



## Cabinet

**Monday 21 September 2015 at 7.00 pm**

Board Room 4 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)	Leader of the Council
Pavey (Vice-Chair)	Deputy Leader of the Council
Denselow	Lead Member for Stronger Communities
Hirani	Lead Member for Adults, Health and Well-being
Mashari	Lead Member for Employment and Skills
McLennan	Lead Member for Housing and Development
Moher	Lead Member for Children and Young People
Southwood	Lead Member for Environment

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence.

**Item** **Page**

**1 Declarations of personal and prejudicial interests**

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

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

**3 Matters arising**

**Adult Social Care reports**

**4 Authority to Procure and Award Nursing and Residential Reablement Beds** 9 - 14

This report requests authority to procure Nursing, short stay and reablement service contracts for the provision of residential and nursing care beds for 2015/16 and 2016/17 (for a 12 month period commencing November 2015) to support timely, safe discharge from hospital, and manage the risk of delayed transfer of care (DTC) using the West London Alliance Accreditation, Purchasing and Contract Management List (APC). As a member of the WLA, Brent is part of the APC and ASC already uses it for the purchasing of individual care home placements.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Amy Jones, Commissioning and Quality  
Tel: 020 8937 4061 amy.jones@brent.gov.uk

**5 Deferred Payment Agreement Policy** 15 - 40

This report sets out the amendments to Brent's Deferred Payment Agreement Policy following the introduction of the Care Act. A Deferred Payment Agreement is where a person can 'defer' or delay paying the costs of their care and support until a later date, so they do not have to sell their home at a point of crisis. The Care Act 2014 introduces the requirement for all Councils to offer a Deferred Payment Scheme to people who meet the eligibility criteria for the scheme from 1 April 2015. Prior to the introduction of this Act, local authorities were able to offer deferred payment agreements on a non mandatory basis.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Helen Duncan-Turnbull,  
Support Planning and Review  
helen.duncan-turnbull@brent.gov.uk

**6 Approval to tender contracts for accommodation based social care support and rehabilitation services - high to medium mental health contracts 41 - 48**

In accordance with Contract Standing Orders 88 and 89, this report requests Cabinet approval to procure two contract for Accommodation Plus provision to support people recovering from mental health problems. The current contracts are due to expire on 1 April 2016, so there is a need to commence procurement activity now to ensure new contracts are in place for this date

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Amy Jones, Commissioning and Quality  
Tel: 020 8937 4061 amy.jones@brent.gov.uk

**7 Authority to award a Care Provider Service Contract for a new Extra Care Housing Facility in Brent 49 - 94**

In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award a social care and support services contract for a new Extra Care Housing (ECH) facility in Brent. The care services will be provided to people aged 50+ with care and support needs. The report provides further details on the facility and 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 Hirani  
**Contact Officer:** Amy Jones, Commissioning and Quality  
Tel: 020 8937 4061 amy.jones@brent.gov.uk

**8 Authority to procure a Dynamic Purchasing System (DPS) For Accommodation Plus Services 95 - 138**

In accordance with the Council's Contract Standing Orders 88 and 89, authority is sought to invite requests to participate for a Dynamic Purchasing System (DPS) for Accommodation Plus Services. The system will support the Council to proactively engage with the Care and Housing market to ensure that the council can commission Accommodation Plus services effectively and work more closely with local providers to develop Accommodation Plus provision in Brent to support the delivery of the New

Accommodation Independent Living (NAIL) project.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Amy Jones, Commissioning  
and Quality  
Tel: 020 8937 4061 amy.jones@brent.gov.uk

## Regeneration and Growth reports

### 9 **Brent Development Management Policies Local Plan - Publication and Submission** 139 - 150

A previous draft of the Development Management Policies Development Plan Document was agreed by Executive 24 March 2014 and issued for consultation. Following consideration of the consultation responses and other factors such as changes in Government policy it is proposed that the Plan be amended and taken through its next steps in the adoption process. Subject to Cabinet approval it is recommended to issue the amended draft Plan for representations consistent with the requirements set out in Planning Regulations, prior to its submission to the Planning Inspectorate for examination. This report provides a summary of the consultation responses. It explains the main changes that are being proposed to the draft Plan and recommends that this be published and made available for representations for 6 weeks. It is also recommended that following the representation period it be submitted for examination subject to Full Council approval.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor McLennan  
**Contact Officer:** Aktar Choudhury, Civic Centre  
Programme  
Tel: 020 8937 1764  
aktar.choudhury@brent.gov.uk

## Chief Operating Officer's reports

### 10 **Parking Annual report 2014/2015** 151 - 174

Brent Council is committed to providing a high quality parking service and a fair, consistent and transparent approach to parking and traffic enforcement. We hope that the publication of statistical and financial information will support achievement of these objectives. The purpose of the Annual Report is to explain the aims and objectives of the Council's Parking service and the key achievements of the last financial year. The Report includes a statistical analysis setting out information on the number of parking and traffic related Penalty Charge Notices (PCNs) issued for the period 2014/2015, the income and expenditure recorded in our Parking Account, and how the surplus on this account has been spent or allocated.

**Ward Affected:**

**Lead Member:** Councillor Southwood

All Wards

**Contact Officer:** Gavin F Moore, Head of  
Parking and Lighting  
Tel: 020 8937 2979 gavin.f.moore@brent.gov.uk

**11 Brent Local Implementation Plan (LIP) Submission for 2016/17 - 175 -  
2018/19 206**

This report seeks the approval of Cabinet to submit the 2016/17 LIP to TfL and following the approval of that body, to implement the schemes and initiatives within the submitted/approved LIP programme and funding

**Ward Affected:**  
All Wards

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

**12 Welsh Harp Environmental Educational Centre - Community Asset 207 -  
Transfer, marketing, new lease and associated licence 222**

This report seeks approval to proceed with the proposed CAT comprising the leasehold disposal of the WHEEC, detailing the outcome of marketing and makes a recommendation to grant a lease to a preferred or a reserved bidder.

**Ward Affected:**  
All Wards

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

**13 National Non Domestic Rates – Applications for Discretionary Rate 223 -  
Relief 232**

The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of discretionary rate relief is based on policy and criteria agreed by the Executive in September 2013. New applications for relief have to be approved by the Cabinet. The report details new applications for relief received since the Executive last considered such applications on 23 February 2015.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Mashari  
**Contact Officer:** Richard Vallis, Revenue and  
Benefits  
Tel: 020 8937 1503 richard.vallis@brent.gov.uk

**Central Reports – none**

## Children and Young People reports – none

### 14 Reference of item considered by Scrutiny Committee (if any)

### 15 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:

#### Appendices:

- Authority to award a Care Provider Service Contract for a new Extra Care Housing Facility in Brent

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

- Welsh Harp Environmental Educational Centre - proposed Community Asset Transfer, outcome of marketing & recommendation to proceed with preferred bidders and grant a new lease and associated licence

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

*Reports above refer.*

### 16 Any other urgent business

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

**Date of the next meeting: Monday 19 October 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.



## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 24 August 2015 at 2.00 pm

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

Also present: Councillors Ahmed, S Choudhary, Filson, Long and Mahmood

Apologies for absence were received from: Councillors Mashari and Moher

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

None.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 27 July 2015 be approved as an accurate record of the meeting.

3. **Welcome**

The Chair, Councillor Butt (Leader of the Council), welcomed members to the first meeting of Cabinet to be held at the Library at Willesden Green which opened on 27 July 2015. He paid tribute to staff in the Major Projects team for their work in bringing the project to completion.

4. **Matters arising**

None.

5. **Determination of the proposal to permanently expand Elsley and Uxendon Manor Primary Schools**

The joint report from the Strategic Directors of Children and Young People and Regeneration and Growth advised the Cabinet that, in line with the School Place Planning Strategy approved by Cabinet in October 2014, alterations to permanently expand both Elsley Primary School and Uxendon Manor Primary School by two forms of entry (2FE) each have been proposed by the relevant governing bodies in partnership with Brent Council.

The representation period on the proposals ended on 16 July 2015 for Elsley Primary School and 9 July 2015 for Uxendon Manor School. Councillor McLennan (Lead Member, Housing and Development) in introducing the report, drew members' attention to the outcomes of the consultation exercises for both schools which included a petition against the Elsley expansion and she advised that concerns relating to transportation would be dealt with as part of the planning process. She recommended that the proposals to expand the schools be approved subject to the grant of planning permission.

The Strategic Director, Children and Young People reminded the Cabinet that both schools had been judged 'Good' by Ofsted and so expansion was in line with the council's School Place Planning Strategy.

RESOLVED:

- (i) that approval be given to 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);
- (ii) that approval be given to 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;
- (iii) that it be noted that alterations were 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.

#### **6. Authority to Award Contract for Clinical Input to the Inclusion Support Team**

The report from the Strategic Director, Children and Young People requested authority to award contracts as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering the contract and, following the completion of the evaluation of the tenders, recommended to whom the contract should be awarded.

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:



that approval be given to the award of contract for the Clinical Input services to the Inclusion Support Team to the Anna Freud Centre.

**7. Authority to extend the temporary bed and breakfast schemes at 1 Clement Close and 1-5 Peel Road**

Councillor McLennan (Lead Member, Housing and Development) introduced the report which sought 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 August 2015. She advised that 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 Cabinet on 21 July, had 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.

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 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 August 2015 until the expiry of the temporary planning consent on 9 December 2015, and to accordingly extend the current lease arrangements for this purpose;
- (ii) that authority be delegated to the Operational Director of Property and Projects to extend the temporary bed and breakfast schemes beyond 9 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.

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

The report from the Strategic Director, Regeneration and Growth set out proposals to establish and deliver a Right to Buy (RTB) receipt enabled new supply housing programme for 2015-19. Councillor McLennan (Lead Member, Housing and Development) reminded the Cabinet of the housing pressures faced by the council. She referred to the increase in Right To Buy applications since the government increased the discount available with 187 properties (142 flats and 44 houses) sold from 1 April 2011 to 31 March 2015. Councillor McLennan stated that the focus was now on spending the receipts to accelerate the delivery of replacement affordable homes in line with the priorities set out in the Housing Strategy. The Cabinet noted that a number of different models were being considered including

open market purchase using 30% of RTB receipts with a delivery partner, to build homes for residents and maximise the delivery of affordable homes.

Councillor Pavey (Deputy Leader) welcomed the report which he described as timely and creative. He referred to recently announced government policy to extend RTB to housing association tenants and how this would fit with the viability of registered social landlords and long term partnerships. Councillor McLennan responded that all would be welcome to bid and a further report would come to Cabinet once the position was clearer.

RESOLVED:

- (i) that approval be given to 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;
- (ii) that approval be given to, 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;
- (iii) that approval be given 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;
- (iv) that a minimum of £11.64m RTB receipts be committed to the Delivery Partnership set out in (ii) above and that the balance be available to support investment in the two Housing Zones subject to further Cabinet approval.

## 9. **Disposal of loft spaces**

The Lead Member, Housing and Development, Councillor McLennan, introduced the report which sought 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. The report sought permission 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 required the granting of new rights under deeds of variation or new leases, but which were generally not of significant monetary value in themselves.

Members welcomed the opportunity to make the disposal process more efficient and heard that information on sales would be available.

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

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

RESOLVED:

- (i) that approval be given to the disposal of the Council's loft spaces, as set out in paragraph 3.8 of the report from the Strategic Director, Regeneration and Growth, for capital receipts;
- (ii) that authority be delegated 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 to the report from the Strategic Director;
- (iii) that approval be given to the waiver of the limitation of the officer delegated authority limit where this applies to the disposal of un-demised areas such as loft and basement sales, in order that the Strategic Director, Regeneration and Growth may, in consultation with the Lead Member for Housing and Development, 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.

10. **Agreement to novate Public Health children's 0-5 commissioning contract from NHS England**

Councillor Hirani (Lead, Member Adults, Health and Well-being) advised the Cabinet that responsibility for commissioning of 0-5 children's public health services would transfer from NHS England (NHSE) to local authorities on 1 October 2015. NHSE London currently held a contract for health visiting and Family Nurse Partnership (FNP) services for Brent with London North West Healthcare Trust (LNWHT) with a six month value of £2,563,000. The 2015/2016 public health grant allocation for Brent was £2,763,000 to reflect the transfer of commissioning responsibility. Councillor Hirani advised that a review would be conducted to establish whether this was adequate to cover the cost of the service.

Councillor Pavey (Deputy Leader) thanked officers for their work in achieving the financial settlement.

RESOLVED:

that approval be given to novate the NHS England contract with London North West Healthcare Trust for 0-5 children's health services for health visiting and Family Nurse Partnership services with effect from 1 October 2015 from NHS England to Brent Council for its remaining term of 6 months to 31 March 2016.

11. **Street Works Permit Scheme Regulation Changes from October 2015**

Councillor Southwood (Lead Member, Environment) introduced the report from the Chief Operating Officer which explained 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, sought 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. The London Permit Scheme (LoPS) was a common scheme, currently operated across all of London by TfL and the London boroughs, designed to control access to road space on the authority network with all works promoters having to secure a permit for their works.

RESOLVED:

- (i) that the contents of the report and the 1 October 2015 deadline for the London Permit Scheme to comply with the new Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 be noted;
- (ii) that authority to sign the order be delegated 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.

## 12. **Long Term Transport Strategy**

The Cabinet received the Long Term Transport Strategy (LTTTS) that had been developed to provide strategic direction to transport investment throughout the borough over the next 20 years (2015 - 2035). Councillor Southwood (Lead Member, Environment) reminded the Cabinet that consultation took place during the previous year and that what was now before members was different to that previously seen, priorities and objectives having been developed accordingly.

The Cabinet heard that Councillor Southwood had attended the Scrutiny Committee on 12 August where the strategy had been considered and views expressed that the strategy lacked specific projects and detail. A full report on the committee's views was circulated in advance of the meeting. Councillor Southwood in response stated that feasibility studies and could not be justified until there was more certainty over schemes to be taken forward. Regarding detail, Councillor Southwood reminded that the strategy was an overarching document, designed to last until 2035 setting out objectives and under which other more detailed strategies would sit. Councillor Southwood thanked the Committee for its feedback and advised amendments would be made meet some of the comments which she would share with Councillor Filson, the Chair of the Scrutiny Committee. Councillor Southwood drew attention to the Section 8 of the Strategy relating to Targets and advised that in the walking category, the aim was for 10% 'increase' in the number of schools with gold standard travel plans instead of decrease as printed (page 251 of the agenda pack refers).

Members welcomed the strategy and looked forward to the resultant positive impact on air quality through more cycling and walking, protecting high streets and high roads and alternate means of moving freight such as canals. The Cabinet also hoped for an increased role for residents and partnerships. The Cabinet noted that specific road schemes also referred to at the Scrutiny Committee may come

forward for consideration, some were already under discussion and it was the role of the Council to bring influence on other agencies.

The Committee also heard from Councillor Filson, Chair of the Scrutiny Committee, who, while recognising the need for the Strategy to be general, felt it would benefit from reference to congestion, demographics and car movement. He regretted the lack of progress on rail transport specifically Crossrail and put that sound business cases would be needed to support any changes.

The Chair (Councillor Butt) assured that the Strategy would underpin and support changes in the future.

RESOLVED:

- (i) that the consultation be noted;
- (ii) that the Long Term Transport Strategy for Brent 2015 – 2035 as set out in Appendix A be noted;
- (iii) that final approval of content, including design, following any required changes be delegated to the Chief Operating Officer, in liaison with the Lead Member for the Environment.

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

The Cabinet noted the reference from the Scrutiny Committee on 12 August 2015 relating to the Long Term Transport Strategy, a report on which was circulated in advance of the meeting.

**14. Any other urgent business**

None.

The meeting ended at 2.45 pm

M BUTT  
Chair

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**Cabinet**  
21 September 2015

## **Report from the Strategic Director, Adults**

For Action

Wards Affected:  
[ALL]

### **Procurement of Nursing, Short Stay and Reablement Service Provision Contracts**

#### **1. Summary**

- 1.1 This report requests authority to procure Nursing, short stay and reablement service contracts for the provision of residential and nursing care beds for 2015/16 and 2016/17 (for a 12 month period commencing November 2015) to support timely, safe discharge from hospital, and manage the risk of delayed transfer of care (DTC) using the West London Alliance Accreditation, Purchasing and Contract Management List (APC). As a member of the WLA, Brent is part of the APC and ASC already uses it for the purchasing of individual care home placements.
- 1.2 The proposal is to utilise the Council's role as the lead commissioner within the local care home market, to purchase nursing, short term and reablement bed capacity in a co-ordinated way on behalf of all key partners in the local health and social care economy; ASC, Brent CCG and London North West Hospital Trust (LNWHT) - as part of a more strategic, shared approach to improving timely, safe discharge from hospital, reduce the risk of delayed transfers of care and to manage the cost of purchasing the capacity required for all partners..
- 1.3 The expectation is that this would be the first step in establishing a wider, more strategic collaboration amongst key partners to achieve far stronger joint commissioning arrangements, to improve the quality of local provision and manage the costs of purchasing nursing and residential care home provision in Brent.

#### **2. Recommendations**

- 2.1 Cabinet agrees to an exemption pursuant to Contract Standing Order 84 (a) from the requirement to tender nursing, short stay and reablement service

contracts for the provision of nursing, short stay and reablement beds for 2015/16 and 2016/17 (for a 12 month period commencing November 2015), and instead permits the procurement of contracts using a quote process under the West London Alliance Accreditation, Purchasing and Contract Management List (APC).

- 2.2 Cabinet delegate authority to the Director of Adult Social Care in conjunction with the Chief Finance Officer and Chief Legal Officer to award any High Value Contracts procured under the West London Alliance Accreditation, Purchasing and Contract Management List.

### **3. Detail**

- 3.1 The Brent and Harrow Systems Resilience Group (SRG), is a strategic planning group, made up of leaders from across health and social care, who meet on a regular basis to identify and manage pressures across the system, with a particular focus on managing the pathway in and out of hospital, including reducing unnecessary admissions and improving hospital discharges. The SRG commissioned Capita to undertake a review of the use of community beds. One of the key findings of this review was a need to reduce waiting times for patients requiring specialised nursing/residential home beds and the need to reduce the time between identifying an appropriate placement and timely assessment by the home of the patient prior to admission to the home
- 3.2 The findings of the review further supported the view of SRG and senior commissioners, that current commissioning arrangements were impacting on all partners ability to address delays in the system and ability to manage price; the un-coordinated, reactive approach to purchasing bed capacity needed, on an individual basis by key partners, with no control over price, not only makes it challenging for providers to be able to respond to the needs of different commissioners, it also drives the price of provision up, as we are all competing with each other to secure the same capacity. This different approach to joint commissioning means we can manage the market much more effectively.
- 3.3 As a key partner in the SRG, the Council agreed to lead on joint commissioning activity to proactively support a reduction in waiting times for patients requiring specialist residential/nursing home beds, a reduction in waiting times from placement identification to provider assessment and admission and Through this to ultimately achieve more effective hospital discharge, a reduction in the number of Delayed Transfers of Care (DTOC) and to support the timely and safe discharge of medically fit people from the acute hospital setting.
- 3.4 A key element to achieve the aims detailed in paragraph 3.2 is the need to procure contracts for short stay and reablement residential and nursing step-down beds for 2015/16 and 2016/17 (for a 12 month period commencing



November 2015). It is proposed that the council leads on the joint commissioning of these step-down beds. Over a 12 month period the estimated value of the proposed contracts is £878,800 for 26 beds (based on an estimated cost of £650 per week per bed).

- 3.5 Winter pressures, which see increased acute activity and in turn a greater demand for capacity for residential and nursing beds in the community to support people stepping down from hospital tend to commence in November each year. Therefore it is critical that commissioners have the capacity secured and contracts in place at the beginning of November 2015.
- 3.6 Senior Officers across all key partner organisations have undertaken a detailed review to establish the best options for procuring contracts for the nursing and residential bed capacity required; that allows us to secure the best price possible and allows us to more effectively access and monitor the quality of service provision. This review has concluded that the West London Alliance Accreditation, Purchasing and Contract Management List offers the most appropriate, cost effective and swiftest route to market.
- 3.7 Key partners have agreed this joint procurement will service as the foundation for a further phase of work to start in the new year, based on learning from this project. This second phase of work will establish a strategic, long term approach to managing all health and social care placements in the residential and nursing care market, recognising the lead role of ASC in facilitating this, But also the importance of wider health services to deliver an effective and sustainable local residential and nursing home market that supports people to live well and avoids unnecessary hospital admissions.”

#### Accreditation, Purchasing and Contract Management Scheme

- 3.8 The Accreditation, Purchasing and Contract Management Scheme (APC) is an approved list for Care Homes. It is made up of providers who have met robust criteria regarding the standards and quality of services provided, systems operated and financial viability. It was set up by Ealing Council on behalf of all participating WLA Boroughs (including Brent). The APC Scheme went live in 2012.
- 3.9 As all the major providers of nursing/residential beds operating in west London are part of the APC Scheme, it is used by the majority of West London boroughs to purchase bed capacity required. In addition to meeting criteria regarding standard of services and quality, systems and financial viability; providers that are a part of the APC Scheme also provides an agreed cost for beds. The council regularly uses the APC Scheme for individual placements either by making a purchase directly or by inviting costed proposals from a number of suitable providers in the accredited list in accordance with the rules governing the list. Officers believe the APC Scheme ensures value for money for beds, through agreed, set prices and for

individual placements and has proved a quick and effective method of procuring such placements since 2012.

### Proposed Procurement

3.10 Given Officer's experience of the APC Scheme in relation to individual placements, it is proposed to procure short stay and reablement, through a volume purchasing arrangement using the APC Scheme. It is proposed to procure the contracts under 3 lots. Details of the lots including the number of proposed beds under each lot and the estimated value of contracts to be procured under each lot are as follows:

- Lot 1 Short-stay residential care home accommodation – 9 – 13 beds with an estimated value of £304,200 - £439,400
- Lot 2 Residential care home accommodation with reablement – 6 – 10 beds with an estimated value of £202,800 £338,000
- Lot 3 Short-stay care home with nursing accommodation – 6 beds with an estimated value of £202,800

3.11 Officers consider that it would be appropriate to award contracts for up to 6 providers for each Lot. The actual number of providers appointed to each lot will however very much depend on the capacity of providers. As a result it may be that only one provider per lot will have relevant capacity. If this is the case then contracts would be classed as either Medium or High Value Contracts under Contracts Standing Orders and as such would have to be tendered (and authority from Cabinet to tender and award for High Value Contracts).

3.12 For both efficiency and price reasons, Officers consider that there are clear advantages in not tendering contracts but instead inviting costed proposals from all suitable providers in the APC Scheme in accordance with the rules governing the Scheme. The time taken to operate a quote process under the APC framework is considerably shorter than operating a traditional tender. All the major providers of nursing/residential beds operating in west London are part of the APC Scheme and therefore it is considered that quotes will be received from all the main providers. The existence of a cost ceiling provided by the APC Scheme should also ensure that quotes are very competitive. As a result authority is sought to waive the requirement to tender contracts and instead permit Officers to seek quotes under the APC Scheme. Award of contracts procured under the APC Scheme would then be purely on the basis of price

3.13 To support effective systems resilience during the 'Winter pressures' period , the council must be able to award and mobilise contracts on 2<sup>nd</sup> November 2015/, Officers therefore have limited time to procure and mobilise the contracts. As a result Members are asked to delegate authority to the Director of Adult Social Care in consultation with the Chief Finance Officer and Chief Legal Officer to award any High Value Contracts procured under the APC Scheme quote process.

## 4.0 Financial Implications

4.1 The estimated value of the short stay and reablement contracts under the 3 Lots are as follows:

	<b>Type of Care</b>	<b>Cost Range</b>	<b>Funding</b>
Lot 1	Short-stay residential care home accommodation	£304,200 to £439,400	Joint Brent Council and Brent CCG
Lot 2	Residential care home accommodation with reablement	£202,800 to £338,000	Brent CCG
Lot 3	Short-stay care home with nursing accommodation	£202,800	Brent CCG
<b>Total</b>		<b>£709,800 to £980,200</b>	

4.2 The maximum cost of the 3 Lots is £980,200. This contract would be for 12 months running from November 2015. Therefore there are cost implications for 2015/16 and 2016/17.

4.3 It is expected that the majority of the contract will be funded from Brent CCG including the full cost of Lot 2 and Lot 3 and a joint funding arrangement for Lot 1. The council contribution will be met from within the 2015/16 and 2016/17 Adult Social Care budget and an allocation made within the Reablement service budget.

4.4 A Section 256 agreement will be put in place between Brent CCG and the council to detail funding and joint funding arrangements. The council will house all contract costs and thus receive all CCG contributions as set out in this agreement. The agreement will also specify the exact contributions from each party expected for Lot 1, which will be dependent on primary use at the time of awarding the contract.

## 5.0 Legal Implications

5.1 The value of the potential contracts under the 3 Lots are as detailed in paragraph 4.1. As short stay and re-ablement services fall under Schedule 3 of the Public Contracts Regulations, the contracts for each Lot are individually and indeed collectively per Lot below the threshold for application of the Public Contracts Regulations 2015.

5.2 Depending on the Lot, the contracts to be procured are classed as either Medium Value Contracts or High Value Contracts under the Council's Contract Standing Orders and Financial Regulations and should thus be procured through a tender process, involving advertising on Contracts Finder

and the London Tenders Portal. As detailed in paragraph 3.9, Officers consider that there are good operational and financial reasons not to tender but instead wish to seek quotes under the APC Scheme in accordance with the rules governing the list. In the circumstances an exemption from the requirements to tender in accordance with Contracts Standing Orders and Financial Regulations is sought. Cabinet is able to grant such exemption pursuant to CSO 84(a) where there are good operational and/or financial reasons.

- 5.3 As detailed at paragraph 3.13, approval is also sought for Cabinet to delegate authority to the Director of Adult Social Care in conjunction with the Chief Finance Officer and Chief Legal Officer to award contracts procured under the APC Scheme.

## **6.0 Diversity Implications**

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications and no negative impacts across any the seven protected characteristics groups. Impact for the protected characteristic of disability was positive, as this service will provide a service to people with identified high support needs as part of their recovery pathway following a period in hospital.

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

- 7.1 The services to be provided under the contracts are new services to be provided by external providers and there are no implications for Council staff arising from the procurement of contracts.


## **8.0 Background Papers**

- 8.1 None

### **Contact Officers**

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**PHIL PORTER**  
**Strategic Director, Adults**

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 24 September 2015</p> <p style="text-align: center;"><b>Report from Strategic Director, Adults</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p style="text-align: center;"><b>Deferred Payment Agreement Policy</b></p>	

## 1.0 Summary

- 1.1 This report sets out the amendments to Brent's Deferred Payment Agreement Policy following the introduction of the Care Act.
- 1.2 A Deferred Payment Agreement is where a person can 'defer' or delay paying the costs of their care and support until a later date, so they do not have to sell their home at a point of crisis.
- 1.3 The Care Act 2014 introduces the requirement for all Councils to offer a Deferred Payment Scheme to people who meet the eligibility criteria for the scheme from 1 April 2015. Prior to the introduction of this Act, local authorities were able to offer deferred payment agreements on a non mandatory basis.

## 2.0 Recommendation

- 2.1 Cabinet are asked to approve the amendments to the Deferred Payment Agreement Policy, specifically the administration charge; interest rate and discretionary elements of the proposal.

## 3.0 Background

- 3.1 The changes to the Care Act were due to be implemented in two stages. The first stage came into force in April 2015 and centres on changes to the assessment and eligibility criteria; carers support and deferred payment agreements. This report focuses

on the changes needed to Brent's Deferred Payment Policy Agreement. The second stage has recently been delayed to 2020.

- 3.2 The main aim of the deferred payment scheme is to ensure that service users have a viable alternative to selling their properties to fund their care needs. This promotes greater choice for individuals when assessing how to address their care needs and extends their level of independence for as long as possible.
- 3.3 Sections 34 and 35 of the Care Act introduce a Universal Deferred Payment Scheme, which came into force on 1st April 2015. From April 2015 service users entering a care home setting the Act states that individuals will not be required to sell their home in their lifetime to pay for their care and support costs as long as they qualify for a Deferred Payment Agreement.
- 3.4 The Care Act now allows the Council to recoup its administration costs for arranging any on-going expenses associated with managing the deferred payment agreement.
- 3.5 The Council can also charge for additional costs annually incurred during or at the end of agreement including costs associated with the revaluation of the property, costs of providing statements, removing legal charges and other costs associated with the deferred payment agreement.
- 3.6 The Care Act now also allows the Council to charge interest on the deferred payment amount. Interest rate charges can go up to, but can not exceed the amount as set by the Government. This maximum rate is fixed for periods of six months, and any changes announced will be effective on 1 January and 1 July as applicable. The Council will only charge the interest rate inline with the rates set by the Government.

#### **4.0 Current Deferred Payment Agreement Policy**

- 4.1 Brent's current Policy already reflects the broader principles of the Care Acts Deferred Payment Agreement Policy.
- 4.2 There were 5 Deferred Payment Agreements in place as of 2014/15.
- 4.4 The oldest DPA has been in place since September 2007.
- 4.5 The largest debt is currently £166,876.26, with the total debt being £562,065.30. Please note the combined total of this debt

will increase by approximately £9000 per month whilst each DPA is still ongoing.

- 4.6 There have been 5 Deferred Payment Agreements requested so far in 2015/16.
- 4.7 It has been projected that there will be 12 DPA's for 2015/16, resulting in an approximate monthly debt of £1795. The potential future return is dependent on the length of time the agreement is for, as this would have an impact on the annual charge and the interest rate chargeable.

## **5.0 Proposed changes to the policy**

- 5.1 The proposed changes to the policy are outlined below. It is important to note that the changes do not alter the underpinning principle of national guidance and Brent's current policy.
- 5.2 The proposed amendments to the current policy are:
  - 5.2.1 The initial administration charge will be set at £1120, which will be reviewed yearly.
  - 5.2.2 The ongoing annual administration charge will be set at £144, which will be reviewed yearly.
  - 5.2.3 The interest rate charged is based on the cost of government borrowing – more formally, the 15-year average gilt yield, as set out by the Office for Budget Responsibility twice a year (January and July) in their Economic and Fiscal Outlook report. This is currently 2.25%, but will be reviewed in January 2016 and the policy amended accordingly.
  - 5.2.4 The Council will have the discretion to extend the Deferred Payment Agreement to people other than in residential care where the Council deems their needs could be met in a Care Home but an individual chooses to remain in their own home.
- 5.3 The main impact of these changes will be as follows:
  - 5.3.1 There will be a national criteria providing transparency to Service Users;
  - 5.3.2 To ensure that those who have been assessed as needing care may not need to sell their home to pay for their care costs;

- 5.3.3 That those who can afford to pay a contribution continue to do so;
- 5.3.4 To ensure that residents are fully informed about deferred payments and care funding options.

## **6.0 Financial Implications**

- 6.1 In the early years of the scheme a net cash outflow is expected as debts will not start to be repaid until later years. However, this is not expected to impact the revenue budget as these amounts will be held as long term debts. It is possible that there may be future potential revenue impacts where debts may need to be written off, however this represents a low risk given the security and limit that can be deferred and processes will be in place to ensure that the ratio to debt valuation is reviewed regularly and that costs are secured where there is sufficient value in the property to recover such costs.
- 6.2 The ongoing revenue costs of managing the scheme are expected to be cost neutral, by way of the charging process, although Councils can only charge to fully recover costs and cannot make a profit from these activities. In the light of the overall financial position over the term of the MTFs it will be necessary to keep these costs under review to ensure that costs are recovered as appropriate.

## **7.0 Legal**

- 7.1 The Care and Support (Deferred Payment) Regulations 2014 require local authorities to offer a deferred payment in respect of the costs of care where (a) the adult's needs are to be met by the provision of residential care following an assessment of needs under the Care Act 2014. (b) the adult has less than £23,250 in assets excluding the value of their home (i.e. in savings and other non-housing assets); and (c) whose home is not occupied by a spouse or dependent relative as defined in regulations on charging for care and support (i.e. someone whose home is taken into account in the local authority financial assessment and so might need to be sold).
- 7.2 A local authority is however only required to enter into a deferred payment agreement with an adult for amounts due from the adult to the authority under the local authority's power to charge for services set out in s14 of the Act for costs of care and support; the provision of which the local authority considers to be necessary to meet the adult's needs.



- 7.3 A local authority is also permitted to enter into a deferred payment agreement under the Regulations in respect of placements for adults in supported living placements, but this is discretionary and not mandatory.
- 7.4 In terms of adequate security for the agreement, the Regulations require a legal charge for the agreements that are required by the Regulations and refer to acceptance of other adequate security for discretionary agreements.

## **8.0 Diversity Implications**

- 8.1 A predictive EA has been completed and is attached. The key points to note are that this updates an existing policy, primarily by introducing fees to cover the cost of the service. The policy itself provides choice about how to pay for care home fees if you own a home by offering people an alternative to selling their home.
- 8.2 The key impact is on people with a disability, or in this case people with a significant disability where residential or nursing care is thought to be the best way to manage their social care needs.
- 8.3 It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.
- 8.4 However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it, may, for example, indicate that there is a need to better promote the scheme with specific communities.

### **Background Papers**

Deferred Payments Policy

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PHIL PORTER  
Strategic Director, Adults



## **London Borough of Brent Deferred Payment Policy (Draft)**

### **1. Purpose**

- 1.1 The purpose of this policy is to set out the framework for the Council's Deferred Payment Scheme from April 2015. This framework takes into account the main changes introduced by the Care Act 2014 ("the Care Act").

### **2. Background and policy summary**

- 2.1 Sections 34 and 35 of the Care Act introduce a Universal Deferred Payment Scheme, which comes into force from 1st April 2015. From April 2015 service users entering a care home setting will not be required to sell their home in their lifetime to pay for their care and support costs as long as they qualify for a Deferred Payment Agreement.
- 2.2 A deferred payment agreement is a consensual agreement between a service user and the Council that enables the service user to defer payment of their assessed residential charge that relates to the value of their property.
- 2.3 The Care and Support (Deferred Payments) Regulations 2014 ("the Regulations") set out the legal framework and detail local authorities' responsibilities having regard to the Care and Support Statutory Guidance 2014 ("the Guidance") which the Council must follow.
- 2.4 The Regulations require the Council to offer deferred payment agreements to service users meeting the eligibility criteria outlined in paragraph 11 for a deferred payment. There is some local discretion on how the scheme will be implemented.
- 2.5 The Care Act and Regulations also allow the deferred payment scheme to be offered to service users who have incurred a debt in relation to their care fees but this only open to those who would otherwise qualify under the scheme.
- 2.6 For further information about the Care Act and deferred payment agreements please refer to:

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

### **3. Timescales**

- 3.1 This policy will apply from 1st April 2015 onwards. It will be subject to review periodically to reflect any changes in legislation or Council practice.

#### **4. Aims, objectives and outcomes**

- 4.1 The main aim of the deferred payment scheme is to ensure that service users have a viable alternative to selling their properties to fund their care needs. This promotes greater choice for individuals when assessing how to address their care needs and extends their level of independence for as long as possible.
- 4.2 The deferred payment scheme ensures that the any care home fees deferred by the Council are secured and that reimbursement will occur at the appropriate time. It also promotes fairness in that service users that have their capital invested in property are treated equitably with those that have savings in cash or other investments.

#### **5. Universal Deferred Payment Scheme**

- 5.1 The Care Act (sections 34 and 35) requires all local authorities to have in place a deferred payment scheme that can be offered to service users entering a care home setting which:
- (a) Requires Councils to apply the national eligibility criteria on entitlement to a deferred payment agreement;
  - (b) Allows Councils to charge interest and administrative fees;
  - (c) Requires both the service user and the Council to enter into a legal agreement; and
  - (d) Provides Council's with some discretion regarding the offering of and the amounts that can be deferred against the property.

#### **6. London Borough of Brent's Deferred Payment Scheme**

- 6.1 The London Borough of Brent's Deferred Payment Scheme will be consistent with relevant legislation and guidance, applying discretion where the Care Act 2014 allows such discretion to be applied. The principles underpinning the scheme are:
- (a) Those who can afford to pay a contribution towards their care should do so. Those who are eligible for the scheme and do not wish to sell their home are not forced to do so to fund the care home costs;
  - (b) Residents and family members are fully informed of the deferred payments scheme and the eligibility criteria to help them both plan for now and their future care and support needs;

- (c) Ensure that the deferred payment scheme is self-financing and sustainable both to the service user and the Council.

## **7. Information and Advice**

7.1 The Council must provide information and advice to persons entering a care home and their family regarding the option to enter into a deferred payment agreement. The information is to include:

- (a) The eligibility criteria to be offered a deferred payment agreement;
- (b) That interest will be payable from the start date of the deferred payment agreement;
- (c) That administration costs will be charged; and
- (d) The person or their legal representative entering the deferred agreement has the right and is encouraged to seek independent financial advice.

7.2 A deferred payment agreement should not be entered into unless the person or their legal representative has been provided with or sought information and advice regarding the Deferred Payment Scheme.

## **8. Mental Capacity**

8.1 A person must have capacity to enter into a deferred payment agreement. Where the service user has capacity they can give consent for someone else to represent them or to advocate on their behalf. The Council will need to see written proof that the consent has been given. However, it will be the person in the care home who signs the deferred payment agreement.

8.2 Where a mental capacity assessment has been undertaken and concluded that the Service User lacks capacity:

- (a) The person who enters the deferred payments agreement must be legally appointed to manage their financial affairs, for example a Deputy with appropriate Lasting Power of Attorney (proof is required).
- (b) Where there is no legal representative a referral should be made to the Client Affairs Team for the relevant approach to be made to the Court of Protection to appoint a Deputy.

## **9. What care and support is covered by the scheme**

9.1 The Deferred Payments Scheme will be offered to those who meet the eligibility criteria and require “care and support” needs, which

could be met by a permanent placement in residential or nursing care or in supported accommodation (subject to specific criteria).

9.2 The deferred payments scheme cannot be offered to those persons whose stay in a residential and nursing home is either for respite or is of a temporary nature.

9.3 Brent will not be offering Deferred Payments for non-residential care except in situations where the Council has indicated that it can properly and most cost effectively meet a service user's needs in a residential/nursing provision, but the service user indicates that they wish to remain in their home, where there is deemed to be sufficient equity in the property. In so far as it is legally allowable, medically and socially possible and financially sustainable, the Council will consider granting such service users a deferred payment agreement on a strictly discretionary, case by case basis..

## **10. Twelve Week property disregard**

10.1 To provide the person entering the care home and their family members the opportunity to consider the options available to them, the Council must disregard the person's main home where they have assets less than the upper capital limit (excluding their main home) for the first 12 weeks in circumstances where:

- (a) The person enters a care home for the first time; or
- (b) The person has unexpectedly lost an alternative property disregard ( e.g. The spouse or other qualifying relative has died or is no longer resident in the home )

10.2 This 12 week property disregard period is to be used to put in place all the arrangements to set up the deferred payment agreement.

## **11. Eligibility Criteria for to enter the Deferred Payment Scheme**

11.1 All Councils must apply the national eligibility criteria. A deferred payment scheme is to be offered to a person who can provide adequate security for the debt and meets the following criteria:

- (a) That the individual has eligible care and support needs that the Council determines will be met through a permanent care home placement;
- (b) The individual has less than £23,250 in liquid capital;
- (c) The property does not meet one of the qualifying disregard criteria e.g. spouse or dependent is still resident in the property; and
- (d) The person entering into the agreement has the capacity to do so.

## 11.2 Applying discretion to the eligibility criteria (Discretionary Scheme)

The Care Act allows the Council to exercise its discretion to offer a deferred agreement where the person may not meet all of the eligibility criteria and where a deferred agreement is the most sensible approach in all the circumstances, this can include:

- (a) Where the person may be required to meet their costs through alternative assets but the use of their assets may leave them with no or little accessible assets;
- (b) Consideration as to whether the person has any other accessible financial means to meet the costs of the care and support;
- (c) The person's capital may narrowly exceed the upper capital limit of £23,250 however they are likely to reach below the threshold in a short period of time.

## 11.3 Permission to refuse entry into the Deferred Payment Scheme:

The Council can refuse to offer a deferred payment agreement even if the individual meets the eligibility criteria where:

- (a) The Council is unable to secure a first charge against the property;
- (b) The person is seeking to place a top-up against the deferred charge (this is not an automatic refusal but should be guided by considerations of affordability, sustainability and availability of equity);
- (c) The person and/or any co-owners do not agree with or are unable to adhere to the terms and conditions of the deferred payment agreement.

## **12. How much can be deferred:**

### 12.1 The level of debt that can be deferred is determined by:

- (a) The amount of equity the individual has available in the property to be used as security;
- (b) The amount the person is contributing from their care costs from other sources such as third parties, or their savings;
- (c) The total care costs including any top-ups that have been agreed as part of the care costs.

12.2 The actual amount deferred should be the individual's residential/nursing costs including a top-up where applicable less any financially assessed contribution.

12.3 The person entering into the agreement is allowed to retain up to £144 of their net disposable income allowance. The increase of the personal expenditure allowance (PEA) to £144 per week takes into

account that the person will have to maintain the property i.e. insurance costs, general maintenance and utility bills.

12.4 The person can retain less than the £144 per week and increase the contribution towards their care costs; thus reducing the deferred charge against the property.

12.5 On termination of the deferred payment agreement, if the person is still in the care home their personal expenditure allowance will reduce to the normal figure as prescribed by guidance.

### **13. Renting the Property**

13.1 Best practice would be for the Council to encourage service users to rent their property (though ultimately any decision on rental must be their own). The Council Social Service Department will be working with the Housing Department to offer service users the opportunity to rent their property out.

13.2 Where a service user or their legal representative is interested in renting the property out, with their permission then the details of the service user and the property address will be sent to the Housing Department who will work to identify a tenant for the property in accordance with the allocations policy.

13.3 Where a service user or their legal representative has arranged to rent the property privately, the Council shall request a copy of the tenancy agreement. Good practice would suggest that they should enter a six-month short term assured tenancy.

### **14. Obtaining Security**

14.1 To enter into a deferred agreement with a person there must be adequate security to cover the costs of "care and support". Where the Council is able to secure a first legal charge against the property at the Land Registry; this should always be considered as adequate security.

14.2 Where there are co-owners or those with a beneficial interest in the property the Council must seek consent and agreement from all parties before the charge can be placed on the property.

14.3 The Council will aim to obtain a first charge against the property. In some circumstances the Council may not be able to obtain a first charge (a mortgage may be outstanding). However, the Council may at its discretion still enter into a deferred payment agreement providing it is satisfied that there is sufficient value in the property



to meet the care costs and that equity cannot and will not be otherwise diminished.

14.4 There may be occasions where the property search discloses that the property is not registered with Land Registry. The Council is unable to enter into a deferred payment agreement at that time; the property will need to be registered. The Council can ask the person or their legal representative to register the property.

## **15. Determining Equity Limits**

15.1 The Act introduces an 'equity limit' as to the maximum amount that can be charged against a property. In 2015/16 guidance and regulations sets the equity limit at the value of the property minus 10% minus a further £14,250.

15.2 The value of the property is the value of the person's share entering the care home less any outstanding loans/mortgage on the property.

15.3 Local authorities cannot accrue further care costs where the person has reached their equity limit. Only interest and administrative fees can still be accrued until the debt is paid in full.

## **16. Property Valuations**

16.1 To ensure that the Council's equity limits are robust, Councils are required to obtain a property valuation. To keep costs down, the Council will use internet based valuation services.

16.2 This approach does not remove the individual's right to seek an independent valuation where it is felt the proposed valuation does not reflect the market value of the property. Please note that this will not be funded by the Council.

16.3 Where the person entering the deferred payment agreement and Council disagree with each other's proposed property valuation, an independent estate agent (the appointment of which must be agreed by both parties) will complete a valuation which must be accepted and the cost borne in equal measure. In the event of a dispute over anything other than actual market value, the District Valuation Service will be instructed, the cost to be borne by the party who is proved to be most incorrect or split where both are significantly incorrect.

## **17. Applying Interest Rates and Administration Fees**

17.1 Interest Rates

- 17.1.1 The Care Act also allows the Council to charge interest on the deferred payment amount. Interest rate charges can go up to but not exceed the amount as set by the Government. This maximum rate is fixed for periods of six months, and any changes announced will be effective on 1 January and 1 July as applicable.
- 17.1.2 As the Regulations and Guidance set out, the maximum interest rate for deferred payments is based on the cost of government borrowing – more formally, the 15-year average gilt yield, as set out by the Office for Budget Responsibility twice a year in their Economic and Fiscal Outlook report.
- 17.1.3 The Council will also be applying interest to the deferred fees throughout the duration of the deferred payment agreement. Interest will continue to accrue until the deferred fees (plus administration costs if applicable) and accumulated interest is paid in full.
- 17.1.4 The Council's interest rate shall be 2.25% and will be applicable from the 1 July 2015 and will be reviewed as and when required. Interest will apply from the effective date of the deferred payment agreement.

## 17.2 Administration Fees

- 17.2.1 The Care Act 2014 allows the Council to recoup its administration costs for arranging any on-going expenses associated with managing the deferred payment agreement. The administration costs and any subsequent expenses must not be more than the actual costs incurred by the Council.
- 17.2.2 A set-up administrative fee will be charged which the person can pay before the start of the deferred payment agreement or this can be added to the accrued debt. The fee includes the costs of registering a charge with the Land Registry, staff, management and legal costs.
- 17.2.3 From April 2015 the initial setup fee will be £1120; this fee will be subject to annual review. Prices will be made publicly available.
- 17.2.4 The Council can also charge for additional costs incurred during or at the end of agreement including costs associated with the revaluation of the property, costs of providing statements, removing legal charges and other costs associated with the deferred payment agreement. In addition to these unquantified charges, the Council will

charge £144 annually to meet the ongoing cost of monitoring the cost of the deferred payment agreement.

## **18. Effective Date of Deferred Payment Agreement:**

18.1 The deferred payment agreement will take effect once:

- (a) The applicant or their legally appointed representative has signed the deferred payment agreement, and;
- (b) Where relevant the co-owner or other person with a beneficial interest has agreed to, and has signed the deferred payment agreement, and;
- (c) Confirmation has been received that the Council can secure adequate security against the property to cover the care costs.

18.2 The person entering into the deferred payment agreement must adhere to the terms and conditions of the agreement signed which include ensuring that:

- (a) The property is maintained to an acceptable standard;
- (b) The property is adequately insured;
- (c) Any outgoings associated with the property ( e.g. Council Tax, insurance, utility bills) are paid in a timely fashion; and
- (d) They understand their obligation to seek permission or notify the Council of any changes which will result in a breach/change or termination of the deferred payment agreement.

## **19. Terms and Conditions of the Deferred Payment Agreement**

19.1 The Guidance sets out the terms and conditions that are to be included within the Council's deferred payment agreements. The Council will be using the Guidance to define the terms and conditions of the deferred payment agreement.

19.2 The service user entering in to the deferred payment agreement will be required to abide by a number of terms and conditions:

- (a) That the property is maintained in reasonable standard of repair and condition.
- (b) All outgoings associated with the property (e.g. Council tax, service charges and ground rent) are paid.
- (c) The property is fully insured for the full cost of rebuilding. If the property is to be left empty for any period of time, the service user will need to ensure that this is disclosed to the insurance company and that any terms required by the insurer are met.
- (d) That any net rental income derived from letting the property during the period of the deferred payment agreement will be assessed in accordance with the Guidance.

- (e) That the service user receiving care and/or their representative acknowledges that they have received the Council's advice that they should seek independent financial advice before entering into the deferred payment agreement.
- (f) Where the property is jointly owned, the co-owners as well as the service user must agree to the Council's form of charge.
- (g) That the service user or representative notifies the Council of any change in circumstances, which would affect the value of the property or the sustainability of the deferred payment agreement.

## **20. Contractual Responsibilities**

20.1 Most if not all of the contractual responsibilities of the person will or should be specified within the terms and conditions of the deferred payment agreement. However, the Council has contractual responsibilities whilst the agreement is in place which include:

- (a) Ensuring the individual or their financial representative receives timely written updates/statements which must include the amount deferred including interest and administration charges and the available level of equity still available. It is intended the Council will send these statements annually;
- (b) Undertaking systematic review of the property value once the deferred amount exceeds 50% of the security which review must take place no more than every three years;
- (c) Ensuring no further care costs are deferred against the property where the person has reached the equity limit or circumstances arise where it is no longer appropriate to continue to defer care costs against the property.

## **21. Termination of the Deferred Payment Agreement**

21.1 A deferred payment agreement can be terminated by:

- (a) The person whilst still in the care home or the person acting on their behalf after their death repays the loan in full through alternative means other than the sale of the property, or;
- (b) The property (or form of security) is sold and the debt repaid, or;
- (c) When the person dies the amount should be repaid to the Council from their estate within 90 days.

21.2 Other circumstances may arise where the Council may refuse to or cannot defer any further care costs against the property:

- (a) Where the person total assets falls below the level of the means test and they become eligible for Council financial support;
- (b) The individual no longer requires care and support in a care home setting or supported accommodation;
- (c) There has been a breach of contract and any attempts to resolve the breach have been unsuccessful;
- (d) The property becomes disregarded for any reason accepted by the Council;
- (e) There was a material misrepresentation when the deferred payment agreement was set up or one arose during its currency.

21.3 In all the situations except (e) in 21.2 above, the Council cannot demand payment which will still be subject to the terms of the termination as set out in the contract.

21.4 In all cases parties must be given appropriate notice period that there is an intention to terminate the deferred payment agreement:

21.4.1 On intention to sell the property the person or their legal representative must provide the Council with 30 days written notice that this is to happen. Upon being requested to do so, the Council will provide a written undertaking to the seller's solicitors that it will sign and seal the necessary documentation to remove the charge upon confirmed receipt of the full redemption amount into its nominated account.

21.4.2 Where it is intended the Council will be terminating the deferred payment agreement, a minimum of 30 days advance written notice is to be provided to the person who has entered the deferred payment agreement setting out the reasons for the termination and an indication of how their future care costs will be met (if applicable).

## **22. Change in financial circumstances**

22.1 The person or their legal representative must notify the Council of a change in their financial circumstances which may change the amount that can continue to be deferred against the property. This can include:

- (a) Receipt of a new benefit or changes/increases to benefits;
- (b) Changes/increases to income or expenditure;
- (c) If the Service User's capital or savings crosses one of the capital thresholds;
- (d) Changes to living arrangements at the property subject to the deferred payment agreement (e.g. their partner moves to a care home).

## **23. Appeals and Complaints**

23.1 Council Social Services and NHS Complaints Regulations 2009, made under powers in Sections 113 to 115 of the Health and Social Care (Community Health and Standards Act) 2003.

23.2 If a Service User is dissatisfied with the way in which they have been treated during the financial assessment process, or the service that they have received, they have the right to make a complaint to the Complaints Officer. The Council has a statutory complaints procedure to ensure that Service User's views and concerns are considered, dealt with and appropriately investigated.

23.3 If the decision is turned down and the service user is still not happy with the decision, the Local Government Ombudsman can be contacted.

## **24. Debt Recovery**

24.1 If the service user does not pay the charges in full or in part and the debt remains unpaid, the Council has the right to seek collection of the debt under Section 69 (2) of the Care Act 2014.

24.2 Where the person dies the debt will become payable 90 days after death. If the Council has concluded that the necessary steps are not being taken to progress the sale of the property and the Council has unsuccessfully written to attempt to resolve the situation, the Council may commence legal proceedings possibly including possession proceedings. This may incur additional costs to the person who has entered the deferred payment agreement.

24.3 Section 70 of the Care Act also provides the Council with the power to recover charges from a third party in circumstances where a person has deprived themselves of assets in order to reduce the care cost contribution payable.

## **25. Use of Financial Information and Privacy**

Information will be collected to enable the set up of the deferred payment agreement. In accordance with the Data Protection Act 1998, this information will only be shared with other relevant agencies in accordance with the data protection principles/exemptions or with the written consent of the service users or their legal representative/advocate.

## **26. Policy Review**

This policy will be reviewed in March 2016 and at least annually thereafter. This policy may also be subject to review at other times in response to case law, statutory amendment and Guidance from the Department of Health or other statutory organisations.

## **27. Further information**

Further information can be obtained in relation to this scheme and other services offered by the authority on the London Borough of Brent's website.

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# Deferred Payment Agreement Policy

**Department**

Adults Social Care

**Person Responsible**

Darren Persaud

**Created**

20th August, 2015

**Last Review**

20th August, 2015

**Status**

Complete

**Next Review**

9th September, 2016

## Screening Data

1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

A deferred payment agreement is an arrangement with the council that enables people to use the value of their homes to help pay for care home costs. If eligible, the council will pay the cost of a care placement and the person is able to delay repaying the council until they choose to sell their home, or until after their death.

The Care Act 2014 introduces the requirement for all Local Authorities to offer a deferred payment scheme and London Borough of Brent propose to update their deferred payments policy in light of this.

Prior to the introduction of the Act, Brent Council already offered deferred payment agreements on a non mandatory basis and it is important to note that the changes do not alter the underpinning principle of Brent's current policy.

The proposed amendments to the current policy are:

1. The initial administration charge will be set at Â£1120, which will be reviewed yearly.
2. The ongoing annual administration charge will be set at Â£144, which will be reviewed yearly.
3. The interest rate charged is based on the cost of government borrowing â€" more formally, the 15-year average gilt yield, as set out by the Office for Budget Responsibility twice a year (January and July) in their Economic and Fiscal Outlook report. This is currently 2.25%, but will be reviewed in January 2016 and the policy amended accordingly.
4. The Council will have the discretion to extend the Deferred Payment Agreement to people other than in residential care where the Council deems their needs could be met in a Care Home but an individual chooses to remain in their own home.

2. Who is affected by the proposal? Consider residents, staff and external stakeholders.

Out of the homeowners in Brent who are assessed as requiring residential care, it is only those who actively choose to defer the payment of their placement who are affected by this proposed update in policy.

3.1 Could the proposal impact on people in different ways because of their equality characteristics?

- Yes

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

- Age
- Disability
- Other (please specify)

Only residents who are homeowners and who require residential care will be eligible for the deferred payment scheme.

Out of those persons who are eligible and choose to take part in the scheme, there will be no difference in impact based on equality characteristics.

### 3.2 Could the proposal have a disproportionate impact on some equality groups?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are disproportionately impacted

- Age
- Disability
- Other (please specify)

Homeowners who choose to take part in the deferred payments scheme will have to pay administration costs that other Adult Social Care recipients do not pay for their care. However, the policy provides choice about how to pay for care home fees if you own a home by offering people an alternative to selling their home and they will not have to contribute to their cost of care or the administration costs until their home is sold.

### 3.3 Would the proposal change or remove services used by vulnerable groups of people?

- Yes

The proposed changes give elderly or disabled homeowners the opportunity to change the way they pay for their residential care by deferring the charges until they choose to sell their home or until their death.

### 3.4 Does the proposal relate to an area with known inequalities?

- Yes

The key impact is on homeowners with a disability, or in this case people with a significant disability where residential or nursing care is thought to be the best way to manage their social care needs. It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

### 3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are impacted

- Age
- Disability
- Other (please specify)

The key impact is on homeowners with a significant social care need where residential or nursing care is thought to be the best way to manage their needs. The policy will be important for these people as they are the ones who will be eligible to take part in the scheme.

### 3.6 Does the proposal relate to one of Brent's equality objectives?

- Yes

The deferred payment scheme offers an alternative way for some residents to meet the cost of their care. Enabling a person to hold onto their asset for as long as possible recognises their preferences and supports the fourth equality objective:

To ensure that local public services are responsive to different needs and treat users with dignity and respect.

## Recommend this EA for Full Analysis?

Yes

## Comments

The key impact is on people with a disability, or in this case people with a significant disability where residential or nursing care is thought to be the best way to manage their social care needs.Â Â

Â It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it, may, for example, indicate that there is a need to better promote the scheme with specific communities.

## Rate this EA

N/A

## 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
- Negative

The vast majority of Adult Social Care (ASC) users are over 65. According to 2013/14 data, there were 1603 ASC users who are between 18 to 64 in comparison to 3635 users who are over 65 years old. The changes in this policy will affect those whose level of need is significant enough for them to be placed in a residential or nursing home.

It could be argued that there could be a positive or negative impact through the amendments to this policy, in that those that need this level of care will now have the option of being able to defer or delay paying the costs of their care and support until a later date, so they do not have to sell their home at a point of crisis.

There are five service users that currently have a Deferred Payment Agreement, it should be noted that there were no administration or interests charges on these agreements. The average age of these five users is 86, suggesting that it is the older service users whom would be impacted upon.

5.2 Disability (select all that apply)

- Positive
- Negative

Those with a disability will be affected by the change in policy. Service users will have a variety of choices where it comes to funding their care. Taking the option of a Deferred Payment Agreement is only one of the options available to them.

The key is service users with a significant disability where residential or nursing care is thought to be the best way to manage their social care needs.

As part of the Care Act, Local Authorities have a responsibility to ensure service users have access to a range of information and guidance. As such, Local Authorities have a directory of organisations service users can approach for independent guidance, particularly financial advice.

Again, It could be argued that there could be a positive or negative impact through the amendments to this policy, in that those that need this level of care will now have the option of being able to defer or delay paying the costs of their care and support until a later date, so they do not have to sell their home at a point of crisis.

5.3 Gender identity and expression (select all that apply)

- Unknown

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this

analysis, but it may, for example, indicate that there is a need to better promote the scheme with specific communities.

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

- Unknown

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it may, for example, indicate that there is a need to better promote the scheme with specific communities.

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

- Neutral

#### 5.6 Race (select all that apply)

- Unknown

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it may, for example, indicate that there is a need to better promote the scheme with specific communities.

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

- Unknown

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it may, for example, indicate that there is a need to better promote the scheme with specific communities.

#### 5.8 Sex (select all that apply)

- Unknown

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it may, for example, indicate that there is a need to better promote the scheme with specific communities.

#### 5.9 Sexual orientation (select all that apply)

- Unknown

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it may, for example, indicate that there is a need to better promote the scheme with specific communities.

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

- Positive
- Negative

Homeowners who choose to take part in the deferred payments scheme will have to pay administration costs that other Adult Social Care recipients do not pay for their care. However, the policy provides choice about how to pay for

care home fees if you own a home by offering people an alternative to selling their home and they will not have to contribute to their cost of care or the administration costs until their home is sold. It should be noted that the initial charge can also be deferred, so rather than be paid at the beginning of the agreement, it can be added to the overall debt and be paid at the end of the agreement. The ongoing annual charge for the debt can also be added to the overall debt and paid at the end of the agreement.

The key impact is on homeowners with a disability, or in this case people with a significant disability where residential or nursing care is thought to be the best way to manage their social care needs. It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

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

What did you find out from consultation or data analysis?

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

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

The amendments to the Deferred Payment Agreement policy was borne out of a change to national legislation. As such, research has been carried out on neighbouring and other London local authorities to get an understanding of the administration fees being charged. It should be noted that the interest rate cannot be more than the maximum the government charge the maximum interest rate for deferred payments is based on the cost of government borrowing “more formally, the 15-year average gilt yield, as set out by the Office for Budget Responsibility twice a year in their Economic and Fiscal Outlook report).

No engagement with service users has taken place, as this is a statutory obligation. One of the prerequisites of this policy is that any administration charge should be set to only cover actual costs accrued and not to make any profit. These costs have been calculated using current officer time and would be demonstrable if challenged.

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?

N/A

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

As part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it, may, for example, indicate that there is a need to better promote the scheme with specific communities.

10. Please explain the justification for any remaining negative impacts.

N/A

## Organisation Sign-off Data

11. What did this equality analysis conclude?

- The proposal was accepted without changes

12. Please write a brief summary of your equality analysis which should be included in the 'diversity implications' section of any reports.

The key points to note are that this updates an existing policy, primarily by introducing fees to cover the cost of the service. The policy itself provides choice about how to pay for care home fees if you own a home by offering people an alternative to selling their home.

The key impact is on people with a disability, or in this case people with a significant disability where residential or nursing care is thought to be the best way to manage their social care needs.

It is difficult at this point in time to make further judgements about the impact on other protected characteristics because the council does not currently hold data on home ownership in relation to people in a care home.

However, as part of implementing this policy the council will ensure that this data is collected for analysis of the policy impact in future. There are significant limitations on any changes that can be made to the policy as a result of this analysis, but it, may, for example, indicate that there is a need to better promote the scheme with specific communities.

13. I confirm that this equality analysis represents a fair and reasonable view of the implications of this proposal on equality and that appropriate actions have been identified to address the findings.

Enter your name

Amy Jones

Enter your designation

hos

Enter your department

asc

Enter today's date

09-09-2015

### **Comments**


na

### **Next Review Date**

2016-09-09

## **Outstanding Actions**

No outstanding actions

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 21 September 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director, Adults</b></p>
<p>For Action <span style="float: right;">Wards Affected: [ALL]</span></p>	
<p style="text-align: center;"><b>Authority to tender contracts for accommodation-based social care, support and rehabilitation services for individuals who have high to medium mental health support needs</b></p>	

## 1. Summary

- 1.1. In accordance with Contract Standing Orders 88 and 89, this report requests Cabinet approval to procure two contract for Accommodation Plus provision to support people recovering from mental health problems.
- 1.2. The current contracts are due to expire on 1<sup>st</sup> April 2016, so there is a need to commence procurement activity now to ensure new contracts are in place for this date.
- 1.3. .

## 2. Recommendations

- 2.1. Cabinet approve the inviting of tenders for two Accommodation Plus contracts to support people with mental health problems on the basis of the pre - tender considerations set out in paragraph 3.9 of the report.
- 2.2. Cabinet give approval to officers to evaluate the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.9 of this report.

## 3. Detail

- 3.1. In April 2011, the Council awarded contracts to Look Ahead and Equinox to provide community-based housing, social care support and rehabilitation for individuals who have medium and high support needs with Mental Health (MH) problems who require rehabilitative and

reablement support to help them regain independence living skills. Both contracts expire on the 1<sup>st</sup> April 2016.

- 3.2. The current contracts enable the provision of a temporary home where people with long-term mental health conditions can work on further recovery towards the goals of living more independently with stable mental health, meaningful employment, and reduced reliance on statutory services.
- 3.3. Contract monitoring systems have been successfully utilised to ensure that the bed spaces are well used, and the providers are focused on the eligible needs identified by the specialists at CNWL.
- 3.4. The Care Act 2014 places emphasis on prevention, enablement, ways of reducing loneliness and social isolation and promotion of independence as ways of achieving and exceeding desired outcomes for service users accessing Adult Social Care. These MHABCS contracts currently fulfil these requirements for a small group of people with significant long-term needs and given the expiry of contracts on 1 April 2016, there is a wish to procure replacement contracts.
- 3.5. whilst these services has always worked on the premise of a reablement ethos with the aim of supporting people to move on to more independent living, this procurement affords commissioners an excellent opportunity to strengthen this ethos, specifically more explicit quality standards and to ensure service key objectives fully embed the Care Act 2014, and commence the move to a more rigorous outcomes-based approach.
- 3.6. Significant system wider work is currently underway with health partners to review the whole mental health pathway for people and the development and implementation of a new service model that is able to better meet the needs of people; these contracted services currently support the pathway and form a key part of the recovery pathway for a significant number of people currently. However, as work to redefine the current pathway in not fully completed and embedded, Officers consider it is most appropriate to procure new contracts with a relatively short initial term of 1 year but for such term to be extendable at the option of the council for 2 successive 1 year periods. It is considered that this 1+1+1 contract term will allow the Council flexibility in coordinating the commissioning and de-commissioning of this and other related services over the next 3 years should there be a need to do this as a result of the new fully embedded pathway and operational model currently being developed
- 3.7. It is planned that a new tender process will commence in October 2015 to ensure continuity of the service by awarding new contracts in February 2016 with a 6-8 weeks handover and transition period.
- 3.8. The contracts will be let based on their specialisms;



- a. Contract 1 for Location 1 – a contract to provide support for up to 8 males with high to medium mental health needs who may also have support needs with drug and alcohol misuse
- b. Contract 2 for Location 2 and 3 – a contract to provide support to up to 13 individuals with high to medium mental health needs who may also have support needs related to paranoid schizophrenia, and anxiety

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

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(i)	The nature of the service.	Two Mental Health Accommodation-Based Care and Support service contracts	
(ii)	The estimated value.	Contract 1 for Location 1 – between £528k and £624k for a possible 3 year term (£176k to £208k per annum);  Contract 2 for Location 2 and 3 – between £900k and £1,015k for a possible 3 year term (£300k to £338k per annum)	
(iii)	The contract term.	Contracts 1 and 2 - An initial term of one year with option to extends by 2 successive one year periods.	
(iv)	The tender procedure to be adopted.	Restricted OJEU	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed	1 <sup>st</sup> October 2015
		Expressions of interest returned	2 <sup>nd</sup> November 2015
		Shortlist drawn up in accordance with the Council's approved criteria	13 <sup>th</sup> November 2015
		Invite to tender	16 <sup>th</sup> November 2015
		Deadline for tender submissions	21 <sup>st</sup> October 2015

Ref.	Requirement	Response	
		Panel evaluation and shortlist for interview	11 <sup>th</sup> December 2015
		Contract decision	18 <sup>th</sup> December 2015
		Report recommending Contract award circulated internally for comment	January 2016
		Cabinet approval	February 2016
		Minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	February 2016
		Contract Mobilisation	March 2016
		Contract start date	2 <sup>nd</sup> April 2016
(vi)	The evaluation criteria and process.	<p>The following evaluation criteria and process will be common to Contract 1 and Contract 2:</p> <ol style="list-style-type: none"> <li>1. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's financial standing, technical capacity and technical expertise requirements. There will also be a requirement for the bidders to certify an ability to deliver Social Value benefits as required in the Contract Specifications.</li> <li>2. At the tender evaluation stage, the panel will evaluate bids on the grounds of the Most Economically Advantageous (Price and Quality) offer. Quality criteria will have a 40% weighting and will consist of: <ul style="list-style-type: none"> <li>▪ How experience in delivering similar services will be applied to the Service.</li> <li>▪ How the Service will be operated to lead to</li> </ul> </li> </ol>	

Ref.	Requirement	Response
		<p>improved personal independence.</p> <ul style="list-style-type: none"> <li>▪ How out of hours services will be delivered.</li> <li>▪ Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.</li> <li>▪ How the Service will be operated to achieve delivery of outcomes.</li> <li>▪ How policies and procedures regarding equality and human rights will be applied specifically to this group of service users.</li> <li>▪ How the Safeguarding policy will be implemented specifically to this group of service users.</li> <li>▪ How Social Value will be delivered.</li> </ul> <p>Cost will have a 60% weighting.</p>
(vii)	Any business risks associated with entering the contract.	There are no business risks associated with the proposed contract.
(viii)	The Council's Best Value duties.	The evaluation criteria will be based on a model where cost and quality are distributed to ensure that provider(s) are selected on best value. The tendering documentation will also specify how the agreements will be managed to ensure on-going delivery of the outcomes.
(ix)	Consideration of Public Services (Social Value) Act 2012	<p>The following Social Value assessments will be incorporated into the qualification and tender evaluation processes:</p> <p>Qualification stage</p> <ul style="list-style-type: none"> <li>▪ Involvement of Small and Medium Enterprises (SME's), particularly within Brent.</li> <li>▪ Adoption of ethical practices: these will include Safety and Hygiene and Working Hours.</li> </ul> <p>Tender stage</p> <ul style="list-style-type: none"> <li>▪ Number of additional jobs that will be created as part of the contract.</li> <li>▪ Percentage of vacancies that will be targeted at unemployed in-borough people.</li> <li>▪ Total anticipated spend with SME's (in and out of Brent).</li> <li>▪ Targets for reducing carbon and pollution</li> </ul>

Ref.	Requirement	Response
		waste.  The weightings for Social Value will hold at least 5% of the total quality score.
(x)	Any staffing implications, including TUPE and pensions.	See section 7.0 below.
(xi)	The relevant financial, legal and other considerations.	See sections 4.0 and 5.0 below.

#### 4.0 Financial Implications

4.1 The estimated value of the contract is between £1.43m and £1.64m over a potential three year period.

4.2 It is anticipated that the cost of this contract will be funded from the current Mental Health budget within Adult Social Care. This budget is subject to the council's annual budget process and so this contract would form a priority commitment upon agreed budgets.

4.3 The contract is compliant with London Living Wage (LLW). The hourly rate of staff providing care and support within a Mental Health Supported Living would already exceed this. There is a potential risk of additional costs in future depending on if, and to what level, the LLW is increased over the life of the contract.

#### 5.0 Legal Implications

5.1 The estimated values of both Contract 1 and Contract 2 are in excess of £250k. As such the contracts are both a High Value Contracts for the purposes of council's Contract Standing Orders and Financial Regulations and thus Cabinet approval is required to invite tenders and to evaluate tenders for the contracts.

5.2 Care and support services fall within the social and other specific services listed in Schedule 3 ("Schedule 3 Services") of the Public Contracts Regulations 2015 ("EU Regulations") and as such are subject to a lighter touch regime. As the estimated value of this proposed tenders are for Contract 1, £622,527 and for Contract 2, £1,013,634, Contract 1 is below the threshold applicable to Schedule 3 Services (currently set at

£625,050) whereas Contract 2 is above the threshold. Whilst Contract 1 does not strictly need to be procured in accordance with the full requirements of the EU Regulations applicable to Schedule 3 Services, Contract 2 does. However the intention is to procure both in accordance with EU Regulations, including advertising both in the Official Journal of the European Union.

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 recommending award.

5.4 As the procurement of Contract 2 is subject to the full application of the EU Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the EU Regulations before the contract can be awarded. If no challenge or successful challenge is brought during this standstill period, the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

5.5 The Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE") will apply when a contract is awarded to a new provider where immediately before the change of provider, there is an organised grouping of employees situated in Great Britain which has as its principal purpose the carrying out of the activities concerned on behalf of the provider and where the employees are assigned to that organised grouping. Subject to the right of the employee to object to transferring, the employee's contract of employment will transfer to the new provider. Where the incumbent providers are not successful in any re-tender therefore, staff will TUPE to any new provider(s) appointed. Further details regarding TUPE implications are contained in the Staffing Implications.

## **6.0 Diversity Implications**

6.1 An Equality screening has been undertaken by officers which, indicated no negative impacts across the seven protected characteristics groups. Impacts for race, religion & belief, sex, marriage & civil partnership, gender reassignment, age, and pregnancy & maternity were neutral, with individuals from these groups having equal access to the service. Impact for the protected characteristic of disability was positive, as this service will continue to provide a specialist service to people with identified high support needs as part of their recovery programme from long-term mental ill health.

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

7.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

## **8.0 Background Papers**

### 8.1 None

#### **Contact Officers**

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**PHIL PORTER**  
**Strategic Director, Adults**

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 21 September 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director, Adults</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p style="text-align: center;"><b>Authority to award a Care Provider Service Contract for a new Extra Care Housing Facility in Brent</b></p>	

**Appendix 1 is “Not for Publication”**

## **1.0 Summary**

In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award a social care and support services contract for a new Extra Care Housing (ECH) facility in Brent. The care services will be provided to people aged 50+ with care and support needs. The report provides further details on the facility and summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

## **2.0 Recommendations**

- 2.1 That Members award a contract to Metropolitan Housing Trust, for the provision of care and support services at the new ECH facility in Brent for an initial period of two (2) years with an option to extend the contract for a further two (2) successive one (1) year periods.

## **3.0 Background**

### **New ECH at Brent - Park Royal**

- 3.1 A new ECH facility at Park Royal is currently being developed by Asra Housing Group, with a completion date of December 2015. The facility will provide 99 units in total, consisting of 90 self-contained one-bedroom flats and 9 two-bedroom flats for people aged 50+ years with

care and support needs, who may otherwise require to be supported in a more restrictive care setting, a residential care home for example.

- 3.2 The new development creates an opportunity for the Council to ensure people receive care and support in a way that is flexible in meeting their needs, delivers better outcomes for people, improves their quality of life and give people greater choice and control over how their care is delivered, in their own home.
- 3.3 An ECH model of provision also affords the Council the opportunity to meet people's care and support needs in a much more cost effective way than through a residential care setting; within an ECH facility the council is only responsible for the cost of the individual's care and support needs as their accommodation costs are met by housing benefit as they have their own tenancy, whereas in a residential setting the council is responsible for meeting the accommodation costs also. This makes the residential model of care far more costly to the council as well as being a more restrictive environment. This ECH model therefore creates significant cost efficiencies for the council and benefits the service user.
- 3.4 The service model commissioned for this new ECH facility is a model of care that ensures peoples' needs can be met in a much more flexible way and ensures the provider can meet unplanned as well as planned care needs, which might otherwise only be able to be managed in a residential care setting.
- 3.5 This more flexible model is achieved through delivering 'CoreFlexi' hours of care and support. This means everybody is allocated an indicative number of hours of care per week to meet their 'planned' care and support needs. In addition, the 24 hour rota ensures a minimum of two staff are on duty at all times to support 'unplanned' or emergency care and support needs alongside the delivery of 'planned' care.
- 3.6 The daily flexible rota will be personalised to each person and a variable pattern of staffing will be used to effectively meet people's individual care and support needs. This will include personal care activities but will also seek to achieve small discrete units of time that are dedicated to individual interests and community engagement. Unused units of time can be 'banked' and retained for use on unplanned care and/or alternative service needs.
- 3.7 Increasing the use of Assistive technology (e.g. telecare) will be used to further streamline the service delivery.
- 3.8 The service will be available 24 hours a day, 365 days of the year. It will principally be delivered at the ECH facility but may be delivered in the community as dictated by the person's needs.



- 3.9 The Council has secured 100% nomination rights for all 99 units in the new facility. The key criteria, as set out in the agreed nominations agreement with Asra, stipulates that any prospective tenants will have substantial care and support needs of at least 14 hours per week, within the eligibility criteria set out in the Care Act 2014 and an identified social housing need.

#### **4.0 Market Position Statement**

- 4.1 The new contract will significantly contribute towards achieving the objectives set out in the Brent Market Position Statement (MPS) 2014 in reducing the council's reliance on residential care to meet peoples' needs and commissioning far more cost effective, flexible New Accommodation for Independent Living (NAIL). The 99 units of accommodation based care makes up approximately 20% of the units of accommodation required to deliver the NAIL targets.

#### **5.0 The Care Act 2014**

- 5.1 Commissioning this new service model will ensure the following legislative requirements of the Care Act 2014 are met:
- a) Local authorities are to ensure their social care system is based on the principles of prevention, early intervention and is focused on an individual's well-being and ability to maintain their independence.
  - b) Focus to be on an integrated, preventative and community based housing and support service placing an individual's well-being at the heart.
  - c) Put the suitability of living accommodation explicitly as part of the definition of well-being, which sets the tone for the whole Act.
  - d) Make reference to Housing explicitly as part the authorities' new duty to promote the integration of health and care.
  - e) Deliver care and support services through an understanding of reablement; believing that every person, no matter what age or disability, has the potential to develop or regain skills that allow them to be more independent and/or have access to a wider range of choices; to create an atmosphere of support and encouragement to try new things, practice lost skills, where staff supervise, support, and encourage, 'doing with' rather than 'doing for'.

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

- 6.1 Having secured nomination rights to the new ECH, Officers commenced a procurement process for the provision of care and support services at the ECH. This was done through a mini competition using the West London Alliance (WLA) Homecare Framework ("the Framework") which was procured by the council and went live in October 2014.
- 6.2 In accordance with the Framework call off protocol, all 31 providers on

Lot 2 Extra Care, were sent the Invitation to Quote (ITQ) which included the Instructions, the Specification, the Evaluation Methodology and Bidder Questions.

- 6.3 The Instructions stated that the contract would be awarded to a single entity on the basis of the most economically advantageous offer to the Council whereby Cost had a weighting of 60% and Quality 40%.
- 6.4 In line with the Council's commitment to London Living Wage (LLW) and given care staff will be working in London, it was stipulated within the ITQ documentation, that all bids must be costed to include the provision of London Living Wage (LLW) for all staff under the contract.
- 6.5 6 bidders submitted an electronic quotation by the deadline of 05<sup>th</sup> August 2015.

### **Evaluation process**

- 6.6 The Quality element of the evaluation was carried out by a panel of officers from ASC Commissioning and Contract Management. Following their individual scoring, all results were collated into a single panel score per bidder.
- 6.7 The Cost element was scored by the ASC Category Manager where the lowest cost received the maximum 60% score and the remainder a proportion of the percentage dependent on their difference to the lowest.
- 6.8 The panel, alongside the ASC Category Manager, met on the 11<sup>th</sup> August 2015 to appraise and agree the collated Quality score and review the final bidder rankings based on a combined Quality and Cost score.
- 6.9 The names of the bidders are contained in Appendix 1. The scores received by the bidders are included in Appendix 2. It will be noted that Bidder 2 was the highest scoring bidder. Officers therefore recommend the award of the contract to Bidder 2, namely Metropolitan Housing Trust.
- 6.10 The contract will commence in November 2015.

### **7.0 Financial Implications**

- 7.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £0.25m or works contracts exceeding £0.5m shall be referred to the Cabinet for approval of the award of the contract.
- 7.2 The value of this contract is at £5.72m over 4 years. The actual cost per year is dependent upon the number of hours of care provided to tenants up to the maximum contract value. The overall value of the

contract equates to an annual cost of £1.43m.

- 7.3 There is an estimated activity level of 108,000 hours of care being provided per year through this contract. Against an annual contract value of £1.43m this would lead to an approximate hourly rate of £13.25.
- 7.4 This hourly rate provides for care staff to be paid the London Living Wage (LLW) in 2015/16.
- 7.5 The cost of this contract will be met within the Adult Social Care budget. However, the commitment to LLW could pose additional costs over the life of the contract.
- 7.4 This budget is subject to the council's annual budget process and, with budget savings required, is likely to be reduced over the duration of this contract. This contract will be a priority commitment upon remaining budget resources within the division.
- 7.5 As set to in paragraph 3.2 and 3.3 this contract represents a more cost effective way of meeting peoples care needs compared to meeting these needs in a residential care setting, as accommodation costs are met through housing benefit and ASC are only responsible for meeting the cost of care. This new service will significantly contribute towards the savings target of reducing the use of and spend on residential care as part of the New Accommodation to Independent Living (NAIL) project.
- 7.6 There are no implications for the council's rent control or debt collecting processes. This will be the responsibility of the managing agent Asra Housing Group with the council having nomination rights for potential tenants.
- 7.7 The Adult Social Care budget is monitored as part of the Councils ongoing budget monitoring process. This contract will form part of that monitoring process on its commencement.

## **8.0 Legal Implications**

- 8.1 As detailed in paragraph 6.1, the procurement of the preferred bidder, Metropolitan Housing Trust, was by way of a mini competition under the West London Alliance (WLA) Homecare Framework. Brent Council led on the procurement of the Framework and it was procured in accordance with EU legislation. The Framework commenced in October 2014 and is of 4 year duration. Lot 2 of the Framework was set up to procure Extra Care and this was the Lot that was used to procure the proposed contract in accordance with Framework call off procedures. The proposed call-off is within the term of the Framework with only one year of the proposed contract going beyond the Framework term. Procurement of the proposed contract from the Framework is thus considered legally permissible.

8.2 The value of the proposed contract over its lifetime as mentioned in paragraph 7.2 above is in excess of £250,000. The award is therefore subject to the Council's own Contract Standing Orders ("CSO") and Financial Regulations in respect of High Value Contracts for services. As such Cabinet approval to award the contract to Metropolitan Housing Trust is required.

8.4 As detailed in paragraph 5.0 above, the contract will assist the council to comply with the requirements of the Care Act 2014 and associated statutory guidance (in respect of adult safeguarding work and the duties which are placed on local authorities' social services and housing in providing housing, social care and support to vulnerable older people).

## **9.0 Diversity Implications**

9.1 The proposed contract will require the provider to deliver services which are:

- culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible, and;
- able to provide training for all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.

9.2 The provider will be monitored to ensure they are complying with these requirements through checking of their records, regular review of services provided to individual service users where feedback will be sought from service users, monthly monitoring meetings and provision of quarterly performance information to the Council.

9.3 In view of the fact that this procurement represents a change to the model of service delivery it is necessary for the Cabinet, as decision-making body, to consider the equalities implications which are contained within the Equalities Impact Assessment in Appendix 3. In summary the scheme will allow for a wide variety of activities, encouraging people of all backgrounds to mix with one another, and ensuring that different cultural and religious groups are able to undertake activities that appeal to them.

## **10.0 Staffing/Accommodation Implications**

10.1 This is a new service to be provided by an external provider and there are no implications for Council staff arising from the award of the contract.

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

- 11.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (the “Act”) 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.
- 11.2 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 specialist services with only a limited number of organisations who can meet the Council’s requirements. Nevertheless, Officers endeavoured to ensure the requirements of the Act were implemented as part of the procurement process, including requiring bidders to submit pricing including the London Living Wage.

## **12 Background Papers**

- 12.1 N/A

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**Strategic Director Adults**

**APPENDIX 2**

**SOCIAL CARE AND SUPPORT SERVICES IN EXTRA CARE HOUSING**

**TENDER EVALUATION GRID**

**PART 2A – QUALITY QUESTIONS AND PANEL SCORES**

Bidder Quality Questions	WEIGHT	BIDDER REF					
		2	1	6	5	3	4
1. Please describe your experience of delivering care and support in extra care schemes, supported living or similar. [please illustrate both your practical expertise and philosophy of service delivery]	10.0%	9%	6%	3%	3%	5%	6%
2. The specification describes the Council’s desire to provide a responsive, flexible service that fully utilises the advantages of an on-site care team. How will you organise your service to ensure cost-effective provision? [this may include information on recruiting to the 24-hour core rota & daily flexible rota; ‘person in charge’ arrangements across 24-hours; use of assistive technology; management support]	10.0%	8%	5%	3%	3%	5%	6%
3. Please describe your experience of mobilizing a new service that demonstrates how you will be able to successfully settle 99 older households into their new homes in under 14 weeks. [additionally, a project plan may be attached]	10.0%	9%	5%	3%	3%	5%	5%
4. New tenants will come with a range of physical, cognitive and sensory care/support needs, with some returning to the community from residential or nursing care homes. A key task will be working with tenants to expand their range of social opportunities that go beyond the scheme, reaching into the local community. Please describe how you will achieve this,	10.0%	6%	5%	3%	3%	6%	6%

giving two examples.[may include use of social history, interests, likes & dislikes; use of technology to engage with people; how a long-term goal is broken down into achievable steps]							
5. Care and Support Plans should be focused on the outcomes that each tenant wants to achieve. Please describe a) your experience in developing and working to outcome-focused plans and b) give three examples of how this has made a clear difference to your customers. [anonymised care plans may be attached]	20.0%	14%	13%	8%	4%	9%	10%
6. The specification describes the use of 'banked hours' to support the intention of a flexible, person-centred service. Please describe how you will a) keep accurate records that allow easy management of these banked hours across the scheme and b) report on how the hours have been used to achieve the outcomes of individual tenants.	10.0%	8%	7%	2%	2%	5%	7%
7. As outlined in the supplementary service specification establishing a safe, harmonious and inclusive community at the Brent Park Royal Extra Care Scheme will be central to its success. Establishing such a community will at times require the provider to negotiate complex social situations. To illustrate your capacity to do so please outline how you would address the two scenarios below; a. Ms. Smith has a long history of alcohol misuse, in excess of 20 years, historically having resulting in her loss of employment, family and home. Ms Smith has lived in a residential care home for 10 years, from where she rarely ventured out of and ceasing to consume alcohol over the last eight years of her stay	10.0%	8%	4%	3%	3%	4%	4%

<p>there. 2 months ago she moved into the Brent Park Royal Extra Care Scheme. Shortly after she started to go out and subsequently started to regularly return home intoxicated, in some cases needing the police to escort her home. One day at midday staff discover Ms. Smith has been away from her home overnight and has not returned. Explain how you would resolve this scenario, what are the risks etc. b. Staff observe a young lady struggling to exit the building during the early hours of the morning. Staff attempt to engage with the young lady however she refuses to engage with them and is very loud and highly abusive to them until they assist her to exit the premises. From their observations Staff suspect that the lady is delivering paid sexual services to residents. Explain how you would resolve this scenario, what are the risks etc.</p>							
<p>8. The Care Provider will need to establish and maintain close working partnerships with a range of partners, particularly the landlord (Housing Provider) to ensure good outcomes for tenants and the service. Please provide three brief case examples where established protocols/procedures have assisted in establishing such partnerships and, where they arise, the resolution of conflicts, illustrating your organisation's leadership/partnership role in achieving this. [please include examples that cover service-level issues and individual tenant/user issues]</p>	20.0%	14%	8%	5%	7%	8%	8%
<b>Total</b>	<b>100%</b>	75%	53%	28%	28%	46%	51%
Weighted quality score	40%	30%	21%	11%	11%	19%	20%



**PART 2B – QUALITY AND COST SCORE**

<b>BIDDER REF</b>	<b>PANEL MEMBERS QUALITY SCORE (40%)</b>	<b>BIDDERS COST SCORE (60%)</b>	<b>TOTAL SCORE (OUT OF 100%)</b>	<b>RANK</b>
2	30%	55%	85%	1
1	21%	53%	74%	2
6	11%	60%	71%	3
5	11%	57%	68%	4
3	20%	43%	63%	5
4	19%	41%	59%	6

## APPENDIX 3

### EQUALITIES IMPACT ASSESSMENT

#### Appendix 3.1: Equalities considerations for Brent Park Royal

Brent Park Royal is being developed by ASRA Housing Group (a registered provider), and forms part of the New Accommodation for Independent Living (NAIL) programme, this briefing note should be read in conjunction with the overarching NAIL Equalities Impact Analysis.

##### Unit mix and tenure

Brent Park Royal is predicted to be handed over in January 2016, and will comprise of 99 homes which will be used exclusively as Extra Care. This type of accommodation is generally for older people, but can be equally appropriate for people with a mental health condition, or a physical disability depending on their needs. As a general rule, these types of homes are reserved for those over 50 years of age, but exceptions can be made to this if appropriate.

90 of these flats are one bedroom flats, and 9 are two bedroom flats – meaning that there could be an opportunity for a couple who need separate bedrooms due to their care needs, or an individual living with their child, or a carer.

##### Overall site layout

The scheme is comprised of a single seven storey block with a lift to all floors.

##### Internal dwelling layout

100% of the units are wheelchair accessible, featuring turning circles for wheelchairs in each room, accessible wet rooms with shower chairs, additional storage, and a pathway and knock out panel for a future hoist to move residents between the bedroom and bathroom if it is needed in future.

##### Communal Facilities

The site has been specifically developed to provide communal space, both internal and external. Externally there is a communal garden, internally there are communal activity spaces on every floor area in which it is anticipated a wide range of activities will both be facilitated and develop organically as the community matures. There is also a hairdressing unit on site and a guest bedroom facility so that residents can have overnight visitors, even if they aren't able to accommodate them within their flat.

##### Location & Local Transport

Although the immediate surrounding area is principally an industrial and warehousing zone the scheme is situated in a new residential community being developed about the Central Middlesex Hospital, centred around a

neighbourhood centre. With such close proximity to the hospital the scheme will be unusually well served by GP and older peoples' health services. The proximity of the hospital also means that the scheme is particularly well served by bus services, which have over time been developed to maximise the hospital's accessibility.

There are numerous places of worship within a 1-3 mile distance of the scheme;

- St Michael and All the Angels Church (Church of England), 1.2mile
- Our Lady Of Willesden Church (Roman Catholic), 1 mile
- Ealing Synagogue, 2.8 miles
- BAPS Shri Swaminarayan Mandir (Hindu Temple), 1.5 miles
- Monks Park Masjid (Mosque), 1.6 miles

### **Equalities Considerations Summary**

- The amount and flexibility of communal spaces throughout the scheme will hopefully allow for a wide variety of activities, encouraging people of all backgrounds to mix with one another, and ensuring that different cultural and religious groups are able to undertake activities that appeal to them.
- The location of the scheme itself, in an area well served by health services, with strong transport links, in a developing local community, should also ensure that it appeals to a variety of groups, and that they should be able to benefit from engaging with the developing community activities outside of the scheme.
- The unit layouts are 100% wheelchair accessible, and offer well thought out, easily adaptable accommodation which should suit the changing needs of residents over time.
- There are a mix of one bedroom and two bedroom flats, which offer flexibility for couples, or those living with children or carers.

The predicted equalities impact of this scheme is laid out in the table below.

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

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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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2012

# Equality Analysis Guidance and Form



## Brent Council Equality Analysis Form

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

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

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> Adult Social Care  <b>Service Area:</b> Commissioning and Quality	<b>Person Responsible:</b> Name: Jo Walton Title: Programme Delivery Officer, PMO Contact No: 020 8937 6879 Signed:
<b>Name of policy:</b> New Accommodation for Independent Living	<b>Date analysis started:</b> 16/10/2014 <b>Completion date</b> 14/11/2014 <b>Review date:</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date: Contact No: 0208 937 4521 Signed: Sarah Kaiser
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Phil Porter Title: Strategic Director, Adults Date Contact No: 020 8937 5937 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee: New Accommodation for Independent Living Project Board Date:



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

Please refer to stage 2 of the guidance.

There are approximately 700 clients in residential care, and 400 in nursing care in Brent. Annual spend on residential and nursing care in Brent is currently £39.2m, or approximately 50% of the Adult Social Care (ASC) budget, and there are significant pressures on this budget, as projections included within our Market Position Statement (attached at Appendix C) suggest that the need for residential or nursing care accommodation in the borough may increase by as much as 31% by 2020. Providing care in people's homes is significantly cheaper than providing the same level of care in a residential or nursing care setting, and generally preferred by service users. However in many cases clients are forced to move into residential care facilities because their physical needs cannot be met in their own home, or because their families are unable to care for them at home and they cannot source suitable independent accommodation.

The New Accommodation for Independent Living (NAIL) project aims to deliver alternatives to residential and nursing care which will help to ease the pressure on ASC budgets, whilst ensuring that individuals' needs are met, and giving people more independence, choice and control. Accommodation Plus (Supported Living and Extra Care) gives people their own front door and allows us to build the support they need around this accommodation to support their independence.

The purpose of the project is to design and develop alternative 'accommodation plus' options, which incorporate:

- 'extra care' living (generally for older clients) and
- 'supported living' for younger people who require support from Adult Social Services due to a physical disability, learning difficulty or mental health condition.

The proposed 'accommodation plus' options will promote independence and provide choice in how and where clients live. Providing services in this way enables clients to live independently in the community, promoting well-being and alleviating social isolation. It also enables primary health, care and support services to come to the individual, rather than the individual being required to change their accommodation in order to receive services that can and should be available in the community. This will involve extensive work with Planning & Development and Providers with the aim of meeting people's needs better at home and using new models of care and support in the community.

Service users will live in their own home, with their own tenancy, and with access to on-site personal care such as help with washing, dressing and medication. The

level of support they receive will be tailored to their specific needs. For people with disabilities or illnesses that require nursing care on a frequent basis or closer monitoring than available in accommodation plus, a nursing home may continue to be a more appropriate option.

This Project is being delivered in two phases:

- **Phase one (completed)** - determined financial viability for the project, and aimed to understand current market intelligence. It included a review of the current client need to inform what would be delivered in phase 2.
- **Phase two** - will deliver a rolling programme of accommodation; 200 units by March 2017, and a further 150 units by March 2018.

The NAIL (Phase 2) project has four key workstreams:

- Delivering the accommodation – the development and delivery of at least 200 homes throughout the borough by March 2017, and a further 100-200 by March 2018.
- Commissioning the right models of care and support for the accommodation, ensuring it meets the needs of the population we support and that the care and support provided in the buildings enhances the focus on independence, choice, control and quality of life
- Identifying and matching individuals to the right accommodation at the right time, and facilitating moves into the Accommodation Plus provision.
- Delivering the operating model for the delivery of future Accommodation Plus developments beyond 2017.

Of the 66 potential sites identified in the NAIL Phase 1 project, some are owned by the council, while some are owned by the private sector or Registered Social Landlords. Brent is only likely to develop around 40 accommodation plus units through the NAIL project on its own land. A key element of the NAIL project will therefore be developing the market to facilitate the construction of the remaining units by registered providers and the private sector. One of the objectives of the NAIL project is to ensure that processes and partnerships are in place to ensure that ASC is involved from the start, enabling us to have more control over the design of sites and ensure that they are designed to better meet the needs of Brent residents.

It is intended that through the NAIL project, adult social care staff will be involved in the site specification of both Council and non-council owned sites from very early on in the process. It is also intended that certain principles will be applied as a “baseline” for sites, such as increased levels of communal space to foster social interaction, and high proportions of wheelchair accessible flats which will enable people to stay in their homes as their needs change.

In addition to using our stronger relationship with providers to influence the design of potential sites, the council will also be able to exert control through the planning process to ensure that the units delivered are of suitable design and tenure to support the needs of our communities. While it must be acknowledged that we will not have complete control over every element of the specification of new sites within the borough, it must also be acknowledged that the majority of service users will not need highly advanced environmental adaptations in order to live independently. In the vast majority of cases, it is the provision of a simple modern design that can be easily adapted, along with a bespoke package of integrated care that will enable an individual to live a full life in independent accommodation.

The provision of adult social care is specified on a case by case basis, with detailed assessments used to identify the bespoke package of care that is needed by an individual service user. Workstreams 2 and 3 will ensure that potential clients for the new properties will be matched to suitable accommodation, and that the right care is commissioned to suit individual needs. Closer relationships with housing providers will enable the council to identify potential clients well in advance of properties being completed, giving time for occupational therapy assessments to be carried out to identify specific physical adaptations that are needed by a particular client. In addition, this early identification of potential clients will enable more support to be provided over a longer period of time to address any concerns that service users may initially have, and allow them and their families time to develop skills and prepare for independent living.

Given that designs have not yet been drawn up for the units within scope of workstream 1 of the project, this EIA looks at the broader equalities implications of the project, and general requirements for units from an equalities perspective. As each site is designed, a short briefing note that describes the design of the site in relation to equalities considerations will be added to this report and considered by the NAIL project board.

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

National evidence suggests that this approach has the capacity to bring significant improvements to people's quality of life by moving away from a limited selection of traditional accommodation settings to a diverse range of accommodation settings which better support individual needs.

There is broad recognition that for some people residential/nursing care homes will continue to offer the best solution, and individual assessments will ensure that moves into "accommodation plus" units are only offered where appropriate. Conversely, there are significant numbers of people within restrictive residential care homes that could be better supported in more independent accommodation

and who have the potential to achieve greater personal independence.

At present, there are over 1000 clients currently in residential or nursing care homes. Clients who are identified as potentially being suitable for accommodation plus will be identified through individual assessment of their health and social care needs. As a result, the likelihood is that the vast majority of accommodation plus units will be filled from those living in residential care homes. Those currently living in nursing care homes are more likely to have needs which are best managed within a nursing setting, and are least likely to be able to benefit from independent accommodation, although they will be considered on an individual basis. As such, this EIA only considers equalities data relating to the 700 individuals living in residential care homes.

The table below shows the four main client categories under which ASC clients living in residential care homes may be receiving support, and the planned number of units that will be developed in the first tranche of developments until March 2017 for each of these categories of service user. The mix of units that will be developed after 2017 has not yet been agreed, and will be decided on the basis of the demographic of clients remaining in residential care at that time.

<b>Client Group</b>	<b>Total clients in residential care</b>	<b>Planned number of units delivered by NAIL project by March 2017</b>
Learning Disability 18-64	220	62
Mental Health	46	22
Older People's Services	407	93
Physical Disability 18-64	23	22
<b>Grand Total</b>	<b>696</b>	<b>200</b>

The number of units that will be developed for each client group is based on data analysis laid out within our market position statement (attached at appendix C). This in turn is generated through POPPI (Projecting Older People Population Information System) and PANSI (Projecting Adult Needs and Service Information System), which are used nationally to predict and plan future commissioning needs.

## Age

The age distribution of service users is shown in the table below.

Age bracket	LD 18-64	Mental Health	Older People's Services (OPS)	PD 18-64	Grand Total
17-24	15				15
25-34	24	2		1	27
35-44	33	5		1	39
45-54	73	14		5	92
55-64	57	20	11	8	96
65-74	17	4	70	8	99
75-84	1	1	134		136
Over 85			192		192
<b>Grand Total</b>	220	46	407	23	696

62% of service users are over 65, and the size of this group is reflected in the high number of units that will be designated specifically for older people. It is also important to remember that the development of independent accommodation options may have the greatest positive impact on younger service users, who are likely to remain in their new homes for the longest period of time. It is intended that sites are designed with a particular group of service users in mind and are thus tailored to the needs of that group. In this way the aim is to meet the needs of each service user regardless of their age. In addition, all the properties that will be delivered by the project will be easily adaptable, and as such the intention is that as someone's needs change, their home can be adapted around them, allowing them to stay in their home as long as possible.

Given that the intention of the project is to provide a range of accommodation that is suitable for those with care needs, we envisage that NAIL will have a positive impact on age as a protected characteristic.

## Disability

22 of the 200 units that will be delivered by March 2017 will be specifically adapted for those with a physical disability. Because of the highly specific nature of adaptations to these units, such as hoists, these will be specified once the service users have been identified and fitted out to meet their specific needs. An example of the specification sent to architects to help inform the design of Clement Close and Peel Road can be found at appendix A. Although these two sites will be allocated to service users with complex learning difficulties the service users likely to live there have substantial physical requirements as well, so this specification gives insight into the level of tailoring that ASC are hoping to achieve for service

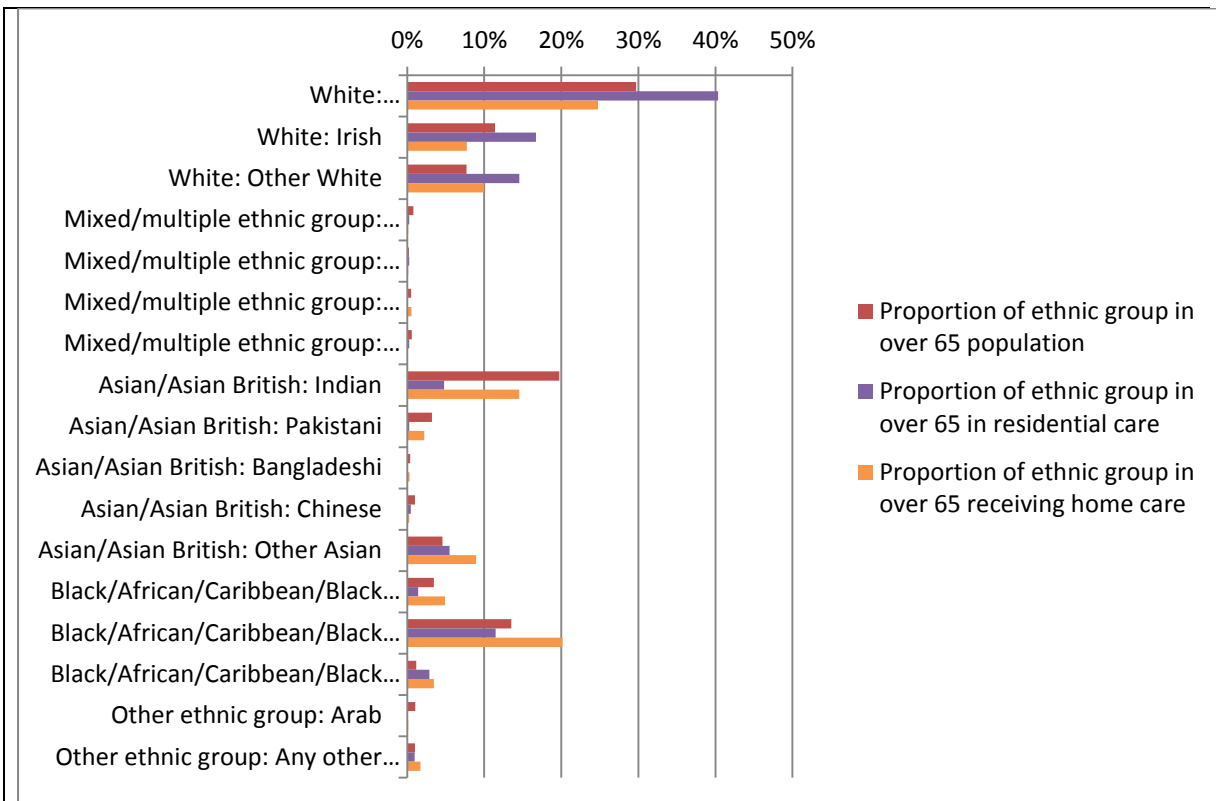
users with complex physical needs.

We recognise that although there may be only 23 services users currently in residential care within the Physical Disability category, that many more service users within LD, mental health and older people's services may also have physical impairments. As such it is intended that all units are built to lifetime homes as standard. This specification provides for wider corridors and doorways, and accessible controls such as light switches and plug sockets, and is easily adapted should the clients' needs change. While this would be the basic standard, many units will take this one step further and meet the "Happi" guidelines, or be "wheelchair accessible" homes, which are around 10% larger than lifetime homes, and are designed to be immediately habitable for someone in a wheelchair. It is our intention to use our relationship with providers, and our control of the planning process, to do everything we can to ensure that these standards are met on all sites.

These types of units are easily adapted to suit a service user's changing needs, and so we envisage that NAIL will have a positive impact on disability as protected characteristic.

#### Ethnicity

There are significant differences in ethnic profiles across different age brackets within the borough. As such the graph below compares the ethnicity profile of the 427 service users over 65 years old in residential care, with the same age bracket receiving home care, and the same age range in the borough profile.



The data shows that there is an over-representation of white groups, and an under-representation of Asian groups in residential and nursing care when compared to the same age range in the borough profile. However, when we look at the ethnicity of those receiving care at home (which includes domiciliary care, direct payments, meals on wheels and carers payments), the distribution mirrors the ethnicity profile of the borough much more closely. The under-representation of Asian people in residential and nursing care is often attributed to the anecdotal notion that Asian communities have very strong family links, so the tendency is for families to look after older family members at home. The data seems to confirm this, as all ethnic groups are accessing support services for older people that are delivered in their homes, but where some ethnic groups readily move into residential care as their needs increase, others prefer to stay at home. Through developing the market, we will ensure that this project builds relationships with a variety of providers, including those who specialise in working with Asian groups such as Apna Ghar. In doing this, we should be able to gather improved insight into the reasons for this under-representation, and better understand how it could be addressed. It is also important to remember that a central aim of NAIL will be to try to meet people's needs in their home wherever possible, so if the preference of a certain group is to stay with their families and have increased levels of care provided at home, then this project will enable them to have care provided according to their wishes. As such, an uneven distribution of ethnic groups within residential care or accommodation plus should not necessarily be seen as a failure to provide accommodation options that are suitable to all groups.

The over-representation of white groups within residential care may be due to perceptions of residential care; for example, other ethnic groups may see traditional care home settings as unable to provide the social opportunities that they wish to have. The ability to live in independent accommodation with better access to community activities in accommodation plus environments rather than a restrictive care home setting with hopefully appeal to a broader representation of ethnic groups.

The preferences of different cultural and ethnic groups are recognised by adult social care, and were noted at the consultation for the plot 3 site at Park Royal (see section 5). Ensuring that sites are developed with flexible community space that can serve a variety of purposes will be considered during the design stage of each site, and should enable development to suit mixed communities by fulfilling the needs of people from a variety of ethnic groups.

In addition, attention will need to be paid to the cultural preferences of different groups in relation to the internal layout of accommodation plus units, such as a preference for a separated living room and kitchen. Every effort will be made to build a variety of layouts to ensure that clients can have as much choice as possible, however ultimately the priority will be on meeting people’s health and social care needs, and ensuring the design can be easily tailored to meet changing needs, so we may not always be able to give clients choices over every element of accommodation plus homes. In addition, financial feasibility and physical site characteristics may not always make this practical.

**Religion or Belief**

There is likely to be crossover between the distribution of ethnic groups in residential care, and the distribution of religious groups. The Asian communities that are under-represented in residential care are more likely to be Hindu or Muslim, so we would expect to see lower numbers of those religions.

Unfortunately, due to the monitoring categories that are used in ASC, it is not possible to directly compare the distribution of faith groups with the borough profile. The table below shows the religion or belief of those currently living in residential care homes, and those accessing home care within the borough.

<b>Religion / Belief</b>	<b>Number of service users in residential care</b>	<b>Proportion of service users in Residential care</b>	<b>Number of service users receiving home care</b>	<b>Proportion of service users receiving home care</b>
ANGLICAN	0	0.0%	17	0.4%
BAPTIST	3	0.4%	50	1.2%
BUDDHIST	0	0.0%	13	0.3%
CATHOLIC	73	10.5%	280	6.5%
Christian	70	10.1%	425	9.9%



CHURCH ENGLAND	73	10.5%	267	6.2%
GREEK ORTHODOX	3	0.4%	20	0.5%
HINDU	39	5.6%	527	12.3%
JAINIST	1	0.1%	11	0.3%
JEHOVAH WITNESS	4	0.6%	34	0.8%
JEWISH	60	8.6%	160	3.7%
METHODIST	8	1.1%	43	1.0%
MUSLIM	17	2.4%	383	9.0%
NONE	17	2.4%	90	2.1%
OTHER	2	0.3%	35	0.8%
PENTECOSTAL	2	0.3%	42	1.0%
RASTAFARIAN	2	0.3%	10	0.2%
ROMAN CATHOLIC	80	11.5%	233	5.4%
SEVENTH-DAY ADVENTIST		0.0%	31	0.7%
SIKH	1	0.1%	20	0.5%
Unknown / Refused	241	34.6%	1588	37.1%
<b>Grand Total</b>	<b>696</b>		<b>4279</b>	

The data shows that while a broad range of religious groups currently live in residential care within the borough, Christian groups are over represented and the residential care population does not mirror the level of diversity we know is present in Brent.

As we saw with ethnicity, there appears to be a greater diversity of religious groups accessing home care, and this appears to more closely mirror the religious profile of the borough as a whole. As stated above, a core aim of NAIL is to provide alternatives to residential and nursing care, and to meet people's needs at home wherever possible. However, should someone need to move into accommodation plus, our aim is that all religious groups will feel equally able to do so. The 66 potential sites that were identified by the phase 1 project are spread throughout the borough as per the site map in appendix B, and demonstrate the potential for NAIL units to provide a good range of choices that will enable access to places of worship. However, the final selection of sites will be fewer, and since they will be developed by our partners, will be based largely on the financial feasibility of developing on each site. While we can do our best to influence the design of sites, we are unlikely to be able to influence their location, and we accept that not all sites will be close to a variety of places of worship. As such the project may potentially have a negative impact on this protected characteristic, however the priority must be to develop suitable and cost effective housing that meets people's health and social care needs first and foremost.

The inclusion of flexible communal spaces within all schemes will be designed to allow a variety of social activities, including enabling faith groups to come together, but also enabling activities that enable inter-faith interaction.

## Gender

There are considerable gender differences across clients living in residential care within the different client groups, though much of this is explained by looking at the gender balance across different age brackets.

<b>Gender</b>	<b>17-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65-74</b>	<b>75-84</b>	<b>Over 85</b>	<b>Total</b>
<b>LD 18-64</b>	<b>15</b>	<b>24</b>	<b>33</b>	<b>73</b>	<b>57</b>	<b>17</b>	<b>1</b>		<b>220</b>
Female	5	10	13	25	28	6	1		88
Male	10	14	20	48	29	11			132
<b>Mental Health</b>		<b>2</b>	<b>5</b>	<b>14</b>	<b>20</b>	<b>4</b>	<b>1</b>		<b>45</b>
Female			3	3	3		1		10
Male		2	2	10	17	4			35
<b>OPS</b>					<b>11</b>	<b>70</b>	<b>134</b>	<b>192</b>	<b>406</b>
Female					4	36	76	141	257
Male					7	34	58	50	149
<b>PD 18-64</b>		<b>1</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>8</b>			<b>23</b>
Female				2	1				3
Male		1	1	3	7	8			20
<b>Grand Total</b>	<b>15</b>	<b>27</b>	<b>39</b>	<b>91</b>	<b>96</b>	<b>99</b>	<b>136</b>	<b>191</b>	<b>694</b>

It is to be expected that higher numbers of women live in older people's residential and nursing care, as women have longer life expectancy than men, are more likely to outlive their partners and to move into residential care in later years if they are unable to cope living on their own.

Elderly men and women are unlikely to have different needs in terms of physical layout of accommodation plus homes; both groups are likely to be frail, and equally likely to develop mobility problems that may necessitate a wheelchair in later years.

The data also highlights that there are higher numbers of men in LD, MH and PD residential care. This may be due to the increased likelihood that males develop a disability as a result of more manual professions, however census data contradicts this as the number of individuals who consider themselves disabled is equal across the genders. These groups are quite small, so aren't statistically significant, but it is important to recognise that there are likely to be more men in accommodation plus schemes.

Men and women, especially older men and women, may have different needs in terms of support, in particular domiciliary support, given the different skill sets they may have developed over the course of their lives. The purpose of NAIL is to

provide tailored support to every individual in their own home and based on their needs, as such if men and women do have different needs, this will be picked up in their assessment and reflected in their package of care, however any differences in the package of care provided to an individual will be based upon their needs and not their gender.

We recognise that regardless of their gender, all clients moving to accommodation plus schemes will be vulnerable, and as such it will be important that both their home, and the public realm around it makes them feel safe and secure, with adequate security and lighting. As such all schemes will be “secure by design” certified, and we will encourage partner developers to consider security in detail when designing schemes.

#### Gender Reassignment

At present information on this protected characteristic is not collected, so it is not possible to draw any conclusions as to potential impact on this protected group.

#### Sexual Orientation

At present information on this protected characteristic is not collected, so it is not possible to draw any conclusions as to potential impact on this protected group.

#### Marriage and Civil Partnership

At present information on this protected characteristic is not collected, however the project will potentially have a positive impact on this. At present, couples who are married or are in a civil partnership may be unable to live in the same location due to conflicting health and social care needs. The variety and flexibility of the units that will be delivered by NAIL have the potential to enable couples with differing needs to live with or near to one another.

#### Pregnancy and Maternity

At present there is no information on this protected characteristic.

The intention is to build a mix of one and two bed units to cater for all needs. This has already been designed into the site at Vivien Avenue (Willow House), which has 38 one bedroom properties and 2 two bedroom units. A similar mix will be the aim on other sites where appropriate, and as such service users with children could be allocated a two bedroom property to accommodate their family.

It is not yet known what types of tenancy will be offered to service users living in accommodation plus (assured, assured shorthold etc.). While the hope would be

that service users can remain in their home with physical adaptations and tailored support, there may be circumstances, such as pregnancy, when a service user's needs change so significantly that they need to move to another property. The project team will need to ensure that this is taken into account when making decisions about tenure in the new accommodation.

### Summary

The core purpose of adult social care is to prevent deterioration of physical and mental health, to promote independence and social inclusion, and to improve opportunities and life chances by provision of person-centred and needs-based support. The ability to live independently whilst receiving this tailored support has been shown to enable people to achieve better outcomes, and is what service users have told us that they want. The NAIL project will enable the Council to support the development of the types of accommodation that is needed, and to get involved earlier in the process so that we have adequate time to address any concerns our service users may have, and to build the skills they need to prepare for independent living.

The detailed needs assessments that are central to adult social care will be used to match service users to the appropriate accommodation. These assessments are based upon need, and not on whether someone exhibits any of the protected characteristics, and as such are fair and transparent.

The NAIL project is key to ensuring that the council can continue to provide the necessary support to individuals by enabling us to make budget savings, whilst continuing to address individual needs appropriately, and improving flexibility and independence. Whilst there may be a change in the way services are provided, they will continue to be provided according to individual need, and every attempt will be made to ensure all the needs of every individual are met.

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

Data has been included in this report from the following sources;

ASC data on diversity and equality from Framework-I

Brent census data from the "Brent data" website  
Feedback from service users involved in the LD Partnership, BHeard advocacy project, and the families of service users affected by the potential de-registration of care homes in the borough.

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

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

Every single service user has an individual needs led assessment which includes social care eligibility and takes into account all the issues around the protected groups. A support plan will be put into place which will meet the needs of people with all the protected characteristics appropriately.

The accommodation plus setting will provide service users with the choice of how and where to live, in an environment which is fit for purpose, yet at the same time promoting independence. Appropriate care packages will still be in place, as they are currently, to meet the needs of the individual.

For those whose needs demand it, traditional residential settings will remain an option.

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

Brent has produced its first Market Position Statement (MPS) which aims to signal our intention to share better, more transparent information with the market; for the benefit of both current and potential providers of Accommodation Based Care and Support Services (ABCSS). It will support better relationships between Commissioners and service providers, acting as a foundation for better engagement and partnership working resulting in a full range of services that fully meet the needs of people as close to home as possible and to promote real choice for local people.

The following four principles guide our thinking around how we develop models of ABCSS going forward:

- **Principle 1:** Wherever possible we meet people's needs at home or as close to home as possible and we will build local capacity in the marketplace to achieve this
- **Principle 2:** We recognise that the needs of individuals may change over time, and we work with individuals receiving care and support to review the services they receive in line with these changes; which may mean a change in service provision to better meet their needs
- **Principle 3:** We work proactively with the market to ensure that services are always of an excellent quality and value for money is always achieved.

- **Principle 4:** For local people, who genuinely need residential or nursing care, we actively review and monitor the quality of these services, to ensure they are safe, personalised, and deliver excellent quality and good outcomes for individuals.

The Brent Health and Wellbeing Strategy 2012-2015 stipulates that people will need to take on much greater personal responsibility for their own wellbeing, making the right choices when these are open to them. At the same time, recognising those people who are vulnerable or at risk, so that we can focus on keeping people safe, offering prevention and early help for them.

Packages of social care are based upon an individual's social care needs, irrespective of what protected groups they may or may not be part of. In doing this, services users are provided tailored support to enable them to live more independently and thus improve their equality of opportunity.

### **(c) Foster good relations**

No changes to the level of the service are proposed, other than opportunities identified during phase one to improve both the quality of service delivery and the commitment by Brent to support local residents to stay at home for as long as possible or as close to home for as long as possible with excellent quality, personalised care and support.

It must be noted that Adult Social Care play an important role in ensuring that older people; people with learning disabilities, physical disabilities or mental ill health access the right support within the community. Also in doing so, Adult Social Care support social inclusion for these groups within the wider community in Brent.

In addition, it is the intention of the NAIL project to provide suitable, flexible communal space within schemes whenever possible that can be used for a variety of purposes, enabling different groups to participate in activities with one another.

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

## **1) Consultation with LD service users on Accommodation Plus / Market Development Strategy**

### **Who did you engage with?**

Service users and carers.

### **What methods did you use?**

Adult social care commission an advocacy project, BHeard, which is aimed specifically at ensuring that service users have a voice and can get involved in shaping ASC services. Members of the advocacy project held sessions in day centres and other venues with ASC service users to get feedback on the accommodation plus model, and to help inform our market development strategy. In addition, service users and their carers sit alongside staff on the LD Partnership Board, which is part of continual engagement

### **What did you find out?**

The feedback from the BHeard advocacy project has been overwhelmingly positive – LD service users have been very clear that they want to have more choice, and to be given more opportunities for independent living.

### **How have you used the information gathered?**

This feedback has helped inform our market development strategy, and service users from this group helped co-facilitate a provider workshop on this topic, at which they presented the service user feedback to ensure that providers as well as commissioners know what they want.

### **How has it affected your policy?**

It has confirmed that we should continue the policy, and that the accommodation plus model is not only more cost effective for the council, but also what service users want.

## **2) Consultation with service users on the potential extra care site at Plot 3, Park Royal**

### **Who did you engage with?**

Service users and their families

### **What methods did you use?**

A face to face meeting was held to provide information and gain feedback on the proposals. 8 Service users and their representatives attended.

### **What did you find out?**

Service users were positive about the initial proposals.

A summary of the feedback is as follows;

- The site has great bus links, but the local train stations are not very accessible for those with mobility problems,
- They didn't feel that a combined total of 300 units across the three plots was too large, and recognised that being larger would enable more services to be provided and provide greater opportunities for a variety of activities – but would like to see the community facilities available to all sites and not segregated.
- The proximity to the hospital was positive in case of emergency and makes regular trips easier
- Feeling secure is important, so good lighting and door entry systems will be vital
- The sites should be well linked to the shops / plot on Acton lane – which ideally should be sheltered from the rain.
- There are no hotels locally, so adequate guest facilities should be provided to enable relatives / friends to visit.
- There is a lack of green space in the surrounding area so it would be good to include some of this in the design.

### **How have you used the information gathered?**

The information gathered at the Park Royal plot 3 consultation has helped to decide whether Brent should be supporting the site, and to inform the requirements which ASC can push to achieve through planning. The more general feedback may also be used to inform other sites as well.

### **3) Consultation on the potential de-registration of some residential care facilities**

#### **Who did you engage with?**

Ten service users and their families living at three residential care homes (Kinch Grove, Beechwood Gardens, and Manor Drive).

#### **What methods did you use?**

Engagement has been undertaken at public meetings, one on one, and in correspondence with families and representatives.

#### **What did you find out?**

Almost all of the clients / families were positive about the proposed changes; however a limited number of families were concerned about changes to staffing, and distress caused by the inevitable uncertainty that surrounds a change such as this.



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

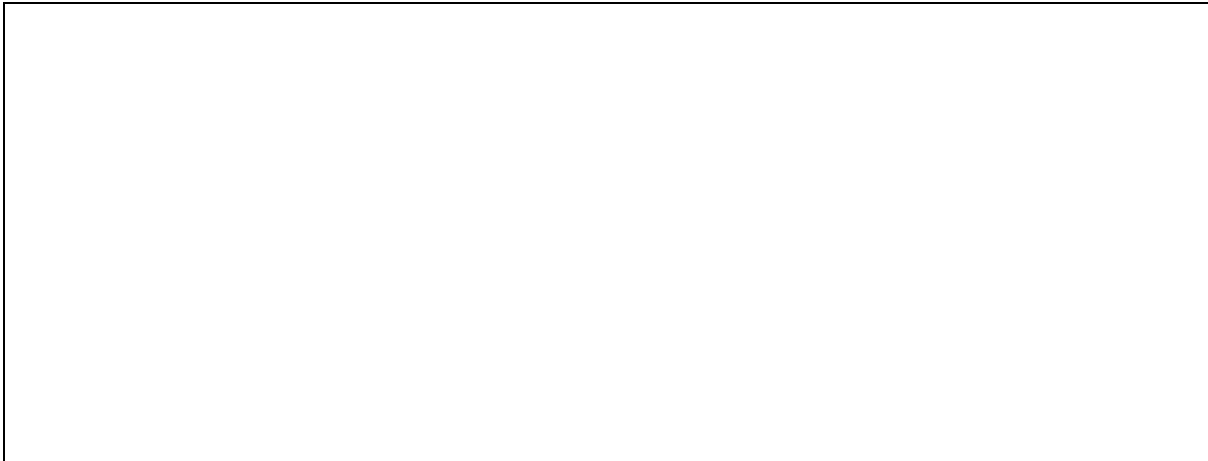
The feedback has highlighted the need to manage the ambiguity around these changes, ensuring that families are well-informed throughout the process. This element of the project has been written into the job description of NAIL Project Manager. This experience has provided useful insight into the concerns of service user's families, and ways that we can improve our approach to the de-registration of care homes, in particular for LD service users who may be more fearful of change. This is within scope of the NAIL project, as some units will be contributed through conversion of existing residential schemes.

**4) Future Consultation**

At the time of writing, two council-owned sites are at the stage of having detailed specifications sent off to architects to provide potential designs; Clement Close and Peel Road. The specification for these has been drawn up in partnership with ASC staff, and it has already been agreed that these will be designed with learning disabilities and complex needs clients in mind. A copy of the specification sent to architects to help inform the design of these sites can be found at appendix A, and gives insight into the level of tailoring that ASC are hoping to achieve for service users with complex disabilities.

Once these, and future sites are close to completion, lists of potential residents will be drawn up and consultation will be carried out with potential residents and their families / carers on a one to one basis. The focus of this project is to increase the amount of choice and control that service users can exercise in relation to their accommodation and care arrangements, and as such their feedback will be central to this process. This one-to-one consultation will also ensure that we fully understand the concerns and needs of service users and their families, and that we can ensure that appropriate care and support is put in place for them.

In addition, it is intended that consultation events will be held to discuss the design of specific sites where appropriate; this will be determined by the size of the site, the client group, and other factors.



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

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

We anticipate a positive impact in relation to most service users across all protected groups, as the opportunity to live independently with the right support and care is a preferable long term outcome than living in institutionalised and restrictive care settings.

The levels and type of service provision will remain as at present, but will be improved by giving service users more choice and independence to decide how and where they live.

It is recognised that for many service users across all different groups, relocation may cause emotional distress and orientation issues in their new surroundings. To mitigate this, it will be necessary to offer a 'resettlement package' to ensure that appropriate support and assistance are in place, both during and after the move.

For those with a physical disability, the transition from a residential care setting to a semi independent setting will require practical support to help them settle in their new surroundings.

As the project will move a significant number of service users throughout the borough, there is potential for a negative impact on faith / belief. While we hope that the varied distribution of potential sites mitigates this risk, the benefits of the project, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable sites and may not be able to take into account the relative location of places of worship. Should we identify a negative impact as

the project progresses, we could consult with the Brent Multi-Faith forum to ascertain whether we can engage faith groups to provided added community support.

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

### 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

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

### 8. The Findings of your Analysis

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

**No major change**

*Your analysis demonstrates that:*

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

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

Overall, this analysis has found that the proposals will be beneficial for all service users. The analysis has only identified a minor negative impact in relation to religion or belief as sites cannot be guaranteed to be close to places of worship. While we hope that the varied distribution of potential sites mitigates this risk, the benefits of the project, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable sites and may not be able to take into account the relative location of places of worship.

This aside, the project has the potential to have a significant positive impact on all service users, regardless of what protected characteristics they exhibit, by enabling them to have choice and control over their lives, and ensuring that tailored support is provided to them to improve their equality of opportunity and the overall quality of their lives.

**9. Monitoring and review**

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

It is intended that a short report is added to this EIA to take account of equalities considerations as and when each site is at the design stage. These documents will be considered by the NAIL project board.

A retrospective EIA will be carried out at project closure.

**10. Action plan and outcomes**

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

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

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Short briefing note covering equalities issues on each site to be considered by the NAIL project board as designs become available		Shamym Humdani	Ensure that the unit mix we deliver throughout the life of the project meets the needs of our client groups		
Consider (where appropriate) the inclusion of rooms that can be used for faith activities in larger sites		NAIL Project Manager			

**Please forward to the Corporate Diversity Team for auditing.**

## **CLEMENT CLOSE AND PEEL ROAD – initial brief from ASC**

### **Overview requirements for the accommodation**

This new accommodation has been identified for the provision of long-term assured tenancies for clients of our learning disabilities service. The priority will be to support people with severe and profound learning disabilities and multiple disabilities, including autism, sensory loss, and challenging behaviours. Many of these people will come to the new accommodation from residential care homes, secure hospitals, or from their family home when they have completed their education. We see the accommodation as supported living with very high care and support levels.

The tenants are expected to have high care, support and communication needs throughout the day, evening and night. Many will have significant mobility issues. We anticipate that some tenants will need the assistance of two care staff either due to their physical needs (especially around personal care and bedroom routines) or due to challenging/violent behaviours.

Due to the range of physical, cognitive and sensory impairments of the tenants, the layout of the building should be straightforward and simple, to allow people to get around as independently as possible.

We would ask that the architect considers the option for making the living units small to support the sense of living 'at home' rather than 'in a (care) home', e.g. 2 inter-connected blocks of 6 flats on each site rather than one block of 12 flats. The blocks would be connected together, allowing staff and tenants to move easily between the two. There would be easy access to an enclosed garden space, perhaps accessed through communal space in the inter-connected area.

The buildings must take account of the principles of Lifetime Homes Standards and Lifetime Mobility Standards. There will be a need to take account of design ideas for people with dementia, sight loss, physical disabilities, and autism. Many of the good practice principles overlap. When they are in conflict, then the focus should be on autism and physical disabilities.

Some of the tenants will challenge both staff and the fabric of the building, so the build must be robust to account for this, e.g. challenging behaviours like banging own head against walls, throwing objects at walls, repetitive slamming of doors, wheelchairs scraping skirting boards & doorways.

<b>1. What do we know about the types of people who we think would move into Clement Close and Peel Road?</b>	
a. What level of physical disabilities do we expect?	High levels, some wheelchair uses, some electric wheelchair uses, some people with limited mobility e.g. holding onto a carer, shuffling walks, wobbly walks.
b. What level of independence are we anticipating?	We are expecting people to see care staff often through the day; personal care in bathrooms & bedrooms; for activities and meal preparation.  The goal is to allow people with significant disabilities to be as independent as they can be but realistically they will have high needs.
c. What client group?	Learning Disabilities with associated issues, including autism, mental health, anger issues, challenging behaviours.  Some people will have destructive behaviours, so the build needs to be robust.
d. Will there be a need for a lift to the first floor?	Yes, aim is this will be a home for life and the tenants' physical abilities may deteriorate over time; will allow all the flats to be available to prospective tenants with wide range of mobility needs, not just those on the ground floor.
<b>2. Number of bedrooms?</b>	
a. Will everyone need a one-bed flat?	Yes, but this could be more a studio / open plan design if this gives greater flexibility for living arrangements.
b. How many two-bed flats?	None
c. Any extra large flats for specific needs?	As people have different needs, could the one-bed design include a movable partition wall between the bedroom and living area or similar? This will give people the choice to have a one-bedroom flat or an open plan studio style flat. This will better accommodate people with large pieces of equipment (e.g. hoists) or are uncomfortable with small spaces (e.g. claustrophobia, repetitive pacing up and down).
d. What storage will be required?	Good sized space for normal household storage plus equipment needs (a decent storage cupboard that could take at least an electric wheelchair)
e. Bathroom	Create as an en-suite, must meet all disability needs; all wetrooms; need to have room for e.g. a hoist, carer and large shower chair, room for carer

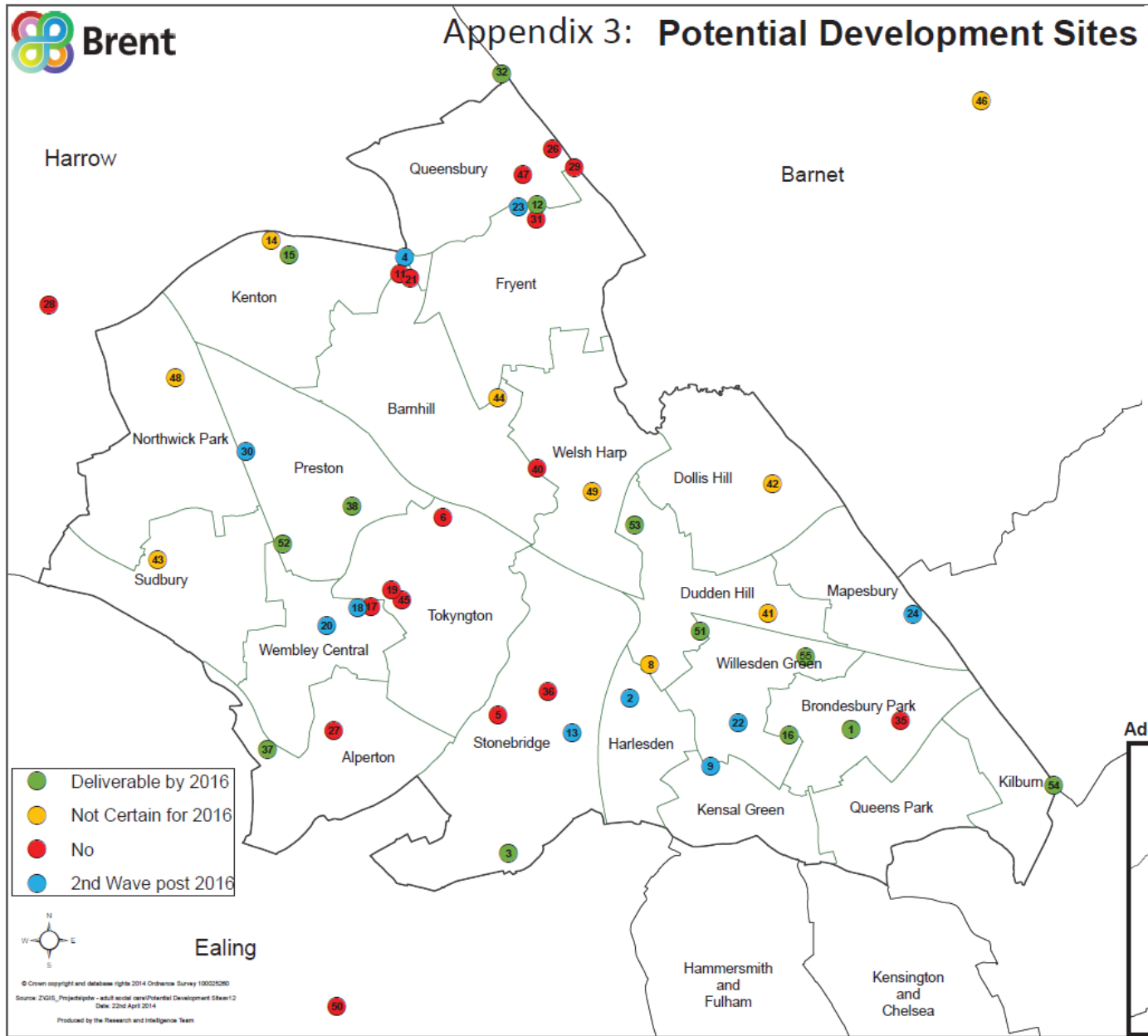
	to move around to assist in personal care. Need ability for ceiling hoists to be retro-installed.
<b>3. Level of independence expected of tenants?</b>	
a. Will tenants pay their own bills, so will they need to have separate boilers for each flat, or just one communal one?	Will have their own tenancies but would be happy for a communal boiler as part of the service charge, as staff/family are likely to manage the tenants' finances.
b. Will tenants be cooking in their flats, with gas or electric?	Yes sometimes, usually cooking by staff or supervised by staff.
i. Will they need gas cut off switches?	Yes, external to the flat.
ii. Gas boilers in flats?	Each flat needs to be able to have full control of radiators and hot water; does not matter how this is achieved.  Will need to be able to turn off hot water in individual flats to protect individuals from deliberate/accidental scalding; will need to be able to turn off hot and cold water in individual flats to prevent individuals from accidental/deliberate attempts to flood their flats.
<b>4. Communal space requirements?</b>	
a. Should there be a communal area, a lounge, kitchen, or something else?	Yes. To create a sense of community, and have an area for activities. Could this be part of the linking between the two blocks of flats and/or connecting to the outdoor space?  Do not want a 'conservatory'; needs to have better temperature regulation so can be used comfortably throughout the year.
i. What size would be required?	Need to be able to accommodate all tenants, staff, and a few guests in this space. e.g. birthdays, Christmas, Sunday lunch, summer bbq's would be how we would create the community feel and development of friendships for people who are usually very isolated.
b. Will there be a need for toilet facilities in this area?	Yes with full disabled access.
c. What storage will be required?	A large storage room, e.g. storing of equipment for activities, shared games, overflow from individual flats (e.g. tenants may receive a month's supply of



	inco-pads at a time)
d. Electric scooter charging spaces?	Yes, for 1/3 of the total flats. This will also ensure that the flats can be re-commissioned for client group 'physical disabilities' at a later time.
e. Will an assisted bathing / care suite be required?	No. wetrooms in each flat will replace this.
i. Need for communal showers, sluice?	No.
<b>5. Staff requirements?</b>	
a. Will there be low or high need for support and care staff in the building?	People will have high needs with severe/profound impairments including sensory needs and challenging behaviours (currently living in residential care), so expect staff to be on site 24/7.
b. Will they require an office space?	Yes, with full internet access
c. What storage will be required?	Yes for files, equipment used by multiple tenants
d. Where will meetings be held, when the client's flat is not appropriate?	Office space or communal areas.
e. Will there be overnight staff, with waking or sleep-in requirements?	Need to anticipate sleeping night requirements for up to 2 staff. Need small shower and changing facilities.
<b>6. Outdoor space?</b>	
a. What use will be made of the outdoor space?	<p>A secure back garden so tenants can use this independently without the risk of accessing the street.</p> <p>Tenants will have need for a garden that allows them to access and work outside, e.g. sensory gardens, raised beds; paths that go somewhere, e.g. figure of 8</p> <p>Great if the outdoor space can flow from the indoor space/s.</p> <p>Outdoor and communal areas will be the major spaces that people use with the support of staff.</p>
b. Parking needs for tenants, guests, staff?	<p>Need space for an accessible van or minibus to park up and allow wheelchair access safely away from the street;</p> <p>guessing 4 park spots if possible, but staff and guests may need to use street parking; no</p>

	requirement for tenant parking.
c. Gardening spaces, quiet areas?	Yes, will be part of the tenants care and support plans to be outdoors; design needs to account for needs of people with both sensory loss and hypersensitivities.
d. How will the outdoor space be used?	The space will be well used by tenants, usually escorted by staff. Need it to be secure where people can be left to themselves without direct access to the street.
i. What outdoor storage space is required?	Yes, for garden games, equipment and tools.
<b>7. Security needs?</b>	
a. How will people get into the facility?	Staff will usually need to let people in e.g. linked to phones they carry; use of some electronic system, fob, keypad or something, possibly linked to assistive technology / telecare so some tenants can let in their own guests to their flat
i. Use of CCTV?	Don't think this is required
b. Will there be a warden-type role or just the care staff?	No, Just care staff
c. Will assistive technology be part of the design?	Yes. Lots of wireless and Bluetooth options around the building. Could be hard-wired in but with future-proofing and ability to add wireless connections. We want telecare / assistive technology to be part of the care and support solution for tenants, so want this functionality to be available from the outset.

Appendix B: Distribution of potential Accommodation Plus sites in Brent



Appendix C – Market Position Statement

 Market Position Statement - 2014.pdf

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**Cabinet**  
21 September 2015

## **Report from the Strategic Director, Adults**

For Action

Wards Affected:  
ALL

### **Authority procure a Dynamic Purchasing System (DPS) For Accommodation Plus Services**

#### **1.0 Summary**

1.1 In accordance with the Council's Contract Standing Orders 88 and 89, authority is sought to invite requests to participate for a Dynamic Purchasing System (DPS) for Accommodation Plus Services. The system will support the Council to proactively engage with the Care and Housing market to ensure that the council can commission Accommodation Plus services effectively and work more closely with local providers to develop Accommodation Plus provision in Brent to support the delivery of the New Accommodation Independent Living (NAIL) project. .

#### **2.0 Recommendations**

- 2.1 That Cabinet approve inviting requests to participate in a Dynamic Purchasing System for Accommodation Plus Services on the basis of the pre-tender considerations set out in paragraph 3.13 of this report.
- 2.2 That Cabinet approve officers evaluating requests to participate referred to in 2.1 on the basis of the selection criteria referred to in paragraph 3.13 of the report.
- 2.3 That the Cabinet delegate authority to the Strategic Director of Adult Social Care following establishment of the Dynamic Purchasing System for Accommodation Plus Services, to appoint new service providers onto the said Dynamic Purchasing System where they request to participate and meet the selection criteria referred to in paragraph 3.13 of the report.

- 2.4 That Cabinet approve inviting tenders under the Dynamic Purchasing System for Accommodation Plus Services on the basis of the pre-tender considerations set out in paragraph 3.13 of this report.
- 2.5 That Cabinet approve officers evaluating invitations to tender referred to in 2.4 on the basis of the selection criteria referred to in paragraph 3.13 of the report.
- 2.6 That the Cabinet delegate authority to the Strategic Director of Adult Social Care to award High Value Contracts procured through the Dynamic Purchasing System for Accommodation Plus Services if they have a contract value of less than £500,000.

### **3.0 Detail**

#### **NAIL Overview**

- 3.1 The NAIL (New Accommodation for Independent Living) project is a One Council Programme set to deliver by March 2018 529 new units of accommodation plus for people who are assessed as having social care needs that can no longer be met in their own home. The accommodation based care and support services will be created with sufficient on-site care and support to enable individuals who would otherwise need to be placed in a care home setting to be supported in independent accommodation in the community.
- 3.2 The NAIL Programme has two overarching aims; to maximise the choice, control and independence of people and to realise cost savings to the Adult Social Care budget of £7.2 million. This will be achieved by ASC being responsible for meeting the cost of people's care and support needs only, as accommodation costs are met through housing benefit, whereas in a care home environment ASC are responsible for meeting both the person's accommodation costs as well as their care and support costs.

#### **Dynamic Purchasing Systems**

- 3.3 A Dynamic Purchasing System (DPS) is a procurement mechanism for the tendering of contracts for works, services and goods commonly available in the market. As a procurement tool, it has many similarities to an electronic framework agreement, but with a key difference that new suppliers can join at any time.
- 3.4 A DPS procurement is a two-stage process. First, in the initial setup stage, all suppliers who meet the selection criteria are admitted to the DPS. An authority may not impose a limit on the number of suppliers that may join a DPS.

- 3.5 Individual contracts are then awarded during the second stage. In this stage, the authority invites all suppliers on the DPS (or the relevant category within the DPS) to bid for specified contracts and pieces of work.
- 3.6 The advantages to the NAIL programme of procuring accommodation, care and support services through a DPS as opposed to the alternative procurement routes available are;
- (i) Once established a DPS would be a much more efficient use of time and resource in securing accommodation and procuring care and support services.
  - (ii) The potential swiftness with which care and support services could be procured would allow for more responsive commissioning; affording us the opportunity to bring available properties offered to NAIL within a shorter timescales.
  - (iii) The ability for suppliers to join the DPS after the initial setup stage affords new providers the opportunity to enter the market place in Brent and for more established providers with transferable expertise to join the DPS, enhancing the market place and the mix of service available locally.

### **NAIL Procurement Plan**

- 3.7 The NAIL DPS will be setup with five lots of commonly purchased services which encompass the full range of delivery models required to deliver the NAIL Programme:
- Lot 1: Providers, who provide the land, build and manage the property, and deliver the care and/or support services (possibly as different arms of a single organisation or as a consortium/partnership for example).
- Lot 2: Providers, who provide the land, build and manage the property only.
- Lot 3: Providers who provide the land, and build the property only.
- Lot 4: Providers who provide care and/or support services only.
- Lot 5: Providers who provide housing related support services only.
- 3.8 Within each Lot four client groups will be identified to ensure that providers are able to focus on their areas of specialism (elements);
- Older People - from age 50+, including dementia, frailty, mental ill health, learning disability.
  - Learning Disabilities – from 18+, including dual diagnosis with mental health, challenging behaviour, PMLD, physical disabilities.

- Mental Health – from 18+, including dual diagnosis with learning disabilities, substance misuse, Korsakoff's syndrome, forensic history.
- Physical Disabilities – from 18+, may include family accommodation, bariatric needs, acquired brain injury.

Some call-offs will require multiple specialisms for services where clients present with multiple and overlapping needs, e.g. Older People with Korsakoff's Syndrome. In this case, providers from any relevant element will be able to join the tender process.

3.9 Establishing the DPS in this way will have the additional benefit of allowing the Lots and Elements described above to be used for the commissioning of other services by Adult Social Care.

3.10 26% of required units (139 of the target 529) have been delivered or will be delivered in 2015/16. Therefore, it is proposed the DPS will be used to deliver the remaining 390 units required to meet the overarching NAIL target. A preliminary breakdown of the remaining units required where the DPS would be utilised is detailed in the table below.

Client Group	Estimated Total Number of Units Required	Estimated Number of Units per Scheme	Estimated Number of Schemes	Total 2+1+1 Contract Value	Estimated Number of Schemes With an Award Value Below £500k
Learning Disability	145	8	18	£7,900,000	11
Physical Disability	75	10 to 11	7	£6,600,000	2
Older People	150	20 to 30	6	£9,000,000	2
Mental Health	20	4	5	£1,310,000	5
<b>Totals</b>	<b>390</b>			<b>£24,810,000</b>	<b>20</b>

3.11 As the table illustrates, It is estimated that a further 36 schemes will be developed to meet the full NAIL target of 529 units of accommodation plus, with contract values (over a 2+1+1 year contract period) of between £65,500 and £5,000,000. 20 of these schemes have an estimated value below £500,000.



3.12 To ensure that new units are delivered within the required timescales, it is requested that Cabinet delegate authority to the Director of Adult Social Care to award care and support contracts for the estimated 20 schemes where the total contract value is less than £500,000. A retrospective 12 monthly report will then be submitted to Cabinet along with the annually refreshed ASC Market Position Statement, updating them on contracts awarded through the delegated approach for that period. Approval to award contracts above £500,000 will be sought through standard Cabinet procedures. The report will also list any new providers that have been appointed to the DPS during the same period, and will provide Cabinet with the opportunity to revise reporting and delegations.

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

Ref.	Requirement	Response	
(i)	The nature of the service.	Dynamic Purchasing System for Accommodation Plus Services.	
(ii)	The estimated value.	£24,810,000 across 3 Lots as follows:  Lot 1: £11,000,000 Lot 4: £11,000,000 Lot 5: £4,810,000  There is no financial commitment arising from Lots 2 and 3. Nominations agreements will be put in place.	
(iii)	The contract term.	4 years	
(iv)	The tender procedure to be adopted.	Restricted OJEU	
(v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed	12 <sup>th</sup> October 2015
		Expressions of interest returned	12 <sup>th</sup> November 2015
		Shortlist drawn up in accordance with the Council's approved criteria	1 <sup>st</sup> December 2015
		Report recommending DPS establishment and appointments circulated internally for comment	29 <sup>th</sup> December 2016

Ref.	Requirement	Response	
		Cabinet approval for establishment of DPS and appointments to it	8 <sup>th</sup> February 2016
		Cabinet call in period of 5 days (mandatory unless excluded by the Cabinet)	13 February 2016
		Establishment of DPS and appointments to it	14 February 2016
(vi)	The evaluation criteria and process.	<ul style="list-style-type: none"> <li>▪ At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's financial standing orders, technical capacity and technical expertise requirements. There will also be a requirement for the bidders to certify an ability to deliver Social Value benefits as required in the Contract Specification.</li> <li>▪ At the tender evaluation stage for contracts procured under the DPS, the panel will evaluate bids on the grounds of the Most Economically Advantageous (Price and Quality) offer. The evaluation weightings for each Lot 1 will range by 60% to 70% for Cost and 40% to 30% for Quality. The specific criteria for award under each lot is detailed below:</li> </ul> <p style="margin-left: 40px;">Lot 1:</p> <ul style="list-style-type: none"> <li>▪ How the provider will work in partnership with the Council and others to 'customise' the design and layout of a building</li> <li>▪ How the provider will apply its skills and experience to deliver on time developments with appropriate building standards</li> <li>▪ How the building will be used to maximise independence.</li> <li>▪ How the Service will be operated to achieve delivery of outcomes.</li> <li>▪ How the Service will be operated to lead</li> </ul>	

Ref.	Requirement	Response
		<p>to improved personal independence.</p> <ul style="list-style-type: none"> <li>▪ How policies and procedures regarding equality and human rights will be applied.</li> <li>▪ Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.</li> <li>▪ How the Safeguarding policy will be implemented.</li> <li>▪ How Social Value will be delivered.</li> </ul> <p>Lot 2:</p> <ul style="list-style-type: none"> <li>▪ How the provider will in partnership with the Council and potential clients to 'customise' the design and layout of a building</li> <li>▪ How the provider will apply its skills and experience to deliver on time developments with appropriate building standards</li> <li>▪ How the building will be used to maximise independence.</li> <li>▪ How the Service will be operated to achieve delivery of outcomes.</li> <li>▪ How policies and procedures regarding equality and human rights will be applied.</li> <li>▪ How the Service will be operated to lead to improved personal independence.</li> <li>▪ Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.</li> <li>▪ How Social Value will be delivered.</li> </ul> <p>Lot 3:</p> <ul style="list-style-type: none"> <li>▪ How the provider will in partnership with the Council and potential clients to 'customise' the design and layout of a building</li> <li>▪ How the provider will apply its skills and experience to deliver on time developments with appropriate building standards</li> </ul>

Ref.	Requirement	Response
		<ul style="list-style-type: none"> <li>▪ How the building will be used to maximise independence.</li> <li>▪ How Social Value will be delivered.</li> <li>▪ How the property will be made affordable and accessible to Brent residents.</li> <li>▪ How Social Value will be delivered.</li> </ul> <p>Lot 4:</p> <ul style="list-style-type: none"> <li>▪ How the Service will be operated to achieve delivery of outcomes.</li> <li>▪ How policies and procedures regarding equality and human rights will be applied.</li> <li>▪ How the Service will be operated to lead to improved personal independence.</li> <li>▪ Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.</li> <li>▪ How Social Value will be delivered.</li> <li>▪ How experience in delivering similar services will be applied to the Service.</li> <li>▪ How out of hours services will be delivered.</li> <li>▪ How the Safeguarding policy will be implemented.</li> <li>▪ How Social Value will be delivered.</li> </ul> <p>Lot 5:</p> <ul style="list-style-type: none"> <li>▪ How experience in delivering similar services will be applied to the Service</li> <li>▪ How the Service will be operated to achieve delivery of outcomes.</li> <li>▪ How the Service will be operated to lead to improved personal independence.</li> <li>▪ Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.</li> <li>▪ How Social Value will be delivered.</li> </ul>
(vii)	Any business risks associated with entering the contract.	No specific business risks associated with the proposed DPS or contracts let under it have been identified.
(viii)	The Council's Best Value duties.	The evaluation criteria will be based on a model where cost and quality are distributed to ensure that

Ref.	Requirement	Response
		provider(s) are selected on best value. The tendering documentation will also specify how the agreements will be managed to ensure on-going delivery of the outcomes.
(ix)	Consideration of Public Services (Social Value) Act 2012	<p>The following Social Value assessments will be incorporated into the DPS qualification and tender evaluation processes:</p> <p>Qualification stage</p> <ul style="list-style-type: none"> <li>▪ Confirmation the bidder's environmental policy/approach has led to sustainable improvements.</li> <li>▪ Confirmation the bidders environmental policy/approach has delivered waste and carbon reduction.</li> <li>▪ Involvement of Small and Medium Enterprises (SME's), particularly within Brent.</li> <li>▪ Adoption of ethical practices: these will include Safety and Hygiene, Working Hours and payment of LLW.</li> </ul> <p>Tender stage</p> <ul style="list-style-type: none"> <li>▪ Confirmation that London Living Wage (and National Minimum Wage from 2016) will be paid.</li> <li>▪ Number of additional jobs that will be created as part of the contract.</li> <li>▪ Percentage of vacancies that will be targeted at unemployed in-borough people.</li> <li>▪ Total anticipated spend with SME's (in and out of Brent).</li> <li>▪ Percentage of vehicles that have Reduced Pollution Certificate and/or meet or exceed the requirements of the London Low Emissions Zone.</li> <li>▪ Targets for reducing carbon and pollution waste.</li> </ul> <p>The weightings for Social Value will hold at least 5% of the total quality score.</p>
(x)	Any staffing implications, including TUPE and pensions.	None
(xi)	The relevant	See sections 4.0 and 5.0 below.

Ref.	Requirement	Response
	financial, legal and other considerations.	

3.14 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 the contracts to be awarded through the DPS is £24.8m during the 4 year duration.

4.2 It is anticipated that the cost of these contracts will be funded from the existing Support Planning and Review service within the overall Adult Social Care budget. Costs are expected to be incurred from 2015/16 until approximately 2018/19 (as per the four year duration of the DPS).

4.3 This contract will be a priority commitment upon future year budget allocations. Sufficient budget will need to be aligned to contain the cost of these contracts.

4.4 As indicated in paragraph 3.10 the DPS is required to deliver a further 390 accommodation plus units. The contracts awarded through the DPS will deliver the required saving over the period of the DPS of £6.9m that has been attached to the NAIL programme.

4.5 The DPS and the proposed scheme of delegation for contract award should mitigate the risk of project slippage and subsequently the risk of savings not being delivered in the allotted timeframes.

4.6 As stated in section 3.13, it will be ensured that providers awarded a contract through the DPS will pay the LLW to all staff engaged in the delivery of the service. It will be ensured that providers added to the DPS meet this obligation.

4.7 However, should the LLW be increased during the lifetime of the DPS, this could increase the cost of any contracts awarded through the DPS. It is expected the council would be required to accommodate any increase in the contract price to meet the pressure of wage increases. Future financial implications relating to LLW will need to be considered through delegation to the Director of Adult Social Care and in future cabinet reports, as remaining compliant with LLW through contract award may create further, significant cost pressures on the ASC.

4.8 There is an expectation that purchasing services through the DPS, not only ensures the council meets its NAIL savings targets, but also provides the council an opportunity to seek further efficiencies in the delivery of new the

Accommodation Plus model; Services can be delivered through a number of different configurations, allowing officers to ensure models are developed with providers that reduce the cost of delivering the service where possible, for example by combining the care and support and Housing management provision in one service could create efficiencies. Broadly, it is envisaged having more flexibility in the way services can be procured affords officers the opportunity to ensure best value and cost effectiveness.

## **5.0 Legal Implications**

- 5.1 A DPS is akin to an electronic framework agreement but unlike a framework agreement, it allows for new providers in the market to apply for admittance onto the DPS throughout the life of the system. The requirements as to the establishment and operation of the DPS are set out in Regulation 34 of the Public Contracts Regulations 2015 (PCR 2015). The PCR 2015 detail that a DPS is a completely electronic system which may be established to procure commonly used purchases generally available to the market. Officers have confirmed at paragraph 3.7 that Accommodation Plus services meet this requirement. As required under the PCR 2015, then intention is to use a restricted procedure for its procurement of the DPS.
- 5.2 The estimated value of proposed procurements under the DPS is £24,810,000 and as such, the DPS is itself deemed a High Value Contract under the Council's Contract Standing Orders and Financial Regulations and thus Cabinet approval is required to invite requests to participate in the DPS and evaluate them. Following the evaluation of the requests to participate in the DPS, Officers will report back to Cabinet to seek authority to establish the DPS and appoint the initial potential providers to the DPS in accordance with CSO 88(c)
- 5.3 In accordance with the Regulation 34 (15) of the PCR 2015, providers may throughout the entire term of the DPS request to participate in the system. Delegated authority is therefore sought for the Director of Adult Social Care to appoint new providers on to the DPS where they meet the selection criteria referred to in paragraph 3.13 of the report.
- 5.4 Once established, the intention is to invite tenders for a range of contracts under the DPS and as set out in section 3 of the report, this will include inviting tenders for a number of High Value Contracts. Cabinet approval is therefore also required to invite tenders for High Value Contracts under the DPS and for the evaluation of such contracts on the basis set out in paragraph 3.13.
- 5.5 Cabinet approval is required for the award of High Value Contracts, including those procured under a DPS. For the reasons detailed in paragraph 3.12, delegation to the Strategic Director of Adult Social Care of authority to award High Value Contracts procured through the DPS with a value of less than £500k is sought.

## **6.0 Diversity Implications**

6.1 In view of the fact that this procurement represents a change to the model of service delivery it is necessary for the Cabinet, as decision-making body, to consider the equalities implications which are contained within the Equalities Impact Assessment in Appendix 1. Whilst the DPS offer more inclusive and responsive tendering bidders will still have to demonstrate that they are the best candidate to be awarded individual care and support contracts through participation in a mini-competition. As such there are negligible, if any equality impacts, positive or negative, from establishing a NAIL programme DPS.

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

7.1 None.

## **8.0 Background Papers**

8.1 None

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

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**PHIL PORTER**  
**Strategic Director, Adults**



## Appendix 1

### Equalities Impact Assessment

#### Appendix 1.1: Equalities considerations for the NAIL programme DPS

The New Accommodation for Independent Living (NAIL) programme is a One Council programme to develop 529 new units of independent accommodation with care and support by the end of March 2018. The care and support services for this accommodation will need to be procured and commissioned. The NAIL programme is looking to develop a Dynamic Purchasing System (DPS) for the most efficient, responsive and quality promoting procurement and commissioning of these services. A comprehensive Equality Impact Assessment was conducted for the NAIL programme at its inception, and this briefing note should be read in conjunction with that over-arching NAIL programme Equalities Impact Analysis.

#### Equalities Impact Assessment of developing a DPS.

A DPS is a procurement and commissioning methodology. It primarily differs from a framework arrangement in as much that potential tenderers can join a DPS at any time over its lifespan, not just at the start-up phase, as with a framework arrangement. While this introduces greater flexibility, more inclusive tendering and potentially more responsive tendering, all tenderers will still have to demonstrate that they are the best candidate to be awarded individual care and support contracts through participation in a mini-competition, much as they would have to under a framework agreement. As such there are negligible, if any equality impacts, positive or negative, from establishing a NAIL programme DPS.

The predicted equalities impact of the Nail Programme as a whole is laid out in the table below.

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

#### Appendix 1.2: Full NAIL EIA (see attachment)

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2012

# Equality Analysis Guidance and Form



## Brent Council Equality Analysis Form

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

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

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> Adult Social Care  <b>Service Area:</b> Commissioning and Quality	<b>Person Responsible:</b> Name: Jo Walton Title: Programme Delivery Officer, PMO Contact No: 020 8937 6879 Signed:
<b>Name of policy:</b> New Accommodation for Independent Living	<b>Date analysis started:</b> 16/10/2014 <b>Completion date</b> 14/11/2014 <b>Review date:</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date: Contact No: 0208 937 4521 Signed: Sarah Kaiser
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Phil Porter Title: Strategic Director, Adults Date Contact No: 020 8937 5937 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee: New Accommodation for Independent Living Project Board Date:

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

Please refer to stage 2 of the guidance.

There are approximately 700 clients in residential care, and 400 in nursing care in Brent. Annual spend on residential and nursing care in Brent is currently £39.2m, or approximately 50% of the Adult Social Care (ASC) budget, and there are significant pressures on this budget, as projections included within our Market Position Statement (attached at Appendix C) suggest that the need for residential or nursing care accommodation in the borough may increase by as much as 31% by 2020. Providing care in people's homes is significantly cheaper than providing the same level of care in a residential or nursing care setting, and generally preferred by service users. However in many cases clients are forced to move into residential care facilities because their physical needs cannot be met in their own home, or because their families are unable to care for them at home and they cannot source suitable independent accommodation.

The New Accommodation for Independent Living (NAIL) project aims to deliver alternatives to residential and nursing care which will help to ease the pressure on ASC budgets, whilst ensuring that individuals' needs are met, and giving people more independence, choice and control. Accommodation Plus (Supported Living and Extra Care) gives people their own front door and allows us to build the support they need around this accommodation to support their independence.

The purpose of the project is to design and develop alternative 'accommodation plus' options, which incorporate:

- 'extra care' living (generally for older clients) and
- 'supported living' for younger people who require support from Adult Social Services due to a physical disability, learning difficulty or mental health condition.

The proposed 'accommodation plus' options will promote independence and provide choice in how and where clients live. Providing services in this way enables clients to live independently in the community, promoting well-being and alleviating social isolation. It also enables primary health, care and support services to come to the individual, rather than the individual being required to change their accommodation in order to receive services that can and should be available in the community. This will involve extensive work with Planning & Development and Providers with the aim of meeting people's needs better at home and using new models of care and support in the community.

Service users will live in their own home, with their own tenancy, and with access to on-site personal care such as help with washing, dressing and medication. The

level of support they receive will be tailored to their specific needs. For people with disabilities or illnesses that require nursing care on a frequent basis or closer monitoring than available in accommodation plus, a nursing home may continue to be a more appropriate option.

This Project is being delivered in two phases:

- **Phase one (completed)** - determined financial viability for the project, and aimed to understand current market intelligence. It included a review of the current client need to inform what would be delivered in phase 2.
- **Phase two** - will deliver a rolling programme of accommodation; 200 units by March 2017, and a further 150 units by March 2018.

The NAIL (Phase 2) project has four key workstreams:

- Delivering the accommodation – the development and delivery of at least 200 homes throughout the borough by March 2017, and a further 100-200 by March 2018.
- Commissioning the right models of care and support for the accommodation, ensuring it meets the needs of the population we support and that the care and support provided in the buildings enhances the focus on independence, choice, control and quality of life
- Identifying and matching individuals to the right accommodation at the right time, and facilitating moves into the Accommodation Plus provision.
- Delivering the operating model for the delivery of future Accommodation Plus developments beyond 2017.

Of the 66 potential sites identified in the NAIL Phase 1 project, some are owned by the council, while some are owned by the private sector or Registered Social Landlords. Brent is only likely to develop around 40 accommodation plus units through the NAIL project on its own land. A key element of the NAIL project will therefore be developing the market to facilitate the construction of the remaining units by registered providers and the private sector. One of the objectives of the NAIL project is to ensure that processes and partnerships are in place to ensure that ASC is involved from the start, enabling us to have more control over the design of sites and ensure that they are designed to better meet the needs of Brent residents.

It is intended that through the NAIL project, adult social care staff will be involved in the site specification of both Council and non-council owned sites from very early on in the process. It is also intended that certain principles will be applied as a “baseline” for sites, such as increased levels of communal space to foster social interaction, and high proportions of wheelchair accessible flats which will enable people to stay in their homes as their needs change.

In addition to using our stronger relationship with providers to influence the design of potential sites, the council will also be able to exert control through the planning process to ensure that the units delivered are of suitable design and tenure to support the needs of our communities. While it must be acknowledged that we will not have complete control over every element of the specification of new sites within the borough, it must also be acknowledged that the majority of service users will not need highly advanced environmental adaptations in order to live independently. In the vast majority of cases, it is the provision of a simple modern design that can be easily adapted, along with a bespoke package of integrated care that will enable an individual to live a full life in independent accommodation.

The provision of adult social care is specified on a case by case basis, with detailed assessments used to identify the bespoke package of care that is needed by an individual service user. Workstreams 2 and 3 will ensure that potential clients for the new properties will be matched to suitable accommodation, and that the right care is commissioned to suit individual needs. Closer relationships with housing providers will enable the council to identify potential clients well in advance of properties being completed, giving time for occupational therapy assessments to be carried out to identify specific physical adaptations that are needed by a particular client. In addition, this early identification of potential clients will enable more support to be provided over a longer period of time to address any concerns that service users may initially have, and allow them and their families time to develop skills and prepare for independent living.

Given that designs have not yet been drawn up for the units within scope of workstream 1 of the project, this EIA looks at the broader equalities implications of the project, and general requirements for units from an equalities perspective. As each site is designed, a short briefing note that describes the design of the site in relation to equalities considerations will be added to this report and considered by the NAIL project board.

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

National evidence suggests that this approach has the capacity to bring significant improvements to people's quality of life by moving away from a limited selection of traditional accommodation settings to a diverse range of accommodation settings which better support individual needs.

There is broad recognition that for some people residential/nursing care homes will continue to offer the best solution, and individual assessments will ensure that moves into "accommodation plus" units are only offered where appropriate. Conversely, there are significant numbers of people within restrictive residential care homes that could be better supported in more independent accommodation

and who have the potential to achieve greater personal independence.

At present, there are over 1000 clients currently in residential or nursing care homes. Clients who are identified as potentially being suitable for accommodation plus will be identified through individual assessment of their health and social care needs. As a result, the likelihood is that the vast majority of accommodation plus units will be filled from those living in residential care homes. Those currently living in nursing care homes are more likely to have needs which are best managed within a nursing setting, and are least likely to be able to benefit from independent accommodation, although they will be considered on an individual basis. As such, this EIA only considers equalities data relating to the 700 individuals living in residential care homes.

The table below shows the four main client categories under which ASC clients living in residential care homes may be receiving support, and the planned number of units that will be developed in the first tranche of developments until March 2017 for each of these categories of service user. The mix of units that will be developed after 2017 has not yet been agreed, and will be decided on the basis of the demographic of clients remaining in residential care at that time.

<b>Client Group</b>	<b>Total clients in residential care</b>	<b>Planned number of units delivered by NAIL project by March 2017</b>
Learning Disability 18-64	220	62
Mental Health	46	22
Older People's Services	407	93
Physical Disability 18-64	23	22
<b>Grand Total</b>	<b>696</b>	<b>200</b>

The number of units that will be developed for each client group is based on data analysis laid out within our market position statement (attached at appendix C). This in turn is generated through POPPI (Projecting Older People Population Information System) and PANSI (Projecting Adult Needs and Service Information System), which are used nationally to predict and plan future commissioning needs.



## Age

The age distribution of service users is shown in the table below.

Age bracket	LD 18-64	Mental Health	Older People's Services (OPS)	PD 18-64	Grand Total
17-24	15				15
25-34	24	2		1	27
35-44	33	5		1	39
45-54	73	14		5	92
55-64	57	20	11	8	96
65-74	17	4	70	8	99
75-84	1	1	134		136
Over 85			192		192
<b>Grand Total</b>	220	46	407	23	696

62% of service users are over 65, and the size of this group is reflected in the high number of units that will be designated specifically for older people. It is also important to remember that the development of independent accommodation options may have the greatest positive impact on younger service users, who are likely to remain in their new homes for the longest period of time. It is intended that sites are designed with a particular group of service users in mind and are thus tailored to the needs of that group. In this way the aim is to meet the needs of each service user regardless of their age. In addition, all the properties that will be delivered by the project will be easily adaptable, and as such the intention is that as someone's needs change, their home can be adapted around them, allowing them to stay in their home as long as possible.

Given that the intention of the project is to provide a range of accommodation that is suitable for those with care needs, we envisage that NAIL will have a positive impact on age as a protected characteristic.

## Disability

22 of the 200 units that will be delivered by March 2017 will be specifically adapted for those with a physical disability. Because of the highly specific nature of adaptations to these units, such as hoists, these will be specified once the service users have been identified and fitted out to meet their specific needs. An example of the specification sent to architects to help inform the design of Clement Close and Peel Road can be found at appendix A. Although these two sites will be allocated to service users with complex learning difficulties the service users likely to live there have substantial physical requirements as well, so this specification gives insight into the level of tailoring that ASC are hoping to achieve for service

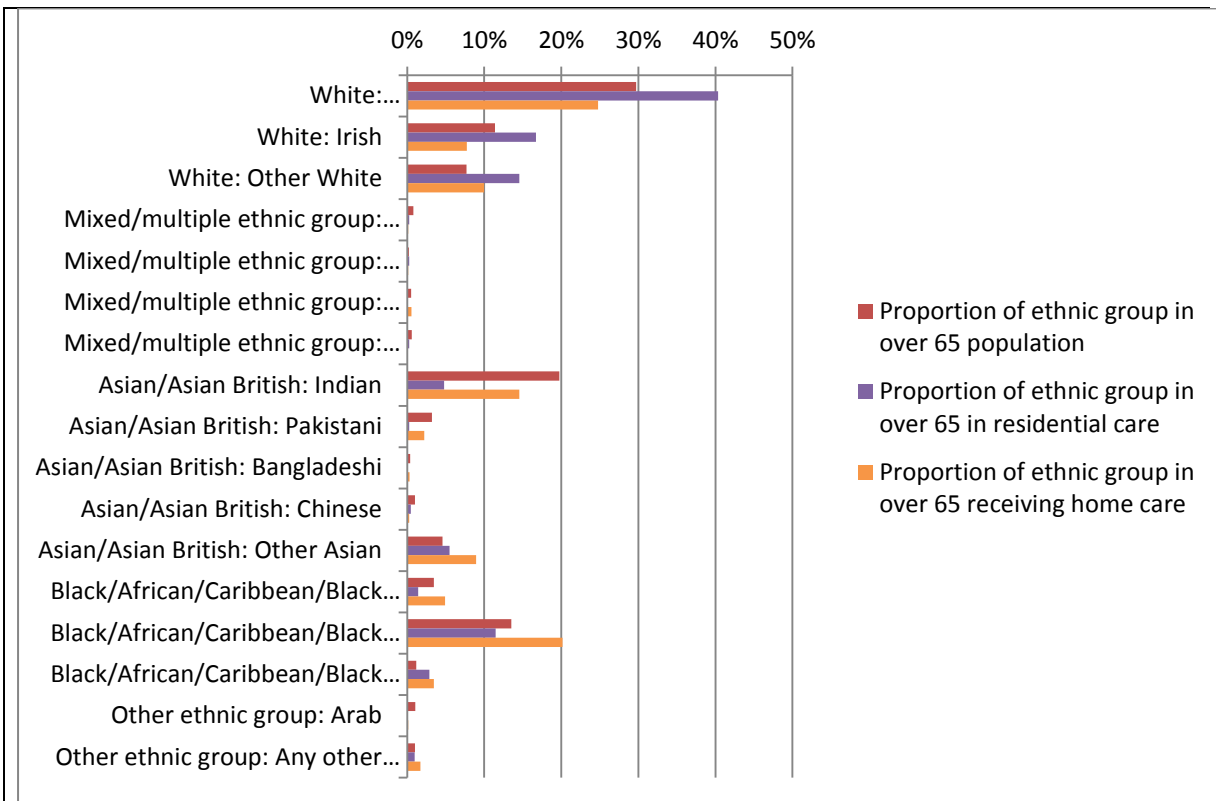
users with complex physical needs.

We recognise that although there may be only 23 services users currently in residential care within the Physical Disability category, that many more service users within LD, mental health and older people's services may also have physical impairments. As such it is intended that all units are built to lifetime homes as standard. This specification provides for wider corridors and doorways, and accessible controls such as light switches and plug sockets, and is easily adapted should the clients' needs change. While this would be the basic standard, many units will take this one step further and meet the "Happi" guidelines, or be "wheelchair accessible" homes, which are around 10% larger than lifetime homes, and are designed to be immediately habitable for someone in a wheelchair. It is our intention to use our relationship with providers, and our control of the planning process, to do everything we can to ensure that these standards are met on all sites.

These types of units are easily adapted to suit a service user's changing needs, and so we envisage that NAIL will have a positive impact on disability as protected characteristic.

#### Ethnicity

There are significant differences in ethnic profiles across different age brackets within the borough. As such the graph below compares the ethnicity profile of the 427 service users over 65 years old in residential care, with the same age bracket receiving home care, and the same age range in the borough profile.



The data shows that there is an over-representation of white groups, and an under-representation of Asian groups in residential and nursing care when compared to the same age range in the borough profile. However, when we look at the ethnicity of those receiving care at home (which includes domiciliary care, direct payments, meals on wheels and carers payments), the distribution mirrors the ethnicity profile of the borough much more closely. The under-representation of Asian people in residential and nursing care is often attributed to the anecdotal notion that Asian communities have very strong family links, so the tendency is for families to look after older family members at home. The data seems to confirm this, as all ethnic groups are accessing support services for older people that are delivered in their homes, but where some ethnic groups readily move into residential care as their needs increase, others prefer to stay at home. Through developing the market, we will ensure that this project builds relationships with a variety of providers, including those who specialise in working with Asian groups such as Apna Ghar. In doing this, we should be able to gather improved insight into the reasons for this under-representation, and better understand how it could be addressed. It is also important to remember that a central aim of NAIL will be to try to meet people's needs in their home wherever possible, so if the preference of a certain group is to stay with their families and have increased levels of care provided at home, then this project will enable them to have care provided according to their wishes. As such, an uneven distribution of ethnic groups within residential care or accommodation plus should not necessarily be seen as a failure to provide accommodation options that are suitable to all groups.

The over-representation of white groups within residential care may be due to perceptions of residential care; for example, other ethnic groups may see traditional care home settings as unable to provide the social opportunities that they wish to have. The ability to live in independent accommodation with better access to community activities in accommodation plus environments rather than a restrictive care home setting with hopefully appeal to a broader representation of ethnic groups.

The preferences of different cultural and ethnic groups are recognised by adult social care, and were noted at the consultation for the plot 3 site at Park Royal (see section 5). Ensuring that sites are developed with flexible community space that can serve a variety of purposes will be considered during the design stage of each site, and should enable development to suit mixed communities by fulfilling the needs of people from a variety of ethnic groups.

In addition, attention will need to be paid to the cultural preferences of different groups in relation to the internal layout of accommodation plus units, such as a preference for a separated living room and kitchen. Every effort will be made to build a variety of layouts to ensure that clients can have as much choice as possible, however ultimately the priority will be on meeting people’s health and social care needs, and ensuring the design can be easily tailored to meet changing needs, so we may not always be able to give clients choices over every element of accommodation plus homes. In addition, financial feasibility and physical site characteristics may not always make this practical.

### Religion or Belief

There is likely to be crossover between the distribution of ethnic groups in residential care, and the distribution of religious groups. The Asian communities that are under-represented in residential care are more likely to be Hindu or Muslim, so we would expect to see lower numbers of those religions.

Unfortunately, due to the monitoring categories that are used in ASC, it is not possible to directly compare the distribution of faith groups with the borough profile. The table below shows the religion or belief of those currently living in residential care homes, and those accessing home care within the borough.

<b>Religion / Belief</b>	<b>Number of service users in residential care</b>	<b>Proportion of service users in Residential care</b>	<b>Number of service users receiving home care</b>	<b>Proportion of service users receiving home care</b>
ANGLICAN	0	0.0%	17	0.4%
BAPTIST	3	0.4%	50	1.2%
BUDDHIST	0	0.0%	13	0.3%
CATHOLIC	73	10.5%	280	6.5%
Christian	70	10.1%	425	9.9%

CHURCH ENGLAND	73	10.5%	267	6.2%
GREEK ORTHODOX	3	0.4%	20	0.5%
HINDU	39	5.6%	527	12.3%
JAINIST	1	0.1%	11	0.3%
JEHOVAH WITNESS	4	0.6%	34	0.8%
JEWISH	60	8.6%	160	3.7%
METHODIST	8	1.1%	43	1.0%
MUSLIM	17	2.4%	383	9.0%
NONE	17	2.4%	90	2.1%
OTHER	2	0.3%	35	0.8%
PENTECOSTAL	2	0.3%	42	1.0%
RASTAFARIAN	2	0.3%	10	0.2%
ROMAN CATHOLIC	80	11.5%	233	5.4%
SEVENTH-DAY ADVENTIST		0.0%	31	0.7%
SIKH	1	0.1%	20	0.5%
Unknown / Refused	241	34.6%	1588	37.1%
<b>Grand Total</b>	<b>696</b>		<b>4279</b>	

The data shows that while a broad range of religious groups currently live in residential care within the borough, Christian groups are over represented and the residential care population does not mirror the level of diversity we know is present in Brent.

As we saw with ethnicity, there appears to be a greater diversity of religious groups accessing home care, and this appears to more closely mirror the religious profile of the borough as a whole. As stated above, a core aim of NAIL is to provide alternatives to residential and nursing care, and to meet people's needs at home wherever possible. However, should someone need to move into accommodation plus, our aim is that all religious groups will feel equally able to do so. The 66 potential sites that were identified by the phase 1 project are spread throughout the borough as per the site map in appendix B, and demonstrate the potential for NAIL units to provide a good range of choices that will enable access to places of worship. However, the final selection of sites will be fewer, and since they will be developed by our partners, will be based largely on the financial feasibility of developing on each site. While we can do our best to influence the design of sites, we are unlikely to be able to influence their location, and we accept that not all sites will be close to a variety of places of worship. As such the project may potentially have a negative impact on this protected characteristic, however the priority must be to develop suitable and cost effective housing that meets people's health and social care needs first and foremost.

The inclusion of flexible communal spaces within all schemes will be designed to allow a variety of social activities, including enabling faith groups to come together, but also enabling activities that enable inter-faith interaction.

## Gender

There are considerable gender differences across clients living in residential care within the different client groups, though much of this is explained by looking at the gender balance across different age brackets.

<b>Gender</b>	<b>17-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65-74</b>	<b>75-84</b>	<b>Over 85</b>	<b>Total</b>
<b>LD 18-64</b>	<b>15</b>	<b>24</b>	<b>33</b>	<b>73</b>	<b>57</b>	<b>17</b>	<b>1</b>		<b>220</b>
Female	5	10	13	25	28	6	1		88
Male	10	14	20	48	29	11			132
<b>Mental Health</b>		<b>2</b>	<b>5</b>	<b>14</b>	<b>20</b>	<b>4</b>	<b>1</b>		<b>45</b>
Female			3	3	3		1		10
Male		2	2	10	17	4			35
<b>OPS</b>					<b>11</b>	<b>70</b>	<b>134</b>	<b>192</b>	<b>406</b>
Female					4	36	76	141	257
Male					7	34	58	50	149
<b>PD 18-64</b>		<b>1</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>8</b>			<b>23</b>
Female				2	1				3
Male		1	1	3	7	8			20
<b>Grand Total</b>	<b>15</b>	<b>27</b>	<b>39</b>	<b>91</b>	<b>96</b>	<b>99</b>	<b>136</b>	<b>191</b>	<b>694</b>

It is to be expected that higher numbers of women live in older people's residential and nursing care, as women have longer life expectancy than men, are more likely to outlive their partners and to move into residential care in later years if they are unable to cope living on their own.

Elderly men and women are unlikely to have different needs in terms of physical layout of accommodation plus homes; both groups are likely to be frail, and equally likely to develop mobility problems that may necessitate a wheelchair in later years.

The data also highlights that there are higher numbers of men in LD, MH and PD residential care. This may be due to the increased likelihood that males develop a disability as a result of more manual professions, however census data contradicts this as the number of individuals who consider themselves disabled is equal across the genders. These groups are quite small, so aren't statistically significant, but it is important to recognise that there are likely to be more men in accommodation plus schemes.

Men and women, especially older men and women, may have different needs in terms of support, in particular domiciliary support, given the different skill sets they may have developed over the course of their lives. The purpose of NAIL is to

provide tailored support to every individual in their own home and based on their needs, as such if men and women do have different needs, this will be picked up in their assessment and reflected in their package of care, however any differences in the package of care provided to an individual will be based upon their needs and not their gender.

We recognise that regardless of their gender, all clients moving to accommodation plus schemes will be vulnerable, and as such it will be important that both their home, and the public realm around it makes them feel safe and secure, with adequate security and lighting. As such all schemes will be “secure by design” certified, and we will encourage partner developers to consider security in detail when designing schemes.

#### Gender Reassignment

At present information on this protected characteristic is not collected, so it is not possible to draw any conclusions as to potential impact on this protected group.

#### Sexual Orientation

At present information on this protected characteristic is not collected, so it is not possible to draw any conclusions as to potential impact on this protected group.

#### Marriage and Civil Partnership

At present information on this protected characteristic is not collected, however the project will potentially have a positive impact on this. At present, couples who are married or are in a civil partnership may be unable to live in the same location due to conflicting health and social care needs. The variety and flexibility of the units that will be delivered by NAIL have the potential to enable couples with differing needs to live with or near to one another.

#### Pregnancy and Maternity

At present there is no information on this protected characteristic.

The intention is to build a mix of one and two bed units to cater for all needs. This has already been designed into the site at Vivien Avenue (Willow House), which has 38 one bedroom properties and 2 two bedroom units. A similar mix will be the aim on other sites where appropriate, and as such service users with children could be allocated a two bedroom property to accommodate their family.

It is not yet known what types of tenancy will be offered to service users living in accommodation plus (assured, assured shorthold etc.). While the hope would be

that service users can remain in their home with physical adaptations and tailored support, there may be circumstances, such as pregnancy, when a service user's needs change so significantly that they need to move to another property. The project team will need to ensure that this is taken into account when making decisions about tenure in the new accommodation.

### Summary

The core purpose of adult social care is to prevent deterioration of physical and mental health, to promote independence and social inclusion, and to improve opportunities and life chances by provision of person-centred and needs-based support. The ability to live independently whilst receiving this tailored support has been shown to enable people to achieve better outcomes, and is what service users have told us that they want. The NAIL project will enable the Council to support the development of the types of accommodation that is needed, and to get involved earlier in the process so that we have adequate time to address any concerns our service users may have, and to build the skills they need to prepare for independent living.

The detailed needs assessments that are central to adult social care will be used to match service users to the appropriate accommodation. These assessments are based upon need, and not on whether someone exhibits any of the protected characteristics, and as such are fair and transparent.

The NAIL project is key to ensuring that the council can continue to provide the necessary support to individuals by enabling us to make budget savings, whilst continuing to address individual needs appropriately, and improving flexibility and independence. Whilst there may be a change in the way services are provided, they will continue to be provided according to individual need, and every attempt will be made to ensure all the needs of every individual are met.

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

Data has been included in this report from the following sources;

ASC data on diversity and equality from Framework-I

Brent census data from the "Brent data" website  
Feedback from service users involved in the LD Partnership, BHeard advocacy project, and the families of service users affected by the potential de-registration of care homes in the borough.



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

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

Every single service user has an individual needs led assessment which includes social care eligibility and takes into account all the issues around the protected groups. A support plan will be put into place which will meet the needs of people with all the protected characteristics appropriately.

The accommodation plus setting will provide service users with the choice of how and where to live, in an environment which is fit for purpose, yet at the same time promoting independence. Appropriate care packages will still be in place, as they are currently, to meet the needs of the individual.

For those whose needs demand it, traditional residential settings will remain an option.

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

Brent has produced its first Market Position Statement (MPS) which aims to signal our intention to share better, more transparent information with the market; for the benefit of both current and potential providers of Accommodation Based Care and Support Services (ABCSS). It will support better relationships between Commissioners and service providers, acting as a foundation for better engagement and partnership working resulting in a full range of services that fully meet the needs of people as close to home as possible and to promote real choice for local people.

The following four principles guide our thinking around how we develop models of ABCSS going forward:

- **Principle 1:** Wherever possible we meet people's needs at home or as close to home as possible and we will build local capacity in the marketplace to achieve this
- **Principle 2:** We recognise that the needs of individuals may change over time, and we work with individuals receiving care and support to review the services they receive in line with these changes; which may mean a change in service provision to better meet their needs
- **Principle 3:** We work proactively with the market to ensure that services are always of an excellent quality and value for money is always achieved.

- **Principle 4:** For local people, who genuinely need residential or nursing care, we actively review and monitor the quality of these services, to ensure they are safe, personalised, and deliver excellent quality and good outcomes for individuals.

The Brent Health and Wellbeing Strategy 2012-2015 stipulates that people will need to take on much greater personal responsibility for their own wellbeing, making the right choices when these are open to them. At the same time, recognising those people who are vulnerable or at risk, so that we can focus on keeping people safe, offering prevention and early help for them.

Packages of social care are based upon an individual's social care needs, irrespective of what protected groups they may or may not be part of. In doing this, services users are provided tailored support to enable them to live more independently and thus improve their equality of opportunity.

### **(c) Foster good relations**

No changes to the level of the service are proposed, other than opportunities identified during phase one to improve both the quality of service delivery and the commitment by Brent to support local residents to stay at home for as long as possible or as close to home for as long as possible with excellent quality, personalised care and support.

It must be noted that Adult Social Care play an important role in ensuring that older people; people with learning disabilities, physical disabilities or mental ill health access the right support within the community. Also in doing so, Adult Social Care support social inclusion for these groups within the wider community in Brent.

In addition, it is the intention of the NAIL project to provide suitable, flexible communal space within schemes whenever possible that can be used for a variety of purposes, enabling different groups to participate in activities with one another.

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

## **1) Consultation with LD service users on Accommodation Plus / Market Development Strategy**

### **Who did you engage with?**

Service users and carers.

### **What methods did you use?**

Adult social care commission an advocacy project, BHeard, which is aimed specifically at ensuring that service users have a voice and can get involved in shaping ASC services. Members of the advocacy project held sessions in day centres and other venues with ASC service users to get feedback on the accommodation plus model, and to help inform our market development strategy. In addition, service users and their carers sit alongside staff on the LD Partnership Board, which is part of continual engagement

### **What did you find out?**

The feedback from the BHeard advocacy project has been overwhelmingly positive – LD service users have been very clear that they want to have more choice, and to be given more opportunities for independent living.

### **How have you used the information gathered?**

This feedback has helped inform our market development strategy, and service users from this group helped co-facilitate a provider workshop on this topic, at which they presented the service user feedback to ensure that providers as well as commissioners know what they want.

### **How has it affected your policy?**

It has confirmed that we should continue the policy, and that the accommodation plus model is not only more cost effective for the council, but also what service users want.

## **2) Consultation with service users on the potential extra care site at Plot 3, Park Royal**

### **Who did you engage with?**

Service users and their families

### **What methods did you use?**

A face to face meeting was held to provide information and gain feedback on the proposals. 8 Service users and their representatives attended.

### **What did you find out?**

Service users were positive about the initial proposals.

A summary of the feedback is as follows;

- The site has great bus links, but the local train stations are not very accessible for those with mobility problems,
- They didn't feel that a combined total of 300 units across the three plots was too large, and recognised that being larger would enable more services to be provided and provide greater opportunities for a variety of activities – but would like to see the community facilities available to all sites and not segregated.
- The proximity to the hospital was positive in case of emergency and makes regular trips easier
- Feeling secure is important, so good lighting and door entry systems will be vital
- The sites should be well linked to the shops / plot on Acton lane – which ideally should be sheltered from the rain.
- There are no hotels locally, so adequate guest facilities should be provided to enable relatives / friends to visit.
- There is a lack of green space in the surrounding area so it would be good to include some of this in the design.

### **How have you used the information gathered?**

The information gathered at the Park Royal plot 3 consultation has helped to decide whether Brent should be supporting the site, and to inform the requirements which ASC can push to achieve through planning. The more general feedback may also be used to inform other sites as well.

### **3) Consultation on the potential de-registration of some residential care facilities**

#### **Who did you engage with?**

Ten service users and their families living at three residential care homes (Kinch Grove, Beechwood Gardens, and Manor Drive).

#### **What methods did you use?**

Engagement has been undertaken at public meetings, one on one, and in correspondence with families and representatives.

#### **What did you find out?**

Almost all of the clients / families were positive about the proposed changes; however a limited number of families were concerned about changes to staffing, and distress caused by the inevitable uncertainty that surrounds a change such as this.

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

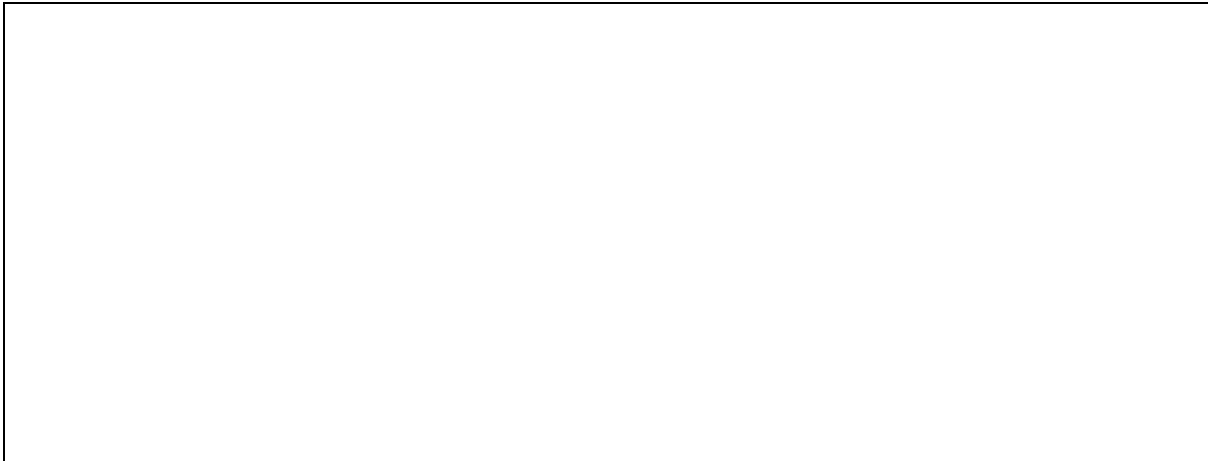
The feedback has highlighted the need to manage the ambiguity around these changes, ensuring that families are well-informed throughout the process. This element of the project has been written into the job description of NAIL Project Manager. This experience has provided useful insight into the concerns of service user's families, and ways that we can improve our approach to the de-registration of care homes, in particular for LD service users who may be more fearful of change. This is within scope of the NAIL project, as some units will be contributed through conversion of existing residential schemes.

**4) Future Consultation**

At the time of writing, two council-owned sites are at the stage of having detailed specifications sent off to architects to provide potential designs; Clement Close and Peel Road. The specification for these has been drawn up in partnership with ASC staff, and it has already been agreed that these will be designed with learning disabilities and complex needs clients in mind. A copy of the specification sent to architects to help inform the design of these sites can be found at appendix A, and gives insight into the level of tailoring that ASC are hoping to achieve for service users with complex disabilities.

Once these, and future sites are close to completion, lists of potential residents will be drawn up and consultation will be carried out with potential residents and their families / carers on a one to one basis. The focus of this project is to increase the amount of choice and control that service users can exercise in relation to their accommodation and care arrangements, and as such their feedback will be central to this process. This one-to-one consultation will also ensure that we fully understand the concerns and needs of service users and their families, and that we can ensure that appropriate care and support is put in place for them.

In addition, it is intended that consultation events will be held to discuss the design of specific sites where appropriate; this will be determined by the size of the site, the client group, and other factors.



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

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

We anticipate a positive impact in relation to most service users across all protected groups, as the opportunity to live independently with the right support and care is a preferable long term outcome than living in institutionalised and restrictive care settings.

The levels and type of service provision will remain as at present, but will be improved by giving service users more choice and independence to decide how and where they live.

It is recognised that for many service users across all different groups, relocation may cause emotional distress and orientation issues in their new surroundings. To mitigate this, it will be necessary to offer a 'resettlement package' to ensure that appropriate support and assistance are in place, both during and after the move.

For those with a physical disability, the transition from a residential care setting to a semi independent setting will require practical support to help them settle in their new surroundings.

As the project will move a significant number of service users throughout the borough, there is potential for a negative impact on faith / belief. While we hope that the varied distribution of potential sites mitigates this risk, the benefits of the project, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable sites and may not be able to take into account the relative location of places of worship. Should we identify a negative impact as

the project progresses, we could consult with the Brent Multi-Faith forum to ascertain whether we can engage faith groups to provided added community support.

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

### 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

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

### 8. The Findings of your Analysis

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

**No major change**

*Your analysis demonstrates that:*

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

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

Overall, this analysis has found that the proposals will be beneficial for all service users. The analysis has only identified a minor negative impact in relation to religion or belief as sites cannot be guaranteed to be close to places of worship. While we hope that the varied distribution of potential sites mitigates this risk, the benefits of the project, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable sites and may not be able to take into account the relative location of places of worship.

This aside, the project has the potential to have a significant positive impact on all service users, regardless of what protected characteristics they exhibit, by enabling them to have choice and control over their lives, and ensuring that tailored support is provided to them to improve their equality of opportunity and the overall quality of their lives.

**9. Monitoring and review**

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

It is intended that a short report is added to this EIA to take account of equalities considerations as and when each site is at the design stage. These documents will be considered by the NAIL project board.

A retrospective EIA will be carried out at project closure.

**10. Action plan and outcomes**

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

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



Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Short briefing note covering equalities issues on each site to be considered by the NAIL project board as designs become available		Shamym Humdani	Ensure that the unit mix we deliver throughout the life of the project meets the needs of our client groups		
Consider (where appropriate) the inclusion of rooms that can be used for faith activities in larger sites		NAIL Project Manager			

**Please forward to the Corporate Diversity Team for auditing.**

## **CLEMENT CLOSE AND PEEL ROAD – initial brief from ASC**

### **Overview requirements for the accommodation**

This new accommodation has been identified for the provision of long-term assured tenancies for clients of our learning disabilities service. The priority will be to support people with severe and profound learning disabilities and multiple disabilities, including autism, sensory loss, and challenging behaviours. Many of these people will come to the new accommodation from residential care homes, secure hospitals, or from their family home when they have completed their education. We see the accommodation as supported living with very high care and support levels.

The tenants are expected to have high care, support and communication needs throughout the day, evening and night. Many will have significant mobility issues. We anticipate that some tenants will need the assistance of two care staff either due to their physical needs (especially around personal care and bedroom routines) or due to challenging/violent behaviours.

Due to the range of physical, cognitive and sensory impairments of the tenants, the layout of the building should be straightforward and simple, to allow people to get around as independently as possible.

We would ask that the architect considers the option for making the living units small to support the sense of living 'at home' rather than 'in a (care) home', e.g. 2 inter-connected blocks of 6 flats on each site rather than one block of 12 flats. The blocks would be connected together, allowing staff and tenants to move easily between the two. There would be easy access to an enclosed garden space, perhaps accessed through communal space in the inter-connected area.

The buildings must take account of the principles of Lifetime Homes Standards and Lifetime Mobility Standards. There will be a need to take account of design ideas for people with dementia, sight loss, physical disabilities, and autism. Many of the good practice principles overlap. When they are in conflict, then the focus should be on autism and physical disabilities.

Some of the tenants will challenge both staff and the fabric of the building, so the build must be robust to account for this, e.g. challenging behaviours like banging own head against walls, throwing objects at walls, repetitive slamming of doors, wheelchairs scraping skirting boards & doorways.

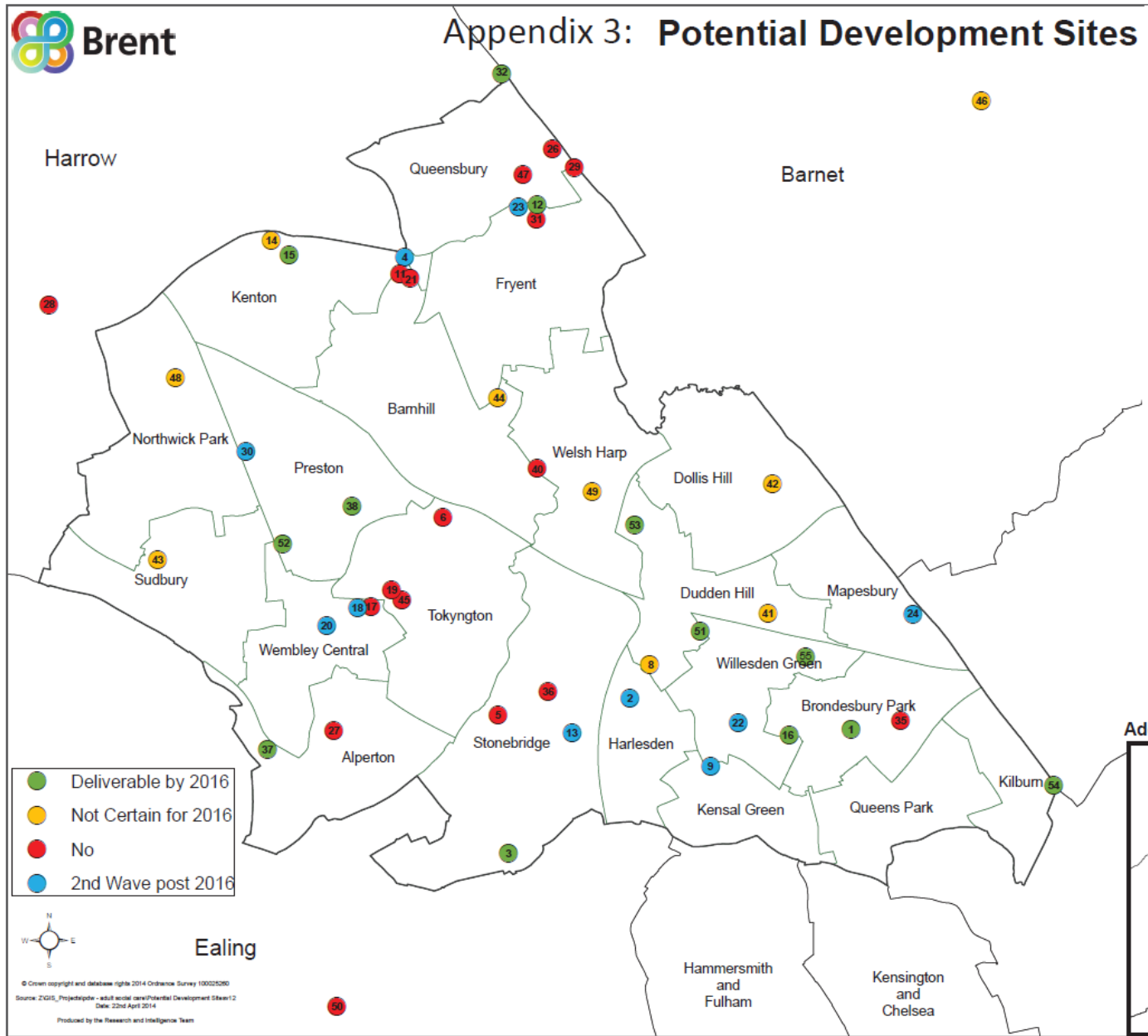
<b>1. What do we know about the types of people who we think would move into Clement Close and Peel Road?</b>	
a. What level of physical disabilities do we expect?	High levels, some wheelchair uses, some electric wheelchair uses, some people with limited mobility e.g. holding onto a carer, shuffling walks, wobbly walks.
b. What level of independence are we anticipating?	We are expecting people to see care staff often through the day; personal care in bathrooms & bedrooms; for activities and meal preparation.  The goal is to allow people with significant disabilities to be as independent as they can be but realistically they will have high needs.
c. What client group?	Learning Disabilities with associated issues, including autism, mental health, anger issues, challenging behaviours.  Some people will have destructive behaviours, so the build needs to be robust.
d. Will there be a need for a lift to the first floor?	Yes, aim is this will be a home for life and the tenants' physical abilities may deteriorate over time; will allow all the flats to be available to prospective tenants with wide range of mobility needs, not just those on the ground floor.
<b>2. Number of bedrooms?</b>	
a. Will everyone need a one-bed flat?	Yes, but this could be more a studio / open plan design if this gives greater flexibility for living arrangements.
b. How many two-bed flats?	None
c. Any extra large flats for specific needs?	As people have different needs, could the one-bed design include a movable partition wall between the bedroom and living area or similar? This will give people the choice to have a one-bedroom flat or an open plan studio style flat. This will better accommodate people with large pieces of equipment (e.g. hoists) or are uncomfortable with small spaces (e.g. claustrophobia, repetitive pacing up and down).
d. What storage will be required?	Good sized space for normal household storage plus equipment needs (a decent storage cupboard that could take at least an electric wheelchair)
e. Bathroom	Create as an en-suite, must meet all disability needs; all wetrooms; need to have room for e.g. a hoist, carer and large shower chair, room for carer

	to move around to assist in personal care. Need ability for ceiling hoists to be retro-installed.
<b>3. Level of independence expected of tenants?</b>	
a. Will tenants pay their own bills, so will they need to have separate boilers for each flat, or just one communal one?	Will have their own tenancies but would be happy for a communal boiler as part of the service charge, as staff/family are likely to manage the tenants' finances.
b. Will tenants be cooking in their flats, with gas or electric?	Yes sometimes, usually cooking by staff or supervised by staff.
i. Will they need gas cut off switches?	Yes, external to the flat.
ii. Gas boilers in flats?	Each flat needs to be able to have full control of radiators and hot water; does not matter how this is achieved.  Will need to be able to turn off hot water in individual flats to protect individuals from deliberate/accidental scalding; will need to be able to turn off hot and cold water in individual flats to prevent individuals from accidental/deliberate attempts to flood their flats.
<b>4. Communal space requirements?</b>	
a. Should there be a communal area, a lounge, kitchen, or something else?	Yes. To create a sense of community, and have an area for activities. Could this be part of the linking between the two blocks of flats and/or connecting to the outdoor space?  Do not want a 'conservatory'; needs to have better temperature regulation so can be used comfortably throughout the year.
i. What size would be required?	Need to be able to accommodate all tenants, staff, and a few guests in this space. e.g. birthdays, Christmas, Sunday lunch, summer bbq's would be how we would create the community feel and development of friendships for people who are usually very isolated.
b. Will there be a need for toilet facilities in this area?	Yes with full disabled access.
c. What storage will be required?	A large storage room, e.g. storing of equipment for activities, shared games, overflow from individual flats (e.g. tenants may receive a month's supply of

	inco-pads at a time)
d. Electric scooter charging spaces?	Yes, for 1/3 of the total flats. This will also ensure that the flats can be re-commissioned for client group 'physical disabilities' at a later time.
e. Will an assisted bathing / care suite be required?	No. wetrooms in each flat will replace this.
i. Need for communal showers, sluice?	No.
<b>5. Staff requirements?</b>	
a. Will there be low or high need for support and care staff in the building?	People will have high needs with severe/profound impairments including sensory needs and challenging behaviours (currently living in residential care), so expect staff to be on site 24/7.
b. Will they require an office space?	Yes, with full internet access
c. What storage will be required?	Yes for files, equipment used by multiple tenants
d. Where will meetings be held, when the client's flat is not appropriate?	Office space or communal areas.
e. Will there be overnight staff, with waking or sleep-in requirements?	Need to anticipate sleeping night requirements for up to 2 staff. Need small shower and changing facilities.
<b>6. Outdoor space?</b>	
a. What use will be made of the outdoor space?	<p>A secure back garden so tenants can use this independently without the risk of accessing the street.</p> <p>Tenants will have need for a garden that allows them to access and work outside, e.g. sensory gardens, raised beds; paths that go somewhere, e.g. figure of 8</p> <p>Great if the outdoor space can flow from the indoor space/s.</p> <p>Outdoor and communal areas will be the major spaces that people use with the support of staff.</p>
b. Parking needs for tenants, guests, staff?	<p>Need space for an accessible van or minibus to park up and allow wheelchair access safely away from the street;</p> <p>guessing 4 park spots if possible, but staff and guests may need to use street parking; no</p>

	requirement for tenant parking.
c. Gardening spaces, quiet areas?	Yes, will be part of the tenants care and support plans to be outdoors; design needs to account for needs of people with both sensory loss and hypersensitivities.
d. How will the outdoor space be used?	The space will be well used by tenants, usually escorted by staff. Need it to be secure where people can be left to themselves without direct access to the street.
i. What outdoor storage space is required?	Yes, for garden games, equipment and tools.
<b>7. Security needs?</b>	
a. How will people get into the facility?	Staff will usually need to let people in e.g. linked to phones they carry; use of some electronic system, fob, keypad or something, possibly linked to assistive technology / telecare so some tenants can let in their own guests to their flat
i. Use of CCTV?	Don't think this is required
b. Will there be a warden-type role or just the care staff?	No, Just care staff
c. Will assistive technology be part of the design?	Yes. Lots of wireless and Bluetooth options around the building. Could be hard-wired in but with future-proofing and ability to add wireless connections. We want telecare / assistive technology to be part of the care and support solution for tenants, so want this functionality to be available from the outset.

Appendix B: Distribution of potential Accommodation Plus sites in Brent



Appendix C – Market Position Statement

 Market Position Statement - 2014.pdf

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**Cabinet**  
21 September 2015

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

For Action

Wards affected:  
ALL

### **Brent Development Management Policies Development Plan Document – Publication and Submission**

#### **1.0 Summary**

- 1.1 A previous draft of the Development Management Policies Development Plan Document was agreed by Executive 24<sup>th</sup> March 2014 and issued for consultation. Following consideration of the consultation responses and other factors such as changes in Government policy it is proposed that the Plan be amended and taken through its next steps in the adoption process. The amended draft Plan is shorter and consequently has a greater focus on Brent specific issues, rather than repeating general policy contained in other documents. Subject to Cabinet approval it is recommended to issue the amended draft Plan for representations consistent with the requirements set out in Planning Regulations, prior to its submission to the Planning Inspectorate for examination.
- 1.2 This report provides a summary of the consultation responses. It explains the main changes that are being proposed to the draft Plan and recommends that this be published and made available for representations for 6 weeks. It is also recommended that following the representation period it be submitted for examination subject to Full Council approval.

#### **2.0 Recommendations**

- 2.1 That Cabinet agrees the proposed responses to individual representations, as set out in the schedules attached as Appendix 1.
- 2.2 That Cabinet agrees that the draft Brent Development Management Policies Development Plan Document in Appendix 3 be agreed for publication for 6

weeks, and recommend that Full Council agree that the draft Plan be submitted to the Planning Inspectorate for Examination.

- 2.3 That the Strategic Director, Regeneration & Growth is authorised to make further editorial changes to the document prior to it being issued for publication.

### **3.0 Detail**

- 3.1 The reasons for producing the Development Management Policies Development Plan Document derive from the need to bring Unitary Development Plan (UDP) policy first drafted in 2000 and adopted in 2004 up-to-date. It is a required step in drawing up the folder of documents that will make up the borough's development plan and ultimately supersede the UDP.

#### Public Consultation

- 3.2 Consistent with Planning Practice Guidance early engagement/consultation took place in preparing the Plan. Following Executive's approval on 24<sup>th</sup> March 2014 consultation upon a draft Plan was undertaken from 20<sup>th</sup> June and 31<sup>st</sup> July 2014. Wide publicity was given to this. It was advertised in the local press, social media and on the website. It was made available in Brent libraries and One Stop service offices as well as online. It was advertised through posters on notice boards throughout the Borough. Letters were sent to those on the consultation database, schools, community and voluntary sector groups. Public drop in sessions were held at the Civic Centre, Willesden Sainsbury's and as part of the Sudbury week of action. Officers presented on the policies to the five Brent Connects Forums.

#### The Plan's relationship with other Planning Policy

- 3.3 National planning policy is set out within the National Planning Policy Framework (2012) and associated National Planning Practice Guidance (2014 onwards). The Council has to take account of national policy in the preparation of its development plan. Planning at a national level has and will, as identified through announcements in the most recent Chancellor's Budget, continue to go through a process of significant change. In its preparation, the proposed content of the draft Development Management Policies Plan, used to assess development proposals, has sought to take account of the relevant national policy at each of its stages.
- 3.4 The London Plan is the strategic plan which the Development Management Policies Plan has to be in general conformity with. As well as being a strategic plan, it is a lengthy document that for the majority of its policies also has a development management focus. This Plan has been subject to Further Alterations adopted in 2015 and is currently subject to proposed Minor Alterations. It is also supported by extensive supplementary planning guidance on a number of significant issues including housing, sustainability and children's play. Again the draft Plan has sought to take account of this strategic planning context, and it is recommended to highlight reference to appropriate policies rather than their incorporate their repetition;

supplementing the London Plan by adding where appropriate and necessary Brent specific elements.

- 3.5 Brent's Core Strategy was adopted in 2010 and sets out strategic policies for the Borough. The draft Development Management Policies Plan is necessary to provide the detailed policy where necessary to support the determination of planning applications.

#### Current Stage

- 3.6 It is now recommended that the Plan be amended in light of comments received from the recent consultation period. Additionally, changes are recommended because of changing circumstances such as new national planning policy (e.g. outcome of Government's housing standards review) and the London Plan and associated supplementary planning guidance, e.g. updated policy guidance on student accommodation.
- 3.7 All the comments received, and the recommended council response to these, are included in the Schedule of Responses which also accompanies this report in Appendix 1. They are ordered by respondent type, with comments submitted via the Council's on-line consultation portal dealt with first by chapter/subject matter order. Comments received on questionnaires are dealt with later in the Appendix. Subject to Cabinet's confirmation, all of the comments and officers' recommended response to these will be made publicly available as part of the next stage of consultation.
- 3.8 Appendix 2 sets out the recommended changes to draft policies. This takes into account recommendations relating to consultation responses received as set out in Appendix 1, plus other factors such as changes in national policy, updates to London Plan, associated supplementary planning guidance and recognised best practice. The following paragraphs highlight the sections where there has been considerable interest/representation and also where proposed significant amendments to the draft Plan are recommended.

#### **Summary of Issues Raised and Response (more fully set out and justified in Appendix 1 and Appendix 2)**

##### **Length of the document**

- 3.9 A number of respondents identified that the document was too long. After thoroughly reviewing the draft Plan issued for consultation against higher level plans and policies, consideration of the general principle of seeking to simplify the planning process and also analysis of the consultation responses, a reduction in the number of policies, repetition and associated commentary is recommended as appropriate in the draft Plan.
- 3.10 It is recommended that this is addressed through significant amendment to the draft, removing that which is dealt with sufficiently in NPPF, NPPG, London Plan and its associated SPGs and the Brent Core Strategy. This will also reduce potential confusion about the relationship between the same or very similar policies contained in different plans in terms of which has more weight. A programme of reviewing existing relevant Brent supplementary

planning guidance (SPG) has commenced to make it more up to date. SPGs (or Supplementary Planning Documents as they are now known) are better suited to more detailed information some of which was included in policies or their associated policy justification.

### **Town centres**

#### Representations Received

- 3.11 There was significant support from residents for the policies to prevent an overconcentration of takeaways, pay day loan shops, betting shop and Shish Cafes within town centres and takeaways and shisha cafes in proximity to schools. Objections were received from Planware to the proposal to limit the number and location of takeaways on the basis they do not feel there is adequate justification for this policy.

#### Recommended Response

- 3.12 Taking account of representations the policies have essentially been retained largely unchanged as it is considered evidence supports their retention.

### **Built Environment**

#### Representations Received

- 3.13 These addressed tall buildings, heritage policies and development trends within Brent affecting the built environment quality, e.g. loss of front gardens.

#### Recommended Response

- 3.14 Officers consider that tall buildings have effective policy in the London Plan that was essentially only being repeated, so it is recommended that it be removed from the draft. It is recommended that the heritage policies are rationalised to make them more focused and address issues raised by English Heritage. Brent specific policies, e.g. 50% of front gardens should be soft landscaping are recommended for retention, with an emphasis on providing outside the draft Plan additional locally specific guidance, e.g. conservation area appraisals and design guides to identify more clearly features of heritage significance and appropriate development responses.

### **Open Space**

#### Representations Received

- 3.15 Comments related to the consistency of the policy with the NPPF. The Environment Agency highlighted reference to several Plans related to river catchments and their improvement. The Canal and Rivers Trust sought a policy on supporting residential moorings.

#### Recommended Response

- 3.16 The policies on open space essentially duplicated NPPF and London Plan and it is recommended that they are removed from the draft. Reference to the

Environment Agency recommended documents should be made. Given the likely limited applications for residential moorings, officers recommend that this can be suitably addressed through other relevant policies in the draft Plan.

## **Environmental Protection**

### Representations Received

- 3.17 The Environment Agency sought additional reference to Preliminary Risk Assessments in relation to contaminated land. Thames Water sought a policy on water and sewage infrastructure capacity.

### Recommended Response

- 3.18 Officers considered that most of the policy in this section added nothing locally distinctive for Brent, being adequately addressed in NPPF and London Plan. Consequently the recommended response is for the policies to be removed from the draft. Nevertheless, it is recommended that the section remain but that it contains reference to material required in support applications and locally specific studies to assist applicants in tailoring their responses to sites.

## **Sustainability**

### Representations Received

- 3.19 The Home Builders Federation questioned the approach on appropriateness of local allowable solutions. SEGRO, Shurgard, Macaire Enterprises, Home Builders Federation and Quintain raised concerns in relation to the impact that the policy relating to Renewables and Decentralised Energy could have on scheme viability and how this will be considered. Greater London Authority (GLA) considered little emphasis had been given to energy efficiency.

### Recommended Response

- 3.20 London Plan policy has evolved significantly in this area in relation to allowable solutions and with the publication of the Mayor's Sustainability SPG. Officers recommend that the policies in this section should be removed as a sufficiently robust policy basis exists in the London Plan and associated SPGs. Nevertheless, it is recommended that reference to appropriate local documents that assist developers in making Brent specific solutions be included.

## **Transport**

### Representations Received

- 3.21 Brent Cyclists supported parts of the cycling policy, but wanted greater commitment to segregation of cycle routes. GLA wanted greater reference to cycling infrastructure such as the superhighways. GLA questioned the Council's approach to the North Circular. GLA and Quintain raised questions about the Council's parking standards and servicing requirements. The National Stadium wanted greater acknowledgement of event days traffic

management in developments. In relation to freight GLA wanted greater reference to Transport for London (TfL) documents.

#### Recommended Response

- 3.22 On a general policy basis officers consider that walking and cycling are sufficiently covered in the London Plan and parking standards. As such it is recommended policy is refined to address the Brent specific part of the London Ring. Amendments to parking and servicing standards have been recommended to address comments made. It is recommended reference be made to TfL freight and construction management documents. It is recommended that Wembley related parking issues are essentially covered in the Wembley Area Action Plan and so change is required to the draft Plan.

### **Employment**

#### Representations Received

- 3.23 Costco, Segro and Shurgard objected to policy seeking 10% of floorspace in new commercial schemes on strategic employment sites to be affordable workspace for SMEs.

#### Recommended Response

- 3.24 The provision of affordable workspace is important; however, in viability terms, investment in new employment units is still weak apart from large B8 distribution sector. Although demand for space has increased this has not been reflected in increased rents to levels giving confidence to invest in speculative smaller scale development. Older employment sites, due to their relatively low values, are also under threat from a number of potential alternative uses that generate higher values. Against this background, to encourage investment in upgrading poorer performing employment premises on balance it is recommended that the 10% affordable floorspace policy be removed from the draft. However, the provision of affordable workspace is still considered important. As such it is recommended that 20% high-density workspace be sought where the loss of the majority of a designated employment site for non-business uses is regarded as acceptable. Alternative uses through the generation of higher values can help subsidise the provision of affordable workspace. Higher density employment will generally be provided through smaller units that encourage small firms. These require a more intensive management regime so there are savings in concentrating such units together. The greatest scope for such provision will be in growth areas such as Wembley and Alperton which should offer the critical mass to help deliver affordable workspace.
- 3.25 In recognition of evidence received through an updated Employment Land Assessment, a significant amendment to policy is recommended for inclusion within the draft which seeks to allow the specific release of some Significant Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS). This is only where the site is poor quality employment land and the development would meet strategic needs, e.g. minimum 50% affordable housing or significant social infrastructure needs such as additional secondary schools.

## Housing

### Representations Received

- 3.26 With regards to affordable housing local people and groups raised concerns about amount and price. Marketing of housing and house prices in general were also raised. GLA suggested wording for the policy around seeking the maximum provision. They questioned the 70/30 rented/intermediate split and rent setting for affordable rents. McCaire Enterprises questioned consistency with national policy on viability reassessment. Quintain wanted evidence that the 50% had been viability tested. In relation to the policy on Maximising Housing Supply McCaire Developments considered that the policy did not go far enough to ensure Brent's new target would be met.
- 3.27 On Conversions greater clarity was sought on the 130 sq.m. size requirement. On Housing Quality and Standards Quintain and McCaire Developments thought the on-site amenity standards were unjustified. Regarding hostels and Houses in Multiple Occupation (HiMOs) there were concerns that a separate policy was required. Unite raised concerns about the perceived negative approach to provision of student accommodation, whilst on this matter the GLA pointed out need for greater consistency with London Plan. Dr Maguire raised concerns with the Council's approach to provision of Travellers.

### Recommended Response

- 3.28 The 50% target is set in the Core Strategy which the policy makes reference to. There is sufficient evidence to justify the 70/30 mix from a needs and viability perspective. A Strategic Housing Market Assessment has been commissioned which will update needs information towards the end of the year. In addition it is likely that more contemporary viability assessments will be required closer to the Examination of the Plan due to changes in house prices/build costs. It is recommended that reference to rent setting is removed following this issue being resolved in the Mayor's favour against a consortium of London Boroughs in the courts. In relation to the requirement for viability assessment in association with affordable housing provision, given rapid price changes and a desire to get sites developed the Council has amended its position. It is recommended to incorporate policy to seek reviews for significant developments (200 + dwellings) that will take more than 18 months to start, or where a phased approach to delivery will be undertaken.
- 3.29 It is recommended that DMP38 'Maximising Housing Supply' be removed from the draft. It is considered that this is sufficiently covered in London Plan policy and Housing SPG prior to a Brent Core Strategy/Site Allocations review. Following an appeal decision, it is recommended that the conversions policy be amended to deal with potential loss of family housing where it can be shown to be unlikely to ever meet a standard to accommodate a family. The size criteria for conversion is considered justified based on London Plan housing standards. The amenity standards are considered justified as Brent has been following this policy through for more than 10 years and these are consistent with its largely suburban character.

- 3.30 It is recommended that the policies on the variety of shared/institutional residential accommodation be amalgamated to reduce repetition in the Plan. In addition, that the policy justification be amended to more fully address the issues raised by the GLA and also give greater emphasis to the needs student housing can meet and its regeneration benefits in creating mixed and balanced communities. The approach to travellers is considered proportionate. National guidance on assessing gypsies/travellers' needs is due for imminent amendment, so commissioning a survey in advance of this does not make sense. In advance of understanding needs, the Core Strategy provides a development management policy to assess applications submitted. If needs can be shown to not be met, national policy provides a backdrop of presumption in favour where there is a lack of a 5 year supply of pitches to meet needs.

### **Social Infrastructure**

#### Representations Received

- 3.31 A significant number of comments on this chapter related to the need for a specific pub protection policy. The Mayor's Office for Police And Crime commented that policy DMP44 'Loss of Social Infrastructure' is not consistent with London Plan.

#### Recommended Response

- 3.32 It is recommended to that a pub protection policy be added to the draft. After consideration it is recommended that general social infrastructure is addressed sufficiently well in the London Plan and Brent Core Strategy. In relation to the Mayor's office, the supporting text in the London Plan makes reference to loss of community facilities being acceptable where providers have an agreed programme of alternative social infrastructure provision.

#### Publication and Submission

- 3.33 Appendix 3 is the full revised draft submission version of the document. Cabinet is recommended to agree Appendix 3 for Publication (Regulation 19 stage), subject to any further minor changes such as improving the document's legibility with better images, illustrations, etc being delegated to the Strategic Director Regeneration and Growth to approve. It is proposed that the period for representation will be for 6 weeks consistent with the regulations. It will be accompanied by the Sustainability Appraisal and Consultation Statement which have also been updated for this stage of the adoption process.
- 3.34 Those who wish to make representations at the Regulation 19 stage will have the opportunity to do so in detail to separate parts of the document via the online consultation module, and to make written submissions including by e-mail. All those making representations will be asked to indicate whether or not they consider the Plan to be sound and, if not, why not.



- 3.35 The Plan will then need to be submitted for Examination (Regulation 20). It is recommended that in order to reduce delay, Cabinet in approving the Regulation 19 stage also at the same meeting recommend that following completion of this stage Full Council subsequently submit the Plan to the Planning Inspectorate. This will be along with the representations received at that stage and any modifications considered to be required to make the Plan sound.
- 3.36 In considering the recommendations, Cabinet should be aware that Planning Committee (Policy) on the 23<sup>rd</sup> July 2015 considered the representations and the Council's proposed responses (as set out in Appendix 1 of this report), together with the amended document (as set out in Appendix 3 of this report) and agreed the following:
- a) That Planning Committee recommend to Cabinet that the proposed responses to individual representations, as set out in the schedules attached as Appendix 1 be agreed.
  - b) That Planning Committee recommend to Cabinet that the draft Brent Development Management Policies Development Plan Document in Appendix 3 be agreed for publication for 6 weeks, and recommend that Full Council agree that the draft Plan be submitted to the Planning Inspectorate for Examination.
  - c) That the Strategic Director, Regeneration and Growth is authorised to make further editorial changes to the document prior to it being issued for publication.
- 3.37 In addition CAMRA made a written representation to the Planning Committee which whilst positive about the inclusion of DMP 21 Public Houses, considered it could be improved with further amendment. Officers consider that some of these suggestions can be incorporated but others require further discussion and ideally agreement with CAMRA, however limited time between the Planning Committee and Cabinet has meant it has not been possible to incorporate amendments into the draft Plan in Appendix 3. It is proposed that this issue be dealt with prior to or during the Examination and any changes be incorporated as modifications that will be recommended by the Planning Inspector in their report prior to the Plan's adoption.

#### **4.0 Financial Implications**

- 4.1 The preparation and ultimate adoption of the Development Management Policies DPD will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.
- 4.2 The costs of preparing the Plan will be met mainly from the Planning & Development budget. However, additionally there has been a need for

studies, such as the Strategic Housing Market and Employment Sites Assessments which provide evidence to support new policies and proposals. Much of this work has already been undertaken and funded. If further work is necessary, including the costs of consultation, then a business case for undertaking the work will be prepared. Any additional funding will be sought from existing budgets in Regeneration and Planning Department.

- 4.3 Costs associated with public consultation are likely to be no more than £2,000 for each round of the two rounds remaining and there will be a cost of Examination in 2015/16 of about £40,000. The Examination will be funded by the Departmental Projects budget.

## **5.0 Legal Implications**

- 5.1 The preparation of the Local Plan, including the Development Management Policies DPD, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will be part of the development plan and have substantial weight in determining planning applications and will supersede the remaining 'saved' parts of the UDP.

## **6.0 Diversity Implications**

- 6.1 Full statutory public consultation is being carried out in preparing the DPD and an Equalities Impact Assessment has been undertaken up to the current stage. The impacts have been assessed as being positive in relation to younger people, ethnic minority groups and those with a disability, specifically related to policies around limiting takeaways and shisha premises in the vicinity of schools, limiting betting shops and pay day loans and also in seeking to provide suitable affordable housing to meet needs.

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

- 7.1 None

## **8.0 Environmental Implications**

- 8.1 The DPD deals with the development of the Borough and thus will have a significant effect on controlling impacts on the environment. Sustainability is undertaken at all stages of preparing the Plan.

## **Background Papers**

London Plan 2015

Brent Core Strategy July 2010

Brent Development Management Development Plan Document Consultation  
June 2014

Brent Planning Committee 23<sup>rd</sup> July 2015 Brent Development Management  
Policies Local Plan – Publication and Submission

## **Contact Officers**

Any person wishing to inspect the above papers should contact Paul Lewin,  
Planning Policy & Projects 0208 937 6710

**Andrew Donald**  
**Strategic Director, Regeneration and Growth**

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**Cabinet**  
21 September 2015

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

For Action

Wards Affected: ALL

### **Parking Annual Report 2014/2015**

#### **1.0 SUMMARY**

- 1.1 Brent Council is committed to providing a high quality parking service and a fair, consistent and transparent approach to parking and traffic enforcement. We hope that the publication of statistical and financial information will support achievement of these objectives. The purpose of the Annual Report is to explain the aims and objectives of the Council's Parking service and the key achievements of the last financial year. The Report includes a statistical analysis setting out information on the number of parking and traffic related Penalty Charge Notices (PCNs) issued for the period 2014/2015, the income and expenditure recorded in our Parking Account, and how the surplus on this account has been spent or allocated.
- 1.2 The Report also meets a key requirement set out in the 2015 Statutory Guidance issued under the Traffic Management Act 2004. This requires local authorities to produce and publish an annual report on parking enforcement activities.

#### **2.0 RECOMMENDATION**

- 2.1 It is recommended that the Cabinet approves for publication the Parking Service's Annual Report 2014/15, as set out in the Appendix to this report.

#### **3.0 BACKGROUND**

- 3.1 The purpose of the Annual Report is to provide statistical and financial information relating to all aspects of parking and traffic enforcement operations, including the number of PCNs issued, the number of PCNs paid, the income and expenditure related to the enforcement activities recorded in the Parking Account and how any surplus on the account has been spent.

3.2 Publication of the report allows residents, motorists, local businesses, and other interested parties easy access to information regarding last year's parking operations.

3.3 The report will be published on the Council's website.

### 3.4 **Executive Summary**

The table below summarises the Key Performance Indicators agreed for the Parking service in 2014/15, as well as the previous year's performance for comparison.

<b>Key Performance Indicator</b>	2013/14	2014/15
PCNs issued by Civil Enforcement Officers	75,460	87,146
PCNs issued by CCTV for parking contraventions	37,353	36,584
PCNs issued by CCTV for bus lane contraventions	5,681	11,362
PCNs issued by CCTV for moving traffic offences	24,029	27,512
Parking net revenue	£7.914m	£8.957m

3.5 PCNs issued by Civil Enforcement Officers increased by 15%. This improvement in productivity follows the settling in of the new SERCO contract following the handover and mobilisation period in 2013/14. PCNs issued for bus lane contraventions doubled in 2014/15; and moving traffic contraventions increased by 14%. This in part reflects the overcoming of initial teething issues caused by moving to a new CCTV enforcement suite in Brent Civic Centre in July 2013; and the introduction of unattended camera systems which enable a more consistent and reliable approach to enforcement during the cameras' operational hours.

3.6 Vehicle removals declined from 3,085 in 2013/14 to 1,991 in 2014/15. This reflects the successful impact of the previous Cabinet decision to improve the efficiency and effectiveness of removal operations by focusing on those vehicles causing significant disruption.

3.7 PCNs issued by CCTV for parking contraventions remained broadly unchanged. However, for 2015/16 issuance has dropped by over 95% following the introduction of the Deregulation Act 2015. From 1<sup>st</sup> April 2015 local authorities have only been able to enforce parking restrictions by CCTV in the following instances: school keep clear markings; bus stops; red routes; and bus lanes. The legislation only applies to parking restrictions; the enforcement of moving traffic offences has not been affected.

3.8 The uptake of online visitor parking by residents increased significantly following the introduction of the service in 2013. Visitor parking bookings increased by 64% in 2014/15, to just over 411,000 bookings. This demonstrates residents' increased confidence in using the online system, as well as the running down of previously issued stocks of scratch cards. The service now attracts an average of over 34,000 transactions per month.

3.9 Complaints about the Parking Service dealt with in 2014/15 fell by 39% to 205, compared to 337 in 2013/14. Significantly fewer complaints were received about the online permit and visitor parking system, as residents have become more familiar with using it. In addition, all correspondence concerning disputed PCNs is now being dealt with correctly through the statutory appeals process.

3.10 Paying for parking using mobile technology continues to grow strongly. In 2014/15, 39% of total on-street parking revenue was through payments made using the Council's cashless parking provider RingGo. This compares with 28% in 2013/14 and 19% in 2012/13.

3.11 The report also includes information on the Council's record at the London-wide independent appeals service:

- The proportion of PCNs referred to the independent appeals service by motorists declined from 1.00% in 2013/14 to 0.80% in 2014/15. This demonstrates increasing confidence in the quality of the Council's local decisions on appeals, as fewer drivers chose to exercise their right to an independent appeal. The Council also performed significantly better than the London average of 1.01%.
- The proportion of appeals where the independent appeals service ruled in the Council's favour improved from 50% to 52%. This demonstrates an improvement in the quality of the Council's appeal decisions, as fewer motorists who lodged independent appeals were successful. However, the Council performed below the London average of 55%.

#### 4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications as the report simply provides a summary of the previous financial year's activity by the Parking service.

4.2 The report discusses the activities and finances of parking operations during the last financial year. A summary of the headline figures is set out below.

#### 4.3 Parking Account 2014/2015

	Expenditure (£000)*	Income (£000)*
Parking Administration	1,241	-
Parking Projects	63	-
On-Street Pay and Display	350	-3,515
Off-Street Pay and Display	224	-398
Parking Enforcement and Permits	4,898	-10,892
Traffic Enforcement	412	-1,340
<b>Total</b>	<b>7,188</b>	<b>-16,145</b>
<b>Surplus</b>		<b>-8,957</b>

#### 4.4 Surplus

	Transfer (£000)
Transportation service	2,091
Concessionary fares	6,866
Balance	Nil

4.5 The surplus on the parking account covered less than half of the total expenditure incurred by the Council on concessionary fares (£15.913m in 2014/15). The surplus was also not sufficient to be able to make a contribution towards the Council's capital expenditure on Brent's road network (£3.55m in 2014/15).

#### 5.0 LEGAL IMPLICATIONS

5.1 Part 6 of the Traffic Management Act 2004 (TMA) provides for the civil enforcement of parking contraventions. The Statutory Guidance from the Department of Transport entitled "The Secretary of State's Statutory Guidance to local authorities for the civil enforcement of parking contraventions",

issued in March 2015, pursuant to Part 6 of the TMA, confirms enforcement authorities should produce and publish an annual report about their enforcement activities within 6 months of each financial year-end, and as a minimum, include the financial, statistical and other data as set out in Annex A of the said Statutory Guidance.

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

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 None

## **7.0 STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)**

- 7.1 None

## **BACKGROUND PAPERS**

**Parking Annual Report 2014/15**

## **CONTACT OFFICERS**

Gavin F. Moore - Head of Parking and Lighting

Chris Whyte – Operational Director (Community Services)

**Lorraine Langham**  
**Chief Operating Officer**



# Annual Parking Report 2014/2015



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## **1. Introduction**

Brent Council is committed to providing a high quality parking service and a fair, consistent and transparent approach to parking and traffic enforcement. We hope that the publication of statistical and financial information will support achievement of these objectives. The purpose of the Annual Report is to explain the aims and objectives of the Council's Parking service and the key achievements of the last financial year. The Report includes a statistical analysis setting out information on the number of parking and traffic related Penalty Charge Notices (PCNs) issued for the period 2014/2015, the income and expenditure recorded in our Parking Account, and how the surplus on this account has been spent or allocated.

The Report also meets a key requirement set out in the 2015 Statutory Guidance issued under the Traffic Management Act 2004. This requires local authorities to produce and publish an annual report on parking enforcement activities.

## **2. National and local context**

### **2.1 Purpose of parking and traffic regulations**

Demand for parking in Brent is high, as in other London boroughs. The Council seeks to manage this demand through the use of parking and traffic regulations. These aim to:

- Ensure that the public highway can be used by all and that available parking space is shared fairly between residents, businesses and visitors through regulation and pricing
- Maintain public safety on the public highway and within the borough's public car parks
- Ensure that traffic is able to flow through the borough freely.

These aims sit alongside wider Council aims. These include sustainability; the promotion of alternative modes of transport such as walking, cycling and the use of public transport; and improving air quality.

### **2.2 Brent Context**

The Council, in consultation with residents, has introduced a number of measures to manage the high demand for kerb space. Parking in the south-eastern part of the borough, which is closest to central London, is managed through Controlled Parking Zones. Other parts of the borough also have residential controls; these typically cover areas near high street locations or tube and railway stations (where there may be a demand for parking from commuters).

A map of the Controlled Parking Zones is included as Appendix A.

One of the key landmarks of the borough is Wembley Stadium. On capacity crowd event days the local area receives a high number of visitors, placing a lot of pressure on local parking. For this reason, the area surrounding the stadium has dedicated parking controls to preserve parking for local residents. To support these controls the Council handles applications for permits and assesses eligibility.

### **2.3 Parking Contract**

The Council contracted out the provision of its civil parking enforcement services to Serco Ltd in July 2013. The contract is a joint contract with the London Boroughs of Ealing and Hounslow and is for 5 years to 2018, with the option to extend for a further 5 years.

The contract has facilitated the provision of new vehicles and equipment for the service, a new operational base and car pound, more efficient working methods, and enhancements to the customer experience.

### **3. Parking Enforcement**

#### **3.1 Overview**

The Council enforces parking and traffic regulations through its contractor, Serco Ltd, using a combination of officers who patrol the streets and the use of CCTV camera technology. Issuance of PCNs increased by 13% for 2014/15 compared to the previous year reflecting an increase in the capture of bus lane and moving traffic contraventions.

#### **3.2 Civil Enforcement Officers**

Our parking enforcement contractor, Serco Ltd, deploys Civil Enforcement Officers (CEOs) on foot across the borough. CEOs have the power to issue PCNs to vehicles parked in contravention of local restrictions.

All Civil Enforcement Officers (CEOs) are fully trained and are required to follow guidance set by [London Councils](#). They wear a uniform that is easily recognisable, and each Officer displays an individual identification number.

CEOs issued 87,143 PCNs in 2014/15; an increase of 15% compared to the same period last year. This improvement in productivity follows the settling in of the new contract following the handover and mobilisation period in 2013/14.

#### **3.3 CCTV Enforcement**

CCTV was used to enforce parking, bus lane and moving traffic restrictions in Brent, and supplemented the traditional method of enforcement by CEOs. Footage captured by fixed cameras was used to issue PCNs in locations where CEOs had previously found it difficult to enforce. Camera enforcement signs were displayed in these areas to alert motorists to active CCTV, and encourage compliance with local restrictions.

Compared to 2013/14, the issuance of PCNs for bus lane contraventions doubled in 2014/15; and moving traffic contraventions increased by 14%. This in part reflects the overcoming initial teething issues caused by moving to a new enforcement suite in Brent Civic Centre in July 2013; and the introduction of efficient unattended camera systems. Unattended camera systems ensure that enforcement is concentrated on a specific restriction for the duration of the camera's operational hours. This means that the Council are now able to apply a zero tolerance enforcement regime to bring about compliance with bus lane and moving traffic requirements.

CCTV PCN issuance for parking contraventions remained broadly unchanged from the previous year.

### **3.4 Mobile Enforcement**

Serco deployed a number of CEOs on mopeds and cars, which enabled more effective enforcement across the borough. Officers could be rapidly deployed to attend to urgent issues such as obstruction of residential driveways and dropped kerbs.

### **3.5 Vehicle removals and the Car Pound**

Serco provide a removal truck to ensure the appropriate removal of vehicles parked in contravention. In 2014/15 1,991 vehicles found parked in contravention were impounded. This is a significant decrease from previous years. The reduction in numbers reflects the service targeting only the most serious of contraventions, for example vehicles parked dangerously or causing a serious obstruction.

All vehicles that have been removed within Brent are taken to the Brent Car Pound in Park Royal. When a vehicle is removed, vehicle owners can contact the London wide TRACE service on (0845) 206 8602 to identify where it is being stored.

### **3.6 What we enforce**

As well as managing Controlled Parking Zones and local parking schemes, the Council also enforces other traffic and parking restrictions to encourage motorist compliance. This includes:

#### School Keep Clear Enforcement

School Keep Clear markings (yellow zig-zag lines outside of school entrances) are monitored by the Council using a combination of CEOs and mobile CCTV enforcement vehicles. Our aim is to maintain and improve road safety outside schools.

#### Yellow Line Enforcement

Yellow lines indicate that parking is prohibited at certain times of day. They are located on parts of the highway where there would be a safety hazard if parking was permitted, or in locations where parking is not suitable due to the narrowness of the carriageway or high traffic volumes. Enforcement by CEOs and CCTV cameras of bus stop parking plays an important role in ensuring the free movement of traffic along the borough's road network, and the prevention of potential traffic accidents. It also encourages bus journeys, a more sustainable mode of travel than car use.

#### Footway Enforcement

CEOs can take enforcement action where motorists inconsiderately park on the footway. This causes particular problems for visually impaired people, wheelchair users, and people with prams or buggies.

There are some footways where parking is permitted on residential streets which are too narrow for parking on the carriageway. Details of these can be found on the Parking Service's webpage:

<https://brent.gov.uk/services-for-residents/parking/footway-parking/>

### Bus Lanes

The service enforces bus lanes on LB Brent roads through the use of CCTV cameras. The Council wishes to encourage more sustainable forms of transport, and enforcement of bus lanes is undertaken in order to secure faster journey times for bus users.

### Moving Traffic Offences.

Enforcement action is taken against Moving Traffic Offences (MTOs), including violations of Yellow Box Junction rules, prohibited turns, and no-entry signs. Such restrictions are in place to ease congestion on the borough's roads, and improve road safety.

## **3.7 Responding to PCN Enquiries**

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

In 2014, the council launched a new service on its website. The service allows customers to view specific details about Penalty Charge Notices they have received, submit a challenge or representation, view photos of the incident, and make a payment. This is a significant enhancement to the Council's service and provides motorists with access to far more information than they had previously. This means that motorists are able to make an informed decision about whether or not to challenge the Notice or make representations; and should they decide to challenge, they will have a greater amount of evidence to refer to.

Should a motorist remain unhappy with our final decision, they may make an appeal to the independent appeals service who will make an impartial decision based upon the merits of the case in question.

## **3.8 Independent Appeals Service**

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

2014/15 appeals figures for LB Brent can be found in Appendix D.



## **4. Parking Services to residents**

### **4.1 Parking Provision**

The Council operates 40 Controlled Parking Zones (CPZs) across the borough. Specific times of operation vary but the majority are in operation throughout the day, from Monday to either Friday or Saturday. Parking in the south-eastern part of the borough, which is closest to central London, is managed through Controlled Parking Zones. Other parts of the borough also have residential controls; these typically cover areas near high street locations or around tube or rail stations, for example in the vicinity of Wembley Stadium. CPZs are designed to prevent commuters from parking in residential streets, and encourage them instead to use pay and display facilities or use alternative means of transport.

### **4.2 Resident Permits**

Resident permits are available to all residents who live in CPZs. Over twenty different permit types are available, priced according to vehicle carbon emissions; the most environmentally friendly vehicles may still park in the borough for free. Residents also have the option of purchasing annual, six month, or three month permits.

In 2014/15 the Council sold just over 46,000 permits to residential and business customers.

### **4.3 Visitor Parking**

Since the introduction of the online permit system, and closure of the two parking shops, visitor scratch cards have not been available for sale since July 2013. Existing visitor scratch cards have no expiry date so can continue to be used by those residents that possess them.

Since July 2013 visitor scratch cards have been replaced with an electronic visitor parking service which allows residents to purchase visitor parking credits from their parking account. Visitor parking can subsequently be booked either over the telephone, by SMS, or online by logging into the parking account.

Use of electronic visitor parking has increased significantly from the inception of the service in 2013. Just over 250,000 bookings were made in 2013/14, increasing to more than 411,000 bookings in 2014/15. The service now attracts an average of over 34,000 transactions per month.

#### **4.4 Customer Service**

The permit system includes an automated residency check. This saves customers who already have their residency verified from having to supply their documentary proof again. Our telephone help-line is available between the hours of 9am and 5pm, Monday to Friday.

A survey was carried out in March 2015, assessing customer satisfaction when purchasing a residents permit, and when booking visitor parking. The results show that the great majority of customers whose residency is successfully verified found the process of buying their permit easy. However many customers whose residency could not be verified did have difficulty with the system.

The results provide a baseline for the service to measure how planned improvements to the online system should seek to improve customer satisfaction.

#### **4.5 On-street parking**

The Council provides on-street parking bays to facilitate parking for visitors to town centres, and other destinations, helping to support economic activity in the borough. The Council has 731 pay and display locations in the borough. As demand for paying by mobile phone increases, and payments by cash decrease, some areas no longer require as many pay and display machines. We are monitoring customer trends closely with a view to rationalising our pay and display machine stock.

Appendix B gives an estimate of the number of controlled on-street parking spaces within Brent.

#### **4.6 Off-street parking**

The Council operates 12 public car parks across the borough. Two of these (Elm Road and St Johns Road) have secured the Park Mark® Award. Park Mark® aims to reduce crime and the fear of crime within parking facilities through the achievement of high standards in lighting, signage, cleanliness and surveillance.

Appendix C gives details of the off-street parking facilities within Brent.

#### **4.7 Paying to park by mobile phone**

The option to pay for parking sessions using mobile phone technology and a debit/credit card has been available in Brent since 2009. The service is provided by a specialist company, RingGo and is available in all of the council's car parks and on-street pay and display areas.

Parking via RingGo is cheaper (paying by mobile phone is 50 pence cheaper than the cash equivalent) and coins are no longer required to pay for parking. In addition, the option for text reminders when parking sessions are due to expire enables the motorist to extend parking time, wherever they are, by making a simple phone call or using the RingGo app on their mobile phone or tablet.

A link to the RingGo back office enables us check a vehicle registration for payments made, which assists us in dealing with appeals against PCNs.

Demand for paying to park by mobile technology continues to grow strongly year on year. In 2014/15 this accounted for 39% of on-street parking space sales and 33% of our off-street sales, compared to 28% and 20% respectively in 2013/14. Total on- and off-street income for both years is shown in paragraphs 5.1 and 5.3 below.

The service is popular and we receive very few queries or complaints.

#### **4.8 Suspensions and Dispensations**

Parking bay suspensions and dispensations facilitate large deliveries to residential properties, and allow residents to move into or away from the borough with as little inconvenience as possible.

## 5. Financial Information

An important purpose of the Annual Report is to provide statistical and financial information relating to all aspects of parking enforcement operations including the number of PCNs issued, the number of PCNs paid, the income and expenditure related to the enforcement activities recorded in the Parking Account, and how the surplus on the Account has been or will be spent.

### 5.1 Account Summary 2014/2015

Parking related activity carried out by the service in 2014/15 generated a surplus of £8.957m. The largest contributions to the surplus were made through the enforcement of parking and traffic regulations, and the sale of parking permits.

	<b>Expenditure (£000)*</b>	<b>Income (£000)*</b>
<b>Parking Administration</b>	1,241	-
<b>Parking Projects</b>	63	-
<b>On-Street Pay and Display</b>	350	-3,515
<b>Off-Street Pay and Display</b>	224	-398
<b>Parking Enforcement and Permits</b>	4,898	-10,892
<b>Traffic Enforcement</b>	412	-1,340
<b>Total</b>	7,188	-16,145
<b>Surplus</b>		-8,957

### 5.2 Surplus

The use of any surplus in the account is governed by Section 55 of the Road Traffic Regulation Act 1984. The legislation specifies that the surplus may be used for the following:

- i. making good to the General Fund any deficits incurred in the On-Street Parking Account during the previous four years;
- ii. meeting the cost of the provision and maintenance of off-street car parking in the Borough, or in another Local Authority.

If, however, it is considered unnecessary to provide further off-street parking in the area, the surplus may then be used to fund any of the following:

- i. Public passenger transport services;
- ii. Highway improvement works;
- iii. Highway maintenance, or
- iv. The costs of anything that has the approval of the Mayor of London and which facilitates the implementation of the Mayor's transport strategy.
- v. Environmental improvement works.

The account generated a surplus of £8.957m which was allocated in the following way:

	Transfer (£000)*
<b>Transportation service</b>	2,091
<b>Concessionary fares</b>	6,866
<b>Balance</b>	Nil

The Transportation service develops the council's transportation strategies and policies in line with local, regional and national policy. They deliver these policies through the planning, design, construction and maintenance of the borough's transport infrastructure. Their work includes improving road safety and minimising congestion, managing highways and maintaining the highway infrastructure.

Concessionary fares expenditure includes spending on the Freedom Pass, which provides for free travel on public transport in London for those that meet the disability eligibility or age criteria.

The surplus generated does not cover the full expenditure that the Council incurred in 2014/15 on concessionary fares, or any of the capital expenditure on Brent's road network. This included expenditure on pavement upgrades, major road resurfacing, preventative maintenance, improvements to the public realm and the renewal of road markings. For information, this expenditure is provided in the table below.

	Expenditure (£000)*
<b>Concessionary fares</b>	15,913
<b>Capital expenditure on roads</b>	3,550
<b>Total</b>	19,463

### 5.3 Account Summary 2013/2014

For comparison, last years account summary is provided in the table below.

	Expenditure (£000)*	Income (£000)*
<b>Parking Administration</b>	1,158	-79
<b>Parking Projects</b>	157	-
<b>On-Street Pay and Display</b>	263	-3,330
<b>Off-Street Pay and Display</b>	116	-434
<b>Parking Enforcement and Permits</b>	4,752	-10,068
<b>Traffic Enforcement</b>	442	-891
<b>Total</b>	6,887	-14,802
<b>Surplus</b>		-7,914

\* figures rounded to the nearest thousand

## 6. Statistical Reporting

### 6.1 Penalty Charge Notice Volumes

PCN Issuance	2011/12	2012/13	2013/14	2014/15
CEO Parking	91,010	85,101	75,460	87,146
Removals (PCN)	4,358	4,084	3,085	1,991
Bus Lanes	2,153	3,373	5,681	11,362
Moving Traffic	19,644	25,367	24,029	27,512
CCTV Parking	24,692	28,942	37,353	36,584
Total	141,857	146,867	142,523	162,604

### 6.2 Visitor Parking Volumes

Visitor Parking	2013/14	2014/15
Visitor parking bookings	250,743	411,367

### 6.3 On-Street Sales

On-Street	2011/12	2012/13	2013/14	2014/15
% of total revenue paid in cash	85%	81%	72%	61%
% of total revenue that was cashless	15%	19%	28%	39%

### 6.4 Off-Street Sales

Off-Street	2011/12	2012/13	2013/14	2014/15
% of total revenue paid in cash	92%	89%	80%	67%
% of total revenue that was cashless	8%	11%	20%	33%

### 6.5 Telephony Performance

Telephone Performance	2013/14*	2014/15
Calls resolved by IVR	63,354	62,093
Calls resolved by Agents	66,953	101,621
Volume Abandoned (waits >60 seconds)	7,370	2,166
Other	7,520	6,231
Total Calls Received	145,197	172,111
<i>Of calls resolved</i>		
% resolved by IVR	49%	38%
% resolved by Agents	51%	62%
Abandonment rate	10%	2%

\* data available from July 2013

## 6.6 Complaints

<b>Parking Complaints</b>	<b>2013/14**</b>	<b>2014/15**</b>
Complaints	337	205

*\*\* Parking complaint cases closed in reporting year*

## **7. Future developments for 2015/16**

In the coming year we will be making a number of changes to the way permits and visitor parking are administered. These include:

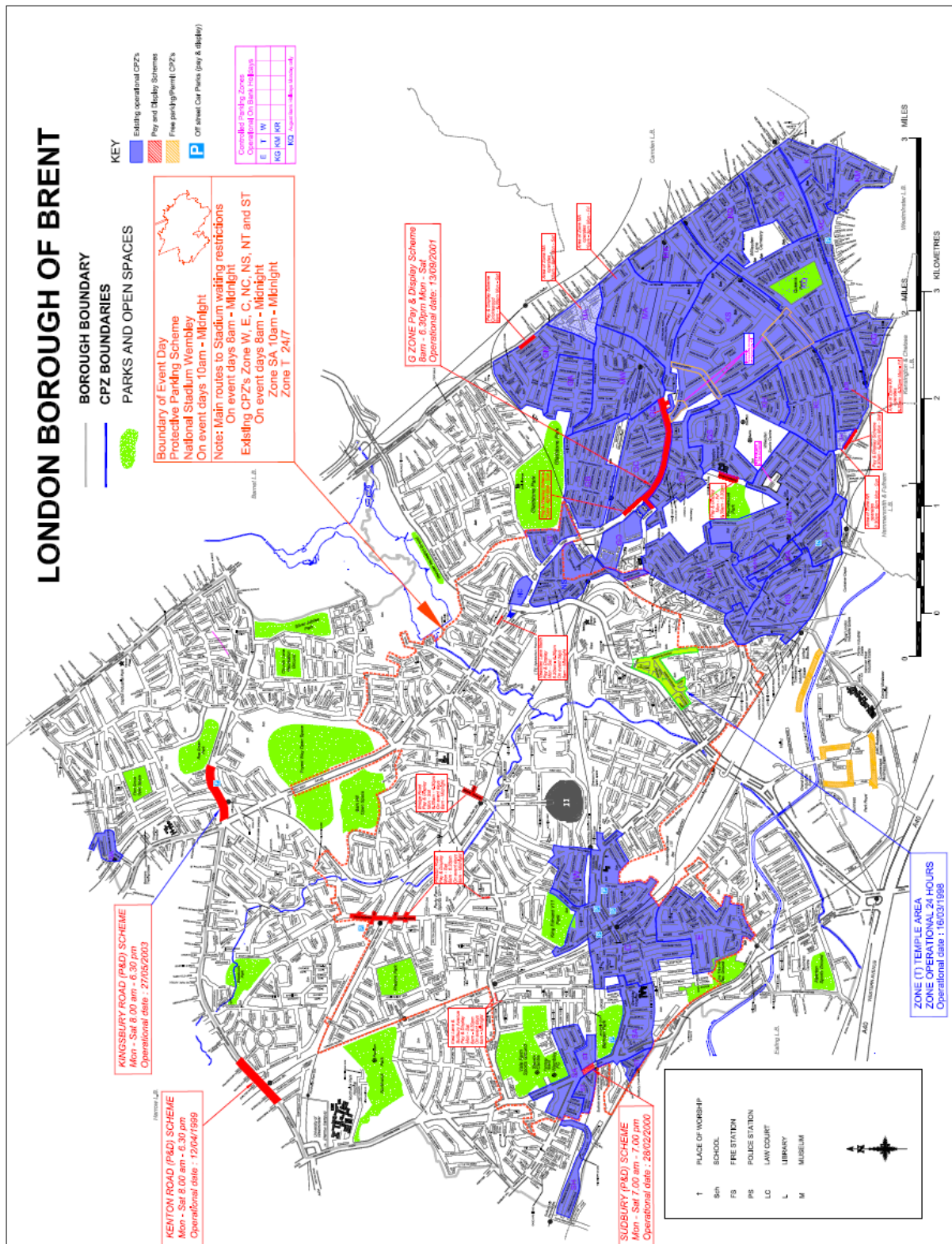
- Introducing Interactive Voice Response (IVR) technology giving customers the option of booking visitor parking, and topping up visitor parking credit, using an automated telephony system.
- Replacing paper permits with virtual permits for those permits which are vehicle specific

In April 2015 the Deregulation Act took effect. The main impacts of this are:

- Councils are no longer permitted to issue Penalty Charge Notices using CCTV for most parking contraventions (with the exceptions of parking contraventions at 'school keep clear' locations and bus stops).
- The introduction of a 10 minute grace period for motorists parking in paid for parking bays.



# Appendix A – Brent map of Controlled Parking Zones



## Appendix B – Controlled Parking Zone parking spaces

CPZ	Parking spaces*	CPZ	Parking spaces*
C	3395	KL	1700
E	922	KM	593
G	232	KQ	1669
GA	457	KR_1	1349
GB	1072	KR_2	103
GC	1305	KS	1702
GD	255	MA_1	1125
GH	896	MA_2	238
GM	1144	MK	590
GS	1086	MW	1415
H	678	NC1	53
HA	95	NC2	30
HA/HW	234	NS	652
HS	980	NT	270
HW	1703	QA	99
HY	1616	SA	1183
K	657	SH	221
KB	1090	ST	91
KC	355	T	265
KD	1167	W	376
KG	409	<b>Total</b>	<b>33796</b>
KH	324		

Data Source: Heavily Parked Streets report February 2014

\* the number of parking spaces is an estimate; figures assume a parking bay length of 6m, and excludes double and single yellow lines

## Appendix C – Off-street parking spaces

Car Park	Number of spaces						
	Car spaces	Disabled spaces	Business spaces	P2W spaces	Parent / child spaces	Electric Veh. spaces	TOTAL spaces
Barham Park	15	0	0	0	0	0	15
Brent Civic Centre*	146	9	0	21	3	(47)**	179
Disraeli Road	74	0	0	0	0	0	74
Elm Road	96	4	0	0	0	0	100
Kingsbury Road	25	4	15	4	0	0	48
Lonsdale Avenue	33	0	0	0	0	0	33
Neasden Town Centre	38	0	0	0	0	0	38
Northwick Park	93	3	0	0	0	0	96
Preston Road	155	3	0	0	4	2	164
Salisbury Road	29	1	11	0	0	0	41
St. Johns Road	67	3	0	6	0	2	78
Wendover Road	25	0	0	0	0	2	27
<b>Total Spaces</b>	<b>796</b>	<b>27</b>	<b>26</b>	<b>31</b>	<b>7</b>	<b>6 (53)</b>	<b>893</b>


\* Not all spaces in the Civic Centre car park are available for public parking; the facility is managed by Bilfinger Europa on behalf of the council

\*\* Available as general parking when not in use for vehicle charging

## Appendix D – Independent Appeals Service (PATAS):

### Appeals Data

<b>Independent Appeals</b>	<b>2013/14</b>	<b>2014/15</b>
Total PCNs issued by LB Brent	142,519	162,604
Total PCN appeals heard by PATAS	1,428	1,299
% of PCNs issued heard by PATAS	1.0%	0.8%
Number of appeals allowed or not contested	716	625
Of which, number of appeals not contested	520	366
% of PCN appeals rejected	50%	52%

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 21 September 2015</p> <p style="text-align: center;"><b>Report from the Chief Operating Officer</b></p>
For Action	Wards Affected: ALL
<p><b>Brent Local Implementation Plan (LIP) Submission for 2016/17 - 2018/19</b></p>	

## 1.0 SUMMARY

- 1.1 The primary source of funding for schemes and initiatives to improve transport infrastructure and travel behaviour in Brent is Local Implementation Plan (LIP) funding, which is allocated through Transport for London (TfL). LIP set out how London boroughs will deliver better transport in their area, in the context of local and regional transport priorities and the overarching Mayor's Transport Strategy (MTS).
- 1.2 This report seeks the approval of Cabinet to submit the 2016/17 LIP to TfL and following the approval of that body, to implement the schemes and initiatives within the submitted/approved LIP programme and funding.

## 2.0 RECOMMENDATIONS

- 2.1 That Cabinet notes the 2016/17 total TfL provisional LIP allocation of £3,545,000.
- 2.2 That Cabinet approves the proposed 2016/17 programme of LIP Corridors, Neighbourhoods and Supporting Measures schemes, as set out in **Appendix A** of this report, through application of the prioritisation matrix, as described in this report and, subject to TfL approval in autumn 2015, instructs the Head of Transportation to deliver this programme using the allocated budget and resources available.
- 2.3 That Cabinet approves the Wembley Transport Corridor as the highest priority scheme for submission under the Major Schemes programme, as set out in the Major Schemes Prioritisation Matrix, enclosed in **Appendix B**, and as described in this report. Cabinet also instructs the Head of Transportation to apply for funding, in collaboration with funding partners and neighbouring

boroughs, where required, to programme and deliver the highest priority schemes listed in the Major Schemes Prioritisation Matrix, using the allocated budget and resources available.

- 2.4 That Cabinet authorises the Head of Transportation to undertake any necessary statutory and non-statutory consultation and consider any objections or representations regarding the schemes set out in **Appendix A** of this report. If there are no objections or representations, or the Head of Transportation considers the objections or representations are groundless or insignificant, the Head of Transportation is authorised to deliver the schemes set out in **Appendix A** of this report. Otherwise, the Head of Transportation is authorised to refer objections or representations to the Highway Committee for further consideration.
- 2.5 That Cabinet notes the scheme allocations are provisional and that schemes may be subject to change during development and following the consultation process.
- 2.6 That Cabinet authorises the Head of Transportation to vary scheme allocations where necessary (e.g. pending the outcome of detailed design and consultation) within the overall LIP budget, in consultation with the Lead Member for Environment and in accordance with financial regulations.

### **3.0 LIP BIDDING PROCESS**

- 3.1 The Council receives a fixed block of capital funding annually from TfL. The funding is made available through section 159 of the GLA Act and is called LIP funding. This is for the specific purpose of investing in transport related programmes and cannot legally be spent on other activities.
- 3.2 TfL Guidance stipulates that the LIP financial allocation is to be used to support the “sustainable management and improvement of the borough’s transport network, and to influence travel decisions”. This accords with the Council’s approved LIP policies and supports the overarching policies and objectives set by the GLA/TfL in support of the MTS.
- 3.3 The amount of funding allocated to each borough is determined through a needs-based formula focussed on achievements of objectives and outcomes. The formula (developed by TfL in conjunction with London Councils) assesses need based on a set of metrics relating to four transport themes:
  - Public transport – bus reliability, bus patronage.
  - Road safety – monetary value of all casualties (killed, serious and slight) on all roads in the borough.
  - Congestion and environment – vehicle delay, CO2 emissions from transport.
  - Accessibility – residential population weighted by index of deprivation.
- 3.4 The indicators included in the formula are intended to reflect both:
  - The scale of the borough and its transport demand / network (number of bus users, residential population, etc.) to ensure that larger boroughs with more users get extra funding.

- Policy outcomes or severity of transport problems (casualties, bus punctuality, etc.) to ensure funding is directed to boroughs where it is needed most and can make the biggest difference.

3.5 Under the LIP, there are five funding streams, each of which address different transport issues and apply different application and assessment requirements:

- Corridors, Neighbourhoods and Supporting Projects;
- Major Schemes;
- Local Transport Funding;
- Principal Road Maintenance; and
- Bridge Strengthening

3.6 Examples of schemes which can be submitted under each funding stream are as follows:

Table 1: LIP funding streams (TfL)

LIP Funding Stream	Description
Corridors, Neighbourhoods and Supporting Projects	Holistic or area-based schemes, including bus priority, cycling, walking, safety measures, regeneration, environment, accessibility, Cycle training, car clubs, installation of electric vehicle charging points, school and workplace travel plans, and instigating behavioural change to travel options.
Major Schemes	Major schemes lie outside of this annual funding application process. A prioritised list of potential schemes is attached in Appendix B.
Local Transport Funding	Since 2009/10, TfL has allocated £100k per borough through the LIP settlement for use at their discretion on transport projects, provided the use is in accordance with section 159 of the GLA Act. It is intended to use the 2016/17 funding for Play Streets, the investigation of potential 20mph limits or zones and small scale reactive safety projects.
Principal Road Maintenance	Structural maintenance of principal (main) roads. Carriageway condition surveys are used by TfL to make allocations for highways maintenance.
Bridge Strengthening	Structural maintenance of bridges. Allocations are made through an established prioritisation process.

3.7 Most notably our focus is on delivering schemes that have the highest potential for collision reduction. Through analyses of Borough-wide collision statistics, streets and areas are identified where there is evidence of a disproportionately high number of collisions resulting in deaths, serious or minor injuries. From this analysis, a list of streets and neighbourhoods is identified where engineering measures have the potential to reduce the number of collisions that could occur in future years. This process is in accordance with TfL's requirement for all boroughs to prioritise funding to road safety projects.



3.8 This report provides details of the submissions to be made for funding in the 2016/17 financial year under the Corridors, Neighbourhoods and Supporting Projects, Major Schemes and Local Transport funding streams.

#### **4.0 LIP SCHEMES DELIVERED 2015/16**

4.1 During 2015/16 a total of £7.847 million is being invested in improving Brent's roads, footways and transport infrastructure. This includes:

- £3.537 million of LIP funding
- £0.863 million S106 developer contributions
- £3.447 million of Brent Capital funding to maintain and improve the highway network

#### **PRINCIPAL ROAD MAINTENANCE**

4.2 Principal Road Maintenance funding is provided by TfL to renew principal (A class) roads in the borough. This programme of works is developed through an assessment of need taken from the most recent condition surveys provided and reviewed by TfL. Brent's current programme for principal road renewals is contained in Table 2.

4.3 Preventative road maintenance and major resurfacing works are selected following an assessment of the entire borough-wide network to determine the current condition. A scoring system is used to identify roads suitable for major resurfacing or preventative maintenance that assessed the following:

- Condition based on outcomes of annual condition surveys and inspection programmes;
- Road hierarchy and traffic usage, including proximity of local schools / colleges;
- Level of risk in terms of numbers of accident claims, historic pothole repair records and/or collision history; and
- The cost effectiveness of preserving roads that have not yet fully deteriorated and fixing those which have.

4.4 In the preparation of a list of streets where there is a compelling case for either the roads and/or pavements to be renewed the Transportation Service also takes account of councillor nominations. Where a number of schemes attract the same or similar condition scores, those which also have a councillor nomination are provided additional weighting in determining inclusion into the proposed maintenance programmes. We may also deviate from priority order where, for instance, a section of road in relatively good condition may be resurfaced if it is on a street where the rest of the road needs maintenance and it would be illogical, or impractical, not to resurface the whole street.



**Table 2: Principal (A Road) Maintenance Programme 2015/16 - funded by TfL**

<b>Principal (A Road) Maintenance Programme</b>	<b>Length (m)</b>	<b>Estimated Cost (£k)</b>	<b>Ward</b>
A404 Hillside NW10 (Wesley Road to Brentfield Road - also including 754mts of footway upgrade)	350	448	STN
A4088 Forty Avenue (Corringham Road to Barn Rise)	240	140	BAR
A404 Craven Park (Knatchbull Road to St Albans Road)	290	190	STN / HAR
A4005 Ealing Road (Glacier Way to Carlyon Road)	280	110	ALP
A4005 Bridgewater Road (Junction Manor Farm Road)	130	98	ALP
A5 Edgware Road (Chichele Road to Temple Road)	350	111	MAP
<b>Totals</b>	<b>1.64km</b>	<b>1097</b>	
<b>Reserve Scheme</b>			
A4006 Kingsbury Road (Honeypot lane to Valley drive)	550	252	QBY / FRY

*Note: programme identified through the results of a London-wide SCANNER survey and to be funded by TfL. All schemes are subject to co-ordination with internal and external agencies.*

- 4.5 TfL allocated Principal Road Maintenance funding of £1.097m to Brent for 2015/16. TfL requests that boroughs include an additional 25% to their provisional allocation to enable them to put forward one or more reserve schemes. This provides an opportunity for additional schemes to be delivered each year if additional funding becomes available. This “reserve” bid adds a further £270k to the provisional programme value to make a total 2015/16 Principal Road Maintenance bid value of £1.367m.

### **BRIDGE STRENGTHENING**

- 4.6 Funding is provided under the Bridge Strengthening and Assessment programme to assist boroughs in maintaining and improving bridges and structures.
- 4.7 In 2015/16, Brent has been allocated £64,000 for the works listed in Table 3. These bids were applied through BridgeStation. These works will be monitored bimonthly on BridgeStation to ensure spending is scrutinised throughout the year.

**Table 3: Bridges approved for funding in 2015/16**

Northview Crescent	Feasibility Study	£29,000.00
	Remediation Works	£5,000.00
North End Road West	Review old design	£30,000.00

- 4.8 In addition to the above works Brent will be completing Principal and General Inspections in accordance with best practice. This information as well as other processes will be used to update our asset register and the quality of our information held via BridgeStation. Brent will also be examining historical data

in order to efficiently bid for allocations in any interim bids and a 2016/17 funding bid.

## **5.0 PRIORITISATION OF SCHEMES**

5.1 Over the course of a financial year a significant number of requests for infrastructure improvements are received. Given that funding is limited, it is not always possible to satisfy all of the requests the Council receives. A prioritisation model for Brent assists us to objectively rank the infrastructure improvement requests, and hence to develop a draft programme based on our provisional funding allocation.

5.2 Brent has always used a prioritisation matrix for selecting LIP schemes under the Corridors, Neighbourhoods and Supporting Projects funding stream, however in the past year, the Transportation service has reviewed and updated this matrix to ensure it meets the needs of Brent today and improve the way in which we collaborate with other Council services. Furthermore, a new prioritisation matrix was developed to assist in identifying and prioritising areas to be investigated for Major Schemes funding submissions.

## **6.0 CORRIDORS, NEIGHBOURHOODS AND SUPPORTING PROJECTS PRIORITISATION MATRIX**

6.1 The Corridors, Neighbourhoods and Supporting Projects spending submission includes schemes identified through a number of sources, including:

- Schemes that have the potential to reduce collisions levels.
- Schemes that have been committed in previous years for multi-year funding.
- Schemes that support the MTS outcomes.
- Strategic schemes that support the Council's objectives, including supporting regeneration, high streets, public health and air quality.
- Requests, proposal and suggestions received from members, residents and businesses (e.g. Brent Connects forums, resident enquiries, etc).

6.2 A total of 44 scheme requests have been received by the Transportation Service. In May 2015, the Transportation Service contacted all Councillors and Heads of Service as part of a 'Call for Schemes' which six councillors responded to. Each of the schemes which were identified as eligible for funding under the Corridors, Neighbourhoods and Supporting Projects LIP funding stream, or which were not currently being addressed by another scheme, were included within the Prioritisation Matrix.

6.3 After entering all potential schemes into the matrix, these schemes are assessed by scoring each against the likely benefits that it would deliver. These benefits reflect the priorities stated within regional and sub-regional transport policies, plans and strategies along with Brent's corporate strategic objectives and growth plans. The process involves:

- Each scheme is initially assessed by the collision records for the area or street under consideration – data is input and a score generated depending

on the number and types of collisions and casualties on record. This score is particularly weighted to produce a higher score where casualties have been vulnerable road users, such as children, pedestrians, cyclists and powered two wheelers (i.e. motorcycles and scooters), or where collisions are of greater severity (i.e. resulting in a fatality or serious injury).

- The scheme is then assessed against the objectives of the Mayor's Transport Strategy and meeting Borough priorities, such as regeneration high streets, public health and air quality.
- In the context of limited funding availability, schemes which are eligible for co-funding from other sources also receive additional weighting.
- After each scheme has been scored against the benefits that it would deliver, the total score is calculated and each scheme is ranked by high to low score.
- Some adjustments are made for existing and ongoing schemes where Borough priorities necessitate exceptions.
- A red line is drawn where accumulated total scheme values exceed the provisional funding value of £2,545,000.

6.4 For this 2016/17 LIP funding submission, we assessed a total of 76 schemes, of which 56 have been included within this submission to be taken forward during the current financial year for scheme development and/or implementation. However, if our final LIP allocation is different to the provisional value of £2,545,000, we will need to amend the programme accordingly and will use priority scores to determine which projects can be taken forward during 2016/17.

## **7.0 MAJOR SCHEMES PRIORITISATION MATRIX**

7.1 Brent Council's LIP (2011 – 2014) contained a list of potential future major scheme projects; however this had not been updated since. With the success of the recent major scheme at Harlesden, the Transportation service was receiving a number of additional requests for further projects and it was clear there was a need to assess and prioritise them objectively. The service therefore developed a prioritisation matrix to prioritise these various schemes to inform future decisions on which schemes to progress to application stage with TfL.

7.2 Schemes to be assessed within the Major Schemes Prioritisation Matrix are assessed against a number of objectives, including:

- Road Traffic Collisions (Stats 19 data)
- TfL Major Scheme Objectives (as outlined in the Major Schemes Guidance document).
- Key Brent Council policy areas, such as being located in a Regeneration area or being identified on a high streets, public health or air quality priority list.
- Requests from members of parliament, councillors and residents are also taken into account.

7.3 Where available, we have also used surveys of visitors per annum to calculate a justified investment in each location as per TfL's Major Schemes Investment

Ready Reckoner, which calculates the approximate investment which may provide a benefit to cost ratio above 2:1.

7.4 Information on which major scheme locations were assessed is provided in Section 11.0.

7.5 An extract of the Major Schemes Prioritisation Matrix is attached in **Appendix B**.

## 8.0 LIP 2016/17 FUNDING ALLOCATION

8.1 In June 2015 TfL informed the Council of its provisional LIP allocation of £3,545,000 in 2016/17 across the Corridors, Neighbourhoods and Supporting Projects, Local Transport Funding and Principal Road Maintenance funding streams as part of issuing the guidance document for the process of compiling and submitting the annual Spending Submission.

8.2 The table below shows how this funding allocation has been divided between funding streams:

**Table 4: 2016/17 Funding Allocations by funding stream**

LIP Funding Stream	2016/17 Funding Allocation	2015/16 Funding Allocation
Corridors, Neighbourhoods and Supporting Projects	£2,545,000	£2,461,000
Major Schemes	Funding allocated on assessment of submissions	£0
Local Transport Funding	£100,000	£100,000
Principal Road Maintenance	£900,000	£912,000
Bridge Strengthening	Funding allocated on assessment of submissions	£64,000
<b>TOTAL LIP ALLOCATION</b>	<b>£3,545,000 (Provisional)</b>	<b>£3,537,000</b>

8.3 The 2016/17 Spending Submission for Corridors, Neighbourhoods and Supporting Projects and Local Transport Funding must be submitted to TfL no later than Friday 9<sup>th</sup> October 2015.

8.4 The Principal Road Maintenance funding submission for 2016/17 will be reported to Cabinet in March 2016 prior to submission to TfL.

**9.0 2016/17 CORRIDORS, NEIGHBOURHOODS AND SUPPORTING PROJECTS SPENDING SUBMISSION**

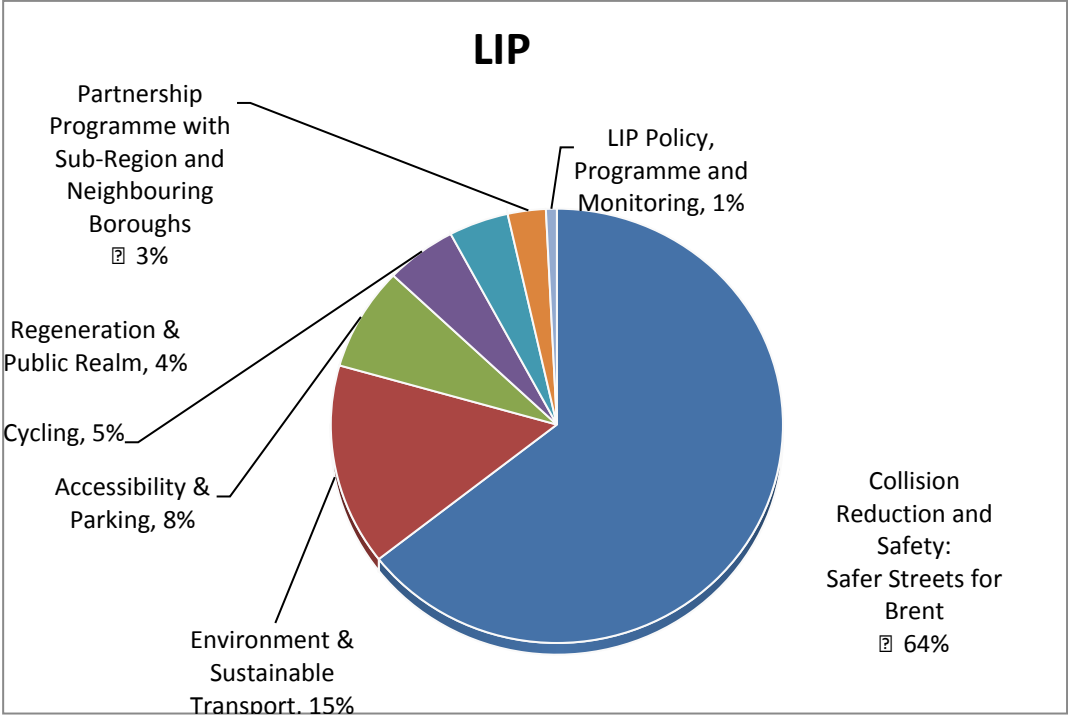
9.1 Brent’s 2016/17 provisional LIP allocation under the Corridors, Neighbourhoods and Supporting Projects funding stream is £2,545,000.

9.2 This allocation is an increase of £84,000 from Brent’s previous allocation in 2015/16 of £2,461,000.

9.3 The delivery programme is updated as part of a “rolling programme” with every annual spending submission, so schemes are identified not just for the forthcoming financial year but also for the two following years. This utilises one year of “approved” funding and two (future) years of “indicative” funding.

9.4 Members will therefore note that indicative funding requirements for 2017/18 and 2018/19 are set out on the draft programme for 2016/17 in **Appendix A**. These funding requirements are subject to change as schemes are identified and/or developed and cost estimates refined.

9.5 The following chart illustrates the spend profile of the proposed 2016/17 programme summarised against the broad objectives of Brent’s draft Long Term Transport Strategy and the MTS and objectives.



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

9.7 It should be noted that the project costs outlined in **Appendix A** are preliminary high level estimates based on comparable projects recently undertaken within the borough. As such, these estimates are subject to change due to design refinement, responses to community consultation and government policy. In the event that project costs differ from the estimate, the Head of Transportation will consider options for the virement of available funds to alternative projects as agreed with TfL to the limit of the LIP allocation.

## **10.0 LOCAL TRANSPORT FUNDING**

10.1 Local Transport Funding is provided to each borough as discretionary spending for transport projects, provided the use is in accordance with section 159 of the GLA Act.

10.2 All London boroughs are allocated £100,000 each year under the Local Transport Fund funding stream. This was the funding received in 2015/16 and has been maintained for 2016/17.

10.3 It is intended to use the 2016/17 funding to develop the roll out of Play Streets across the borough, investigate potential future 20mph limits or zones and deliver small-scale reactive safety projects.

10.4 Reports for a Play Streets Policy and Speed Limit Review will be presented to future Cabinets..

## **11.0 MAJOR SCHEMES**

11.1 Major Schemes are a programme through which TfL provides funding for a small number of large scale, high value (over £1 million) schemes which will make transformational improvements to their local areas and contribute to delivering the Mayor's Better Streets agenda. Major Schemes are generally located in areas with multiple issues which can be addressed by a single scheme, such as:

- Providing safer street layouts
- Improving access to local services and public transport
- Improving the public realm
- Increase economic activity
- Revitalise public spaces
- Enhancing local character

11.2 A £4.5 million Major Scheme was completed in Harlesden in 2014/15. This scheme reconfigured the existing gyratory system to reactivate the High Street by making it a more welcoming environment and removing all traffic except buses and loading vehicles from the High Street. This scheme resulted in a greatly improved public realm and improved bus amenity and travel times.

The boroughs of Brent, Ealing and Harrow, through the WestTrans Partnership, have also been awarded a Major Scheme for Sudbury Village, primarily aimed at revitalising the high street and improving access and interchange to Sudbury Hill (Piccadilly Line) and Sudbury Hill Harrow (Chiltern

Railways) stations. This scheme is valued at £2.5 million and will be delivered from 2016.

- 11.3 Brent Council does not have any current Major Scheme bids submitted with TfL, however this year's Corridors, Neighbourhoods and Supporting Projects application does provide some funding for the preparatory works for a future bid. Major Schemes funding is allocated on the basis of a series of application steps with various stages of data gathering, scheme planning and consultation required across the bidding process.
- 11.4 Transportation Service staff have identified a total of seven potential major schemes (including two options at one location, two stages of one project and two cross-borough major schemes). Each of these locations was assessed within the Major Schemes Prioritisation Matrix, with the highest priority being the Wembley Town Centre, with improvements stretching from Ealing Road to South Way, including the reconfiguration of Wembley Triangle. A feasibility study on some of the works required for this scheme is currently being prepared, with a Stage 1 application expected to be made to TfL before mid-2016.
- 11.5 A list of all schemes assessed is contained within the Major Schemes Prioritisation Matrix, shown in **Appendix B**.
- 11.6 The Transportation Service will continue to work with funding partners and neighbouring boroughs, where required, to develop an optimised major schemes programme to be applied for and delivered as and when funding opportunities arise across the forward plan. This may involve applying for schemes out of their prioritised order to maximise the deliverability of multiple schemes.

## **12.0 BRIDGE STRENGTHENING SPENDING APPLICATION**

- 12.1 Funding under the Bridge Strengthening funding stream is applied for through the London Bridge Engineering Group (LoBEG) via the BridgeStation Portal. BridgeStation holds Brent's structures information: basic info, inspection results, assessment results, etc. Submissions are also applied for through TfL portal, however, all of the supporting information for bids is stored on BridgeStation and LoBEG package leaders provide funding advice to TfL based on this information.
- 12.2 For 2016/17, LoBEG applications for Bridge Strengthening and Assessment must be submitted to BridgeStation before 15<sup>th</sup> May 2016.
- 12.3 Interim bids can be entered after 15<sup>th</sup> May 2015 and before 1<sup>st</sup> April 2016. Brent Council will likely submit some interim bids during this period, however there is no guarantee that they will be successful or what may be included within these bids.

## **13.0 LIP PERFORMANCE TARGETS**

- 13.1 Brent's LIP2 (Brent's current statutory transport plan under the Greater London Authority Act 1999) requires that interim targets should be set for



transportation performance, with longer-term targets identified for a future end date when the impact of sustained investment will have had a chance to take effect.

- 13.2 Boroughs were required to present details of each target set, including the base year and baseline data used. Targets were illustrated by way of trajectories, with annual milestones for each of the agreed mandatory targets, which include:
- Mode share
  - Bus reliability
  - Asset condition
  - Road traffic casualties
  - Carbon Dioxide (CO<sub>2</sub>) emissions.
- 13.3 TfL have set the long-term 2025 performance targets for boroughs; and supply data annually to report on boroughs' progress in maintaining the trajectory towards achieving their long-term performance goals.
- 13.4 TfL requires boroughs to provide annual updates of progress in achieving LIP performance targets. An update will be submitted to TfL at the same time as this LIP submission.

#### **14.0 FINANCIAL IMPLICATIONS**

- 14.1 TfL has allocated the Council a provisional sum of £3,545,000 against specific approved programmes. The proposed LIP programme for 2016/17 presented in **Appendix A** is therefore fully funded, although this is subject to final confirmation of the value of the LIP settlement for Brent.
- 14.2 The Head of Transportation proposes to implement the programme, utilising existing and other resources as necessary. Technical staff time is charged to the capital schemes. There should be no additional cost to the Council in implementing these schemes.
- 14.3 Given that the terms of LIP funding stipulates that it should be applied to the related financial year and does not permit any carry over of underspend, it is pertinent that all works must be completed by 31st March 2017.

#### **15.0 LEGAL IMPLICATIONS**

- 15.1 The Greater London Authority Act 1999 (the Act) requires that the London Local Authorities must implement the MTS. This Strategy sets out the transport policy framework for London.
- 15.2 The Council indicates how it will implement the MTS through its LIP which sets out various objectives. The Council is required to submit a spending submission to demonstrate how it will achieve its LIP objectives.



15.3 The requirements regarding to publication and consultation regarding the making of Traffic Management Orders are set out in the Road Traffic Regulation Act 1984.

## **16.0 DIVERSITY IMPLICATIONS**

16.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.

16.2 The draft programme described in this report has been assessed by way of an Equalities Impact Assessment (EA). A copy of this EA is attached in **Appendix C**.

16.3 The EA has concluded that there are no diversity implications arising from this report. However, specific diversity implications relating to individual schemes will be identified and addressed as part of individual project development plans and consultations carried out as part of the scheme designs.

## **17.0 STAFFING / ACCOMMODATION IMPLICATIONS**

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

## **18.0 ENVIRONMENTAL IMPLICATIONS**

18.1 The proposals in this report have been assessed by way of the Strategic Environmental Assessment linked to the Council's existing statutory LIP. There are no negative environmental implications of note arising from the funds allocated through the 2016/2017 Brent LIP funding application/settlement.

## **CONTACT OFFICERS**

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**Lorraine Langham**  
**Chief Operating Officer**

**Local Implementation Plan (LIP) 2016/17 proposed schemes****Key to Ward Abbreviations**

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

**Brent Council LIP Three Year Delivery Plan – Corridors, Neighbourhoods and Supporting Projects Schemes**

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>A5 Kilburn High Road</b> Corridor Safety and Urban Realm Scheme	a) Concept scheme developed in conjunction with Camden on boundary road. Encompasses section of Willesden Lane to North of Kilburn Station. b) Significant collision reduction potential c) Preliminary design, consultation in FY14/15 with initial signing works as required. d) Implementation in 15/16 and 16/17- values subject to cost estimate.	Design, develop & implement	KIL / BPK	50	50	0
<b>LIP Policy, programme &amp; monitoring</b>	Resource related funding for development work relating to future year's LIP schemes/programme	Deliver	Borough-wide	20	20	20
<b>Forty Lane</b> collision reduction	Barn Rise to The Paddocks & Bridge Road/Forty Lane to Wembley Park Station - preliminary design and consultation. Collision Reduction Programme (also to address loading/unloading & parking issues in the area). Accidents within 36 month period ending April 2012: <b>52</b> resulting in <b>63</b> casualties (KSI=4, Pedestrians=14, right turns=21, dark=18)	Deliver	BAR	105	105	50
<b>Blackbird Hill - Neasden Lane North</b> Collision reduction	Safety improvements A406 to Chalkhill Rd. Collision Casualty/Road Danger Reduction Programme	Implement	BAR / WHP	40	0	0
<b>Watford Road</b> collision reduction	Northwick & John Lyon Roundabouts. Spanning 2 years as requires detailed liaison with LB Harrow. Casualty & Danger Reduction Programme - Accidents within 36 month period ending April 2012: <b>50</b> resulting in <b>74</b> casualties (KSI=5)	Design & development	NPK	100	100	100
<b>A5</b> North of Ashford Rd to S of Yew Grove	36 months to March 2014 - Total Accidents <b>43</b> resulting in <b>43</b> casualties - <b>8</b> KSI (Accidents within 36 month period ending March 2014).	Implement	MAP	80	10	0

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>Travel awareness programme</b>	Travel awareness work such as events and promotional activities, magazine articles and adverts to further promote and raise awareness for sustainable transport across Brent.	Deliver	Borough-wide	25	25	25
<b>Wembley Central Transport Interchange</b>	Town Centre Area Scheme including urban realm / traffic improvements. Design development in 2015/16. Further design development and consultation in 2016/17. Potential "Major Scheme" (Step 1 Application) to be submitted in 2018/19. Accidents within 36 month period ending April 2014: <b>13</b> resulting in <b>14</b> casualties	Design & development	WEM	40	40	100
<b>Installation of Electric Vehicle Charging Points (EVCPs).</b>	To facilitate the delivery of electric vehicle charging points (EVCPs) in Brent	Deliver	Borough-wide	5	5	5
<b>Car Clubs</b>	Delivering TMOs, signs and lines for on-street bays to promote the concept of car clubs and attempting to increase for demand for car clubs - particularly in the north of Brent. If demand increases and new car club locations are suggested by operators, then an element of the "local transport fund" is used for signs/lines/TROs.	Deliver	Borough-wide	5	5	5
<b>Kingsbury Town Centre</b> urban realm and other improvements - Kingsbury Road (West of Honeypot Lane to Church Lane)	Town Centre Area Scheme including urban realm / traffic improvements. Design development in 2015/16, with consultation and further development in 2016/17. Potential "Major Scheme" (Step 1 Application) to be submitted in 2016/17. Accidents within 36 month period ending April 2012: <b>35</b> resulting in <b>39</b> casualties.	Design & development	FRY / KEN / QBY	70	70	70
<b>North Circular Road Neasden Lane Slip Roads</b>	Preliminary Design and consultation. Liaise with TfL with possible options to reduce accidents (TfL and Brent maintained road/junctions).	Design, develop & implement	DNH / WHP	20	10	0

Appendix A

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>Preston Road</b> - Woodcock Hill to East Lane	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues).	Design	BAR / KEN	20	95	10
<b>HTC "Routes in" 1</b> Church Rd - Craven Park to Neasden Ln	Improving pedestrian facilities on desire lines to address high levels of pedestrian casualties. Accidents within 36 month period ending April 2012: <b>31</b> collisions resulting in <b>33</b> casualties (KSI=3, Pedestrians=10)	Implement	DNL / HAR	10	0	0
<b>Harrow Road, Wembley</b> - West of Copland Avenue to East of Ealing Road	Collision Casualty/Road Danger Reduction Programme (including pedestrian and P2W related safety issues).	Design	SUD / WEM	20	90	10
<b>HTC "Routes in" 2</b> Craven Park Rd - Park Rd / Church Rd to St Thomas's Rd	Road safety on walking routes leading in to Harlesden Town Centre - Park Rd to St Thomas's Rd, including urban realm improvements	Implement	HAR / KGN	10	0	0
<b>Coles Green – Dollis Hill – Park View Rd</b> collision reduction	Potential 20mph zone as part of Collision Reduction Programme Accidents within 36 month period ending April 2012: <b>34</b> resulting in <b>38</b> casualties (KSI=5, Pedestrians=6, P2W=6)	Implement	DOL / DNL	10	0	0
<b>Ealing Road South</b> Bridgewater Rd to Alperton Lane	Collision Casualty/Road Danger Reduction Programme	Implement	ALP	80	15	0
<b>Cricklewood Broadway</b> - North of Longley Way to Kara Way	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues).	Design	MAP	20	70	10
<b>Kenton Rd</b> W of Nash Way to E of Upton Gdns	36 months to March 2014 - Total Accidents <b>25</b> resulting in <b>35</b> casualties - <b>2</b> KSI (Accidents within 36 month period ending March 2014).	Implement	KEN	85	10	0

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>College Road</b> - All Souls Avenue - Chamberlayne Road NW Area 20 MPH	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues). 20mph area covering all local streets not currently within 20mph zones bounded by Harrow Road, Bakerloo Line, Chamberlayne Road and All Souls Avenue (including Chamberlayne and All Souls)	Design	BPK / KGN / QPK	30	170	50
<b>Dudden Hill Lane</b> - South East of Dollis Hill Lane to Mulgrave Road	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues).	Design	DNL	20	70	10
<b>HTC "Routes in" 4</b> High St Harlesden - Park Parade to Furness Rd	Improving pedestrian facilities on desire lines to address high levels of pedestrian casualties. Accidents within 36 month period ending April 2012: <b>21</b> resulting in <b>25</b> casualties (KSI=3, Pedestrians = 6, Cyclists=3, P2W=9, right turn=7 dark=9)	Implement	KGN	10	0	0
<b>Staverton Road</b> - Brondesbury Park Area 20MPH	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues). Includes Willesden Lane, particularly near #223	Design	BPK	25	120	50
<b>High Rd Willesden</b> Gowan Rd to West of Hawthorne Rd	36 months to March 2014 - Total Accidents <b>21</b> resulting in <b>22</b> casualties - <b>4</b> KSI. (Accidents within 36 month period ending March 2014).	Implement	WLG	55	0	0
<b>Harrow Road, Sudbury</b> - Watford Road to Rugby Avenue	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues).	Design	SUD	20	80	15
<b>Church Lane</b> ( North of Reeves Avenue to Old Church Lane	Collision Casualty/Road Danger Reduction Programme (including pedestrian and P2W related safety issues). Include zebra crossing near St Andrews Church	Design	WHP	20	70	10

## Appendix A

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>Burnley Road Melrose Avenue Anson Rd 20mph Area</b>	Collision Casualty/Road Danger Reduction Programme	Implement	MAP / DNL	220	20	0
<b>Kenton Road</b> - East of Upton Gardens to Totterhoe Close	Collision Casualty/Road Danger Reduction Programme	Design	KEN	20	70	10
<b>Hawthorne Road / Bertie Road / Pound Lane Area</b>	Collision Casualty/Road Danger Reduction Programme Accidents within 36 month period ending April 2012: <b>16</b> resulting in <b>20</b> casualties (KSI=3 Pedestrians=1, m/cyclists =9)	Implement	WLG	20	0	0
<b>Neasden Lane</b> - South of Dudden Hill Lane to North of Denzil Road	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues).	Design	DNL / WHP	20	60	10
<b>HTC "Routes in" 5</b> Harlesden Rd - Park Parade to Robson Ave	Collision Casualty/Road Danger Reduction Programme	Implement	WLG / KGN	60	10	0
<b>Brentfield Rd</b> Junction with Knatchbull Rd and extension to temple	36 months to March 2014 - Total Accidents <b>14</b> resulting in <b>20</b> casualties - <b>2</b> KSI (Accidents within 36 month period ending March 2014).	Implement	STN	50	0	0
<b>HTC "Routes in" 3</b> Park Parade - High St to Harlesden Rd	Improving pedestrian facilities on desire lines to address high levels of pedestrian casualties. Accidents within 36 month period ending April 2012: <b>14</b> resulting in <b>14</b> casualties (Pedestrians=5)	Design & development	HAR / KGN	55	0	0
<b>Twyford Abbey Road</b> - Rainsford Road Area	Collision Casualty/Road Danger Reduction Programme (including cycling and P2W related safety issues). Include improvements to signage directing cyclists to Grand Union Canal towpath	Design	STN	20	50	0

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>Woodcock Hill, Kenton</b>	Speeding / Traffic calming	Design	KEN	20	0	0
<b>Olympic Way / Fulton Road</b>	Improved crossing facilities for pedestrians on Olympic Way	Design, develop & implement	TOK	60	0	0
<b>Harrow Road pedestrian crossing, Kensal Rise</b>	Pedestrian crossing of Harrow Road to the west of Wrotesley Road - Particularly for access to Kenmont School	Design	KGN	20	0	0
<b>London Road, Wembley Central</b>	Address standoffs between oncoming vehicles due to lack of passing areas	Implement	WEM	5	0	0
<b>Review/amendments of existing and future 20mph zones</b>	Boroughwide 20mph review	Design, develop & implement	Borough-wide	20	20	20
<b>School Travel (Walk and Cycle) supporting engineering measures around STP schools</b>	Development and delivery of accessibility and pedestrian safety measures around and on the routes to various schools, including places with barriers to walking in the borough.	Design, develop & implement	Borough-wide	225	225	225
<b>Bike It Project, Sustrans/Brent</b>	A partnership project with Brent NHS, Sustrans have been commissioned to lead on this targeted cycling development project, offering training and promoting the health/lifestyle benefits of cycling.	Design, develop & implement	Borough-wide	30	30	30
<b>Adult &amp; child cycle training programme</b>	An annual programme of cycle training activity delivered on behalf of the Council by Cycle Training UK.	Deliver	Borough-wide	100	100	100
<b>West Sub-region Travel Planners</b>	Brent's contribution to the travel-planning support provided to the borough by the West London Travel Planners - based in Ealing (via the "WestTrans" Partnership).	Deliver	Borough-wide	40	40	40



Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>School Travel</b> (Walk and Cycle) supporting non-engineering measures around STP schools	Smarter Travel interventions linked to the development of School Travel Plans (STPs) across Brent. Funding used for supporting materials for STP work within schools.	Design, develop & implement	Borough-wide	45	45	45
<b>Bus Stop Accessibility Programme</b>	Ensuring bus user accessibility to Brent's bus stops continues to improve. Examples include higher kerb-lines to facilitate wheelchair/ramp access and ensuring bus passengers do not alight onto grass verges.	Design, develop & implement	Borough-wide	85	85	85
<b>Education, Training &amp; Publicity (ETP) initiatives</b>	Road danger reduction related activities across the borough, such as awareness raising campaigns and other promotional activities related to making a Brent's roads safer for all users. Increased allocation which now incorporates the highly successful and well received " <i>Theatre in School</i> " Programme.	Deliver	Borough-wide	50	50	50
<b>Environmental health initiatives – Air Quality</b>	Continued support for Brent's Environmental Health team for localised air quality monitoring linked to motor-borne air pollution/roadside diffusion tubes and reports/studies linked to this area. Linkage with WestTrans/sub-regional air quality monitoring.	Deliver	Borough-wide	15	15	15
Short term targeted <b>P2W accident reduction</b> measures.	Short term measures to address issues raised by TfL and Mayor related to pedestrians and P2W	Design, develop & implement	Borough-wide	145	55	50
<b>Workplace Travel Plans</b>	Brent-wide support for the work of Brent's policy/sustainable transport team relating to the development of workplace travel plans within the borough.	Deliver	Borough-wide	20	20	20
<b>School Buses Escort Programme</b>	Continued support for addressing anti-social behaviour on key bus routes in Brent whereby funding is used for a human presence on troublesome routes/services to ensure successful operation of public transport in the borough and limiting police time.	Deliver	Borough-wide	30	30	30

Scheme	Description	16/17 Stage	Affected Ward(s)	Scheme Value (£k)		
				16/17	17/18	18/19
<b>Brent Freight Strategy</b>	Development of a Brent Freight Strategy to guide future initiatives aimed at minimising congestion caused by freight traffic and supporting economic development (including both hard and soft measures). <i>Note: funding for delivery to be sought for through, Brent capital spending, S106 payments and future LIP submissions</i>	Deliver	Borough-wide	20	0	0
<b>Waiting &amp; loading reviews</b>	Development and delivery of new/review existing waiting & loading restrictions/addressing problematic locations in the borough.	Design, develop & implement	Borough-wide	80	80	80
<b>Urban Realm / Street Trees</b>	To facilitate the planting of new, shallow-rooting street trees linked to urban realm improvement projects across Brent.	Deliver	Borough-wide	20	20	20
<b>Accessibility &amp; Disabled person's parking places</b>	Providing disabled persons parking spaces across Brent to improve accessibility for disabled persons.	Design, develop & implement	Borough-wide	30	30	30
<b>Signing &amp; lining reviews</b>	Reducing sign clutter throughout the Borough.	Design, develop & implement	Borough-wide	25	25	25
<b>TOTAL 2016/17 LIP Funding Bid for Corridors, Neighbourhoods and Supporting Projects</b>				<b>£2,545</b>		



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# Local Implementation Plan 2016/17 submission

**Department**

Environment and Neighbourhood Services

**Person Responsible**

Christopher McCanna

**Created**

23rd June, 2015

**Last Review**

23rd June, 2015

**Status**

Assessed

**Next Review**

23rd June, 2016

## Screening Data

1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

The Brent Local Implementation Plan 2016/17-2018/19 (LIP) is an annual funding submission made by Brent to Transport for London TfL). Each year, Brent is awarded a provisional funding level under three funding streams, with two funding streams responding directly to later applications for funding. This submission details schemes to be submitted for funding under the Corridors, Neighbourhoods and Supporting Projects funding stream, for which we submit a programme of schemes which support the implementation of the Mayor's Transport Strategy (MTS).

A report to Cabinet describes the use of the provisional capital investment and Members are asked to note the funding available and approve the proposed use of the funding. This accords with the Council's approved LIP 2011-14 Transport Plan alongside the emerging Long Term Transport Strategy; and supports the overarching policies and objectives set by the Greater London Authority (GLA) and TfL in support of the Mayor's Transport Strategy.

Brent has been provided funding under the LIP scheme each year since 2004, with the Borough completing annual spending submissions, such as this one. The last Equality Assessment was undertaken in 2014 for the 2015/16 funding submission.

There are many longstanding barriers to equal access to transportation in Brent, which are gradually being addressed. These include, but are not limited to, accessible public transport infrastructure, street clutter and limited access to cycling. As of February 2014, 100% of London Buses were low floor models which provide access to wheelchair users and easier boarding for older persons and parents with children, however only 80% of bus stops across London are accessibility compliant (Your Accessible Transport Network - May 2015 update, TfL, 2015). TfL aim to increase this to 95% by the end of 2016.

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

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

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

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

All new infrastructure will be constructed and certified to the latest relevant standards which are fully compliant with equitable access for all protected groups.

Consultation will be undertaken for each individual scheme which will address the particular impacts on people with all of the protected characteristics and include responses within the scheme to be delivered. As yet, there is no evidence to suggest any of the schemes within the LIP will have an adverse impact on any of the groups listed.

2. Who is affected by the proposal? Consider residents, staff and external stakeholders.

The LIP has been prepared to enhance the highway environment and safety for all and to promote equality. Many of

the policies and priorities outlined in the Mayor's Transport Strategy are supported by Brent Borough Plan objectives. Each of the proposals included within the LIP submission have been assessed for their potential impact from an equalities perspective.

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

- Brent Local Plan;
- Brent's Air Quality Action Plan (2012);
- Previous Local Implementation Plan submissions;
- Traffic Management Act (2004);
- Brent Council Spending Plan 2015-2016;
- Brent's Corporate Strategy;
- Brent's Regeneration Strategy 2010-2030;
- Draft Brent Development Management Policies
- National Planning Policy Framework (2012) and associated Planning Practice Guidance

3.1 Could the proposal impact on people in different ways because of their equality characteristics?

- Yes

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

- Age
- Disability
- Pregnancy and maternity

Most schemes included within the LIP affect benefit one or more equality characteristics in a consistent way, however there are some schemes which can benefit different equality characteristics in different ways. One such example is the Bus Stop Accessibility Programme, which aims to make all bus stops in the borough disability compliant, primarily to benefit people with disabilities in the borough. This will address an existing inequality for residents with disabilities by making it easier to board and disembark from buses at bus stops, but will also assist people within the pregnancy and maternity characteristic or age characteristic, as it may improve the accessibility of buses for these people who may otherwise have limited mobility.

3.2 Could the proposal have a disproportionate impact on some equality groups?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are disproportionately impacted

- Age
- Disability
- Pregnancy and maternity
- Race
- Sex

Any schemes which specifically address local safety issues will affect characteristics such as age and race, as there are some groups within these characteristics which are disproportionately represented amongst collision injuries. One such example is that BAME children are disproportionately represented amongst collision casualties, so this group will see more benefits than some other characteristics.

3.3 Would the proposal change or remove services used by vulnerable groups of people?

- No

3.4 Does the proposal relate to an area with known inequalities?

- Yes

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

3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

- Yes



If you answered 'Yes', please indicate which equality characteristic(s) are impacted

- Age
- Disability
- Pregnancy and maternity
- Race
- Sex

The schemes included within the proposed LIP submission will see improvements to transport accessibility and road safety for all residents across the borough, however these are likely to be more important for some people because their equality characteristics are currently disproportionately affected by some of the issues being addressed by these schemes. Examples of this include people with disabilities or BAME children, as detailed above.

3.6 Does the proposal relate to one of Brent's equality objectives?

- Yes

To ensure that local public services are responsive to different needs and treat users with dignity and respect

### **Recommend this EA for Full Analysis?**

Yes

### **Comments**

A mixture of qualitative and quantitative data will be used to form a judgement, including  
• London Travel Demand Survey (2013), Transport for London  
• Brent 2011 Census Profile (2013), London Borough of Brent  
• Brent Ward Diversity Profiles 2011-2014 (2014), London Borough of Brent  
• TfL Accessibility Implementation Plan (2012), Transport for London  
Information which has been used in developing the LIP includes crash statistics and hotspot analysis, TfL's iBus system, contributions toward meeting the Mayor's Transport Outcomes and Brent Borough Plan, and requests submitted by Councillors and local residents.

### **Rate this EA**

N/A

# Local Implementation Plan 2016/17 submission

**Department**

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**Person Responsible**

Christopher McCanna

**Created**

23rd June, 2015

**Last Review**

23rd June, 2015

**Status**

Screened

**Next Review**

23rd June, 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

Young people and older people are both over represented amongst road traffic collision casualties, particularly where they are pedestrians, as both of these demographics are less likely to drive than those aged 25-65. Over 35% of the borough's population is either younger than 18 or older than 65, with the youngest ward being Stonebridge (32.1% aged under 18) and the oldest ward being Kenton (17.2% aged over 65) (Brent Ward Diversity Profiles 2011 - 2014 (2014)). These people are also particularly vulnerable in road traffic collisions as their injuries tend to be more severe when they are injured.

Some of the schemes contained within LIP (such as the School Travel (engineering and non-engineering measures)), the Bikelt Project and Adult and Child cycle training) are specifically targeted towards improving road safety outcomes for children. At the same time, children and older persons will also benefit from other road safety schemes, which will assist by reducing road speeds and creating a safer road environment, thus reducing the number and severity of casualties.

All schemes, including those which are not directly aimed at improving accessibility for people within the age protected characteristic, will be subject to an equality assessment which will identify any outstanding barriers and ways in which they can be addressed.

5.2 Disability (select all that apply)

- Positive

Several programmes within the LIP are aimed specifically at improving transport accessibility for people with disabilities, including the Bus Stop Accessibility Programme and the Accessibility and Disabled person's parking places. These projects aim to reduce the existing barriers to accessibility which exist for people with disabilities across the borough and make it easier for them to travel.

Stonebridge ward has the highest proportion of residents with a disability which limits their day to day activities (16.5%), while Queen's Park ward has the lowest (11.4%). All schemes, including those which are not directly aimed at improving accessibility for people with disabilities, will be subject to an equality assessment which will identify any outstanding barriers and ways in which they can be addressed.

5.3 Gender identity and expression (select all that apply)

- Neutral

There are no programmes within the LIP which appear to have any impact on the Gender identity and expression protected characteristic. Notwithstanding this, consultation will be undertaken for each project to ensure this on a case-by-case basis.

5.4 Marriage and civil partnership (select all that apply)

- Neutral

There are no programmes within the LIP which appear to have any impact on the Marriage and civil partnership protected characteristic. Notwithstanding this, consultation will be undertaken for each project to ensure this on a case-by-case basis.

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

- Positive

Brent has a higher conception rate (99.2 per 1,000 women) on average than London (89.4 per 1,000 women) or England and Wales (80.4 per 1,000 women). Because of this, there is a higher concentration of parents with greater accessibility needs, such as decluttered footpaths or improved bus stop accessibility.

There are several schemes within the LIP which will specifically address these accessibility needs. Some of these schemes, such as the Bus Stop Accessibility Programme and the Walking and Cycling supporting measures, which aims to support walking and cycling to schools, will improve accessibility borough-wide, while others will address localised issues at Kilburn, Wembley Central, Harlesden and Kingsbury. These schemes will not remove all potential barriers for parents with or expecting children, however they will reduce some of the existing barriers, particularly on busy roads or major high streets, where a greater number of parents with children can be found.

All schemes, including those which are not directly aimed at improving accessibility for people within the pregnancy and maternity protected characteristic, will be subject to an equality assessment which will identify any outstanding barriers and ways in which they can be addressed.

#### 5.6 Race (select all that apply)

- Positive

Race can be a road safety issue because, according to the London Travel Demand Survey, the BAME population are more likely to use buses or walking than private vehicles or cycling. This means the BAME population is over represented amongst vulnerable road users and road traffic collision casualties. The BAME population also has a lower average age than the white population, which means a greater proportion of children involved in road traffic collisions are from BAME backgrounds.

Cycling currently is dominated by white male residents of Brent, consistent with patterns seen London-wide. Anecdotally, this is believed to be due to safety concerns, lack of confidence and cultural differences in these groups. The LIP includes several schemes aimed at broadened the appeal of cycling for women, older people and BAME people to partake in cycling.

All schemes, including those which are not directly aimed at improving accessibility for people within the race protected characteristic, will be subject to an equality assessment which will identify any outstanding barriers and ways in which they can be addressed.

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

- Neutral

There are no programmes within the LIP which appear to have any impact on the Religion or belief protected characteristic. Notwithstanding this, consultation will be undertaken for each project to ensure this on a case-by-case basis.

#### 5.8 Sex (select all that apply)

- Positive

While most transport issues are largely gender-neutral, there are a number of issues which disproportionately affect women rather than men. For example, the London Travel Demand Survey shows that women are more likely to use buses or walking, while private vehicles and cycling are used by a larger proportion of men. Therefore, road safety improvements will disproportionately benefit the women who make up a greater proportion of pedestrians on the street.

Cycling currently is dominated by white male residents of Brent, consistent with patterns seen London-wide. Anecdotally, this is believed to be due to safety concerns, lack of confidence and cultural differences in these groups. The LIP includes several schemes aimed at broadened the appeal of cycling for women, older people and BAME people to partake in cycling.

All schemes, including those which are not directly aimed at improving accessibility for people within the sex protected characteristic, will be subject to an equality assessment which will identify any outstanding barriers and ways in which they can be addressed.

#### 5.9 Sexual orientation (select all that apply)

- Neutral

There are no programmes within the LIP which will appear any impact on the Sexual orientation protected characteristic. Notwithstanding this, consultation will be undertaken for each project to ensure this on a case-by-case

basis.

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

- Neutral

There are no programmes within the LIP which will appear any impact on any other protected characteristic. Notwithstanding this, consultation will be undertaken for each project to ensure this on a case-by-case basis.

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?

Consultation for this LIP spending submission was internal only within the Council, however requests from the public received throughout the year were assessed for inclusion, along with a 'call for schemes' which was made to all Councillors. This resulted in a total of 44 schemes being assessed from requests by Councillors and the public.

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

In preparing the LIP 2016/17 Spending submission, a new prioritisation matrix was developed to deliver an objective process for selecting schemes to be funded. Through this process, we recognised that there were some schemes, which due to their ability to directly address existing accessibility issues for certain equality characteristics, needed to be exempted from the prioritisation process. All colleagues supported the continuation of existing programmes aimed at improving accessibility for disabled persons and people who have additional transport needs or face barriers in accessing transport because of their equality characteristics.

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?

All schemes included in the LIP will be constructed and certified in accordance with existing design standards which have been developed to meet the requirements of various disabilities and include measures to improve accessibility.

Brent Council will continue to publicise improvements made to reduce or remove barriers to equality so that they can be taken advantage of by all members of the community and will raise awareness of any outstanding equality issues within the community.


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

None of the schemes listed within the LIP 2016/17 Spending Submission have any identified negative impacts, however consultations will be undertaken for all projects on a case-by-case basis prior to implementation to ensure that potential negative impacts are reduced or removed for all schemes.

10. Please explain the justification for any remaining negative impacts.

None of the schemes listed within the LIP 2016/17 Spending Submission have any outstanding identified negative impacts.

I

 <p><b>Brent</b></p>	<p align="center"><b>Cabinet</b> <b>21 September 2015</b></p> <p align="center"><b>Report from the Chief Operating Officer &amp; the Strategic Director of Regeneration and Growth</b></p>
<p>For Action</p>	<p>Wards affected All</p>
<p><b>Welsh Harp Environmental Educational Centre - proposed Community Asset Transfer, outcome of marketing &amp; recommendation to proceed with preferred bidders and grant a new lease and associated licence</b></p>	

\*Appendix 3 is not for publication.

## 1.0 SUMMARY

- 1.1 This report sets out proposals for the future of the Welsh Harp Environmental Educational Centre (WHEEC) following the budget report to Cabinet in December 2014 and proposals to withdraw funding from the Centre.
- 1.2 The WHEEC has been identified as potentially suitable for Community Asset Transfer (CAT) in accordance with the provisions agreed as part of the new Strategic Property Plan 2015-19 as agreed by Cabinet in June 2015. This would provide an opportunity to secure continuity of an existing valuable service from the Centre in one form or another as the service is popular with Brent schools.
- 1.3 This report seeks approval to proceed with the proposed CAT comprising the leasehold disposal of the WHEEC, detailing the outcome of marketing and makes a recommendation to grant a lease to a preferred or a reserved bidder.

## 2.0 RECOMMENDATIONS

- 2.1 That Members approve the proposed Community Asset Transfer of the Welsh Harp Environmental Education Centre.

2.2 That Members delegate authority to the Operational Director Property and Projects to finalise and agree the terms of a leasehold and associated licence disposal to the preferred applicant, Thames 21 in consultation with the Chief Operating Officer, the Strategic Director of Children and Young People and the Chief Finance Officer.

2.3 The Cabinet endorses efforts to try to get the two bidders to work together to deliver an improved service at the Welsh Harp Environmental Education Centre.

### **3.0 DETAIL**

3.1 The 15 December 2014 Cabinet report by the Chief Finance Officer in respect of Brent's budget proposed the withdrawal of funding from the WHEEC, delivering savings of £27,000 over 2 years and ceasing the provision of education for school children at the centre. Following consultation, the 23 February 2015 Cabinet report identified that there was one opponent to the proposed closure. The 18<sup>th</sup> March 2015, Welsh Harp Joint Consultative Committee noted the closure of Welsh Harp Environmental Education Centre to be from April 2015. Subsequently the closure was delayed until July 2015.

3.2 On 1 June 2015 the Cabinet agreed the new Strategic Property Plan 2015-19, including proposals in respect of a new Community Asset Transfer process. Subsequently in July 2015 a detailed CAT policy, procedure and guidance was published. The WHEEC is considered a suitable asset for CAT as it could potentially enable the asset to be used on an ongoing basis as a valuable educational resource for schools in Brent. The WHEEC has therefore been marketed as a CAT opportunity, and in many ways can be seen as providing a test case for the application of CAT moving forwards.

3.3 The WHEEC comprises of two classrooms within a demountable unit, a toilet and shower block, parking and an adventure playground all of which are located within the Welsh Harp Metropolitan Open Space. There is also an office facility within the adjacent Planet House that is leased to Energy Solutions. The proposed lease area comprises 0.17 hectares with a D1 use class as an outdoor education centre.

3.4 The WHEEC licence area comprises of 4.89 hectares of outside teaching space that includes two woodland walks and habitats, a rivers study area, and a picnic area/play area. The location is also used for teaching orienteering skills. The WHEEC is approached by a private road leading from Birchen Grove and is within walking distance of the Welsh Harp Reservoir with its sailing facilities.

### Marketing

3.5 In June 2015 the WHEEC was marketed with the particulars indicating that the subject property could form part of a CAT. Potential applicants were guided to the 1<sup>st</sup> June 2015 Cabinet paper which approved the high level CAT process. The proposed lease terms offered were:

1. The Council will consider granting a lease for up to 7 years.

2. The lease will be on a full repairing and insuring term with the Council insuring the WHEEC and the tenant reimbursing the Council.
  3. The lease will be contracted out of the Landlord and Tenant Act 1954 and the ingoing tenant will have no right to renew the lease.
  4. A rent review will be subject to a Consumer Price Index (CPI) increase on the 5<sup>th</sup> anniversary of the lease term.
  5. A tenant's break clause will be operable with 10 months notice on the 1<sup>st</sup> September to terminate the lease on the following 1<sup>st</sup> July during the course of the lease period.
  6. The prospective tenant will be required to maintain the centre in good order.
  7. The ingoing tenant may not sub-let the centre.
  8. The lease will be entered into on the Council's standard terms.
  9. The lease will contain such other terms as the Borough solicitor considers appropriate.
  10. The area to be licenced will be ancillary to the lease and will be available for a period of up-to 7 years.
- 3.6 Interested parties were asked to use the CAT property application form to submit their offer, the template form comprises the following questions/ tests:
1. The eligibility test aims to ensure that the applicant is a qualifying organisation which is defined in the CAT policy as a third sector organisation (a TSO).
  2. The organisation tests looks to ensure that the organisations we contract with are of sufficient capacity to take on the building and deliver the proposed service.
  3. Draft lease heads of terms set out contracting conditions.
  4. A service offer template asks applicants to detail their proposals in the form of a business plan including cash-flow forecasts. The service offer will form part of the lease and will be subject to an annual self assessment by the tenant. The self assessment will be submitted to the Council to review and feedback on.
  5. A social value test is a more detailed version of the borough plan test. This aims to ensure alignment with Brent's vision and objectives. In the case of the WHEEC Centre, guidance on the social value test was not made available so instead the borough plan test was included in the CAT property application form.
  6. An equality analysis that asks applicants to consider the equality impact of their proposal.

### Outcome of marketing

- 3.7 The outcome of the marketing campaign on 7<sup>th</sup> July 2015 was that two CAT applications were received.
- 3.8 Application 1. The Carey's Foundation, guaranteed by the Carey's Group, is an established construction and resources recovery company with a long established connection with Brent. The Foundation was founded in 2010 and is a registered charity that supports a wide range of projects including community driven initiatives. Carey's assistance has in the past extended to WHEEC

where they have supported operations and are familiar with the service. The Carey's proposal is to continue with existing services and add to these in the medium to long term.

- 3.9 Application 2. Thames 21 is a registered charity limited by guarantee, formally constituted in 2004. They are Trustee led and in receipt of financial support over 20 years from a range of public and private sector bodies. Thames 21 has an established education team with a number of environmental programmes involving young people and schools. Their environmental partnerships have included Brent together with initiatives across many parts of London. Thames 21 wants to continue the existing service, looking to enhance the delivery of existing programmes at the WHEEC with schools and with minority populations.
- 3.10 Both applications on paper were fairly similar and as such they were invited to present their proposals on 29 July 2015 to a cross department officer panel.

#### Application evaluation

- 3.11 In accordance with Brent's CAT policy the applications were evaluated and the outcome is detailed in appendix 2. Appendix 3 details the commercial offer along with an officer valuation that has been checked and signed off by an internal Member of the Royal Institute of Chartered Surveyors (MRICS) that is qualified to approve the valuations.

#### Recommendation

- 3.12 Based on the evaluation, the recommendation is to proceed with the Thames 21 application. Thames 21 is an experienced environmental education organisation with a strong track record of delivering effective, community volunteering, engagement and educational events and activities to local communities promoting environmental awareness. The charity delivers practical and engaging environmental activities that teach young people about the need to care for their natural environment. As well as the educational work, Thames 21 looks to connect local people and communities with their local environment enabling a stronger sense of community ownership. With an existing environmental education programme in place, in addition to an established centre at the WHEEC, Thames 21 will transform the way environmental education activities are already currently being delivered and will make a positive difference.
- 3.13 The Carey's foundation bid also has strong merits. The Carey's Foundation plan is to invigorate and enhance the current educational and environmental offer of the WHEEC, to enthuse the children and build stronger school / community relationships. If the Thames 21 proposal falls through for any reason, officers would propose that the Carey's application be reconsidered by the Cabinet.
- 3.14 Following interview, both organisations have been contacted and informed of the recommendations in this Cabinet report, with the suggestion that both organisations should consider working together to provide an enhanced



service. Thames 21 has confirmed they are very interested in this partnership approach.

### Risks

3.15 It is noteworthy that there are risks associated with the Thames 21 application. Most prominent is the lack of a full business plan., The submitted application noted the following risks:

1. The current income is not sufficient to support the expenditure or running the service.
2. The risk of the education centre shutting down reduces demand next year.
3. That Thames 21 is unsuccessful with various funding applications to develop the centre to its full potential.
4. The cost of upgrading the infrastructure of the centre is significantly higher than envisaged.
5. The running costs of the centre are significantly higher than envisaged.

3.16 The following mitigation plan is proposed by Thames 21 with outcomes reviewed at the year end self assessment process as detailed in the CAT policy:

1. To inspect financial records for the centre.
2. To contact all schools who have used the centre previously to ensure they are aware that the centre will be remaining open. Use current staff knowledge and relationships to build links with schools/ users. Attend School Heads meetings within Brent and surrounding boroughs to promote the centre.
3. To use Thames 21 experience, expertise and contacts for successful funding applications.
4. To undertake inspections of the site (infrastructure) and development of a costed business plan and to develop alternative funding sources.
5. To undertake inspections of the site (running costs) and develop a costed business plan and to develop alternative funding sources.

### Next steps

3.17 A proposed programme is set out below (proposed dates may be subject to change):

1. Welsh Harp was consecrated in the 1950's as the original proposal was that the site would at some stage become a graveyard. This creates complexities that will need to be resolved before the letting can take place and expert advice is being sought.
2. Heads of terms have been issued – subject to Cabinet and contract - on 21 August 2015.
3. On receipt of the signed heads of terms the draft CAT lease will be issued by 1 September 2015 – subject to Cabinet approval.
4. Cabinet consideration - 21 September 2015.
5. Thames 21 to open the WHEEC by October 2015

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The current service budget is £93k which will continue to fund any cost associated with the maintenance and upkeep of the facility until the asset is transferred to a third party.
- 4.2 Any residual budget will be withdrawn post transfer.
- 4.3 The savings target for 2015/16 and 2016/17 financial years are £13k and £14k respectively. No additional ongoing costs are expected to be met by the service once the proposed transfer is complete.
- 4.4 No rental income is expected by the service from this asset transfer and any income generated will pass to the general fund.

#### **5. LEGAL IMPLICATIONS.**

- 5.1 A landlord's break clause will be inserted. This will be operable on the basis of service delivery by the tenant at the end of the second academic year with 3 months notice served on or before May 2017 to terminate the lease in July 2017 and provision for a biannual break notice thereafter. This will be added to existing heads of terms.
- 5.2 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease and licence.
- 5.3 The Council must obtain the best consideration that is reasonably obtainable unless it is a lease or licence for 7 years or less.
- 5.4 Disposals on the open market, either by way of auction or by way of appointing a marketing agent, will satisfy the best consideration requirement.
- 5.5 Since the land to be leased is held as public open space the disposal of the same was advertised under Section 123 of the Local Government Act 1972 in a local newspaper for two weeks with a 21 day period for objections but none were received.
- 5.6 The form of lease to be granted will be based upon a template lease for the disposal or letting of community assets which includes provision for appending the service offer, a once a year annual review comprising the review of the service offer, details of service delivery outcomes and anticipated outcomes for the following years. The associated licence will be in template form.

#### **6. EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 Progressing the proposed CAT will support a number of Brent's equalities objectives. The proposals provide for community engagement and involvement, safeguarding and enhancing the environmental education offer by providing opportunities for children in urban schools to receive environmental education.

- 6.2 The marketing process aimed to ensure that all eligible organisations had equality of opportunity and could put forward an application, with marketing resulting in two applications being submitted.
- 6.3 Thames 21 has an equalities policy that broadly aligns with the Council's. Thames 21 is better aligned with the WHEEC as their background is in environmental education and as an experienced provider their bid provides the opportunity to not only continue with the existing service but to enhance it and create increased opportunity for young people to receive environmental education.
- 6.4 The Carey's application looks to safeguard the existing service and develop this over time and the offer has some merits. There is real benefit in the proposed suggestion for both organisations to work as one, as it will ensure outcomes are delivered much sooner positively impacting Brent's overall equality objectives.

## **7. STAFFING/ACCOMMODATION IMPLICATIONS**

- 7.1 There are no staffing implications that arise directly from this report. Future staffing will be an issue for the tenant. No staff at the facility is currently directly employed by the council and no TUPE considerations apply.
- 7.2 There are no accommodation implications that arise other than the fundamental property matters that are described in detail throughout this report.

## **8. ADDITIONAL INFORMATION**

- Appendix 1. Subject site  
Appendix 2. Application evaluation  
Appendix 3. Commercial offer & Officers valuation. (Confidential).  
Appendix 4. Equality analysis.

### **Contact Officers**

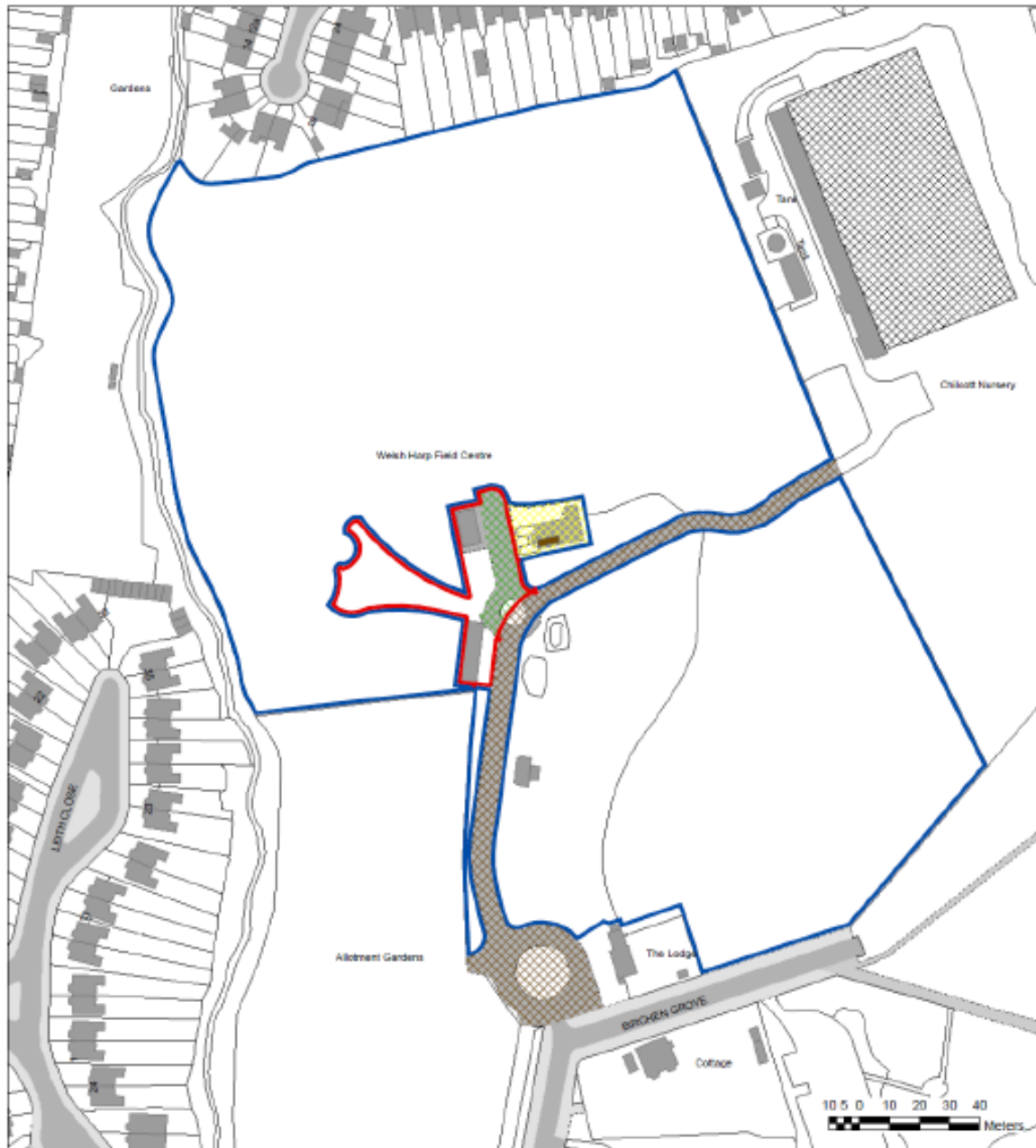
Amin Soorma, Estate Surveyor, Regeneration and Growth, 020 8937 4202

Sarah Chaudhry, Head of Strategic Property, Regeneration and Growth  
020 8937 1705

ANDY DONALD  
Strategic Director of Regeneration and Growth

# Lease and Licence Plan

## The Welsh Harp Environmental Education Centre, Birchen Grove, London, NW9 8RY



<p><b>1:1,250</b> Plan to stated scale if printed at A3.</p>	<p>PSMA OS copyright statement © Crown copyright and database rights 2015 Ordnance Survey 100025260 OS Open data copyright statement. Contains Ordnance Survey data © Crown copyright and database right 2015</p>	<p style="text-align: right;"><b>NORTH</b></p>
<p><span style="border: 2px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Demise</p> <p><span style="border: 2px solid blue; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Licence Area</p>	<p><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> Right of Way</p> <p><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> Planet House</p>	<p><span style="display: inline-block; width: 15px; height: 10px; background-color: #808000; border: 1px solid black; margin-right: 5px;"></span> Planet House Office</p> <p><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, green 2px, green 4px); border: 1px solid black; margin-right: 5px;"></span> Planet House Access</p>

Appendix 2. Application evaluation.

Criteria	Carey's Foundation	Thames 21
1. Qualifying organisation	Yes, registered in the last 12 months as a charity.	Yes, registered charity formally constituted in 2004.
2a. Properly constituted and governed.	Yes, registered charity, four trustees on the board, one managerial role to oversee the trust. The WHEEC will be run by a qualified teacher experienced in environmental education.	Yes, registered charity, 12 Trustees, WHEEC project to be managed by the senior management team comprising the chief executive, 2 no senior programmes manager, administration and personnel manager and a development manager.
2b. Skill and Capacity to manage asset and provide service	Yes on application, although through interview lack of educational experience became clear – No.	Yes – experienced charity, delivering young people's education, background in funding raising, communities, environment and biodiversity, a directly aligned and strong track record.
2c. Accounts demonstrate ability to take on asset and deliver service	No accounts available for the Carey's Foundation as they have recently 2015 become a charity. With the backing of Carey's Group as parent the accounts were acceptable – Yes.	Yes – accounts demonstrate capability to provide the proposed services and take on the property commitments.
2d. Experience of delivering similar projects.	No direct delivery. Partnership at St. Mary Catholic Primary School with Sainsbury's. Creating an outdoor learning area. Chalfont St Giles, joint partnership with school to create and maintain and outdoor learning area. Support function.	Yes. Fixing broken rivers, educating 32,400 young people, educational activities for 9,778 young people and engaged 2,934 adults. Commissioned to undertake a range of curriculum linked environmental education engagements to 600 pupils, overachieving and delivering sessions to a total of 4,310 pupils in 78 schools across London.
2e. Copy of equality policy	No on application, although it was confirmed at interview Carey's Group policy would apply – Yes.	Yes.
2f. Consortium	No	No
3. Analysis of heads of terms.	As per appendix 3 (confidential).	As per appendix 3 (confidential).
4. Service Offer.	Short term – to keep the centre open. Long term – rebrand,	Short term – to maintain the current education provision and

	<p>remarket, review service offer, open opportunities for training, volunteering, etc. and increase funding and grants. While looking at options to broaden service.</p>	<p>where possible to enhance through Thames 21 staff expertise and to explore funding arrangements. Long term – the site will become an environmental educational hub for north London with schools travelling across the capital to receive its excellent educational offer and will be fully accredited with Learning Outside of the Classroom (LotC). To include links with partners, providing teacher training and non-term time offers.</p>
<p>5. Borough plan outcomes (instead of the social value test).</p>	<ol style="list-style-type: none"> <li>1. Reducing deprivation through education.</li> <li>2. Decreasing unemployment.</li> <li>3. Reducing exclusions and opportunities for an enhanced timetable.</li> <li>4. Providing access to green space and creating fitter, healthier generations to come, boosting community health.</li> <li>5. Keeping vulnerable people safe.</li> <li>6. Educating people about their surroundings.</li> <li>7. Keeping young people engaged and out of trouble.</li> <li>8. Enhances new cultures and provides new experiences.</li> <li>9. Brings communities together creating resilience creating diverse workforce.</li> <li>10. Creates community ownership, creating a lasting legacy and local engagement.</li> <li>11. Builds a centre for people by people.</li> <li>12. Better alignment with community needs, creating opportunities for enterprise, large organisations and young people.</li> </ol>	<ol style="list-style-type: none"> <li>1. More children and young people in Brent receiving an enhanced educational service.</li> <li>2. Training and empowering local communities to have confirmed and skills to seek new forms of employment.</li> <li>3. Enhanced quality and quantity of education, development of teacher training sessions.</li> <li>4. Improved mental and physical wellbeing through volunteering and more active outdoor lifestyles through connecting with green spaces.</li> <li>5. Enhanced working with vulnerable people including mental and refugee.</li> <li>6. Enhanced maintenance and litter clearance in local area and increased ability to lever in funding.</li> <li>7. Enhanced deliver of green infrastructure and cleaner public spaces, better utilised reducing crime increasing community engagement.</li> <li>8. Enhanced leisure facilities and potential development of local arts projects.</li> <li>9. Development and training for the local community including community ownership.</li> <li>10. Increased local volunteering forming strong communities.</li> </ol>

		<p>11. Workload to be informed by local people.</p> <p>12. Increased opportunities for local communities and residents to get involved and deliver services.</p>
6. Equalities outcomes	Carey's have said they will have a positive impact on all the 9 protected characteristics with limited comment on why.	Thames 21 say their work will have a positive and neutral impact clearly justifying the reasons in their application. At interview there was the recognition that due to the nature of environmental educational work, it tends to be less attractive as a profession to ethnically diverse communities resulting in a workforce that was predominantly white. Thames 21 said they are looking at ways in which to address this.
6a. Inclusive to all	Yes.	Yes.
7. Equality monitoring.	Brent standard form completed and received analysis in the equalities section.	Brent standard form completed and received analysis in the equalities section.
8. Connection or interest.	None noted.	None noted.

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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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**Cabinet**  
21 September 2015

**Report from the Chief Operating  
Officer**

For Action

Wards affected:  
ALL

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

## 1.0 Summary

- 1.1 The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of discretionary rate relief is based on policy and criteria agreed by the Executive in September 2013. New applications for relief have to be approved by the Cabinet.
- 1.2 The report details new applications for relief received since the Executive last considered such applications on 23 February 2015.

## 2.0 Recommendations

- 2.1 That the applications for discretionary rate relief detailed in Appendices 2 and 3 to this report be approved.

## 3.0 Detail

- 3.1 Details of the Council's discretion to grant rate relief to charities, registered community amateur sports clubs and non-profit making organisations are contained in the financial and legal implications' sections (4 and 5).
- 3.2 Appendix 1 sets out the criteria and factors to consider for applications for NNDR relief from Charities and non-profit making organisations. This was agreed by the Executive in September 2013.
- 3.3 Appendix 2 lists new applications from local and non local charities that meet the criteria. These receive 80% mandatory relief, where they meet the criteria the council will award local charities up to 100% discretionary relief in respect of the remaining 20% balance and will award non local charities 25% relief in respect of the remaining 20% balance. It also shows the cost to the Council if discretionary relief is awarded.
- 3.4 Appendix 3 list new applications from non profit making organisations that meet the criteria for awarding relief. As these organisations are not registered charities they do not receive 80% mandatory relief. The Council's usual policy is to award 25% relief to organisations that meet the criteria. It also shows the cost to the Council if discretionary relief is awarded.
- 3.5 The criteria for awarding discretionary rate relief focuses on ensuring that the arrangements are consistent with corporate policies and relief is directed to those organisations providing a recognised valued service to the residents of Brent, particularly the vulnerable and those less able to look after themselves. Further detail is set out in Appendix 1. Should relief be granted entitlement will remain until 31 March 2017 unless there are any changes to the organisation. During 2016/17 it has been agreed that the council will review its criteria for awarding relief.
- 3.6 Charities and registered community amateur sports clubs are entitled to 80% mandatory rate relief and the council has discretion to grant additional relief up to the 100% maximum
- 3.7 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. However the council's policy limits relief for these to 25%

## **4.0 Financial Implications**

### **Discretionary Rate Relief**

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

to 1 April 2013 the Council met 25% of the cost of any relief granted, however this has also changed with 30% being met by the council with 50% being met by central government and 20% by the GLA.

- 4.3 The Council, where it has decided to grant relief, has followed a general guideline of granting 100% of the discretionary element to local charities and 25% of the discretionary element to non-local charities. Any additional awards of relief will reduce income to the Council by 30%.
- 4.4 In respect of non profit making organisations the council has agreed where the organisation meets the criteria to award 25% discretionary rate relief. The cost to the council of awarding this relief is 30% of the amounts granted.
- 4.5 The costs therefore of awarding relief to the charitable organisations detailed in Appendix 2 is £4,383.79. The costs of awarding relief to the non profit making organisation detailed in Appendix 3 is £264.96. This will in effect reduce the council's projected income from Business Rates Retention in 2015/16.

## **5.0 Legal Implications**

### **Discretionary Rate relief**

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

would be fettering its discretion. The legal advice provided to officers and Members is that each case should be considered on its merits.

## **6.0 Diversity Implications**

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

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

7.1 None

### **Background Papers**

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

### **Contact Officers**

Richard Vallis, Revenues & IT Client Manager – Civic Centre, Tel 020 8937 1503

Lorraine Langham  
Chief Operating Officer

## Appendix 1

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

#### **Introduction**

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

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

#### **(a) Eligibility Criteria**

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

#### **(b) Factors to be taken into account**

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

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

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

### **(c) Parts of the process**

#### **No Right of Appeal**

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

#### **Notification of Change of Circumstances**

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

#### **Duration of award**

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

#### **Withdrawal of relief**

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

#### **Unlawful activities**

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



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

## Appendix 2

### New Applications for Discretionary Rate Relief – Local Charities

		Charge	Bill net of statutory relief	Cost to Brent at 30%
	<u>Organisation</u>		Relief = 100%	
33030485	SUFRA – NW London Pitfield Way NW10 0UA 01/4/2015 – 31/3/2016	£1,873.40	£374.68	£112.40
33041011	City Harvest CIC Unit B42, Waterloo Road NW2 7UF 01/04/2015 – 31/03/2016 05/04/2014 – 31/03/2015	£11,040.00 £10,714.28	£2,208.00 £2,142.86	£662.40 £642.86
33038175	Age Concern Brent Units F35 & F36, Design Works Park Parade NW10 4HT 01/04/2015 – 31/03/2016 01/12/2014 – 31/03/2015	£2,119.90 £687.08	£423.98 £137.42	£127.19 £41.23
33035419	Barham Park Charitable Trust Unit 1 Barham Park 660 Harrow Road HA0 2HB 01/4/2015 – 31/3/2016 01/08/2014 – 31/03/2015	£2,070.60 £1,347.75	£414.12 £269.55	£124.24 £80.87
33035286	Barham Park Charitable Trust Unit 4 Barham Park 660 Harrow Road HA0 2HB 01/4/2015 – 31/3/2016 01/08/2014 – 31/03/2015	£3,105.90 £2,021.63	£621.17 £404.33	£186.35 £121.30
<b>Total</b>		<b>£34,980.54</b>	<b>£6,996.11</b>	<b>£2098.84</b>

Appendix 2 (continued)

New Applications for Discretionary Rate Relief – National Charities

		Charge	Bill net of statutory relief	Cost to Brent at 30%
	<u>Organisation</u>		Relief = 25%	
33035571	Brahma Kumaris World Spiritual; University (UK) 65 – 69 Pound Lane NW10 2HH 01/4/2015 – 31/3/2016	£81,054.00	£16,210.80	
	08/05/2014 – 31/03/2015	£71,275.75	Relief - £4,052.70 £14,255.15	£1,215.81
			Relief - £3,563.79	£1,069.14
<b>Total</b>		<b>£152,329.75</b>	<b>£30,465.95</b> <b>Relief = £7,616.49</b>	<b>£2,284.95</b>

### Appendix 3

#### New Applications for Discretionary Rate Relief – Non Profit Making Organisations

	<b>25% Relief to be awarded</b>	<b>Charge</b>	<b>Amount of relief (25%)</b>	<b>Cost to Brent at 30%</b>
	<u><b>Organisation</b></u>			
33016797	Kidz 1 <sup>st</sup> Community Project G Floor left, Kassinga House 37 – 41 Winchelsea Road NW10 8UN 01/04/2015 – 31/03/2016 06/05/2014 – 31/03/2015	£1,872.00 £1,660.76	£468.00 £415.19	£140.40 £124.56
	<b>Total</b>	<b>£3,532.76</b>	<b>£883.19</b>	<b>£264.96</b>