freight movements combined with greater use of LEVs and ULEVs will contribute to improved air quality. However, there are some specific measures that relate more closely to air quality.

- 5.44. The Transport Emissions Road Map (TERM) produced by Transport for London in 2014 identifies a number of measures that may be implemented in the boroughs to reduce the production of pollutants. Among these is the introduction of Low Emission Neighbourhoods which identify particular areas as zones in which heavily polluting vehicles are limited or controlled.
- 5.45. Though the introduction of these would be supported by the LTTS it should be noted that the terms on which they are implemented should be considered carefully to avoid inequitable impacts on residents.
- 5.46. It must also be considered that the current Transport for London bus fleet runs on diesel, which produces high levels of particulates. There are no current plans for this fleet to be changed for one running on alternative fuels, so this restriction must be considered when introducing restrictions.
- 5.47. However, due to the large number of bus routes running through Brent and in particular certain strategic corridors Brent will continue to lobby TfL for changes to the local bus fleet to reduce dependency on diesel.
- 5.48. The TERM also identifies the possible introduction of an Ultra Low Emission Zone covering greater London which would operate on similar terms to the current Low Emission Zone but would enforce tighter emission standards on vehicles entering greater London.
- 5.49. Though it is uncertain as yet how this will come forward on a London wide basis, the LTTS would support the introduction of a borough-wide low emission zone. This would give Brent Borough Council control over implementation and therefore the ability to mitigate any potential negative impacts on local residents. Further research would be required to take this forward should the opportunity to gain funding arise.

### **Avoidance**

- 5.50. It has been shown that for particulate matter distance from the source of pollution makes a significant difference to the level of exposure suffered. Therefore, increasing the distance and introducing barriers could help to reduce the exposure of residents to this type of pollution.
- 5.51. In some areas this may not be achievable due to the constrained nature of the network. However in new schemes and in particular schemes that incorporate a strong element of place making, enabling a greater distance between the road surface and shop fronts and footways would be of benefit to the health of local workers and visitors.
- 5.52. In some areas it may also be possible to introduce barriers such as plating, that constrains the particulate matter and reduces the amount that reaches the footway and frontages.

***Air Quality Strategy***

- 5.53. Regulatory Services are currently working to produce an Air Quality Strategy that will focus on providing measures to reduce the production of particulate matter and nitrogen dioxide by local transport.
- 5.54. It is noted that ensuring that the LTTS and Air Quality Strategy work together to achieve their common goals will be an ongoing process. To this end it is expected that the objectives and targets of the Air Quality Strategy will be taken into account in the daughter documents of the LTTS, as outlined earlier in this document. As stated in the introduction, these documents will form the implementation plan for the LTTS, therefore they are the most appropriate vehicle by which to ensure the Air Quality Strategy is taken forward by the LTTS.
- 5.55. Due to this, the LTTS will not set out specific air quality targets, but will utilise those set and monitored by the Air Quality Strategy to gauge success against its objectives.

## 8. Targets

The base years for these targets vary according to the data available. For those for which data is available this is 2013/2014 however for others it will be 2015 as data needs to be gathered so a base line can be set. These targets will be reported annually to assess progress towards achieving the objectives to which they relate.

Objective	Category	Target	Base year	Target date
Increase the uptake of sustainable modes, in particular active modes	Cycling	Increase mode share to 3% from 1%	2013	2021
		Increase the number of cyclists from currently underrepresented groups by 200 as indicated by the London Travel Demand Survey	2014	2021
		Increase the number of cycle parking spaces by 1000 by 2021	2014	2021
		Increase number of adults accessing cycle training by 50 adults per year	2015	2021
		Increase the number of children accessing cycle training by 50 children per year up to 2021	2015	2021
	walking	10% decrease in the number of schools with gold standard travel plans	2015	2025
		5% increase in pedestrian mode share	2013	2030
	Public transport	30% mode share for private vehicles	2013	2030
	Travel planning	Production of a Personalised Mobility and Technology Strategy	NA	2018
Reduce conventional vehicular trips on the network, particularly at peak times	Freight	Will be contained within the Servicing and Delivery Strategy	NA	NA
	Car clubs	20% increase in car club vehicles available to residents	2015	2030
	Parking	Will be contained within the Parking Strategy	NA	NA
Support Growth Areas and Town	Travel	Increase compliance with travel plans by 30%	2015	2025

Centres to enable acceptable development	planning			
Reduce KSI incidents and slight accidents on Brent's Roads	KSI	Reduce KSIs to below 60	NA	2020
	All accidents	Reduce all accidents to below 240		2020
Reduce the exposure of Brent residents to particulate matter and NO2 generated by the transport network	NO <sub>2</sub> and PM	Will be contained within the Air Quality Strategy	NA	NA



## **9. Monitoring**

### **Reporting**

- 9.1. The targets outlined in chapter 8 will be monitored and reported to cabinet on a yearly basis. The targets identified as being included in other strategy documents will be monitored by the relevant teams and included in the report.
- 9.2. The report will set out progress against the objectives and identify areas where either further work is needed or a different approach might be required to achieve the objectives.
- 9.3. Every five years the LTTS will be reviewed in its entirety and examine long term trends and enable inclusion of documents and issues that have come on-line since the LTTS was first produced. This will also provide an opportunity to examine the achievability of targets and review them if necessary.

### **Funding**

- 9.4. The Long Term Transport Strategy will be funded through a variety of sources. These will include the annual LIP submission and other Transport for London funding streams as and when they are established and become available to Local Authorities. However it is acknowledged that if the objectives are to be achieved other funding sources will be required.
- 9.5. Funding will therefore also be sought via bidding processes both nationally and internationally, with applications for European funding being made when appropriate.
- 9.6. Opportunities to take advantage of funding to establish pilot and highly innovative schemes will also be sought in order to enable Brent residents to benefit from advances in technology and infrastructure design.
- 9.7. Opportunities to co-fund schemes and projects with other service areas within the council will also be sought in order to enable best use of the funding available. This concept will also be applied to partnership working with the private sector, in particular in the development of new schemes that may benefit from sponsorship.

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<b>Response</b>	<b>Consultation document</b>	<b>Revised draft LTTS</b>	<b>BBC Comments</b>
The way the LTTS is structured makes it difficult to follow. It would be beneficial to set out the vision, aims and objectives of the strategy before considering other issues.	Can be seen in Chapter 7, page 31 of Appendix B	Can be seen on pages 7 to 11 of Appendix A.	These have been revised to reflect the results of the public consultation
The current document structure fails to enable a good understanding of the issues surrounding forthcoming growth in the borough and how investment will be focussed to enable this. A more accessible structure would enable a better understanding		The new document structure can be seen throughout Appendix A	The revised draft LLTS has been restructured in its entirety to enable a better understanding of the subject matter and to enable a more objective-led approach to investment.
The strategy is currently not sufficiently explicit with regards to how it will deliver on the objectives set. It is suggested that the strategy needs to be more specific in its delivery mechanisms and that perhaps these should be reflected in the Targets.		A summary of the SMART targets set can be seen on pages 44 and 45 of Appendix A	The revised draft LTTS seeks to clearly set out under each heading how the objective will be delivered. Targets have been developed specific to each objective and have been formulated to be SMART and monitorable.

Response	Consultation document	Revised draft LTTS	BBC Comments
<p>The Consultation document contains 11 targets which aim to provide attractive, safe and sustainable neighbourhoods. However, it is not made clear how these targets relate to the Objectives or the Priorities and hence they appear to lack direction. They also fail to set any mechanism by which progress against them may be monitored, i.e. they are not SMART.</p>		<p>A summary of the SMART targets set can be seen on pages 44 and 45 of Appendix A</p>	
<p>It is unclear how these priorities were arrived at as no evidence base or public/stakeholder consultation results are provided to suggest where they originated.</p>		<p>Evidence for priorities and objectives can be seen on pages 9 and 10 of Appendix A</p>	<p>The priorities set out in the revised draft LTTS are backed up with consultation results as set out specifically in Chapter 2 of Appendix A.</p>

Response	Consultation document	Revised draft LTTS	BBC Comments
HS2 and Crossrail should be addressed within the LTTS	Brent is well placed to benefit from improved connectivity to Europe as a result of the new HS2 international station at Old Oak. Brent is supporting the TfL petition for inclusion of a link between HS2 and HS1. This link should be provided without undermining existing or future passenger and freight services on the North London Line. A link between Crossrail and the West Coast Main Line would result in much improved connectivity for the Wembley Area to central London, Heathrow and other national destinations.	Inclusion of Cross rail and HS2 can be seen on page 19 of Appendix A	This response incorporates a number of separate responses received that were in favour of incorporation of Cross Rail and HS2
Improved bus services are needed throughout the Borough linking Brent to central London and other destinations, including orbital routes	Brent supports the enhancement to bus services through improvements to frequency as well as extending, amending and creating new services based on future demand. This means more frequent services where possible and improved routing of services where appropriate.	These comments have been incorporated on pages 19 and 20 of Appendix A	This comment incorporates a number of responses received in favour of improved bus services. It should be noted that Brent can lobby TfL for improvements but does not directly control bus services within the borough.
We strongly support the commitment to improving the public realm within Brent's town centres.		This response has been included on pages 16 and 17 of Appendix A	

Response	Consultation document	Revised draft LTTS	BBC Comments
There are omissions around health care		Please see Chapter 2: Cycling, Chapter 2: Walking and Chapter 7: reducing the exposure of Brent residents to PM and NO <sub>2</sub>	The contribution of transport to health and wellbeing is now incorporated throughout the document. The lack of emphasis on this issue was highlighted in a number of responses as a gap in the LTTS.
The table of policies in chapter 7 is contradictory in places	Tables 7.2 to 7.10 Chapter seven of Appendix B	See Appendix A pages 4 to 6	Due to the long-term nature of the LTTS and its primary purpose as a guidance document for future policy formulation and funding allocation, it does not contain a detailed action plan of measures to be implemented independently. It is not the purpose of this document to provide details of specific schemes. This detail will be contained in the annual LIP submission that will be formulated to reflect the objectives of the LTTS and other relevant borough and regional policies.

Response	Consultation document	Revised draft LTTS	BBC Comments
<p>Cannot ascertain from the consultation document whether future year forecasts have been produced and whether future year scenarios have been modelled.</p>		<p>See Appendix A pages 4 to 6</p>	<p>Due to the long-term nature of the LTTS and its primary purpose as a guidance document for future policy formulation and funding allocation, it does not contain a detailed action plan of measures to be implemented independently. It is not the purpose of this document to provide details of specific schemes. This detail will be contained in the annual LIP submission that will be formulated to reflect the objectives of the LTTS and other relevant borough and regional policies.</p>
<p>Policy T2.3 supports freight access to key national destinations outside London. We would be supportive to improvements within Brent and beyond to the M1 in so far as they create a joined up approach to freight movement and help to foster economic development through reduced freight journey times and improvements to journey time reliability.</p>	<p>Support improved freight access to key national destinations outside London</p>	<p>This response has been incorporated within Appendix A pages 23 to 24</p>	

Response	Consultation document	Revised draft LTTS	BBC Comments
Policy T7.5 aims to promote employment parking management plans with a justification of management of air quality and peak hour flows. We would support such measures.	To promote parking management plans for business parks and employment locations	This comment has been incorporated within Appendix A pages 21 and 26	
I want to see more emphasis on transport that benefits Londoners in other, neighbouring local authorities, perhaps to the detriment of us.			It is not Brent Council policy to act to the detriment of Brent residents. This comment therefore has not been taken forward in the revised document.
Both the current London Overground consultation at Old Oak Common, and the December 2014 HS2 Ltd consultation about "Crossrail to the West Coast Main Line" are relevant to your document, given their time-scales.		This comment has been incorporated within Appendix A pages 19 to 20	Both the consultations referred to were responded to separately
Crossrail will be important to the Borough and should be noted within the LTTS		This comment has been incorporated within Appendix A pages 19 to 20	This response summarises two separate communications containing the same message
Consideration should be given to potential adverse impacts of increased bus services on local areas			These issues will be addressed in partnership with TfL on an individual basis and therefore do not form part of the LTTS, which is a high-level document.



Response	Consultation document	Revised draft LTTS	BBC Comments
We strongly support the development of the Brent cycling strategy		This comment has been incorporated within Appendix A on pages 14 and 15	
There is no case apparent for more routes as there are already excellent tube, rail and bus links in the Salusbury Road area,			This comment is specific to the Salusbury Road area and as such will be addressed separately through liaison with TfL
There are 3 schools in Salusbury Road and additional ones just north and south of here. Any school expansion plans need to recognise that the area is already under huge pressure during school start and end times			This comment is specific to the Salusbury Road area and as such will be addressed separately rather than through the LTTS
Lack of focus on disability issues			The LTTS has been subjected to an Equality Assessment to ensure it does not work to the detriment of disabled people or other protected groups.
T2.4 which encourages freight mode shift to rail could conflict with policy T3.3 which encourages the greater use of the Dudding Hill line for passenger services unless careful consideration is given to implementation.	Support rail-based freight and restrict road based through-freight movement to the North Circular Road or specified radials. Support the use of Dudding Hill freight line for passenger services.	Please see Chapter 1 pages 4 and 5 of Appendix A	Due to the strategic nature of the document and the further work carried out, the LTTS no longer contains a table of specific policies. It is expected that the specific schemes will be contained within other strategy action plans, which will be formulated with reference to the objectives of the LTTS

Response	Consultation document	Revised draft LTTS	BBC Comments
TfL would encourage the council to explore opportunities to see how it can facilitate and promote the benefits of out-of-hours deliveries and where those opportunities may exist to amend local transport and planning restrictions to enable out-of-hours deliveries		This comment has been incorporated within Appendix A on pages 23 and 24	
There could be a more specific focus on pedestrians and walking within the borough as there is in the cycling section of the document, given how many trips will either start or end with a journey on foot.		This comment has been incorporated within Appendix A on pages 13 to 18	Sections on both these modes have been incorporated
Living Streets feels the strategy could go further to ensure a truly holistic approach to future transport plans in the borough.		This comment has been taken forward throughout Appendix A	
Improve public health - in line with the Mayor's transport and health action plan <sup>1</sup> and Brent's Health and Wellbeing Strategy.		This comment has been incorporated within Appendix A on pages 13 to 18 and 40 to 42	We have sought to incorporate transport's influence on health throughout the document
Increase the number of people walking - by improving the walking environment.		This comment has been incorporated within Appendix A pages 17 and 18	
Living Streets would like to see a greater focus on creating people-friendly places and a reduced emphasis to car based traffic		This comment has been incorporated within Appendix A pages 17 and 18 and 23 to 26	

Response	Consultation document	Revised draft LTTS	BBC Comments
We broadly support the strategy for District and Local Centres, but feel the statements should be made more explicit.	The strategy for all of our District and Local centres is to: Improve access to public transport interchanges, particularly rail and tube stations; Improve access to public transport interchanges, particularly rail and tube stations; Improve pedestrian / cycle links; Improve air quality; Improve parking provision; Address and, where possible, reduce through traffic.	This response has been taken forward in Appendix A pages 28 to 34	
The Mayor of London has set a road casualty reduction target of 40% by 2020 and a long term ambition of freeing London's roads from all deaths and serious injuries 4. Owing to the long term nature of this strategy, we would encourage Brent to make a similar statement of intent.	See page 25 of Appendix B	This response has been incorporated within Appendix A pages 36 to 39	
Living Streets is in strong support of the greater use of 20 mph speed limits or zones in Brent on streets where people live, work and shop - including local high streets and town centres.	See page 25 of Appendix B	This response has been incorporated within Appendix A on page 39	
Achieve balance between northern and southern halves of the borough, particularly in relation to regeneration areas	□		This comment has not been taken forward as it is not within the scope of the LTTS to define development areas

Response	Consultation document	Revised draft LTTS	BBC Comments
Reducing existing traffic congestion hotspots	□	This response has been incorporated throughout Appendix A and has been set as a priority as seen on page 9	Congestion reduction was set as a priority for the draft LTTS following consultation
Reducing the number of buses using Chamberlayne Road	.		This comment has been addressed separately as it does not fall within the scope of the LTTS
Improve conditions for cyclists	See pages 26 and 27 of Appendix B	This response has been incorporated within Appendix A on pages 13 to 15.	
Improving air quality throughout the borough is important		This response has been incorporated within Appendix A on pages 41 to 42	Improving air quality and reducing exposure of Brent residents to NO2 and Particulate matter has been incorporate as an objective within the revised draft. This is to reflect both comments received during consultation and the policy context.
There has been no discussion about night buses			Brent will continue to lobby TfL for improved bus services and will take this comment forward as part of this process.

Response	Consultation document	Revised draft LTTS	BBC Comments
There is no mention on improving transport around schools and hospitals, but it would be key to take this into consideration.			Due to the strategic nature of the LTTS this comment has not been addressed directly. The LTTS does not contain an action plan but provides guidance as to how future investment in transport might be focussed. It is expected that this comment will be taken forward through daughter documents, such as the cycle strategy and travel plan strategy
Much of this is outside the council's direct control - or it's ability to fund schemes			Though it is true that Brent does not have control over all the elements outlined within the LTTS, Brent does play an important role in lobbying for schemes and other improvements that will benefit Brent residents. This is why the LTTS takes a broad remit and seeks to provide direction as to this.
More overground options needed			Brent cannot address this directly but will seek to lobby TfL to take this forward if possible
Cycling routes need to be kept separate from both heavy traffic and pavements, for the safety of both cyclists and pedestrians			This comment will be taken forward as part of the Cycle Strategy

Response	Consultation document	Revised draft LTTS	BBC Comments
Rail services from Wembley Central station need to be improved i.e. the Southern Rail service should run into the late evenings on weekdays and Saturdays and a Sunday service is required.			This comment is will be taken forward in lobbying TfL for improved services.
A proper crossing with lights is needed on Wembley Hill Road opposite the entrance to The London Designer Outlet.			This comment is too specific to be taken forward as part of the LTTS, however it will be forwarded on as a service request
Not enough buses serve the new Civic Centre.			This comment is too specific to be taken forward as part of the LTTS, however we will continue lobby TfL for improvements of this nature.
You need to accept that people need to use cars and need to park at reasonable distance from their destination. Not everyone can get on a bus		This comment has been incorporated within Appendix A on pages 23 to 26	
No mention of improving commuter links particularly Chiltern Line service to and from London & High Wycombe			This comment will be taken forward in continuing lobby work with TfL
Car clubs not given emphasis		This comment has been incorporated within Appendix A on pages 24 and 25	

Response	Consultation document	Revised draft LTTS	BBC Comments
This policy does not take into account the negative effects on specific areas such as Cricklewood where there will be increased traffic and pollution and reduced direct transport links to the centre of the city and the interchange at West Hampstead.			the LTTS does not seek to address specific development proposals. However Brent Borough Council will continue to work with both Barnet Borough Council and its chosen development partners to represent the interests of Brent residents with regard to impacts on the road network.
I would prefer an absolute commitment to improve air quality		This comment has been incorporated within Appendix A on pages 40 to 42	
There should be a blanket 20mph speed limit across the Borough for road safety,		This comment has been incorporated within Appendix A on page 39	
The Cycle Strategy is needed as soon as possible and should incorporate bike parking and other facilities for cyclists, including showers etc.		This comment has been incorporated within Appendix A on page 14	The Cycle strategy will contain specific actions for encouraging cycling therefore the comments regarding parking and showers will be taken forward in as part of the cycle strategy, rather than being set out within the LTTS.
local car users are not catered for within the LTTS		This comment has been incorporated within Appendix A on pages 23 to 26	
The quality of local roads needs to be considered			This will be taken forward as part of the Highways Asset Management Plan

Response	Consultation document	Revised draft LTTS	BBC Comments
A Low emission strategy is essential		This comment has been incorporated within Appendix A on pages 40 to 42	
Hs2 will divert funding away from local projects and have a detrimental effect on local communities in Brent, other London Boroughs and Counties outside London	See page 14 of Appendix B		Brent Borough Council has expressed its support for both HS2 and Crossrail as far as they benefit the residents of Brent. Therefore, it is not possible to take this comment forward at this time.
Expanding Heathrow will bring substantial noise pollution to yet another London Borough - Brent. It will also increase air pollution and contribute negatively to climate change.	See page 12 of Appendix B		Brent Borough Council has expressed its support for Heathrow as the preferred option for the development of a hub airport for the London area. It is therefore not possible to take this comment forward at this time
I believe the improvement and support of the public transport system is the way forward, this includes more bus lanes and night services. This would encourage car owners to use their vehicles less and less need for public parking spaces.	See page 24 of Appendix B	This comment has been taken forward within Appendix A pages 19 to 20	
Objective 10 "To improve air quality and contribute towards climate change targets" - should refer to Brent Air Quality Action plan	See page 31 of Appendix B	This comment has been taken forward within Appendix A pages 40 to 42	



## Appendix C – Numerical results of public consultation

### 1. To what extent do you agree with the three Priorities

Responses	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Improve bus travel	69.20%	23.10%	7.70%	0	0
Improve cycle facilities	50.0%	25.0%	14.1%	4.7%	6.3%
Improve travel information	50%	30.60%	12.90%	3.20%	3.20%

### 2. To what extent do you agree with the eleven Targets?

Responses	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Discourage short car trips	43.8%	29.7%	9.4%	12.5%	4.7%
Promote walking and cycling	56.9%	27.7%	12.3%	3.1%	0.0%
Improve public transport information	49.2%	33.8%	15.4%	0.0%	1.5%
Encourage residents of new developments to walk and cycle	44.6%	20.0%	21.5%	9.2%	4.6%
Use Controlled Parking Zones to manage parking	23.1%	23.1%	24.6%	13.8%	15.4%
Use parking restrictions to encourage sustainable travel	27.7%	15.4%	15.4%	18.5%	23.1%
Work with communities to ensure schemes meet local needs	61.5%	27.7%	7.7%	1.5%	1.5%
Make local street attractive	75.4%	18.5%	6.2%	0.0%	0.0%
Introduce street trees	64.1%	17.2%	17.2%	1.6%	0.0%
Improve facilities to reduce obstacles caused by large roads and railway lines	64.6%	10.8%	20.0%	3.1%	1.5%
Ensure access to services, employment and parks and recreation areas	63.1%	26.2%	10.8%	0.0%	0.0%

3. To what extent do you agree with the twelve Objectives?

Responses	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Improve international links to Brent	27.7%	15.4%	43.1%	10.8%	3.1%
Improve national and regional links to Brent	40.0%	30.8%	24.6%	3.1%	1.5%
Improve sub-regional links to Brent	46.9%	34.4%	17.2%	1.6%	0.0%
Support Brent's Growth Areas	45.3%	23.4%	29.7%	1.6%	0.0%
Improve the North Circular Road regeneration area	51.6%	28.1%	18.8%	1.6%	0.0%
Improve Brent's town centres	70.8%	21.5%	7.7%	0.0%	0.0%
Support employment locations	60.0%	26.2%	13.8%	0.0%	0.0%
Create sustainable, attractive and safe neighbourhoods	76.9%	20.0%	3.1%	0.0%	0.0%
Improve road safety	67.7%	23.1%	7.7%	1.5%	0.0%
Improve air quality and reduce emissions	64.1%	18.8%	14.1%	1.6%	1.6%
Support improved bus services	63.1%	29.2%	7.7%	0.0%	0.0%
Ensure provision of high quality cycle links	46.9%	25.0%	14.1%	9.4%	4.7%

4. To what extent do you agree with these policy statements?

Responses	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Expand the hub at Heathrow airport	28.6%	20.6%	20.6%	15.9%	14.3%
Build HS2 and new station at Old Oak	41.5%	12.3%	30.8%	6.2%	9.2%
Keep freight and through traffic on main roads	33.9%	30.6%	22.6%	1.6%	11.3%

Increase capacity on train services between Milton Keynes and Croydon	41.3%	11.1%	42.9%	1.6%	3.2%
The creation of public transport hubs to improve access within Brent	58.5%	24.6%	13.8%	3.1%	0.0%
Improve air quality where possible	68.8%	17.2%	10.9%	0.0%	3.1%
Increased capacity on London Overground and Thameslink routes	67.7%	21.5%	9.2%	1.5%	0.0%

5. Taking this and the rest of the information into account, do you agree that the Long Term Transport Strategy will benefit Brent?

Responses:	% of responses
Yes	70.3%
No	3.1%

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# Long Term Transport Strategy

**Department**

Everyone

**Person Responsible**

Rosemary Fletcher

**Created**

15th May, 2015

**Last Review**

15th May, 2015

**Status**

Complete

**Next Review**

8th October, 2015

## Impact Assessment Data

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

5.1 Age (select all that apply)

- Positive
- Neutral

The objective of the LTTS is to provide guidance for future investment in transport throughout the borough. It does not in itself contain schemes which may be detrimental to certain age groups, however the general content of the LTTS is likely to be positive as one of the key concepts is improving the quality of the urban realm for all users and increasing access to modes of transport such as walking, which are age-neutral. It may also benefit young people by improving access to cycling and public transport, which are accessible without a driving license.

Responses to the public consultation carried out as part of the development of the LTTS did not suggest that members of the public or stakeholders had concerns over the impact of the strategy on particular age groups. Relevant stakeholders specifically consulted included (inter alia) Age Concern, schools and assisted living organisations. None of these groups provided any comment or highlighted any concerns.

The respondents to the public consultation were split over the age groups, as can be seen in the document uploaded with this assessment that sets out the results of the monitoring questions that formed part of the questionnaire. The respondents were comparatively evenly distributed over the 25 to 64 year old age groups, with fewer responses from those in the 16 to 24 and 65+ age groups. However, it should be noted that though they were not a majority 9.4% of respondents were from the 16 to 24 age group. With the largest majority group being 40 to 45 at only 20%, this suggests the younger population was adequately represented.

Census results indicate that 25% of the population of Brent are aged between 30 to 44 years old. 37.64% of responses came from this age group, suggesting it is reflective of this group.

5.2 Disability (select all that apply)

- Positive
- Neutral

Consultation carried out as part of the development of the LTTS did not indicate that organisations concerned with disabled access or welfare believed the contents of the LTTS would be detrimental to those they represent. Steps were taken as part of the process to ensure that all the relevant groups within the borough and where necessary national organisations were contacted to ensure adequate input from those with mobility impairment could be incorporated. However, these groups did not provide comment or raise any concerns.

As can be seen in the uploaded document, 9.3% of respondents to the survey indicated that they have a disability. It is difficult to directly compare this figure with census data as the questions asked in the census refer to whether activities carried out as part of everyday life are impacted by health. This may therefore be interpreted differently to "disability". However, the census indicated that 1 in 7 (14.5%) Brent residents considered that their health had a limiting impact on their day to day activities, 7% of residents felt their day-to-day activities were limited a lot and 7.5% of residents felt their day-to-day activities were limited a little. 9.3% falls within this range and therefore it is felt that those with disabilities were proportionately represented within the consultation. No comments were made to indicate that those individuals identifying as having a disability while responding to the consultation were concerned over how the contents of the LTTS would impact them

The LTTS indicates that Brent Borough Council will work to lobby TfL for improved public transport services and step free access. Along with other measures such as improved urban realm and reduced congestion, it is likely that the net effect on those with disabilities will be positive. However, it should be noted that all the strategies and schemes developed to implement the LTTS will be the subject of their own individual Equality Assessments. Therefore, if concerns arise regarding specific schemes or policies, they will be addressed in full at that stage and if necessary mitigation provided.

5.3 Gender identity and expression (select all that apply)

- Unknown

This characteristic is historically under-reported which makes it difficult to assess whether this group were fully reflected within the results of the public consultation. The census did not gather information on this feature and it was not included in the standard monitoring questions provided as part of the consultation. It is therefore felt that the impacts of the LTTS on gender identity are not known at this time, however no comments were received that would indicate concern from these groups.

It should be noted that as and when schemes or policies come forward with reference to the LTTS Equality Assessments will be produced that will make every effort to reflect all demographic groups within the borough and highlight any impacts that may ensue. However, due to past stigma it can be difficult to achieve high levels of feedback from some groups.

#### 5.4 Marriage and civil partnership (select all that apply)

- Neutral

Questions regarding marriage and civil partnerships were not included within the monitoring section of the questionnaire as the standard format provided did not allow for it. We therefore cannot provide a direct comparison between the respondents and the overall population of the borough. However, it should be noted that the LTTS has been formulated to provide a framework for improvements to the transport networks for everyone. There is nothing to indicate that it will effect those in marriages and civil partnerships differently as they are not differentiated between when accessing either the street networks or public transport.

As pointed out above, all the strategies and schemes that are influenced by or designed to implement the LTTS will be subject to their own individual Equality Assessments at which point further impacts can be identified and mitigated where required.

#### 5.5 Pregnancy and maternity (select all that apply)

- Positive
- Neutral

Questions regarding pregnancy and maternity were not asked by the questionnaire as the standard monitoring questions provided did not include them. Therefore it is not possible to provide a comparison with census data. However, it should be noted that we did not receive comments suggesting that the contents of the LTTS would adversely impact either mothers or pregnant women.

However, the needs of those accessing the transport networks while either pregnant or accompanying young children have been considered and it is hoped that the overall impact on these groups will be positive. This is due to the fact that particularly young mothers are often disproportionately dependent on public transport to access services, therefore continued lobbying for improved bus, tube and train services should result in an increased ability to access services.

Again, any policy or scheme that is developed or implemented as part of the LTTS will be the subject of an individual Equality Assessment in order to ensure any impacts are highlighted and dealt with. Impacts on pregnancy and maternity will be assessed at this time and if necessary mitigation will be considered.

#### 5.6 Race (select all that apply)

- Neutral

As can be seen in the uploaded document, the respondents to the consultation were split over the various ethnic groups identified. Some groups were represented in proportion to the population while some groups were not. In particular, those identifying as white British/ English / Welsh / Scottish / Northern Irish made up 35% of responses, whilst only being 18% of the population of the borough according to census data. Also, those identifying as Asian or Asian British: Indian made up 6.76% of responses, while being 18% of the population according to the census. Other ethnic groups were represented roughly in proportion to their borough wide population.

No comments were received from members of the public to indicate that they felt the LTTS would disproportionately impact on a particular ethnic group.

As part of the stakeholder consultation community groups were contacted to invite them to comment. Contact was particularly sought with groups that have been under-represented in the past within consultations, including those of Asian or Black heritage. However no responses were received from these community groups.

There is no evidence to suggest that different ethnic groups will be differently impacted by the content of the LTTS. The LTTS seeks to set out how transport opportunities might be improved for all residents, businesses and visitors regardless of ethnic group. However, as future Equality Assessments are carried out during the implementation of the LTTS further effort will be made to ensure all groups are represented within public consultation and that their needs are reflected within scheme development.

#### 5.7 Religion or belief (select all that apply)

- Neutral

Responses to the consultation suggest that some religious groups are more proportionately represented within the

results than others. The proportion of responses from Sikh, Jewish and Buddhist residents accurately reflects the percentages of the population made up by these groups. However, it is apparent that the proportion of responses from those identifying as Christian, Hindu and Muslim as lower than their respective populations indicated by the census. Conversely, those identifying as having no religious belief make up a larger proportion of responses than they do the general population.

No comments were received from members of the public to suggest they were concerned regarding potential impacts of the LTTS on their religious group.

Groups representing specific religions were contacted for comment as part of the stakeholder consultation, however we received no feedback from these organisations.

There is no evidence that the contents of the LTTS will adversely or otherwise impact specific religious groups, and the strategic nature of the LTTS should result in an equal impact over the whole population. Therefore, it is felt that at the current time the LTTS is likely to have a neutral impact on religion and belief. However, as further Equality Assessments are carried out on the policies and schemes developed to implement the objectives of the LTTS impacts on religion and belief will be highlighted and defined. At this stage if any group is shown to be at a disadvantage justification will be required and mitigation considered.

#### 5.8 Sex (select all that apply)

- Neutral

The results of the public consultation indicated that 53% of respondents were male and 43% were female with the residual percentage preferring not to say. This is approximately in line with the proportions shown by the census, which indicates a slightly higher male population than female.

There were no comments received from either members of the public or stakeholders to suggest that either sex believed themselves to be adversely impacted by the contents of the LTTS. Given the high-level, strategic nature of the LTTS it is likely that at this stage impacts will be gender neutral as the contents are designed to benefit all residents of the borough and do not define individual schemes.

As the LTTS is implemented, further Equality Assessments on policies and schemes will seek to further assess how individual elements will potentially impact on gender and whether these impacts are positive or negative. If negative impacts are identified justification and mitigation will be considered.

#### 5.9 Sexual orientation (select all that apply)

- Unknown

As can be seen in the uploaded document, 21% of respondents preferred not to answer the question regarding sexual orientation. The majority of responses were from those identifying as heterosexual, with very few identifying as either lesbian or gay man. From those that did respond, no comments regarding the impacts of the strategy on this group were received.

Groups representing different gender identities were contacted as part of the stakeholder consultation, however no feedback was received from them.

The census did not gather information on this feature so it is not possible to provide a comparison to the population of Brent. It is therefore felt that the impacts of the LTTS on gender identity are not known at this time as there is very little information available.

As the LTTS moves towards implementation further Equality Assessments on individual policies and schemes will seek to more clearly define whether sexual orientation will be a factor in their impact. If issues are highlighted, further work will be required to assess how they might be mitigated.

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

- Unknown

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

What did you find out from consultation or data analysis?

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

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

Data analysis was carried out on the consultation document prior to taking the previous draft of the LTTS out to public consultation. This indicated that the consultation document was equality neutral. However, following public consultation significant changes were made to the LTTS to ensure it reflected the consultation responses and therefore a new Equality Assessment has been carried out.

The public and stakeholder consultation was carried out in summer 2014 and incorporated a questionnaire, events and contacting separately all relevant stakeholder groups within the borough to ask for direct comment. These included groups representing particular sections of the community, such as religious groups, the elderly and young, disabled

and mobility impaired and different ethnicities. The objectives of the LTTS are expected to be implemented throughout the borough, therefore it was felt to be important that as many groups as possible responded to the consultation. There were no comments received to suggest that the LTTS will effect any group adversely as compared with other groups. A full list of comments received has been included as part of the cabinet report. As can be seen in the uploaded document outlining the results of the monitoring questions, some groups were more heavily represented within the results than others, however it is also evident that all groups were represented to some level. Following consultation, the contents of the LTTS have been altered to make it more reflective of the comments received, particularly regarding air quality, walking, health and disability. The Objectives have been simplified and made more prominent in the document. The LTTS does not contain an action plan as it is expected to be implemented via the action plans of its daughter documents and the Local Implementation Plan. This is set out in the introduction to the LTTS.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

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

As and when the daughter documents of the LTTS are formulated Equality Assessments will be carried out alongside the development process. These will seek to identify and enhance any positive impacts that they may contain. It should be noted that the LTTS is a high-level document that does not contain specific schemes itself. It will be implemented via the formulation and implementation of a series of strategies and policies which themselves will contain actions plans and schemes. Given the fact that the LTTS will only be implemented via these documents it is felt that ensuring the action plans associated with them are positive in their impact is the most effective way of emphasising the positive impacts of the LTTS.

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

Similar to emphasising the positive impacts, we will ensure that as the daughter documents of the LTTS and the policies and actions they will contain are developed Equality Assessments are carried out as part of the process and as such are best placed to highlight any potential negative impacts that may require further work in terms of justification and/or mitigation. This will then enable us to reduce or remove the negative element from the proposal before it can adversely impact a protected group.

10. Please explain the justification for any remaining negative impacts.

There will be no further negative impacts