



## Cabinet

**Wednesday 20 January 2016 at 7.00 pm**  
Boardrooms 4/5/6 - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### Membership:

#### Lead Member Councillors:

#### Portfolio

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

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

**For further information contact:** Peter Goss, Democratic Services Manager  
020 8937 1353, [peter.goss@brent.gov.uk](mailto:peter.goss@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
<b>1 Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>2 Minutes of the previous meeting</b>	1 - 8
<b>3 Matters arising (if any)</b>	
<b>Chief Executive reports</b>	
<b>4 Authority to market Tenterden Pavilion under the Council's Community Asset Transfer (CAT) Policy</b>	9 - 16
This report explains that the next step of the Community Asset Transfer in respect of the Tenterden Sports Pavilion is for Cabinet to grant authority to market the asset as a CAT opportunity.	
<b>Ward Affected:</b> Kenton	<b>Lead Member:</b> Councillor Pavey <b>Contact Officer:</b> Peter Gadsdon, Director, Performance, Policy and Partnerships Tel: 020 8937 1400 peter.gadsdon@brent.gov.uk
<b>5 Scrutiny Task Group on Closed Circuit Television (CCTV)</b>	17 - 48
This report presents the report of the task group which analysed the effectiveness of CCTV in Brent and its impact on reducing anti social behaviour crime and reviewed policies and processes in comparison to others and best practice.	
<b>Ward Affected:</b> All Wards	<b>Lead Member:</b> Councillor Denselow <b>Contact Officer:</b> Cathy Tyson, Head of Policy and Scrutiny Tel: 020 8937 1045 cathy.tyson@brent.gov.uk
<b>6 Scrutiny Task Group on Fly-tipping</b>	49 - 86

This report presents the report of the task group which analysed the

borough's knowledge, behaviour and understanding of fly-tipping and reviewed local fly-tipping policies and processes of the council and its partner's.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Southwood  
**Contact Officer:** Cathy Tyson, Head of Policy and Scrutiny  
Tel: 020 8937 1045 [cathy.tyson@brent.gov.uk](mailto:cathy.tyson@brent.gov.uk)

## Resources Reports

### 7 **National Non Domestic Rates - Applications for discretionary rate relief and London Living Wage discretionary discount** 87 - 100

This report details new applications for relief received since the Cabinet last considered such applications on 21 September 2015. It also seeks a 6 month extension to the Business Rates discount scheme, i.e., to 30 September 2016, in order that a review can be carried out and reported back to Cabinet in June.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Margaret Read, Director, Customer Services  
Tel: 020 8937 1521  
[margaret.read@brent.gov.uk](mailto:margaret.read@brent.gov.uk)

### 8 **Extension of Contract for Hosting and Support for Oracle eBusiness Suite (oneOracle)** 101 - 106

This report seeks authority to extend the contract for hosting and support for the Oracle eBusiness Suite (oneOracle).

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Conrad Hall, Chief Finance Officer  
Tel: 020 8937 6528  
[archa.campbell@brent.gov.uk](mailto:archa.campbell@brent.gov.uk)

## Community Well-being Reports

### 9 **2015 Report of the Director of Public Health** 107 - 132

This report attaches the 2015 report of the Director of Public Health which considers the health of the under 5s in Brent.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Dr Melanie Smith, Director Public Health

**10 Agreement to extend the London North West Healthcare NHS Trust contract for health visiting (HV) and Family Nurse Partnership (FNP )** 133 - 136

This report sets out the rationale for the request to extend the current arrangements for the contracting of health visiting and Family Nurse Partnership services and outlines the work which has begun to review current arrangements and consider future models.

**Ward Affected:**  
All Wards

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

**11 Approval to appoint service providers to a Dynamic Purchasing System (DPS) for Accommodation Plus Services** 137 - 186

This report seeks approval to appoint the first round of applicants to the DPS having passed specific evaluation criteria.

**Ward Affected:**  
All Wards

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

**12 Housing Tenancy Conversions** 187 - 220

This report proposes to convert the maximum allowable 122 Temporary Accommodation (TA) units to Discounted Market Rent during the current year which, if agreed, and assuming that the remaining 242 TA units are also converted to Discounted Market Rent as soon as the contract allows, will reduce the projected deficit. A sharing arrangement in respect of the increased value of the 158 Affordable Rent units at the end of the contract is expected to further reduce the deficit with any remaining deficit being met from the Council's resources.

**Ward Affected:**  
Barnhill; All  
Wards

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

### Regeneration and Environment Reports

**13 Times House and the Falcon Public House, South Kilburn - acquisition financing proposals** 221 - 230



This report seeks approval to bring land assembly forward in order to deliver proposals in respect of the South Kilburn regeneration programme, including the compulsory purchase of the Genesis owned Keniston Press, and the Greene King Retailing Limited owned Falcon Public House site.

**Ward Affected:**  
Kilburn

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

**14 Church End redevelopment update and investment proposals** 231 - 254

This report proposes bringing forward the development of both land parcels (the Council and Catalyst lands) concurrently, thus significantly reducing delivery time.

**Ward Affected:**  
Dudden Hill;  
Harlesden;  
Welsh Harp

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

**15 Brent Cycle Strategy** 255 - 280

This report seeks approval of the Brent Cycle Strategy attached as Appendix 1 to the report.

**Ward Affected:**  
All Wards

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

**16 Authority to award contracts for the supply of Street Lighting LED lanterns and Central Management System** 281 - 294

This report requests authority to award contracts as required by Contract Standing Order no. 88. The report summarises the process undertaken in tendering these contracts and, following the completion of tender evaluation, recommends to whom the contracts should be awarded. The report also measures the success of the tendering exercise against the business case for investment set out in the Cabinet Report Street Lighting: Energy and Carbon Savings Proposals - authority to tender, 14 April 2014.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Southwood  
**Contact Officer:** Gavin F Moore, Head of

## Children and Young People reports

No reports to this meeting.

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

### 18 Exclusion of Press and Public

295 -  
304

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

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

Item 4 – APPENDIX I: Authority to market Tenterden Pavilion under the Council's Community Asset Transfer (CAT) Policy

Item 11 – APPENDIX 1: Approval to appoint service providers to a Dynamic Purchasing System (DPS) for Accommodation Plus Services

Item 13 – APPENDIX 1: Times House and the Falcon Public House, South Kilburn – acquisition financing proposals

Item 16 – APPENDIX 1: Authority to award contracts for the supply of Street Lighting LED lanterns and Central Management System

### 19 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 8 February 2016**



- 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 14 December 2015 at 7.00 pm

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

Also present: Councillors S Choudhary, Farah, Mahmood, Nerva and Perrin

Apologies for absence were received from: Councillor Southwood

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

None made.

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

RESOLVED:

that the minutes of the previous meeting held on 16 November 2015 be approved as an accurate record of the meeting.

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

None.

#### 4. **Budget Proposals to 2017/18 and medium term outlook**

The Deputy Leader, Councillor Pavey, introduced the report from the Chief Finance Officer which detailed proposals to balance the 2016/17 budget. The report also brought forward initial options for 2017/18 and 2018/19, which, if adopted, would leave the council close to balancing its 2017/18 budget as well as making inroads into the remaining gap for 2018/19. Councillor Pavey stated that the aim was to start a public conversation with much of the information in the public domain and referred to the potential impact of central government budget cuts as being life changing for residents, particularly cuts to public health and less support to mental health. He welcomed the retention of business rates by local authorities but felt that West End business rates should be shared nationally. Front line services would continue to be protected as would the vulnerable and most in need and Councillor Pavey outlined the consultation arrangements assuring that the council was ready to listen.

Cabinet members spoke in turn concerning their respective service areas. Reference was made to the recent government u-turn over reduced tax credits

which had recently been announced however it was thought that this only amounted to a delay and the council would work closely with the Department of Work and Pensions WP to secure jobs. The Cabinet were reminded of the need for affordable housing and of the adverse impact of Pay to Stay policies. Attention was drawn to the impact of local policing reductions, cuts to libraries, arts and the loss of the 2012 Olympics legacy. On health and social care, concern was expressed that prevention was not a priority with cuts to public health and the impending Winter crisis. Regarding Children and Young People, there were concerns over the sources of funding in the future and consideration was being given to realigning children's services to increase efficiency.

Councillor Butt (Leader of the Council) referred to the £80m budget reduction the council had experienced since 2009/10 and how the council had had to find new ways of working to continue service provision. Through civic enterprise new savings were anticipated by generating better returns on existing assets with the aim of being self financing so the council could continue to meet needs.

**RESOLVED:**

- (i) to note the budget proposals previously agreed for 2016/17 and 2017/18, as set out in Appendix One of the report from the Chief Finance Officer;
- (ii) to confirm that the proposals referred to in Appendix One, having already been extensively consulted upon, should remain part of the council's budget and business plans;
- (iii) to note the impact of Spending Review SR15 on the overall financial position, as set out in section four of the report, and to note the remaining uncertainties, including that the local government finance settlement was not expected to be released until week commencing 14 December;
- (iv) to note the new budget and business plan proposals, as set out in section five, with a summary in Appendix Two and detailed proposals in Appendix Three to the report;
- (v) to agree that the proposals referred to in (iv) should be consulted upon, in line with the timetable set out in section seven, and referred back to Cabinet in February 2016 for decision;
- (vi) to agree the schools' budget set out in section eight of the report;
- (vii) to agree the approach to developing an investment strategy set out in section six of the report.

**5. Brent Corporate Plan 2015 – 2016, April – September 2015 – progress update**

Councillor Butt (Leader of the Council) introduced the report which updated members on the progress on implementation of the Brent Corporate Plan for 2015–2016 with detail against each objective included in Appendix A attached to the report. The objectives, milestones and success measures set out in the plan had been developed to provide a clear programme of operational activities to deliver the

ambitions and outcomes agreed in the 'Brent Borough Plan 2015–2019' by the Cabinet and Full Council in March 2015.

The Cabinet's attention was drawn to a key achievement against the priority of Better Ways of Working namely, the full release of the functionality of the My Account (portal) for Council Tax and Benefits to Brent residents in November 2015, the take up of which had been encouraging and steady.

RESOLVED:

- (i) that the progress made in delivering the Corporate Plan 2015 – 2016 be noted;
- (ii) that it be noted that quarterly and annual reports brought to the Cabinet cover performance against key indicators and that the indicator set which monitors performance outcomes is the subject of a separate report to Cabinet on a quarterly basis.

## **6. Collection Fund Report**

The report from the Chief Finance Officer requested the Cabinet to approve the estimated balance of any surplus or deficit on the Collection Fund as at 31 March 2016 for both the Council Tax and Business Rates (NNDR).

Councillor Pavey (Deputy Leader) was pleased to report that for Council Tax, continued effective collection of amounts due to the council meant it was possible to return £2.503m as a one-off contribution to support the 2016/17 budget.

RESOLVED:

- (i) that agreement be given to the estimated Collection Fund balance relating to Council Tax at 31 March 2016 as a surplus of £3.2m. (Brent's share being £2.503m);
- (ii) that the current estimated balance relating to NNDR at 31 March 2016 as zero (no surplus or deficit) be noted;
- (iii) that approval be given to delegate to the Chief Finance Officer authority to amend these figures, should material new information, such as debt collection performance, come to light in the intervening period.

## **7. Award of contracts with Academy Schools and Independent Special School for Special Educational and Alternative Education Provision**

Councillor Moher (Lead Member, Children and Young People) introduced the report which reminded the Cabinet that in April 2015, approval was given to negotiate contracts between the council and Brent schools for the continued provision of specialist places for children with special education needs. These were places in Additionally Resourced Provisions (ARP) and English as an Additional Language (EAL) projects. Approval was also gained to negotiate block contracts in independent schools for the academic year 2015/16. The report set out the

outcome of the negotiations and sought approval to award one year contracts for the academic year 2015/16.

RESOLVED:

- (i) that the outcome of negotiations with the schools detailed in Tables 3.1 and 3.2 of the report from the Strategic Director of Children and Young People regarding the provision of specialist places for children with special education needs be noted;
- (ii) that approval be given to a one academic year contract (September 2015 to August 2016 between the council and the schools listed in table 3.1 and 3.2 of the report for the continued provision of Additionally Resourced Provisions (ARP) and English as an Additional Language (EAL) projects at the negotiated rate.

## **8. Commissioning of an Integrated Rehabilitation and Reablement service**

The report from the Strategic Director, Adults related to one of the key projects within Brent's Better Care Fund (BCF) Programme: the development of an Integrated Rehabilitation and Reablement Service (IRRS). The new service would provide a single point of entry to integrated, short term, intensive assistance support to help people achieve independence in daily living skills and rehabilitation goals in their own home and was jointly funded/commissioned by Brent Council and Brent Clinical Commissioning Group (CCG).

Councillor Hirani (Lead Member, Adults, Health and Well-being) advised that the contract was due to start in April 2016 and the new proposals were designed to end duplication between the rehabilitation and reablement services and reflect the needs of the patient.

RESOLVED:

- (i) that it be noted that this was the first new fully integrated service to be developed as part of the wider Better Care Fund programme, and is part of a broader strategic change for the department and the Council;
- (ii) that agreement be given to enter into an agreement pursuant to section 75 of the National Health Services Act 2006 with London North West Hospital Trust to enable the development and delivery of the new assessment and therapy elements of the IRRS, in which the council's staff will be seconded to LNWHT;
- (iii) that it be noted that the service outlined in (ii) would be funded as part of a wider proposal to enter into an agreement, pursuant to section 75 of the National Health Services Act 2006, with Brent NHS Clinical Commissioning Group, and that a further report will be brought to Cabinet that would outline the full details of this;
- (iv) that approval be given to the invite of tenders for the new community based rehabilitation and reablement service on the basis of the pre - tender considerations set out in paragraph 6.2 of this report;

- (v) that approval be given for officers to evaluate the procurement referred to in (iv) above on the basis of the evaluation criteria set out in paragraph 6.2 of the report;
- (vi) that authority be delegated authority to award the contracts for the community based rehabilitation and reablement service provision to the Strategic Director, Adults in consultation with the Cabinet Member for Adults, Health and Well-being, and the Chief Legal Officer.

**9. Adoption of Revised Planning Design Guide for the Sudbury Court Conservation Area**

Councillor McLennan (Lead Member, Housing and Development) was pleased to present a revised Planning Design Guide for the Sudbury Conservation Area. Extensive public consultation on the draft Guide took place over a number of stages. She stated that the responses to the consultation had been considered and proposed amendments to the final document proposed for adoption. The Cabinet noted that on 14 October 2015, the Planning Committee considered the consultation responses, proposed amendments and resolved to support the document's consideration and adoption by Cabinet.

RESOLVED:

that approval be given to the adoption of the revised Planning Design Guide for the Sudbury Court Conservation Area for development management purposes to guide the consideration of future planning applications in this area.

**10. Building Control Fees and Charges 2015-17**

The report from the Strategic Director, Regeneration and Growth advised that the current Building Control Charges had been in force since 1 April 2013 and had not been subject to review / variation for approximately three years. The report before the Cabinet put forward proposals and sought agreement for amendment and uplift of Building Regulation and other existing charges together with the introduction of new charges across various work areas. Approval of Brent Building Regulations charging scheme which included clarification / amendment of charging policy, where required, was also sought.

The Cabinet agreed that the new charges reflected increased costs and paid tribute to the work of the council's building control engineers for their work locally and with other boroughs.

RESOLVED:

- (i) that agreement be given to the revised Brent Building Regulation Charges Scheme No 11, incorporating revised policies, charges and guidance, as set out in Appendix 1 to the report, to come into effect on 1 January 2016 or as soon thereafter as the changes could practically be implemented. Concurrently, that the revocation of the existing Brent Building Regulation Charges Scheme No 10 for new applications received after 1 January 2016

or as soon thereafter as the changes can practically be implemented, be authorised;

- (ii) that agreement be given to the new and revised Building Regulation and other Building Control charges as set out in Appendix 2 to the report, to come into effect on 1 January 2016 or as soon thereafter as the changes can practically be implemented;
- (iii) that the services provided by Building Control where there is no ability to raise a charge set out in Appendix 3 be noted;
- (iv) that in all cases, the agreed charges are to remain in effect until 31 March 2017 or until such time as reviewed.

#### **11. Brent Stronger Communities Strategy**

Councillor Denselow (Lead Member, Stronger Communities) introduced the Stronger Communities Strategy report which introduced a programme for building resilience and protecting communities from current threats in particular extremism and radicalisation and the related issues of gangs, domestic abuse and harmful practices and child sexual exploitation. Councillor Denselow thanked staff and members for their contribution to the Strategy emphasised the council's safeguarding duty that engagement with the community would be key working with forums and holding public events with a view to confronting radicalisation and protecting the vulnerable.

Members of the Cabinet echoed Councillor Denselow's support for the strategy stressing the need to decrease crime and increase safeguarding.

RESOLVED:

- (i) that agreement be given to the strategic approach as set out in the Stronger Communities Strategy at Appendix 1 to the report from the Chief Operating Officer;
- (ii) that the content of the Equality Impact Assessment set out in Appendix 2 to the report be noted.

#### **12. London Sexual Health Transformation Project**

The report from the Director of Public Health provided an update on the collaboration between London boroughs on Genitourinary Medicine (GUM) services and set out the main findings of the market engagement developed by the pan London Sexual Health Transformation Project. It also set out the next steps of the project consisting of a collaborative procurement plan for GUM services and Contraception and Sexual Health (CaSH) services.

Councillor Hirani (Lead Member, Adults, Health and Well-being) summarised the proposals and welcomed the pan-London procurement opportunity and the Director of Public Health added that there was a strong case for change.

RESOLVED:



- (i) that approval be given to the council's participation in a pan-London procurement for a web-based system to include a 'front-end' portal, joined up partner notification and home/self-sampling;
- (ii) that approval be given to the council's participation in the North West London: outer region, sub-regional procurement, which consisted of a collaboration with Harrow and Ealing Councils (with Harrow Council acting as the Lead Authority) for the procurement of an integrated sexual health service of Genitourinary Medicine (GUM), Contraception and Sexual Health Service (CaSH) Services, Chlamydia Screening and where appropriate the inclusion of primary care sexual health services;
- (iii) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders 84 (a) to permit the use of Harrow Council's Contract Standing Orders, as the Lead Authority, on the North West London outer-region sub regional collaborative procurement of the services referred to in recommendation (ii) above and as more particularly detailed in paragraphs 3.4.12 - 3.4.16 of the report from the Director of Public Health;
- (iv) that authority be delegated to award contracts, proposed under recommendations (i) and (ii) above, to the Director of Public Health following consultation with the Chief Financial Officer and the Chief Legal Officer;
- (v) that authority be delegated to the Director of Public Health in consultation with the Chief Financial Officer and Chief Legal Officer to approve the Council's participation in pan-London agreements on cross charging and lead commissioning;
- (vi) that the progress made in developing options for the future commissioning and procurement of GUM services and the named inclusion of Brent Council onto the Prior Indicative Notice and in the Official Journal of European Union (OJEU) be noted.

### 13. **CCTV Strategy**

The report from the Chief Operating Officer summarised the Brent CCTV strategy 2015-18 and highlighted the key elements within. Councillor Denselow (Lead Member, Stronger Communities) advised that the strategy sought to reduce the number of ageing, fixed cameras and replace them with a stock of mobile deployable 4G cameras and better meet residents' demands. Councillor Denselow added that the strategy had been considered by a Scrutiny Task Group.

RESOLVED:

that approval be given to the adoption of the CCTV strategy.

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

None.

15. **Andrew Donald**


The Leader of the Council reminded the Cabinet that Andrew Donald, (Strategic Director, Regeneration and Growth) would be leaving the council's employ to take up a position as Redbridge Council's Chief Executive. Cabinet members wished him well and thanked him for all his work which had contributed to the transformation and regeneration of the borough.

16. **Any other urgent business**

None.

The meeting ended at 8.05 pm

M BUTT  
Chair

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 20 January 2016</p> <p style="text-align: center;"><b>Report from Chief Executive</b></p>
<p style="text-align: right;">Wards affected: Kenton</p>	
<b>Authority to market Tenterden Pavilion under the Council's Community Asset Transfer (CAT) Policy</b>	

Appendix I is not for publication.

## **1.0 Summary**

- 1.1 Through the Council's Community Asset Transfer (CAT) policy, the Tenterden Sports Pavilion and associated playing fields was the subject of an Expression of Interest (EOI) by Forest United (1973) Youth Football Club Limited. This EOI has been evaluated and has passed the relevant tests as outlined in the CAT policy. The next step of the decision making process is for Cabinet to grant authority to market the asset as a CAT opportunity.

## **2.0 Recommendations**

- 2.1 That Cabinet approve the marketing of the Tenterden Pavilion and associated playing fields as a CAT opportunity.
- 2.2 That Cabinet note the subsequent granting of the lease will be to the preferred CAT bidder, following marketing through a non binding informal tender process. The final decision to let the asset on the agreed terms will be placed before Cabinet for approval.
- 2.3 That Officers advertise in the local newspaper in accordance with Section 123 of the Local Government Act 1972 the land shown edged red on the Site Plan Appendix III and in the event of objections they be considered by the Strategic Director unless in the opinion of the Strategic Director significant objections are received in which case this should be reported back to the Cabinet for it to consider.

### 3.0 Detail

#### Community Asset Transfer Policy (CAT)

3.1 The CAT policy was launched in July 2015. It outlines a framework that supports the identification, transfer and sustainable management of Council assets by Third Sector Organisations (TSOs). It encourages TSOs to approach the Council with proposals for assets by submitting a completed Expression of Interest (EOI) template, which summarises their vision for the asset including how the intended use supports Borough Plan 2015-19 priorities.

3.2 The CAT policy is underpinned by five underlying principles<sup>1</sup>:

1. Community asset transfers will support the priorities of the Borough Plan;
2. Organisations that benefit from the transfer need to be credible, constituted, financially viable with a clear business case;
3. The services and building need to promote equality and community cohesion;
4. All opportunities should be advertised; and
5. Buildings should be transferred on a repairing leasehold basis.

Principle four - *all opportunities should be advertised* - means that a successful EOI does not guarantee the submitting organisation the lease of the asset. Instead, pending Cabinet approval, the asset will be marketed as a CAT opportunity; for which all interested TSOs can submit a more detailed, full application through a non binding open market tender process.

#### Expression of Interest

3.3 An EOI for the asset and its associated sports fields was submitted by Forest United (1973) Youth Football Club Limited. Through a successful CAT this organisation aims to obtain funding that can be used to regenerate the asset and its surrounding sports fields. This includes replacing the existing pavilion with a new, purpose-built pavilion, which would be used to provide improved sporting facilities for a range of year round activities.

#### The Borough Plan Test

3.4 The proposal was evaluated to successfully support the priorities outlined in the Borough Plan 2015-19. Additionally, there is scope for a project of this type to contribute towards a number of Borough Plan outcomes to be achieved by 2019 including:

- Participation rates in sport, physical recreation and cultural activities amongst the highest in London.

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<sup>1</sup> These were approved Brent's Cabinet on 1 June 2015 following a report titled 'Strategic Property Plan 2015-19 including proposals in respect of Community Asset Transfer'.

- Childhood obesity rates will be amongst the lowest in London.
- A range of examples of new service models developed and run in partnership with local people and organisations.

3.5 The proposal is supported by the lead Brent Service, (that manages the Council's Sports and Parks facilities), with the caveat that the associated sports pitches and green spaces remain fully accessible to the general public when not in use for matches or training, and do not become the exclusive property of the successful organisation.

### The Property Test

3.6 The Tenterden pavilion is currently unoccupied and is in extremely poor condition. It has been the subject of illegal occupation by rough sleepers and a catalyst for anti-social behaviour that has affected local residents. It was built circa 1920's of a timber framed, timber clad construction comprising hall, bar, kitchenette, two toilet units, storage, and boiler room. It also has a 2 storey brick built addition which is an annexe to the main pavilion. This annexe is also in extremely poor condition.

3.7 The pavilion and annexe has a building foot print of approximately 340 sq metres and is located on a site of 2.29 hectares (Please see Appendix III for a site plan).

3.8 The property is suitable for a CAT and is surplus to requirements to the lead Service. The Council does not have the financial resources to bring it back into an appropriate use. This is essentially a site for community use and therefore it is considered appropriate for a TSO to lease it from the Council and bring it back into use to provide benefits to the community. It is recommended that, due to the condition of the buildings, there is a three month marketing period in order to reflect the level of work that a bidder might be required to do in order to produce a substantive and solid proposal.

3.9 The building and site are to be leased with the adjacent playing fields to be managed by the ingoing tenant under a licence agreement.

### Proposed Lease Terms

3.10 The CAT policy allows for a 7 year lease to be granted to the preferred tender bidder. However, a longer lease would enable bidders to pursue necessary additional external funding. Should applicants require a longer lease, when they apply they will need to provide a business case and supporting evidence.

3.11 Service charge and maintenance issues will be clarified in marketing particulars, including responsibilities for improvements, for example lighting. Should planning permission be required, this will be the responsibility of the ingoing tenant to obtain.

## Proposed Licence

- 3.12 The licence agreement will stipulate that the playing fields cannot be enclosed and that members of the public will have a right of way over them and usage of them, when sports activities are not taking place. It is anticipated that the incoming tenant, may not require all the proposed licenced area, (as shown in Appendix III). This will need to be clarified through the marketing, along with management and maintenance obligations.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 From the valuation it is expected that the tenderers will make a rental bid as per confidential Appendix I.
- 4.2 It should be noted that there may be a Social Value in a tenderer's bid that can be translated into a financial value and may be offset against the actual rental income that the Council receives from this asset.
- 4.3 The Social Value attached to a tenders bid will be quantified through a pilot exercise carried out in partnership with the Social Value Portal<sup>2</sup>. This will involve assigning financial proxies to the outputs delivered by the successful CAT bidder, for example: *'the number of children regularly participating in sporting activity'*. The outputs used to demonstrate Social Value will be tailored to promote best use of this asset; including well-being measures around sport and fitness activities, inclusivity for community organisations and local people, and ensuring pleasant and well-maintained public spaces.
- 4.4 The Pavilion building is currently unoccupied and, aside from one-off costs to board-up and secure it, has no ongoing maintenance costs for the Council. As all assets under the CAT policy are transferred on a repairing leasehold basis, all redevelopment and maintenance costs post-transfer are expected to be met by the successful CAT bidder and should incur no additional costs to the Council.

### **5.0 LEGAL IMPLICATIONS**

- 5.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease.
- 5.1.1 The Council must obtain the best consideration that is reasonably obtainable unless it is a lease for 7 years or less.
- 5.1.2 Disposals on the open market, either by way of auction tender or by way of appointing a marketing agent, will satisfy the best consideration requirement.

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<sup>2</sup> The Social Value Portal is a social enterprise and online resource designed to help organisations understand Social Value and integrate it in their day to day activities.

- 5.2 The lease will be as per the standard CAT policy and will be a template lease that will include the applicant's service officer in the Appendix section.
- 5.3 Since the land is held as public open space the disposal of the same has to be advertised under Section 123 of the Local Government Act 1972 in a local newspaper for two weeks, with a 21 day period for objections with any objections being considered by the Strategic Director. Unless, in the opinion of the Strategic Director, significant objections are received in which case this should be reported back to the Cabinet for it to consider.

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 The EOI confirms that the services and activities included in the proposal will be inclusive and open to all. In relation to the nine protected equalities characteristics, the outcomes associated with this EOI proposal were evaluated as having either positive or neutral outcomes. If the asset is marketed as a CAT opportunity the full application process will include a more detailed equalities assessment based on full business plans.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

- 7.1 Following a successful CAT bid the relevant service unit will monitor the Tenant's outputs on a yearly basis to ensure compliance with the agreed social and other outputs to the community.

## **8.0 ADDITIONAL INFORMATION**

Appendix I: Valuation (below the line).  
Appendix II: Photographic Schedule.  
Appendix III: Site Plan.

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**Peter Gadsdon, Director of Performance, Policy & Partnerships**

## **Appendix I: Open Market Valuation**

NOT FOR PUBLICATION

Appendix I is not for publication as it contains the following category of exempt information as specified in Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

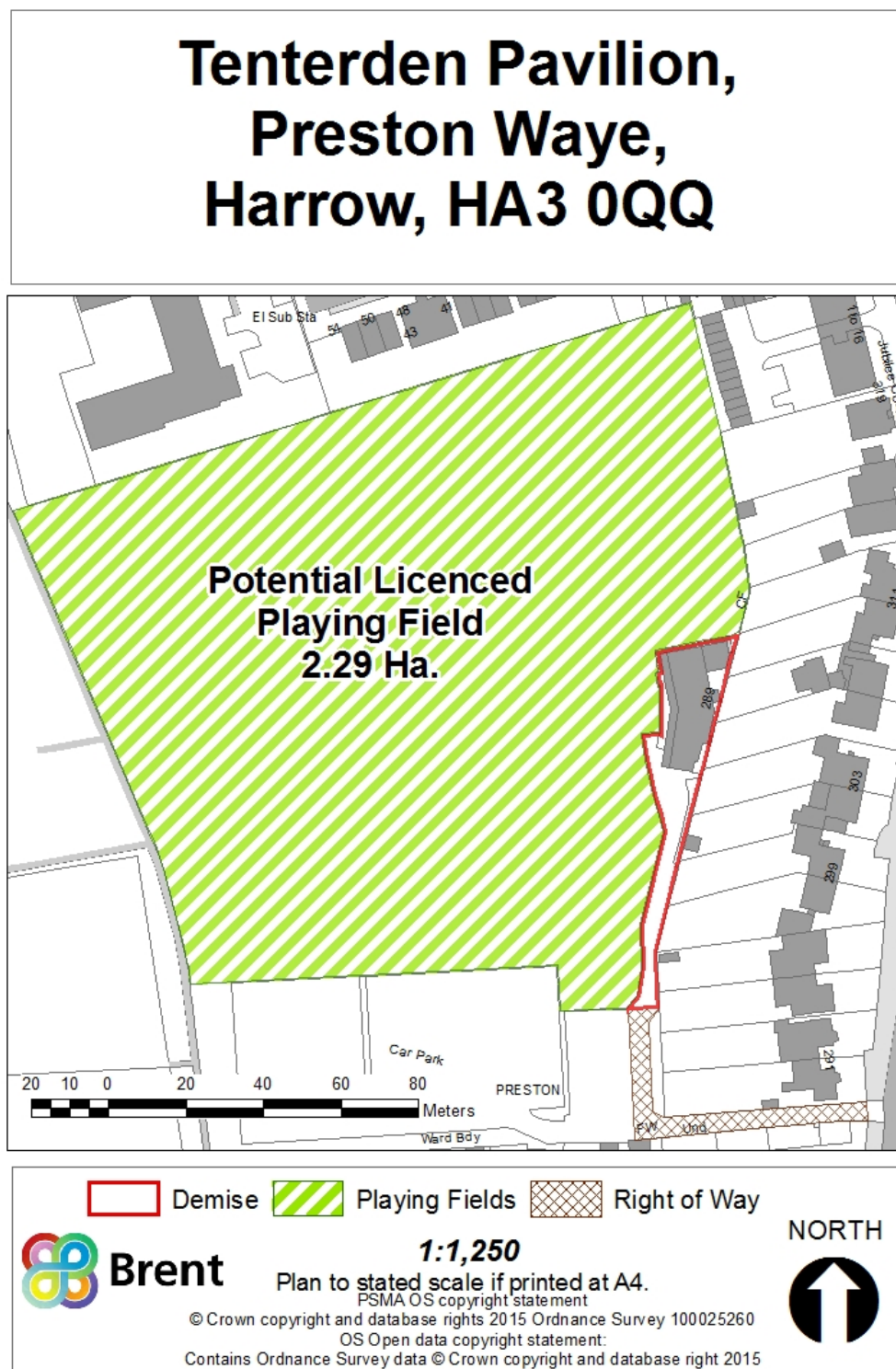


Appendix II Photographic Schedule



### Appendix III: Site Plan

(As per 3.12, the final licenced area will be determined through the marketing process, and will be subject to change)





**Cabinet**  
20 January 2016

## **Report from the Chief Executive**

### **Scrutiny Task Group report on Closed Circuit Television (CCTV)**

#### **1.0 Summary**

- 1.1 This task group has been requested by the Scrutiny Members in response to Brent resident's requests for increased levels of CCTV in the borough.
- 1.2 The purpose of the task group is to analyse and understand the effectiveness of CCTV in Brent and its impact on reducing anti social behaviour crime, and, to review policies and processes in comparison to others and best practice.
- 1.3 The review was concerned with the perception and attitudes of resident's, and, the deterrence of crime for Brent communities. The review also focused on apprehending offenders, costs and alternative funding and the levels of reassurance given to residents.
- 1.4 The review is aligned with borough priorities, such as 'Working in partnership with citizens and building stronger residents and council relationships'. And 'Continuing to reduce crime and making people feel safer'.

#### **2.0 Recommendations**

- 2.1 Members of the Cabinet consider the contents of the CCTV task group's report.
- 2.2 Members of the Cabinet approve the 22 recommendations made by the task group and support the development of an action plan across the council and partner organisations to take these forward.

#### **3.0 Detail**

- 3.1 The task group reviewed the local arrangements of the council and its partner's, national research and guidelines, and, heard the views and opinions from local residents and businesses. The task group consulted with experts in this field and other London boroughs which were identified as leaders in CCTV. The task group reviewed a number of concerns in the use of CCTV; which formed the focus and key areas of the review, these included:



## Public perceptions of CCTV

- Why do so many residents groups campaign for CCTV?
- What impact do residents think CCTV on their street will have?
- Does CCTV make people feel safer?

## The effectiveness of CCTV

- Is CCTV an effective deterrent, what actual impact does it have?
- How many offenders are caught and prosecuted through CCTV footage?
- How can CCTV be benchmarked?
- What is the best cost/benefit analysis of CCTV available (e.g. cost of installing, monitoring, maintaining and upgrading versus cost of crimes)?

## The current systems in Brent

- What are the current Council processes in place for installing (and removing) cameras and monitoring their footage, how can this be improved?
- Does the Council have the right policies in place to work with partner organisations such as the police?
- Which other local authorities have excellent practice and how do we compare?

## Working innovatively, involving the community and securing alternative funding sources

- Are the community integrated into our CCTV policies and systems as much as they should be and how could this be improved?
- How can the Council support community initiatives around “Citizens CCTV” and what is the current legislation in place concerning such schemes?

3.2 The task group has made twenty two individual recommendations, spread across the four key questions outlined in its Terms of Reference. Each of these recommendations fall into one of five overarching themes which the task group believes should form the basis of Brent Council’s future CCTV strategy.

### **1. Best practice**

The Council should actively seek examples of excellent practice in other local authorities and integrate these into its own long term strategy, whilst always ensuring that systems in Brent are designed to respond to the borough’s unique needs. All performance levels should be carefully benchmarked and measured.

### **2. Education and awareness**

Public education about the role and impact of CCTV should become a Council priority. The Council should look for every opportunity to increase public awareness about the laws surrounding CCTV, its strengths and drawbacks. This should also allow the wider community to participate on an informed basis in decisions about CCTV.

### **3. Income generation**

Brent Council should work to generate additional revenue from its existing CCTV infrastructure, for example through monetising ducts and 4G access points. Additional funds raised should be ring fenced to further improve the service.

#### **4. Targeted transparency**

Overall the Council should be seeking to create a more targeted CCTV system with an increased focus on deployable cameras. All decisions about deployment should be made in a fully transparent way with the full involvement of residents.

#### **5. Supportive environment**

In order to ensure that officers who work in the Council's CCTV control room remain motivated their role in saving the authority money and keeping the community safe should be more widely recognised and integrated into the other work the Council does.

### **3.3 CCTV Task Group Recommendations**

#### **Public Perception of CCTV**

1. Brent Council should develop a concise summary of its CCTV policy to contain information on: the effectiveness of, and alternatives to CCTV; the constraints imposed by national legislation on CCTV; the cost of CCTV relative to the public purse. Most importantly, this document should set out clearly the criteria by which areas would become eligible for a deployable camera. This summary can be distributed to any resident or group who seeks a new camera – as well as all elected members – to increase public awareness of Brent's policy towards CCTV. The language in the summary should be tested with local groups to ensure it can be understood by the target audience. A draft should also be presented to Scrutiny Committee for review.
2. Brent Council should give a public commitment that it will continue to maintain a public network of CCTV cameras in the borough to aid the goals of public reassurance and confidence and to demonstrate that the Council understands the public's concerns and is listening to them.
3. Brent Council's policy towards CCTV should always take account of the priorities of the borough's residents, for example on fly-tipping. These views should be gathered and confirmed by means of a survey or other public study.
4. Brent Council should never use dummy cameras as part of its CCTV strategy.
5. Brent Council should involve local community groups in "designing out" crime in their area, and provide them with a quick and easy way to report physical problems which may interfere with the effectiveness of local CCTV cameras.

#### **Effectiveness of CCTV**

6. Brent Council should develop new and measurable benchmarking criteria to monitor the internal performance of its CCTV team on a quarterly basis, to identify trends, improvements and regressions. These should be focussed on what the team exists to achieve. In terms of criminal acts, Operator Initiated Arrests (to be known as OIAs) should be measured to understand if the monitoring of our network is helping the police to apprehend offenders. In terms of fly-tipping, which as has been noted is extremely important to Brent residents, a system to measure the number of environmental issues resolved with the aid of CCTV should be developed. The percentage downtime of cameras should also be recorded to ensure that Brent's contractors are providing a strong and standard service and that the areas identified as needing cover receive what they were promised. The Cabinet Member responsible for community safety should report these findings to Cabinet on an annual basis and the figures should also be made available to the Scrutiny Committee.

7. Brent Council should prioritise public education about CCTV and in particular it's actual effectiveness and the effectiveness of alternatives.
8. Brent Council should work with other local authorities to establish a CCTV benchmarking network. Potential early partners would be the CCTV User Group or neighbouring boroughs.
9. Brent Council should work to actively publicise successes which derive from the CCTV network.

#### The Current Systems in Brent

10. Brent Council should develop a comprehensive list of all community and residents groups in the borough and the areas in which they operate – elected members would ideally be placed to help create this. When there is a change in camera coverage, possibly as a result of the regular mobile redeployments, the specific local group in the area affected should then also be informed on the same basis as elected members. The goal of this is to increase education and improve community relations by proactively informing residents about the Council's community safety work. Likewise, all Neighbourhood Watch schemes should be notified of changes in camera coverage.
11. Brent Council should join up and improve communications between the CCTV control room and the departments which use their footage.
12. Brent Council should maintain the excellent local knowledge of its CCTV operators, if necessary through site visits to hotspots.
13. Brent Council should continue with its new emphasis on deployable units, but ensure all changes, and the reasons for these, are communicated clearly and effectively to all stakeholders.
14. Brent Council should seek to improve members' reports, with a particular focus on getting wards right and more information about the evidence base used when a decision about deployment is made.
15. Brent Council should use changes in CCTV as part of a wider communication strategy about combatting crime and anti-social behaviour.

#### Working Innovatively, Involving the Community and Securing Alternative Funding Sources

16. Brent Council should draft new planning guidelines in line with other stated Council objectives, which make clear that where necessary to make the development acceptable in planning terms, developers should provide funds through S106 for the Council to install CCTV to mitigate the impact of their development. To ensure revenue costs are not unduly encumbered by this process, the contribution should include a commuted sum for the repair and upkeep required over the lifetime of the camera. Further consideration should be given to the provision of other non-essential CCTV cameras via CIL, to investigate the likely costs and implications of doing so. The CCTV function should be part of all future planning considerations, to ensure new developments do not impinge upon the current network.
17. Brent Council should require the Community Safety Team to prepare a report on how the Council's CCTV strategy might be used for income generation, to be presented to the Scrutiny Committee in early 2016.

18. Brent Council should commit that all money raised through the income maximisation strategy should be retained by the CCTV department to be reinvested to improve the CCTV service.
19. Brent Council should conduct a wide-ranging review of alternative funding sources which can be tapped into to provide CCTV, beginning with MOPAC.
20. Brent Council should develop a clear “can do” attitude about any innovative “Citizens CCTV” schemes and seek to increase the range of CCTV provision in the borough by such means.
21. Brent Council should develop a briefing document for citizens and resident’s groups offering clear signposts on further reading they must do, and places they must go for advice if they wish to develop a local, private CCTV network.
22. Brent Council should evaluate the possibilities of sharing its CCTV services with other boroughs to save costs. Any savings should be re-invested to improve the service.

#### **4.0 Financial Implications**

- 4.1 None of the recommendations in this report require significant upfront investment from Brent Council. Some recommendations require officer time to conduct further investigations into income generation, but the task group are positive that this will have an overall net financial benefit to the council

#### **5.0 Legal Implications**

##### **5.1 Citizen’s CCTV**

The council can not provide legal advice on “Citizen’s CCTV”. Schemes are residents’ schemes and are not council schemes, residents who provide these schemes must ensure that they comply with the law, especially the Data Protection Act 1998, and guidance issued by the Information Commissioner’s Office and the Surveillance Camera Commissioner’s code of practice. The running of any such scheme and ensuring its compliance with the law is not the council’s responsibility.

#### **6.0 Diversity Implications**

- 6.1 .None

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

- 7.1 The following Brent services and partners would be affected by the recommendations made:
  - Brent Community Safety & Public Protection
  - Brent CCTV Team
  - Brent Legal Service
  - Brent Waste Enforcement Services/Public Realm
  - Brent Planning Services

#### **Background Papers**

CCTV task group Scope and Terms of Reference (September 2015)

**Contact Officers**

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# SCRUTINY

## CLOSED CIRCUIT TELEVISION (CCTV) TASK GROUP

NOVEMBER 2015

Cllr Matt Kelcher (Chair)  
Cllr Janice Long  
Cllr Lloyd McLeish  
Mr Mike Wilson  
Ms Sandra Terrelonge

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## 1. THE CHAIR'S FOREWORD

If I've learned one thing in my first eighteen months as a councillor for Kensal Green (and believe me I've actually learned hundreds) it's that CCTV is an emotive topic.

There are not many, or probably any, topics I receive more representations about than community safety. This can vary between the kind of low level anti-social behaviour (ASB) which brings a sense of insecurity and unease into our communities; to the infuriatingly selfish behaviour of fly-tippers; to the most serious crimes of all, like the two tragic murders my ward has witnessed in 2015.



When these discussions begin, it's not long before the first mention of CCTV and the following questions find a voice:

- *Would CCTV have deterred the perpetrator?*
- *Would CCTV have caught the perpetrator?*
- *Or were there cameras there which made no difference?*

It is because I know that CCTV is so important to my constituents that I did not think twice when the Chair of the Scrutiny Committee, my friend and colleague Cllr Dan Filson, asked me to lead this review.

This is also the reason I was determined that the voices of local people – for whom the service exists in the first place – should be at the forefront of the investigation.

I ensured that our Task Group was not dominated solely by politicians by inviting a community activist from the south of the borough (Mike Wilson from Harlesden), and a community activist from the north of the borough (Sandria Terrelonge from Alperton) to join the team.

Their insight has been invaluable and they have contributed fully alongside my fellow Councillors – Janice Long and Lloyd McLeish – on the task group.

I also ensured all our meetings were held in public with local people invited to attend. At our first public meeting we held a lengthy discussion with representatives from various community groups about the public perception of CCTV.

We have learned a lot along the way and explored some surprising areas. Personally I did not fully appreciate the complexity of the law determining where and when a CCTV camera can be installed, before this investigation.

Likewise I had not anticipated the way in which a local authority's CCTV infrastructure can be used to raise additional revenue for local services.

Which of course brings us to the subject of money. We were aware from day one that due to the incredibly straightened times which local authorities find themselves in; none of our recommendations could require Brent Council to find more money it does not have. But where we have found new ways that the CCTV service can raise additional income, it is my firm belief that the service should be allowed to keep all of this income.

This report could never have been produced without the support of a whole network of people. I have already mentioned the four people who joined me on the task group and the other residents groups who took part in our meetings. I would like to thank them all for being so generous with their time and ideas.

I also would like to acknowledge the wide variety of expert witnesses from a variety of groups around Brent and beyond who gave us so many new ideas. Last, but certainly not least, my deep thanks goes to the many council officers who gave up their evenings to share their views, or welcomed us into their CCTV control room, and even went on trips to view best practice elsewhere.

In particular I'd like to thank Kisi Smith-Charlemagne and Chris Williams who were at all of our meetings and were quick to respond to any requests I made of them.

As I hope will become clear as you read this report; the officers who work in our CCTV service are extremely dedicated and knowledgeable. We are lucky to have them.

**Cllr Matt Kelcher, Kensal Green Ward**  
**October 2015**

## 2. TASK GROUP MEMBERSHIP



**Cllr Matt Kelcher (Chair)** was born in Belfast and raised in North Derbyshire, but has called Brent home for the last five years. He was honoured to be elected to represent his home ward of Kensal Green in 2014 and served as Assistant Cabinet Member for Employment and Skills for a year before being elected onto Brent's Scrutiny Committee. He graduated with a first in Politics from the University of Nottingham and recently completed an MA in Political Communication at City University London. In his day job Matt heads up the public affairs, policy and research work of an organisation representing Britain's charity shops. He has significant experience of policy making having previously served as a researcher and advisor on small business policy in Parliament and a policy officer in local government.



**Cllr Janice Long** represents Dudden Hill ward. Previously she has represented Harlesden and Mapesbury wards. She is Vice Chair of the Alcohol & Licensing committee and chairs Sub-committee C of A&L. Janice is a Governor at Newfield Primary. She was also a Board member of Brent Housing Partnership from 2002 before she stood down this year. As a councillor Janice has focused on housing, environment and transport issues. A life long resident of Willesden, south of Brent Janice knows the borough well and has used her experience as a councillor on this task group.



**Cllr Lloyd McLeish** has represented Harlesden ward in the London Borough of Brent since 2014. He was born, raised and educated in Brent where he has lived all his life and holds an Economics degree from the University of Greenwich. Since being elected to Brent Council Lloyd has sat on the Audit committee and Alcohol and Entertainment Licensing committee. He is a member of the Fabian society and has been a former member of the Unite trade union London Eastern regional political committee.



**Mr Mike Wilson** is a Brent resident, treasurer of the Harlesden Town Team, and Leader of its Public Realm Team. Mike is actively involved in an innovative 'Citizens CCTV' initiative locally, specifically targeted at combating fly tipping. Protecting rights of privacy whilst also recognising the contribution that CCTV can make in the fight against crime and antisocial behaviour of all sorts drives Mike's interest in the subject. Mike holds an M.A. from Oxford, and spent his business life as an entrepreneur in the music industry. In 'retirement' he looks after his young daughter, and continues to enjoy lifelong hobbies, which include rowing; golf; olive growing and music: performing jazz around London.



**Ms Sandria Terrelonge** is a Payroll and Accounts Supervisor for a market research company based in London, schooled in the North of England and has lived in Alperton Brent since the late 90s. Sandria keeps herself busy with her various activities and runs a badminton and netball club and plays at league level in both sports. In addition Sandria is keen to volunteer whenever she can and is currently one of the coordinators of the 'Heather Park Neighbourhood Watch'. Sandria also took part in the opening ceremony of the London 2012 Olympic Opening Ceremonies as a volunteer.

### 3. EXECUTIVE SUMMARY

The task group has made over twenty individual recommendations, spread across the four key questions outlined in its Terms of Reference.

Each of these recommendations fall into one of five overarching themes which the task group believes should form the basis of Brent Council's future CCTV strategy.

#### **1. Best practice**

The Council should actively seek examples of excellent practice in other local authorities and integrate these into its own long term strategy, whilst always ensuring that systems in Brent are designed to respond to the borough's unique needs. All performance levels should be carefully benchmarked and measured.

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Public education about the role and impact of CCTV should become a council priority. The council should look for every opportunity to increase public awareness about the laws surrounding CCTV, its strengths and drawbacks. This should also allow the wider community to participate on an informed basis in decisions about CCTV.

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Brent Council should work to generate additional revenue from its existing CCTV infrastructure, for example through monetising ducts and 4G access points. Additional funds raised should be ring fenced to further improve the service.

#### **4. Targeted transparency**

Overall the council should be seeking to create a more targeted CCTV system with an increased focus on deployable cameras. All decisions about deployment should be made in a fully transparent way with the full involvement of residents.

#### **5. Supportive environment**

In order to ensure that officers who work in the Council's CCTV control room remain motivated their role in saving the authority money and keeping the community safe should be more widely recognised and integrated into the other work the council does.

## 4. RECOMMENDATIONS

### **Public Perception of CCTV**

1. Brent Council should develop a concise summary of its CCTV policy to contain information on: the effectiveness of, and alternatives to CCTV; the constraints imposed by national legislation on CCTV; the cost of CCTV relative to the public purse. Most importantly, this document should set out clearly the criteria by which areas would become eligible for a deployable camera. This summary can be distributed to any resident or group who seeks a new camera – as well as all elected members – to increase public awareness of Brent’s policy towards CCTV. The language in the summary should be tested with local groups to ensure it can be understood by the target audience. A draft should also be presented to Scrutiny Committee for review.
2. Brent Council should give a public commitment that it will continue to maintain a public network of CCTV cameras in the borough to aid the goals of public reassurance and confidence and to demonstrate that the council understands the public’s concerns and is listening to them.
3. Brent Council’s policy towards CCTV should always take account of the priorities of the borough’s residents, for example on fly-tipping. These views should be gathered and confirmed by means of a survey or other public study.
4. Brent Council should never use dummy cameras as part of its CCTV strategy.
5. Brent Council should involve local community groups in “designing out” crime in their area, and provide them with a quick and easy way to report physical problems which may interfere with the effectiveness of local CCTV cameras.

### **Effectiveness of CCTV**

6. Brent Council should develop new and measurable benchmarking criteria to monitor the internal performance of its CCTV team on a quarterly basis, to identify trends, improvements and regressions. These should be focussed on what the team exists to achieve. In terms of criminal acts, Operator Initiated Arrests (to be known as OIAs) should be measured to understand if the monitoring of our network is helping the police to apprehend offenders. In terms of fly-tipping, which as has been noted is extremely important to Brent residents, a system to measure the number of environmental issues resolved with the aid of CCTV should be developed. The percentage downtime of cameras should also be recorded to ensure that Brent’s contractors are providing a strong and standard service and that the areas identified as needing cover receive what they were promised. The Cabinet Member responsible for community safety should report these findings to Cabinet on an annual basis and the figures should also be made available to the Scrutiny Committee.
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10. Brent Council should develop a comprehensive list of all community and residents groups in the borough and the areas in which they operate – elected members would ideally be placed to help create this. When there is a change in camera coverage, possibly as a result of the regular mobile redeployments, the specific local group in the area affected should then also be informed on the same basis as elected members. The goal of this is to increase education and improve community relations by proactively informing residents about the council's community safety work. Likewise, all Neighbourhood Watch schemes should be notified of changes in camera coverage.
11. Brent Council should join up and improve communications between the CCTV control room and the departments which use their footage.
12. Brent Council should maintain the excellent local knowledge of its CCTV operators, if necessary through site visits to hotspots.
13. Brent Council should continue with its new emphasis on deployable units, but ensure all changes, and the reasons for these, are communicated clearly and effectively to all stakeholders.
14. Brent Council should seek to improve members' reports, with a particular focus on getting wards right and more information about the evidence base used when a decision about deployment is made.
15. Brent Council should use changes in CCTV as part of a wider communication strategy about combatting crime and anti-social behaviour.

## **Working Innovatively, Involving the Community and Securing Alternative Funding Sources**

16. Brent Council should draft new planning guidelines in line with other stated council objectives, which make clear that where necessary to make the development acceptable in planning terms, developers should provide funds through S106 for the council to install CCTV to mitigate the impact of their development. To ensure revenue costs are not unduly encumbered by this process, the contribution should include a commuted sum for the repair and upkeep required over the lifetime of the camera. Further consideration should be given to the provision of other non-essential CCTV cameras via CIL, to investigate the likely costs and implications of doing so. The CCTV function should be part of all future planning considerations, to ensure new developments do not impinge upon the current network
17. Brent Council should require the Community Safety Team to prepare a report on how the council's CCTV strategy might be used for income generation, to be presented to the Scrutiny Committee in early 2016.
18. Brent Council should commit that all money raised through the income maximisation strategy should be retained by the CCTV department to be reinvested to improve the CCTV service.
19. Brent Council should conduct a wide-ranging review of alternative funding sources which can be tapped into to provide CCTV, beginning with MOPAC.



20. Brent Council should develop a clear “can do” attitude about any innovative “Citizens CCTV” schemes and seek to increase the range of CCTV provision in the borough by such means.
21. Brent Council should develop a briefing document for citizens and resident's groups offering clear signposts on further reading they must do, and places they must go for advice if they wish to develop a local, private CCTV network.
22. Brent Council should evaluate the possibilities of sharing its CCTV services with other boroughs to save costs. Any savings should be re-invested to improve the service.

## 5. INTRODUCTION – SCOPE OF THE TASK GROUP

### **History**

Across the developed countries of the world today surveillance is part of everyday life and this has led to the acknowledgement that the UK is part of a surveillance society. The UK has experienced a massive growth in Closed Circuit Television (CCTV) since the 1980s and this was initially based on the assumption that CCTV was a solution for crime and disorder.

CCTV also became very useful in monitoring traffic. Britain first started using it for this purpose and thousands of cameras were placed all over the city to monitor traffic and to see if there were accidents. Since that time, they have been placed in vehicles such as taxis, buses and trains. They have also been placed in private areas such as car parks to attempt to decrease instances of vandalism.

Today CCTV is also common in the home. Many homes with security systems have this installed as an added security feature to prevent break-ins or unwelcome intruders. It is also used in many public areas including schools and airports to record any suspicious activity.

Councillors report that frequently, Brent residents will request CCTV cameras to be installed in their communities to tackle a perceived problem. It is for this reason that scrutiny members felt that it was the right time to conduct a review into the effectiveness of CCTV in Brent. The review focused on the prevention of anti-social behaviour, apprehending offenders, costs and alternative funding and the levels of reassurance given to residents.

The use of closed circuit television cameras for the purposes of tackling crime has greatly increased over the last decade. There is no official figure for how many cameras are in use, although a figure of 4.2 million, based on academic research, is often cited. Although the rationale for CCTV use is that it “prevents crime”, a number of studies have questioned the assumptions underlying this claim and drawn attention to a complex range of factors that should be taken into account when assessing CCTV’s effectiveness.

A 2007 report by the Campbell Collaboration claimed that CCTV has a “modest but significant desirable effect on crime” but that its use should be “more narrowly targeted” than at present.

### **Questions**

The review considered the following questions in four key areas.

#### Public perceptions of CCTV

- Why do so many residents groups campaign for CCTV?
- What impact do residents think CCTV on their street will have?
- Does CCTV make people feel safer?

#### The effectiveness of CCTV

- Is CCTV an effective deterrent, what actual impact does it have?
- How many offenders are caught and prosecuted through CCTV footage?
- How can CCTV be benchmarked?
- What is the best cost/benefit analysis of CCTV available (e.g. cost of installing, monitoring, maintaining and upgrading versus cost of crimes)?

### The current systems in Brent

- What are the current council processes in place for installing (and removing) cameras and monitoring their footage, how can this be improved?
- Does the council have the right policies in place to work with partner organisations such as the police?
- Which other local authorities have excellent practice and how do we compare?

### Working innovatively, involving the community and securing alternative funding sources

- Are the community integrated into our CCTV policies and systems as much as they should be and how could this be improved?
- How can the council support community initiatives around “Citizens CCTV” and what is the current legislation in place concerning such schemes?

### Aims

The aims of the review set out at the start of the investigation were as follows:

- A more focused use of current CCTV resources
- Better understanding of the CCTV needs for Brent
- More deterrent evidence linked to CCTV operations
- Stronger partnership working, with partners such as the Police, residents, social landlords and Wembley Park
- Enable residents to feel safer in Brent communities

## 6. METHODOLOGY

As part of this review the task group invited relevant partners to contribute through discussion groups, meetings and visits. Primarily, the task group started by collecting information about the national, regional and local picture on the use of CCTV. This included meetings with the Head of Service for Community Safety and the Lead Cabinet Member. The task group consulted with the UK's leading Consultant on CCTV and the Surveillance Camera Commissioner.

The task group decided to hold four themed discussion groups which reflected the key areas of the review. Local residents' groups were invited to attend along with officers and partners. As part of these discussion groups several members of the UK CCTV user group attended and added their expert knowledge which enriched the quality of the discussions held. Given the focus on identifying good practice elsewhere, the group visited the LB Hammersmith and Fulham and LB Enfield to view their Award winning and state of the art control rooms.

### **Partners: Group 1**

- Relevant Council Departments
- Brent partners
- Local Residents Groups
- Local Business Groups

### **Partners: Group 2**

- The Surveillance Camera Commissioner
- Specialist consultants
- National Local Authority CCTV User Group
- Best Practice Local Authorities

\*A full list of participants of the task group's work can be found in section 10 of this report

## 7. POLICY CONTEXT

The Information Commissioner's Office (ICO) issued its first code of practice under the Data Protection Act 1998 (DPA) covering the use of CCTV in 2000. The code was developed to explain the legal requirements operators of surveillance cameras were required to meet under the Act and promote best practice. The code also addressed the inconsistent standards adopted across different sectors at that time and the growing public concern caused by the increasing use of CCTV and other types of surveillance cameras.

The unwarranted use of CCTV and other forms of surveillance cameras has led to a strengthening of the regulatory landscape through the passing of the Protection of Freedoms Act 2012 (POFA). The POFA has seen the introduction of a new surveillance camera code, which focuses on the 12 guiding principles of surveillance issued by the Secretary of State since June 2013 and the appointment of a Surveillance Camera Commissioner to promote the code and review its operation and impact. The ICO has contributed to this tougher regulatory landscape by taking enforcement action to restrict the unwarranted and excessive use of increasingly powerful and affordable surveillance technologies.

### **Surveillance Commissioner**

The Surveillance Camera Commissioner, (the Commissioner), is a statutory appointment made by the Home Secretary under Section 34 of the 2012 Act. The Commissioner's statutory functions are:

- Encouraging compliance with this code;
- Reviewing the operation of this code; and
- Providing advice about this code (including changes to it or breaches of it).

### **7.1. Brent**

In Brent, we use CCTV to assist with efforts to combat crime and disorder, enforce bus lane offences, moving traffic contraventions and manage events around Wembley Stadium. We keep an eye on dangerous situations, locate suspects of crime and provide valuable support to the police, emergency services and other organisations because our CCTV recordings may be used as evidence for court cases.

Brent currently has 183 cameras in key locations throughout Brent with the majority in the following locations:

- 19 Neasden
- 21 Harlesden
- 43 Kilburn
- 69 Wembley

Brent cameras operate 24 hours a day; since April 2014 the control room is staffed Sunday-Thursday 0800-0400 and Fri/Sat 1000-0600. There is an agreement with Transport for London to allow Brent access to their cameras during emergencies. Brent is not responsible for private CCTV cameras.

Brent's CCTV team will:

- Report incidents to the emergency services
- Provide evidence for criminal or civil proceedings
- Help detect crime by working in partnership with the police and other law enforcement agencies
- Keep traffic moving in lanes through effective monitoring
- Work with the police to disrupt potential incidents

In early 2015 a Brent CCTV operative received a Certificate of Appreciation at the first Metropolitan Police CCTV Awards ceremony. He was nominated for his excellent work in spotting two crimes on CCTV at the end of last year.

## **7.2. London and National**

The origins of CCTV provision for public space in this country lie in the early 1980s. Since then the use of CCTV systems has expanded gradually but significantly. The earliest systems were funded in a small number of cases by the police or local businesses, but in the majority of cases by local authorities through what were then known as City Challenge or Safer Cities Initiatives. Subsequent Government funding took the form of the CCTV Challenge Competition between 1994 and 1999, under which £38.5 million was made available for some 585 schemes nationwide.

In turn, between 1999 and 2003, major investment was made in public space CCTV through the Home Office-funded Crime Reduction Programme (CRP). A total of £170 million of capital funding was made available to local authorities following a bidding process. As a result of this funding, more than 680 CCTV schemes were installed in town centres and other public spaces. The end of the Crime Reduction Programme signalled the end of a dedicated central funding regime for public space CCTV. However, local areas continued to have access to Home Office grant monies in the form of general funding for crime reduction.

Most public space CCTV is now owned, monitored and managed by local authorities, many of whom have procured different systems at different times and with a range of different specifications, leading to a mix of schemes across the country. Although the Government has invested heavily in public space CCTV schemes, so too have local authorities and local partnerships. Local authorities also continue to carry much of the burden for the ongoing costs of running and maintaining their schemes.

## 8. KEY FINDINGS

### 8.1 Public Perception of CCTV

From the start of this investigation we were keen to understand how CCTV is perceived by ordinary members of the public, so that our recommendations could be developed with their views always in mind.

It quickly became clear that there is widespread public support for the use of CCTV in public places. For example, a recent poll commissioned by the CCTV User Group demonstrated that:

- 90% of people in the UK support the use of public area CCTV by Local Authorities and Public Bodies
- 82% believe CCTV saves money by reducing Police and Court time
- 63% believe that Crime and Disorder would increase if CCTV was removed in their area (appendix 1)

Furthermore, a 2013 survey by YouGov and Avigilon (a surveillance solutions company), found that 38% of people feel safe in areas where they know CCTV is being used because it acts as a deterrent, and a further 41% attribute the feeling of safety to the fact security forces can use the footage if anything were to happen.

Our qualitative research in the local area revealed that the views of Brent residents about CCTV marry up the national picture.

The first public meeting of our task group focused on local public perceptions, with representatives of various community groups given time to speak about their views on the use of CCTV in Brent.

All those in attendance strongly supported the council maintaining a CCTV network with people believing it to be an effective deterrent and something which has made a difference in their community. One of the comments on the night was; "I would think twice about going out in the dark if there were no cameras, especially in places where it's dark or there are overgrown bushes and poor lighting." This was very typical of the attitudes of those local residents we met.

In addition, evidence we received from local property developers, indicated that the presence of CCTV in new residential developments is viewed as a key selling point. People in Brent, or moving into our borough, will choose where to purchase or rent homes on the basis of perceived security, of which CCTV is a key feature.

In the opinion of the task group, this sense of reassurance is, a perhaps intangible, but nonetheless positive benefit to Brent of the council maintaining a CCTV network.

We are therefore pleased that the council agreed to protect the CCTV budget in its two year budget passed in 2015. None of our recommendations call for this budget to be further increased, but we do feel that the role of CCTV in saving the council money – and in some areas of potentially generating new revenue – should be more frequently recognised.

The future strategy of the council around CCTV should bear in mind this support, but also seek to build systems which meet the priorities of our residents. We discussed this matter with Professor of Criminology, Martin Gill. He emphasised how every local authority's CCTV strategy should be developed to tackle the local area's unique needs.

We are in no doubt that prime amongst these needs in Brent is the issue of fly-tipping:

- All elected councillors on the task group stated that fly-tipping is one of the complaints they most frequently receive.
- Community representatives on the task group have similar experiences in dealing with local problems.
- More than half of local residents who attended our aforementioned public meetings, stated that fly-tipping was the main problem that they would like CCTV to address.

We therefore hope that all future decisions about CCTV take account of local needs. One example may be that additional deployable cameras for fly-tipping hotspots may be prioritised ahead of fixed cameras for other crimes.

Despite this clear public support, our interviews demonstrated that local residents also understand that CCTV is never a panacea which will solve all problems. At the same time as calling for CCTV, witnesses we heard from also highlighted poor lighting, overgrown trees, and building designs as issues to address. They felt that CCTV would be more effective with these changes in place, as well as the changes making the areas safer in themselves. We believe that the council should make it very quick and easy for residents to report such problems in public spaces.

As part of our work we discussed the issue of dummy cameras and were reassured to learn that the council does not support or operate any dummies. Some may see the idea of dummy cameras as being superficially attractive. They could potentially give the impression of wider coverage across Brent and, therefore, contribute to the goals of public reassurance and deterrence.

However, from the testimony of the many expert witnesses we interviewed, it became clear that once it becomes common knowledge that some cameras within a network are fakes, overall faith in the system decreases. It is, therefore, little wonder that this practice is discouraged in the Surveillance Camera Commissioner's code of practice, not least because there have been instances of legal cases whereby victims of crime have brought lawsuits against authorities they believed were monitoring them through cameras which were in fact fakes.

Finally, our investigation into public perceptions made it clear that residents, and resident groups, who have contacted the council about CCTV have received very different responses. We even heard examples of community groups asking the council for new CCTV coverage in their area, and receiving no reply at all.

We believe this is unacceptable. Not only should Brent residents always receive the best response possible from their council, but an opportunity to educate the public about CCTV is missed. It is our strong preference that clear criteria explaining when an area may be eligible for CCTV is laid out, so that this can be given to anyone making contact with the council. We believe that if people are given the clear facts they will be more satisfied by the council's response, even if a camera cannot be provided.

### ***Key recommendations***

- ★ Brent Council should develop a concise summary of its CCTV policy to contain information on: the effectiveness of, and alternatives to, CCTV; the constraints imposed by national legislation on CCTV; the cost of CCTV relative to the public purse. Most importantly, this document should set out clearly the criteria by which areas would become eligible for a deployable camera.



- ★ This summary can be distributed to any resident or group who seeks a new camera – as well as all elected members – to increase public awareness of Brent’s policy towards CCTV.
- ★ The language in the summary should be tested with local groups to ensure it can be understood by the target audience. A draft should also be presented to Scrutiny Committee for review,

#### **Other recommendations**

- Brent Council should give a public commitment that it will continue to maintain a public network of CCTV cameras in the borough to aid the goals of public reassurance and confidence and to demonstrate that the Council understands the public’s concerns and is listening to them.
- Brent Council’s policy towards CCTV should always reflect the priorities of the borough’s residents, for example on fly-tipping. These views should be gathered and confirmed by means of a survey or other public study.
- Brent Council should never use dummy cameras as part of its CCTV strategy.
- Brent Council should involve local community groups in “designing out” crime in their area, and provide them with a quick and easy way to report physical problems which may interfere with the effectiveness of local CCTV cameras.

## **8.2 Effectiveness of CCTV**

We are aware that there are clear limitations on the deterrence effect of CCTV. This was witnessed first-hand by members of the task group as we saw drug deals taking place in clear sight of a camera from the CCTV monitoring room at Brent Civic Centre.

This was backed up further by the evidence of witnesses at our meetings, in particular local police officers, and industry research such as, *Assessing the impact of CCTV* (appendix 2).

It would seem that CCTV has very little effect on violent and serious crime, as these are often not pre-meditated, but can have a greater impact on vehicle crimes and theft such as shoplifting and pickpocketing. We also found that CCTV has the greatest deterrent impact in the first few months after installation, but over the long-term criminals will move their activities elsewhere or find ways to get around the new camera.

Benchmarking the performance of Brent’s CCTV systems against those of other local authorities is difficult, as there is no local authority benchmarking system in place. Benchmarking data provided by the police varied widely, and as a task group we have little confidence in it. Testimony from local police officers informed us of how different boroughs measure different indicators and the definition for these indicators can also be interpreted differently.

However, we are more confident that Brent could benchmark the periodic performance of our CCTV to understand if it is improving or worsening over time. This happens already in a limited capacity - for example via data captured using the Geographic Information System (GIS) (appendix 3, 4 & 5) – but we feel this could be improved.

Most notably, we believe Brent can learn from best practicing local authorities such as the neighbouring borough of Hammersmith and Fulham. Hammersmith and Fulham monitor their own internal performance by measuring the average downtime of a camera (the lower the better), and the number of incidents reported by a camera operator which lead to an arrest (the higher the better).

Of course, spotting criminal acts and reporting them is not the only aspect of a camera operator's job, and we recognise their much wider value. However, this does seem to be a performance measure it would be relatively straight forward to introduce. If other benchmarking opportunities present themselves which cover other aspects of the role, we would encourage Brent to start to measure these as well.

We also feel that the Council could improve its reputation amongst residents by better publicising successes brought about through CCTV. This will demonstrate that the Council is taking action on the matters which local people are interested in. For example, we heard about a pedestrianised street in the south of the borough where local people have complained that the camera on the street was not monitored as people were able to drive down it with impunity. This camera actually belongs to a contractor, but nonetheless it was clear that Brent Council were the organisation most blamed for a perceived lack of monitoring.

In actual fact several hundred fines have been levied on drivers committing this offence. In our opinion, greater knowledge of this fact in the local area would increase confidence in the council and improve the deterrence effect of the camera. This principle should equally apply to cameras maintained by partners or contractors, whose positive performance could be promoted by the council's communications team.

#### ***Key recommendations***

- ★ Brent Council should develop new and measurable benchmarking criteria to monitor the internal performance of its CCTV team on a quarterly basis, to identify trends, improvements and regressions. These should be focussed on what the team exists to achieve. In terms of criminal acts, Operator Initiated Arrests (to be known as OIAs) should be measured to understand if the monitoring of our network is helping the police to apprehend offenders. In terms of fly-tipping, which as has been noted is extremely important to Brent residents, a system to measure the number of environmental issues resolved with the aid of CCTV should be developed.
- ★ The percentage downtime of cameras should also be recorded to ensure that Brent's contractors are providing a strong and standard service and that the areas identified as needing cover receive what they were promised.
- ★ The Cabinet Member responsible for community safety should report these findings to Cabinet on an annual basis and the figures should also be made available to the Scrutiny Committee.

#### ***Recommendations***

- Brent Council should prioritise public education about CCTV and in particular its actual effectiveness and the effectiveness of alternatives.
- Brent Council should work with other local authorities to establish a CCTV benchmarking network. Potential early partners would be the CCTV User Group or neighbouring boroughs.
- Brent Council should work to actively publicise successes which derive from the CCTV network.

### **8.3 The Current Systems in Brent**

Brent's CCTV control room is located in a small, fairly secluded area within the Civic Centre. On a visit to the control room, many of the task group members felt that people working there could be isolated from the rest of the council's teams. We believe it is important that the CCTV team are supported and recognised for the good work they do. For example, when an operator spots an environmental crime and passes this onto the appropriate team

for action, they are not informed of the results of their report. Learning that they have helped to catch an offender could be very good for morale.

This will require coordination across departments, but we feel this morale-boosting idea is eminently achievable.

The current operators have excellent knowledge of the areas within Brent they are monitoring and it is important that this local knowledge remains within the CCTV team, particularly as Brent moves to a more deployable CCTV system.

The council has recently acquired ten new cameras which can more easily be moved around to respond to evidence demonstrating a need for a new camera. This takes place on a quarterly basis.

We were also encouraged to learn that Brent Council is beginning to connect the network up through its own fibre ducting and new 4G and Wi-Fi transmissions. This reduces the overall cost of the network and Brent's reliance on BT networks.

Brent's CCTV team have recently begun to send out messages to all elected members informing them when cameras are re-deployed and the reasons for this. The whole task group saw examples of these messages and felt that this was a positive development as local councillors are best placed to communicate new policies and arrangements to the groups and individuals in their wards who will be most affected.

We understand that this is a new process and still has some issues which need to be resolved. For example, wards in the report we saw were mis-labelled which could lead to confusion or information not passed to the right groups.

Local Joint Action Groups (LJAG's) are involved in the decisions about where CCTV cameras should be deployed or removed. However, we feel that public understanding and awareness about LJAGs is limited to say the least. Providing residents with more information about this decision-making process and how they can pass suggestions to LJAGs could improve council intelligence and also contribute to our broad goal of greater public education and transparency.

We recognise that there are obstacles to achieving this, in particular structural and membership changes within the local groups the council may wish to contact and involve. But overall, we feel that the council currently has limited information on specific residents' groups operating on community safety issues across the borough, and, as a result, cannot provide many groups with particular information in advance. It is, of course the responsibility of both the council and the resident groups themselves to ensure that information held by the council is correct, but Brent could certainly do more to collect this information.

As noted earlier, CCTV is not the only resource available to the council to improve community safety. *Smart Water* is a traceable liquid and proprietary forensic asset marking system that is applied to personal, commercial, and industrial items of value to deter theft and to identify culprits for prosecution. The liquid leaves a long lasting and unique identifier, whose presence is invisible to the naked eye except under an ultraviolet black light.

We discussed the example of *Smart Water* with witnesses including local police and learned that during a recent campaign to increase the use of *Smart Water* in Brent, the product was successfully used as a hook on which to hang a broader publicity and awareness campaign about burglary. Using the roll out of *Smart Water* to bring attention to the issue in an area had tangible results and the publicity generated was deemed to be as essential to this as the product itself.

We feel that publicising CCTV initiatives – such as the purchase of new deployable devices – could have a similar positive impact.

### **Key recommendations**

- ★ Brent Council should develop a comprehensive list of all community and residents groups in the borough and the areas in which they operate – elected members would ideally be placed to help create this. When there is a change in camera coverage, possibly as a result of the regular mobile redeployments, the specific local group in the area affected should then also be informed on the same basis as elected members. The goal of this is to increase education and improve community relations by proactively informing residents about the council's community safety work.
- ★ Likewise, all Neighbourhood Watch schemes should be notified of changes in camera coverage.

### **Other recommendations**

- Brent Council should join up and improve communications between the CCTV control room and the departments which use their footage.
- Brent Council should maintain the excellent local knowledge of its CCTV operators, if necessary through site visits to hotspots.
- Brent Council should continue with its new emphasis on deployable units, but ensure all changes, and the reasons for these, are communicated clearly and effectively to all stakeholders.
- Brent Council should seek to improve members' reports, with a particular focus on getting wards correct and more information about the evidence base used when a decision about deployment is made.
- Brent Council should use changes in CCTV as part of a wider communication strategy about combatting crime and anti-social behaviour.

## **8.4 Working Innovatively, Involving the Community and Securing Alternative Funding Sources**

Throughout our review, the task group learnt a considerable amount about the legislative test which must be met before any camera can be installed by a public body like a council.

Data protection laws are rigorously enforced around cameras, meaning that there must be a clear reason given for needing a camera – with evidence to back this up - before a CCTV camera can be installed. Local authorities must apply to a court of law using a Regulated Investigatory Powers Application (RIPA) form (appendix 6) to ensure that the reasons are justifiable, there is consultation with those most likely to be affected, and the impact on their privacy is assessed and any appropriate safeguards are put in place.

Proportionate consultation and engagement with the public and partners (including the police) is an important part of assessing whether there is a legitimate aim and a pressing need and whether the camera itself is a proportionate response. Such consultation and engagement also provides an opportunity to identify any concerns and modify plans so that the most appropriate balance between public protection and individual privacy is struck.

These overarching laws prevent the council from pursuing an unfettered policy of installing new cameras. However, we believe there are several ways the council can work innovatively to secure additional funds to improve the service.

We were disappointed to learn that Brent currently has no specific policies within its planning and regeneration strategy to increase provision of CCTV in the borough through development requirements.

By contrast, we were told by officers at the London Borough of Hammersmith and Fulham, that their council require all new developments to provide funds through either Section 106 (S106) or the Community Infrastructure Levy (CIL) to install new cameras to increase the council's network. We were impressed by this arrangement which has enjoyed significant cross-party support in the Borough, even through the council's recent dramatic change in political control. This has allowed Hammersmith and Fulham to install approximately twice as many cameras as we have in Brent, without any capital costs to the council.

Of course, cameras still require maintenance and incur annual costs. But we were told of CIL arrangements where enough money was handed over to the council to install a camera and maintain it over its expected lifetime.

We believe that Brent could do more to use the planning system to maintain and improve the local CCTV network. Troublingly, the maintenance of CCTV provision has also not been considered in some local developments, which once erected have blocked the views of cameras already installed. This means that the council has had to pay for these cameras to be moved or decommissioned when these costs should fall on the developer who made them redundant.

Furthermore, the infrastructure required for a council to operate a full CCTV network can be monetised to provide additional funds for the authority, but Brent is currently not taking full advantage of this. To run a CCTV network an authority needs to install ducts, camera poles, 4G transmission points and CCTV cable. Funds can be raised from each of these pieces of equipment, for example by charging for access to the quick Internet connections. The task group believes that if the infrastructure is in Brent anyway, we may as well also generate income from it.

MOPAC (The Mayor's Office for Policing and Crime) provide grants for particular safer neighbourhood's projects. We feel the council could do more to encourage community partners to attract some of these funds to Brent.

Likewise, funds could potentially be saved by sharing the CCTV service across authorities. We have good monitoring facilities in the Civic Centre and believe it is certainly possible that other councils may wish to pay for Brent to monitor their feeds.

The task group also heard from a community group who worked to develop a local "Citizens CCTV" model, which would raise funds for a deployable camera to be targeted at fly-tipping hotspots. We were alarmed to learn that this group had received, to say the least, a less than helpful response from Brent Council. In some instances the council appeared to be working to actively discourage this project which had strong local support and could increase camera coverage in the borough.

Fortunately, a corner now seems to have been turned, with the council providing more effective assistance to the community group and we hope this change of attitude will be permanent.

The council's legal department cannot provide binding legal advice to private citizens, and so we understand that people seeking to take the initiative in this way will always have to seek independent legal advice. However, the council can make people aware of the particular laws and regulations which may come into play around their conduct, and hopefully they will provide this kind of service in future.

### ***Key recommendations***

- ★ Brent Council should draft new planning guidelines in line with other stated council objectives, which make clear that where necessary to make the development acceptable in planning terms, developers should provide funds through S106 for the council to install CCTV to mitigate the impact of their development. To ensure revenue costs are not unduly encumbered by this process, the contribution should include a commuted sum for the repair and upkeep required over the lifetime of the camera. Further consideration should be given to the provision of other non-essential CCTV cameras via CIL, to investigate the likely costs and implications of doing so.
- ★ The CCTV function should be part of all future planning considerations, to ensure new developments do not impinge upon the current network.

### ***Other recommendations***

- Brent Council should require the Community Safety Team to prepare a report on how the council's CCTV strategy might be used for income generation, to be presented to Scrutiny Committee in early 2016.
- Brent Council should commit that all money raised through the income maximisation strategy should be retained by the CCTV department to be reinvested to improve the CCTV service.
- Brent Council should conduct a wide-ranging review of alternative funding sources which can be tapped into to provide CCTV, beginning with MOPAC.
- Brent Council should develop a clear "can do" attitude about any innovative "Citizens CCTV" schemes and seek to increase the range of CCTV provision in the borough by such means.
- Brent Council should develop a briefing document for citizens and resident's groups offering clear signposts on further reading they must do, and places they must go for advice if they wish to develop a local, private CCTV network.
- Brent Council should evaluate the possibilities of sharing its CCTV services with other boroughs to save costs. Any savings should be re-invested in to improve the service.

## 9. CONCLUSION

The legal regime around the use of CCTV cameras is strict, and the direction of travel set from central government is set to only get stricter. The Surveillance Camera Commissioner's code of practice is set to extend out from police and local authorities to cover all public institutions.

It has therefore never been more important for councils to become beacons of best practice and set an example to all their local partners on how CCTV should be used.

This report has set out some key mechanisms by which this can be achieved.

Firstly, it has given examples of some leading best practices which Brent should seek to adopt, but also provided evidence of local needs unique to Brent, which should be at the heart of everything we design. It has provided examples of how the performance of the council's CCTV systems can be benchmarked and measured to ensure that any regressions are quickly identified and addressed.

Secondly, it has identified the vital role that public education can play in building confidence in the CCTV system. Increasing public awareness of the facts around CCTV is especially important in an era of tightening laws and tightening budgets.

Thirdly, it has shown how additional revenue can potentially be raised through the council's CCTV infrastructure and highlighted how this should be ring fenced to improve the valued CCTV service the council provides.

Fourthly, it has highlighted the benefits of switching to a more deployable system of cameras and of involving and educating the community about such redeployments.

Fifthly, it has emphasised the importance of a supportive environment for the council's CCTV staff and recognised the great work they do.

We look forward to seeing these changes in action.

## 10. PARTICIPANTS, REFERENCES AND APPENDICES

### Participants

London Borough of Brent:	Director of Community Services
	Head of Community Safety & Public Protection
	CCTV Manager and CCTV Team
	Brent Legal Team
Government Agencies	Surveillance Camera Commissioner
	Information Commissioners Office
Non Government Organisations	Academic at Leicester University
	National/London CCTV User Group
Brent Partners	Brent Housing Partnership
	Quintain - Wembley Park
	Brent Police
Brent Resident Groups	Heather Park Neighbourhood Watch
	Dudden Hill Residents Association
	Sudbury Town Team
	St Raphael's Housing Estate Residents Association
	Vale Farm Residents Association
CCTV Service Provider:	Tyco International Ltd
Other Local Authorities	LB Enfield
	LB Hammersmith & Fulham

### References:

The task group referred to a number of reports in the course of its work. Key documents include:

1. In the picture: *A data protection code of practice for surveillance cameras and personal information Commissioner's Office (ICO) Guidance, 2015*
2. The Surveillance Camera Code of Practice: *Home Office Guidance issued under the Protection of Freedoms Act 2012; June 2013*
3. Online CCTV survey: *YouGov and Avigilon, 2013*
4. The Price of Privacy: *Big Brother Watch, 2012*
5. CCTV and its effectiveness in tackling crime: *House of Commons, Home Affairs 2010*
6. National CCTV strategy: *Home Office, 2007*
7. Assessing the impact of CCTV, *Professor Martin Gill, 2005*



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	<b>Appendices</b>
1	An independent public opinion survey on the use and value of CCTV in public areas commissioned by the CCTV user group and undertaken by RNS Research International 2011
2	Assessing the impact of CCTV, <i>Professor Martin Gill 2005</i>
3	Data captured - Brent CCTV Geographic Information System CCTV Incidents
4	Data captured - Brent CCTV Geographic Information System ASB
5	Data captured - Brent CCTV Geographic Information System Fly-Tipping
6	Regulated Investigatory Powers Application (RIPA)
7	Regulated Investigatory Powers Application (RIPA) review form
8	Department for Environment Food & Rural Affairs (Defra) Fly-tipping actions reported by local authorities in 2013-14
9	The Surveillance Camera Code of Practice: Home Office Guidance issued under the Protection of Freedoms Act 2012; June 2013
10	In the picture: A data protection code of practice for surveillance cameras and personal information Commissioner's Office (ICO) Guidance, 2015
11	CCTV Scrutiny task group Terms of Reference

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**Cabinet**  
20 January 2016

## **Report from Chief Executive**

For Action

### **Scrutiny Task Group on Fly-Tipping**

#### **1.0 Summary**

- 1.1 This task group has been requested by the Scrutiny Members in response to communicated concerns from Brent resident's regarding increased fly-tipping levels.
- 1.2 The purpose of the task group is to analyse and understand the borough's knowledge, behaviour and understanding of fly-tipping, and, to review local fly-tipping policies and processes of the council and its partner's.
- 1.3 The review was concerned with reducing the levels of fly-tipping in Brent and ensuring clean and safe environments for Brent resident's; and as a result, a reduction in clean-up and enforcement costs. The review also focused on the borough priorities, such as working in partnership with citizens and building stronger resident's and council relationships.
- 1.4 'Making sure that Brent is an attractive place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces' is an objective within the Council's Borough Plan. Ensuring that fly tipping is reduced and in the long term eradicated is a widely backed element within the context of our "Better Place" priorities.

#### **2.0 Recommendations**

- 2.1 Members of the Cabinet consider the contents of the Fly-tipping task group's report.
- 2.2 Members of the Cabinet approve the 26 recommendations made by the task group and support the development of an action plan across the council and partner organisations to take these forward.

#### **3.0 Detail**

- 3.1 With Member consensus on keeping our borough clean and reducing fly tipping, Members of the Scrutiny Committee requested a time-limited task group undertake a focused piece of work on potential actions to change behaviours through education and reduce fly tipping in Brent.

3.2 The task group set out to assess the issue of fly-tipping in all of its aspects. In doing so the task group looked at the scale of the problem in Brent, how we compare to other authorities, why people fly-tip and what can be done about it. The review focussed on a top-to-bottom analysis of Brent Council's internal and external processes for dealing with fly-tipping. Key areas of focus were agreed during the work of the task group, these included:

- Knowledge
  - Behavioural and sociological research /information from other authorities on successful strategies
  - Why do we have the fly-tipping levels we do?
  - Increasing trends and possible links to the introduction of charging for the green bin (has this increased dumping of garden waste?)
- Education
  - Public communication
  - Education (at schools and through community / cultural groups)
- Enforcement
  - Current systems (to what extent is this proving effective?)
  - Success of enforcements
  - Deterrents (e.g. CCTV)
  - Trade waste and dumping
  - Landlord dumping
- Impact
  - Impact of new 'garden waste collection charge'
  - Impact of Landlord Licensing in reducing the issue
- Publicity
  - Success / failure of previous and current publicity campaigns
  - Analysis of the level of public awareness

3.3 In reviewing the areas outlined above, the task group invited a range of stakeholders to contribute through face-to-face meetings and discussion groups. The task group held four themed discussion groups, which reflected the key areas of the review. Local resident groups were invited to attend, along with officers and partners. A range of visits and meetings were carried out between September and October 2015. This was supported by consultation with other local authorities and government departments. The task group carried out an analysis of data and research relating to fly-tipping.

### 3.4 Fly-tipping Task Group Recommendations

#### Knowledge

1. The task group recommends that the term "Fly-tipping" should be changed to "Illegal Rubbish Dumping" (IRD) in communications with residents. Residents rarely refer to dumped rubbish as fly-tipping and there is apparently confusion among some residents about what "fly-tipping" actually means.

This is not a good basis on which to communicate with residents about the issue, therefore the task group recommends changing the language we use.

\*We recognise that authorities and bodies outside of Brent will, for the time being, probably continue to refer to illegal rubbish dumping as “fly-tipping”, so we accept that we will have to use this language when communicating with them.

2. A named officer/s within the Waste Management service should be responsible for continuous monitoring of new methods to tackle IRD, keeping the council abreast of the latest developments and leading improvement practices; not just from other London boroughs and the UK, but from Europe and the rest of the world. The task group supports the behavioural studies that the council is currently participating in as part of the West London Alliance (WLA) and recommends that it should continue to build on this area of work.
3. Brent Waste Management service should review its internal benchmarking, looking internally at how we monitor our own performance and should report performance quarterly in public. It is recommended that this is communicated to residents and other councillors via the council’s website and Brent Magazine.
4. Brent Waste Management should liaise with neighbouring London boroughs to develop a benchmarking network. The West London Alliance (WLA) would be a good place to start as there are links already established. There should also be additional cross-border networking, feeding into intelligence with the aim of bringing forward more prosecutions for trade waste dumping.

## Education

5. Constitutionally empower “Community Guardians” by appointing, through an agreed selection process, figureheads like the chair of Keep Wembley Tidy. Councillors can support this by identifying suitable candidates. These guardians are to be given a profile on the council’s web page, support and resources from the council and Veolia; to tackle illegal rubbish dumping in their appointed locations.

- 5.1. It was identified in the task group’s research that residents often identify with different place names than the wards in which they live. The task group is recommending that the community guardians structure in Brent is mapped in the following village localities and guardians are allocated to these areas:

Wembley	Dudden Hill	Kensal rise
Kenton	Neasden	Stonebridge
Queens Park	Sudbury	Kilburn
Harlesden	Alperton	Willesden

\*This list is intended as a guide and residents are of course free to suggest the names for their own campaigns, as well as the areas these campaigns cover. Keep Wembley Tidy covers Wembley Central and Alperton wards, and it is suggested that campaigns should not overlap with one another. This approach should be integrated with the voluntary Community Action Groups.

- 5.2. Guidance and a code of practice for the community guardians and village areas should be drawn up and agreed by officers and residents. This should include action

days and identifying and evidencing illegal rubbish dumping hot spots. Village websites should also be linked to the council's waste management web pages.

- 5.3. It will be a priority of the community guardians, councillors, officers and Veolia to devise and produce a 'Brent Against Rubbish Dumping Charter', which Businesses, HMO Landlords and Estate/Letting Agents will be encouraged to sign up to and display publicly.
- 5.4. It will be a priority of the community guardians, councillors, officers and Veolia to engage with places of worship, youth clubs and sports clubs to engage and promote the Brent Against Rubbish Dumping Charter.
6. The process of reporting IRD should be clear and straightforward, so that both residents and officers know what is to be expected and how and when there will be communication between parties. This should be documented on the council's IRD web page.
7. Brent waste management and Veolia should liaise with Brent education and Brent schools partnership to ensure that there is a strategic anti-illegal rubbish dumping programme going into schools, aimed at both primary school and secondary school level. The programme should be continuous and target 100% of schools on an annual basis, encouraging schools to sign up to the Brent Against Rubbish Dumping Charter. Progress should be reported on the council waste management web page on a quarterly basis.
8. Business liaison should be part of an officer's role; this should include an evaluation of any non-monetary incentives that can be offered. Brent should encourage businesses to sponsor a bin or bins, as a result of which businesses will become certified and will be allowed to display a Brent Council sign stating that they are opposed to IRD.
9. Additional resources should be invested in to the Special Collection Service, so that items are collected sooner and the number of bulky items illegally dumped is reduced. Other alternative options for waste disposal and recycling should be promoted with direct links on the council's web page and offered on the phone when residents call to request Special Collection Services such as Freecycle and Freecycle.

#### Enforcement

10. The task group recommends the formation of a strategic approach between Waste Management Enforcement services and the CCTV service to ensure more use of the current CCTV provision to monitor IRD hotspots. It is understood that this will require collecting evidence and providing a supported case for each camera.  
  
\*The task group endorses all of the recommendations on IRD made by the concurrent CCTV task group.
11. Waste management services specifically trade and Environmental health services, must work together more strategically; sharing information and working on joint visits where there is clear intelligence that there are crosscutting priorities.
12. A strategic approach between Housing Enforcement and Waste Management Enforcement services via Veolia should be formed to ensure that HMO landlords are

educated as to their responsibilities regarding waste disposal for themselves and their tenants.

13. Enlist the support of night workers such as black cab drivers and night bus drivers to use the cleaner Brent app and report any perpetrators of IRD. This could be achieved by contacting taxi firms and Transport for London to explain our case and by asking them to cascade our request down to workers. The council would in turn be able to release positive press stories about these organisations.
14. We will look to pre-capitalise on new fly-tipping legislation, to be brought forward next year, by following a similar model to Ealing Council, as below:

‘The council has teamed up with Kingdom Security to provide dedicated teams of uniformed officers in the borough. Kingdom Security will work with the council’s environmental enforcement officers, providing a high-profile deterrent and issuing £80 fines. Operating initially on a one-year trial basis, Kingdom Security is working at no cost to the council. Instead they will take a share of the fines they issue’.
15. The Council should work with other local authorities and the National Fly-tipping Prevention Group to lobby the Government for more effective enforcement powers.
16. The selective Landlord licensing scheme should be reviewed annually and reported on publicly with statistics on how effective the scheme has been, where it has been effective, areas where the council can strengthen its enforcement and any lessons learnt.
17. The landlord licensing guidance should have more detail in the wording regarding waste & refuse, so that it is harder for landlords to avoid discharging their responsibilities effectively.
- ❖ The most referenced licensed scheme is that of Newham Council’s. Newham’s licensing condition in respect of waste simply requires that “No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose”.
18. Leaflets about Brent’s waste disposal policies should be inserted into the guidance so that landlords can give them to tenants. The leaflet/insert scheme should also be rolled out to estate & letting agents.

#### Impact

19. Further investigation is required into the impact of the garden waste collection charges. Cabinet should review its effectiveness from a cost and efficiency perspective, annually until 2018.
20. Owing to the lack of quantitative data to evidence the effects of the garden waste charge at this stage, officers should review and report the effects of its first year in operation. Officers should devise logical metrics against which it can compare its performance annually until 2018.

21. The number of Brent residents that have signed up, and continue to sign up, to the Garden waste collection service should be more widely publicised. The Brent website and Brent magazine should be the media for this.

#### Publicity

22. Future publicity about IRD should be continuous, mainly word-of-mouth and not confined to one-off PR campaigns.
23. Officers, councillors and community guardians need to visit relevant local meeting places – whether they be religious meeting places, youth clubs or sports clubs – to pass on the council's messages about IRD and how communities can work with Brent to tackle it.
24. Leafleting campaigns led by the council and voluntary groups should be in multiple languages, appropriate to the socio-dynamics of the local area.
25. Any future communications should also be easy-to-read with no conflicting messages. This should be backed up with targeted local advertising. Brent London Underground and National rail stations are prime locations for such advertising.
26. The Cleaner Brent App requires further publicity, and probably a re-launch, as not enough people are aware it exists. There should be further publicity on the web and in the Brent magazine.

#### **4.0 Financial Implications**

- 4.1 Budget implications Brent Public Realm  
Budget implications Brent Communications Department

#### **5.0 Legal Implications**

- 5.1 None

#### **6.0 Diversity Implications**

- 6.1 None

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

- 7.1 The following Brent services and partners would be affected by the recommendations made:
- Brent Waste Management Services /Public Realm
  - Brent Waste Enforcement Services/Public Realm
  - Brent Housing Enforcement Services
  - Brent Environmental Health/ and
  - Brent Community Safety/Regulatory Services
  - Brent Communications Department
  - Veolia

#### **Background Papers**

Fly-tipping task group Scope and Terms of Reference (September & October 2015)



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# SCRUTINY FLY-TIPPING TASK GROUP

## NOVEMBER 2015

Cllr Sam Stopp (Chair)  
Cllr Krupa Sheth  
Cllr Bernard Collier  
Cllr Amer Agha  
Mr Colin George  
Mr Chirag Gir

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## 1. THE CHAIR'S FOREWORD



Fly-tipping (or “illegal dumping”) is without doubt one of the biggest issues facing Brent today. In the ward I represent, Wembley Central – it is by far the biggest concern. Anecdotally, most councillors report that complaints about fly-tipping via emails and on the doorstep are among the most common they receive.

At a key moment in Brent's history, when cuts to the council's budget are demanding extremely difficult funding decisions, the effect of issues such as fly-tipping on community spirit must not be underestimated. It is therefore vital for the council to consider innovative and long-lasting solutions to the problem.

This review has assessed the issue of fly-tipping in all of its aspects. It has looked at how bad the problem is in Brent, how we compare to other authorities, why people fly-tip and what can be done about it. In a borough the size of Brent, causes and solutions will differ. But what is clear is that this is a major issue and the solutions to it will need to come from a range of departments – including Environment, Children and Young People, Housing and Development, and Communities.

This investigation has involved significant public consultation, but it has also focussed on a top-to-bottom analysis of Brent Council's internal and external processes for dealing with fly-tipping. The recommendations which have been made are the result of both listening carefully to what Brent residents want and looking afresh at every single aspect of how the council is approaching the issue.

My overarching conclusion is that dealing with the blight of fly-tipping will require a long-term strategy, not mere quick fixes. Reactive publicity campaigns, isolated success stories in the media and clean-up days will not be enough. Indeed, the way in which Brent communicates about this issue needs to change. Residents who complain to the council about fly-tipping should no longer receive an automated email acknowledging their concern. They should get a human response indicating that the matter is being looked into.

Beyond the council itself, priority must be given to empowering community organisers and action groups by enshrining their role in Brent's bureaucratic structures. The council must work with such organisations to explain in person the damage done by fly-tipping. This will require door-to-door exercises, as well as working with community groups – residents' associations, religious organisations, youth clubs etc. It will also involve changing the way local schools communicate the value of respect for the local community and the problems fly-tipping causes.

There are many specific recommendations below, all of which I hope will be adopted by the council. Yet it strikes me that what is most important of all is not policy, or finances, or procedures. It is mind-set. When I see the brilliant work being done in my own ward by 'Keep Wembley Tidy', it proves to me that there are more people who care about Brent and the state of its environment than there are those who do not care.

So this is the challenge. Brent Council must work alongside the decent majority of residents in our borough to tackle the blight of fly-tipping so that future generations are free to grow up in a Brent that is clean and healthy and above all a place befitting its status as the iconic home of English football.

I am immensely grateful to the members of the task group for their support and hard work; in particular, local residents Chirag Gir and Colin George, whose insights and experience have been invaluable.

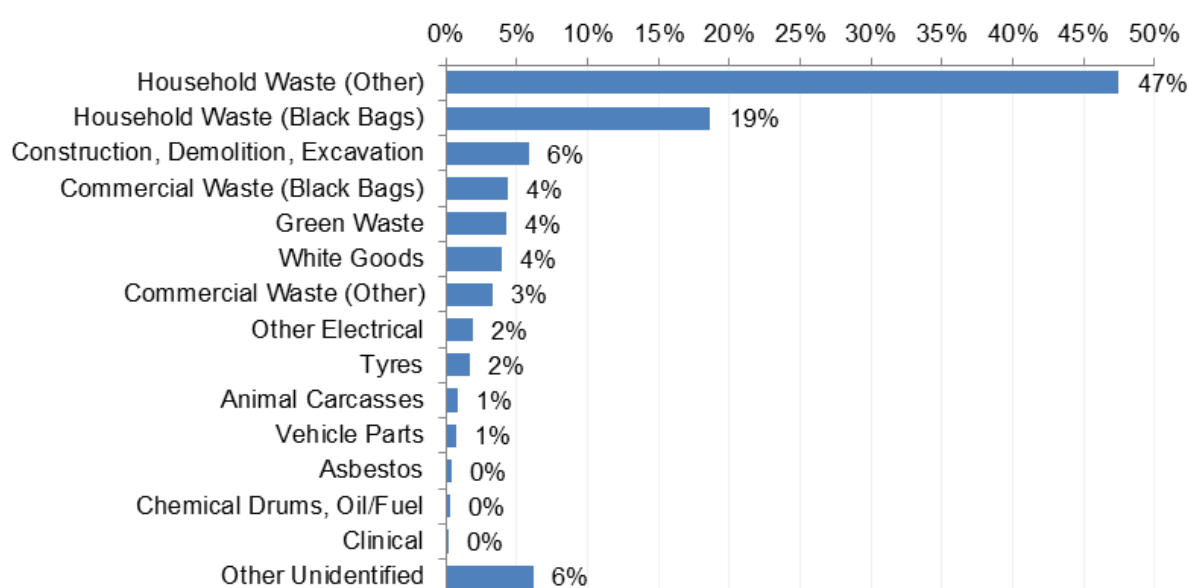
## 2. EXECUTIVE SUMMARY

Fly-tipping is the illegal deposit of waste on land contrary to Section 33(1)(a) of the Environmental Protection Act 1990. The types of waste fly-tipped range from 'black bag' waste to large deposits of materials such as industrial waste, tyres, construction material and liquid waste. Fly-tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and a hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

Local authorities and the Environment Agency (EA) both have a responsibility in respect of illegally deposited waste. Local Authorities have a duty to clear fly-tipping from public land in their areas and consequently they deal with most cases of fly-tipping on public land, investigating these and carrying out a range of enforcement actions. The Environment Agency investigates and enforces against the larger, more serious and organised illegal waste crimes.

Both Local Authorities and the Environment Agency are required to collect data on their activity and report this to the Fly Capture database. Responsibility for dealing with fly-tipping on private land rests with private landowners and is not subject to mandatory data reporting.

Types of fly-tipping incidents in England, 2013/14 as a proportion of total incidents<sup>1</sup>



There is significant public concern in Brent about a perceived increase in fly-tipping over the last few years. It is suggested in some quarters that cuts to Brent's budget, handed down by

<sup>1</sup> Other household waste could include material from house or shed clearances, old furniture, carpets and the waste from small scale DIY works. Other commercial waste could include pallets, cardboard boxes, plastics, foam, and any other waste not contained in bags or containers and not due to be collected.

central government, have adversely affected our ability to keep the streets clean. Furthermore, it is possible that the apparent increase in fly-tipping is a symptom of declining community spirit and cohesion.

It is for these reasons that this issue is so seminal in its importance to the relationship between the council and Brent residents within its jurisdiction.

Uncontrolled waste disposal can be hazardous to the public, especially when the waste consists of drums of toxic material, asbestos sheeting, syringes or used drugs. There could be a high risk of damage to watercourses and underlying soil quality from the dumped waste. Fly-tipping looks unsightly and this can harm investment in an area. Cleaning up fly-tipping costs taxpayers' money which could be better spent funding other much needed services.

According to the Department for Environment, Food and Rural Affairs Fly Capture Database, the most common types of fly-tipped waste are, starting with the greatest quantity: general household waste; white goods (fridges, freezers and washing machines); construction rubbish (demolition and home improvement rubbish); garden rubbish; and rubbish from businesses.

### 3. RECOMMENDATIONS

#### Knowledge

1. The task group recommends that the term “Fly-tipping” should be changed to “Illegal Rubbish Dumping” (IRD) in communications with residents. Residents rarely refer to dumped rubbish as fly-tipping and there is apparently confusion among some residents about what “fly-tipping” actually means.

This is not a good basis on which to communicate with residents about the issue, therefore the task group recommends changing the language we use.

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#### Education

5. Constitutionally empower “Community Guardians” by appointing, through an agreed selection process, figureheads like the chair of Keep Wembley Tidy. Councillors can support this by identifying suitable candidates. These guardians are to be given a profile on the council’s web page, support and resources from the council and Veolia; to tackle illegal rubbish dumping in their appointed locations.
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10. The task group recommends the formation of a strategic approach between Waste Management Enforcement services and the CCTV service to ensure more use of the current CCTV provision to monitor IRD hotspots. It is understood that this will require collecting evidence and providing a supported case for each camera.

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- ❖ The most referenced licensed scheme is that of Newham Council’s. Newham’s licensing condition in respect of waste simply requires that “No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose”.

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#### Impact

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20. Owing to the lack of quantitative data to evidence the effects of the garden waste charge at this stage, officers should review and report the effects of its first year in operation. Officers should devise logical metrics against which it can compare its performance annually until 2018.
21. The number of Brent residents that have signed up, and continue to sign up, to the Garden waste collection service should be more widely publicised. The Brent website and Brent magazine should be the media for this.

#### Publicity

22. Future publicity about IRD should be continuous, mainly word-of-mouth and not confined to one-off PR campaigns. The last major PR campaign in 2013 involved large, difficult-to-read signs under which rubbish was dumped. It also saw photo opportunities to show the lead member was determined to deal with the issue, but officers confirm that it had little tangible impact on levels of IRD.
23. Officers, councillors and community guardians need to visit relevant local meeting places – whether they be religious meeting places, youth clubs or sports clubs – to pass on the council's messages about IRD and how communities can work with Brent to tackle it.
24. Leafleting campaigns led by the council and voluntary groups should be in multiple languages, appropriate to the socio-dynamics of the local area.
25. Any future communications should also be easy-to-read with no conflicting messages. This should be backed up with targeted local advertising. Brent London Underground and National rail stations are prime locations for such advertising.
26. The Cleaner Brent App requires further publicity, and probably a re-launch, as not enough people are aware it exists. There should be further publicity on the web and in the Brent magazine.

## 4. INTRODUCTION – SCOPE OF THE TASK GROUP

### What are the main issues?

- DEFRA report that nationally it costs an estimated £86m-£186 million every year to investigate and clear up fly-tipping. This cost falls on taxpayers and private landowners
- Fly-tipping poses a threat to humans and wildlife, damages our environment, and spoils our enjoyment of our towns and countryside
- Fly-tipping undermines legitimate waste businesses where illegal operators undercut those operating within the law. At the same time, the reputation of legal operators is undermined by rogue traders
- As with other things that affect local environmental quality, areas subject to repeated fly-tipping may suffer declining reputations and local businesses may suffer as people stay away
- Fly-tipping harms Brent's image as an attractive place to live and work. Brent was recently ranked 3<sup>rd</sup> in a national survey of the worst boroughs in which to live

\* Please note the “worst borough” survey data was heavily based on the relative cost of housing to average income levels. There was no indicator in the survey that related to fly-tipping.

### What the review addressed

#### The review considered the following key areas:

- Knowledge
  - Behavioural and sociological research /information from other authorities on successful strategies
  - Why do we have the fly-tipping levels we do?
  - Increasing trends and possible links to the introduction of charging for the green bin (has this increased dumping of garden waste?)
- Education
  - Public communication
  - Education (at schools and through community / cultural groups)
- Enforcement
  - Current systems (to what extent is this proving effective?)
  - Success of enforcements
  - Deterrents (e.g. CCTV)
  - Trade waste and dumping
  - Landlord dumping
- Impact
  - Impact of new ‘garden waste collection charge’
  - Impact of Landlord Licensing in reducing the issue
- Publicity
  - Success / failure of previous and current publicity campaigns
  - Analysis of the level of public awareness

## **The objectives of the review**

**The aims of the review are set out below:**

- Better understanding of residents' waste disposal behaviour in Brent
- Clearer understanding of the council's role and the work it undertakes regarding fly-tipping
- Reduction in the levels of fly-tipping in Brent
- Cleaner and safer environments for all Brent residents
- Reduction in clean-up and enforcement costs
- Opportunities for increased revenue
- More community involvement and stronger residents and council relationships
- Better community spirit and cohesion
- Efficiency savings, such as officer time

## 5. TASK GROUP MEMBERSHIP

Cllr Sam Stopp (Chair)  
Cllr Krupa Sheth  
Cllr Bernard Collier  
Cllr Amer Agha  
Mr Colin George  
Mr Chirag Gir

## 6. METHODOLOGY

In order to gather the relevant evidence for this review, the task group invited relevant partners and residents to get involved; through discussion groups, meetings and visits. The earliest part of the reviewed considered previous reports and studies into the fly-tipping culture and behavioural trends. This involved liaising with the Environment Agency and non-governmental agency, Keep Britain Tidy.

The second part of the review focused on information relevant to Brent and this involved close working with the Operational Director of Community Services and the Waste Enforcement team. Central and most vital to the review were the voices and views of local residents. The task group held four themed discussion groups, which reflected the key areas of the review. Local resident groups were invited to attend, along with officers and partners.

### **Partners: Group 1**

- Relevant Council Departments
- Brent Partners
- Environment Agency
- Keep Britain Tidy
- Other best practicing Local Authorities

### **Partners: Group 2**

Resident Associations & Local Groups:

- Harlesden Town Team
- Reach Team – Kensal Green
- Willesden Green Town Team
- Harlesden Town Team
- The Cricklewood Town Team
- Alperton Riverside Town Team
- Keep Wembley Tidy

\*A full list of participants of the task group's work can be found in section 10 of this report

## 7. POLICY CONTEXT

### 7.1. Brent

IRD is not a just a Brent problem. It is a problem experienced by all areas of the country, urban or rural. The task group investigated what types of rubbish are being dumped i.e. is it household waste that people cannot fit into their domestic waste collection service, garden waste due to the green bin charge, trade waste from local businesses or builders' debris? The task group also considered possible dumping by landlords and Brent's transient population – i.e. the dumping of mattresses and old furniture.

Fly-tipping incidents reported by local authorities in 2013-14		
LA_Name	Total Incidents	Total Incidents Clearance Cos
Newham LB <sup>(a)</sup>	67930	£3,026,234.00
Enfield LB	31692	£1,348,880.00
Haringey LB	31045	£1,491,507.00
Southwark LB	26638	£1,108,692.00
Westminster City Council	17121	£699,653.00
Hounslow LB	15864	£564,135.00
Croydon LB	15113	£1,366,642.00
Greenwich LB	12765	£715,829.00
Camden LB	10950	£229,852.00
Lewisham LB	9152	£293,672.00
Hammersmith and Fulham LB	9011	£529,042.00
Redbridge LB	8939	£390,390.00
Harrow LB	8429	£740,504.00
Hackney LB	7635	£1,210,485.00
<b>Brent LB</b>	<b>7001</b>	<b>£425,399.00</b>
Chelsea	6934	£273,482.00
Ealing LB	5765	£243,201.45
Tower Hamlets LB	5201	£241,176.00
Waltham Forest LB	4723	£184,419.00
Havering LB	3620	£157,650.00
Merton LB	3064	£172,574.00
Richmond upon Thames LB	2871	£61,393.00
Bromley LB	2809	£190,587.93
Islington LB	2634	£101,706.00
Hillingdon LB	1995	£90,405.00
Barnet LB	1779	£51,836.00
Barking and Dagenham LB	1282	£119,278.00
Sutton LB	1264	£89,049.00
Lambeth LB	1206	£98,523.00
Wandsworth LB	1105	£78,083.00
Bexley LB	1078	£45,111.00
London Corporation	530	£15,331.00
Kingston-upon-Thames LB	339	£14,466.00

It is worth noting that the methods used to capture and record data by local authorities are not consistent and that is why there is a vast difference in the figures above.

High incident areas within Brent:

- Harlesden
- Mapesbury
- Willesden Green
- Kensal Green
- Queens Park
- Wembley Central
- Alperton

### **Brent Waste Enforcement**

Brent urges residents to take an active role and responsibility in keeping their communities clean. Brent encourages residents to be alert and forward on any evidence of fly-tipping to the council. The Cleaner Brent app allows residents to report litter, dumping, and other problems in streets, parks and cemeteries to the council using a smartphone.

The app allows residents to provide information such as:

- registration of vehicle
- time of incident
- location and description of waste
- description of people dumping the waste
- Pictures, if possible, but strongly warns against confronting suspects

Brent will then arrange for it to be removed and will trace the origin of the waste to identify who dumped it and when. Legal action will subsequently be taken when the offender is identified. It is essential that any evidence passed on to Brent is treated as highly confidential and prevented from entering the public domain. Witnesses who provide it must be seen to be neutral and unbiased.

An assessment of the overall reporting system has been undertaken as part of this review. There appears to be a public perception that, regardless of any incremental improvements delivered by the Cleaner Brent app, it takes too long for the enforcement team to respond to complaints. It is also suggested by residents that enforcement opportunities are not actively followed up.

### **Veolia**

Veolia currently has a nine year contract with Brent Council which began in April 2014 and provides recycling and refuse collections and street cleansing. Veolia clean over 1,700 streets in Brent. Zone 1 roads (usually town centres) are cleaned daily between 7am and 10pm, residential areas are cleaned once a week. Focus is paid to the streets surrounding Wembley Stadium on and after event days. In addition to cleaning the streets in Brent, Veolia also empty over 1,750 on the street litter bins and remove fly-tips. Veolia also operates commercial waste and recycling collection services within Brent and the surrounding area.

How enforcement links in with the new Landlord Licensing scheme has also been assessed. It is hoped that this will be a key part of reducing the issue of IRD in the most overcrowded parts of the borough.



## **7.2. London and National**

Local authorities dealt with a total of 852 thousand incidents of fly-tipping in 2013/14, an increase of 20 per cent since 2012/13, with nearly two thirds of fly-tips involving household waste. This recent increase follows consistent year on year declines in the number of incidents over the preceding years.

A number of local authorities have reported an increase in the number of fly-tipping incidents. Some local authorities have introduced new technologies; such as online reporting and electronic applications, as well as increased training for staff. These authorities have explained this as a factor in the increase in the number of incidents reported as the methods used to publicise reporting and capture data have improved.

Local authorities carried out nearly 500 thousand enforcement actions at an estimated cost of £17.3 million, which was over a £2 million increase on the previous year. This equated to an increase of 18 per cent on enforcement actions over the same period.

- The most common place for fly-tipping to occur was on highways (47 per cent of total incidents in 2013/14)
- Incidents of fly-tipping on footpaths, bridleways and back alleyways increased 15 per cent in England in 2013/14. Together these now account for 29 per cent of fly-tipping incidents
- Approximately a third of all incidents consisted of a small van load of material or less
- The estimated cost of clearance of fly-tipping to Local Authorities in England in 2013/14 was £45.2 million, a 24 per cent increase on 2012/13

### **Legislation and Government Policy**

Section 33(1)(a) of the Environmental Protection Act 1990 defines fly-tipping as rubbish that is illegally dumped on land without permission from landowners or without a licence. It is an arrestable offence with a £50,000 maximum fine or five years imprisonment and any vehicles used in offences can be seized.

### **The Waste Duty of Care**

The waste Duty of Care is set out in Section 34 of the Environmental Protection Act 1990. It exists to ensure that everyone dealing with controlled waste handles it in an appropriate manner to minimise any risks. It applies to any person or business that produces, imports, carries, keeps, treats or disposes of controlled waste (household, industrial and commercial waste) or, as a broker, has control of such waste.

The Duty of Care requires those that deal with waste to take all reasonable measures to:

- Prevent the waste being deposited illegally
- Prevent the waste escaping
- Ensure that waste is only passed to those authorised to receive it
- Ensure that when waste is transferred a written description is completed to ensure the transferee is able to deal with the waste appropriately.

What needs to go into a written description is set out in Regulation 35 of the Waste (England and Wales) Regulations 2011.

Note: Householders have a reduced Duty of Care and do not need to complete a written description when their household waste is transferred. However, they must ensure their waste is only given to someone authorised to receive it.

In October 2015 following calls from the Local Government Association, Ministers announced Defra will introduce an £80 spot fine known as fixed penalty notices for small-scale fly-tipping from spring 2016, to provide councils with an alternative to prosecutions where it is appropriate.

## 8. KEY FINDINGS

### 8.1. Knowledge

#### Understanding

Illegal rubbish dumping is one of the most visible challenges in Brent. It is one of the issues that residents feel most concerned about. It is serious and it is illegal. It is a problem across the borough, London, the UK and cities across the world; this is not just a Brent problem. Some argue that we have become a “throw away” society and the impact of that is seen in our streets, parks and areas of Brent where people think it is acceptable to dump rubbish. Fly-tipping is one of the biggest public service provisions; any rubbish that is not in a bin is considered fly-tipping. This could include large household items left on the street - beds, mattresses, fridges etc. This also could include large loads of rubbish left by businesses, general litter black bags and builders’ waste.

The task group asked Brent residents why they felt people in Brent fly-tip. Many residents commented that this was because “they don’t know any better” and “lack of education around fly-tipping”, or they “do not really understand what fly-tipping is”. It was indicated that residents of flats, rented accommodation (landlords) and short tenancies often have no-one to educate them about how to responsibly dispose of waste. It was pointed out that there are a large number of residents in our borough for whom English is not their first language. The task group recognised that often residents who are new to Brent will dump waste as they do not understand the Brent protocols. It is also cheap for people to dump rubbish and they seemingly do not fear being caught.

#### Behaviour and attitude

The task group found that part of the problem lies in people’s attitude, as proved in a number of industry studies, e.g. *Fly-tipping Good Practice* (appendix 1). Brent has a transient population; with 35,000 rented properties in the borough. Short-term tenants are unlikely to feel an emotional attachment to their area. It was found that there is a possible link between overcrowding and fly-tipping and the council’s House in Multiple Occupancy (HMO) Licensing schemes can provide a means of supporting behavioural change. The task group found that residents who fly-tip develop a pattern and continue to do so, knowing that the council will continue to pick up dumped rubbish. The task group considered how to break this cycle. It was recognised that the council needs to be innovative and try a different approach.

The Brent Waste Management Officers are currently part of a West London Alliance (WLA) tri-borough project with Ealing and Barnet, focusing on behavioural studies to prevent fly-tipping. This involves looking at different approaches such as developing a better sense of ownership for residents. According to the Brent residence survey, 87% of residents say that they want to improve where they live. The Waste Management team, BHP and Mind Space have launched an eight-week trial on the behaviour of residents in tower blocks of flats who use communal bin stores. The trial will see art and murals placed in rubbish sheds. The idea is that residents will think twice about spoiling their lovely environment.

## Working with Others and Benchmarking

As part of the task group's work, it liaised with the Department for Food, Environment and Rural Affairs (DEFRA), as well as the Fly-tipping Prevention Group. DEFRA suggested that the group meet with Kent County Council, who has been successful in working across councils in the UK and with many London boroughs. Kent advised that a large part of their success was found in building good networks and sharing intelligence. This is also evidenced in the *National Fly-Tipping Prevention Group, 2014 Fly-tipping Partnership Framework* (appendix 2). The task group believe that another area for development is improving sub-regional groups and cross boundary partnerships. The waste management team is currently working with a similar group in Hounslow, where they are experiencing similar fly-tipping problems.

Residents also enquired about the number of fly-tipping prosecutions and enforcement actions, as it was felt that such actions sent a strong anti fly-tipping message. While figures were quoted (700 for 2013/14), the task group found that there were many categories of enforcement actions and that this, along with the numbers of actions taken, is not clearly communicated to residents. As part of the review, the task group requested performance data on Brent's fly-tipping incidents and actions, the group was directed to the Environment Agency's "Fly Capture" report (appendix 3). Fly Capture is a web-based fly-tipping database; it enables councils to submit summary data relating to volumes and types of incidents handled. It was found that there were large variances in numbers as to what was deemed as fly-tipping between each council, thereby making it very difficult to benchmark performance.

## **Recommendations**

- The task group recommends that the term "Fly-tipping" should be changed to "Illegal Rubbish Dumping" (IRD) in communications with residents. Residents rarely refer to dumped rubbish as fly-tipping and there is apparently confusion among some residents about what "fly-tipping" actually means. This is not a good basis on which to communicate with residents about the issue, therefore the task group recommends changing the language we use.
- ❖ We recognise that authorities and bodies outside of Brent will, for the time being, probably continue to refer to illegal rubbish dumping as "fly-tipping", so we accept that we will have to use this language when communicating with them.
- A named officer/s within the Waste Management service should be responsible for continuous monitoring of new methods to tackle IRD, keeping the council abreast of the latest developments and leading improvement practices; not just from other London boroughs and the UK, but from Europe and the rest of the world. The task group supports the behavioural studies that the council is currently participating in as part of the West London Alliance (WLA) and recommends that it should continue to build on this area of work.
- Brent Waste Management service should review its internal benchmarking, looking internally at how we monitor our own performance and should report performance quarterly in public. It is recommended that this is communicated to residents and other councillors via the council's website and Brent Magazine.

- Brent Waste Management should liaise with neighbouring London boroughs to develop a benchmarking network. The West London Alliance (WLA) would be a good place to start as there are links already established. There should also be additional cross-border networking, feeding into intelligence with the aim of bringing forward more prosecutions for trade waste dumping.

## 8.2. Education

### Education and Communication

Education and communication is a big part of how the council can tackle fly-tipping. It would be to the council's advantage to strengthen public relations regarding fly-tipping. One of the main contributing factors is behavioural and changing this behaviour requires communication and education which should be on the ground and should involve engaging directly with residents. The task group found that previous fly-tipping campaigns used "wordy" leaflets that people could not relate to. The average reading age of adults in Brent is 11 years old. Communication should be consistent, clear and delivered at a local level to influence behavioural change.

It is a challenge to reach some groups within Brent and it was felt that we should be encouraging neighbours to speak to and educate each other about responsible recycling. In Brent residents tend to think of where they live on the basis of local place names, e.g. place names such as Harlesden and Willesden not Brent. Often an anti-fly-tipping message can be received and understood much better coming from one's neighbours. Where one lives, as well as how and when one's rubbish is collected, is also important. There are differences and we should be careful that residents do not approach their neighbours with incorrect information or in a hostile manner.

The task group heard from residents who expressed concerns regarding the current Brent systems in place for dealing with fly-tipping. Both residents and task group members understand that in the present financial climate, resources are stretched. However, the level of fly-tipping is high and is on an upward trend. If our current methods are not meeting the needs, then we are bound by necessity to find alternative solutions, such as the Keep Wembley Tidy Model (appendix 4).

### New Ways of Working

"Keep Wembley Tidy (KWT) Action Group is a voluntary and non-political organisation that aims to encourage the community; including schools, places of worship and the shops in Ealing Road & Wembley High Road; to work together for a cleaner, greener, safer area in which to live. KWT have over 450 members signed up who are passionate and contribute extensively to raising awareness of illegal rubbish dumping in the community. The group was formed after residents met with local councillors to express their concerns about high level of littering and dumped rubbish on the streets of Wembley Central & Alperton. Since this time KWT has consulted with a number of other groups in Brent, who have similar experiences, to help us improve their knowledge. The group actively engages with Brent Council and Veolia to make recommendations and highlight problem areas and hotspots. KWT objective is to work within the law, to present the issues affecting their community".

*Chirag Gir- Keep Wembley Tidy Coordinator*

It was felt that supporting existing groups was very important and that local ward councillors could find and nominate guardians, working closely with Veolia, running programmes for residents and councillors. Communication and good working links would be vital to ensuring success. Language is a barrier to communication and education, and Brent has a large portion of non-English speaking residents. It is quite possible that many residents do not recognise or understand what fly-tipping is.

Veolia is responsible for educating people on fly-tipping and both residents and the task group feel that this is an area that will make a large impact on tackling fly-tipping. Therefore it is vital to ensure that we work together strategically and that only well thought out targeted messages are delivered. Residents also pointed out that Brent and Veolia should be more visually linked out in the community (more joint branding), as often residents are unaware that Veolia is contracted by Brent. The task group specifically highlighted religious, community organisations and community advocates as a vital link to reaching residents and getting our messages across. Veolia is going out to schools with road shows, but these are the easy groups and we need to tackle the harder groups to make more impact.

Officers discussed the reduction of staff in the trade/business waste team. There is only one officer. The officer makes regular visits and where conditions are breached can fine £300; there is a high turnover of shop ownership in Brent, which does make it difficult to keep track of all the changes. Using new and/or currently organised groups in a structured way with “street watchers or Guardians” could support the council. However, we also need to find the right model that will make it easy with less bureaucracy. The task group very much support developing a model that can be duplicated across the borough, sharing best practice, guidance and support, with additional support from the council.

It was found that it is often difficult for residents who are non-car users to responsibly dispose of waste or take large items or large amounts of waste to a recycling depot. The council does have an excellent special collections service. However, the current collection time wait is 4-5 weeks; at which point, some residents may decide to dispose of these items in a less responsible way. This adds to the issue and more than likely will be picked up by Veolia anyway. Currently Veolia can only pick up 90 items per day. This is clearly not enough to meet the level of demand in Brent. There are many sites like Freecycle and Freecycle that will pick up and recycle unwanted rubbish for free. Perhaps there is a way to further publicise these and other such services to residents, through the council website, Special Collection phone-line, community groups and Veolia.

## **Recommendations**

- Constitutionally empower “Community Guardians” by appointing, through an agreed selection process, figure heads like the chair of Keep Wembley Tidy. Councillors can support this by identifying suitable candidates. These guardians are to be given a profile on the council’s web page, support and resources from the council and Veolia; to tackle illegal rubbish dumping in their appointed locations.
- It was identified in the task group’s research that residents often identify with different place names than the wards in which they live. The task group is recommending that the community guardians structure in Brent is mapped in the following village localities and guardians are allocated to these areas:

Wembley	Dudden Hill	Kensal rise
Kenton	Neasden	Stonebridge
Queens Park	Sudbury	Kilburn
Harlesden	Alperton	Willesden

\*This list is intended as a guide and residents are of course free to suggest the names for their own campaigns, as well as the areas these campaigns cover. Keep Wembley Tidy covers Wembley Central and Alperton wards, and it is suggested that campaigns should not overlap with one another. This approach should be integrated with the voluntary Community Action Groups.

- Guidance and a code of practice for the community guardians and village areas should be drawn up and agreed by officers and residents. This should include action days and identifying and evidencing illegal rubbish dumping hot spots. Village websites should also be linked to the council's waste management web pages.
- It will be a priority of the community guardians, councillors, officers and Veolia to devise and produce a 'Brent Against Rubbish Dumping Charter', which Businesses, HMO Landlords and Estate/Letting Agents will be encouraged to sign up to and display publicly.
- It will be a priority of the community guardians, councillors, officers and Veolia to engage with places of worship, youth clubs and sports clubs to engage and promote the Brent Against Rubbish Dumping Charter.
- The process of reporting IRD should be clear and straightforward, so that both residents and officers know what is to be expected and how and when there will be communication between parties. This should be documented on the council's IRD web page.
- Brent waste management and Veolia should liaise with Brent education and Brent schools partnership to ensure that there is a strategic anti-illegal rubbish dumping programme going into schools, aimed at both primary school and secondary school level. The programme should be continuous and target 100% of schools on an annual basis, encouraging schools to sign up to the Brent Against Rubbish Dumping Charter. Progress should be reported on the council waste management web page on a quarterly basis.
- Business liaison should be part of an officer's role; this should include an evaluation of any non-monetary incentives that can be offered. Brent should encourage businesses to sponsor a bin or bins, as a result of which businesses will become certified and will be allowed to display a Brent Council sign stating that they are opposed to IRD.
- Additional resources should be invested in to the Special Collection Service, so that items are collected sooner and the number of bulky items illegally dumped is reduced. Other alternative options for waste disposal and recycling should be promoted with direct links on the council's web page and offered on the phone when residents call to request Special Collection Services such as Freecycle and Freegle.

### **8.3. Enforcement**

#### CCTV

Some local authorities have had success in using CCTV as an effective deterrent against fly-tipping as in the case of Durham County Council (appendix 5), who last year installed additional cameras at various hotspots as part of “Operation Stop It” - their biggest-ever crackdown on fly-tipping - in a bid to deter people from fly-tipping and to provide crucial evidence when prosecuting those who do. In May 2104 Durham were investigating 17 suspected fly-tipping incidents taken from footage using cameras. Since the launch of ‘Operation Stop It Durham’, there has been a decrease in fly-tipping incidents. CCTV was used as an integral part of a wider approach which aims to educate households and businesses of their duty of care when it comes to disposing of waste while taking action against those who flout the law.

The LB of Hillingdon has used CCTV to monitor fly-tipping hotspots for over 10 years and over time enabled a number of prosecutions to take place. These numbers have varied, for example in 2008 there were 23 prosecutions and in 2009 there were 20. These fixed fly-tipping cameras have reduced the amount of fly-tipping in these locations, but have not eliminated it completely.

The number of prosecutions has dropped in recent years and there are many reasons for this, including:

- Offenders conceal their identity, so that visual recognition is difficult
- CCTV images are only rarely useful as evidence without supporting evidence - identification by CCTV image is quite easily refuted by the defence as not being clear enough, especially if hoods or hats are being worn
- Even if a facial image is good, it may not lead to the identity of the offender without additional information such as a registration number
- Vehicles frequently have false number plates, so when we have an image of a registration plate this often does not lead to the identification of the offender
- Fly-tipping occurs in an increasingly wide range of locations such as garages and alley ways and it is not possible to cover all of them with cameras

Brent currently uses its CCTV resources to capture fly-tipping (appendix 6). However, the task group feel that a more strategic targeted approach is needed.

#### Prosecutions

The Brent and Kilburn Times names and shames publicly. This is a very powerful tool. Not every penalty will lead to a prosecution. This will depend on the severity of the offence. The council has an enforcement team which is made up of five officers who are dealing with over 1,000 cases. It is not possible for the council to name and shame until the suspect has been proven guilty in a court of law. If there have been successful prosecutions (7 this year), it is communicated and posted on the council’s website.

In total, Brent dealt with 700 waste enforcement actions across all waste related offences; this included fly-tipping and littering, as well as not having suitable trade waste disposal arrangements in place. Waste enforcement actions – i.e. actions where an enforcement



outcome against an individual or organisation has been achieved based on a proven and/or admitted waste related offence include the issuing of:

- Recorded verbal warnings
- Written warnings
- Simple cautions
- Simple cautions with costs
- Fixed penalty notices
- Achieving a prosecution result in court

In terms of our prosecutions register figures, Brent can only legally publicise successful court convictions— hence the lower figures as these only represent 1 of these 6 actions we can possibly take against offenders.

The prosecutions register figures show that there are 14 successful waste enforcement prosecutions either for dumping, littering or trade waste (Waste Transfer Notes) related offences on the register in 2014. There are a further 12 successful waste enforcement prosecutions for 2013 – most of which are for trade waste offences, however one of them is for fly-tipping. Many of Brent's other successful waste enforcement cases for 13/14, including fly-tipping, did not make it onto the register because they were concluded without court action either through the use of warnings, cautions or fixed penalties - which Brent is unfortunately not allowed to publicise.

The National fly-tipping prevention group and its supporters are seeking to both draw on and influence Government policy and legislation to tackle fly-tipping and empower those involved with taking enforcement action or the administration of justice or deterrents such as sentencing of fly-tipping offences. Government action to tackle fly-tipping is centred on the legislation and functions of local authorities and the Environment Agency and supporting delivery by others. Consideration is also being given to whether the current levels of fines and sentencing are enough to disrupt illegal operations and provide a sufficient deterrent particularly for more serious, persistent and organised waste crime. In addition, work on the effectiveness of the Proceeds of Crime Act 2002 and whether it could be used to better effect is under consideration with the Environment Agency and local authorities;

- Whether successful prosecutions are sufficiently visible and whether magistrates have enough information or training about sentencing for waste crime.
- Whether a fixed monetary penalty could be introduced as a means of dealing with smaller instances of fly-tipping. The Local Government Association, supported by others including the Chartered Institution of Wastes Management, has called for this option to be explored as a potential tool, alongside prosecution, in the fight against fly-tipping.

There is general agreement that the penalties available for fly-tipping are adequate and capable of acting as a real deterrent to offending. The maximum penalties for fly-tipping on summary conviction are a £50,000 fine and/or twelve months imprisonment, and on conviction in a Crown Court an unlimited fine and/or five years imprisonment. However, there is limited understanding of these within the population as a whole. Information about penalties is included on some local authority websites but could be adopted by others. Dissemination by local groups and trade associations would also help. Publicity around successful prosecutions by the Environment Agency, local authorities or others could also help raise awareness that fly-tippers are caught and punished and help deter others from the activity.

The task group learned that all businesses need to have a trade waste agreement/contract; trade waste cannot just be put in a black bag. These agreement/contracts mean that traders have signed up for the waste to be collected and they are issued trade waste bags. But businesses can put out two or three normal black bags along side one trade waste bag, essentially preserving their stock of trade waste bags and having their waste collected for free. Unless there is evidence tying those black bags to that establishment, there is no definite way to prove that business is abusing the system. When traders are found with exposed food waste that attracts vermin or pests, S47 notices were served. Traders then have 28 days in which to comply.

#### House in Multiple Occupation (HMO) Selective licencing

Brent runs three licensing schemes;

Mandatory Licensing Scheme	It is a legal requirement that Houses in Multiple Occupation (HMO's) of three or more storeys occupied by five or more people, making up two or more households must be licensed under the Government's national Mandatory Licensing Scheme.
Additional Licensing Scheme -	It is a legal requirement that all privately rented properties occupied by three or more people, making up two or more households will also require a property licence regardless of the number of storeys in the property.
Selective Licensing Scheme (1 <sup>st</sup> January 2015)	It is a legal requirement that all privately rented properties in the wards of Harlesden, Wembley Central and Willesden Green must have a property licence.

In section 12 "Refuse and Waste" (appendix 7 & 8) of all the Brent licencing schemes conditions, it states;

"The licence holder should provide a sufficient number of external rubbish bins for the occupiers to dispose of waste. They are also responsible for ensuring that any kind of refuse which the council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately".

As part of the task group's work it reviewed heat maps showing prevalence of fly-tipping and HMO's (appendix 9 & 10). There is not much in the way of noticeable correlation, Mapebury and Willesden Green; where there are high levels of fly-tipping do have high levels of HMOs, however but so does Harlesden, where there are fewer HMO's<sup>2</sup>. While there is no proven evidence that HMO's are linked to increasing fly-tipping incidents in Brent. Rental properties in general, rather than just HMOs, are more likely to produce waste as residents move home more frequently than owner occupiers. A particular issue is mattresses, which are commonly found dumped, possibly as a result of being replaced following the change of a tenancy.

The task group believes that this is a missed opportunity to communicate the anti-fly-tipping message and that this section should include further information on Brent's waste and recycling protocols, including fly-tipping laws and enforcement actions. The task group also found that there are still areas for improving the selective licencing scheme, mainly around

<sup>2</sup> This represents only the licenced HMO's, there are a large number which remain unlicensed. The fly-tipping location is by street and not the precise spot it occurred.

effective communication. It was found that if landlords lived outside Brent, it was possible they may have not received the information to register or seen the local advertising. There were also issues with landlords not understanding how to register or not recognising that they were indeed landlords; where properties have been sub-let without their knowledge. There is currently further planned work to be done on the communications strategy with a focus on tenants and neighbours, and possible plans for expanding the Brent report app to include reporting HMO's.

The task group were also concerned with the method in which the HMO team are identifying HMO properties. Currently the team use a tried and tested successful formula to identify HMO properties, which includes information from a number of data bases (council tax, benefits, doctors register etc.) and is approx. 95% accurate. The team will then write to the home owners giving 14 days to respond, a second letter is send out if nothing is heard; the team will then visit the property. Members are concerned that this time frame gives "rogue" landlords time to move tenants out and then re-let once the council has concluded its investigations.

### **Recommendations**

- The task group recommends the formation of a strategic approach between Waste Management Enforcement services and the CCTV service to ensure more use of the current CCTV provision to monitor IRD hotspots. It is understood that this will require collecting evidence and providing a supported case for each camera.
- ❖ The task group endorses all of the recommendations on IRD made by the concurrent CCTV task group.
- Waste management services, specifically trade and Environmental health services, must work together more strategically; sharing information and working on joint visits where there is clear intelligence that there are crosscutting priorities.
- A strategic approach between Housing Enforcement and Waste Management Enforcement services via Veolia should be formed to ensure that HMO landlords are educated as to their responsibilities regarding waste disposal for themselves and their tenants.
- Enlist the support of night workers such as black cab drivers and night bus drivers to use the cleaner Brent app and report any perpetrators of IRD. This could be achieved by contacting taxi firms and Transport for London to explain our case and by asking them to cascade our request down to workers. The council would in turn be able to release positive press stories about these organisations.
- We will look to pre-capitalise on new fly-tipping legislation, to be brought forward next year, by following a similar model to Ealing Council, as below:

'The council has teamed up with Kingdom Security to provide dedicated teams of uniformed officers in the borough. Kingdom Security will work with the council's environmental enforcement officers, providing a high-profile deterrent and issuing £80 fines. Operating initially on a one-year trial basis, Kingdom Security is working at no cost to the council. Instead they will take a share of the fines they issue'.

- The council should work with other local authorities and the National Fly-tipping Prevention Group to lobby the Government for more effective enforcement powers.
- The selective Landlord licensing scheme should be reviewed annually and reported on publicly with statistics on how effective the scheme has been, where it has been effective, areas where the council can strengthen its enforcement and any lessons learnt.
- The landlord licensing guidance should have more detail in the wording regarding waste & refuse, so that it is harder for landlords to avoid discharging their responsibilities effectively.
- ❖ The most referenced licensed scheme is that of Newham Council's. Newham's licensing condition in respect of waste simply requires that "No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose".
- Leaflets about Brent's waste disposal policies should be inserted into the guidance so that landlords can give them to tenants. The leaflet/insert scheme should also be rolled out to estate & letting agents.

#### **8.4. Impact**

Fly-tipping poses a threat to health and safety and domestic waste can attract vermin which spread diseases, something which greatly concerns the task groups. Foxes were cited as a big problem as they destroy black bags and spread rubbish. Brent spent £425,399 on clearing fly-tipping in 2013/14, funds that could be spent on services that are much needed and fundamental to some of our most vulnerable residents. The task group considered the impact of fly-tipping on the reputation and character of the borough and how badly we are perceived. Wembley is a national treasure. However, levels of fly-tipping blight our communities and the reputation of the borough is suffering. Brent is a bright, vibrant and diverse borough, but was recently dubbed as one of the worst places to live in the UK. Whilst we do not accept this characterisation and recognise that particular survey was largely about cost, increasing fly-tipping levels do nothing to help our cause.

The task group held four discussion groups and it was raised on more than one occasion that residents do not want to pay the cost of the garden waste collection. Many residents have expressed that they have seen an increase in the fly-tipping of garden waste. To date, 19,000 Brent residents have signed up to the green waste collection. The task group feels that this should be more widely publicised. The Waste Management team stated that there has been no increase in the tonnage of garden waste and on the streets this is measured visually. The task group felt that this needs to be monitored and measured in a more quantitative method. A report on the garden waste collection service is scheduled to be heard by the scrutiny committee early next year.

## Recommendations

- Further investigation is required into the impact of the garden waste collection charges. Cabinet should review its effectiveness from a cost and efficiency perspective, annually until 2018.
- Owing to the lack of quantitative data to evidence the effects of the garden waste charge at this stage, officers should review and report the effects of its first year in operation. Officers should devise logical metrics against which it can compare its performance annually until 2018.
- The number of Brent residents that have signed up, and continue to sign up, to the Garden waste collection service should be more widely publicised. The Brent website and Brent magazine should be the media for this.

### 8.5. Publicity

Publicity and communication are closely linked and one of the things that residents repeatedly raised at the task group's discussion meetings was the lack of publicity on key anti-fly-tipping information. It was felt that many of the key messages which were recognised as major deterrents were not fully publicised. In all the research the task group reviewed, it found that publicity around successful prosecutions sent a strong message and raised awareness that fly-tippers are caught and punished, which deterred others from the activity.

The Brent 2012 publicity on fly-tipping was raised at the task group discussion meetings. It was felt that that publicity campaign did not reach the ground and was not as effective as it could have been. Residents felt that the tobacco paan spitting campaign was very successful. They felt the campaign was proactive and was spearheaded by enforcement. Once residents knew that people had been caught and been fined, the word spread and people stop doing it. It is the task group's opinion that successful communications are most effective at local community levels.

Many of Brent's tools for tackling fly-tipping are not widely publicised, specifically the Cleaner Brent app. This is an excellent tool and the task group commend the council on this initiative. However, members of the task group and ward councillors found that many residents, including those with keen community interests were unaware of the apps existence. Fly-tipping is such a huge issue that communication and publicity need to be continuous. The Brent Magazine is another of the council's tools which is under-utilised as many residents read and make use of the information provided. This is an excellent medium for publicising quarterly enforcement action statistics.

The KWT model has had much success, but this is not the only way in which current resources can be used in alternative ways. Many local authorities, such as City of Edinburgh Council 2015 project, in conjunction with Zero Waste Scotland (appendix 11), have found the use of social media and other mediums effective as long as the dialogue is kept simple. Very visual and signs can be used. Posters are only one-tenth of what is needed to be done in conjunction with other preventative methods. Our approach needs to be a combination of leaflets, community guardians and social media. In Kilburn and Harlesden, a face to face approach has worked very well.

Another members of the task group stated that often people can speak a language but cannot read that language. It was agreed by all that showing residents via word-of-mouth and face-to-face contact was much more effective than leafleting. Talking to people face-to-face and empowering people and groups in formal structures to work alongside the council is what is required.

## **Recommendations**

- Future publicity about IRD should be continuous, mainly word-of-mouth and not confined to one-off PR campaigns. The last major PR campaign in 2013 involved large, difficult-to-read signs under which rubbish was dumped. It also saw photo opportunities to show the lead member was determined to deal with the issue, but officers confirm that it had little tangible impact on levels of IRD.
- Officers, councillors and community guardians need to visit relevant local meeting places – whether they be religious meeting places, youth clubs or sports clubs – to pass on the council’s messages about IRD and how communities can work with Brent to tackle it.
- Leafleting campaigns led by the council and voluntary groups should be in multiple languages, appropriate to the socio-dynamics of the local area.
- Any future communications should also be easy-to-read with no conflicting messages. This should be backed up with targeted local advertising. Brent London Underground and National rail stations are prime locations for such advertising.
- The Cleaner Brent App requires further publicity, and probably a re-launch, as not enough people are aware it exists. There should be further publicity on the web and in the Brent magazine.

## **9. CONCLUSION**

This review into fly-tipping, or “illegal rubbish dumping” as we are now to call it, has been wide-ranging, exhaustive and thorough. Importantly, it has involved significant public consultation, rather than a simple examination of internal processes. Two members of the full task group are members of the public and they have made extremely valuable contributions. Moreover, we have held several public meetings to engage residents and we have invited contributions via the local press.

This review has been the opposite of a PR exercise and it has focussed on ruthlessly examining Brent’s strategy for dealing with illegal rubbish dumping. The task group concluded that Brent most certainly does have a significant issue with dumping and the council needs to look again at developing comprehensive strategies for dealing with the issue.

This review has set out initial recommendations for developing such approaches, all of which I hope will be adopted. However, this review should only be the first stage in a reworking of Brent’s methods for dealing with what is one of the most serious issues the borough faces. I

hope that this review will go some way towards putting this issue at the forefront of the minds of my fellow councillors and members of staff.

Brent is a wonderful, vibrant, diverse place in which to live and we should be proud of our multi-cultural heritage. We owe it to the decent, hardworking, proud majority of Brent residents to find ways to keep our environment clean and healthy and safe. Brent is a place to which millions of people of all ages flock to see international sport, music and entertainment. We should aim to make those visitors as proud of Brent as we already are.

The clean-up of the Brent that we love is the fundamental aim of all of the recommendations in this report. I hope very much that this aim will be achieved in the coming years.

## 10. PARTICIPANTS, REFERENCES AND APPENDICES

### Participants

London Borough of Brent:	Director of Community Services
	Brent Waste Management Services/Public Realm
	Brent Waste Enforcement Services/Public Realm
	Brent Housing Enforcement Services
Government Agencies	DEFRA
Non Government Organisations	Keep Wembley Tidy
	Brent REACH
Brent Partners	Brent Housing Partnership
	Veolia
Brent Resident Groups	Heather Park Neighbourhood Watch
	Dudden Hill Residents Association
	Sudbury Town Team
	St Raphael's Housing Estate Residents Association
	Vale Farm Residents Association
Other Local Authorities	Kent County Council
	LB Haringey
	LB Harrow

### References

*Fly-tipping: Causes, Incentives and Solutions, A good practice guide for Local Authorities*

*University College London, July 2006*

*Fly-tipping Partnership Framework: The National Fly-Tipping Prevention Group, 2014*

*City of Edinburgh Council project, in conjunction with Zero Waste Scotland 2015*

*Durham County Council "Operation Stop It"*

*London Borough of Hillingdon Fly-Tipping in the Borough and the use of CCTV as a method of surveillance, 2004*

### Appendices

Appendix	
1	Fly-tipping: Causes, Incentives and Solutions, A good practice guide for Local Authorities, University College London, July 2006
2	Fly-tipping Partnership Framework: The National Fly-Tipping Prevention Group, 2014
3	DEFRA Fly Capture Data 2013/14
4	About Us: Keep Wembley Tidy Action Group
5	Durham County Council "Operation Stop It"
6	LB Brent Geographical Information System (GIS) CCTV Fly-tipping report
7	LB Brent Selective Licencing Conditions
8	LB Brent Additional and Mandatory Licencing Conditions
9	LB Brent Geographical Information System (GIS) Fly-tipping heat map
10	LB Brent Geographical Information System (GIS) HMO heat map
11	City of Edinburgh Council project, in conjunction with Zero Waste Scotland 2015
12	Scrutiny Fly-Tipping Task Group Terms of Reference





**Cabinet**  
20 January 2016

## **Report from Director of Customer Services**

For Action

Wards affected:  
ALL

### **National Non-Domestic Rates – Applications for Discretionary Rate Relief and extension of the London Living Wage Discretionary Discount**

#### **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 Cabinet last considered such applications on 21 September 2015.
- 1.3 Cabinet agreed at its meeting on 26 January 2015 to award a Business Rates discount to companies who agreed to pay its employees the London Living Wage and who became accredited with the Living Wage Foundation. The level of discount was 5 times the costs of accreditation, 30% of the cost of the discount is borne by the council. This scheme was introduced for 12 months, from 1 April 2015 to 31 March 2016, it was agreed a review would be carried out once the scheme had been operational for 12 months.
- 1.4 This report seeks a 6 month extension to the scheme, i.e., to 30 September 2016, in order that a review can be carried out and reported back to Cabinet in June

#### **2.0 Recommendations**

- 2.1 That the applications for discretionary rate relief detailed in Appendices 2 and 3 to this report be approved.
- 2.2 That Cabinet approves the discretionary discount scheme for businesses accredited to the London Living Wage Foundation be extended for a further 6 months, from 1 April 2016 to 30 September 2016 on the basis that the Business Rates discount will continue to be five times the cost of accreditation and will be awarded to businesses in Brent which become accredited with the Living Wage Foundation and who meet the criteria detailed in Appendix 4. The Cabinet notes that the approval of this scheme is pursuant to the Council's powers under section 47 of the Local Government Finance Act 1988 and that the Cabinet is satisfied that that this proposal is reasonable having regard to the interests of those persons who are liable to pay council tax in the borough of Brent. The scheme will be reviewed in May/June when a further report will be submitted.

### **3.0 Detail**

#### **Discretionary Rate Relief**

- 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%

### **London Living Wage Discretionary Discount**

- 3.8 The Localism Act gave local authorities a discretionary power to award discounts to any NNDR (also known as Business Rates) payer who meet criteria set by the council. As around 30% of local residents of working age are thought to be paid less than the London Living Wage, (LLW), any incentive that may encourage more businesses to pay this must be considered, the council's Cabinet therefore agreed in January 2015 to offer employers a discount on their business rates when becoming accredited with the Living Wage Foundation ("LWF").
- 3.9 It was agreed that the scheme would be reviewed after 12 months, however if the discount is to continue to be awarded to any organisation that becomes accredited after 1 April the scheme needs to be extended pending the review being completed. Any company that becomes accredited between 1 April 2016 and 30 September will be entitled to a Business Rates discount of 5 times the costs of accreditation assuming they meet the criteria detailed in Appendix 4.
- 3.10 As set out in paragraph 5.7 below, it is a requirement under section 47 of the Local Government Act 1988 that the Cabinet will need to consider whether the proposal regarding the discount in business rates as set out in the recommendation in paragraph 2.2 of this report is reasonable having regard to the interests of the council tax payers in the borough of Brent. The Cabinet can only approve the recommendation in paragraph 2.2 of this report if it is satisfied that it is reasonable to do so having regard to the interests of the council tax payers in the borough of Brent. This scheme will support improve the income of some of Brent's most disadvantaged residents, allowing them to have more disposable income to spend in the local economy. The costs implication in awarding the discount comes from existing employment and enterprise budget and will not impact on a reduction on frontline or other services provided by the Council. This proposal will not impact on the level of council tax levied on council tax payers

## **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 £396.02. The costs of awarding relief to the non profit making organisation detailed in Appendix 3 is £641.05. This will in effect reduce the council's projected income from Business Rates Retention in 2015/16.

#### **Discretionary Discount Schemes**

- 4.6 The costs of awarding a local discount is shared between the council (30%), central government (50%) and the Greater London Authority (20%). If discounts totalling £100,000 are awarded during a financial year then the cost to Brent will be £30,000 which will be reflected in the resulting reduction in Business Rate income. Should 100 companies become accredited and they all employ more than 500 persons then the total amount of discount awarded would be £500,000, of which £150,000 would be met by Brent. Costs (in terms of reduction in income) will be met from the existing employment and skills budget and therefore will not impact any other services, particularly front-line services.
- 4.7 There are some additional administrative costs borne by the council in implementing and administering this scheme, however these have been minimal and have been absorbed within the current budget.

### **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 Council's 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.

#### **Discretionary Discount Schemes**

5.5 Section 69 of The Localism Act 2011 amended section 47 of the Local Government Finance Act 1988 to allow authorities to grant business rate discounts. Under this provision authorities can create their own discount schemes in order for example to promote growth and jobs in its area, or in specified areas. Any such scheme needs to be approved by the Council's Cabinet.

5.6 The financing of discounts awarded under a local scheme is the same as that for any other reliefs, i.e., 30% is met by the council, with 50% being met by central government and 20% by the Greater London Authority.

5.7 Section 47 of the Local Government Finance Act 1988, as amended by section 69 of the Localism Act 2011, gives local authorities the power to grant discretionary business rate relief subject to the condition that the local authority (in this case, the Cabinet) may only grant the relief if it is satisfied that it would be reasonable to do so having regard to the interests of council tax payers in its area. Therefore, the Cabinet will need to consider whether the proposal in relation to the business rate relief as set out in the recommendation in paragraph 2.1 of this report is reasonable having regard to the interests of those persons who are liable to pay council tax that is set by Brent Council.

5.8 Entitlement to a local discount in business rates under section 47 of the Local Government Finance Act 1988 is subject to State Aid de minimis limits. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However any local discount scheme will not breach the rules regarding State Aid where it is provided in accordance with the De Minimis Regulations (as set out in EU Commission Regulation 1407/2013).

- 5.9 The De Minimis Regulations allow an “undertaking” (in this case, a business) to receive up to €200,000 of De Minimis aid in a three year period (consisting of the current financial year and the two previous financial years). Officers will need to familiarise themselves with the terms of this State Aid exemption when considering whether to award a discount, in particular the types of undertaking that are excluded from receiving De Minimis aid (Article 1 of EU Commission Regulation 1407/2013), the relevant definition of undertaking (Article 2(2) of EU Commission Regulation 1407/2013) and the requirement to convert the aid into Euros.
- 5.10 To administer the De Minimis exemption, it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of state aid under the De Minimis Regulations. It should be added that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation).

## **6.0 Diversity Implications**

### **Discretionary Rate Relief**

- 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.

### **LWF Discretionary Discount Scheme**

- 6.2 An Equality Impact Assessment was done which showed no adverse impacts on any of the protected groups. This policy will help the lowest paid workers in Brent - 30% of Brent residents of working age are thought to be paid less than the LLW and the borough has one of the lowest household incomes in London. Any policy that may result in an increase in household incomes will benefit all groups within Brent, either directly through increased income or indirectly through the council having to provide less financial support.
- 6.3 Whilst businesses who adopt the living wage will incur additional staff costs this can be offset by increased productivity and quality of work, higher staff morale, better recruitment and retention, lower absence rates and a greater ethical awareness.

## **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

Report to Cabinet 26 January 2015 - National Non-Domestic Rates –  
Discretionary Discount Scheme for Businesses accredited to Living Wage  
Foundation

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**Director of Customer Services**

## 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.

	<b>Type of Charitable/Non-Profit Making Organisation</b>	<b>Current Policy</b>
		<b>Discretionary Relief Limited to</b>
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%	
33043756	Preston Community Library Carlton Valet, Wembley HA9 8PL 15/4/2015 – 28/8/2015	£2,954.97	£590.99	£177.30
33041011	Afghan Islamic Cultural Centre 222 Church Road NW10 9NP 15/06/2015 – 31/03/2016	£3,645.37	£729.07	£218.72
<b>Total</b>		<b>£6,600.34</b>	<b>£1,320.06</b>	<b>£396.02</b>

## Appendix 3

### New Applications for Discretionary Rate Relief – Non Profit Making Organisations


	25% Relief to be awarded	Charge	Amount of relief (25%)	Cost to Brent at 30%
	<u>Organisation</u>			
33025378	London Fashion Co-Operative Ltd 1st Floor, 69-71 Kilburn High Road NW6 6HY 01/04/2015 – 31/03/2016 09/09/2014 – 31/03/2015	£5,520.00 £3,027.30	£1,380.00 £756.83	£414.00 £227.05
	<b>Total</b>	<b>£8,547.30</b>	<b>£2,136.83</b>	<b>£641.05</b>

## **Appendix 4**

### **Criteria for Awarding NNDR Discount to Businesses Accredited with Living Wage Foundation**

1. The scheme will apply to all employers who occupy a non domestic property within Brent Council's area and are liable for the payment of Business Rates.
2. A business must become accredited with the Living Wage Foundation (LWF) i.e., has a signed accreditation licence agreement with the LWF. Confirmation of accreditation with the LWF will be conclusive proof. A business must become accredited by 31 March 2017. If the accreditation licence is for a phased implementation, entitlement is confirmed when the licence is signed.
3. The LWF monitors organisations and should any business break the agreement within 2 years of signing it then any discount awarded will be re-claimed.
4. A discount equivalent to 5 times the accreditation cost quoted by the LWF at the time of becoming accredited will be credited to the organisation's NNDR account. The cost of accreditation is based on the number of employees and whether the organisation is a private or public body, and set by LWF. The accreditation fee charged by the LWF will be evidence of the size of the organisation.
5. The discount is a one-off award to the NNDR account. Where the organisation occupies more than 1 property in Brent only 1 award will be made, the organisation can elect which account the discount should be applied to.
6. Entitlement to the discount is subject to State Aid de minimis limits whereby a business must not have received state aid exceeding 200,000 euros in the last 3 years (current year plus preceding 2). State aid includes reliefs, grants, interest rate and tax relief, subsidies, guarantees, etc. The business will be required to sign a declaration confirming this. This may preclude many of the large national retail chains that have shops in many town centres from receiving this relief
7. If a qualifying business moves out of the council's area within 2 years of becoming accredited the discount will be re-claimed. However if the ratepayer moves within the area the discount will remain.
8. National/multi-national companies - these will be entitled to apply if they are accredited with the LWF, however if they are liable for more than 1 property in the council's area they will only be entitled to one discount. The State Aid rules may preclude them from relief.

9. Some small organisations or charities may not have any Business Rates to pay as they may be entitled to other reliefs. Should an organisation become accredited and they have no rates liability as they are receiving other reliefs then the discount will be credited to the account and refunded.

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 20 January 2016</p> <p style="text-align: center;"><b>Report from the Chief Finance Officer</b></p>
<div>For Action</div> <div style="text-align: right;">Wards Affected: [ALL]</div>	
<b>Extension of contract for hosting and support for Oracle Ebusiness Suite (oneOracle)</b>	

## 1.0 Summary

- 1.1 This report seeks authority to extend the contract for hosting and support for the Oracle eBusiness Suite (oneOracle).

## 2.0 Recommendations

- 2.1 That Cabinet approves awarding an extension of the contract for hosting and support for the Oracle eBusiness Suite (oneOracle) to Cap Gemini for 2 years from August 2016.

## 3.0 Detail

- 3.1 During 2012, the boroughs of Brent, Croydon, Barking and Dagenham, Havering, Lambeth and Lewisham procured jointly a solution to provide an ERP solution based on Oracle technology.
- 3.2 This solution was made up of three elements; the software itself, the external hosting and on-going support for the solution and the implementation of the solution. These contracts were provided by Oracle in the first case and Capgemini in the latter cases. The elements with Capgemini were procured as framework agreements, with call off contracts taken by each of the boroughs.
- 3.3 The external hosting and support call-off contracts are due to expire in July 2016 and replacement is required to enable the on-going provision of the solution.
- 3.4 Officers have considered the options going forward, these being

- Host the system in-house;
  - Go to market to procure a new supplier for hosting and support; and
  - Extend the current contract with Capgemini.
- 3.5 The option to host the system in-house was considered, to either host for just Brent and Lewisham as part of the new ICT Shared Service being established, or on behalf of the group as a whole. This option has the potential to achieve substantial savings. However it was considered that with the work currently taking place to establish the shared service there would be no capacity to undertake a project of this scale on time for the end of the current contract.
- 3.6 There is substantial technical risk in transferring technical platforms of the complexity of this system with a resultant loss of performance of the solution and the councils' ability to conduct business. Furthermore, there is a substantial cost in the implementation of a system with a new provider and the transfer of existing configurations and data from the current provider. It is likely that in the future the Council will seek to host the solution itself, but the best way to achieve these long-term savings will be once the shared service is fully established.
- 3.7 The Joint Management Board established by the boroughs to manage the solution taking into account the above risks commissioned a soft market test exercise. Following negotiations with Capgemini for the cost of the contract extension performed a value for money test on their proposals to:
- Assess the market rates of the service where appropriate;
  - Assess the costs of provision to the provider and allow for reasonable profit margin; and
  - Assess whether the proposed service levels would give rise to a practical level of performance.
- 3.8 The assessment concluded that going to market had the potential to achieve some reductions in cost. However the saving potential was not significant enough to justify the level of risk involved in transferring the service. This is a feature of IT contracts of this nature. The costs of changing from an established provider are relatively high, which in the worst cases can lead to inaction and acceptance of the status quo. This is not the case here. The council has a clear plan to establish itself as a market leader in local government IT services, and is only concerned now with when to take over the hosting services. For the reasons set out above, transferring in 2018 makes much more sense strategically.
- 3.9 This does not mean that the immediate opportunity to deliver savings has not been taken: quite the reverse. The strength of the Oracle Partnership has generated significant opportunities of leverage at some savings despite rising costs in the industry.



- 3.10 One area that was examined, but is not recommended, would be to reduce the level of IT security for the solution. This is theoretically feasible whilst remaining compliant with revised CESG regulations. However, not only would this increase, slightly, the risks of a data breach, but the costs of re-engineering the system architecture would not be recovered over the proposed two years' contract extension. Had the new CESG security requirements been in place when the contracts were let then this might have been a viable option.
- 3.11 There are areas where improved value has been secured.
- 3.12 Firstly, Newham Council plans to join the partnership in April 2016. It has agreed to do this on the basis that the risk of this sits principally with Newham. Therefore, the existing partnership will only permit Newham to join once sufficient assurances have been demonstrated that this will not result in degradation of system performance. In addition, Newham will bear the cost of risk of delay to its own programme. This means that the total quoted price from Cap Gemini is for seven councils and Newham will pay their share of it even if they are delayed in their go-live date.
- 3.13 Secondly, when Brent agreed to join the Oracle Partnership in 2012 it agreed to pay a disproportionately high share of the total cost. Under the extended contract, costs will be shared equally resulting in savings for the authority.
- 3.14 Thirdly, the current model provides officers with 24/7 access to all version of the system (i.e. the live database and the various versions of the test system). In practice this is over-specified. Access to the live system 24/7 is a sensible business requirement but the test databases are rarely used outside of the core 8.00 am to 6.00 pm timeslot. Restricting this will generate significant cost savings, and when major testing on new releases is required access can be restored for limited periods at 24 hours notice at minimal cost.
- 3.15 Fourthly, the extension generates an opportunity to address weaknesses in the payment mechanism for the contract. By withdrawing the protective claim brought against Cap Gemini which would have been difficult to press under the existing contract, the councils secure cost reductions of £0.25m and revised contract terms which will enable stronger contract management in the future.
- 3.16 Finally through the soft market testing sufficient competition has been generated to deliver a sharper commercial deal.
- 3.17 The consequence of this is that the whole life cost of the extension will be £447k pa, compared to £534k pa or a savings of 16%.

- 3.19 The proposed extension includes a stricter measuring regime so that councils are better able to manage the service more effectively. It also provides mitigation for the technical risks associated with the infrastructure of the solution and increased demands associated with the onboarding of Newham. Any pressure to increase infrastructure remains with the service provider within the costs quoted. This is particularly important to the councils, who suffered considerable service degradation during the original implementation.
- 3.20 Officers are therefore recommending the award of the two-year extension, following which Brent officers will be working to establish our long-term strategy. The key options for moving forward include:
- Working with the other councils to identify alternative and better value contracts. This was not considered an option at this point in time due to the timescales needed for moving the service to a new provider, the levels of risk associated with attempting such a move in these timescales and the potential cost of change; the two year extension allows us to procure, plan and implement with a new provider with reduced risk, at the same time ensuring we maximise the investment already made with the current supplier. It also allows for the onboarding of Newham on the shared platform, something that could not be done with acceptable level of risk at the same time as moving to a new supplier.
  - Explore further the feasibility of bringing the service in-house to host it either for Brent and Lewisham or offer it to the rest of the partnership. Officers tried to get adequate information from Capgemini to evaluate the feasibility of doing this prior to the end of the current contract; it was decided that the level of complexity of the current system, combined with the fact that Brent are currently engaged in a major project setting up the infrastructure for the shared service between the two boroughs posed significant risks to the project. However, with the extension in place this is definitely an option worth exploring further as it has the potential for substantial savings.
  - Explore cloud offerings for the service, for example from Oracle directly. This approach offers certain advantages, mainly around speed of implementation and the fact that the platform is kept up-to-date as part of the service with no need for significant upgrades every few years; it does however require the move to the standard Oracle product without customisations; this means a change in business processes that may not be practical but in any case an attempt to impose such a change in the timescales available to us before the end of the current contract would cause significant disruption to the business.

#### **4.0 Financial Implications**

- 4.1 The proposed cost of the 2 year extension with Capgemini is £6.3m across the partnership which now includes Newham Council. The cost will be shared equally between the seven boroughs with £895k representing Brent share over the two years, £447k per annum. This will be contained within current

resources.

- 4.2 Brent's contribution to the old contract was not initially equitable as Brent contributed a higher proportion of the costs. This was partly due to Brent entering into the programme at a later stage. This new contract rebalances the contributions across the partnership, which leads to a savings of approximately £87k or 16% per annum.
- 4.3 The Joint Management Board for One Oracle carried out a series of soft market testing, which supported the negotiations with Capgemini. This ensured that the contract extension offers value for money.

## **5.0 Legal Implications**

- 5.1 An extension of an existing contract is only permitted by the Public Contracts Regulations 2015 ("PCR 2015") where the contract specifically permits an extension in the terms proposed or one of the grounds in Regulation 72 of the CCR 2015 is satisfied. Paragraph 3.6 above sets out a number of reasons as to why Officers do not consider it is appropriate to go to market to procure a new supplier for hosting and support and instead extend the existing contract with CapGemini. Such reasons would appear to satisfy Regulation 72(1)(b) which covers the situation where additional services are necessary and a change in contractor cannot be made for economic or technical reasons e.g. to change suppliers would cause significant inconvenience or duplication of costs.
- 5.2 To satisfy the requirements of Regulation 72(1)(b), it is also necessary to ensure that the price increase of the extension does not exceed 50% of the value of the original contract. As detailed in paragraph [insert ] the value of the extension is less than 50% of the value of the original contract.
- 5.3 Subject to Cabinet agreeing the extension of the contract, it will be necessary for Officers to publish a notice in the Official Journal of the European Union about the modification once it has taken place.

## **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.

## **7.0 Staffing/Accommodation Implications**

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

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**Chief Finance Officer**



## Cabinet Report 20th January 2016

### Report from Director of Public Health

For Information

## 2015 report of the Director of Public Health for Brent

### 1.0 Summary

- 1.1 The attached report considers the health of the under 5s in Brent.
- 1.2 The published report will be professionally designed and include the addition of photographic images

### 2.0 Recommendation

- 2.1 Cabinet is asked to note the report.

### 3.0 Detail

- 3.1 The report considers:
  - Brent's under 5s
  - Mothers and their babies in Brent
  - Smoking and pregnancy
  - Immunisation for mothers and children in Brent
  - Breastfeeding
  - Vitamin D
  - Infant mortality
  - Childhood obesity
  - Children's oral health
  - Parent Champions
- 3.2 The report notes the recent growth in the under 5 population of Brent which currently numbers 24,600 (comprising around 8% of the total population).
- 3.3 After steadily increasing over almost a decade, the number of live births in Brent fell in 2013 and 2014. In 2014 there were 5,078 babies born in the Borough. The overall fertility rate is higher than for England but this varies markedly between wards. In Brent the largest numbers of babies are born to women in their early 30s.

- 3.4 The report details the vaccinations which are recommended for pregnant women and young children and highlights the poor uptake of vaccination in Brent.
- 3.5 The report highlights the high rates of breastfeeding in Brent but draws attention to the importance of vitamin D supplements for pregnant women and young children.
- 3.6 The work of the Child Death Overview Panel and the Lullaby Trust in raising awareness of how parents can reduce the risk of Sudden Infant Death Syndrome is included in the report
- 3.7 The report describes the very high levels of childhood obesity and dental decay which lead to problems now and for the future.
- 3.8 Finally the report highlights the potential for Parent Champions in Brent.

#### **4.0 Financial Implications**

- 4.1 The report will inform the use of the public health grant

#### **5.0 Legal Implications**

- 5.1 The production and publication of the report is required under Section 31 (5) and (6) of the Health and Social Care Act 2012.

#### **6.0 Diversity Implications**

- 6.1 The diversity profile data and implications highlighted in the report will be used to inform future decision-making and service provision.

#### **Contact Officers**

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## **2015 Annual Public Health Report**

### **Foreword from Cllr Muhammed Butt, the Leader of the Council, and Cllr Krupesh Hirani, Cabinet Member for Adults, Health and Wellbeing**

Brent Council is committed to giving every child the best start in life, which is why our report this year is focussed on the youngest in our community.

One of the factors that determines good health and is widely acknowledged is the importance of health in early years, from before a child is born up until they are five. Since October 2015, we have been responsible for the public health of the under fives, a responsibility we take seriously.

We have much to be proud of in Brent with low numbers of pregnant women that smoke and our breastfeeding rates are higher than average. We have also seen a dramatic decrease in the number of teenage pregnancies in Brent and we have consistently been below the average of London and England since 2009.

However, there are still some health challenges for the under fives in Brent. Childhood obesity and tooth decay are still a concern not only for children now, but the potential health problems this can lead to as they get older. We have already put in place a number of initiatives to tackle these challenges.

Our healthy smiles project, which saw us take community dentists into our schools to give check ups to children and to inform their families of the dental services available to them across Brent has started to make a difference.

Our slash sugar campaign informing our residents of the amount of sugar in everyday foods and drinks and asking them to make healthier choices is making good headway and we hope in the long term will impact on decreasing obesity, diabetes and tooth decay in the borough.

By continuing to work with parents, families, carers and our partners on the Health and Wellbeing Board we believe we can make a big difference to the health and wellbeing of children in the borough, helping to put in place the healthy roots for them to grow through to adulthood.

### **Photograph of the Leader and Cabinet Member for Adults, Health and Wellbeing**

Cllr Muhammed Butt  
Leader of Brent Council

Cllr Krupesh Hirani  
Cabinet Member for Adults, Health  
and Wellbeing





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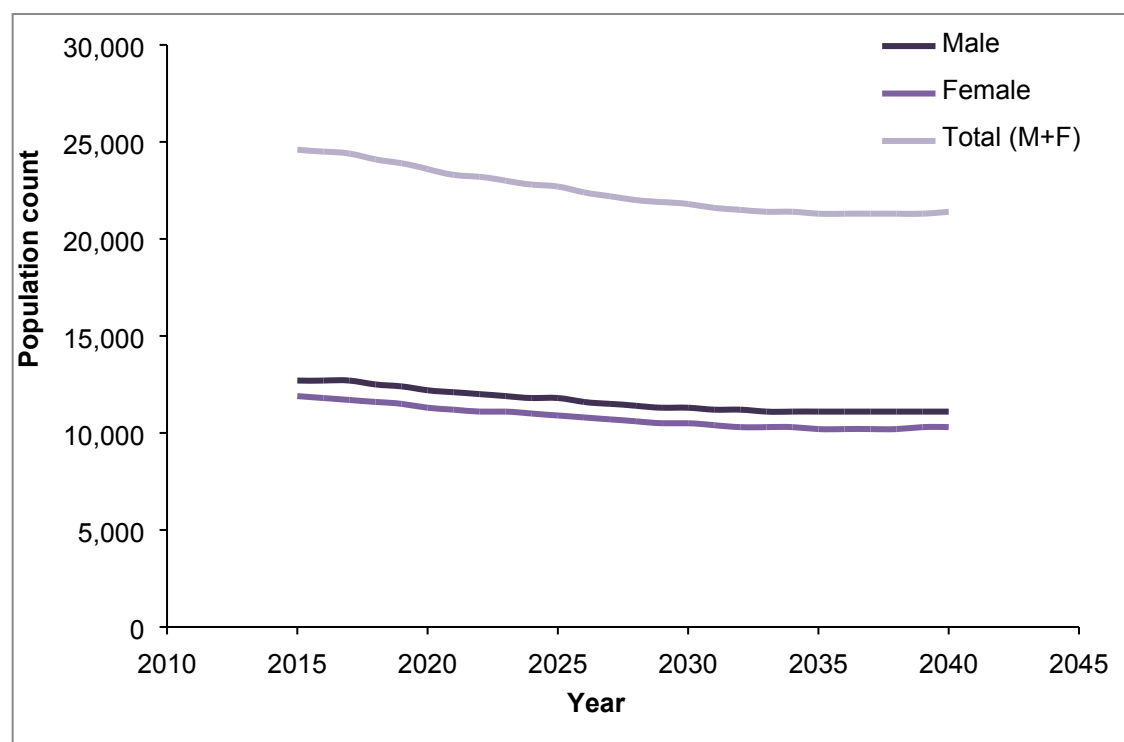
## **Brent's under 5s**

The 2014 Report of the Director of Public Health described health and wellbeing and health related behaviour in Brent. A year on, there have been some changes but the overall picture of health, ill-health and health related behaviour is much as it was in 2014. This is not unexpected as population health characteristics change over years rather than months. Public Health England's 2015 Health Summary for Brent is included as an appendix to this report.

This year's report therefore takes a more focused look at a very important section of the population: the under 5s. This focus reflects the Council's new public health responsibility and opportunity.

There are an estimated 24,600 children under 5 years living in Brent (comprising around 8% of the population). This number has increased by 2,500 since 2010 but the rate of increase is predicted to slow over coming years, as illustrated in the figure below.

Figure 1: Past trends in the numbers of under 5s and future projections.



Source of data: GLA Population Projections

The number of under fives varies between different electoral wards in Brent from an estimated 731 in Kenton to 1,555 in Stonebridge and 1,568 in Harlesden. Harlesden has the highest proportion of its population under 5 at 9%; Northwick Park is the lowest at 5.9%.

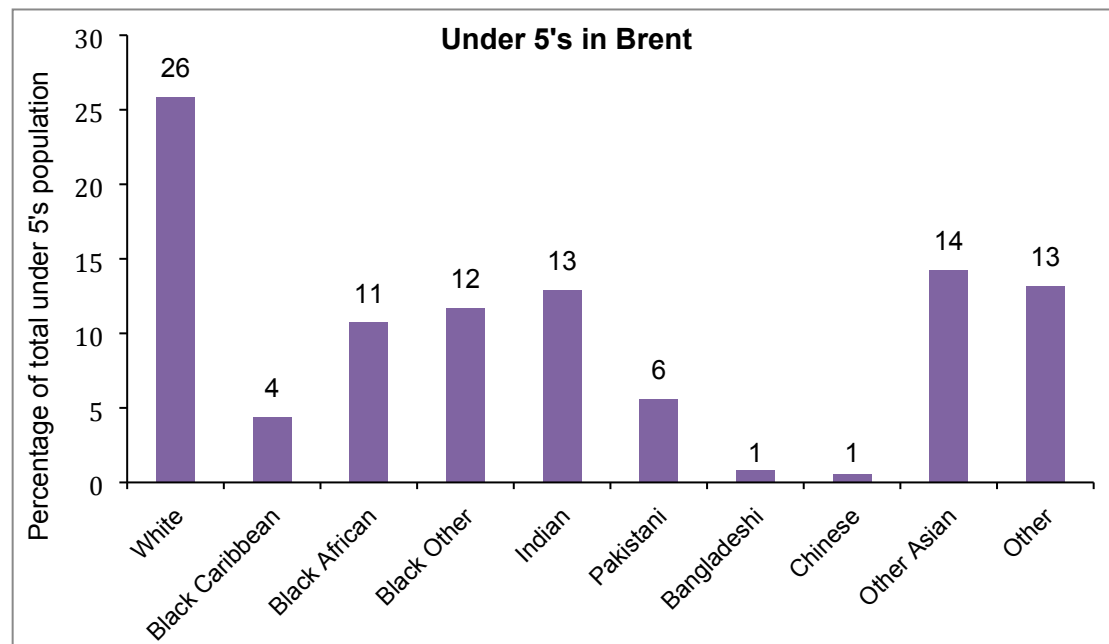
Table 1: Numbers of 0-5s by ward – with % of total ward population

Ward name	0-5 Count Per Ward	0-5 % of Ward Population
Alperton	1,145	7.5
Barnhill	1,300	7.9
Brondesbury Park	818	6.3
Dollis Hill	989	7.4
Dudden Hill	1,287	8.2
Fryent	985	7.2
Harlesden	1,568	9.0
Kensal Green	1,253	8.1
Kenton	731	6.1
Kilburn	1,320	7.9
Mapesbury	1,050	6.5
Northwick Park	806	5.9
Preston	1,276	8.1
Queens Park	1,145	7.5
Queensbury	1,121	7.3
Stonebridge	1,555	8.9
Sudbury	1,213	7.9
Tokington	1,189	7.5
Welsh Harp	1,167	8.1
Wembley Central	1,221	7.5
Willesden Green	1,179	7.1

Source: Population Estimates Unit, ONS

Brent is one of the most ethnically diverse boroughs in the Country and this diversity is reflected in the under 5s.

Figure 2. Brent's under 5 population by ethnic group

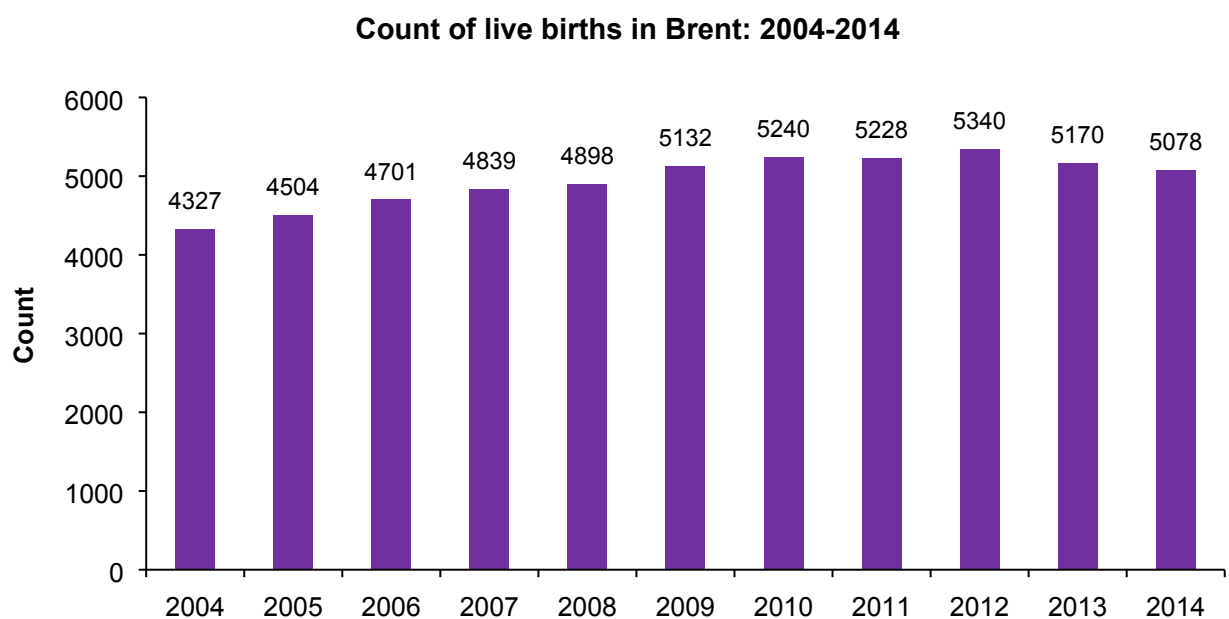


Source: GLA

### **Mothers and their babies in Brent**

There were 5,078 babies born in Brent in 2014. After a steady upward trend in the number of live births over the previous nine years, in 2013 and 2014 the number of births in Brent fell.

Figure 3: Number of births in Brent by year 2004 - 2014



The “general fertility rate”, the number of births per 1000 women aged 15 to 44, remains high in Brent compared to London or England

**Table 2: General Fertility Rate for Brent and Comparison Regions**

	GFR
	2014
Brent	70
Inner London	56.5
Outer London	68.7
England	62.2

Source: Office for National Statistics (ONS)

However, the fertility rate varies markedly within Brent with a number of wards having lower rates than the England average.

**Table 3: Fertility rate 2008 – 2012 by ward in Brent**

<b>Wards (2013)</b>	<b>Fertility Rate (Rate/1,000 female pop aged 15-44), 2008-2012</b>
Northwick Park	50.8
Brondesbury Park	58.3
Willesden Green	58.8
Mapesbury	59.6
Kenton	59.7
Kilburn	61.9
Queens Park	63.9
Dudden Hill	67.7
Queensbury	69.2
Kensal Green	71.6
Tokington	73.2
Barnhill	74.5
Dollis Hill	74.5
Preston	74.7
Welsh Harp	75.3
Fryent	77.1
Stonebridge	80.4
Sudbury	81.9
Alperton	82
Harlesden	85.7
Wembley Central	88.2

Source: ONS, 2013

In Brent in 2014, the largest numbers of babies in 2014 were born to women aged 30 to 34 years.

Figure 43: Live births in Brent by age of mother 2014

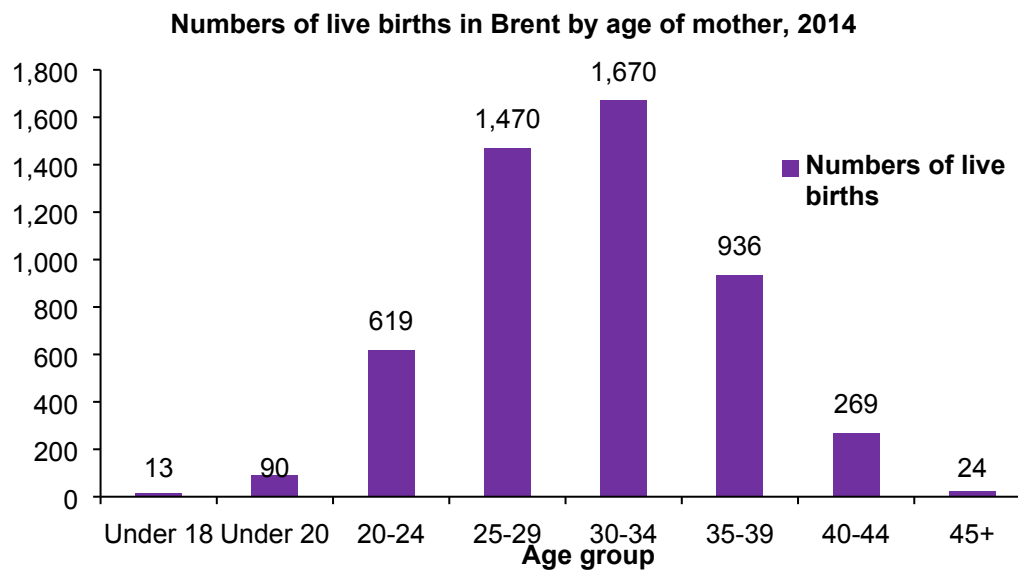
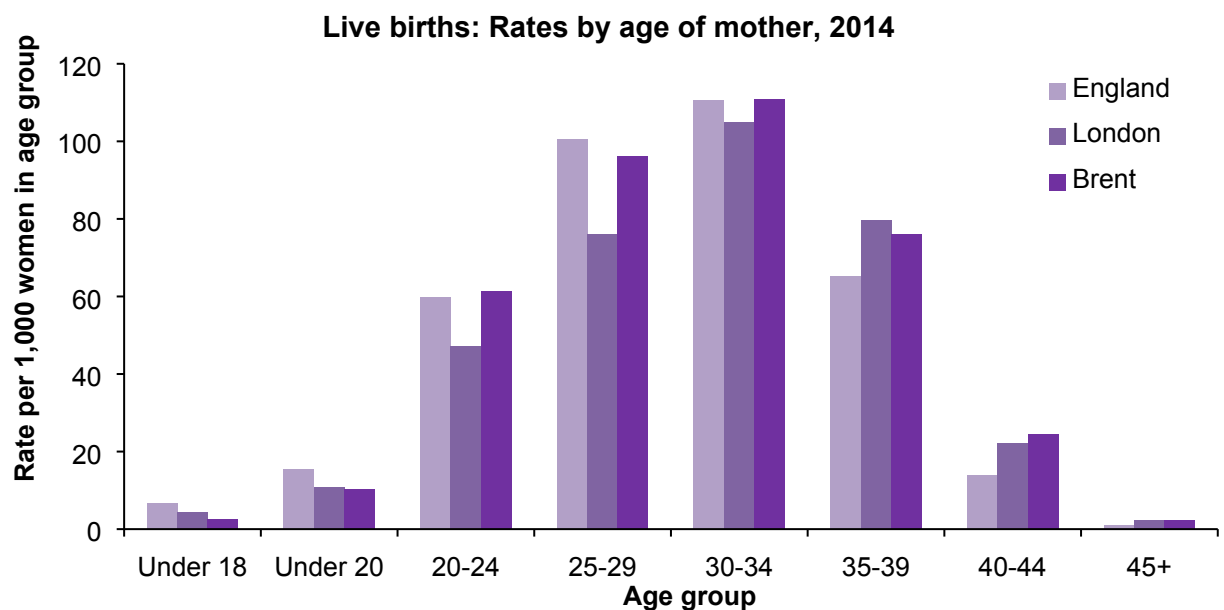
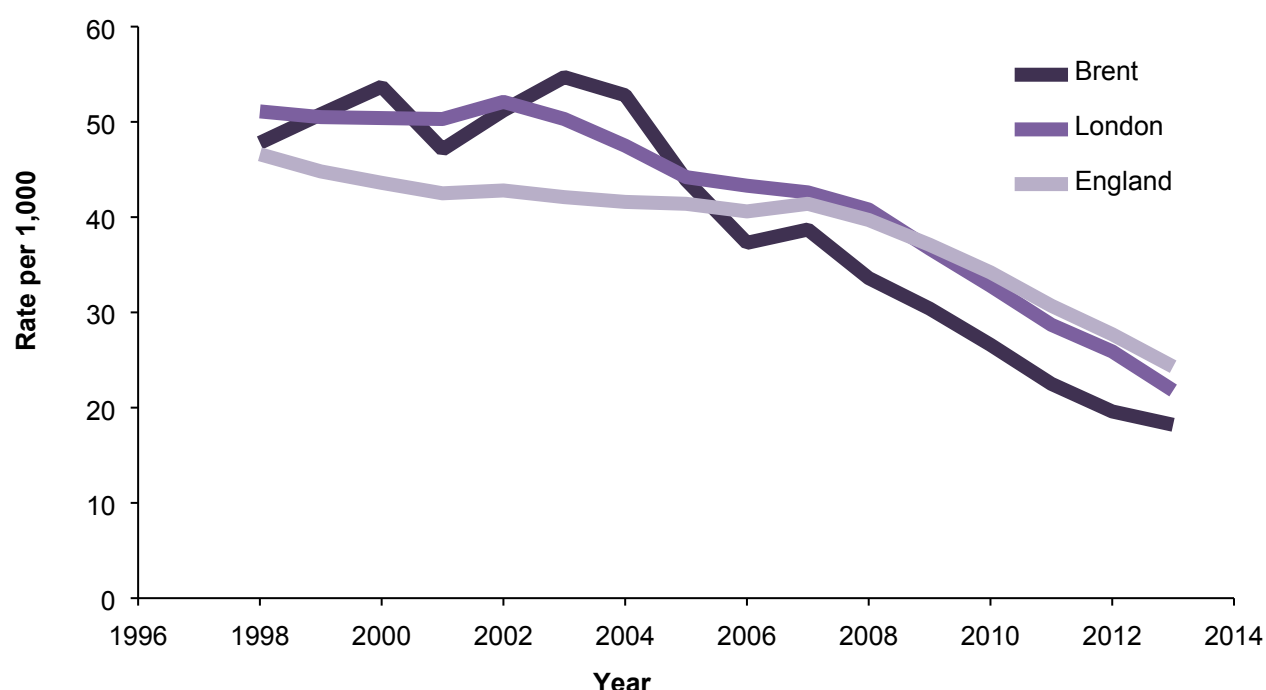


Figure 5: Birth rates by age of mother 2014 in Brent, London and England



Of particular note are the low numbers of teenage girls giving birth. The teenage pregnancy rate in Brent has fallen dramatically over the past seven years and has been consistently below that of London and England since 2006. Given the poorer health and social outcomes for teenage mothers and their children this is welcome.

Figure 6: Teenage conceptions 1996 to 2014 Brent, London and England



Source: ONS

*Note: the data for 2014 teenage conceptions is based on three quarters only as ONS have not yet published data for the whole year*

### **Smoking and pregnancy**

Nationally, smoking is the biggest single modifiable risk factor for poor birth outcomes. Supporting pregnant women to stop smoking is a priority for the Brent public health team.

Photograph of Clementine Djatmika. Smoking Cessation Specialist Brent Council

“My name is Clemmie and I’m a Smoking Cessation specialist. My area of expertise is in helping pregnant women give up smoking. Part of my job involves training midwives every month. I teach them a model (called *Very Brief Advice*) which gives them skills to help pregnant women stop smoking.

The risks of smoking to unborn babies are very alarming: you double your risk of miscarriage or stillbirth if you smoke whilst pregnant. There is increased risk of low birth weight and malformations. Even one cigarette can starve a baby of oxygen for 15 minutes.

It’s very rewarding to see the transformation in life-long smokers who are

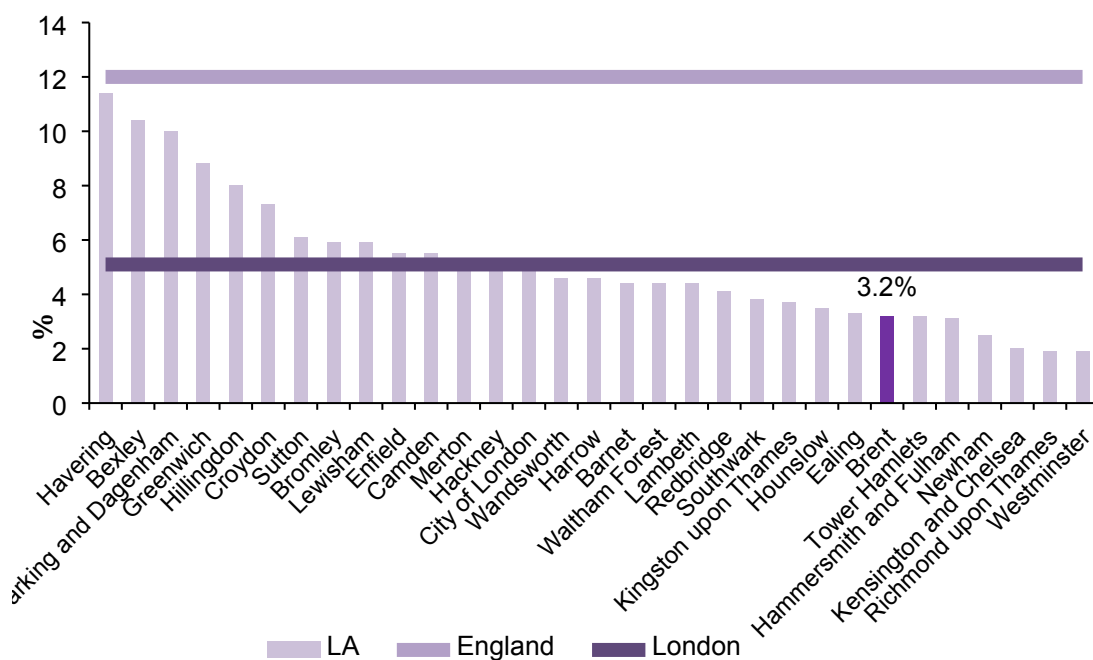


thrilled to be pregnant and really want to kick the habit. It's a privilege to be able to support them.

As a mum myself, I know that pregnant women want nothing more other than to give birth to a healthy baby and I feel like I have a really special role in helping them achieve this."

Fortunately, the numbers of women in Brent who are smoking at the time of delivery are very low.

**Figure 7: The percentage of women smoking at time of delivery by London local authority**



### **Immunisation for mothers and children in Brent**

Many infectious diseases are avoidable through vaccination for pregnant women and for children. Unfortunately in Brent not all pregnant women and children who could be protected by immunisation are receiving the necessary vaccinations.

Photograph of Vicky Hickson, Public Health England

"My name is Vicky and I am a nurse consultant in Public Health England's North West London Health Protection Team. Our team's core function is the control of infectious diseases in the local community, and we work with a wide range of partners to do this including schools, infection control services and

primary care providers, as well as local authority Environmental Health teams.

Immunisation is one of the safest and most effective ways of preventing the spread of certain diseases. Our team provides advice to health professionals in Brent who deliver immunisations, and we can discuss complicated issues with them as well as help with routine queries around immunisations.

For example, when a new vaccine is introduced to the NHS vaccination schedule, such as meningitis ACWY for students or meningitis B for babies, which were both introduced this year, we often deal with many queries from health professionals. These are often questions patients have asked and we are on hand to help answer them.

I have been working in public health for 10 years and really enjoy what I do. It is very rewarding to know that by working closely with our stakeholders we can help stop outbreaks of disease; recent examples of this include norovirus (diarrhoea and vomiting) in a school and a scabies outbreak in a care home.

Sometimes immunisation can be used to prevent other people becoming infected. An example of this is when I have helped to coordinate the vaccination of primary school children against hepatitis A which is a gastrointestinal infection usually linked to overseas travel.”

The routine childhood vaccination timetable is outlined below. The timing of vaccines is important. If a vaccine is given too early, the baby’s natural immunity which is inherited from the mother may prevent the vaccine working. If given too late, a child may be unnecessarily exposed to the risk of infection once this natural immunity wears off.

Table 4: The timetable for preschool childhood vaccinations in the UK

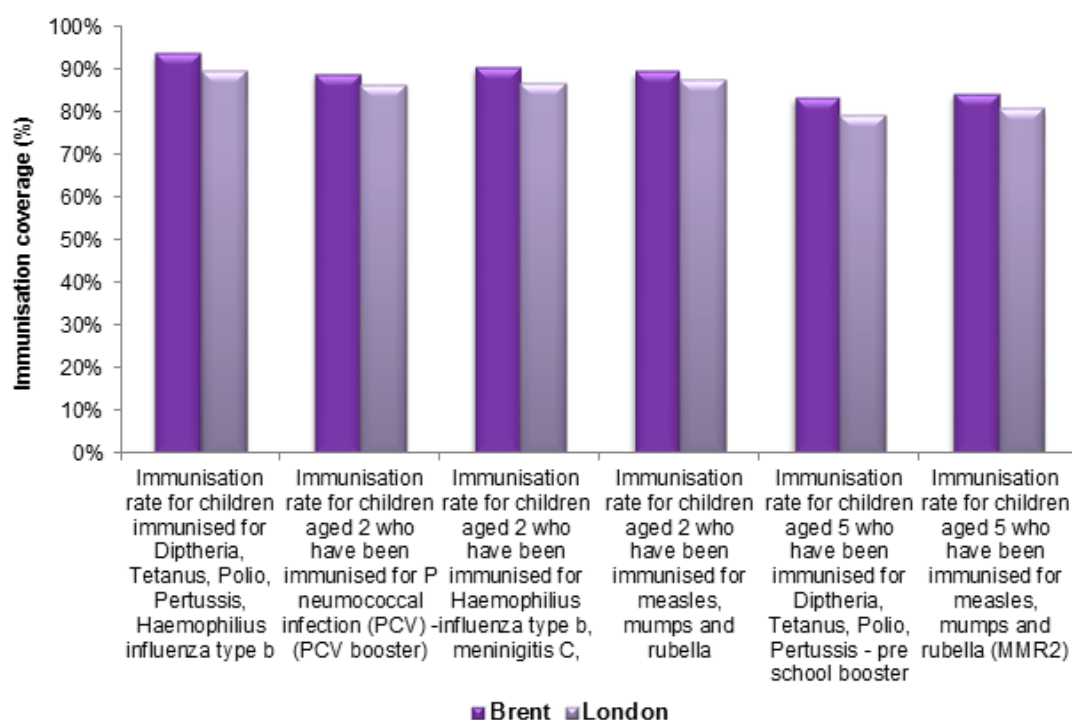
(As at December 2015. The childhood immunisation schedule may be amended in future on the advice of the independent expert Joint Committee on Vaccination and Immunisation to take account of new infectious risks or improvements in vaccines)

Age at which vaccination should be given	Vaccine	Protects against
2 months	5-in-1 (DTaP/IPV/Hib) vaccine	Diphtheria Tetanus Whooping Cough (pertussis) Polio Haemophilus influenzae type B (Hib, a bacterial infection which can cause pneumonia or meningitis)
	Pneumococcal (PCV) vaccine	Streptococcus pneumonia (a bacterial infection which can cause pneumonia, septicaemia and meningitis)
	Rotavirus vaccine	Rotavirus (a virus which causes vomiting and diarrhoea)
	Men B vaccine	Meningococcal group B bacteria (which can cause meningitis and septicaemia)
3 months	5-in-1 (DTaP/IPV/Hib) vaccine second dose	Diphtheria Tetanus Whooping Cough (pertussis) Polio Haemophilus influenza type B (Hib)
	Rotavirus vaccine second dose	Rotavirus
	Men C Vaccine	Meningococcal group C bacteria (which can cause meningitis and septicaemia)
4 months	5-in-1 (DTaP/IPV/Hib) vaccine third dose	Diphtheria Tetanus Whooping Cough (pertussis) Polio Haemophilus influenza type B (Hib)
	Pneumococcal (PCV) vaccine second dose	Streptococcus pneumonia bacterium
	Men B vaccine second dose	Meningococcal group B bacteria
12 – 13 months	Hib / Men C booster	Haemophilus influenza type B (Hib) Meningococcal group C bacteria
	MMR vaccine	Measles Mumps Rubella
	Pneumococcal (PCV) vaccine third dose	Streptococcus pneumonia bacterium
	Men B vaccine third dose	Meningococcal group B bacteria

From 3 years and 4 months	MMR vaccine second dose	Measles Mumps Rubella
	4-in-1 (DTaP/IPV) preschool booster	Diphtheria Tetanus Whooping Cough (pertussis) Polio
2, 3 and 4 years	Flu vaccine (annually)	Influenza

While immunisation rates for Brent are above those for London, they are below the levels required to ensure that all children in Brent are protected against preventable childhood illnesses.

Figure 8: Uptake of childhood immunisation in Brent compared to London



Source: COVER 2013/14

The BCG vaccine against tuberculosis (TB) is not part of the routine NHS childhood immunisation programme. However in areas where there are more than 40 cases of TB per 100,000 population annually it is recommended that all infants under one year receive BCG, ideally as soon after birth as possible to provide most protection. In Brent the annual rate of TB is 89 cases per 100,000. The BCG immunisation programme in Brent has been interrupted by

a national shortage of vaccine but is now recommencing with “catch up” vaccination being offered to babies up to one year old.

Since 2012, in response to rising levels of pertussis (whooping cough), pregnant women in the UK have been offered pertussis vaccination in their third trimester. Whooping cough in young babies is usually a serious illness leading to hospitalisation and may even be fatal. Vaccination of the mother passes immunity to the baby through the placenta which protects the baby in the first weeks of life. While many pregnant women are understandably cautious about immunisation while pregnant, a large scale study by the Medicines and Healthcare Products Regulatory Agency (MHRA) of around 20,000 vaccinated women found no evidence of risks to pregnancy or babies. Unfortunately the uptake of the vaccine has been poor, particularly in London meaning that babies are unnecessarily at risk of contracting whooping cough

Table 5: Pertussis coverage data for 2014/15.

Area	Coverage (%)
<b>Brent CCG</b>	36.4
<b>London</b>	46.2
<b>England</b>	56.4

Source: PHE

Women who are pregnant during the flu season are advised to have the flu vaccine as early as possible. While for most healthy adults flu is an unpleasant but not serious illness, in pregnancy women are at higher risk of complications including bronchitis and pneumonia as well as complications to the pregnancy including low birth weight and prematurity. Unfortunately although the uptake of flu vaccination by pregnant women is increasing it is still too low.

Table 6: Seasonal flu uptake in pregnant women for Brent, London and England over the period 2011/12 to 2014/15.

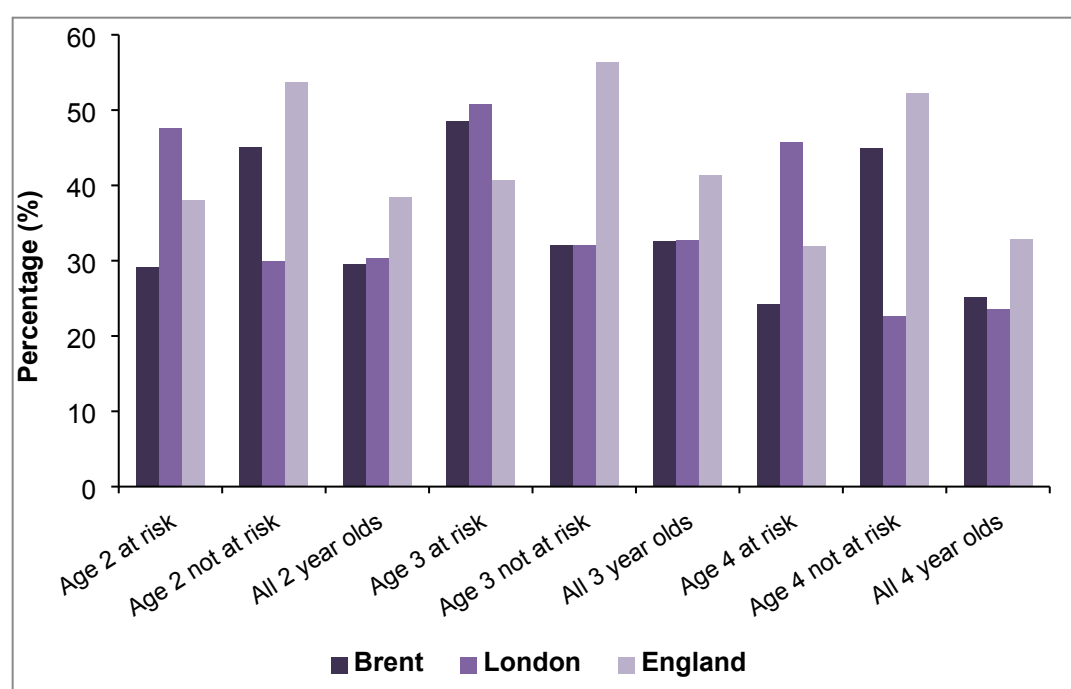
	11/12/	12/13/	13/14	14/15
<b>Brent</b>	24.7	36.2	34.1	36.6
<b>London</b>	23.7	35.1	35.9	39.9
<b>England</b>	27.4	40.3	39.8	44.1

Source: PHE

Flu vaccine is also offered to young children. In the autumn / winter 2015/ 2016, the vaccine, as a nasal spray not an injection, is being offered to children aged two, three and four years old – as well as children in school years one and two.

Children from six months upwards who have a long term condition are at particular risk of complications of flu and are offered flu vaccination annually. Unfortunately the uptake of flu vaccine is too low and as a result large numbers of children are not protected against infection

Figure 9: Seasonal flu uptake in children by age 2, 3 and 4 years 2014-15.



Source: PHE

Note: 'at risk' refers to children at greater risk of the complications of flu because they have a long term health condition

## **Breastfeeding**

The benefits to mother and baby of breastfeeding are widely recognised. Breastfed babies are less likely to develop gastrointestinal illnesses (diarrhoea and vomiting or constipation) or chest and ear infections. Breastfeeding seems to offer some protection against obesity in later life. For mothers, breastfeeding lowers a woman's risk of ovarian and breast cancer. Breastfeeding can help establish a bond between mother and baby and once established is convenient and economical. In Brent the vast majority of women start breastfeeding their babies, 88.8% in 2014/15 %.

## **Vitamin D**

While the advantages of breast feeding are well established, there is one nutrient which exclusively breastfeed babies can miss out on, not least because their mothers may themselves be short of this particular vitamin – vitamin D.

It is recommended that all pregnant and breastfeeding women should take daily vitamin D supplements (containing 0.01mg of vitamin D) to provide for her and to develop the unborn baby's stores of vitamin D. If a mother does not take vitamin D throughout pregnancy and breastfeeds her baby, the baby may need vitamin drops from one month. All children should take daily vitamin drops from six months to five years. However if fed infant formula babies will

only need drops once they are taking less than 500ml of formula a day, as formula milk is supplemented with vitamin D. Midwives and health visitors can advise on suitable products.

These recommendations are particularly important for mothers to be and children in Brent as health services locally are seeing cases of vitamin D deficiency which are leading to hospital admissions.

Table 7: Brent residents, admissions for rickets or vitamin D deficiency 2009/10 to 2014/15

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Children 0-4	9	47	42	51	39	33
Female 14-49	63	75	92	129	135	115

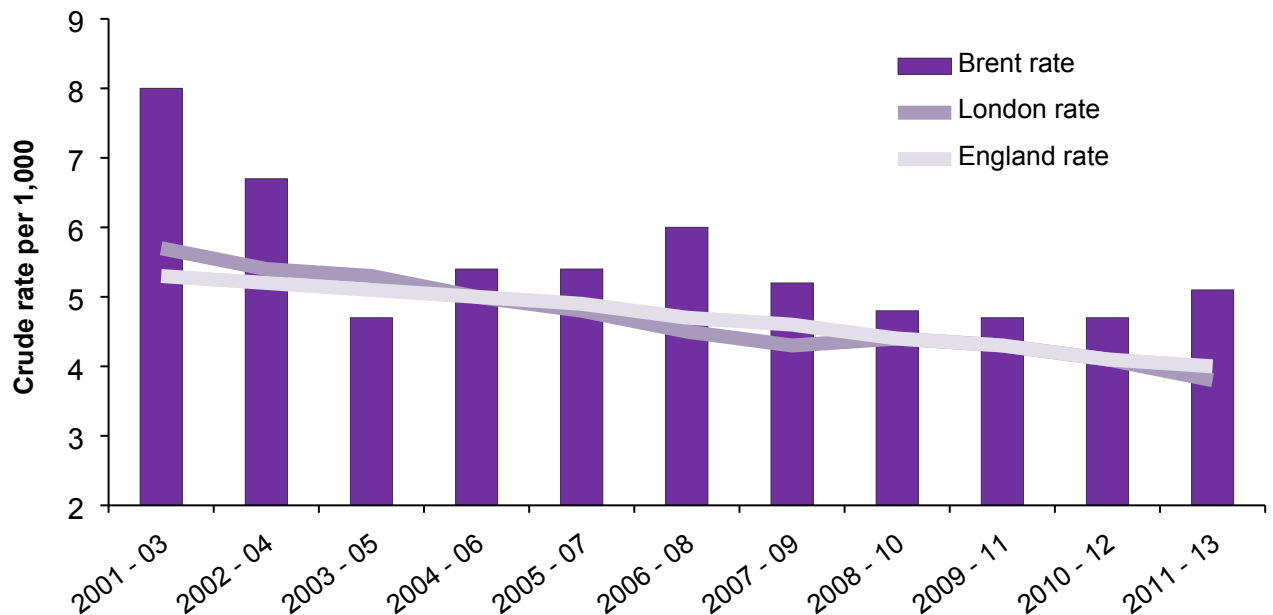
Source: Brent CCG

### **Infant mortality**

The infant mortality rate is the number of children who die before their first birthday per 1000 live births. It is a useful summary indicator of population health, reflecting the health of pregnant women and children. Deprivation, births outside marriage, non-white ethnicity of the infant, maternal age under the age of 20 are all associated with an increased risk of infant mortality.

Fortunately the numbers of infant deaths in Brent are small. The rate is higher than that for London or for England. However for the most recent data this difference is not statistically significant.

Figure 10: Infant mortality



Source: ONS

As reported in the 2014 Public Health Report, all deaths of children who live in Brent are reviewed by the Child Death Overview Panel (CDOP). One cause of death in early childhood is Sudden Infant Death Syndrome (SIDS) often referred to as 'cot death'. Brent is fortunate to have the Lullaby Trust represented on its CDOP.

Photograph of Cheryl Pearce, the Lullaby Trust

"My name is Cheryl and I work for the Lullaby Trust. There are two main arms of the charity: one is to deliver safer sleep talks for healthcare professionals on reducing the risks of SIDS (sudden infant death syndrome) and the second is offering support to families who have lost a baby to SIDS.

In the UK in 2013, there were 249 deaths from SIDS. Losing a baby to SIDS is devastating for parents – there is no greater tragedy than waking up to a baby who is no longer breathing. Our advice on reducing the risks of SIDS is based on scientific research and it includes advising parents against smoking around young babies and in pregnancy, and the risks of smoking and drinking whilst co-sleeping.'

I started at The Lullaby Trust last year and love my job. The most rewarding part is talking to and training healthcare professionals, who are so passionate about what they do. I'm also really proud of our befrienders service which matches up a grandparent or parent affected by SIDS with another one for peer support".



In 2015 Brent CDOP looked back at the SIDS deaths it has reviewed since it commenced its work in 2008. SIDS usually occurs when a baby is asleep and there is strong research evidence that safe sleeping practices can reduce the risk of SIDS. CDOP's review found that unsafe sleeping practices were associated with SIDS in Brent and with the Lullaby Trust and the Local Safeguarding Children's Board are promoting safe sleeping messages locally.

#### **How to reduce the risk of SIDS**

##### **DO**

- Always place your baby on their back to sleep.
- Place your baby in the "feet to foot" position (with their feet touching the end of the cot, Moses basket, or pram).
- Keep your baby's head uncovered. Their blanket should be tucked in no higher than their shoulders.
- Let your baby sleep in a cot or Moses basket in the same room as you for the first six months.
- Use a mattress that's firm, flat, waterproof and in good condition.
- Breastfeed your baby (if you can).

##### **Don't:**

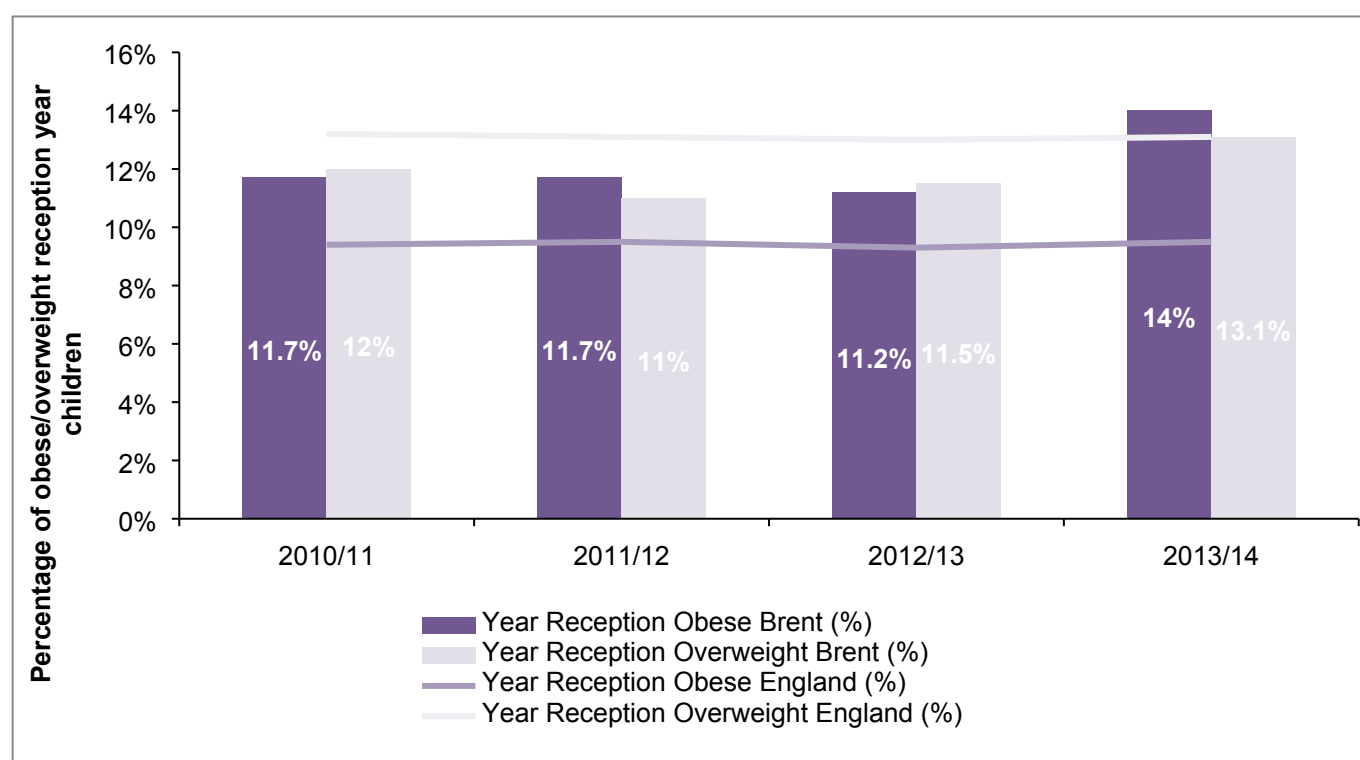
- Smoke during pregnancy or let anyone smoke in the same room as your baby (both before and after birth).
- Sleep on a bed, sofa or armchair with your baby.
- Share a bed with your baby if you or your partner smoke or take drugs, or if you've been drinking alcohol.
- Let your baby get too hot or too cold. A room temperature of 16-20C, with light bedding or a lightweight baby sleeping bag, will provide a comfortable sleeping environment for your baby.

#### **Childhood Obesity**

The World Health Organization (WHO) regards childhood obesity as one of the most serious global public health challenges for the 21st century. Obese children are at an increased risk of developing various health problems, and are also more likely to become obese adults. Nationally almost 1 in 10 children (9.5%) are obese on starting primary school.

The Council commissions the National Child Measurement Programme (NCMP) whereby all children in reception and year 6 have their height and weight measured by the school nursing service. Unfortunately the percentage of children who start school obese in Brent is now significantly greater than the English average

Figure 11. The proportion of children in reception classes in Brent who were classified as obese or overweight



Source: National Child Measurement Programme

The Chief Medical Officer recommends that children between 2 and 4 years should be physically active for at least three hours per day

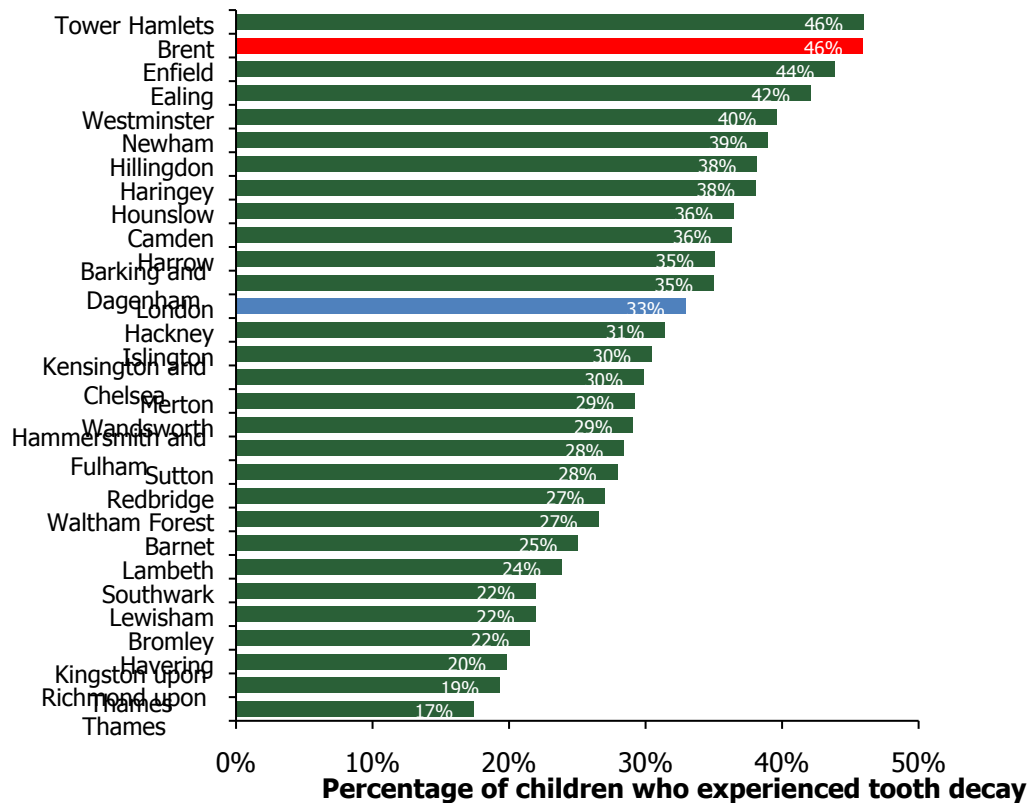
Physical activity in early childhood not only promotes healthy weight but it also strengthens developing muscles and bones and helps children develop co-ordination and movement skills. Unfortunately we do not have local data on how many of our children are active for three hours a day or more but nationally the picture is very concerning with only 1 in 10 children being this active.

### **Children's oral health**

Tooth decay is largely preventable yet is a significant problem in Brent. A survey by the local NHS showed 46% of five year old children in Brent in 2012 had experienced tooth decay

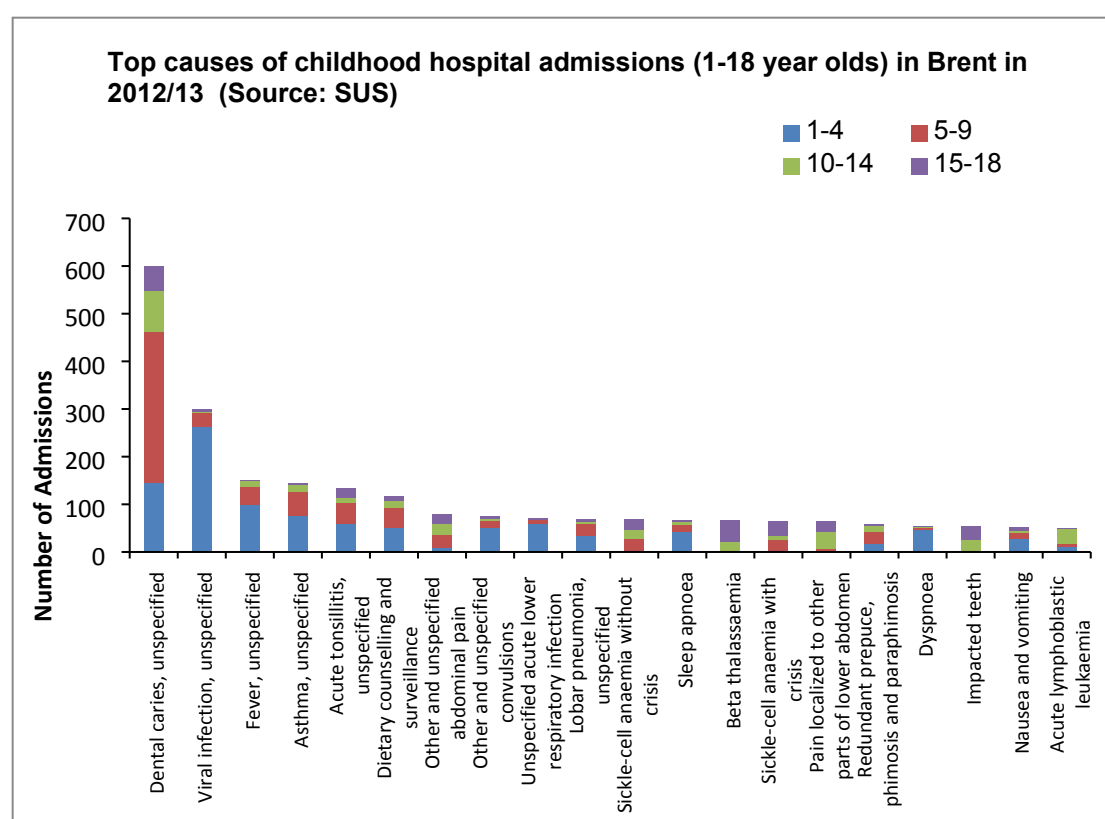
**Figure 12: Percentage of five-year-old children in London boroughs who have had tooth decay experience in 2012\***

\*Bexley, Croydon and Greenwich did not participate in the National Dental Epidemiology Programme in 2012; Data suppression for City and London due to low numbers



Dental decay is the most common reason for non emergency admission to hospital for children over 1 year in Brent

Figure 13: Causes of hospital admission for children in Brent



Source: SUS

It is recommended that children first visit the dentist in the six months after the eruption of their first tooth – which generally happens between 6 and 9 months. The proportion of children in Brent who visit a dentist in their first two years is low compared to the national figure.

The 2014 Public Health Report announced the Healthy Smiles project: a joint venture with PHE and NHSE to pilot an outreach programme in 10 local schools

Photograph of Mary Desmond, teacher, Carlton Vale Infant School,

“Our school was recently involved in the Healthy Smiles project. The Head was keen to get involved the minute she found out about it and I was keen to lead on the project.

The project was a great success with nearly 100% consent rate from parents.

We’ve always been a school that cares about our children, and their families’ health. We have a strong focus on healthy eating at lunchtime and for children who bring in their lunches, we provide healthy drinks so that parents don’t have to

I’ve been at Carlton Vale School for 18 years now and over those years, I’ve

seen quite a few 3, 4 and 5 year olds with decayed teeth. I was really keen to lead on the Healthy Smiles project because of this – no-one as young as that should have decayed teeth.

The huge consent rate and the enthusiasm of the pupils and teachers for this project gave me a huge sense of achievement. Professionally, it's been my first major project in the school and I've learnt a lot of extra skills including things like handling large amounts of data".

### Parent Champions

In January 2015 Brent Health and Wellbeing Board held a workshop on health and wellbeing for the under 5s. This was attended by representatives from the local NHS, from social care, from the early years services, from Children's Centres and nurseries as well as local parents. The workshop identified the potential for Parent Champions in Brent to promote health and wellbeing. Progress of this development has been monitored by the Children's Trust

Brent Council early years and public health staff have worked with the Family and Childcare Trust to develop this model. The Family and Childcare Trust developed a Parent Champions peer to peer model initially to reach parents missing out on information about childcare and early learning services. Parent Champions volunteer a few hours a week to talk with other parents in places such as playgrounds, libraries, Children's Centres. In Brent, Parent Champions have received training to allow them to also share information about health and wellbeing

Photograph of Jeyasree Ayyappan, Parent Champion

"My name is Jeyasree and I'm a parent champion in Brent. I help lots of parents who might not know about what services they can access in Brent.

Being a new parent is often an overwhelming experience with so much to learn. I see my role as helping make this experience less confusing and less overwhelming and letting parents know where they can access support advice for themselves and their new baby.

I came to Brent from Tamil Nadu, South India in 2008. I speak Tamil and Malayalam and a bit of Gujarati so I can help mums who speak these languages.

I started to work as volunteer in Brent from October 2013. Since then I have interacted with many parents and guided them in accessing services. I love working with parents, it's become a hobby. I find it really rewarding."


### Acknowledgements

I would like to thank Ricky Geer, Dr John Licorish and Rakhee Rajani for their contributions to this report. Particular thanks are due to those who spoke to us about their work to improve and protect the health of mothers, babies and children in Brent and allowed us to feature their work: Clementine Djabatika, Vicky Hickson, Cheryl Pearce, Mary Desmond and Jeyasree Ayyappan.

Dr Melanie Smith December 2015

**Brent Public Health Profile 2015:**

<http://www.apho.org.uk/resource/item.aspx?RID=171824>

 <p><b>Brent</b></p>	<p><b>Cabinet</b> 20 January 2016</p> <p><b>Report from the Director of Public Health</b></p>
<p>For Action</p>	<p>Wards affected: ALL</p>
<p><b>Agreement to extend the London North West Healthcare NHS Trust contract for health visiting (HV) and Family Nurse Partnership (FNP)</b></p>	

## 1.0 Summary

- 1.1 The responsibility for commissioning of 0-5 children's public health services transferred from NHS England (NHSE) to local authorities on 1<sup>st</sup> October 2015. The contract for Health Visiting and Family Nurse Partnership (FNP) services for Brent is held with London North West Healthcare Trust (LNWHT). The current contract is due to expire at the end of March 2016. The contract between the Council and LNWHT for the six month period has a value of £2,563,000.
- 1.2 The Local Authority has a statutory responsibility to ensure the provision of a health visiting service: the mandated requirements are set out at paragraph 3.4. These elements are mandated until March 2017.
- 1.3 The contract with the current provider, LNWHT could be extended to maintain the current service provision by continuing the current (DH specified) service specification and issuing of a local authority contract for the period from 1 April 2016 to 31 March 2017 with an annual value of £5,126,000. The resource for the commissioning of these services will be part of the Public Health grant.
- 1.4 This paper sets out the rationale for the request to extend the current arrangements for the contracting of health visiting and FNP services and outlines the work which has begun to review current arrangements and consider future models.

## **2.0 Recommendation**

- 2.1 That Cabinet approves the extension of the service provision with LNWHT for 0-5 children's health services for health visiting and FNP from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 on the Department of Health's Public Health terms and conditions for public authorities.

## **3.0 Detail**

- 3.1 The responsibility for commissioning the Healthy Child programme 0-5 children's public health services transferred from NHS England to the Local Authority on 1<sup>st</sup> October 2015. Brent's health visiting and FNP (Healthy Child Programme 0-5) services are currently provided by London North West Healthcare Trust.
- 3.2 A new six (6) month NHS Standard contract is currently in place with LNWHT which covers the period from 1<sup>st</sup> October 2015 to 31/3/16 at a cost to the Council of £2,563,000 (six month value). This is a call on the public health grant.
- 3.3 The Local Authority's key responsibilities for children's 0-5 public health are:
- Improving the health and wellbeing of children aged 0-5 years
  - Bringing together holistic approaches to health and wellbeing across the full range of our responsibilities;
  - Optimising the ring-fenced public health budget to improve outcomes for children and their families.
- 3.4 From 1<sup>st</sup> October 2015, local authorities have a statutory duty to secure the provision of the five mandated elements of the Healthy Child Programme. These are:
- antenatal health promoting visits;
  - new baby review;
  - 6-8 week assessment (*this is the check by the Health Visitor or Family Nurse led check. The GP led 6-8 week check will continue to be commissioned through Primary Care Commissioning*).
  - 1 year assessment; and
  - 2-2½ year review.
- These elements are mandated for 18 months after the transfer to the Local Authority.
- 3.5 The Council is already the commissioner for school nursing services (Healthy Child Programme 5-19). This gives the Council the opportunity to consider joining up the commissioning of the Healthy Child programme for children 0 - 5 years with that for 5-19 year olds. The Council inherited an NHS contract with LNWHT for school nursing. This was re-commissioned in 2014/15 and at its 15 December 2014 meeting Cabinet approved the award of contract for school nursing to Central London Community Health (CLCH) from 1<sup>st</sup> April 2015 until 31<sup>st</sup> March 2017 with the potential for two one year extensions thereafter.



- 3.6 The new local authority responsibility for commissioning of 0-5 children's public health services provides opportunities in the future to achieve synergies with other Council responsibilities for the early years.
- 3.7 The public health team, with Children and Young People and the Clinical Commissioning Group (CCG) have begun a review of children's public health 0-5 services. This is being overseen by the Children's Trust. This includes a needs assessment, stakeholder and parent engagement, and a consideration of alternative models. The intention is that this work will inform a new service specification for either an integrated 0-19 service or more integration with other early years services which will support a procurement during 2016/17 with a view to a new contract being in place for April 2017.

#### **4.0 Financial Implications**

- 4.1 The council has a statutory duty to provide a health visiting service, and the elements detailed in para 3.4 are mandated until March 2017. The view is to extend the current contract with the existing external contractor (LNWHT), and this will be fully funded through the PH grant. The annual value for this contract extension (for the period 01 April 2016 to 31 Mar 2017) is £5,126,000.
- 4.2 There will be no additional cost associated with any changes in activity up to March 2017.
- 4.3 The future funding implications are not yet clear as this extension is based on historic activity with an established provider. The activity and service will be scrutinised during the extension period, to estimate the future funding allocation requirement. This will form the basis of the retendering of the contract in 2016/2017.

#### **5.0 Legal Implications**

- 5.1 The council currently has entered into a new contract for six (6) months (as apposed to a novation of the NHSE Contract) with the incumbent provider, LNWHT on NHS Standard conditions of contract up to 31 March 2016. The six month period represents the remaining term of the original award of contract made by NHSE (as original statutory commissioners of the 0-5 health visiting and FNP Services) to LNWHT. Officers intend to undertake a comprehensive review of the existing 0-19 services provided in the borough and therefore are seeking Members' approval to extend the current 0-5 service provision so as to enable this review of the service.
- 5.2 The provision of a 0-5 children's health visiting and family nurse partnership service is classed as a 'Schedule 3 service' under the Public Contract Regulations 2015 ("the Regulations"). The proposed one (1) year extension is permissible and governed under regulation 72(b)(i) of the Regulations. Should Members be minded to approve the one (1) year extension to the service then Officers must issue a Contract Award Notice in the Official Journal of the EU ("OJEU") informing the public of the award and information with regards to service provision, citing reasons for the modification to the existing contracting arrangements. In addition, Officers will be advised, should Members approve the recommendation in this report, to give a standstill period of at least 10 calendar days from the date of dispatch of the notice prior to executing the

proposed one (1) contract with LNWHT on the DH Public Health standard contract for public authorities.

## **6.0 Diversity Implications**

- 6.1 The Council must comply with the Equality Act 2010 and the Public Sector Equality Duty in the provision of Public Health services and adhere to the NHS Constitution when making decisions affecting the delivery of public health in its area.
- 6.2 The requested extension of the current contract for health visiting and Family Nurse Partnership will ensure continuity and consistency of service provision while the Public Health team, Children and Young People's services and the Clinical Commissioning Group are carrying out a comprehensive review of children's public health 0-5 services which aims to achieve added value and further synergies within the wider early years programme. The review is being overseen by the Children's Trust and includes a needs assessment, stakeholder and parent engagement, and a consideration of alternative models.
- 6.3 The review of children's public health 0-5 services will take full account of the diversity of Brent's under 5 population. A full Equalities Impact Assessment will be carried out to inform the reprocurement of the service.

## **7.0 Staffing/Accommodation Implications**


- 7.1 The children's 0-5 public health service is currently provided by an external contractor, LNWHT, and there are no implications for Council staff or accommodation of the recommendation
- 7.2 On a re-tender of any of the services referred to in this report, where an incumbent provider is not successfully awarded a new contract, the Transfer of Employment (Protection of Employment) Regulations 2006, ("TUPE") is likely to apply. This is to enable the transfer of employees and subcontractor's employees (as the case may be) (who spend all or most of their working time on the activities taken over by the new provider) from the current to the new provider.

## **Background Papers**

August 2015 Cabinet Paper - Agreement to novate 0-5 children's public health commissioning 2015/16 contract from NHS England

## **Contact Officer**

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020 8937 6227

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 20 January 2016</p> <p style="text-align: center;"><b>Report from the Strategic Director, Community Well-being</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Approval to appoint service providers to a Dynamic Purchasing System (DPS) for Accommodation Plus Services</b></p>	

## Appendix 1: Not for publication

### 1.0 Summary

- 1.1 In September 2015 Cabinet approved the invitation of requests from potential providers to apply to join a Dynamic Purchasing System (DPS) for Accommodation Plus Services.
- 1.2 Upon conclusion of the procurement process, which was run in accordance with the Public Contract Regulations 2015, approval is now sought to appoint the first round of applicants to the DPS having passed specific evaluation criteria.
- 1.3 The Strategic Director, Community Well-being already has delegated authority of Cabinet to make further appointments onto the DPS, subject to providers meeting the same selection criteria applied to the first round of applicants. The Strategic Director also has delegated authority to award High Value Contracts up to £500,000 under the DPS. However, approval to award contracts above this value will be sought through Cabinet.

### 2.0 Recommendation

- 2.1 That Cabinet approve the appointment of the providers listed in Appendix 1 of this report to the DPS for Accommodation Plus Services.

### 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 who can no longer be supported to manage in their own home. Accommodation plus provision is being created with individualised, person centred on-site care and support to enable customers who would otherwise need to be placed in a care home setting, to be supported in in the community and be supported to maintain their health, wellbeing and independence at home. The DPS will allow the council to have a better, more strategic approach to market development and management to deliver NAIL targets by facilitating much earlier engagement with the market to shape the provision it wants locally and will be utilised to procure the range of NAIL/Accommodation Plus services required
- 3.2 Whilst the primary driver of the NAIL Programme is to maximise the choice, control and independence of our Customers by ensuring people only go into a care home environment in the absence of any other provision that can meet their needs, NAIL must also deliver significant efficiency savings from the ASC Care home spend, which accounts for the largest area of spend in the ASC budget. This will be achieved through ASC being responsible for meeting the cost of people's care and support needs only, as opposed to care home provision where ASC is also responsible for all accommodation 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.

### **The procurement process**

- 3.6 Following a market engagement afternoon, expressions of interest were sought across the following five lots of delivery models which were established to support the delivery of the NAIL project and to allow for commissioning of other services across Adult Social Care.

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 4A and 4B: Providers who provide care and/or support services only.

Lot 5: Providers who provide housing related support services only.

3.7 36 Pre Qualification Questionnaires (PQQ's) were received from 17 bidders by the submission deadline. Appendix 1 lists the names of the organisations whilst the table below demonstrates the PQQ distribution across the various Lots:

3.8 This represents a very positive interest in the DPS from the market. While heavily focused on Older People and Learning Disabilities providers, this is only a reflection of the likely nature of the first services we use the DPS for and will change as we move to engage the market in developing services for other groups of users.

Bidder Reference	PQQ submissions across Lots					
	1	2	3	4a	4b	5
A1	Y			Y		Y
A2					Y	Y
A3						Y
A4	Y	Y	Y	Y	Y	Y
A5					Y	Y
A6	Y			Y	Y	Y
A7	Y	Y			Y	Y
A8					Y	Y
A9					Y	
A10	Y					
A11					Y	
A12				Y	Y	
A13	Y					
A14	Y				Y	
A15	Y					
A16	Y				Y	
A17					Y	

- 3.9 Assessment of the PQQs involved a pass/fail stage and a scored stage. All bidders passed the pass/fail stage and were then evaluated against Lot specific scored questions.
- 3.10 Bidders were informed that they would fail the scored stage and not be appointed to the DPS if they:
- Scored 0 out of the available 4 for any of the scored questions.
  - Scored 1 out of the available 4 for any 3 of the scored questions.
  - Received an overall score of less than 60%.
- 3.11 The outcome is that one Lot 4 PQQ submitted by bidder A1 was found to be non compliant whilst 23 PQQ's (out of the 36) passed the scored stage and are therefore recommended for appointment to the DPS. This was a good first step at engaging providers in the NAIL Project, and allows us to do further market engagement as we start to use the DPS for particular contracts and services going forward. The distribution of the proposed appointments is as follows:

Lot	Proposed number of providers
1	3
2	2
3	1
4A	3
4B	9
5	5

- 3.12 Below is a list of the providers recommended for initial appointment to the DPS as further set out in the confidential Appendix 1:
- Care management Group
  - Circle Support
  - Jordan Xavier
  - Metropolitan
  - Royal Association for Deaf People
  - Royal Mencap
  - Sunrise Care
  - Thames Reach
  - Active Care & Support
  - Care Assist
  - Elders Voice
  - Equinox Care
  - Lotus Care
  - Optima
  - Reliant Care
  - Voyage

- Westminster Homecare

3.13 Appendix 2 contains the PQQ questions and the scores assigned to each bidder with a summary provided below:

3.13.1 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).

Bidder ref	Score	Passed scoring stage/recommend for appointment?
A1	63.5%	Yes
A4	53.1%	No - scored less than 60%
A6	65.4%	Yes
A7	51.0%	No - scored less than 60%
A10	50.6%	No - scored less than 60%
A13	3.1%	No - scored less than 60%
A14	51.2%	No - scored less than 60%
A15	47.8%	No - scored less than 60%
A16	63.1%	Yes

It is encouraging that this Lot attracted a good number of bidders despite some struggling to score well on all elements of the Lot. It allows us to give feedback to those who scored less than 60% and encourage them to reapply. The clear sign from the number of responses is that providers want to support the Council with the development of accommodation and integrated care services to meet the needs of vulnerable adults and builds on the reactive approach we were taking before the DPS was developed.

3.13.2 Lot 2: Providers, who provide the land, build and manage the property only.

Bidder ref	Score	Passed scoring stage/recommend for appointment?
A4	65.4%	Yes
A7	64.0%	Yes

This Lot will require further market stimulation to gain a fuller cohort of providers, which we are confident will happen as the use of the DPS develops and clearer details of services to be procured are communicated to the market with timings.

3.13.3 Lot 3: Providers who provide the land, and build the property only.

Bidder ref	Score	Passed scoring stage/recommend for appointment?
A4	63%	Yes

This is disappointing compared to the Lot1 response but we expect that following further market stimulation we can add more specialist housing providers to this Lot. However, many social housing providers can be engaged with using our normal Nominations Agreement method which is the most common method used with our general needs housing providers.

3.13.3 Lot 4A Housing Management: providers who provide care and/or support services only.

Bidder ref	Score	Passed scoring stage/recommend for appointment?
A6	84.6%	Yes
A4	61.4%	Yes
A12	67.9%	Yes
A1	0.0%	No – non compliant submission

There is a need to develop this Lot further to support Adult Social Care with the housing management functions in a number of services. Some targeted promotion will be undertaken once the DPS is open to applications in February 2016 to meet this need.

3.13.4 Lot 4B Care and Support: providers who provide care and/or support services only.

Bidder ref	Score	Passed scoring stage/recommend for appointment?
A2	76.3%	Yes
A4	69.6%	Yes
A5	61.7%	Yes
A6	70.4%	Yes
A7	60.8%	Yes
A8	67.9%	Yes
A9	51.3%	No - scored less than 60%
A11	39.2%	No - scored less than 60%
A12	70.0%	Yes
A14	48.8%	No - scored less than 60%
A16	65.8%	Yes
A17	79.2%	Yes

This is a good spread of experienced and able, older people and learning disability providers which should be enhanced by other providers once clear procurements are planned and communicated to the market.

3.13.5 Lot 5: Providers who provide housing related support services only.

Bidder ref	Score	Passed scoring stage/recommend for appointment?
A1	55.0%	No - scored less than 60%



A2	76.7%	Yes
A3	65.0%	Yes
A4	63.8%	Yes
A5	40.0%	No - scored less than 60%
A6	61.3%	Yes
A7	47.9%	No - scored less than 60%
A8	66.3%	Yes

This is a very positive start for a Lot 5 and will be further enhanced as we firm up out procurement plans later this year for services in this area.

### **Next steps**

- 3.14 Should Members be minded to approve the proposed appointments to the DPS so as to enable it to be established; any new PQQ submissions received subsequently will be assessed using the same methodology described in 3.7 above. Subject to the organisation passing the scoring the Strategic Director, Community Well-being will be asked to approve further appointments.
- 3.15 Contracts tendered for and let through the DPS will be assessed using the following criteria:

#### **Lot 1:**

- How the provider will work in partnership with the Council and others to 'customise' the design and layout of a building
- How the provider will apply its skills and experience to deliver on time developments with appropriate building standards
- How the building will be used to maximise independence.
- How the Service will be operated to achieve delivery of outcomes.
- How the Service will be operated to lead to improved personal independence.
- How policies and procedures regarding equality and human rights will be applied.
- Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.
- How the Safeguarding policy will be implemented.
- How Social Value will be delivered.

#### **Lot 2:**

- How the provider will in partnership with the Council and potential clients to 'customise' the design and layout of a building
- How the provider will apply its skills and experience to deliver on time developments with appropriate building standards
- How the building will be used to maximise independence.
- How the Service will be operated to achieve delivery of outcomes.

- How policies and procedures regarding equality and human rights will be applied.
- How the Service will be operated to lead to improved personal independence.
- Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.
- How Social Value will be delivered.

Lot 3:

- How the provider will in partnership with the Council and potential clients to 'customise' the design and layout of a building
- How the provider will apply its skills and experience to deliver on time developments with appropriate building standards
- How the building will be used to maximise independence.
- How Social Value will be delivered.
- How the property will be made affordable and accessible to Brent residents.
- How Social Value will be delivered.

Lot 4:

- How the Service will be operated to achieve delivery of outcomes.
- How policies and procedures regarding equality and human rights will be applied.
- How the Service will be operated to lead to improved personal independence.
- Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.
- How Social Value will be delivered.
- How experience in delivering similar services will be applied to the Service.
- How out of hours services will be delivered.
- How the Safeguarding policy will be implemented.
- How Social Value will be delivered.

Lot 5:

- How experience in delivering similar services will be applied to the Service
- How the Service will be operated to achieve delivery of outcomes.
- How the Service will be operated to lead to improved personal independence.
- Proposals with regard to Staffing (skills, qualifications and experience and structure) in order to meet the needs of the service users.
- How Social Value will be delivered.

- 3.16 The evaluation weightings for each procurement will range by 60% to 70% for Cost and 40% to 30% for Quality.
- 3.17 Cabinet have delegated authority to the Strategic Director, Community Well-being (previously the Strategic Director of Adult Social Care) to call off contracts under the DPS with values up to £500,000. A retrospective six (6) monthly report will then be submitted to Cabinet 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.

#### **4.0 Financial Implications**

- 4.1 The estimated value of the contracts to be awarded through the DPS is £24,810,000. Across the Lots, Lot 1 has a projected value of £11,000,000, Lot 4 £11,000,000 and Lot 5 £4,810,000. There is no financial commitment arising from Lots 2 and 3. Nominations agreements will be put in place.
- 4.2 The cost of these contracts will be funded from the 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 The contract specifications ensure that providers awarded a contract through the DPS will pay the LLW to all staff engaged in the delivery of the service.
- 4.4 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 Strategic Director of Community and Well Being and in future cabinet reports, as remaining compliant with LLW through contract award may create further, significant cost pressures on the Adult Social Care budget.

#### **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 details 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 that Accommodation Plus services meet this requirement.

- 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 appoint the initial potential providers to the DPS in accordance with CSO 88(c). Thereafter, should Members be minded to approve the recommendation in this report, the Strategic Director, Community and Well-being has the delegated authority to appoint any new bidders onto the DPS that meet the minimum council requirements and award subsequent call off contracts with a value up to £500,000.
- 5.3 Moreover, for any specific call off contracts proposed to be awarded under the DPS, with a value exceeding £500,000, Officers will report back and seek the prior approval of Cabinet in accordance with Contract Standing Orders.
- 5.4 Officers must follow regulation 54 of the PCR 2015 when inviting providers under the relevant Lot under the DPS. There is no requirement to submit any form of award notice to OJEU following the setting up of the DPS, or when new suppliers are added to the DPS. There is however, a requirement to publish contract award notices (which must be sent to the Publications Office within 30 days of award) for specific contracts awarded under the DPS. However, authorities can choose to group DPS contract award notices on a quarterly basis, which must be sent within 30 days (after) the end of each quarter. Officers should also abide by the requirements for publication on Contracts Finder about contracts awarded.
- 5.5 Members will note from the body of the report that it is officers intention to report back periodically to Cabinet advising them of the individual contracts awarded to providers using the delegated powers and to inform as to any new providers admitted onto the DPS.

## **6.0 Diversity Implications**

- 6.1 An Equalities Impact Assessment was included within the Cabinet Approval to Procure report and is attached as an Appendix. Whilst the DPS offers more inclusive and responsive tendering bidders will still have to demonstrate that they are the best candidates 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 the NAIL programme DPS.

## **8.0 Background Papers**

- 8.1 None

**Contact Officer(s)**

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**Strategic Director, Community Well-being**

## **Appendix 1 – Not for Publication**

This part of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely:

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

## Appendix 2 – Bidder questions and scores

### Lot 1

PQQ QUESTION WEIGHTING = 100%		BIDDER REFERENCE AND SCORES								
Question	Weighting	A1	A4	A6	A7	A10	A13	A14	A15	A16
From your experience, please provide three key examples of how you have delivered one or more of the following Social Value benefits: Sustainable improvements, Waste and carbon reduction, Increased use of Small and Medium Enterprises, particularly within Brent, Adoption of ethical practices such as Safety and Hygiene, Working Hours and payment of the London Living Wage.	5.0%	3.8%	3.8%	5.0%	3.8%	1.3%	0.0%	2.5%	1.3%	2.5%
Detail your experience of developing building for vulnerable adults and give at least two examples of how their needs have influenced your design or refurbishment work, describing how you identified the needs of the end user group in the process.	10.0%	5.0%	5.8%	5.0%	3.3%	5.0%	0.8%	5.0%	3.3%	5.0%
In the last five years please detail the number of developments your organisation has started for vulnerable adults and how many of these have been delivered on time, and what were the reasons for any delays? How have you managed the prospective tenant's expectations given delays?	15.0%	10.0%	6.3%	6.3%	7.5%	7.5%	0.0%	3.8%	7.5%	10.0%

Please detail the number of Accidents or serious injury on your developments over the last five years.	9.0%	6.0%	2.3%	5.3%	5.3%	5.3%	1.5%	3.0%	6.0%	8.3%
Describe how you approach housing management for a vulnerable tenant group and what you see as the major differences in the service between this group and housing management in 'general needs' accommodation?	9.0%	5.3%	4.5%	6.0%	5.3%	3.8%	0.0%	3.8%	5.3%	4.5%
Detail how you explain and engage vulnerable tenants in understanding their tenancy rights and responsibilities at the sign up stage of a tenancy	9.0%	6.8%	6.0%	6.8%	3.0%	5.3%	0.0%	5.3%	0.0%	6.0%
Vulnerable adults often struggle with the process of signing up for independent housing, explain the practical steps your organisation has taken to ensure prospective tenants are encouraged and supported to take up the tenancy?	15.0%	7.5%	7.5%	12.5%	5.0%	6.3%	0.0%	10.0%	11.3%	10.0%
Identify your organisation's experience in providing care and support to vulnerable adults and what groups within this, you consider to be your area of expertise and why?	9.0%	6.8%	6.0%	6.0%	6.8%	4.5%	0.8%	6.0%	4.5%	6.8%
Detail the basic selection criteria your organisation use when identifying new staff to work with vulnerable adults and how you assess this? and Detail the number of staff you have dismissed or terminated their contract under your	10.0%	5.0%	5.0%	6.7%	6.7%	5.8%	0.0%	6.7%	4.2%	3.3%



Capability, Probation and Disciplinary processes in the last two years?										
How does your organisation support tenants in maintaining their autonomy, and give them choices in how their live and use the support and care on offer?	9.0%	7.5%	6.0%	6.0%	4.5%	6.0%	0.0%	5.3%	4.5%	6.8%
<b>Total</b>		63.5%	53.1%	65.4%	51.0%	50.6%	3.1%	51.2%	47.8%	63.1%

## Lot 2

PQQ QUESTION WEIGHTING 100%		BIDDER REFERENCE AND SCORES	
Question	Weighting	A4	A7
From your experience, please provide three key examples of how you have delivered one or more of the following Social Value benefits: Sustainable improvements, Waste and carbon reduction, Increased use of Small and Medium Enterprises, particularly within Brent, Adoption of ethical practices such as Safety and Hygiene, Working Hours and payment of the London Living Wage.	5.0%	3.8%	3.8%
Detail your experience of developing building for vulnerable adults and give at least two examples of how their needs have influenced your design or refurbishment work, describing how you identified the needs of the end user group in the process.	14.0%	10.5%	7.0%
In the last five years please detail the number of developments your organisation has started for vulnerable adults and how many of these have been delivered on time, and what were the reasons for any delays? How have you managed the prospective tenant's expectations given delays?	17.0%	8.5%	12.8%
Please detail the number of Accidents or serious injury on your develops over the last five years.	13.0%	6.5%	6.5%
Describe how you approach housing management for a vulnerable	17.0%	12.8%	12.8%

tenant group and what you see as the major differences in the service between this group and housing management in 'general needs' accommodation?			
Detail how you explain and engage vulnerable tenants in understanding their tenancy rights and responsibilities at the sign up stage of a tenancy	17.0%	12.8%	10.6%
Vulnerable adults often struggle with the process of signing up for independent housing, explain the practical steps your organisation has taken to ensure prospective tenants are encouraged and supported to take up the tenancy?	17.0%	10.6%	10.6%
Total		65.4%	64.0%

### Lot 3

PQQ QUESTION WEIGHTING 100%		BIDDER REFERENCE AND SCORES
Question	Weighting	A4
From your experience, please provide three key examples of how you have delivered one or more of the following Social Value benefits: Sustainable improvements, Waste and carbon reduction, Increased use of Small and Medium Enterprises, particularly within Brent, Adoption of ethical practices such as Safety and Hygiene, Working Hours and payment of the London Living Wage.	5.0%	3.8%
Detail your experience of developing building for vulnerable adults and give at least two examples of how their needs have influenced your design or refurbishment work, describing how you identified the needs of the end user group in the process	32.0%	24.0%
In the last five years please detail the number of developments your organisation has started for vulnerable adults and how many of these have been delivered on time, and what were the	31.0%	19.4%

reasons for any delays?		
Please detail the number of Accidents or serious injury on your develops over the last five years.	32.0%	16.0%
<b>Total</b>		<b>63.1%</b>

#### Lot 4A

PQQ QUESTION WEIGHTING 100%		BIDDER REFERENCE AND SCORES			
Question	Weighting	A6	A4	A12	A1
Social Value: From your experience, please provide three key examples of how you have delivered one or more of the following Social Value benefits: Sustainable improvements, Waste and carbon reduction. Increased use of Small and Medium Enterprises, particularly within Brent. Adoption of ethical practices such as Safety and Hygiene, Working Hours and payment of the London Living Wage.	5.0%	5.0%	3.8%	5.0%	0.0%
Describe how you approach housing management for a vulnerable tenant group and what you see as the major differences in the service between this group and housing management in 'general needs' accommodation?	25.0%	21.0%	14.0%	21.0%	0.0%
Detail how you explain and engage vulnerable tenants in understanding their tenancy rights and responsibilities at the sign up stage of a tenancy?	15.0%	23.6%	23.6%	16.9%	0.0%
Vulnerable adults often struggle with the process of signing up for independent housing, explain the practical steps your organisation takes to ensure prospective tenants are encouraged and supported to take up a tenancy?	10.0%	35.0%	20.0%	25.0%	0.0%
<b>Total</b>		<b>84.6%</b>	<b>61.4%</b>	<b>67.9%</b>	<b>0.0%</b>

#### Lot 4B

PQQ QUESTION WEIGHTING 100%		BIDDER REFERENCE AND SCORES											
Question	Weighting	A2	A4	A5	A6	A7	A8	A9	A11	A12	A14	A16	A17
From your experience, please provide three key examples of how you have delivered one or more of the following Social Value benefits: Sustainable improvements, Waste and carbon reduction, Increased use of Small and Medium Enterprises, particularly within Brent, Adoption of ethical practices such as Safety and Hygiene, Working Hours and payment of the London Living Wage.	5.0%	5.0%	3.8%	2.5%	5.0%	3.8%	3.8%	3.8%	1.3%	5.0%	2.5%	2.5%	3.8%
Identify your organisation's experience in providing care and support to vulnerable adults and what groups within this, you consider to be your area of expertise and why?	25.0%	20.8%	18.8%	16.7%	16.7%	16.7%	16.7%	14.6%	8.3%	16.7%	12.5%	20.8%	20.8%
Detail the basic selection criteria your organisation use when identifying new staff to work with vulnerable adults and how you assess this? B. Detail the number of staff you have dismissed or terminated their contract under your Capability, Probation and Disciplinary processes in the last two years?	25.0%	18.8%	16.7%	12.5%	18.8%	14.6%	18.8%	10.4%	12.5%	18.8%	12.5%	12.5%	20.8%

How does your organisation support tenants in maintaining their autonomy, and give them choices in how their live and use the support and care on offer?	25.0%	16.7%	18.8%	16.7%	16.7%	12.5%	18.8%	12.5%	10.4%	14.6%	14.6%	16.7%	18.8%
How does your organisation ensure that its staff have the necessary skills and experience to deliver the organisation's vision?	20.0%	15.0%	11.7%	13.3%	13.3%	13.3%	10.0%	10.0%	6.7%	15.0%	6.7%	13.3%	15.0%
<b>Total</b>		<b>76.3%</b>	<b>69.6%</b>	<b>61.7%</b>	<b>70.4%</b>	<b>60.8%</b>	<b>67.9%</b>	<b>51.3%</b>	<b>39.2%</b>	<b>70.0%</b>	<b>48.8%</b>	<b>65.8%</b>	<b>79.2%</b>

## Lot 5

PQQ QUESTION WEIGHTING 100%		BIDDER REFERENCE AND SCORES							
Question	Weighting	A1	A2	A3	A4	A5	A6	A7	A8
From your experience, please provide three key examples of how you have delivered one or more of the following Social Value benefits: Sustainable improvements, Waste and carbon reduction, Increased use of Small and Medium Enterprises, particularly within Brent, Adoption of ethical practices such as Safety and Hygiene, Working Hours and payment of the London Living Wage.	5.0%	3.8%	5.0%	3.8%	3.8%	2.5%	5.0%	3.8%	3.8%
Describe how your organisation ensures that the support service it provides is flexible and responsive to the needs of its users? Or takes into account the customers' needs or situation.	25.0%	12.5%	16.7%	14.6%	16.7%	14.6%	14.6%	12.5%	14.6%

How does your organisation ensure that its staff have the necessary skills and expertise to deliver the required contractual outcomes?	15.0%	10.0%	11.3%	10.0%	10.0%	6.3%	8.8%	10.0%	8.8%
Please detail the percentage of front line support staff who have had the following training or support in the last two years?	10.0%								
a. Mental Health Awareness		5.8%	8.3%	6.7%	5.0%	2.5%	5.0%	2.5%	7.5%
b. Welfare Benefit's Training									
c. Drugs and Alcohol Awareness									
d. Safeguarding Awareness									
Give examples of the Quality Assurance processes your organisations employees, to ensure the service it delivers is it at the required standard, and how this feeds into organisational governance?	20.0%	8.3%	16.7%	13.3%	11.7%	10.0%	13.3%	6.7%	15.0%
How does your organisation ensure new contracts can deliver the promises of the tender submission, particularly when the service will be deliver predominately by staff TUPE into your organisation	25.0%	14.6%	18.8%	16.7%	16.7%	4.2%	14.6%	12.5%	16.7%
Total		55.0%	76.7%	65.0%	63.8%	40.0%	61.3%	47.9%	66.3%

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: 16/10/2014</b> <b>Completion date 14/11/2014</b> <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
Grand Total	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

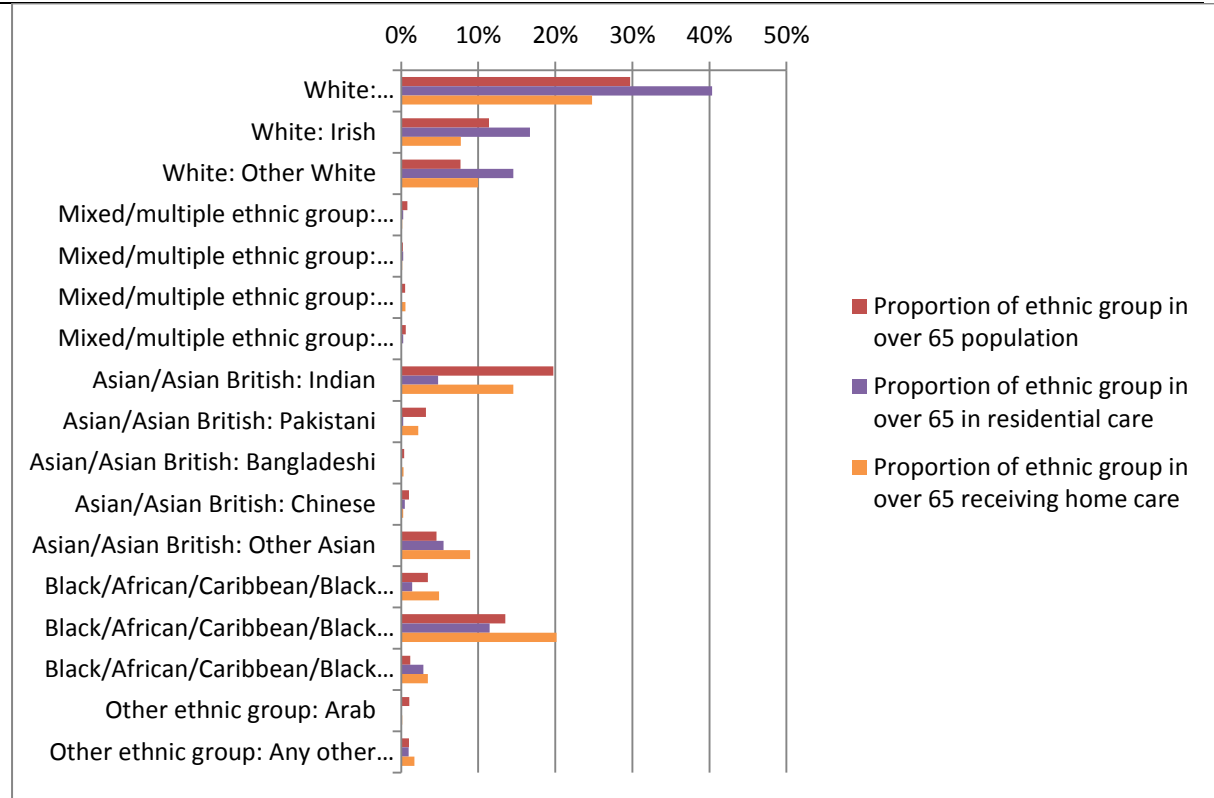
users with complex physical needs.

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.

Religion / Belief	Number of service users in residential care	Proportion of service users in Residential care	Number of service users receiving home care	Proportion of service users receiving home care
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.

Gender	17-24	25-34	35-44	45-54	55-64	65-74	75-84	Over 85	Total
<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?	<p>We are expecting people to see care staff often through the day; personal care in bathrooms &amp; bedrooms; for activities and meal preparation.</p> <p>The goal is to allow people with significant disabilities to be as independent as they can be but realistically they will have high needs.</p>
c. What client group?	<p>Learning Disabilities with associated issues, including autism, mental health, anger issues, challenging behaviours.</p> <p>Some people will have destructive behaviours, so the build needs to be robust.</p>
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

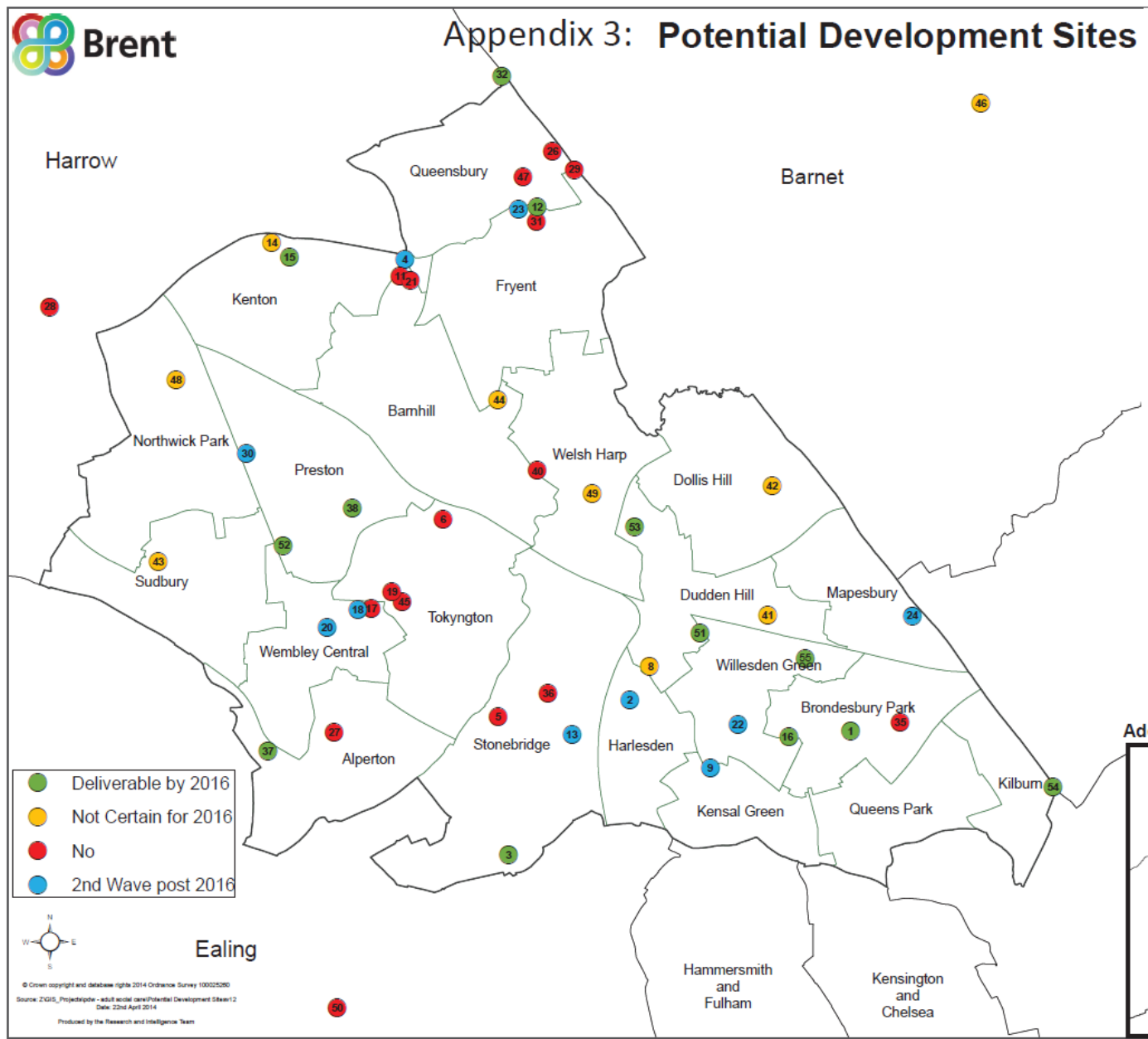
	<p>to move around to assist in personal care.</p> <p>Need ability for ceiling hoists to be retro-installed.</p>
<b>3. Level of independence expected of tenants?</b>	
a. Will tenants pay their own bills, so will they need to have separate boilers for each flat, or just one communal one?	Will have their 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?	<p>Each flat needs to be able to have full control of radiators and hot water; does not matter how this is achieved.</p> <p>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.</p>
<b>4. Communal space requirements?</b>	
a. Should there be a communal area, a lounge, kitchen, or something else?	<p>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?</p> <p>Do not want a 'conservatory'; needs to have better temperature regulation so can be used comfortably throughout the year.</p>
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**  
20 January 2016

**Report from the Strategic Director,  
Community Well-being**

For Action

Wards affected:  
Barnhill, Wembley Central  
Brondesbury Park  
Willesden, Kenton, Stonebridge

**Housing Tenancy Conversions**

**1.0 Summary**

- 1.1. The Council's Housing Private Finance Initiative (PFI) project provides 364 units of Temporary Accommodation (TA) for homeless households and 20 units of residential care accommodation through contractual arrangements running until 2028. It was originally intended that a rising proportion of the TA units would be converted to Social Rented properties over the course of the contract (temporary to permanent conversions), in order to provide settled accommodation for at least 158 households by the end of the contract.
- 1.2 However, the financial viability of the project has been affected adversely by a number of external factors including the Government's welfare reforms. In particular Housing Benefit subsidy limitations mean that the rental income is less than that required to service the cost of operating the project. In November 2014 Cabinet was advised of a projected £17.4m deficit over the remaining contract term and the Council has made provision of £5.7m to meet part of this deficit, reducing it to £11.7m.
- 1.3 In order to further reduce the shortfall Cabinet agreed to make a number of changes to the PFI contract and the revised agreement was entered into in April 2015. The 158 temporary to permanent conversions will now be to Affordable Rented units instead of Social Rent. This change aligns the project with the Government's preferred tenure type and has a positive financial impact on the value of the homes at the end of the contract.
- 1.4 The contractual changes also provide greater flexibility over the future use of the 364 TA units during the contract period, in order to meet housing need while assisting with deficit reduction by generating increased rental income.

Up to one third of the units can now be converted to either Affordable Rent or Discounted Market Rent (a form of intermediate rent) tenures or back to TA during any year.

- 1.5 The proposal in this report is to convert the maximum allowable 122 TA units to Discounted Market Rent during the current year. Should this be agreed, and assuming that the remaining 242 TA units are also converted to Discounted Market Rent as soon as the contract allows, the projected deficit will be reduced to £3.4m. A sharing arrangement in respect of the increased value of the 158 Affordable Rent units at the end of the contract is expected to further reduce the deficit to £1.4m, which the Council will be required to meet from its resources.
- 1.6 It was always intended to convert a proportion of the PFI homes to different tenancy types in order to provide more settled accommodation for current tenants. The proposal in this report represents an acceleration of this approach and the expectation is that the majority of the 122 households in the first tranche of conversions will transfer from TA to Discounted Market Rent tenancies, remaining in their current homes.
- 1.7 Prior to the offer of a Discounted Market Rent tenancy being made officers will assess the suitability of the proposed offer, including the affordability of the property to the tenant. There are safeguards contained within the PFI contract and homelessness legislation if either the Council's PFI partner or the tenant considers the offer of a Discounted Market Rent tenancy to be unsuitable.
- 1.8 While the offer of more settled accommodation is a positive opportunity for current tenants it is recognised that tenancy conversions may lead to affordability issues emerging over a period of time and the Council may need to use the Discounted Market Rent units to meet housing needs in a more targeted way. However, this challenge is not unique to the PFI project, as a result of the changing affordable housing and social welfare landscape.
- 1.9 Officers will work closely with Hyde colleagues and residents to ensure the implementation process for tenancy conversions is communicated well and completed smoothly.
- 1.10 Some of the households affected by the above proposal will have Protected Characteristics in respect of the Equality Act 2008, as set out in the accompanying Equality Assessment. For some of these households the impact will be positive, for some negative and others broadly neutral. However, the proposal is needed in order to ensure that the Council meets its fiduciary duty, to reduce the projected deficit.

## **2.0 Recommendations**

### **Cabinet is asked to:**

- 2.1 Note that the revised Project Agreement was entered into in April 2015.

- 2.2 Note that the projected financial deficit at the end of the contract, without exercising the option to convert PFI units to alternative tenures, has increased due to the impact of external factors since the last Cabinet report.
- 2.3 Agree to convert up to 122 units of Temporary Accommodation to Discounted Market Rent units, as set out in the report, and to delegate authority to the Strategic Director Community Well-being, in consultation with the Chief Finance Officer and the Chief Legal Officer, to issue to Brent Coefficient Limited a schedule setting out the units to be allocated as Discounted Market Rent units in accordance with the Project Agreement.

### **3.0 Background**

- 3.1. The PFI contract was entered into between the Council and Brent Coefficient Limited (BCE), a subsidiary of Hyde Housing Group (Hyde), in December 2008 for Phase 1, which was extended in July 2010 to include Phase 2 and the contract ends in December 2028. The project provided for the construction between 2010 and 2012 of 364 units of accommodation by BCE, and an additional 20 units of residential care accommodation which are owned by the Council. All units have been constructed and the project is in its service operational phase.
- 3.2 The 364 units were originally intended to be available for use as Temporary Accommodation (TA) by Brent in order to assist in meeting its statutory interim duty to provide TA to homeless households. The contract originally required that a rising proportion of these units convert to Social Rented properties over the course of the contract and that, from the end of the contract, 158 units be provided thereafter by Hyde as Social Rented housing, with this number potentially being increased if the overall value of the units exceeds the debt repayment due to the project lenders.
- 3.3 In November 2014 Cabinet was advised of a projected deficit over the remaining contract term, arising as a result of the Government's welfare reforms. In particular the Housing Benefit subsidy limitations for TA mean that rental income to fund the required payments to BCE has not risen as assumed in the contractual financial model and, over the remaining course of the contract, this is projected to fall substantially short. At the time the Council was expected to incur a cumulative deficit of £17.4m (before adding interest costs arising from servicing this deficit) by the end of the contract in 2028. The Council has made provision of £5.7m to meet part of this deficit, reducing it to £11.7m.
- 3.4 In order to remedy the position Cabinet agreed to make a number of changes to the PFI contract (Project Agreement) that had been negotiated with BCE and Hyde, and which were supported by the Homes and Communities Agency (HCA) and the Department for Communities and Local Government. The revised contract was entered into in April 2015 and the final revisions relevant to this report are summarised below:

#### Revision 1

- 3.5 The Council is entitled to propose changes to the tenure of up to a maximum of 122 PFI units in any contract year and to allocate each 'converted' unit as either an Affordable Rent equivalent unit or a Discounted Market Rent unit, or to convert it back to TA. This provides the Council with flexibility over the way in which the 364 units are used and the rents that can be charged, in order to optimise the financial performance of the project while contributing to meeting housing need.

#### Revision 2

- 3.6 The requirement to convert a specified number of units during the contract term from TA use to Social Rented units has been changed. The Council is now required to convert a minimum of 72 units from TA to Affordable Rent equivalent units no later than 2018, for a period of not less than 5 years.
- 3.7 Rents may be charged at up to 80% of local market rents for these units, limited contractually by Local Housing Allowance (LHA) rates. This change accords with government policy to support Affordable Rent as the main form of affordable housing tenure, replacing Social Rent. The scope to convert TA units to Affordable Rent is discussed in section 5, below.

#### Revision 3

- 3.8 The revised contract provides the option for TA units to be let at Discounted Market Rent i.e. at rents of up to 80% of prevailing market rents, not limited contractually by LHA. Discounted Market Rent is similar to intermediate rent housing, which is a form of affordable housing promoted through the HCA and the Greater London Authority (GLA). The scope to convert TA units to Discounted Market Rent is discussed in section 6, below.

#### Revision 4

- 3.9 The minimum number of 158 units of TA, which were previously required to be converted to Social Rent at the end of the contract, will now become Affordable Rent equivalent units at contract expiry. The effect of this change should be positive in that the value of these units is expected to be higher than Social Rent units and this should enable a larger number of the PFI units to be converted to affordable housing at the end of the contract.

#### Revision 5

- 3.10 Brent now retains 90% of the rental income collected by Hyde in excess of contractual target rent collection levels, in order to maximise income to the project and to reduce the deficit. If target rent collection levels are not achieved the Council will be required to meet 90% of the shortfall. In practice actual rent collection levels have been higher than target levels.

#### Revision 6

- 3.11 At the end of the contract the Council will be able to recover up to £2.0m of any deficit from 50% of the increase in value resulting from the 158 affordable



units being secured as Affordable Rented units instead of Social Rented units. This facility depends upon the overall value of the 364 units being sufficient to meet BCE's debt repayment requirement at that time. Modelling indicates a reasonable likelihood that this will be achieved.

- 3.12 In summary, the above revisions to the Project Agreement accord, as far as possible, with the existing objectives of the project to provide accommodation to meet housing need and provide a permanent legacy of affordable housing, while assisting in recovering the project's financial position and reducing the projected deficit to which the Council is exposed.

#### **4.0 Current Financial Position**

- 4.1 The current baseline financial position reflects the 72 TA units which are required to be changed to Affordable Rent units by April 2018. Since the November 2014 report the financial viability of these Affordable Rent units has been affected by changes to LHA, which is now expected to increase by 1% annually (rather than 2.5% as assumed in the previous modelling) after a four year freeze from 2016/17. The projected deficit at the end of the contract has increased slightly from £11.7m to £12.6m (after the £5.7m provision), as set out in Appendix 1.

#### **5.0 Temporary Accommodation to Affordable Rent equivalent Conversions**

- 5.1 The Council is required to convert a minimum number of 72 units to Affordable Rent by 2018, for not less than five years, and for at least 158 units to become Affordable Rent units at contract expiry (contract revisions 2 and 4). External legal advice confirms that PFI units are currently exempt from the Rent Standard and are anticipated to be excluded from the 1% rent reduction. The financial viability of the Affordable Rent units will, however, be impacted by the LHA freeze and reduced indexation thereafter.
- 5.2 Brent's Tenancy Strategy requires that Affordable Rents are set at different percentages of market rent for different bed-sizes in order to support their affordability. For 1 bedroom properties the PFI contractual position aligns with council policy i.e. Affordable Rents to be set at 80% of market rent, whereas for larger units a lower percentage (70% or 50%) would need to be applied in order to be consistent with the policy. It is, therefore, proposed to prioritise the 1 bedroom units for conversion to Affordable Rent.
- 5.3 While Affordable Rent units will still have an overall positive impact on the financial performance of the project compared to Social Rent properties, there is no incentive in terms of deficit reduction to bring forward the timing of these conversions or to increase the number of units converted to Affordable Rent prior to the end of the contract.
- 5.4 It is not proposed to exercise the contractual TA to Affordable Rent equivalent conversion option at the present time. This position will be reviewed in time for the next cycle of tenancy conversions.

#### **6.0 Temporary Accommodation to Discounted Market Rent Conversions**

- 6.1 It was recognised, in the November 2014 Cabinet report, that if units were let at Discounted Market Rents they may need to be used to meet housing needs in a more targeted way, primarily for those in employment. This would involve moving current residents to alternative accommodation.
- 6.2 However, external legal advice confirms that the Discounted Market Rent units would fall within the definition of “Social Housing” and would, therefore, be currently exempt from LHA caps in respect of Housing Benefit. This is positive in that it provides an opportunity to offer more settled accommodation to those current residents of the TA that are in receipt of Housing Benefit and for the Council to discharge its homelessness duty, where applicable. This will reduce the need to move households into alternative accommodation in order to effect the proposed tenure changes.
- 6.3 Households will, however, still be affected by the overall benefit cap (currently £26,000 a year for couples with children or single parents) unless they are exempt from the cap and this will be taken into account in considering the units to convert. Working families are exempt from the cap.
- 6.4 Members may be aware that, in his Autumn Statement, the Chancellor of the Exchequer announced proposals to extend the application of LHA caps to Social Housing. Based on current information this would affect all new tenancies granted after 31 March 2016, with Housing Benefit entitlement changing from 1 April 2018 onwards.
- 6.5 It would be advantageous, both financially and in terms of meeting the objectives of the project, to maximise the number of TA units converted to Discounted Market Rent before 1 April 2016. Early discussions with our PFI partners indicate that BCE/Hyde would be supportive of this approach, which would minimise the need to move households in the future because they are unable to meet the cost of the new rent.
- 6.6 Any properties converted after the above date would still attract Housing Benefit above LHA level until 31 March 2018, after which the caps would apply, unless PFI properties are exempted from the LHA caps. At that point in time an assessment will be made as to whether the rent remains affordable to the existing household and, if not, alternative accommodation will be provided.
- 6.7 However, once any Housing Benefit claimants move on to Universal Credit, the housing element within Universal Credit will be based on the LHA rate. This will be implemented as part of managed migration of existing claims from 2018 to 2021 or sooner if the claimant needs to make a new claim. The proposed conversion of PFI units to Discounted Market Rent Social Housing is, therefore, an appropriate short to medium term strategy to reduce the projected deficit while maximising affordability.
- 6.8 Based on the above assessment it is proposed to convert 122 TA units to Discounted Market Rent as soon as is practicably possible. It is also anticipated that all remaining units (except for the 72 units which must be let at Affordable Rents for five years from April 2018) will be converted to

Discounted Market Rent over the following two years, but this will be for separate approval by Cabinet at future dates.

6.9 It is proposed to prioritise the first 122 properties to be converted to Discounted Market Rent on the following basis (in priority order), prioritising those households that are exempt from or less likely to be affected by the overall benefit cap. This excludes 1 bedroom units as the majority of these are intended to be converted to Affordable Rent from 2018:

- Working households
- Other households exempt from the benefit cap including ASC nominees
- Smaller properties by earliest date of homelessness acceptance

6.10 Assuming that the first 122 conversions can be achieved by 31 March 2016, and further conversions are undertaken in future years as set out in the preceding paragraphs the estimated impact is to reduce the projected deficit at contract expiry by £9.2m to £3.4m (after the £5.7m provision), as set out in Appendix 1. The majority of this deficit arises over the latter part of the contract and current assumptions about the future position during that period are necessarily uncertain.

6.11 The financial modelling is sensitive to the basis for calculating market rent, from which both Affordable and Discounted Market Rents are derived (by applying the 80% factor). The financial outputs summarised in this report are based on market rents taken from GLA rent map data for September 2015, using median rent figures by postcode.

## **7.0 Supported Housing**

7.1 Of the 364 TA units approximately 26 properties are let currently to Adult Social Care (ASC) clients. The PFI accommodation (by virtue of it being purpose-built, and well located for local services and public transport) is suited to ASC clients with low level support needs, who are able and want to live independently in general needs housing.

7.2 Where service users are 'stepping down' from more managed settings, such as supported housing or residential care, there may be flexibility for Housing Benefit to support higher rent levels for the PFI units, in order to assist with deficit reduction. There would be quality of life benefits for clients living more independently and revenue savings arising to the Council from using less costly specialist accommodation.

7.3 Officers will explore the potential to allocate a proportion of Discounted Market Rent units that become vacant in the future to ASC nominees. All nominees are subject to agreement with BCE/Hyde under the terms of the PFI contract.

## **8.0 Impact on Current Tenants**

8.1 The PFI project faces financial challenges, arising from a number of external factors, resulting in a projected deficit. The April 2015 contract changes provide greater flexibility over the future use of the TA units. In considering

the implementation of these changes officers have been mindful of the need to minimise the impact on current residents, while recognising the Council's fiduciary duty to reduce the deficit.

- 8.2 It was always intended to convert a proportion of the PFI homes to different tenancy types in order to provide more settled accommodation for current tenants and for the Council to discharge its homelessness duty accordingly. The proposal in this report represents an acceleration of this approach, which is generally positive. The expectation is that the majority of the 122 households in the first tranche of conversions will transfer from TA to Discounted Market Rent tenancies, remaining in their current homes with no disruption to their education or employment arrangements.
- 8.3 Prior to the offer of a Discounted Market Rent tenancy being made officers will assess the suitability of the proposed offer, including the affordability of the property to the tenant. There are safeguards contained within the PFI contract and homelessness legislation if either BCE or the tenant considers the offer of a Discounted Market Rent tenancy to be unsuitable. The tenant will be able to request a statutory review of any decision that an offer of accommodation is suitable.
- 8.4 If the outcome of the assessment process is that a property is not suitable to be offered as a Discounted Market Rent unit, for example if it is unaffordable to the current tenant, the Council will work with that household to provide alternative accommodation. Ultimately, in the event of a tenant refusing a suitable offer, either of a Discounted Market Rent tenancy or alternative accommodation, they would be required to make their own arrangements for housing.
- 8.5 Discounted Market Rent is similar to intermediate rent housing, which is a form of affordable housing, and households will be offered an Assured Shorthold Tenancy. The starting rents (80% of local market rents) will be broadly similar to the current rents charged for the TA units. However, unlike the TA rents, Discounted Market Rents will increase in line with market rents.
- 8.6 It is recognised that this may, not immediately but over a period of time, lead to affordability issues and the Council may need to use the Discounted Market Rent units to meet housing needs in a more targeted way, primarily for those in employment. This is reflected in the logic of prioritising working families and other households that are exempt from the overall benefit cap in the first tranche of conversions.
- 8.7 However, it is important to note that the impact of changes to the affordable housing and social welfare landscape is not exclusive to the PFI project. The Government's intention is to end lifetime tenancies, with fixed-term tenancies becoming the norm. Changes to the Housing Benefit system, including the implementation of Universal Credit, will have implications for households in a range of project and accommodation types.
- 8.8 Officers will work closely with Hyde colleagues to ensure the implementation process for tenancy conversions is completed smoothly. This will include

clear communications with residents and one to one discussions, where necessary. Residents will have the opportunity to remain in their home while any review or appeal of the suitability of a Discounted Market Rent offer is underway.

## **9.0 Financial Implications**

- 9.1 The revised projected deficit at the end of the contract has increased from an estimated £11.7m to £12.6m. The increase is mainly due to the impact of changes to the Local Housing Allowance (LHA) announced by the Government in 2012 for implementation in 2014/15 onwards, an increase of 1% annually rather than 2.5% assumed in the previous modelling.
- 9.2 To minimise the impact of the deficit, this report proposes to convert 122 TA units, which is the maximum allowed within the contract in any contract year, to Discounted Market Rent by 31 March 2016. It is also anticipated that all remaining units (except for the 72 units which must be let at Affordable Rents for five years from April 2018) will be converted to Discounted Market Rent over the following two years.
- 9.3 This proposal will generate an additional £9.2m income which will reduce the projected deficit to £3.4m. At the end of the contract, the Council will also be able to recover up to £2.0m or 50% of the increase in value resulting from the 158 affordable units being secured as Affordable Rented instead of Social Rented units. It is anticipated that this will further reduce the overall deficit to an estimated £1.4m by 2028.
- 9.4 The Council has previously made provision of £5.7m to meet part of the projected deficit and will be required to meet the estimated balance of £1.4m from its resources as part of the Council's Medium-term Financial Strategy. This projection is dependent on a number of volatile factors including future market rent, rent collection rate and interest rates, a financial risk that should be noted.
- 9.5 The PFI units are currently exempt from the Rent Standard. This provides the Council with the ability to ensure that Discounted Market Rents are indexed in line with changes to local market rents. In the event that actual rent inflation exceeds RPI+0.5%, as assumed in the financial model, this will further contribute to deficit reduction.

## **10.0 Legal Implications**

- 10.1 Under the terms of the revised PFI contract the Council is entitled to allocate a dwelling as either an Affordable Rent Equivalent Dwelling, A Discounted Market Rent Dwelling and/or as Temporary Housing. The Council is only entitled to propose a maximum of 122 changes to tenure in any contract year, which is why the report proposes that 122 dwellings are converted from Temporary Housing to Discounted Market Rent Dwellings.
- 10.2 The revised PFI contract also provides that the Council shall notify the Contractor by 1 December of each year with a schedule of the number of

dwellings to be allocated as Discounted Market Rent Dwellings (amongst other things). This deadline has passed, but it is understood that the Contractor has accepted that the Council can provide this schedule of conversions later than required by the contract.

- 10.3 Dwellings are regarded as "Social Housing" if they fall within the definition of "Social Housing" in the Housing and Regeneration Act 2008. Essentially, for rented dwellings, this requires two tests to be satisfied, namely (i) that the rent is below market rent and (ii) that the property is made available for letting in accordance with rules designed to ensure that it is made available to people whose needs are not adequately served by the commercial housing market.
- 10.4 The Dwellings let under this PFI contract are all let by Hyde Housing Association as landlord. As a Registered Provider, Hyde is bound by the terms of the Rent Standard for all Social Housing. Even if the PFI dwellings are regarded as Social Housing they are, nonetheless, currently exempt from the Rent Standard.
- 10.5 The social housing rent reduction referred to in this report is contained in the Welfare Reform and Work Bill. Although it is not possible to provide absolute legal certainty until the Bill becomes an Act of Parliament and the regulations that underpin it are made available, it is anticipated to exclude from its operation the same properties which are presently exempted from the Rent Standard – so the PFI dwellings should also be exempted from the requirement to reduce rents by 1%.

## **11.0 Diversity Implications**

- 11.1 A full Equalities Impact Assessment was undertaken in relation to the Council's Tenancy Strategy which was agreed in 2013. This addressed the implications of future social housing provision being at Affordable rather than Social Rents. The policy requires that such Affordable Rents are set at different percentages of market rent for different bed-sizes in order to support their affordability.
- 11.2 The revised PFI contract provides for all Affordable Rents to be set at 80% of market rent, regardless of unit bed-size. The assumption in this report is that the 72 units to be converted to Affordable Rent will be all one bedroom units, for which the Council's policy rent is 80% of market rent. The policy requirement at 11.1 will, therefore, be met.
- 11.3 Where TA units are converted to Discounted Market Rents this will impact on the current tenants, either by increasing the rents payable over a period of time or, if the rents are considered to be unaffordable, in requiring them to move to other accommodation, which may be permanent or temporary accommodation. Some of these households will have Protected Characteristics in respect of the Equality Act 2008. For some households the impact will be positive, for some negative and others broadly neutral.
- 11.4 There is the potential for households with protected characteristics to be disproportionality affected by these changes as an unintentional consequence

of the way in which units are selected for conversion to Discounted Market Rent. However, with the exception of the 72 units proposed at 11.2 to be converted to Affordable Rent, all remaining units are likely to be converted to Discounted Market Rent over a three year period.

- 11.5 However, this proposal is needed in order to ensure that the Council meets its fiduciary duty in respect of the PFI contract, to reduce the projected deficit. It is important to note that the intention was always to convert a proportion of the TA units to provide more settled accommodation for current tenants. What has changed is the nature of the tenancies to be offered.
- 11.6 Furthermore all current TA tenants are being encouraged to bid for permanent accommodation elsewhere in the Council or housing association stock, with 80% of lettings this year designated for homeless households. This provides a significant opportunity for affected households to bid for alternative accommodation, should they so wish.
- 11.7 An Equality Analysis has been undertaken, which accompanies this report (Appendix 2) and which includes an action plan to obtain more detailed and up to date on affected households and to mitigate the impact of PFI tenancy conversions on protected characteristic groups.

## **12.0 Staffing/Accommodation Implications**

- 12.1 There are no immediate staffing or accommodation issues arising from this report.

### **Background Papers**

Appendix 1 – Financial Modelling Results Summary

Appendix 2 – Equality Analysis

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**Cabinet**  
20 January 2016

**Report from the Strategic Director,  
Community Well-being**

For Action

Wards affected:  
Barnhill, Wembley Central  
Brondesbury Park  
Willesden, Kenton, Stonebridge

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- 1.4 The contractual changes also provide greater flexibility over the future use of the 364 TA units during the contract period, in order to meet housing need while assisting with deficit reduction by generating increased rental income.

Up to one third of the units can now be converted to either Affordable Rent or Discounted Market Rent (a form of intermediate rent) tenures or back to TA during any year.

- 1.5 The proposal in this report is to convert the maximum allowable 122 TA units to Discounted Market Rent during the current year. Should this be agreed, and assuming that the remaining 242 TA units are also converted to Discounted Market Rent as soon as the contract allows, the projected deficit will be reduced to £3.4m. A sharing arrangement in respect of the increased value of the 158 Affordable Rent units at the end of the contract is expected to further reduce the deficit to £1.4m, which the Council will be required to meet from its resources.
- 1.6 It was always intended to convert a proportion of the PFI homes to different tenancy types in order to provide more settled accommodation for current tenants. The proposal in this report represents an acceleration of this approach and the expectation is that the majority of the 122 households in the first tranche of conversions will transfer from TA to Discounted Market Rent tenancies, remaining in their current homes.
- 1.7 Prior to the offer of a Discounted Market Rent tenancy being made officers will assess the suitability of the proposed offer, including the affordability of the property to the tenant. There are safeguards contained within the PFI contract and homelessness legislation if either the Council's PFI partner or the tenant considers the offer of a Discounted Market Rent tenancy to be unsuitable.
- 1.8 While the offer of more settled accommodation is a positive opportunity for current tenants it is recognised that tenancy conversions may lead to affordability issues emerging over a period of time and the Council may need to use the Discounted Market Rent units to meet housing needs in a more targeted way. However, this challenge is not unique to the PFI project, as a result of the changing affordable housing and social welfare landscape.
- 1.9 Officers will work closely with Hyde colleagues and residents to ensure the implementation process for tenancy conversions is communicated well and completed smoothly.
- 1.10 Some of the households affected by the above proposal will have Protected Characteristics in respect of the Equality Act 2008, as set out in the accompanying Equality Assessment. For some of these households the impact will be positive, for some negative and others broadly neutral. However, the proposal is needed in order to ensure that the Council meets its fiduciary duty, to reduce the projected deficit.

## **2.0 Recommendations**

### **Cabinet is asked to:**

- 2.1 Note that the revised Project Agreement was entered into in April 2015.

- 2.2 Note that the projected financial deficit at the end of the contract, without exercising the option to convert PFI units to alternative tenures, has increased due to the impact of external factors since the last Cabinet report.
- 2.3 Agree to convert up to 122 units of Temporary Accommodation to Discounted Market Rent units, as set out in the report, and to delegate authority to the Strategic Director Community Well-being, in consultation with the Chief Finance Officer and the Chief Legal Officer, to issue to Brent Coefficient Limited a schedule setting out the units to be allocated as Discounted Market Rent units in accordance with the Project Agreement.

### **3.0 Background**

- 3.1. The PFI contract was entered into between the Council and Brent Coefficient Limited (BCE), a subsidiary of Hyde Housing Group (Hyde), in December 2008 for Phase 1, which was extended in July 2010 to include Phase 2 and the contract ends in December 2028. The project provided for the construction between 2010 and 2012 of 364 units of accommodation by BCE, and an additional 20 units of residential care accommodation which are owned by the Council. All units have been constructed and the project is in its service operational phase.
- 3.2 The 364 units were originally intended to be available for use as Temporary Accommodation (TA) by Brent in order to assist in meeting its statutory interim duty to provide TA to homeless households. The contract originally required that a rising proportion of these units convert to Social Rented properties over the course of the contract and that, from the end of the contract, 158 units be provided thereafter by Hyde as Social Rented housing, with this number potentially being increased if the overall value of the units exceeds the debt repayment due to the project lenders.
- 3.3 In November 2014 Cabinet was advised of a projected deficit over the remaining contract term, arising as a result of the Government's welfare reforms. In particular the Housing Benefit subsidy limitations for TA mean that rental income to fund the required payments to BCE has not risen as assumed in the contractual financial model and, over the remaining course of the contract, this is projected to fall substantially short. At the time the Council was expected to incur a cumulative deficit of £17.4m (before adding interest costs arising from servicing this deficit) by the end of the contract in 2028. The Council has made provision of £5.7m to meet part of this deficit, reducing it to £11.7m.
- 3.4 In order to remedy the position Cabinet agreed to make a number of changes to the PFI contract (Project Agreement) that had been negotiated with BCE and Hyde, and which were supported by the Homes and Communities Agency (HCA) and the Department for Communities and Local Government. The revised contract was entered into in April 2015 and the final revisions relevant to this report are summarised below:

#### Revision 1

- 3.5 The Council is entitled to propose changes to the tenure of up to a maximum of 122 PFI units in any contract year and to allocate each 'converted' unit as either an Affordable Rent equivalent unit or a Discounted Market Rent unit, or to convert it back to TA. This provides the Council with flexibility over the way in which the 364 units are used and the rents that can be charged, in order to optimise the financial performance of the project while contributing to meeting housing need.

#### Revision 2

- 3.6 The requirement to convert a specified number of units during the contract term from TA use to Social Rented units has been changed. The Council is now required to convert a minimum of 72 units from TA to Affordable Rent equivalent units no later than 2018, for a period of not less than 5 years.
- 3.7 Rents may be charged at up to 80% of local market rents for these units, limited contractually by Local Housing Allowance (LHA) rates. This change accords with government policy to support Affordable Rent as the main form of affordable housing tenure, replacing Social Rent. The scope to convert TA units to Affordable Rent is discussed in section 5, below.

#### Revision 3

- 3.8 The revised contract provides the option for TA units to be let at Discounted Market Rent i.e. at rents of up to 80% of prevailing market rents, not limited contractually by LHA. Discounted Market Rent is similar to intermediate rent housing, which is a form of affordable housing promoted through the HCA and the Greater London Authority (GLA). The scope to convert TA units to Discounted Market Rent is discussed in section 6, below.

#### Revision 4

- 3.9 The minimum number of 158 units of TA, which were previously required to be converted to Social Rent at the end of the contract, will now become Affordable Rent equivalent units at contract expiry. The effect of this change should be positive in that the value of these units is expected to be higher than Social Rent units and this should enable a larger number of the PFI units to be converted to affordable housing at the end of the contract.

#### Revision 5

- 3.10 Brent now retains 90% of the rental income collected by Hyde in excess of contractual target rent collection levels, in order to maximise income to the project and to reduce the deficit. If target rent collection levels are not achieved the Council will be required to meet 90% of the shortfall. In practice actual rent collection levels have been higher than target levels.

#### Revision 6

- 3.11 At the end of the contract the Council will be able to recover up to £2.0m of any deficit from 50% of the increase in value resulting from the 158 affordable

units being secured as Affordable Rented units instead of Social Rented units. This facility depends upon the overall value of the 364 units being sufficient to meet BCE's debt repayment requirement at that time. Modelling indicates a reasonable likelihood that this will be achieved.

- 3.12 In summary, the above revisions to the Project Agreement accord, as far as possible, with the existing objectives of the project to provide accommodation to meet housing need and provide a permanent legacy of affordable housing, while assisting in recovering the project's financial position and reducing the projected deficit to which the Council is exposed.

#### **4.0 Current Financial Position**

- 4.1 The current baseline financial position reflects the 72 TA units which are required to be changed to Affordable Rent units by April 2018. Since the November 2014 report the financial viability of these Affordable Rent units has been affected by changes to LHA, which is now expected to increase by 1% annually (rather than 2.5% as assumed in the previous modelling) after a four year freeze from 2016/17. The projected deficit at the end of the contract has increased slightly from £11.7m to £12.6m (after the £5.7m provision), as set out in Appendix 1.

#### **5.0 Temporary Accommodation to Affordable Rent equivalent Conversions**

- 5.1 The Council is required to convert a minimum number of 72 units to Affordable Rent by 2018, for not less than five years, and for at least 158 units to become Affordable Rent units at contract expiry (contract revisions 2 and 4). External legal advice confirms that PFI units are currently exempt from the Rent Standard and are anticipated to be excluded from the 1% rent reduction. The financial viability of the Affordable Rent units will, however, be impacted by the LHA freeze and reduced indexation thereafter.
- 5.2 Brent's Tenancy Strategy requires that Affordable Rents are set at different percentages of market rent for different bed-sizes in order to support their affordability. For 1 bedroom properties the PFI contractual position aligns with council policy i.e. Affordable Rents to be set at 80% of market rent, whereas for larger units a lower percentage (70% or 50%) would need to be applied in order to be consistent with the policy. It is, therefore, proposed to prioritise the 1 bedroom units for conversion to Affordable Rent.
- 5.3 While Affordable Rent units will still have an overall positive impact on the financial performance of the project compared to Social Rent properties, there is no incentive in terms of deficit reduction to bring forward the timing of these conversions or to increase the number of units converted to Affordable Rent prior to the end of the contract.
- 5.4 It is not proposed to exercise the contractual TA to Affordable Rent equivalent conversion option at the present time. This position will be reviewed in time for the next cycle of tenancy conversions.

#### **6.0 Temporary Accommodation to Discounted Market Rent Conversions**

- 6.1 It was recognised, in the November 2014 Cabinet report, that if units were let at Discounted Market Rents they may need to be used to meet housing needs in a more targeted way, primarily for those in employment. This would involve moving current residents to alternative accommodation.
- 6.2 However, external legal advice confirms that the Discounted Market Rent units would fall within the definition of “Social Housing” and would, therefore, be currently exempt from LHA caps in respect of Housing Benefit. This is positive in that it provides an opportunity to offer more settled accommodation to those current residents of the TA that are in receipt of Housing Benefit and for the Council to discharge its homelessness duty, where applicable. This will reduce the need to move households into alternative accommodation in order to effect the proposed tenure changes.
- 6.3 Households will, however, still be affected by the overall benefit cap (currently £26,000 a year for couples with children or single parents) unless they are exempt from the cap and this will be taken into account in considering the units to convert. Working families are exempt from the cap.
- 6.4 Members may be aware that, in his Autumn Statement, the Chancellor of the Exchequer announced proposals to extend the application of LHA caps to Social Housing. Based on current information this would affect all new tenancies granted after 31 March 2016, with Housing Benefit entitlement changing from 1 April 2018 onwards.
- 6.5 It would be advantageous, both financially and in terms of meeting the objectives of the project, to maximise the number of TA units converted to Discounted Market Rent before 1 April 2016. Early discussions with our PFI partners indicate that BCE/Hyde would be supportive of this approach, which would minimise the need to move households in the future because they are unable to meet the cost of the new rent.
- 6.6 Any properties converted after the above date would still attract Housing Benefit above LHA level until 31 March 2018, after which the caps would apply, unless PFI properties are exempted from the LHA caps. At that point in time an assessment will be made as to whether the rent remains affordable to the existing household and, if not, alternative accommodation will be provided.
- 6.7 However, once any Housing Benefit claimants move on to Universal Credit, the housing element within Universal Credit will be based on the LHA rate. This will be implemented as part of managed migration of existing claims from 2018 to 2021 or sooner if the claimant needs to make a new claim. The proposed conversion of PFI units to Discounted Market Rent Social Housing is, therefore, an appropriate short to medium term strategy to reduce the projected deficit while maximising affordability.
- 6.8 Based on the above assessment it is proposed to convert 122 TA units to Discounted Market Rent as soon as is practicably possible. It is also anticipated that all remaining units (except for the 72 units which must be let at Affordable Rents for five years from April 2018) will be converted to

Discounted Market Rent over the following two years, but this will be for separate approval by Cabinet at future dates.

6.9 It is proposed to prioritise the first 122 properties to be converted to Discounted Market Rent on the following basis (in priority order), prioritising those households that are exempt from or less likely to be affected by the overall benefit cap. This excludes 1 bedroom units as the majority of these are intended to be converted to Affordable Rent from 2018:

- Working households
- Other households exempt from the benefit cap including ASC nominees
- Smaller properties by earliest date of homelessness acceptance

6.10 Assuming that the first 122 conversions can be achieved by 31 March 2016, and further conversions are undertaken in future years as set out in the preceding paragraphs the estimated impact is to reduce the projected deficit at contract expiry by £9.2m to £3.4m (after the £5.7m provision), as set out in Appendix 1. The majority of this deficit arises over the latter part of the contract and current assumptions about the future position during that period are necessarily uncertain.

6.11 The financial modelling is sensitive to the basis for calculating market rent, from which both Affordable and Discounted Market Rents are derived (by applying the 80% factor). The financial outputs summarised in this report are based on market rents taken from GLA rent map data for September 2015, using median rent figures by postcode.

## **7.0 Supported Housing**

7.1 Of the 364 TA units approximately 26 properties are let currently to Adult Social Care (ASC) clients. The PFI accommodation (by virtue of it being purpose-built, and well located for local services and public transport) is suited to ASC clients with low level support needs, who are able and want to live independently in general needs housing.

7.2 Where service users are 'stepping down' from more managed settings, such as supported housing or residential care, there may be flexibility for Housing Benefit to support higher rent levels for the PFI units, in order to assist with deficit reduction. There would be quality of life benefits for clients living more independently and revenue savings arising to the Council from using less costly specialist accommodation.

7.3 Officers will explore the potential to allocate a proportion of Discounted Market Rent units that become vacant in the future to ASC nominees. All nominees are subject to agreement with BCE/Hyde under the terms of the PFI contract.

## **8.0 Impact on Current Tenants**

8.1 The PFI project faces financial challenges, arising from a number of external factors, resulting in a projected deficit. The April 2015 contract changes provide greater flexibility over the future use of the TA units. In considering

the implementation of these changes officers have been mindful of the need to minimise the impact on current residents, while recognising the Council's fiduciary duty to reduce the deficit.

- 8.2 It was always intended to convert a proportion of the PFI homes to different tenancy types in order to provide more settled accommodation for current tenants and for the Council to discharge its homelessness duty accordingly. The proposal in this report represents an acceleration of this approach, which is generally positive. The expectation is that the majority of the 122 households in the first tranche of conversions will transfer from TA to Discounted Market Rent tenancies, remaining in their current homes with no disruption to their education or employment arrangements.
- 8.3 Prior to the offer of a Discounted Market Rent tenancy being made officers will assess the suitability of the proposed offer, including the affordability of the property to the tenant. There are safeguards contained within the PFI contract and homelessness legislation if either BCE or the tenant considers the offer of a Discounted Market Rent tenancy to be unsuitable. The tenant will be able to request a statutory review of any decision that an offer of accommodation is suitable.
- 8.4 If the outcome of the assessment process is that a property is not suitable to be offered as a Discounted Market Rent unit, for example if it is unaffordable to the current tenant, the Council will work with that household to provide alternative accommodation. Ultimately, in the event of a tenant refusing a suitable offer, either of a Discounted Market Rent tenancy or alternative accommodation, they would be required to make their own arrangements for housing.
- 8.5 Discounted Market Rent is similar to intermediate rent housing, which is a form of affordable housing, and households will be offered an Assured Shorthold Tenancy. The starting rents (80% of local market rents) will be broadly similar to the current rents charged for the TA units. However, unlike the TA rents, Discounted Market Rents will increase in line with market rents.
- 8.6 It is recognised that this may, not immediately but over a period of time, lead to affordability issues and the Council may need to use the Discounted Market Rent units to meet housing needs in a more targeted way, primarily for those in employment. This is reflected in the logic of prioritising working families and other households that are exempt from the overall benefit cap in the first tranche of conversions.
- 8.7 However, it is important to note that the impact of changes to the affordable housing and social welfare landscape is not exclusive to the PFI project. The Government's intention is to end lifetime tenancies, with fixed-term tenancies becoming the norm. Changes to the Housing Benefit system, including the implementation of Universal Credit, will have implications for households in a range of project and accommodation types.
- 8.8 Officers will work closely with Hyde colleagues to ensure the implementation process for tenancy conversions is completed smoothly. This will include



clear communications with residents and one to one discussions, where necessary. Residents will have the opportunity to remain in their home while any review or appeal of the suitability of a Discounted Market Rent offer is underway.

## **9.0 Financial Implications**

- 9.1 The revised projected deficit at the end of the contract has increased from an estimated £11.7m to £12.6m. The increase is mainly due to the impact of changes to the Local Housing Allowance (LHA) announced by the Government in 2012 for implementation in 2014/15 onwards, an increase of 1% annually rather than 2.5% assumed in the previous modelling.
- 9.2 To minimise the impact of the deficit, this report proposes to convert 122 TA units, which is the maximum allowed within the contract in any contract year, to Discounted Market Rent by 31 March 2016. It is also anticipated that all remaining units (except for the 72 units which must be let at Affordable Rents for five years from April 2018) will be converted to Discounted Market Rent over the following two years.
- 9.3 This proposal will generate an additional £9.2m income which will reduce the projected deficit to £3.4m. At the end of the contract, the Council will also be able to recover up to £2.0m or 50% of the increase in value resulting from the 158 affordable units being secured as Affordable Rented instead of Social Rented units. It is anticipated that this will further reduce the overall deficit to an estimated £1.4m by 2028.
- 9.4 The Council has previously made provision of £5.7m to meet part of the projected deficit and will be required to meet the estimated balance of £1.4m from its resources as part of the Council's Medium-term Financial Strategy. This projection is dependent on a number of volatile factors including future market rent, rent collection rate and interest rates, a financial risk that should be noted.
- 9.5 The PFI units are currently exempt from the Rent Standard. This provides the Council with the ability to ensure that Discounted Market Rents are indexed in line with changes to local market rents. In the event that actual rent inflation exceeds RPI+0.5%, as assumed in the financial model, this will further contribute to deficit reduction.

## **10.0 Legal Implications**

- 10.1 Under the terms of the revised PFI contract the Council is entitled to allocate a dwelling as either an Affordable Rent Equivalent Dwelling, A Discounted Market Rent Dwelling and/or as Temporary Housing. The Council is only entitled to propose a maximum of 122 changes to tenure in any contract year, which is why the report proposes that 122 dwellings are converted from Temporary Housing to Discounted Market Rent Dwellings.
- 10.2 The revised PFI contract also provides that the Council shall notify the Contractor by 1 December of each year with a schedule of the number of

dwellings to be allocated as Discounted Market Rent Dwellings (amongst other things). This deadline has passed, but it is understood that the Contractor has accepted that the Council can provide this schedule of conversions later than required by the contract.

- 10.3 Dwellings are regarded as "Social Housing" if they fall within the definition of "Social Housing" in the Housing and Regeneration Act 2008. Essentially, for rented dwellings, this requires two tests to be satisfied, namely (i) that the rent is below market rent and (ii) that the property is made available for letting in accordance with rules designed to ensure that it is made available to people whose needs are not adequately served by the commercial housing market.
- 10.4 The Dwellings let under this PFI contract are all let by Hyde Housing Association as landlord. As a Registered Provider, Hyde is bound by the terms of the Rent Standard for all Social Housing. Even if the PFI dwellings are regarded as Social Housing they are, nonetheless, currently exempt from the Rent Standard.
- 10.5 The social housing rent reduction referred to in this report is contained in the Welfare Reform and Work Bill. Although it is not possible to provide absolute legal certainty until the Bill becomes an Act of Parliament and the regulations that underpin it are made available, it is anticipated to exclude from its operation the same properties which are presently exempted from the Rent Standard – so the PFI dwellings should also be exempted from the requirement to reduce rents by 1%.

## **11.0 Diversity Implications**

- 11.1 A full Equalities Impact Assessment was undertaken in relation to the Council's Tenancy Strategy which was agreed in 2013. This addressed the implications of future social housing provision being at Affordable rather than Social Rents. The policy requires that such Affordable Rents are set at different percentages of market rent for different bed-sizes in order to support their affordability.
- 11.2 The revised PFI contract provides for all Affordable Rents to be set at 80% of market rent, regardless of unit bed-size. The assumption in this report is that the 72 units to be converted to Affordable Rent will be all one bedroom units, for which the Council's policy rent is 80% of market rent. The policy requirement at 11.1 will, therefore, be met.
- 11.3 Where TA units are converted to Discounted Market Rents this will impact on the current tenants, either by increasing the rents payable over a period of time or, if the rents are considered to be unaffordable, in requiring them to move to other accommodation, which may be permanent or temporary accommodation. Some of these households will have Protected Characteristics in respect of the Equality Act 2008. For some households the impact will be positive, for some negative and others broadly neutral.
- 11.4 There is the potential for households with protected characteristics to be disproportionality affected by these changes as an unintentional consequence

of the way in which units are selected for conversion to Discounted Market Rent. However, with the exception of the 72 units proposed at 11.2 to be converted to Affordable Rent, all remaining units are likely to be converted to Discounted Market Rent over a three year period.

- 11.5 However, this proposal is needed in order to ensure that the Council meets its fiduciary duty in respect of the PFI contract, to reduce the projected deficit. It is important to note that the intention was always to convert a proportion of the TA units to provide more settled accommodation for current tenants. What has changed is the nature of the tenancies to be offered.
- 11.6 Furthermore all current TA tenants are being encouraged to bid for permanent accommodation elsewhere in the Council or housing association stock, with 80% of lettings this year designated for homeless households. This provides a significant opportunity for affected households to bid for alternative accommodation, should they so wish.
- 11.7 An Equality Analysis has been undertaken, which accompanies this report (Appendix 2) and which includes an action plan to obtain more detailed and up to date data on affected households and to mitigate the impact of PFI tenancy conversions on protected characteristic groups.

## **12.0 Staffing/Accommodation Implications**

- 12.1 There are no immediate staffing or accommodation issues arising from this report.

### **Background Papers**

Appendix 1 – Financial Modelling Results Summary

Appendix 2 – Equality Analysis

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## Appendix 1 – Housing PFI Financial Modelling Results Summary, December 2015

This paper summarises financial forecasts for the Council's Housing PFI Project. It sets out the baseline position under the revised contract and the anticipated outturn position following the proposed tenancy conversions.

The key modelling assumptions are provided at the end of the paper.

### Scenario 1 – Baseline position

The baseline position is that the number of properties let on Affordable Rent (AR) levels is the minimum number specified in the contract (72 1 bed units from April 2018 for the remainder of the contract term), with tenants paying Affordable Rents (80% of GLA median market rents, LHA caps applying but not subject to the four year 1% rent cut). LHA caps are projected to be below GLA median rent levels from 2018/19.

Year ending March	Base Revenue Figure	Rent to Council	Surplus/ Deficit	Interest on negative balances	Cumulative Surplus/ Deficit with interest	Cumulative Surplus/ Deficit ex interest
	£000	£000	£000	£000	£000	£000
2014/15					500	
2015/16	2,553	2,430	-123	0	377	377
2016/17	6,213	5,744	-469	0	-92	-92
2017/18	6,397	5,744	-654	-21	-766	-745
2018/19	6,464	5,399	-1,065	-65	-1,896	-1,810
2019/20	6,656	5,500	-1,155	-124	-3,175	-2,965
2020/21	6,853	5,468	-1,385	-193	-4,753	-4,350
2021/22	7,057	5,542	-1,515	-276	-6,543	-5,865
2022/23	7,267	5,617	-1,650	-368	-8,561	-7,514
2023/24	7,266	5,693	-1,574	-467	-10,602	-9,088
2024/25	7,482	5,883	-1,599	-570	-12,771	-10,687
2025/26	7,704	5,847	-1,857	-685	-15,313	-12,544
2026/27	7,933	5,925	-2,008	-816	-18,137	-14,552
2027/28	8,168	6,005	-2,164	-961	-21,262	-16,715
2028/29	5,642	4,015	-1,627	-1,104	-23,992	-18,342
Totals	93,654	74,812	-18,842	-5,650		

### Scenario 2 – Discounted Market Rent

It is considered probable that PFI units will be exempt from the Rent Standard. Should this be the case the following scenario may be considered:

- From April 2016, 122 TA units are converted to Discounted Market Rent (DMR) units for the remaining contract period. DMR is set at 122 conversions to be 3 bed units.
- From April 2018, 72 1 bed TA units are converted to AR levels for 5 years.

- From April 2018, the remaining 170 TA units are converted to DMR for the remaining contract period.
- From April 2023 72 AR units are converted to DMR for the remaining contract period.

Assuming DMRs are let at rents based on 80% of GLA median rent figures, then the affordability position would be as follows:

Year ending March	Base Revenue Figure	Rent to Council	Surplus/ Deficit	Interest on negative balances	Cumulative Surplus/ Deficit with interest	Cumulative Surplus/ Deficit ex interest
	£000	£000	£000	£000	£000	£000
2014/15					500	
2015/16	2,553	2,430	-123	0	377	377
2016/17	6,213	5,572	-641	0	-264	-264
2017/18	6,397	5,632	-765	-32	-1,061	-1,028
2018/19	6,464	5,664	-800	-73	-1,933	-1,828
2019/20	6,656	5,920	-736	-115	-2,784	-2,563
2020/21	6,853	5,962	-891	-161	-3,837	-3,455
2021/22	7,057	6,121	-936	-215	-4,988	-4,391
2022/23	7,267	6,285	-982	-274	-6,243	-5,372
2023/24	7,266	6,631	-636	-328	-7,207	-6,008
2024/25	7,482	6,961	-521	-373	-8,101	-6,529
2025/26	7,704	7,035	-670	-422	-9,193	-7,198
2026/27	7,933	7,246	-687	-477	-10,357	-7,886
2027/28	8,168	7,463	-705	-535	-11,597	-8,591
2028/29	5,642	5,174	-468	-592	-12,657	-9,059
Totals	93,654	84,095	-9,559	-3,598		

## Key assumptions

Key assumptions used in this modelling exercise, are as follows:

- The balance on rent cashflows at 31 October 2015 is assumed to be £500k.
- Affordable Rents are 80% of market rents. Market rents are taken from the GLA rent map data for November 2015, using median rent figures by postcode.
- Affordable Rents rise by CPI+1%.
- Properties let at discounted market rent (DMR) levels are based on 80% of median market rents as per GLA figures.
- DMR rents increase at RPI+0.5%.
- LHA capped rent levels are only applied where stated.
- No interest on any surplus balances is included.
- The difference between RPI and CPI is 1.0% a year (see note below).
- Rent collection will be 97% of the rent roll.
- The cumulative rent position reflects costs of financing deficits at 5% a year.

## **Inflation assumptions**

Previous financial modelling has taken account of DWP guidance 'Rent setting for social housing tenancies' (Standard Note SN/SP/1090, dated 23 July 2013) which forecast the long term difference between RPI and CPI at between 0.7% and 1.4% a year. The most recent forecast of this difference is 1.0% a year, as set out in the Office for Budget Responsibility's report 'Economic and Financial Outlook: March 2015'.

## **Rent assumptions**

GLA figures show rents at median, upper and lower quartile levels by first half of postcode (e.g., NW10). Council commissioned estimates of rent levels achievable for PFI properties (from DVS in August 2014 and uprated by 3% to December 2015) show figures broadly in line with GLA median rent (see Annex A).

DVS figures provided are also specific to the first half of postcode, thus any rent estimate will need to be tested against prevailing market conditions at the time letting takes places. For the purposes of this exercise GLA median rents as at November 2015 are used as the most up to date guide to market rents achievable.

## Annex A – Market Rent Estimates

All rents are shown as weekly sums:

		GLA Upper Quartile rents					GLA median rents			
<u>Housing 'block'</u>	<u>Post code</u>	<u>1 bed</u>	<u>2 bed</u>	<u>3 bed</u>	<u>4 bed</u>		<u>1 bed</u>	<u>2 bed</u>	<u>3 bed</u>	<u>4 bed</u>
Perrin Road	HA0	265	322	381	460		242	299	368	459
Campbell House aka Harley Close	HA0	265	322	381	460		242	299	368	459
The Mall aka Ethelred Ct	HA3	230	293	380	449		213	276	345	403
Empire Way aka Ada Lewis House	HA9	253	334	414	529		230	311	380	483
Wealdstone Court aka Brook Ave	HA9	253	334	414	529		230	311	380	483
Winchelsea Road	NW10	290	370	529	650		265	345	426	515
Fawood Avenue	NW10	290	370	529	650		265	345	426	515
Fawood (phase 2)	NW10	290	370	529	650		265	345	426	515
Melrose House	NW2	320	395	488	695		295	365	442	550
167 Willesden Lane aka John Wilson	NW6	350	450	648	1,200		334	410	583	850
9 Willesden Lane aka Brentholme	NW6	350	450	648	1,200		334	410	583	850
191 Willesden Lane aka Homelea	NW6	350	450	648	1,200		334	410	583	850
Barnhill Cottages	nw9	272	334	391	473		253	300	374	437
		DVS rents								
		<u>1 bed</u>	<u>2 bed</u>	<u>3 bed</u>	<u>4 bed</u>					
Perrin Road	HA0	230	325	350	385					
Campbell House aka Harley Close	HA0	230	325	350	400					
The Mall aka Ethelred Ct	HA3	230	325	350	385					
Empire Way aka Ada Lewis House	HA9	230	300	340	340					
Wealdstone Court aka Brook Ave	HA9	230	300	340	340					
Winchelsea Road	NW10	280	350	450	510					
Fawood Avenue	NW10	280	350	450	520					
Fawood (phase 2)	NW10	280	350	450	520					
Melrose House	NW2	285	350	450	450					
167 Willesden Lane aka John Wilson	NW6	300	370	485	520					
9 Willesden Lane aka Brentholme	NW6	300	370	485	520					
191 Willesden Lane aka Homelea	NW6	300	370	485	520					
Barnhill Cottages	NW9	230	300	345	345					



		DVS less GLA UQ					DVS less GLA median			
		1 bed	2 bed	3 bed	4 bed		1 bed	2 bed	3 bed	4 bed
Perrin Road	HA0	-28.1	12.75	-20.5	-63.45		-5.1	35.75	-7.5	- 62.45
Campbell House aka Harley Close	HA0	-28.1	12.75	-20.5	-48		-5.1	35.75	-7.5	-47
The Mall aka Ethelred Ct	HA3	6.9	41.75	-19.5	-52.45		23.9	58.75	15.5	-6.45
Empire Way aka Ada Lewis House	HA9	-16.1	-25	-63.8	-178.8		6.9	-2	-29.8	- 132.8
Wealdstone Court aka Brook Ave	HA9	-16.1	-25	-63.8	-178.8		6.9	-2	-29.8	- 132.8
Winchelsea Road	NW10	-1.6	-9.5	-65.5	-124.7		23.4	15.5	37.5	10.3
Fawood Avenue	NW10	-1.6	-9.5	-65.5	-114.4		23.4	15.5	37.5	20.6
Fawood (phase 2)	NW10	-1.6	-9.5	-65.5	-114.4		23.4	15.5	37.5	20.6
Melrose House	NW2	- 26.45	-34.5	-24.5	-231.5		-1.45	-4.5	21.5	-86.5
167 Willesden Lane aka John Wilson	NW6	-41	-68.9	- 148.45	-664.4		-25	-28.9	-83.45	- 314.4
9 Willesden Lane aka Brentholme	NW6	-41	-68.9	- 148.45	-664.4		-25	-28.9	-83.45	- 314.4
191 Willesden Lane aka Homelea	NW6	-41	-68.9	- 148.45	-664.4		-25	-28.9	-83.45	- 314.4
Barnhill Cottages	NW9	-35.1	-25	-35.65	-117.65		-16.1	9	-18.65	- 81.65

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# Housing Tenancy Conversions

**Department**

Regeneration and Growth

**Person Responsible**

Chris Trowell

**Created**

11th January, 2016

**Last Review**

11th January, 2016

**Status**

Screened

**Next Review**

11th January, 2017

## Impact Assessment Data

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

5.1 Age (select all that apply)

- Neutral

The first attached chart shows the age and gender of heads of household. The majority are between 30 and 49, with a small number of people over 60 and none under 20. Households likely to be worst affected by the proposal are those liable to the OBC, which does not apply to people over working age. Older people are therefore unlikely to be disproportionately affected. The impact is therefore assessed as neutral as far as heads of household are concerned, although it should be stressed that when dependents are taken into account (see below) there is potential for a negative impact.

The second chart shows the ages of dependents (in this case, children or others under 21). In the 245 households for whom data is available there are 1038 individuals, 610 of whom are under 21.

Households with children, particularly those occupying larger properties, are more likely to be affected by the OBC. There is therefore a risk that children and young people could be affected if households are obliged to commit a higher proportion of income to rent.

5.2 Disability (select all that apply)

- Neutral

Only one main applicant is recorded as having a disability. No other occupiers have indicated a disability.

In general, disabled households may be more likely to be unemployed, receiving benefits or on low incomes. As noted above, in this case as in others tenants will be contacted individually to discuss the impact of the proposal and agree an appropriate solution.

5.3 Gender identity and expression (select all that apply)

- Unknown

There is insufficient data to provide any analysis.

5.4 Marriage and civil partnership (select all that apply)

- Unknown

There is insufficient data to provide any analysis.

5.5 Pregnancy and maternity (select all that apply)

- Unknown

There is insufficient data to provide any analysis.

5.6 Race (select all that apply)

- Negative

The attached chart shows the ethnicity of all residents (not only heads of household).

Black African and Black Caribbean households are over-represented in the overall homeless population and therefore also in the cohort affected by this proposal. These groups and some others, particularly Asian households, are generally more likely to form larger households and therefore more likely to be subject to the OBC. White Other households are a growing segment of the homeless population, although not particularly likely to form large households. White UK households are under-represented.

There is therefore a risk that certain groups will face a disproportionate impact.

5.7 Religion or belief (select all that apply)

- Neutral

Only three of all heads of household and only 44 of all residents have indicated a religious belief. There is therefore insufficient data to carry out any analysis. As in the case of sexual orientation, there is no specific evidence to suggest that religion or belief will be a significant factor in this proposal.

5.8 Sex (select all that apply)

- Negative

Of 245 heads of household, 165 (67.3%) are female, 79 (32.2%) male and one unknown. This is generally in line with the over-representation of women among homeless households and those affected by the OBC. Given that women also, on average, are lower earners, it is likely that they will be disproportionately affected by the proposal.

5.9 Sexual orientation (select all that apply)

- Neutral

There is insufficient data to provide any analysis. Of 245 heads of household, only 10 (just over 4% of the total) provided any information, eight stating they were heterosexual and 2 preferring not to say.

Having said this, it is not anticipated that sexuality would be a significant factor governing any potential negative impact or that any impact for any particular sexual orientation would be significantly different, since this will depend mainly on income.

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

- Unknown

There is insufficient data to provide any analysis.

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

What did you find out from consultation or data analysis?

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

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

The proposal is based primarily on financial projections for the PFI project, which relies on rental income to deliver on budget.

Data on affected households has been collected through routine monitoring and surveys not specifically related to the proposal.

There has been no relevant consultation to date. Findings from data analysis are set out above and in the report to Cabinet.

As noted above, the proposal is driven by the financial impact for the council of changes to the welfare system that have adversely affected the viability of the PFI scheme. The proposal is necessary to ensure that the council's fiduciary duty is fulfilled.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

Not applicable.

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

As noted above, a key positive aspect of the PFI scheme is the opportunity it provides for tenants to make their temporary home into a permanent one, ensuring stability and minimising the disruption associated with frequent moves between temporary homes. In addition to the priorities outlined below, tenants who choose to do so will be able to opt to convert their existing temporary tenancy to a permanent one at a Discounted Market Rent.

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

As noted above, a process has been proposed through which tenants whose properties will be converted to Discounted Market Rents will be identified. This is intended to prioritise those who are least likely to be affected by the OBC, as follows:

• Working households

• Other households exempt from the benefit cap including ASC nominees

• Smaller properties by earliest date of homelessness acceptance

This will mean that those most likely to face a negative impact will have more time. However, it should be stressed that the proposal will eventually affect all households, except for the 72 one bedroom units, which will be converted to Affordable Rent for five years.

In the interim, all homeless households, including those affected by the proposal, are being encouraged to bid for permanent accommodation elsewhere in the council or housing association stock, with 80% of lettings this year designated to the homeless as part of the wider drive to reduce temporary accommodation use. Many of the affected households will therefore have the opportunity, over the next three years, to bid for alternative homes rather than remain and convert to Discounted Market Rent. This will also provide an opportunity for the council to allocate any void properties appropriately to households unlikely to be adversely impacted by higher rent levels.


Officers will contact affected households individually to explain the proposal and identify the options available.

In addition and as noted above, further work is already underway to obtain more detailed and up to date data on households currently resident, to inform further analysis that will in turn support decisions over additional action to be taken.

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

Subject to the mitigation measures noted above, the proposal is necessary to avoid a significant financial loss to the council. Ultimately, an offer of a property at a Discounted Market Rent would be considered reasonable in discharging the council's duty to a homeless household, but effort will be made to ensure that appropriate solutions are found for all affected households.

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 <p><b>Brent</b></p>	<p><b>Cabinet Meeting</b> 20 January 2016</p> <p><b>Report from the Strategic Director of Regeneration and Environment</b></p>
<p>For Action</p>	<p>Wards affected: Queens Park</p>
<p><b>Times House &amp; the Falcon Public House, South Kilburn - acquisition financing proposals</b></p>	

Appendix 1 of this report is not for publication

## 1.0 SUMMARY

1.1 In accordance with Brent's Executive approval in 2011, site assembly is planned in order to deliver proposals in respect of the South Kilburn regeneration programme, including the compulsory purchase of the Genesis owned Keniston Press, and the Greene King Retailing Limited owned Falcon Public House site.

1.2 As these acquisitions were programmed in future years, the report seeks approval to bring land assembly forward, setting out the background, property information and options.

## 2.0 RECOMMENDATIONS

2.1 That authority be provided to acquire Times House, 50 Claremont Road, London W9 3DZ, (the Keniston Press site), this financial year 2015/16, as detailed in Confidential Appendix 1.

2.2 That authority be provided to acquire The Falcon Public House, 341 Kilburn Lane, London W9 3EG site, this financial year 2015/16, as detailed in Confidential Appendix 1.

2.3 That delegated authority is provided to the Strategic Director of Resources, in consultation with the Strategic Director of Regeneration and Environment and the Chief Finance Officer to finalise the terms of the proposed acquisitions and enter into any associated agreements and contracts.

## 3.0 DETAIL

## Background

- 3.1 The Executive on 18 July 2011 received a South Kilburn Regeneration Progress update which advised of the appointment of Maccreanor Lavington Architects from the London Development Agencies Architecture, Landscape and Urban Design Framework Agreement to lead the design team through to full planning application (RIBA Stage C or D) for the Queens Park Station Area (Zone 18 (Site 18)). This site is owned by four separate parties: Transport for London (TfL), Greene King Retailing Ltd, Genesis Housing Association, and Brent. In the 2011 Cabinet report the Executive authorised the making of a Compulsory Purchase Order (CPO) to acquire all interests and rights in site 18. The report also noted draft proposals to locate a 130 m<sup>2</sup> air shaft on the south-west corner of the site to service the proposed High Speed 2 (HS2) tunnel that would be built deep under site 18.
- 3.2 Detailed proposals were developed and were considered by Planning Committee on 20 June 2012, in respect of: the proposed demolition of Keniston Press, Premier House, Cullen House and the Falcon Public House; and redevelopment of: 137 flats (39 affordable), along with new public space, 1270 m<sup>2</sup> of commercial space (use class A1/A3/A4) and 959 m<sup>2</sup> of office space (use class B1a for dedicated use by TfL) within a part 4, part 5, part 6, part 8, and part 9 storey building. Planning Committee agreed to grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement; and to delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal Services and Procurement. Appendix 2 comprises an existing site plan, and Appendix 3 the proposed plan.
- 3.3 Since planning consent was obtained, commencement of works on the Keniston Press site has occurred, resulting in the Community Infrastructure Levy (CIL) of £404,212.78 being triggered. Further development has been on hold due to HS2's proposals for the area.
- 3.4 On 3 March 2014 in response to HS2's proposals, Brent's Full Council agreed to oppose the HS2 Bill introduced into the House of Commons on 25 November 2013. This was in part due to the proposal for a ventilation shaft and auto transformer on Site 18 (Brent's car park and Keniston Press). This would have an adverse impact not only on the site, but also on the Council's regeneration plans for the wider South Kilburn area. Members authorised the Strategic Director of Regeneration and Growth in consultation with the Lead Member of Regeneration and Major Projects to take steps required for the Council to deposit a petition against the Bill, or if considered appropriate, withdraw its opposition to the Bill.
- 3.5 Ongoing dialogue with HS2 has resulted in the publication of Alternative Provisions (AP) 4 on 12 October 2015 that proposed the relocation of a ventilation shaft and transformer from Site 18 to an alternative site at Canterbury Works. An ultimate decision will be made by Parliament, with final Royal Assent anticipated in December 2016.



### Subject site 1 – Keniston Press

- 3.6 The subject site comprises Keniston Press a single storey light industrial unit on a site of 0.1 Hectares. The property is currently occupied by a vehicle repairing company with little plant and machinery evident within the unit. At the northern boundary is a small strip of land owned freehold by Network Rail Infrastructure Limited. At the southern boundary is office accommodation within Premier House, held leasehold by London Underground Limited.
- 3.7 The subject site was informally marketed by Genesis, occupation details in respect of the tenants have been requested, it is understood that existing occupation can be terminated relatively quickly.

### Subject site 2 – The Falcon Pub

- 3.8 The subject comprises the Falcon Public House and includes residential accommodation to the upper floors for occupation by the pub manager on a site of 0.03 hectares. The property ranges in height from one to three storeys. The Falcon Pub itself is understood to comprise the complete ground floor level, with two storeys of residential accommodation above.
- 3.9 The site was formally marketed for £2.75m subject to a tenancy for the Falcon Public House with a passing rent of £24,000 per annum for a 3 year agreement. The exact terms need to be reviewed to ensure vacant possession can be secured relatively easily.

### Proposals

- 3.10 The availability of both Keniston Press and the Falcon Public House presents a window of opportunity to progress with land acquisition and assembly in accordance with the proposals in the 2011 Executive approval. The proposal is therefore to purchase both sites.
- 3.11 Purchasing the subject sites will provide the Council with price and deliverability certainty; consolidating its land ownership, and enabling the existing planning consent to be implemented as approved, subject to the HS2 vent shaft being relocated.
- 3.12 In respect of future plans the 2011 Executive report advised that Site 18 would be assembled and then offered in the open market as a residential development opportunity in order to secure best value. A small proportion of affordable homes would be secured for decant. The quality of development would be secured through the procurement and planning process. It should be noted that in accordance with Brent's Strategic Property Plan 2015-19, retention by Brent as an investment will be considered, and if appropriate a proposal will be presented to Cabinet, this will include a full development appraisal.

### Interim plan

- 3.13 If Brent were to proceed with the proposed acquisitions, it is anticipated that existing occupation arrangements would continue. Genesis have been asked

for further information, arrangements for the Falcon Public House would need to be reviewed, in order to ensure vacant possession can be secured in the future, thus enabling redevelopment.

- 3.14 Brent would continue its endeavours to acquire remaining interests in site 18, buying out the two leasehold interests in Cullen House (7 & 29) and open negotiations with TfL.

#### Anticipated Programme

- 3.15 The anticipated programme is likely to change, as there are a number of unknown, third party decisions required.

1. To submit a time limited offer 'subject to Cabinet approval, contract and without prejudice' for the Keniston Press in December 2015.
2. To discuss an offer 'subject to Cabinet approval, contract and without prejudice' for the Falcon Public House in January 2016.
3. Subject to the offers being accepted, to proceed to exchange contracts on the subject sites, subject to searches, title checks, vacant possession, or confirmation vacant possession can be secured, contract exchange two weeks after Cabinet approval by February 2016, with completion shortly thereafter.
4. If existing occupiers remain in occupation, to regularise arrangements, serving appropriate notices advising of the ownership change by February/ March 2016.
5. In respect of wider site assembly, to open negotiations with other third parties in February/ March 2016.
6. Subject to successful site assembly and site 18 being released by HS2, to begin marketing the development opportunity, or for development by Brent to seek Cabinet approval to investment, in 2016.
7. Subject to the selection of a preferred purchaser to enter into a conditional land sale agreement, or for development by Brent to start procurement of project consultants and a contractor, in September 2016.
8. Royal Assent to the HS2 Bill by December 2016.
9. Completion of land sale December 2016, or for development by Brent to appoint project consultants and a contractor, in January 2017.

#### Key Risks

- 3.16 Key strategic site risks are detailed below:

1. HS2 - As set out in 3.5 above, until the HS2 Bill receives Royal Assent (expected in December 2016), Brent will not have absolute certainty that the alternative Canterbury Works ventilation shaft proposal has been accepted.
2. HS2 - Assuming the location of the ventilation shaft at Canterbury Works, Brent may need to consider the implications of HS2 tunnelling under site 18 which may impact upon the redevelopment programme. It is understood HS2 will be working 30m below ground and this may impact piling solutions.

3. Acquisition of subject sites. Brent could buy one site and not be successful with the purchase of the other resulting in the need to start the CPO process.
4. As noted in 3.6 Network Rail's land interest will require further investigation to understand the impact on redevelopment proposals.

### Assumptions

3.17 The report assumes the following:

1. That site checks and searches will not reveal any issues that will require changes to the existing planning consent.
2. That remaining third party interests in site 18 are secured by Brent. At the time of writing we understand these to be leasehold interests in Cullen House and those held by TfL. Network Rails interest need investigation.
3. That in respect of the subject sites vacant possession can be secured.
4. That the loss of revenue in respect of Brent's car park site is forecast and accounted for in the council overall budget.
5. It is assumed the Network Rail land holding has no impact on redevelopment proposals.

### Exit Option

3.18 Should HS2 not release site 18 (Brent's Car Park and Keniston Press), the Falcon Public House and Cullen House will be unaffected, and CPO compensation would be payable in respect of Brent's interests. Whilst it is anticipated Brent will recover the market value of the land, at the time of writing it is unknown if Brent will recover all its land assembly costs and this would be subject to negotiation with HS2 at the appropriate time.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 Land acquisition costs are as detailed in the confidential Appendix 1.
- 4.2. It is understood land agents fees of 2% may be payable in respect of Keniston Press. This will need to be investigated, to confirm that such fees are properly due and payable by Brent.
- 4.3 Transaction Stamp Duty Land Tax (SDLT) is payable in respect of the proposed acquisition.
- 4.4 Legal costs of up to £30,000 are anticipated for the proposed acquisition inclusive of site searches and other associated costs.
- 4.5 The 2015/16 Capital Programme as approved by Full Council on 2<sup>nd</sup> March 2015 included provision of £4m for land acquisitions associated with Site 18 (Greene King Public House - £1m & Genesis Land - £3m). Within the July 2015 forecast this provision was re-phased to 2016/17 due to uncertainty in respect of HS2. This change in forecast will be reversed should the site acquisitions progress.

- 4.6 The budget allocations included for the 2015/16 Capital Programme were estimated without the benefit of a formal valuation, In progressing the acquisitions and in respect of independent valuation reports obtained from the Valuation Office Agency (VOA) in June 2015 updated estimates of land acquisition costs have been produced as detailed in confidential Appendix 1. These updated estimates are in excess of the budgeted amounts. However, the programme cash-flow for South Kilburn includes an estimated capital receipt from the subsequent sale of the site in 2018/19 which it is now forecast will be uplifted by a level that will at a minimum match additional land costs, resulting in a nil impact to the programme over the medium term.
- 4.7 The proposed acquisition will result in any rent payable by the tenant(s) at the Keniston Press (amount to be determined), and the Falcon Public House (£24,000 per annum) becoming payable to Brent as landlord.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Subject site 1 title number NGL532516 and subject site 2 title number NGL705562 comprise the freehold title of land that have been valued by the independent VOA. The proposed acquisitions are therefore proposed on a freehold basis with vacant possession or with the existing tenant in situ subject to further checks on their occupation status in order to ensure vacant possession can be secured relatively easily.
- 5.2 The Council has a general power to acquire land or premises used for the purposes of any of their functions by virtue of section 120 Local Government Act 1972.
- 5.3 The titles are subject to generic rights and reservations which appear on the titles of neighbouring Council land in South Kilburn. They are not subject to any restrictive covenants.
- 5.4 The Council's approved Scheme of Transfers and Virements authorises the Cabinet to make virements within the Capital Programme as are necessary to ensure that overall spending is within the resources available, and it can bring forward, delay or stop projects as necessary to achieve this. As explained in the Financial Implications, the recommended acquisitions will result in a nil impact to the Capital Programme over the medium term. If the acquisitions are authorised, therefore, the need for the Cabinet to make the requisite virement will be met.

## **6.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 This report relates to a previous Executive decision in 2011 and comprises proposals in to bring forward projected spend on the proposed site acquisitions. The acquisitions will provide certainty to the South Kilburn Regeneration programme, bringing forward and delivering much needed change in one of Brent most deprived neighbourhoods, creating opportunity for new investment, and associated opportunities for apprenticeships, jobs and wider economic benefits during construction. On completion the plans will deliver much needed new and affordable homes, enabling tenant decant in

South Kilburn, thus freeing up other buildings for redevelopment. There is no substantive change and an updated equality analysis is not deemed necessary.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

7.1 There are no staffing or accommodation implications for Council employees.

## **8.0 ADDITIONAL INFORMATION**

Appendix 1. Proposed purchase price, 4 June 2015 valuation information and site specific recommendations. (Exempt).

Appendix 2. Existing site plan.

Appendix 3. Proposed site plan as per planning consent.

## **9.0 Background Papers**

None.

### **Contact Officers**

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### **Strategic Director of Regeneration & Environment**


## Appendix 2. Existing site plan.



Appendix 3. Proposed site plan as consented.





 <p><b>Brent</b></p>	<p><b>Cabinet Meeting</b> 20 January 2016</p> <p><b>Report from the Strategic Director of Regeneration &amp; Environment</b></p>
<p>For Action</p>	<p>Wards affected Dudden Hill Harlesden Welsh Harp</p>
<p><b>Church End Redevelopment Update and Investment Proposals</b></p>	

## 1.0 SUMMARY

- 1.1 The Cabinet decision on 11 March 2013, approved redevelopment plans at the Church End Car Park (the subject site), a site that is in dual ownership between the Council and Catalyst Housing, this report provides an update.
- 1.2 Since approval, the Council has adopted the Strategic Property Plan 2015-19, that sets out a presumption for Brent to retain its limited property assets, utilising them to support regeneration and for income generation, Church End is one of the Borough's five designated growth areas. This report proposes that capital investment be approved to enable Brent to implement the current planning consent, delivering 34 new homes, retail, and a new market square.
- 1.3 The report proposes bringing forward the development of both land parcels (the Council and Catalyst lands) concurrently, thus significantly reducing delivery time, this would require the termination of the existing market arrangement and its replacement through the period of redevelopment by a new facility at Neasden.
- 1.4 A report will be brought forward to Cabinet in March 2016 seeking authorisation for the procurement of a contractor to deliver the scheme.

## 2.0 RECOMMENDATIONS

- 2.1 That Cabinet agree to capital investment of £8.2m, to bring forward the 34 planning consented homes on the Council's portion of the site, comprising 33 flats for sale or rent and 1 affordable home along, with the non-residential floor-space and a market square, subject to resolving planning requirements.

- 2.2 That Cabinet authorise the Strategic Director of Resources in consultation with the Chief Legal Officer and Chief Finance Officer to appropriate the land shown coloured pink and green on the plan in Appendix [1], comprising the Church End Car Park and other land to be acquired by the Council by agreement or compulsory purchase (“the Site”) for the planning purposes of facilitating the development or redevelopment of the Site when the Church End Car Park is no longer required for the purposes for which it is held immediately before appropriation pursuant to the provisions of section 122 of the Local Government Act 1972.
- 2.3 That Cabinet agree that: officers will make a submission to the General Purposes Committee, to stop up the paths on the car park site and landscaped area; that Eric Road remains as Public Highway; and that the new market square site will be adopted as Public Highway, as outlined in Appendix 2.
- 2.4 That Cabinet note that Officers are still pursuing the CPO and land swap as detailed in the March 2013 Cabinet paper, but that the funding arrangements have changed as outlined in Section 4.
- 2.5 That Cabinet note that the existing Church End market arrangements will be terminated and that a replacement market facility is proposed in Neasden Town Centre, the existing market operator has been informed, following Cabinet approval a consultation exercise will be undertaken with stall holders.

### **3.0 DETAIL**

#### Background

- 3.1 The Church End car park site is split between two owners – the Council (the half to the South-West of Eric Road) and Catalyst Housing Group (Catalyst) (the half to the North-East of Eric Road) as detailed in Appendix 1. On 11<sup>th</sup> March 2013 the Executive agreed to bring forward redevelopment of the Council owned car-park. This included:
1. A land swap with Catalyst;
  2. Compulsory purchase of the land and structure to the rear of 203 Church Road;
  3. Authorising officers to undertake the process of the ‘stopping up’ of Eric Road;
  4. To dispose of the council owned land to a development partner;
  5. Delegating authority to Directors to set evaluation criteria and assess bids.
- 3.2 In respect of the subject site, in July 2013 full planning permission was granted subject to conditions and the completion of a satisfactory Section 106 agreement for the demolition of 205 Church Road; a new market square to replace Eric Road; the demolition of a 3 storey building to the rear of 203 Church Road; and the development of 34 residential dwellings (see below for mix), and ground floor non-residential space (class A1/A3/B1/D1); and the stopping up of Eric Road.

Type	Square Meter	Number of Units
------	--------------	-----------------

1b2p	51	13
2b3p	61 + 63	9 +4
2b4p (WCA)	75	2
2b4p	70 + 74	2 +3
House 3b5p (affordable)	135	1
		34

- 3.3 The application was supported by a financial appraisal which, in the context of the wider regeneration of Church End, indicated that as the development would fund the provision of the re-provided market, only one affordable unit was able to be provided.
- 3.4 In respect of the Catalyst land, in July 2014 full planning permission was granted subject to the completion of a satisfactory Section 106 agreement for the demolition of buildings within 205 and 235 Church Road, redevelopment of section of Church Road car park site to the rear of 207-233 (odds inc.) Church Road to erect a part 2, 3, 4, 5 and 6 storey building containing 65 residential units, 298m<sup>2</sup> (GEA) retail floorspace together with 7 car parking spaces and associated works as revised by plans and details.

#### Capital investment to develop council owned site

- 3.5 The 2013 Executive report identified that the Council would dispose of the Council owned land to a development partner. Since the Executive report, the Cabinet have approved the Strategic Property Plan 2015-19, which proposed that there be a more proactive approach to investment and acquisition by the Council, primarily focussed on land and property for residential purposes, but recognising the need for a balanced portfolio of land uses in order to spread risk. In addition, in response to housing needs, new housing solutions are needed to assist with discharging the Council's homelessness duty and meeting demand, through a private rented sector or alternative solution.
- 3.6 As a result it is proposed that the Council develop the Church End scheme itself, providing an intermediate rent product, whereby rents are set at: 1 bed at 80% of market rent ("MR") and 2 beds at 70% MR as per Brent's rent setting policy, subject to rents not exceeding Local Housing Allowance (LHA) caps. A development financial appraisal summary is at Appendix 3.
- 3.7 If the rents are capped at the LHA levels, or lower rents are provided, the properties can help the Council to meet its housing duties through providing accommodation for homeless families. This could equate to a saving for the Housing Needs budget of between £55p.w. and £136p.w. per unit, or in total, between £94,380 and £233,376 per annum.
- 3.8 It is important that the homes are built to affordable homes standards, in order to provide flexibility to convert homes to a traditional affordable tenure, if that becomes desirable at a point in the future.
- 3.9 In order to bring forward this development, capital investment of £8.2m is required.

## Church End Market

- 3.10 The Church End site is constrained and difficult to develop in practical terms. Regrettably, in order to progress both the Brent and Catalyst development, the current market will need temporarily to cease to operate on the subject site. Through the statutory planning consultation process, that includes local signage, on both Brent and Catalyst land in 2013 and then 2014, market traders would have become aware of plans. Brent has been in direct discussion with the existing market operator, to inform of the proposed termination and relocation opportunity. Following Cabinet approval a consultation exercise will be undertaken with stall holders.
- 3.11 Officers have considered locations for an alternative market during the period of construction, ideally located as close to the current site as possible. The preferred option is for a temporary market to be located on Neasden Lane (as detailed in Appendix 4). The site is preferred as it is the nearest site to Church End where a market could practically be located which is also within a town centre location which should provide footfall for the market traders. The set up costs required are estimated as £11,000. These are included within the overall redevelopment costs of £8.2m.
- 3.12 In respect of the proposed Neasden market, a report was approved by Highways Committee on 20<sup>th</sup> October 2015 which recommended:
- That the Committee authorise the Head of Transportation to undertake in conjunction with Regeneration and Growth, a public consultation with local residents and businesses for road closures in Neasden Lane to facilitate a temporary street market.
  - That the Committee authorises the Head of Transportation to undertake statutory consultation for the necessary Traffic Management Order in parallel with the public consultation, to consider any objections or representations to either consultation, and to implement the necessary signing and road markings or to report back to Highways Committee if objections are substantial.
- 3.13 An operator for the Neasden market would be identified through a marketing campaign. Interested companies would submit their proposals for this opportunity, including considerations that mitigate against environmental concerns, which have been evident at the current market location. The current operator would be able to bid for this opportunity. A Traffic Management Order (TMO) would be required for the closure of Neasden Lane and suspension of parking bays.
- 3.14 As reported to Highways Committee in October 2015, it is currently assumed that a rental income will be derived from the Neasden market, but this amount is not known at present due to the market being a new proposition. As the market will be a street market, there will be a loss of on street parking revenue estimated at £12,200 per annum.

## Appropriation

- 3.15 In order to provide sensitive re-use and redevelopment within the land, it is considered to be in the public interest that the site be appropriated under Section 122 of the Local Government Act 1972 ("LGA") for planning purposes.
- 3.16 This will enable the Council to utilise powers under Section 237 of the LGA to facilitate reuse or redevelopment and proposals that will secure a long term community provision.
- 3.17 In making a decision as to whether to appropriate land for planning purposes of facilitating development or redevelopment, the following considerations are relevant:

- 3.17.1. Whether the land is no longer required for the purposes for which it is held immediately before appropriation?

The Church End Car Park Site is surplus to the requirements of the Council and therefore no longer required for the purpose which it is held immediately before the appropriation. The car park site was closed to members of the public on 1<sup>st</sup> of November 2013.

- 3.17.2. The likely extent of infringement?

The land comprises in part the Church End Car Park and in part land in the ownership of Catalyst, which is proposed to be transferred to the Council under the land swap agreement with Catalyst, and other land comprising the rear of 203 Church Road.

The land is subject to various rights, some of which may pose a risk of enforcement by injunction, thus inhibiting the construction and use of the site for any development, redevelopment, or improvement.

The appropriation and use of Section 237 powers is required with the object of removing this risk and to facilitate the carrying out of any reuse, development, or redevelopment scheme.

- 3.17.3. Whether appropriation will facilitate the carrying out of development or a redevelopment scheme?

The appropriation will allow for the development which has planning permission subject to informatives, the completion of a satisfactory Section 106, or other legal agreement.

- 3.17.4. Whether the reuse development or redevelopment scheme will contribute to one or more of the following and thus be in the public interest:

- a) The promotion or improvement of the economic well being of the area?
- b) The promotion or improvement of the social well being of the area?
- c) The promotion or improvement of the environment well being of the area?

The Cabinet is referred to the Planning Committee submissions of 17th July 2013 and associated documents. The development will contribute to the economic, social and environmental well being of the area.

It is considered that the use of Section 237 powers will contribute to the achievement and improvement of the economic well being of the area as a whole and the environmental and social well being of the area.

3.17.5. Are the public benefits proportionate to the interference?

Human rights issues arise in respect of the proposed arrangements. Following the introduction of the Human Rights Act 1988, the Council is required to act in accordance with the European Convention on Human Rights (ECHR) in deciding whether or not to implement the arrangements.

However the rights to peaceful enjoyment of possessions is a qualified rather than absolute right as the wording of Article 1 of the Protocol 1 permits the deprivation of an individual's possessions where it is in the public interest and subject to the conditions provided for by law, and Article 8(2) allows for interference which is:

“in accordance with the law and necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others”.

- 3.18 There must be a balancing exercise between the public interest and the individual's right whereby any interference in the individual's rights must be necessary and proportionate.

‘Proportionate’ in this context means the interference must be no more than is necessary to achieve the identified legitimate aim. A ‘fair balance’ must be struck between the rights of the individual and the rights of the public.

- 3.19 The infringement with the individual's rights is set out in 2 above. Any lawful holder of the benefit of the restriction may have a claim for compensation for the interference or breach of the restriction.

- 3.20 The public benefits arising from the redevelopment are set out therefore, the surplus nature of the site and the planning guidance for its reuse provide support for the appropriation for planning purposes so that it can be reused and redeveloped in the public interest.

- 3.21 It is considered that the public interest in facilitating the development, redevelopment and improvement outweighs the rights of individuals to peaceful enjoyment of their possessions and that the proposed use of Section 237 powers amounts to proportionate interference in all the circumstances.

Stopping up

- 3.22 Any paths that exist across the car park site and landscaped area, including land to be acquired, will be stopped up with the exception of Eric Road. The previous Cabinet report authorised officers to “stop up” Eric Road but following review by officers it is now proposed that Eric Road will remain Public Highway. This will be reported to the General Purposes Committee.
- 3.23 Following the stopping up of any paths that exist across the car park site and landscaped area, it is proposed that the market square site along Eric Road and to the High Street would all become Public Highway and Members are referred to Appendix 2

#### Acquisition/CPO of rear of 203 Church Road

- 3.24 As reported in the March 2013 Executive Report, premises at the rear of 203 Church Road are required for the development, and the Council is continuing to pursue the acquisition. In line with other such transactions, Brent has a position where it proposes to purchase through agreement but may if necessary call upon the compulsory purchase powers as approved by the Executive. Savills have been appointed to negotiate on behalf of the Council, and an ‘in principle’ agreement has been reached, subject to contract. Currently the Council is reviewing the detailed implications of separating the premises from the remainder of 203 Church Road.

#### Next steps

- 3.25 The land swap agreement with Catalyst will be finalised and is required for both the Council and Catalyst to build out their sites. The agreement should be signed by March 2016, but is subject to the prior completion of Catalyst’s S106 Agreement.
- 3.26 The acquisition of land and buildings at the rear off 203 Church Road is required and the Council has engaged representation to carry this out. This is expected to be completed by March 2016.
- 3.27 Consultation process to be undertaken with market stall holders at Church End and to progress preparations to provide a temporary market at Neasden in summer 2016.
- 3.28 Agree a delivery mechanism with Catalyst across the two sites, and seek cabinet authorisation for the necessary procurement arrangements by April 2016, to include provision for formal resident/shop keeper consultation before commencement of any works.
- 3.29 The Council will appropriate the site as discussed above by summer 2016.
- 3.30 Officers will make a submission to the General Purposes Committee (to be confirmed) to stop up the paths across the car park site and landscaped area as discussed above by Summer 2016.

- 3.31 The management options for the scheme will be developed, and a report brought to Cabinet, in advance of the construction contractor starting on site (date to be determined).
- 3.32 Church End is one of Brent's deprived neighbourhoods, it would benefit from a community shop, working with Catalyst, Brent will review if the proposed retail space on both sites is suitable for such use and any opportunity would be marketed at the appropriate time.
- 3.33 The above dates maybe subject to change.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The scheme costs for delivery of the preferred option are forecast to be £8.2m to build out the scheme with no external grant, as per the attached financial appraisal summary (Appendix 3). The Council could seek to get grant into the scheme by converting the homes to affordable housing. This will be subject to Cabinet agreement to bid for grant beyond the GLA's 2015/18 programme. It is noteworthy that this will result in the investment performance worsening (with payback delayed), as the grant will result in lower rents.
- 4.2 The capital programme currently includes the sum of £991k for this scheme predominantly associated with the costs of CPO and the new market square. This sum is funded from the capital receipt that was previously to be arising from the sale of the land. These costs are within the development appraisal.
- 4.3 In order to fund the costs of the preferred option for delivery it will be necessary for the Council to undertake additional borrowing of £8.2m. The financial appraisal model assumes an interest rate of 4% for borrowing (see Appendix 3).
- 4.4 The financial appraisal demonstrates that borrowing costs associated with the development cost can be met from rental income net of management costs, maintenance and void allowances. However, during scheme construction the Council will have to meet debt costs associated with the development, until the rental stream from the new properties becomes available.
- 4.5 Under the proposed scheme the Council will have ownership of the newly constructed properties on the Council's land. If there was a requirement for early repayment of the scheme costs, this could be met through the sale of properties.
- 4.6 The capital programme currently includes provision for a £650k capital receipt associated with the previously assumed land sale. This has been factored into the development financial appraisal.
- 4.7 The Council currently derives a rent of £15k per annum from its section of the Church End car park used for the market. It is assumed that a rental income will be derived from the alternative temporary market. It is difficult to estimate this at this stage due to it being a new proposition, and a marketing exercise



will determine the value. The annual loss of parking income is estimated at £12,200 per annum.

- 4.8 With the exception of costs to build the new market square at Church End (£357,500), payments due under planning requirements will be negligible, and costs are included in the development appraisal.
- 4.9 Using the properties to help the Council to meet its housing duties through providing accommodation for homeless families could equate to a saving of between £55p.w. and £136p.w. per unit to the Housing Needs budget, equating to an annual saving of between £94,380 and £233,376 for the 33 new homes.

## **5.0 LEGAL IMPLICATIONS**

### Appropriation

- 5.1 The Council can appropriate land under section 122 Local Government Act 1972 which states the following:

“A principal Council may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation”.

- 5.2 The purposes for which land may be acquired are defined in Section 226(1) Town & Country Planning Act 1990 as follows:

- (a) If the authority thinks that the acquisition will facilitate the carrying out of development/redevelopment or improvement on or in relation to the land;  
or
- (b) If the land is required for a purpose which it is necessary to achieve in the interests of proper planning of an area in which the land is situated.

- 5.3 In this case, the purposes fall within the ambit of section 226(1)(a) as the carrying out of the redevelopment of the site would be facilitated as described in this report.

- 5.4 A local authority must not exercise the power under paragraph (a) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement or the promotion or improvement of one of more of the following objects (namely) the economic, social or environmental well-being of their area.

- 5.5 Under Section 237 of the Town & Country Planning Act 1990 the erection, construction or carrying out or maintenance of any building or work on land or the use of any land which has been acquired or acquired or appropriated by a local authority for planning purposes (whether done by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies. The

appropriation will be subject (if applicable) to the payment of compensation in respect of third party interests or rights interfered with.

- 5.6 The land must no longer be required for the purpose for which it is held immediately before appropriation. Once the appropriation is effected, the appropriated land will be held for planning purposes.

#### Ownership and Renting of Units

- 5.7 Unless the completed units are sold onto a Registered Provider or funded through the Housing Revenue Account, the units can not be classified as affordable rent, although the Council can set rent levels similar to affordable rent levels and can utilise these as intermediate products.
- 5.8 The Council cannot be the landlord of properties for market rent or intermediate rent unless non secure tenancies are granted.
- 5.9 If the Council wishes to grant secure tenancies in respect of these units it should be possible to arrange for the land to be transferred to the Council's Housing Revenue Account. The Council is considering options of setting up an investment vehicle which could be used for this purpose.
- 5.10 However, if the plan is for the Council to grant secure tenancies for these properties outside the Housing Revenue Account and in the Council's General Fund, this will require the consent of the Secretary of State to hold the properties outside the Housing Revenue Account (pursuant to section 74 of the Local Government and Housing Act 1989). This would not be a straightforward process and there are limited examples where this has occurred.

#### **6.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 The market relocation will negatively impact market users in Church End that are young, old, disabled or pregnant with young children. Although by contrast it will have a positive impact for people that live near Neasden.
- 6.2 Marketing the proposed new market in Neasden will have a negative impact on the existing market operator and traders in Church End. However the operator can bid for the new market in Neasden. The competitive process will be open to all. It will test for outcomes and social impact, and through the competitive process will provide for the best possible outcome for local people in both Church End and Neasden, creating new opportunities for traders (although this may not be the existing traders). Moving the market today will enable delivery of much needed new homes over a shortened period of time.
- 6.3 Having a form of joint working with Catalyst on the build will provide that both Brent and Catalyst's sites can be built out at the same time, possibly with the contractor's site compound sitting on Eric Road (subject to contractors confirmation).
- 6.4 Delivery of the new homes will have a positive impact on people in housing need. A market site and improved public realm will have a positive impact on

the wider local community. Regeneration will provide for new investment in an area where it is much needed. The investment will provide opportunities for young people and those in employment to access training, apprenticeships and opportunities for jobs while the construction phase is underway. There is a benefit of combining both sites as it will provide for quantum and continuity. New retail units will provide opportunities for businesses.

- 6.5 The positives of redevelopment far out weigh any negative impacts and these will primarily be only temporary with a mitigation plan proposed. See appendix 5 for the full equality analysis.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

- 7.1 There are no staffing or accommodation implications for Council employees.
- 7.2 There are staffing and accommodation implications for the exiting market operator and traders. As a result of the development the current Church End market will cease to operate. A temporary market will be established at Neasden although this opportunity will be advertised.

## **8.0 ADDITIONAL INFORMATION**

Appendix 1. Subject site  
Appendix 2. Highway Arrangements  
Appendix 3. Financial Appraisal  
Appendix 4. Temporary Market Location at Neasden Lane  
Appendix 5. Equality Analysis

## **9.0 Background Papers**

1. 11th March 2013 Church-End Car Park Redevelopment, Executive.
2. 17 July 2013 planning consent subject to legal agreement – application number 13/1098 full planning permission in respect of 205, 205A, 205B and Church Road car park rear of 189-203 Church Road, London NW10 9EP and the proposal for demolition of 205 Church Road and proposal for a new market square to replace Eric Road. Demolition of a 3 story building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space (class A1/A3/B1/D1). Stopping up of Eric Road as revised by plans.
3. 29 August 2013 CHG registered planning application, application number 13/2213.
4. 20<sup>th</sup> October 2015 Neasden Town Centre – Road Closure for Street Market, Highways Committee

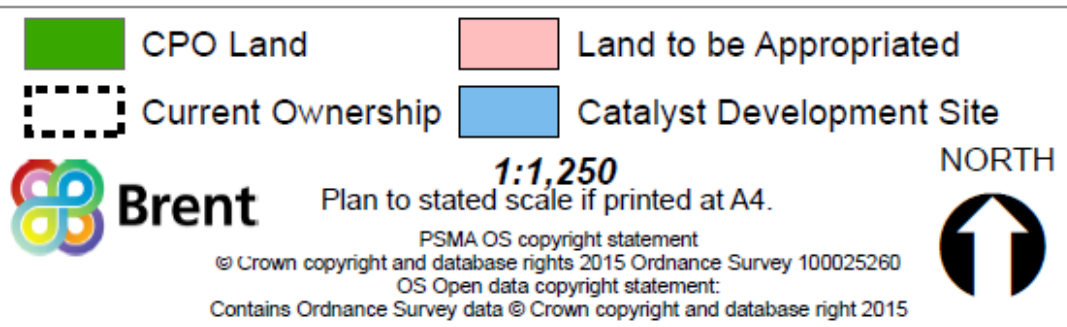
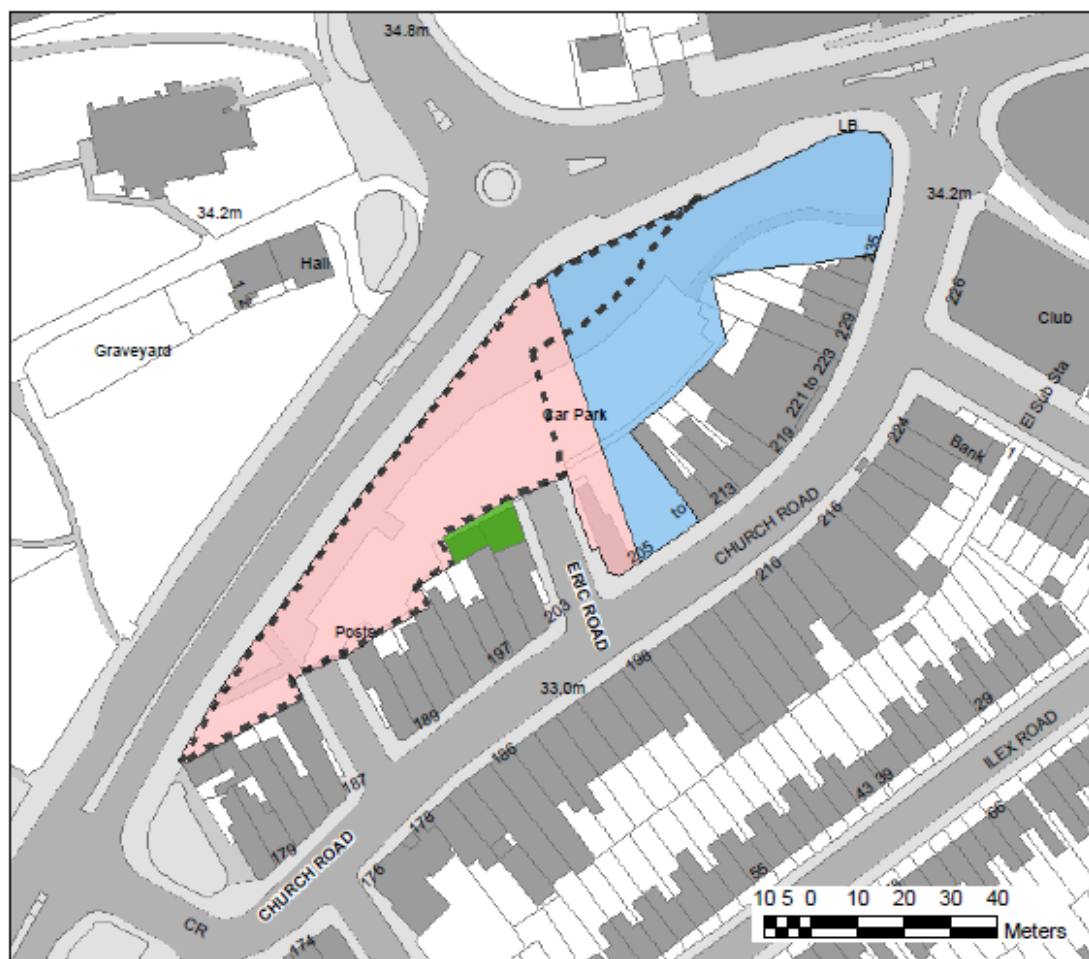
### **Contact Officer:**

Sarah Chaudhry  
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### **Strategic Director of Regeneration & Environment**




# Appendix 1

## Redevelopment Site, Church Road Car Park, rear of 189-203, Church Road, London NW10



## Redevelopment Site, Church Road Car Park, rear of 189-203, Church Road, London NW10 Highway Arrangements.



 Area to be Stopped Up  Adoption as Public Highway  
 Existing Public Highway



**Brent**

**1:1,000**

Plan to stated scale if printed at A4.

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## Appendix 3: Financial Appraisal

The (feasibility) investment appraisal was run in August 2015, a range of options and sensitivities were considered and the final scenarios considered were:

- Market Rent
- Affordable Rent
- LHA Rent Cap (Intermediate Option)

The preferred option as outlined in the report is for the Intermediate option. The Total Scheme Costs for the preferred option is £8,175,216; the Gross Development Value is £9,533,714.

	Loan Repaid	NPV at First Handover	IRR	TSC/MSV	Loan at Handover from Development Cashflow Yr1	Closing Loan Yr 1	Closing Loan Yr 30
Intermediate	32	290,699	3.77	85.75	8,175,216	8,098,182	765,813

Reinstatement costs have not been included at the end of 30 years but assuming £30,000 per unit the cost at todays prices would be £1,020,000

Table below shows the rent and sale assumptions

Type	Intermediate Option	50% Market Rent
1b2p	260.64	
2b (3 or 4P)	302.33	
3b5p	531	265.5

For the flat rental prices, the LHA rent figures are as per the post code. Higher rental values have been used for the 3 bed house (affordable property) as this will be 50% of market value.



### Commercial


The new commercial space has been included as one space in the appraisal for build cost assumptions. The new market square has been included as a lump sum build cost. The rent has been included for both the commercial units and the market square as a single figure at £43,200 per annum.

The values assumed, will need to be confirmed by a suitably qualified RICS chartered surveyor, independent from the Council, the investment approval is intended to create a financial costs and revenue income envelope, for project delivery.


## Market Site, Neasden Lane, London, NW10



 Market Site  Potential Market Trader Parking

 **Brent** **1:1,250**  
Plan to stated scale if printed at A4.

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# Church End Redevelopment

**Department**

Regeneration and Growth

**Person Responsible**

Jill Rennie

**Created**

10th August, 2015

**Last Review**

10th August, 2015

**Status**

Complete

**Next Review**

30th November, 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.

To bring forward the redevelopment of the Council owned section of the Church End car park.

The redevelopment will have:

34 residential dwellings - 33 flats and 1 affordable house

Approximately 240 sqm of ground floor non-residential space

50 market stall market square

The redevelopment of the Church-End car-park and the wider local centre has been a long term planning and regeneration objective of the Council.

The proposal is for the Council to develop out this site itself, this a change from the 2013 Executive report where the site was to be disposed of to a developer partner

The proposal for self development by the Council aligns with the Strategic Property Plan 2015-19 and Brent's ambition to retain and develop sites creating a residential investment portfolio

Adjacent to the Council car park site is the Catalyst Housing Group (Catalyst) car park site which is also to be developed.

To enable the Council and adjoining Catalyst site to be delivered at the same time:

A temporary market solution at Neasden is to be delivered

A procurement approach is to be agreed

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

Residents: New housing and retail opportunities. Improved local area. Disruption during construction. Loss of market at Church End during construction.

Market Traders: A temporary market square is to be delivered at Neasden. An open marketing campaign for a market operator will be run, as such the current market operator and traders may not continue.

Staff: Council officers will require new skills to deliver the proposals and officer time will be required to deliver proposals. Staffing will be required post completion to manage the housing and to manage the retail space and market square.

Catalyst: There will be joint working with Catalyst required on developing the two sites out together.

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
- Other (please specify)

People from low-income background

The movement of the temporary market square to Neasden will have an impact of those people who are from a low income background as the market caters for low cost products.

Age and disability may be impacted and pregnancy.

Moving the market will mean elderly people, those that have a disability, pregnant or with young children may have issue with travelling to a market that is further away from Church End. Although on the reverse the proposal may have a positive impact on people that live near Neasden and use the market.

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
- Marriage and civil partnership
- Other (please specify)

People from low-income background

People from low income backgrounds are assumed to be disproportionately more likely to use the market as the market sells low cost products.

Church End is a Priority Neighbourhood with high levels of deprivation, amongst the highest in the UK.

The equality groups of those who frequent the market and who are market traders are not known. Those who frequent the market are assumed to be inline with the population of Dudden Hill and Harlesden.

Age, disability, pregnancy and maternity as above.

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

- Yes

It is assumed that the market is frequented by those who are on low-income. The proposal will result in the current Church End market shutting temporarily. A temporary market will be located in Neasden which is approximately 0.92 miles away.

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

- No

Not to my knowledge

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
- Other (please specify)

People from low income backgrounds, age, disability, pregnancy and maternity as 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.

The new development will provide for an improved public realm for the local community including new retail opportunities and a higher quality permanent market square.

## Recommend this EA for Full Analysis?

Yes

## Comments

Details of the development and approach to the development are known at this time.

## 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
- Neutral
- Negative

The redevelopment will include an affordable family sized home, but a neutral is given as there is only one.

During the build out stage there will be a temporary market at Neasden, the young or elderly may find the walk to the temporary market difficult, however, there is a bus.

And on the reverse the young or elderly living close to Neasden may find it easier access the market.

The new market will be of a superior quality compared to the uneven current surface.

Through the build out stage there could be new opportunities for apprenticeships and employment for companies and people.

5.2 Disability (select all that apply)

- Positive

During the build out stage, the temporary market will be located in Neasden, which could be difficult for those with mobility issues to get to, though there is a bus.

And on the reverse the disabled living close to Neasden may find it easier to access the market.

Once the redevelopment is completed there will be a superior market layout which will be more accessible for those with mobility issues.

In regards to the housing, the London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable.

It also requires all new homes to be built to 'Lifetime Home' standards.

5.3 Gender identity and expression (select all that apply)

- Neutral

The redevelopment is not expected to have any impacts which would specifically affect gender identity and expression.

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

- Neutral

The redevelopment is not expected to have any impacts which would specifically affect marriage and civil partnership

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

- Neutral

During the build out stage, the temporary market will be located in Neasden, which could be difficult for those who are pregnant or have young children in prams/pushchairs, though there is a bus. Once the redevelopment is completed there will be a superior market layout which will be more accessible.

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

- Neutral

The redevelopment is not expected to have any impacts which would specifically affect different ethnicities. The two main ethnic groups in Harlesden are Black (40%) and White (33%). The three main ethnic groups in Dudden Hill are white (44%), Asian (24%) and Black (20%). The negative impact of the relocation of a temporary market to Neasden is expected to be felt by all those who use the market, the positive impact of the new development especially the improved public realm and the new retail and market square will be felt by all those who live in the area.

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

- Neutral

The redevelopment is not expected to have any impacts which would specifically affect different religions. In both Harlesden (55%) and Dudden Hill (46%) the main religion is Christianity, with Harlesden having the most Christians within the borough. There are also two religious/community centre within the immediate vicinity. The proposals will not affect the religious/community centres directly. The negative impact of the relocation of a temporary market to Neasden is expected to be felt by all those who use the market, the positive impact of the new development especially the improved public realm and the new retail and market square will be felt by all those who live in the area.

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

- Neutral

The redevelopment is not expected to have any impacts which would specifically affect sex.

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

- Neutral

The redevelopment is not expected to have any impacts which would specifically affect sexual orientation.

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

- Positive

People from a low-income background. Due to the nature of products for sale, it is assumed that those from low-income households will be affected by the temporary market move. During the build out stage, the Church End market will cease to be on its current location. The temporary market will be based in Neasden. The temporary market will be located 0.92 miles from the current location. There is a bus. 77% of Dudden Hill households and 60% of Harlesden households do not have a car or van in their household. However, a new permanent market will have a positive impact providing certainty on the markets future at this site. There will also be an improved public realm and new retail opportunities.

By pursuing a joint approach with Catalyst in respect of the build, this will allow for the development to come forward quicker, which will have a positive impact for all those who live and work in the area.

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?

Planning have carried out consultation in regards to Neasden Town Centre, which has shown a desire for a market, as such this supports the proposition to have the temporary market located in this area.

The current market operator have been consulted with in regards to the temporary market move and is supportive of a move to Neasden as this is the only identified viable option to allow the build out of both the Council and Catalyst sites.

Ward Councillors have been consulted as part of the proposals for the temporary market move and the Councils self build option.

There is support for building out the car park site as quickly as possible, which a joint approach with Catalyst would provide for.

Officers were challenged to find a closer temporary market site, but it was not possible to find a closer viable site.

Consultation was carried out as part of the planning application process which is not being revisited as part of this EA.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

Not to my knowledge

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

The Council will ensure that the development is built to the standards as set out in the planning application.

The Council will run a open process to secure a new market operator for the new development. This will impact the existing market operator negatively, however they are able to bid for the Neasden market along side anyone else. The proposed process will provide for equality of opportunity for all.

The Council will work with Catalyst to ensure that both developments are built out as quickly as possible. It ensures certainty in respect of delivery on what is a constrained site. And provides the best result for the community.

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

The temporary market square will be advertised openly for a market operator, officers will ensure that issues, such as litter, are addressed as part of the marketing exercise to ensure that a good quality temporary market is delivered.

Signposting will be put in place to assist with people locating the temporary market from the current Church End market site.

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

The main negative effect is that the temporary market will be located in Neasden, due to the nature of needing the market to be moved off site for the building process, but no nearer alternative site could be identified. A positive, however, is that the market will be in Neasden creating new local opportunities. Even if the sites were built out separately, which would result in a longer build out time, it is still highly likely that the market would need to move off site at some point, and would have a restricted site otherwise. Moving the market now will mean much needed new homes can be delivered sooner.

The proposed marketing of the Neasden market will have a negative impact on the existing market operator in Church End. To mitigate, the market operator can bid for the Neasden market. Marketing the Neasden market will provide for equal access for all. Creating new opportunities. Responding to the needs of the local community.

## Comments

The market relocation will negatively impact market users in Church End that are young, old, disabled or pregnant with young children. Although as a reverse it will have a positive impact for people that live near Neasden.

Marketing the proposed new market in Neasden will have a negative impact on the existing market operator in Church End. However they can bid for the new market in Neasden. The competitive process will be open to all. It will test for outcomes and social impact. And through the competitive process will provide for the best possible outcome for local people in both Church End and Neasden, creating new opportunities for traders. Moving the market today will enable delivery of much needed new homes over a shortened period of time.

Due to site constraints and the ability to only build one site at one time. Having a form of joint working with Catalyst on the build will provide that both sites can be built out at the same time. With contractor's site compound sitting potentially on Eric Road (subject to contractors confirmation). Allowing for our site and Catalyst's land to be built out at the same time.

Delivery of the new homes will have a positive impact on people in housing need. A market site and improved public realm will have a positive impact on the wider local community. Regeneration will provide for new investment in an area where it is much needed. The investment will provide opportunities for young people and those in employment to access training, apprenticeships and opportunities for jobs while the construction phase is underway. There is a benefit of combining both sites as it will provide for quantum and continuity. New retail units will provide opportunities for businesses.

The positives of redevelopment far out weigh any negative impacts that will primarily be only temporary for which there is a mitigation plan proposed.

## Organisation Sign-off Data

11. What did this equality analysis conclude?

- The proposal was found to have some justifiable negative impacts

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

As per section 10.

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

Sarah Chaudhry

Enter your designation

Head of Strategic Property

Enter your department

Regeneration & Growth

Enter today's date

04-11-2015

## Comments

The proposed redevelopment of the Council owned Church End Car Park lands will provide for much needed regeneration and the delivery of new homes and affordable housing provisions.

The current market is operating in poor conditions and proposals provide for a new market square and some non residential space.

The proposal to self develop and for Brent to invest in the lands will provide opportunities to invest in land and retain assets in Brent's ownership.

The proposal for self development by the Council aligns with the Strategic Property Plan 2015-19 and Brent's ambition to retain and develop sites creating a residential investment portfolio

Jointly working with Catalyst will ensure the Council maximises much needed redevelopment in Church End increasing the delivery of housing including affordable housing delivery in Brent.

The temporary market proposals will provide some permanency in respect of relocation, the alternative would involve a couple of moves around the site and then eventually moving off the redevelopment lands, so the proposal provides the best possible solution.

The requirement for the existing market operator to apply for the temporary market may well have negative impact on the operator if he is not selected to run the new proposed Neasden market.

For the purposes of procurement it is anticipated services and works will be procured through framework arrangements in line with European Procurement guidelines that require the publication of all tenders from public sectors to be published in the Official Journal of the European Union, small value works will be tendered in line with Council procedures.

The overall proposals will have a positive impact in the local area with the potential to create training and apprenticeship opportunities during the construction phase.

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## **Next Review Date**


2016-11-30

## **Outstanding Actions**

No outstanding actions

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 20 January 2016</p> <p style="text-align: center;"><b>Report from the Strategic Director Regeneration &amp; Environment</b></p>
<p>For Action</p>	<p style="text-align: right;">Wards Affected: ALL</p>
<p><b>Brent Cycle Strategy</b></p>	

## 1. SUMMARY

- 1.1. The Brent Cycle Strategy has been developed to provide a transparent framework from which works to increase the number of people cycling will be implemented as well as prioritise investment for cycling throughout the borough.
- 1.2. Priorities and objectives have been developed following consultation with residents and key stakeholders regarding cycling in the borough which also reflect the priorities and objectives set out in the Borough Plan and the Mayors Transport Strategy.
- 1.3. The priorities and objectives of the cycle strategy when implemented will also complement and support the Long Term Transport Strategy (LTTS) as well as work of other service areas such as Public Health and Air Quality.

## 2. RECOMMENDATIONS

- 2.1. That Cabinet notes the consultation, and
- 2.2. That Cabinet provides approval to the Brent Cycle Strategy as set out in Appendix A.
- 2.3. That Cabinet delegate to the Strategic Director Regeneration & Environment, in liaison with the Lead Member for Environment final approval of content, including design, following any required changes agreed at Cabinet.

### **3. BACKGROUND**

- 3.1. The LTTS was taken to Cabinet on 24 August 2015. The LTTS provides the strategic direction for investment in transport throughout the borough over a 20 year period to 2035.
- 3.2. The Brent Cycle Strategy forms one of several daughter strategy documents which will be used to inform how we are meeting our long term transport aspirations from the LTTS in the short term

### **4. PURPOSE OF THE BRENT CYCLE STRATEGY**

- 4.1. The Brent Cycle Strategy has been developed to provide a framework for increasing the number of people cycling in Brent and how investment in cycling throughout the borough should be prioritised.
- 4.2. It will provide a basis for future Local Implementation Plan (LIP) annual spending submissions to Transport for London and assist with bids for other alternative funding that becomes available.
- 4.3. It also will enable us to demonstrate clearly what progress is being made towards achieving the objectives as it contains targets, measuring the success of the strategy. Performance against these targets will be monitored and reported annually.
- 4.4. The targets outlined in the strategy will be monitored and reported annually to Cabinet at the end of the financial year. This will enable progress on achieving the objectives to be assessed and identify if further changes are required in order to meet them.
- 4.5. The delivery of the objectives contained in the strategy is dependent on current levels of funding and staffing being maintained. Any change will compromise delivery of the objectives by the timescales given.
- 4.6. The strategy will be reviewed in its entirety every five years to enable inclusion of new findings and research and issues that have come on-line since its inception as well as to examine the targets set and review them as necessary.

### **5. PUBLIC CONSULTATION**

- 5.1. An initial engagement consultation was completed during November and December 2014 asking residents and stakeholders for their views on what the most important factors are in making Brent a borough that is great to cycle in. Based on the results five objectives were developed that are designed to make the cycle vision for the borough a reality.
- 5.2. These five objectives form the basis of the Brent Cycle Strategy. The draft Brent Cycle Strategy went out for public consultation from 8 June to 12 July 2015.

5.3. The consultation process included the following:

- An online questionnaire via the consultation portal.
- Stakeholder organisations, including statutory stakeholders, partner organisations, community and interest groups received a letter with information on how to access the full consultation document with a link to the questionnaire and an offer to meet.
- Members of the public received notification of the consultation via the Brent Magazine, Facebook, Twitter and the Brent Council website.
- Questionnaires placed in libraries throughout the borough and a link to the e-questionnaire was widely advertised via the above media and a press release.
- Five staffed events held between 21 June 2015 and 9 July 2015. By holding these events at different times of day, during the week and at the weekend we sought to maximise the amount of people able to attend. The events were advertised via the same media as the questionnaire.
- Brent Connect Forums were also attended.

5.4. A good level of response was received and all comments submitted during the consultation process were assessed for incorporation into the final Brent Cycle Strategy.

5.5. The numerical survey results can be seen in Appendix C.

## **6. CONSULTATION ANALYSIS**

6.1. The vision, objectives and the action plan received strong support from respondents. Respondents were also asked to identify if there were any objectives and/or actions that they felt were missing. The following is a summary of topics raised:

- Network development: linking routes to create a network, safe routes to school, segregated cycle facilities and improving permeability
- Road Safety: Borough wide 20mph limit, Fleet Operator Recognition Scheme and driver and cyclist behaviour
- Cycle training: widen the cycle training programme
- Cycle parking: secure cycle parking
- Cycle hire: request for an extension to the Mayor's London bike scheme
- Road condition: improve the road surface

6.2. Appendix B sets out all comments received, highlighting where comments have been incorporated into the final Brent Cycle Strategy (Appendix A) and

provides a comparison point (where available) to the consultation document. It also provides an explanation where we have been unable to take comments forward.

## **7. CONCLUSION**

- 7.1. Following the revisions as a result of the consultation it is considered that the final Brent Cycle Strategy, as shown in Appendix A, is now a strategic document that is accessible and fully reflects the consultation results, the LTTS and the Mayors Transport Strategy. It is recommended that it be adopted as policy by Cabinet.

## **8. FINANCIAL IMPLICATIONS**

- 8.1. There are no direct financial implications arising as a result of the adoption of the Brent Cycle Strategy as it seeks to embody strategies and policies that Brent Council is already committed to. However, it may provide a good basis for bidding for further funding in the future.
- 8.2. Any costs linked to implementing the strategy would be met from existing resources (both externally and internally). Should any additional funding requirement arise, then this would be subject to budget availability and ratification by Cabinet, before proceeding.

## **9. LEGAL IMPLICATIONS**

- 9.1. There are no known legal implications associated with adoption of the Brent Cycle Strategy.

## **10. DIVERSITY IMPLICATIONS**

- 10.1. The consultation material was made available to all groups on an equal basis. Stakeholders included faith groups, disability groups and ethnic minority community groups. The majority of responses received were from those identifying as white and Christian, however, a significant proportion were received from those identifying as black.
- 10.2. There are no known diversity implications associated with the Brent Cycle Strategy. This report is accompanied by an Equality Impact Assessment, see Appendix D.

## **11. STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)**

- 11.1. There are no requirements for increased staffing levels or alteration of accommodation.

## **12. BACKGROUND PAPERS**

12.1. None

### **13. CONTACT OFFICERS**

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Transportation

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**Lorraine Langham**

**Strategic Director Regeneration and Environmental Services**

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# Brent Cycle Strategy 2016 - 2021

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## **1. Introduction**

- 1.1 Cycling is enjoying increasing popularity across London. Whether it's for commuting, leisure or business trips, the benefits of cycling are now widely acknowledged and more people are choosing to take advantage of this cheap, easily accessible and healthy mode of transport.
- 1.2 The benefits of increasing the uptake of cycling in London are significant in terms of improved air quality, less congestion and a fitter and healthier population. The Mayor of London is therefore aiming to achieve a 400% increase in levels of cycling by 2026 (from a base year of 2000), resulting in an average 5% mode share for cycling across London. To help achieve this, a focus has been placed on the Outer London Boroughs, including Brent.
- 1.3 To ensure Brent residents benefit from the wider positive outcomes associated with high levels of cycling, Brent Council has developed this Cycle Strategy.
- 1.4 The Cycle Strategy has been developed to reflect the objectives of both the Brent Borough Plan and the Brent Long Term Transport Strategy 2015 – 2035. Both of these documents are important to the Borough in that they provide the strategic direction for investment that influences how funding is spent. The Cycle Strategy will form a daughter document to the Long Term Transport Strategy and will help implement the objectives it contains.
- 1.5 To ensure the Strategy accurately reflects the needs of Brent residents, Brent Council carried out an extensive engagement survey with Brent residents, businesses and interest groups. This engagement aimed to provide a greater understanding of how people cycle, where they want to cycle to, why they do not cycle and what might encourage them to do so. The results have been used to develop the objectives of this Strategy (as seen in chapter 2) and to inform the development of the Action Plan.
- 1.6 This Cycle Strategy provides a framework that will enable Brent Council to implement works in a transparent way and prioritise funds to increase cycling throughout the borough.
- 1.7 To ensure the Strategy meets its objectives a number of targets have been developed that will be monitored annually. These will enable Brent Council to measure progress towards achieving the Vision and Objectives set out in Chapter 2.
- 1.8 The Action Plan designed to help achieve the targets will be implemented by a variety of means, including the Local Implementation Plan, development contributions and funding available for specific cycle initiatives, such as the Mayor's Quietways programme.

## **2. Vision and Objectives**

2.1 The Vision and objectives set out in this Chapter have been developed following assessment of the results of a public and stakeholder engagement survey carried out in November/December 2014. This survey resulted in a better understanding of what the residents of Brent want to see in relation to investment in cycling and what measures might enable a greater uptake of cycling in the borough. Further focus group research into the barriers to cycling faced by residents complemented the findings from the initial engagement survey.

2.2 The survey highlighted that the biggest issue that prevents people from cycling is concerns over road safety. It was also apparent that some groups within the population were more likely to cycle than others. Therefore, **our vision** for cycling in Brent is:

- **To make Brent a borough where everyone can cycle safely, in comfort and with confidence**
- **To enable people of all ages and abilities from every section of Brent's diverse society to see cycling as a good option for everyday travel**

2.3 To achieve this vision Brent Council has set the following objectives:

### **2.4 Objective 1: Develop a coherent network of direct, comfortable and attractive cycle routes**

Of those who took part in the engagement survey 69% stated that they would rather cycle on a network of quiet roads and off-road routes than cycle on main roads, even if this meant a longer journey time. Development of this network is therefore crucial to encouraging cycling throughout Brent.

### **2.5 Objective 2: Promote cycling as a convenient, safe, healthy, enjoyable and inclusive activity**

The engagement survey highlighted that awareness of the benefits of cycling and access to information regarding cycle facilities varies throughout the community. Adequate promotion and ensuring information is readily available is therefore important in increasing the number of Brent residents who cycle on a regular basis.

### **2.6 Objective 3: Reduce the number of accidents on Brent's roads involving cyclists**

Road safety and concerns relating to being involved in a collision was the most frequently stated reason for not cycling. Reducing the risk to cyclists on Brent roads is therefore vital to encouraging uptake.

### **2.7 Objective 4: Improve access to cycling for all Brent residents and**

## **Businesses**

In order to take up cycling on a regular basis it is important that individuals are provided with the opportunity to access a bike and training in how to cycle safely and with confidence. The engagement survey highlighted that not all residents have access to a bike or are aware of opportunities for training and therefore it is important that this is addressed.

### **2.8 Objective 5: Address the specific concerns that may reduce the ability of some groups to take up cycling**

The engagement survey as well as other empirical data from the 2011 Census and the London Travel Demand Survey highlighted that uptake of cycling varies between groups within the population. This is often due to concerns and barriers unique to the group and addressing them can unlock cycling for that group. In order to provide all residents with equal access to the benefits of cycling it is important that these concerns and barriers are identified and, where possible, addressed.

Research to identify these issues was undertaken through in depth focus group discussions and further ethnographic interviews with residents from a range of different groups.

### **3. Objective 1: Develop a coherent network of direct, comfortable and attractive cycle routes**

- 3.1 Brent has potential to be a great place to cycle, with a number of routes that are already attractive. The development of further quiet on road and off road routes to enhance this potential was supported by 69% of those taking part in the engagement survey. The development of a network of quiet roads and open spaces is aimed at encouraging more people to take up cycling and to further encourage those that already cycle.
- 3.2 We are currently revising our byelaw regarding Parks and Open Spaces to ensure, where appropriate, new cycle routes can be developed through them for all to enjoy and use. These routes will be appropriately signed to ensure it is clear where you can and cannot cycle when in them.
- 3.3 Improving existing routes where possible and expanding the network is aimed at providing a solid network for all journey purposes, linking all significant destinations, such as employment areas, shopping centres, hospitals, schools and colleges.

#### **3.4 Network Development**

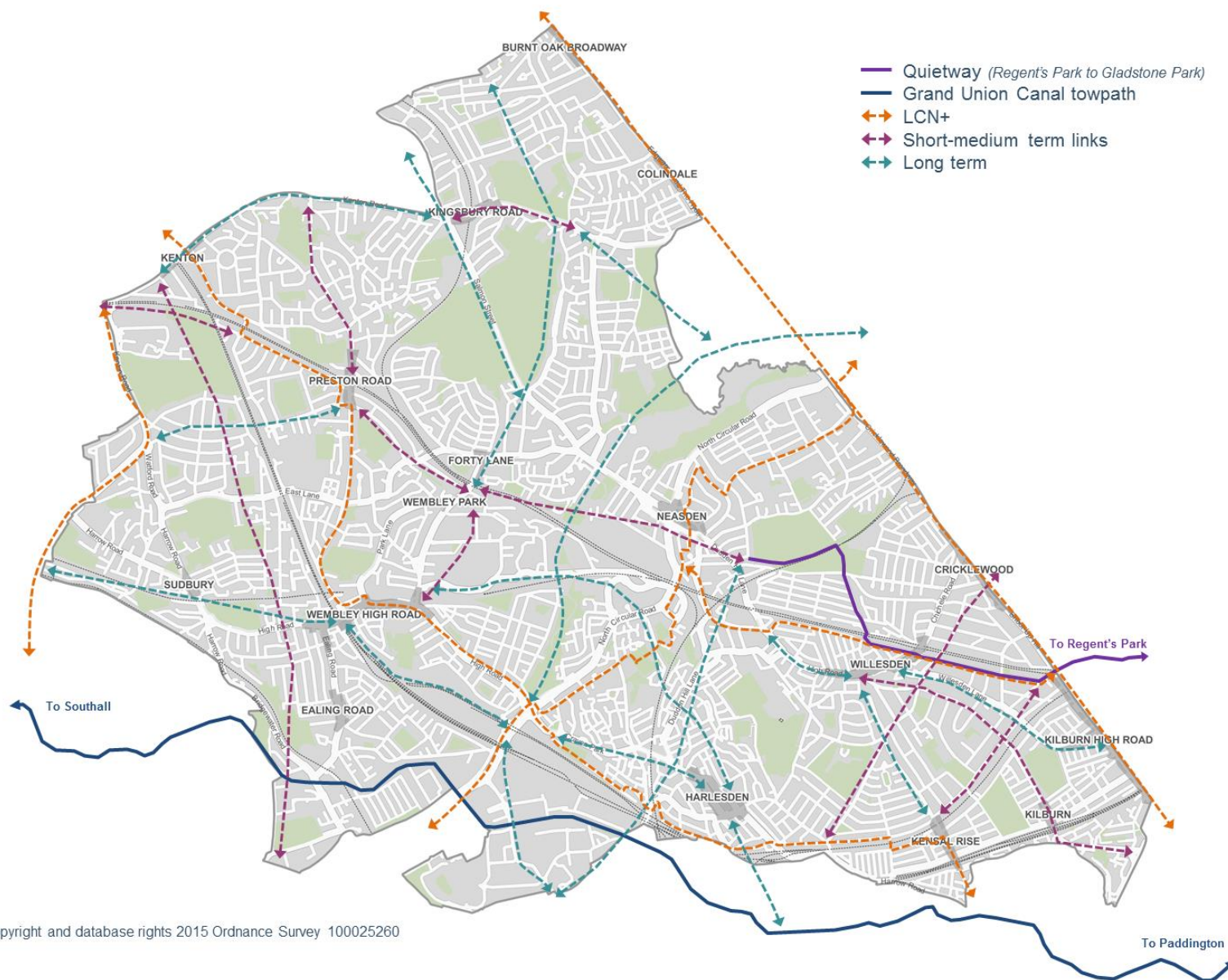
- 3.4.1 Map 1 below illustrates how major destinations may be linked and how this may tie in with existing facilities. This incorporates facilities planned by Transport for London as part of the Quietways programme, which is supported by Brent Council and links that may be required in the future to enable urban development to take place.
- 3.4.2 A significant amount of redevelopment and growth is occurring in Brent, particularly Alperton, Church End, Colindale, South Kilburn and Wembley. The creation of new neighbourhoods offers opportunities to unlock the potential of cycling from the outset.

#### **3.5 How we will achieve this**

- 3.5.1 We will work with Transport for London, neighbouring boroughs and partner organisations in developing our cycle route network including Quietways routes and other low-traffic routes. These will be designed in the constraints of highway available and be suitable for cyclists of all abilities including the less confident cyclists and those who want to travel at a gentler pace along routes that link trip generators such as schools, town centres, transport hubs, major employment locations as well as Brent's growth areas. Other routes on quieter roads will be selected and designed based on Quietway principles.
- 3.5.2 We will explore opportunities to work with partners such as Transport for London, Canal and River Trust, HS2 and Developers to secure cycle infrastructure and assist in providing the cycle network within Brent.

- 3.5.3 Guided by the London Cycle Design Standards (LCDS) we will ensure that the route network proposals map will be continuously updated in accordance with identified needs, arising opportunities and forthcoming developments.
- 3.5.4 We will ensure that cyclist's needs are given consideration when designing all highway schemes.
- 3.5.5 On main roads forming part of the cycle network, we will aim to deliver continuous facilities, including where possible segregated cycle lanes and priority measures at junctions and roundabouts.
- 3.5.6 In liaison with TfL and neighbouring boroughs we will review the cycle signage system alongside new network routes and overtime applied to existing routes.
- 3.5.7 We will seek to address infrastructure barriers and explore opportunities to improve permeability for cyclists through measures such as identifying and supporting measures including two-way cycle movement on existing one way streets, road closures and bus lanes with cycle exemptions as well as opening existing paths through Brent's parks and open spaces for shared use by pedestrians and cyclists.
- 3.5.8 We will note the London Cycle Campaign's 2014 Brent ward ask schemes and include these in our future network development considerations.
- 3.5.9 To assist us further in identifying what Brent's cycle network should be we are looking at developing a "Cycle App" for smart phones. This will enable us to identify which routes are already popular or gaining popularity, but most importantly identify where gaps in the network are. Over time this will inform where routes are needed and where improvements on the existing network are required. As such the cycle network map will be continuously developed through being informed of where people in Brent want to cycle.
- 3.5.10 Where the opportunity arises and subject to funding as part of highway maintenance we will ensure that cycle facilities are upgraded to LCDS standards.

Map 1 – proposed cycle facility network



#### **4. Objective 2: Promote cycling as a convenient, safe, healthy, enjoyable and inclusive activity**

- 4.1 Cycling has many potential benefits for Brent residents. Key to promoting them is the provision of accessible good quality, up-to-date information on cycling for residents, businesses and visitors in Brent. We encourage cycling wherever appropriate when we engage with businesses and schools regarding their travel plans.
- 4.2 Cycling is not just about getting to and from work. Utility trips, such as shopping, and leisure trips, like visiting friends or family, going to the cinema or a restaurant, account for almost two thirds of all trips undertaken by all modes. The majority of these journeys are less than 5km long. At this distance cycling is a low cost-effective and time efficient as well as convenient mode of transport, with journey times usually faster than any other mode of transport within London. Cycling can also be at the centre of a fun, leisurely family day out, a hobby, or a means to get and stay fit and healthy.
- 4.3 Cycling is an activity for all regardless of age, gender, disability and ethnicity. It is transitional in that it can grow with you, from starting out as a child learning to ride a bike through to being the first independent and cost effective mode of transport available to a young adult.

#### **4.4 Communications strategy development**

- 4.4.1 To ensure information on the benefits of cycling, opportunities to train and existing cycle facilities are available to all, Brent Council will develop a communications strategy for cycling that will aim to provide accurate, up to date and easily accessible information on all aspects of cycling to all residents, businesses and visitors within the borough with the aim to promote cycling as a normal activity and a positive lifestyle choice that all sections of Brent's diverse population can engage in.

#### **4.5 How we will achieve this**

- 4.5.1 We will develop a strong brand for 'Cycling in Brent' to help all identify cycle opportunities and benefits in Brent.
- 4.5.2 We will continue to work with schools and businesses in promoting cycling through travel plans.
- 4.5.3 We will review and improve information on cycling activities and initiatives, events and where to cycle on the council's web pages.
- 4.5.4 We will develop a GIS map of all existing cycle parking facilities in the borough which then will also help to complete the London Cycling Campaign's online Urban Cycle Parking Map for all of London.
- 4.5.5 We will develop and continuously update a map of existing cycle routes and make this available for down load on the Brent website.

## **5. Objective 3: Reduce the number of accidents on Brent's roads involving cyclists**

- 5.1 As has been highlighted elsewhere, the main concern of those considering taking up cycling is road safety and the possibility of being involved in a collision with a motor vehicle.
- 5.2 This concern is reasonable given the number of killed and serious injury (KSI) accidents involving cyclists on London roads, particularly involving large vehicles such as freight vehicles and buses. However, if Brent residents are to be able to take full advantage of cycling as a mode of transport, these concerns need to be addressed.
- 5.3 Cycle training and road safety education will go some way towards improving the confidence of cyclists and enabling them to avoid dangerous situations. Also, the expansion of a network of cycle facilities should reduce potential conflict between cyclists and other road users. However, we are aware that more needs to be done to keep cyclists safe on the roads.

### **5.4 How we will achieve this**

- 5.4.1 When designing new schemes or altering existing schemes we will take recommendations for cycling made in Transport for London's London Cycle Design Standards fully into account. This will also consider guidance on designing schemes suitable for cargo bikes, adapted bikes and bikes with trailers where it is appropriate and there is demonstrable demand.
- 5.4.2 We will introduce segregated cycle lanes on main roads where these can be accommodated.
- 5.4.3 We will seek to address poor road surfaces, potholes and faded cycle related road markings.
- 5.4.4 We will continue to work closely with Transport for London and van, lorry, mini-bus, coach and bus operators operating within Brent in promoting the Fleet Operator Recognition Scheme (FORS), a scheme that helps improve operators' performance with regards to a number of aspects including safety.
- 5.4.5 We will make it part of the planning permission process for developments in Brent that any vehicle operators involved in any stage of the construction process need to be FORS accredited. The full range of Work Related Road Risk (WRRR) contractual requirements will also need to be included in contracts and in planning obligations for developers.
- 5.4.6 We will make FORS accreditation part of every contractual agreement between Brent Council and vehicle operators.
- 5.4.7 We will continue to promote and offer Safer Urban Driving courses to vehicle operators in Brent.



- 5.4.8 We will continue to work with WestTrans, the transport partnership group of six West London boroughs, in developing a freight strategy that will reflect the need to improve the safety record of freight in relation to cyclists.

## **6. Objective 4: Improve access to cycling for all Brent residents and businesses**

6.1 In 2013, 1% of all trips by Brent residents were made by bike. It is thought that around 32% of Brent households own at least one bicycle.

6.2 To be able to cycle it requires:

- Access to a bike
- Confidence to cycle
- Convenient and secure parking at the start and end of journeys
- Ability to maintain and service bikes
- Availability of information of where signed cycle routes are

### **6.3 Develop an Access Strategy**

6.3.1 For those who do not own a bike providing a means of accessing one could unlock cycling for the individual. This may be through a variety of means and may include cycle hire schemes which enable on-demand use of a bike without the need to store it or pay the up-front cost involved in purchasing it.

6.3.2 Feedback from the engagement survey suggests that some residents who would like to cycle lack confidence in their abilities and this prevents them from taking it up. Feedback also suggests that the provision of cycle training could be an effective way of addressing this.

6.3.3 Brent has a large number of cycle parking spaces at stations, in high streets and other activity hubs. However, service requests and audits suggest these are not sufficient to meet demand. We therefore need to work to establish new facilities in areas of demand.

6.3.4 Maintaining and servicing a bike can be daunting or seen to be expensive. This may discourage individuals from making the investment in a bike to begin with. Provision of good information and access to servicing facilities is therefore important to removing this barrier and enabling people to cycle.

### **6.4 How we will achieve this**

6.4.1 We will provide information on where residents can access a bicycle if they do not currently own one, either to buy or to hire.

6.4.2 We will investigate the feasibility and viability of a cycle hub and/or cycle hire scheme in Brent to increase access to bikes.

6.4.3 We will continue to offer free cycle training and ensure that awareness of this service is raised throughout the borough to increase the number of children and adults receiving cycle training.

6.4.4 We will update and improve cycle parking design standards for all building developments in line with the London Plan and the LCDS. These standards will be

common among neighbouring authorities but local conditions may require local variations.

- 6.4.5 We will, in cooperation with residents and stakeholders, continue to identify the level and locations of demand for cycle parking facilities, find practical ways to meet these without unduly add to street clutter and seek the necessary funding to deliver them. Particular attention will be paid to suitability of type of provision in locations such as new and existing residential areas as well as high street locations, stations/transport interchange hubs, schools and employment hubs.
- 6.4.6 We will continue to run and publicise Dr Bike clinics at planned public events.
- 6.4.7 We will work with local enterprises to improve access to bike maintenance skills and seek opportunities to fund the development and delivery of cycle maintenance courses for residents and local businesses.

## **7. Objective 5: Address the specific concerns that may reduce the ability of some groups to take up cycling**

- 7.1 The results of the engagement survey suggest that some groups find it easier to take up cycling than others. There are a large variety of factors involved in this, including gender and where in the borough individuals are located. In order to provide equal opportunity to access the benefits of cycling to all residents and businesses it is important that these concerns are investigated and, where possible, addressed.
- 7.2 The level of cycling within Brent varies significantly between wards, with those living in the south of the borough making significantly more cycle trips than those who live in the north. Men are also still making more cycle trips than women throughout the borough.
- 7.3 There are two main factors that appear to be influencing this, these are:
- Physical infrastructure barriers, such as the North Circular which make travelling by cycle more difficult. This category may also include a lack of facilities at destinations.
  - Societal and psychological factors, such as fear of crime and lack of a cycling culture or role models.

### **7.4 Active Travel Programme**

- 7.4.1 Brent has an Active Travel Programme that is designed to promote more residents to travel actively by walking or cycling as a way to improve public health. Research was commissioned to explore and identify specific barriers that might prevent Brent residents from cycling as well as triggers that might encourage residents to cycle more. Group discussions and individual interviews explored attitudinal as well as practical and physical barriers to cycling.

### **7.5 Removal of physical barriers**

- 7.5.1 Brent Council is aware of some infrastructure barriers and is seeking to address them. However we need to do more to locate and address the less obvious barriers as part of the development of a network for cyclists throughout the borough. In doing this, we also need to consider where people are cycling to and how we may work with employers and places of education to ensure facilities such as showers and lockers are available at destinations.

### **7.6 How we will achieve this**

- 7.6.1 We will continue to identify physical barriers and gaps in the cycle infrastructure network in order to develop plans for a comprehensive network of cycle routes.
- 7.6.2 We will work with Transport for London as part of the Mayor's Quietways programme to develop a solution to crossing the A406 at Neasden, our biggest barrier to establishing a coherent cycle network.

- 7.6.3 We will develop coordinated policies and strategies that safeguard potential synergy effects with other Borough programmes, such as utilising developer contributions that can be used to pursue the Council's wider goals of cycle route connectivity.
- 7.6.4 We will seek to work with employers and places of education to encourage them to ensure facilities such as showers and lockers are available at destinations.
- 7.6.5 When developing the comprehensive communications strategy and the 'Cycling in Brent brand' designed to promote cycling in Brent we will specifically address identified triggers and barriers.
- 7.6.6 Through their travel plans and in developing a programme of led rides we will work with schools and employers to encourage more residents to cycle.

## 8. Action Plan

This table summarises actions that are designed to achieve the five objectives set out above.

Objective	Action	By	Outputs
1, 4	We will work with partner organisations to develop a network of cycle routes, catering for a variety of abilities, connecting key locations.	2016/17  2016/17	<ul style="list-style-type: none"> <li>Complete a route development plan for a Phase 2 route Harrow to Wembley Park</li> <li>Complete construction of the Brent section of a pilot Quietways route between Regent's Park and Gladstone Park</li> </ul>
1	We will secure facilities or funding through development and other large projects, such as Brent Cross and HS2.	2017/18	<ul style="list-style-type: none"> <li>Secure formal agreement from Brent Cross developers to provide either infrastructure or funding</li> </ul>
1, 2, 4	Complete and publish a route network map on the website and update it annually	2016	<ul style="list-style-type: none"> <li>Up to date guide to cycle routes on website</li> </ul>
1	We will develop a "Cycle App" for smart phones to identify where gaps in the network are.	2017/18	<ul style="list-style-type: none"> <li>A Brent specific Cycle App</li> </ul>
2, 4	We will develop a strong brand and communication strategy for 'Cycling in Brent' to promote cycling. This will include information on activities and events and where to access a bike.	July 2016	<ul style="list-style-type: none"> <li>Improved web pages and information provision as part of the communications strategy</li> </ul>
2, 4	We will develop a GIS map of all existing cycle parking facilities in the borough.	July 2016	<ul style="list-style-type: none"> <li>Map placed on the website as part of the communications strategy</li> </ul>
3	We will work with Planning to ensure freight safety is included in planning permission requirements.	2016/17	<ul style="list-style-type: none"> <li>Appropriate Delivery and Servicing Plans on all forthcoming developments</li> </ul>
3	We will work with procurement to make FORS accreditation	2016/17	<ul style="list-style-type: none"> <li>Revised procurement processes</li> </ul>

Objective	Action	By	Outputs
	part of every contractual agreement between Brent Council and fleet operators.		
4	We will investigate the feasibility and viability of a cycle hub and/or cycle hire scheme in Brent to increase access to bikes.	April 2016	<ul style="list-style-type: none"> <li>Complete feasibility into provision of a cycle hub and/or hire in Brent</li> </ul>
2, 4	We will update and improve cycle parking design standards for all building developments in line with the standards in the London Plan.	2016/17	<ul style="list-style-type: none"> <li>Improved cycle parking facilities at new developments</li> </ul>
4	We will work with local enterprises to improve access to bike maintenance skills.	2016/17 and following years	<ul style="list-style-type: none"> <li>Development of cycle maintenance skills in Brent residents</li> </ul>
1, 4	We will develop a coherent cycle signage system that will be rolled out alongside new network routes and overtime applied to existing routes.	2017/18 and following years	<ul style="list-style-type: none"> <li>Improved signage on all routes</li> </ul>
1, 5	We will work with Transport for London to develop a solution to crossing the A406 at Neasden.	May 2016	<ul style="list-style-type: none"> <li>Complete options study on crossing of the A406 North Circular</li> </ul>
1, 5	We will investigate the potential for shared paths through some of Brent's parks, where this is viable.	2016/17 and following years	<ul style="list-style-type: none"> <li>Increased off-road facilities</li> </ul>

## 9. Targets

Objective	Performance indicator	Annual Target				
		2016/17	2017/18	2018/19	2019/20	2020/21
All	Increase mode share to 3% from 1% in 2013	1%	1.5%	2%	2.5%	3%
Develop a coherent network of direct, comfortable and attractive cycle routes	Increase the length of cycle network from 2015/16 by an average of 1% year on year	1%	1%	1%	1%	1%
Promote cycling as a convenient, safe, healthy, enjoyable and inclusive activity	Increase the number of hits on Brent Council cycling-related webpages by 15%	10%	11%	12%	13%	15%
Reduce the number of accidents on Brent's roads involving cyclists	Reduction in the number of accidents involving cyclists	13%	12%	10%	9%	8%
Improve access to cycling for all Brent residents and businesses	Increase the number of cycle parking spaces by 1000	100	150	200	250	300
Improve access to cycling for all Brent residents and businesses	Increase number of adults accessing cycle training by 50 adults per year.	300	350	400	450	500
Improve access to cycling for all Brent residents and businesses	Increase the number of children accessing cycle training by 50 children per year.	800	850	900	950	1000
Address the specific concerns that may reduce the ability of some groups to take up cycling	Increase the number of cyclists from currently underrepresent groups by 200	20	30	40	50	60
Communication strategy and improved availability of information on cycling in Brent	Increase the number of clicks on Brent Council website cycle pages and cycle related social media clicks, discussions and shares by 20%	2%	3%	4%	5%	6%



## **10. Monitoring and Review**

The targets outlined will be monitored and reported to cabinet annually. The report will set out progress against the objectives and identify areas where either further work is needed or a different approach might be required to achieve the objective.

This strategy will be reviewed in its entirety every five years to enable inclusion of new findings and research and issues that have come on-line since it was first produced. This will also provide an opportunity to examine the achievability of targets and review them if necessary.

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 20 January 2016</p> <p style="text-align: center;"><b>Report from the Strategic Director, Regeneration &amp; Environment</b></p>
<p>For Action</p>	<p style="text-align: right;">Wards Affected: ALL</p>
<p><b>Authority to award contracts for the supply of Street Lighting LED lanterns and Central Management System</b></p>	

Appendix 1, is not for publication, in accordance with Schedule 12(A) (3) of the Local Government Act 1972, as they contain: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

## 1.0 Summary

- 1.1 This report requests authority to award contracts as required by Contract Standing Order no. 88. The report summarises the process undertaken in tendering these contracts and, following the completion of tender evaluation, recommends to whom the contracts should be awarded.
- 1.2 The report also measures the success of the tendering exercise against the business case for investment set out in the Cabinet Report *Street Lighting: Energy and Carbon Savings Proposals - authority to tender*, 14 April 2014.

## 2 Recommendations

That Cabinet:

- 2.1 Notes the procurement process followed by the council to secure value for money from the supply of LED luminaires and an associated Central Management System;
- 2.2 Awards the contract for the supply of LED (Lot 1 Light Emitting Diode) Street lighting luminaires to Bouygues E&S Infrastructure UK Limited, on the basis that the tender was the Most Economically Advantageous

Tender, and surpassed the business case recommendations outlined to Cabinet in April 2015;

- 2.3 Awards a contract for the supply of a CMS (Lot 2 Central Management System) to DW Windsor Limited, on the basis that the tender was the Most Economically Advantageous Tender, and surpassed the business case reported to Cabinet in April 2015;
- 2.4 Authorises the installation of procured equipment by the council's Private Finance Initiative (PFI) sub-contractor, Bouygues E&S Infrastructure UK Limited, within a programme expected to last approximately 14 months, commencing in April 2016;
- 2.5 Delegates authority to the Operational Director (Community Services), in consultation with the Lead Member for Environment and relevant ward Members, to make appropriate adjustments to lighting levels using CMS at a localised level in response to traffic and pedestrian needs, subject to budget provision;
- 2.6 Authorises the Chief Finance Officer to secure the capital required to deliver this project, noting the financial implications set out in paragraphs 4.1 to 4.13; and
- 2.7 Authorises the development of a draft Lighting Plan, for recommendation to Cabinet in 2016/17, which will set out options for how the council could achieve further savings of at least 10% from energy costs and carbon emissions, and addressing:
  - road safety objectives;
  - community safety perceptions; and
  - residents' and visitors' travel choices

### **3 Background**

- 3.1 At its meeting on 14<sup>th</sup> April 2015, Cabinet endorsed a business case which proposed investment in Light Emitting Diode (LED) lanterns and a Central Management System (CMS) for street lighting on the basis that:
  - 3.1.1 The business case supported immediate investment in a programme to replace existing street lighting lanterns with LED luminaires at the earliest opportunity, in order to bring forward estimated savings of £750,000 p.a. from electricity expenditure and to reduce carbon emissions.
  - 3.1.2 The business case supported the installation of CMS technology, in tandem with the luminaire replacement programme, in order to realise

additional savings and provide the Council with long-term flexible control over street lighting output at a highly localised level.

- 3.1.3 The business case demonstrated that the proposed investment is financially viable, with payback estimated to be between 10 and 12 years depending on the level of investment, the funding route and the prevailing rate of interest on borrowing. Any funding, whether borrowed from external sources or funded from Council balances and reserves, would be repaid over time by the savings from energy and carbon costs.
- 3.1.4 There was clearly scope for substantial reductions in electricity costs through a switch to LED technology for the Council's street lighting. This reduction in electricity use would also provide significant reductions in carbon emissions but would first require investment.
- 3.1.5 It was considered that the outline business case, based on prudent assumptions, was sufficiently promising to support a formal approach to the market to obtain definitive and accurate costs, and long-term savings commitments. Only a formal market test would give the required clarity and definition to support a final decision
- 3.1.6 Aside from the reduction in electricity expenditure, a reduction in future carbon emissions also forms a key part of the business case, both financially (from carbon tax savings), and environmentally. The LED street lighting project forms part of a wider programme (the Carbon Management Programme) which specifically aims to reduce carbon emissions by at least 15% (from a 2013/2014 baseline of 14,189 tonnes of CO<sub>2</sub> [tCO<sub>2</sub>]).

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

- 3.2 The Contract(s) shall be let for an initial two (2) year term, with supplied goods being subject to a warranty lasting ten (10) years.
- 3.3 Advertisements were placed [in the Official Journal of the European Union (OJEU), the London Tenders Portal, on 31<sup>st</sup> July 2015 to seek initial expressions of interest. This elicited 58 initial enquires. Contractors were provided with an outline specification and details of the tender approach and were invited to complete shortlisting questionnaires using the Council's Electronic Tendering Facility. 21 contractors subsequently completed the questionnaire.
- 3.4 Shortlisting was carried out on the basis of the contractors' financial viability, technical ability, and relevant experience. Eight contractors were subsequently invited to tender. Tenderers were invited to bid against three lots:

1) For the supply of LED equipment;

- 2) For the supply of CMS equipment and software; and
- 3) A combined bid for both LED and CMS equipment.

It was understood from the results of soft market testing that suppliers tend to specialise in either LED or CMS, but rarely both, and the council did not want to unnecessarily exclude potential bidders. Lot 3, the combined bid, was included as an option as some manufacturers do supply both products. Some electronic wholesalers were expected to be interested in bidding, and several major lighting contractors have their own supply chain which could attract better rates through economies of scale.

- 3.5 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council; and that in evaluating tenders, the Council would have regard to technical merits (the product's performance against the council's technical specification), warranties (that the product performance will not prematurely cease), and the Supply Chain (the capacity of the manufacturers' production line is of a sufficient capacity to meet the council's implementation timescales).
- 3.6 Tenderers were required to submit additional information providing details of their proposed arrangements for delivering the contract, including (but not limited to) the following:

#### LED

- Technical Specification and Performance of LED
- Risk transfer and management
- Replacement and fault resolution management
- Product optimisation according to road geometry and existing column spacing

#### CMS

- Connectivity, to achieve 100% coverage
- Risk mitigation (to the installation contractor) in respect of any lack of connectivity
- Conformity to the technical specification
- Future-proofing (including the ability to monitor other highway assets)
- Data security
- Staff knowledge and training
- Assurance that the product will perform to specification for the life of the agreement.

### ***Evaluation process***

- 3.7 The tender evaluation was carried out by officers supported by the Council's technical lighting consultant, Designs for Lighting (DfL).

- 3.8 All tenders had to be submitted electronically no later than 23<sup>rd</sup> October 2015. Tenders were opened on 23<sup>rd</sup> October 2015, and eight valid tenders were received. Each member of the evaluation panel assessed how well each of the award criteria was addressed. The results were then consolidated by panel members to provide an overall score.
- 3.9 Notably, the bid from Contractor C, Lot 3, was the Most Economically Advantageous Tender at this stage. Following evaluation, the panel confirmed that all bidders had met the minimum threshold required by the council's specification. Some differences were noted in the quality of the luminaires and systems included in the tenderers' method statements. All 8 tendering suppliers were advised that they would be going through to the next stage in the process; negotiation and BAFO. The panel met with all tendering companies to improve the panel's understanding of the various method statements, and draw out any potential for amending the Specification advantageously ahead of seeking Best and Final Offers.
- 3.10 All eight companies were invited to submit a Best and Final Offer (BAFO), revisiting their initial prices and answering further questions for the purpose of re-evaluating quality. At the BAFO stage, bids were weighted in favour of price over quality, in the ratio 55:45. Quality was assessed against:

#### LED

- Return on investment. Evidence that the offer represents the best return on investment for Brent Council based upon energy savings provided over a ten year period.
- How the product will be optimised for individual roads, given the variety of road geometry and existing column spacing within Brent.
- How the luminaires will be supplied on a call-off basis to optimise the lighting to the relevant BS5489-1 lighting class, whilst minimising energy consumption; and how the installer will identify the different luminaires required for streets with different photometric distributions.
- Updated evidence of performance against the supplied geometries.
- How social value could be enhanced.

#### CMS

- Evidence to demonstrate that the connectivity would achieve 100% coverage throughout Brent and that the offer guarantees the 100% coverage.
  - How the supplier will mitigate against the risks to the installation contractor, relating to return visits or remedial work due to lack of connectivity.
  - How the system is 'future-proofed' and could be used to monitor current and other Brent highway assets.
  - Any issues or problems encountered with a wide-scale System similar to Brent and how those issues were overcome successfully.
- 3.11 The panel met on 8<sup>th</sup> December and each submission was marked by the whole panel against the award criteria.
- 3.12 The names of the tenderers are contained in Appendix 1. The scores awarded to the tenderers are included in Appendix 2 (BAFO returns).
- 3.13 Bouygues E&S Infrastructure UK Limited had the highest scoring tenders for Lot 1; and DW Windsor Limited had the highest scoring tender for Lot 2. The combined bid (Lot 3), was assessed against the merits of combining Lot 1 and Lot 2 tenders. A combination of Lot 1 and Lot 2 is considered to be the most economically advantageous tender, and therefore the award of the contracts to Bouygues E&S Infrastructure UK Limited and DW Windsor Limited is recommended.
- 3.14 Should Members be minded to approve the recommendations in this report then the proposed contracts are anticipated to commence on 1st February 2016, subject to the Council's observation of the requirements of the mandatory stand-still period noted in paragraph 5.5 below.

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Cabinet for approval of the recommendation to award the contract.
- 4.2 The estimated value of this contract, for the supply of LED and CMS, is £4.4m. It should be noted that the price tendered is based on the supply of standard luminaires. However tenderers were also instructed to submit a price list for a wider product range, in order that the council could cater for specific design needs of individual wards. There are a small number of lighting columns in the borough which are of heritage style. It may not be appropriate to replace these with standard LED



fittings, and therefore the contract makes provision for equivalent LED products. Purely to assume total capital requirements for the project the lowest tendered price was rounded up to the nearest £100k. Exact prices were used for the purpose of tender evaluation.

- 4.3 Whilst not included in the tendered price, further potential savings may arise from this project should other aspects of inventory be included. The lighting assets located on housing estates (where electricity is locally metered and paid for by the Brent Housing Partnership) may also benefit from similar energy savings through retro-fitting LED luminaires. At the Best and Final Offer stage, officers indicated to suppliers that up to an additional 4,000 columns may be called-off within the scope of the Contract. A more comprehensive LED portfolio could include illuminated street furniture (traffic signs) and Belisha Beacons located at pedestrian crossings.
- 4.4 The programme to fit new street lighting columns, using the Council's PFI sub-contractor, will cost £1.9m. These costs allow for the labour costs involved with installing the fittings, as well as necessary lighting design work. The luminaires were specified by the Council to be capable of providing a consistent level of light at street level. In order to ensure that the Council achieves this, a street by street design is required to ensure that the luminaire is manufactured in accordance with Brent's specific street design. Without design work to facilitate swapping luminaires on a one-for-one basis, there could be large areas of unlit patches at street level. The installation cost also makes an assumption that there will be a risk associated with the installer and the PFI contractor being instructed to use products not directly selected by them; this risk has been partially mitigated by the outcome that Bouygues E&S Infrastructure UK Limited, the winner of Lot 1, will also be the installer. To allow for contingency and risk throughout installation, a small provision (£250k) is made for contingency which brings capital assumptions up to 6.5m.
- 4.5 The business case for investing in LED and CMS estimated that the Council would need to make provision for £7.725m of capital funding. This estimate was inclusive of the supply of equipment and installation costs, with responsibility for installation falling to the council's PFI sub-contractor, Bouygues.
- 4.6 Estimated capital costs were based upon the results of soft market testing undertaken in 2013; the Council anticipated lower capital costs resulting from the competitive tender exercise as well as from advances in technology.
- 4.7 The tendered rates from LED suppliers, and confirmation received from the council's PFI sub-contractor regarding installation costs, confirm that business case assumptions have been surpassed. The project will

be completed at a capital cost of £6.5m (a betterment of £1.225m in comparison to the business case). This includes provision for a small contingency fund which will allow for flexibility in lighting designs. The designs will be intended to last for at least 20 years, and it is therefore imperative that at each stage of the installation there is an opportunity to consider further refinements which could enhance long-term efficiency savings.

## Energy and Carbon Savings

- 4.8 The case for investment rests upon the council's ability to repay capital outlay using revenue savings achieved from a reduction in the revenue expenditure on electricity and carbon tax. The business case originally made an assumption that a 59% reduction in electricity costs would be achievable.
- 4.9 The council's expenditure on powering luminaires included in the tender (2015/2016) is £1,373,500, providing a baseline for calculating savings. An assumption has been made that electricity prices will rise at a rate of 2.5% per annum. As has been highlighted throughout the development of the project, the savings are sensitive to changes in energy prices. The last two years have seen sharp reductions in crude oil prices in responses to global and geo-political factors, which in time feeds into the wholesale (and retail) cost of electricity. It is still considered reasonable to plan on the basis of long-term increases in modelled electricity costs, but the longer the current low prices (a barrel of Brent crude oil is now cheaper than the 2003 level, for example) are sustained, the greater risk that this assumption will turn out to be incorrect. If prices do remain low, the council will of course benefit from this, but as the payback on the capital investment is partly predicated on an assumption of rising prices then the payback period may be extended as a consequence. The proposed investment in the CMS technology also acts as a means of mitigating and managing this risk. The estimated revenue savings by fiscal year, based upon luminaire energy performance, are set out below.
- 4.9.1 An analysis of the winning bids has demonstrated that a 70% reduction in electricity consumption can be safely assumed:

<b>70% Energy Reduction</b>	<b>Energy Cost (£)</b>	<b>Cumulative Energy Saving (vs baseline) (£)</b>	<b>Repayment (£)</b>	<b>net revenue saving (£)</b>
<b>2016/2017</b>	871,281	502,218	218,500	283,718
<b>2017/2018</b>	416,639	956,860	437,000	416,639

- 4.9.2 The winning Lot 1 bidder has indicated that their tender would bring

about electricity savings of just over 80% when LED is fully operational, if the council implements a borough-wide Lighting Plan facilitated by the flexibility offered by the Central Management System. On this basis, the council could achieve a payback period of 7.6 years. With an 80% reduction in electricity consumption the council would benefit from net revenue savings of £650k per annum from 2017/2018:

<b>80% Energy Reduction</b>	<b>Energy Cost (£)</b>	<b>Cumulative Energy Saving (vs baseline) (£)</b>	<b>Repayment (£)</b>	<b>net revenue saving (£)</b>
<b>2016/2017</b>	799,536	573,963	218,500	355,463
<b>2017/2018</b>	279,945	1,093,554	437,000	656,554

4.9.3 It is possible that a higher level of saving might be achievable, depending on how radical an approach is taken within the council's Lighting Plan. If an 85% reduction in electricity consumption is achieved:

<b>85% Energy Reduction</b>	<b>Energy Cost (£)</b>	<b>Cumulative Energy Saving (vs baseline) (£)</b>	<b>Repayment (£)</b>	<b>net revenue saving (£)</b>
<b>2016/2017</b>	763,663	609,836	218,500	391,336
<b>2017/2018</b>	211,597	1,161,902	437,000	724,902

4.10 Officers have also included a £85k saving in carbon tax as part of the payback assumptions. The street lighting project will provide a 9.9m reduction in kilowatt hour (kWh) against current annual consumption of 12.5m kWh; this equates to 5,350 tonnes of CO<sub>2</sub> - a 37% reduction in the council's carbon emissions (measured against the 2013/2014 Carbon Management Programme baseline).

## **Funding**

4.11 It is anticipated that the cost of the proposed contracts will be funded from prudential borrowing. This was envisaged in the business case, and for consistency the same approach is adopted here. Discussions are at an advanced stage with a variety of potential funding sources which may be able to offer capital funding at a lower rate of interest. However, the terms of the loan on offer from cheaper borrowing sources present an issue. Whilst interest-free arrangements may offer better value overall, they are usually offered on a short term basis; usually stipulating that the principal needs to be repaid over a five year term. Should the council choose to borrow using this method, the £4.4m capital required for the supply of equipment would lead to

repayments of £880k p.a. Even with a radical lighting strategy, the council would be unlikely to generate enough revenue savings to cover the principal annual repayment. The council faces immediate pressures on its finances, and in order to deliver the best potential immediate revenue saving; savings are instead calculated on the basis of a 20 year term.

- 4.12 The business case indicated that capital requirements (supply and installation) would total £7,752k, attracting interest charges of £3.5m based upon an interest rate of 3.8% over the term of the loan. The new, lower, capital requirement of £6.5m would instead attract interest of £2.3m over the term of the loan, based upon up-to-date assumptions of 3% interest. These assumptions are based upon Public Works Loan Board (PWLB) current rates; the rate of 3% would appear to be the most appropriate for modelling, taking into account potential movements in the interest rate before the loan would be undertaken.
- 4.13 On the basis of the 20 year borrowing assumption, the applicable annual repayment would be £437k. This would provide the council with a significant revenue saving on energy expenditure from the first year of the project, with the saving reaching its peak in the 2018/2019 fiscal year. This is on the basis that installation commences in April 2016 and is completed within 14 months.

<b>Borrowing Term</b>	<b>Loan Amount</b>	<b>Annuity Rate</b>	<b>Annual Repayment</b>	<b>Total Repayment</b>	<b>Interest Payment</b>
<b>20 Years</b>	<b>£6,500,000</b>	<b>3%</b>	<b>£436,902</b>	<b>£8,800,000</b>	<b>2,300,000</b>

## **5 Legal Implications**

- 5.1 The value of the proposed contracts over their lifetime would be higher than the EU threshold for services/supplies and as such, the award of the contracts are governed by the Public Procurement Regulations 2015 (the “EU Regulations”). In addition, the awards are subject to the Council’s own Standing Orders in respect of High Value Contracts and Financial Regulations.
- 5.2 The Highways Act 1980 (as amended) empowers the Council as Highway Authority to provide street lighting. The Council has a duty of care to the highway users and must ensure it can demonstrate it has systems and programmes in place to ensure the safety of all highway lighting equipment.
- 5.3 As the LED replacement programme will be undertaken during the existing contract period of the PFI Contract, the PFI Contractor would be required to maintain such lighting under the PFI Contract for the duration. Maintenance savings from this project will be subject to the council agreeing a contract variation with PFI Lighting Limited (PFIL).

Discussions have already been held with PFIL, who were included in scoping the tender process authorised by Cabinet in April 2015.

- 5.4 Under the existing terms of the PFI Street Lighting Contract there are provisions which allow the Council to instruct “Service Adjustments” to the Contractor as and when required. Such Service Adjustments may include, in particular: ‘the implementing of new street lighting or illuminated signs (including new or revised highways schemes or the adoption by the Council of new standards of lighting or the lighting of previously unlit places)’. Therefore, as Officers have identified and are recommending contractors to manufacture and supply the LED Luminaires and CMS, they are entitled to instruct the PFI Contractor under the existing Street Lighting PFI contract to install and maintain the LED consumables. This would be considered additional work, attracting an increase in the Annual Unitary Payments which, officers are seeking Members approval in this report.
- 5.5 Officers undertook a Competitive Procedure with Negotiation - a process which permits negotiations with bidders to take place in successive stages and for them to submit their final tenders for evaluation by the council. Officers have determined as part of the evaluation that an award of 2 contracts to each of the highest scoring bidders for Lots 1 and 2 respectively represents the most economical and advantageous tenders and as such, are seeking Members approval for the awards.
- 5.6 The Council must observe the mandatory standstill period under the EU Regulations before the proposed contracts can be awarded. Therefore once Members have determined which tenderer should be awarded the contracts, all candidates and/or tenderers will be issued with written notification of the Council’s contract award decision. A minimum 10 calendar day standstill period will then be observed before the contracts are concluded – this period will begin the day after all tenderers/candidates are sent notification of the award decision – and any additional debrief information will be provided to unsuccessful tenderers/candidates in accordance with the EU Regulations. As soon as possible after the standstill period ends, the successful tenderers will be issued with a letter of acceptance and the contract can commence.

## **6 Diversity Implications**

- 6.1 An overview of anticipated diversity implications was included in section 18 of the technical business case (included as Appendix 2, pp 41-43, to the Cabinet Report in April 2015). This concluded that there would be positive impacts for all groups in a move to LED white light, which would improve visual performance, colour rendering and facial recognition across the outdoor environment. The underlying assumption is that light levels and quality would continue to fully meet

the standards set out in BS 5489-1: 2013, whether or not dimming at certain hours is introduced.

- 6.2 There would be some diversity implications should consideration be given to adjusting lighting levels further. Officers would examine these closely as part of a specific Equality Analysis; applying Brent's demographic to the assumptions in the business case. In particular, young adults are more likely to be active outside the home between the hours of midnight and 6 am; and adults working or travelling to work during these hours might also be impacted. Street lighting contributes to road safety, and reducing the fear of crime, and lighting levels need to be set with these objectives in mind.
- 6.3 As set out, CMS allows for adjustment of lighting levels with the main objective of reducing energy costs and carbon emissions. The objective would be to continue to set "the correct lighting class to meet specific road parameters at a particular time". CMS enables lighting to be set at a highly localised level, so it would improve the capability to provide a higher standard of lighting at specific times and locations to meet the needs of the night-time economy, or those travelling to work at night. It would also provide for higher standards of lighting, for example, to ensure safer travelling conditions near to Wembley Stadium on event days.
- 6.4 The capacity provided by CMS to adjust lighting levels at a micro-level would support the Council's localisation objectives.

## **7 Staffing Implications**

- 7.1 The council employs two officers dedicated to the technical appraisal and ongoing monitoring of the Street Lighting PFI. Duties range from ensuring that capital programmes are executed properly, to reactive problems for which the PFI contractor are obliged to repair within 48 hours, and monitoring the various maintenance programmes associated with the contract.
- 7.2 Whilst the technical aspect of work will still be required, the pattern of reactive and monitoring work will change, and some maintenance programmes will be reduced. The council envisages less reactive work being generated with LED technology, and CMS equipment will identify immediately where there are problems with columns. However, there will be an increased demand for the council to respond to lighting demand in a dynamic way to get best value from the CMS technology. Changes will be made to the affected employee's job description to reflect the modernised role, in accordance with the Council's Human Resources policies and procedures.

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

- 8.1 Bidders were instructed to set out their proposals for making a contribution towards the local community as part of their offering to the council. Many of the 8 short-listed bidders are manufacturers of Street Lighting Equipment, and are therefore based outside of London, but all bidders responded to this request.
- 8.2 Bouygues E&S Infrastructure UK Limited has referred to a number of things the company does which add social value to local communities. Their Method Statement cites examples of apprenticeships, school career talks, graduate training schemes and work placement schemes. Officers will specifically discuss how these initiatives may benefit Brent residents when the Contract commences.

## **9 Background Papers**

Cabinet Report *Street Lighting: Energy and Carbon Savings Proposals - authority to tender*, 14 April 2014.

### **Contact Officers**

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## **Strategic Director, Regeneration & Environment**

## APPENDIX 2

### LED Street Lighting and CMS Systems Contract

#### BAFO EVALUATION GRID

Tenderer	Lot 1 LED			Lot 2 CMS			Lot 3 Combined		
	Price	Quality	Score	Price	Quality	Score	Quality	Price	Score
<b>Contractor A</b>	41.70%	22.50%	64.20%	n/a	n/a	0.00%	n/a	n/a	0.00%
<b>Contractor B</b>	43.97%	32.50%	76.47%	28.37%	36.25%	64.62%	34.38%	41.78%	76.16%
<b>Contractor C</b>	55.00%	27.50%	82.50%	52.55%	31.25%	83.80%	29.38%	55.00%	84.38%
<b>Contractor D</b>	45.35%	35.00%	80.35%	54.00%	33.75%	87.75%	34.38%	46.30%	80.68%
<b>Contractor E</b>	28.36%	17.50%	45.86%	36.49%	12.50%	48.99%	15.00%	28.98%	43.98%
<b>Contractor F</b>	n/a	n/a	0.00%	55.00%	31.25%	86.25%	n/a	n/a	0.00%
<b>Contractor G</b>	n/a	n/a	0.00%	50.34%	30.00%	80.34%	n/a	n/a	0.00%
<b>Contractor H</b>	41.97%	37.50%	79.47%	n/a	n/a	0.00%	n/a	n/a	0.00%
<b>Contractor C for Lot 1 and Contractor D for Lot 2</b>							30.63%	55%	85.63%

The winning tenders for Lot 1 and Lot 2 were consolidated, in terms of price (whole life cost) and quality, to establish whether or not the Most Economically Advantageous outcome would be a separate awards of Lots 1 & 2, or instead an award for Lot 3. On the basis of the evaluation criteria, awarding a contract to Contractor C for Lot 1 and a contract to Contractor D for Lot 2 would provide a more economically advantageous tender.



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