



## Cabinet (revised)

**Monday 14 March 2016 at 7.00 pm**

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

### Membership:

#### Lead Member Councillors:

#### Portfolio

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

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence.

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

<b>2</b>	<b>Minutes of the previous meeting</b>	1 - 14
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<b>3</b>	<b>Matters arising</b>	
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## Children and Young People reports

<b>4</b>	<b>Determination of the proposal to permanently expand The Village Special School</b>	15 - 48
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This report informs the Cabinet of the outcome of the statutory proposals to increase the number of places at The Village School from April 2016 and recommends that they be approved. The Representation period on the proposals ended on 18 February 2016

**Ward Affected:**  
All Wards

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

## Community Well-being reports

<b>5</b>	<b>Library Stock Contract</b>	49 - 54
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This report sets out the officer recommendation following the successful procurement exercise for the supply of stock items to Brent library service. Following a report to Cabinet in February 2015 officers were authorised to review two frameworks, Central Buying Consortium (CBC) and London Libraries Consortium (LLC) to determine which would provide the best value and most efficient service.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Denselow  
**Contact Officer:** Rashmi Agarwal, Head of Culture  
Tel: 020 8937 3143  
[rashmi.agarwal@brent.gov.uk](mailto:rashmi.agarwal@brent.gov.uk)

## 6 Adult Social Care - Charging for Services

55 - 88

The Care Act 2014 gives local authorities the power to charge for services for care and support and replaces existing provisions under the Council's Fairer Contribution for Services and Charging for Residential Accommodation Guidance (CRAG). The overarching principle is that people should only be required to pay what they can afford. People will be entitled to funding from their local authority based on a means-test and some will be entitled to free care. Statutory guidance published by the Department for Health sets out how the local authority should interpret the provisions of the Act.

This report relates to a minor change in the current policy detailing how people are financially assessed in order to establish their financial contribution towards their care.

**Ward Affected:**

All Wards

**Lead Member:** Councillor Hirani

**Contact Officer:** Nancie Alleyne, Head of Direct Services

Tel: 020 8937 4042

nancie.alleyne@brent.gov.uk

## 7 Temporary Accommodation Reform Plan

89 - 162

This report sets out a plan of action to improve the quality of accommodation and services available to homeless households at reduced revenue cost to the council, whilst alleviating the pressure to allocate so much social housing to homeless households. The main points of this are summarised in the report with the Temporary Accommodation Reform Plan appended as Annex 1.

**Ward Affected:**

All Wards

**Lead Member:** Councillor McLennan

**Contact Officer:** Jon Lloyd-Owen, Operational Director, Housing and Employment

Tel: 020 8937 5199 jon.lloyd-

owen@brent.gov.uk

## Regeneration and Environment reports

### 8 Authority to award contract for building works at Leopold Primary School, (Brentfield Road site, Stonebridge) 163 - 174

The January 2015 Cabinet approved the recommendation to include Leopold Primary School within Phase 3 Primary School expansion programme and approved the commencement of the procurement process for the building contract works, based on pre-tender considerations set out in that report. In November 2015 Cabinet approved the permanent expansion of Leopold Primary School. This report requests

authority to award the building works contract as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and recommends the contractor to whom the contract should be awarded.

**Ward Affected:**

Harlesden;  
Stonebridge

**Lead Member:** Councillor McLennan

**Contact Officer:** Aktar Choudhury, Operational  
Director, Regeneration

Tel: 020 8937 1764

aktar.choudhury@brent.gov.uk

**9 South Kilburn Regeneration Programme - Phase 4 notices**

175 -  
196

This report summarises the progress made on the regeneration of South Kilburn and sets out the approvals required by the Cabinet to further progress Phase 4 of the regeneration programme.

**Ward Affected:**

Kilburn

**Lead Member:** Councillor McLennan

**Contact Officer:** Aktar Choudhury, Operational  
Director, Regeneration

Tel: 020 8937 1764

aktar.choudhury@brent.gov.uk

**10 A new South Kilburn Enterprise Hub and Homes - approval to enter into the GLA Grant Agreement**

197 -  
212

This report details the proposal asking Members to approve entering into the GLA grant agreement. At the appropriate time the Cabinet will be asked to approve the land transaction and further agreements,

**Ward Affected:**

Queens Park

**Lead Member:** Councillor McLennan

**Contact Officer:** Lorraine Langham, Strategic  
Director, Regeneration and Environment  
(interim)

Tel: 020 8937 1516

Lorraine.Langham@brent.gov.uk

**11 Highways Capital Scheme Programme 2016-17**

213 -  
238

This report sets out recommendations for how Brent's £3.55m capital budget should be allocated during 2016/17 through a prioritised programme of:

- Major and minor pavement upgrades;
- Major Road resurfacing;
- Preventative maintenance;
- Improvements to the public realm, and
- Renewal of Road Markings

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

**12 Parking Issues Report** 239 - 270

Following the Cabinet meeting on 16 November 2015 it was proposed that a holistic review of on-street parking was undertaken prior to consulting on increases in charging. This report sets out a series of changes to the way in which the council manages, and charges for, on street parking. Subject to Cabinet approval, it will result in a widespread consultation with local residents and businesses leading to a final set of proposals which will come back to Cabinet in June 2016.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Southwood  
**Contact Officer:** Gavin F Moore, Head of Parking and Lighting  
Tel: 020 8937 2979 gavin.f.moore@brent.gov.uk

**13 Shared Passenger Transport Service with the London Borough of Harrow** 271 - 290

Both Brent and Harrow have passenger transport services and are responsible for transporting adults and children with particular needs from their homes to specified schools, colleges or day centres. This proposal is for a fully shared passenger transport service, delivered from Harrow's Central Depot and ready for the start of the academic year in September 2016. The proposal is expected to create financial savings for both councils whilst still ensuring a high standard of service is maintained.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Southwood  
**Contact Officer:** Chris Whyte, Operational Director, Environmental and Employment Services  
Tel: 020 8937 5342 chris.whyte@brent.gov.uk

**14 Tackling Illegal Rubbish Dumping and Litter with Uniformed Street Patrols** 291 - 300

This report sets out proposals to deploy a suitably experienced and qualified contractor to provide uniformed enforcement officers and the necessary infrastructure for the delivery of dedicated enforcement of street scene and environmental offences such as litter, dog fouling, fly-tipping, spitting, fly posting and graffiti at problem areas across Brent.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Southwood

All Wards

**Contact Officer:** Chris Whyte, Operational Director, Environmental and Employment Services  
Tel: 020 8937 5342 [chris.whyte@brent.gov.uk](mailto:chris.whyte@brent.gov.uk)

## Chief Executive reports

### 15 Procurement Strategy and Social Value Policy 301 - 332

This report seeks approval to a Procurement Strategy for LB Brent for the financial years 2016 – 2018 inclusive as set out in Appendix A. The principal aim of the Procurement Strategy is to ensure that the Council's Procurement framework and function is aligned to the strategic needs of the Council. It is therefore focused on three key areas:

- contributing to the council's savings target
- delivering social value
- leadership.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Terry Brewer, Head of Commissioning and Procurement  
Tel: 020 8937 1439 [terry.brewer@brent.gov.uk](mailto:terry.brewer@brent.gov.uk)

### 16 Voluntary Sector Initiative Fund - Infrastructure Grant 2016-2018 333 - 340

This report seeks agreement on the change of terms of the Voluntary Sector Initiative Fund – Infrastructure Grant for CVS Brent from one year to two years from April 2016.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Diana Fitzwilliam, Partnerships for Brent Programme Manager  
Tel: 020 8937 1047  
[diana.fitzwilliam@brent.gov.uk](mailto:diana.fitzwilliam@brent.gov.uk)

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

### 18 Exclusion of Press and Public

#### **Item 8: Appendix: Authority to award contract for building works at Leopold Primary School, (Brentfield Road site, Stonebridge)**

Information relating to the financial or business affairs of any particular person (including the Council)

#### **Item 19: Regularisation of land ownership**

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

## Resources Reports

**19 Regularisation of land ownership**

341 -  
350

**Ward Affected:**  
Kilburn

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

**20 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 11 April 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.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 8 February 2016 at 7.00 pm

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

Also present: Councillors Agha, Jones, W Mitchell Murray and Warren

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

Councillor McLennan declared an interest in the item relating to the Northwick Park Pavilion as ward councillor.

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

RESOLVED:

that the minutes of the previous meeting held on 20 January 2016 be approved as an accurate record of the meeting.

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

None.

#### 4. **Budget 2016/17 and Council Tax**

Councillor Pavey (Deputy Leader) in introducing proposals for the 2016/17 budget, referred to the extensive budget consultation exercise including meetings of Brent Connects and thanked all who had taken part. He stressed the efforts that the council had made to listen and respond to residents' concerns, for example in removing plans to reduce the Highways maintenance budget, and felt that the community broadly accepted the proposals. The council was required to make a further £45m of budget cuts, a total of 70% between 2010 and 2018. Councillor Pavey set out key messages which including achieving savings through improved procurement, generating additional income, offering high quality support through children's centres and home care. Councillor Pavey stated that the council had no option but to increase council tax levels to continue help protect the most vulnerable. A four per cent increase was proposed, half of which would be ring fenced to protect the most vulnerable. He also referred to the assistance available under the Council Tax Support Scheme. Councillor Pavey advised that a meeting with the Minister for Local Government had not offered any comfort and acknowledged that it was a difficult time for residents.

The Chief Finance Officer, Conrad Hall, advised that the final settlement had been debated by Parliament earlier in the day and transitional funding would be made available. He would advise members of any required change to the figures.

Councillor Butt (Leader of the Council) reminded the Cabinet that the budget proposals had been in the public domain since the end of the previous year and had been thoroughly debated. He referred to central government proposals such as pay to stay and the bedroom tax which would have a significant adverse impact and the council's aim to help the vulnerable and needy.

RESOLVED:

- (i) that approval be given to an overall 3.99% increase in the council's element of council tax for 2016/17 with 2% as a precept for Adult Social Care and a 1.99% general increase;
- (ii) that if the 2% adult social care precept in the Council's element of council tax was rejected, Adult Social Care expenditure be cut by £1.9m in 2016/17 from the levels proposed in the report from the Chief Finance Officer;
- (iii) that agreement be given to the General Fund revenue budget for 2016/17, as summarised in Appendix B;
- (iv) that agreement be given to the cost pressures and savings detailed in Appendix D and dedicated schools' grant as set out in section six;
- (v) that the revisions set out in paragraphs 6.3, 6.4 and 6.5 of the report from the Chief Finance Officer to the savings originally proposed in the budget set in the 2015/16 budget be agreed;
- (vi) that the revision set out in paragraphs 6.6 to remove saving MGF02 from the 2017/18 and 2018/19 budget proposals be agreed;
- (vii) that the Chief Finance Officer's assessment of risks as set out in Appendix E be noted;
- (viii) that the report from the Budget Scrutiny Panel in Appendix F be noted;
- (ix) that the results of consultation as set out in section 9 be noted;
- (x) that the budgets for central items as detailed in Appendix G be agreed;
- (xi) that the capital programme as set out in Appendix J be agreed;
- (xii) that the Treasury Management Strategy and the Annual Investment Strategy for 2016/17 set out in Appendix K be agreed;
- (xiii) that agreement be given to the Prudential Indicators measuring affordability, capital spending, external debt and treasury management set out in Appendix L;
- (xiv) that the advice of the Chief Legal Officer as set out in Appendix M be noted;

- (xv) that agreement be given to the categorisation of Earmarked Reserves and Provisions set out in Appendix N;
- (xvi) that the schedules of fees and charges set out at Appendix Q be approved.

## **5. Shared Procurement Service**

The report from the Director of Performance, Policy and Partnership sought approval for LB Brent to join a Procurement Shared Service (PSS) that would be led by LB Harrow as set out in the Business Case at Appendix A of the Director's report. The principal aim of joining the PSS was to ensure that the Council continued to receive Procurement services whilst being in a strong position to deliver the required savings of £272k from procurement in 2016/17. Councillor Pavey (Deputy Leader of the Council) in introducing the report, stated that the proposals would allow the council to share expertise and achieve economies of scale. A joint member level procurement committee would meet annually and Brent would still have its own procurement policy.

Councillor Butt (Leader of the Council) referred to the major benefit in joining the PSS arrangement namely that the borough would be in a strong position to obtain far greater benefit from Social Value in its contracts to benefit the community.

RESOLVED:

- (i) that the provision of its procurement service be delegated to the London Borough of Harrow with effect from 1st April 2016 or such other date as may reasonably be agreed with the London Borough of Harrow;
- (ii) that approval be given to enter into an Inter Authority Agreement confirming the terms of the delegation of the provision of its procurement service to the London Borough of Harrow;
- (iii) that authority be delegated to the Director of Performance, Policy and Partnerships in consultation with the Chief Finance Officer and Chief Legal Officer to negotiate the precise terms of the Inter Authority Agreement for a Procurement Shared Service between the London Borough of Brent, the London Borough of Harrow and Buckinghamshire County Council as set out in the Business Case at Appendix A;
- (iv) that the proposed staffing arrangements including the transfer of procurement staff currently employed by the London Borough of Brent to the London Borough of Harrow as set out at paragraphs 3.6 and 3.7 of the Director's report be noted.

## **6. Authority to award contracts for Advice and Guidance Services in Brent**

The report from the Director of Performance, Policy and Partnerships, in accordance with the Council's Contract Standing Order No 88, sought Cabinet approval to award two separate contracts (Contract 1: Generalist and Specialist Legal Advice and Contract 2: Brent Advice Partnership) for the delivery of Advice and Guidance Services in Brent. Both contracts were for a period of three years

with options to extend for two single years. The report provided details of the services, the procurement process undertaken and, following the completion of the evaluation of the tenders, recommended the award of the contracts.

Members welcomed the report and the proposals which aimed to bring together services and target areas of need.

RESOLVED:

- (i) that approval be given to the award of the contract for the delivery of Advice and Guidance Services in Brent: Generalist and Specialist Legal Advice to Brent Citizens Advice Bureau, effective from 1 April 2016, for an initial period of three years with an option to extend the contracts for a further two successive one year periods;
- (ii) that approval be given to the award of the contract for the delivery of Advice and Guidance Services in Brent: Brent Advice Partnership to Brent Citizens Advice Bureau, effective from 1 April 2016, for an initial period of three years with an option to extend the contracts for a further two successive one year periods.

#### **7. Voluntary sector Initiative Fund - Local Grants 2016 - 2018**

The Cabinet considered a report from the Director of Performance, Policy and Partnerships which sought agreement on amendments to the Voluntary Sector Initiative Fund – Local Grants funding stream from April 2016.

RESOLVED:

- (i) that agreement be given to the continuation of the Voluntary Sector Initiative Fund – Local Grants from 2016 with the following changes:
  - Alignment of the priorities of the grant programme to the priorities of The Borough Plan 2015 - 2019
  - A decrease of the total annual amount of funding available of £168,000
  - A change of term of grant funding from 3 years to 2 years
  - To maintain the maximum grant available at £25,000 per year per project
  - An introduction of a grant condition of paying all staff funded through the grant the London Living Wage.
- (ii) that agreement be given to £50K of the Local Grants funding being allocated to support the implementation of the Community Action Groups.

#### **8. Authority to market the Sports Club at the Gladstone Youth and Community Centre under the Council's Community Asset Transfer (CAT) Policy**

The report from the Director of Performance, Policy and Partnerships advised that through the Council's Community Asset Transfer (CAT) policy, the Sports Club at the Gladstone Youth and Community Centre was the subject of an Expression of Interest (EOI) by Kilburn Cosmos, (KCRFC). This EOI has been evaluated and has

passed the relevant tests as outlined in the CAT policy. Cabinet was now requested to authorise the marketing of the asset as a CAT opportunity.

The Mayor, Councillor Jones, was present to express her support for the work of Kilburn Cosmos and members welcomed the work that was taking place in the area.

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

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

RESOLVED:

- (i) that approval be given to the marketing of the Sports Club at the Gladstone Youth and Community Centre as a CAT opportunity for a seven year lease, as per 3.9 of the report from Performance, Policy and Partnership;
- (ii) that it be noted that, 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;
- (iii) that officers advertise in the local newspaper in accordance with Section 123 of the Local Government Act 1972, the Sports Club as shown on the Site Plan Appendix II and in the event of objections they be considered by the Strategic Director of Resources unless in the opinion of the Strategic Director of Resources significant objections are received in which case this should be reported back to the Cabinet for it to consider.

9. **Authority to market Northwick Park Pavilion (Main Hall and Ancillary Areas) under the Council's Community Asset Transfer (CAT) Policy**

Councillor McLennan introduced the report which sought authority to market, the Northwick Park Sports Pavilion asset as a Community Asset Transfer opportunity. Through the Council's Community Asset Transfer (CAT) policy, the Northwick Park Sports Pavilion was the subject of an Expression of Interest (EOI) by a consortium led by Sudbury Court Residents Association. This EOI has been evaluated and revised to include just the main hall and ancillary areas of the asset; resulting in a successful nomination. The proposals would result in a better use of premises.

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

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

RESOLVED:

- (i) that approval be given to the marketing of the Northwick Park Pavilion (Main Hall and Ancillary Areas) as a CAT opportunity for a seven year lease, as per 3.10 of the report;
- (ii) that it be noted that following marketing through a non binding informal tender process, the final decision to let the asset on the agreed terms would be placed before Cabinet for approval;
- (iii) that officers advertise in the local newspaper in accordance with Section 123 of the Local Government Act 1972, the land shown edged on the Site Plan Appendix III and in the event of objections they be considered by the Strategic Director of Resources, unless in the opinion of the Strategic Director of Resources significant objections are received, in which case this should be reported to Cabinet for it to consider.

#### 10. **Performance Report 2015/16 (Quarters 2 and 3)**

The purpose of the report was to provide Cabinet with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively. Councillor Butt (Leader of the Council) stated that the council was now focussing on the correct indicators with a more timely presentation of data. Cabinet members in turn referred to indicators in each service area and where the indicators were positive. Reference was made to improvement in illegal dumping, improvements to dwellings, the Living Room project and increasing employment of people with learning disabilities.

With the consent of the Chair, Councillor Warren raised questions on the improvement in fly tipping reporting target referred to in the report which he considered to be negligible and also questioned the amount of waste sent to landfill which was already over the target, asking about plans to reduce this. Councillor Southwood acknowledged that fly tipping was serious concern for and the council had a plan to reduce waste creation. The nature of waste creation was constantly changing and this was heightened by the number to the number of new people arriving in the borough.

RESOLVED:

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

#### 11. **Variation of Barnardo's contract to include Crèche Services**

Councillor Moher (Lead Member, Children and Young People) introduced the report which sought to vary the contract with Barnardo Services Limited, awarded in June 2015 for the management of 14 Children's Centres. An essential part of successful Children's Centre service delivery/outcomes included provision of crèche services on site, to allow parents/carers to attend courses and adult centred activities knowing their young children were well looked after nearby. The current provider of

crèche services was ceasing this provision and officers consider that varying the contract with Barnardo Services Limited to include such crèche services was an appropriate way of arranging future provision. This would allow Barnardo Services to take on responsibility for Fawood and Curzon centres following staffing changes. Councillor Moher welcomed the opportunity for further collaborative working.

RESOLVED:

that approval be given to the variation of the contract for the operation and management of Brent's Children's Centres with Barnardo Services Limited commencing on 5 October 2015 to allow the inclusion of the management and provision of crèche services.

## 12. **Brent Council's School Admission Arrangements for 2017/18.**

The report before the Cabinet requested agreement to the proposed Admission Arrangements and scheme of co-ordination for Brent Community Schools for 2017/18 and drew attention to changes to the arrangements as set out in the recommendations. The report also set out the results of the consultation undertaken on proposals to prioritise children of staff and children who attract pupil premium funding.

RESOLVED:

- (i) that the results of the consultation carried out from 23 November 2015 to 4 January 2016 be considered and noted;
- (ii) that the oversubscription criteria for community primary schools for 2017/18 be amended to include children of staff at criterion 5. The impact of the introduction of this criterion would be monitored in relation to the impact on vulnerable children;
- (iii) that children who attract pupil premium funding be not prioritised in the arrangements for admission in 2017/18, but the impact of not introducing this criterion would be monitored in relation to the impact on vulnerable children;
- (iv) that further amendments be made to the admissions arrangements to include explanations of the processes for measuring the distance from home to school and for the admission of summer born children;
- (v) that the proposed Admission Arrangements for Brent schools and schemes of coordination for maintained schools in Brent for the 2017/2018 academic year be agreed.

## 13. **Lyon Park Infant and Lyon Park Junior amalgamation report**

The Cabinet noted that the alteration to permanently amalgamate Lyon Park Infant School and Lyon Park Junior School by April 2016 has been proposed by the Governing Body of Lyon Park Infant and Junior Schools. This was in line with the School Place Planning Strategy 2014 -18 which was approved by Cabinet in October 2014. The report from the Strategic Director Children and Young People informed the Cabinet of the outcome of the consultations on the proposal to alter

the schools. Councillor Moher (Lead Member, Children and Young People) acknowledged that the response rate while low, was in favour of the amalgamation which would formalise the current arrangement.

RESOLVED:

that approval be given to the amalgamation of Lyon Park Infant and Lyon Park Junior Schools, which are community schools, from April 2016. The new school will be known as Lyon Park Primary School.

#### **14. Development Funds Programme for 2016-17**

The report from the Strategic Director, Regeneration and Environment sought approval for the proposed spatial and thematic allocation of Section 106 funds for expenditure in 2016-17 and commissioning specific projects and budget amounts detailed in the report.

Councillor McLennan (Lead Member, Housing and Development) drew attention the 50 projects with a combined budget of £3.8m to be funded in 2016-17.

Members welcomed the opportunity for local projects and infrastructure improvement noting that there would also be commissioning of CIL funds for 2016-17 to be reported separately and a further opportunity for residents, community groups and ward councillors to be involved.

RESOLVED:

- (i) that approval be given to the proposed 2015-16 programme of Development Funded projects and the relevant Heads of Service authorised to deliver this programme using the allocated budget and resources available;
- (ii) that the 2016-17 allocation £3.8m of S106 funding in 2016-17 in the following thematic split: £0.3m for Education; £2.1m for Transport, £1.2m for Amenity and Recreation; £0.2m for Employment be noted; and that opportunities for allocating sums for Affordable Housing, Environment, and Social be pursued further;
- (iii) that it be noted that any necessary statutory or non-statutory consultation and the consideration of any objections or representations shall be undertaken by the relevant Heads of Service responsible for delivering the projects;
- (iv) that the Director of Planning and Regeneration be authorised to approve and relevant Heads of Service to deliver projects in 2016-17 over and above the allocations and projects detailed herein where the exceptional circumstances criteria as set out in section 3.7 of the report from the Strategic Director of Regeneration and Environment are met.

#### **15. Housing Revenue Account (HRA) Business Plan Budget Setting - Proposals for 2016-2017**



The report from the Strategic Director of Community Wellbeing set out the Housing Revenue Account (HRA) forecast outturn for 2015/16 and the proposed HRA budget for 2016/17 as required by the Local Government and Housing Act 1989. The proposed annual budget took account of the national rent reductions as required by Government. Councillor McLennan (Lead Member, Housing and Development) drew attention to the resulting reduction in rental income by £498,000 compared with 2015-16 with further reductions required each year to 2020 which would need to be clawed back. Councillor McLennan emphasised the need for more affordable homes.

RESOLVED:

- (i) HRA Business Plan Budget 2016-17:
  - (a) that the HRA forecast outturn for 2015/16 as set out in section 3.1.1 (Table 1) – Budget Outturn Table 2015/16 of the report Strategic Director of Community Wellbeing be noted;
  - (b) that approval be given to the proposals and agreement to the savings and budget reductions for the HRA budget for 2016/17, as set out in Table 15 of the report and agree that they be included in the overall Budget for 2016/17 for approval by Full Council in February 2016;
  - (c) that approval be given to the HRA budget growth for 2016/17 of £512k and the use of £3.504m of one-off available resources.
  
- (ii) HRA Rent Setting 2016-17:
  - (a) that approval be given to an average overall rent decrease (excluding service charges) from April 2016 of £1.15 per dwelling per week, for HRA council dwellings, which is an average overall rent decrease of 1%;
  - (b) that agreement be given to an average overall rent decrease from April 2016 of £1.26 per dwelling per week for Hillside Dwellings, which is an average overall rent decrease of 1% as set out in section 3.2.2 (Table 6) of the report;
  - (c) that approval to given to an average overall licence decrease (excluding service charges) from April 2016 of £2.45 per pitch, per week, for residential council pitches, which is an average overall licence decrease of 1% as set out in section 3.2.3 (Table 7) of the report.
  
- (iii) HRA Service Charges 2016-17:
  - a) that agreement to given to the following Service Charges from April 2016:
    - (i) concierge Service Charge: An average increase from £7.76 to £9.04 per week, to meet the actual costs of providing this service;
    - (ii) agree all other Service Charge amounts will remain the same in 2016/17 as in 2015/16;

- (iii) a review of Helpline Service Charges, including service-user consultation, is carried out in 2016-17 to consider the service specification and costs.
  - b) that agreement be given to an increase in Garage Rents, as set out in section 3.3.3 and in Table 11 of the report;
  - c) that the service charges for Hillside dwellings be increased from April 2016 by an average of 0.6% (an average of £0.36 per dwelling per week) as set out in section 3.3.2 (Table 9) of the report.
- (iv) Management Services 2016-17:
- a) that agreement be given to a Management Fee for Brent Housing Partnership of £7.458m for 2016/17 which reflects an efficiency saving as set in section 3.1.3 (Table 3);
  - b) that it be noted that a review of BHP's Operating Model is underway with a further report to be made to Cabinet in 2016-17 with recommendations for service improvement and cost savings;
  - c) that the amendments to the Council's Tenancy Terms and Conditions for Brent Council Introductory and Secure tenants as set out in section 3.4.1 of the report, be agreed taking account of responses to consultation that has been undertaken;
  - d) that a programme of financial and service reviews be carried out in 2016/17 to review the cost, quality and customer satisfaction of:
    - (i) Tenant Management Organisation – Watling Gardens
    - (ii) Tenant Management Organisation – Kilburn Square
    - (iii) Residential Site Pitch Managed Services
  - e) that approval be given to a review of the existing Helpline and Estate Wardens Services in 2016-17 to consider future service arrangements including considerations of cost, quality and customer satisfaction;
  - f) that a report be submitted to Cabinet on the outcome of the reviews, as set out in 2.4 b), 2.4 d) and 2.4 e) above.
- (v) HRA Stock Investment Programmes 2016-17:
- that approval be given to an overall HRA stock investment programme of £33.789m for 2016/17, as set out in Appendix 1 of the report.
- (vi) HRA Development Programmes 2016-18:
- a) that a Phase 1 (infill) Council New Build Development Programme HRA budget of £8.373m for 2016/17 and £6.415m for 2017/18 to complete 61 homes be agreed;

- b) that approval be given to the HRA Development Agency Fee of £608K for 2016-17 and £139K General Fund Development Agency Fee within the Phase 1 and Phase 2 budget at a) above as set out in section 3.6.1 and in Table 14 of the report;
- c) that agreement be given to a Phase 2 (infill) Council New Build Development Programme HRA budget of £6.284m for 2016/17 and £13.095m for 2017/18 to develop 94 homes;
- d) that agreement be given to a feasibility budget of £478k for Phase 2 (Infill) within the Phase 2 Infill budget at c) above and £250k for Phase 3 (Infill) in 2016/17 to progress future pipeline schemes.
- e) that agreement be given to a Phase 2 (NAIL) New Accommodation Independent Living Development Programme General Fund budget of £2.083 for 2016/17 and £1.289m for 2017-18 to complete 16 homes.

## 16. **North West London Independent Healthcare Commission**

The report from the Strategic Director of Community Wellbeing introduced the final report of the Independent Healthcare Commission for Northwest London. Following a year long investigation into health service changes across five London boroughs, the Independent Healthcare Commission for North West London reported its findings in December 2015. The Commission was established to investigate the impact of the implementation of the Shaping a Healthier Future programme since 2013 across North West London. The SaHF programme has resulted in the closure of Accident and Emergency facilities at Central Middlesex and Hammersmith and Fulham Hospitals and proposals to consolidate acute services into five major hospitals across north west London. It also sets out plans to provide more services out of hospitals in community settings and through extended GP services.

Councillor Butt (Leader of the Council) stated that the report highlighted the intense pressure and the need for services to be reshaped. Councillor Hirani (Lead Member, Adults, Health and Wellbeing) referred to the concern of north west London boroughs at waiting times, in particular at Northwick Park which was the worst in the country since the closure of the Central Middlesex accident and emergency unit. Councillor Hirani drew attention to the increasing costs of the SaHF programme with costs now estimated at £1.3 billion and argued that there was a need for reconsideration and greater local involvement.

With the consent of the Chair, Councillor Warren questioned the independence of the Commission's report given that it was chaired by Michael Mansfield QC and the length of time taken to produce the report. He also questioned whether a request for a judicial review would be put forward. Councillor Hirani responded that Michael Mansfield was well regarded with a track record of involvement in many high profile cases. A considerable amount of evidence had been considered and the right of reply had to be offered, all of which took time. In the absence of any improvement, a Judicial Review would be considered. Members expressed grave concern at the findings, the decline in A&E services with Northwick Park Hospital being overwhelmed. They considered that the SaHF programme was fundamentally flawed and noted that a letter to the Secretary of State had yet to receive a response.

The Cabinet agreed on the need to continue to call for accountability, additional funding and improved outcomes.

RESOLVED:

- (i) that the findings of the Independent Healthcare Commission for North West London detailed in the accompanying report be noted;
- (ii) that it be noted that a copy of the Commission's report and a letter from the five commissioning boroughs has been sent to Jeremy Hunt, Secretary of State for Health and the National Audit Office;
- (iii) that it be noted that the council and members of the Health and Wellbeing Board were developing joint approaches to local service models intended to improve healthcare services, make best use of shared resources and achieve better outcomes for patients;
- (iv) that it be noted that the council remained concerned that the population modelling used to forecast the investments in future health services in north west London significantly underestimates the likely growth in population and the impact of regeneration programmes such as Old Oak Common.

**17. Adult Social Care Local Account 2014-2015**

Councillor Hirani (Lead Member, Adults, Health and Wellbeing) introduced Brent's Local Account. The purpose of the Local Account was to communicate priorities and to provide members, residents and service users with a key accountability mechanism for systematically monitoring and reporting self-regulation and improvement activities. Councillor Hirani drew attention to the changing population particularly 0-5s and an increase in spend for over 85 years of age. He welcomed the NAIL project (New Accommodation for Independent Living), highlighted safeguarding as a priority and referred also to the contribution of early intervention and direct payments.

RESOLVED:

- (i) that the performance and contextual information contained in this report be noted;
- (ii) that the current and future risks associated with the information provided and the strategic priorities identified be noted.

**18. Authority to participate in the joint procurement of a Dynamic Purchasing System for Residential, Nursing and Supported Living Care Placements**

The report from the Strategic Director of Community Wellbeing requested approval for Brent Adult Social Care to participate in a collaborative procurement with the West London Alliance (WLA) for the establishment of a dynamic purchasing system for provision of residential, nursing and supported living accommodation and care home placements. The proposed procurement was to be led by the London

Borough of Ealing therefore approval is also sought for using Ealing's contract standing orders and financial regulations as per Contract Standing Order 85.

RESOLVED:

- (i) that approval be given to the Council's participation in WLA collaborative procurement led by the London Borough of Ealing to establish a dynamic purchasing system (DPS) for residential, nursing and supported living care services led by London Borough of Ealing;
- (ii) that approval be given to the procurement detailed in (i) above of the report from the Strategic Director of Community Wellbeing exempt from the normal requirement of Brent Council's Contract Standing Order and Financial Regulations for good operational and/or financial reasons in accordance with the Contract Standing Order 84(a) and 85(c);
- (iii) that approval be given to the pre-tender considerations set out in 4.0 of the report that will be applied to select the DPS providers and used to award individual contracts.

19. **Approval to appoint providers to a Dynamic Purchasing System (DPS) for Accommodation Plus**

Councillor Hirani (Lead Member, Adults, Health and Wellbeing) reminded the Cabinet that in September 2015, approval was given to the invitation of requests from potential providers to apply to join a Dynamic Purchasing System (DPS) for Accommodation Plus Services. Approval was now sought to appoint the first round of applicants to the DPS having passed specific evaluation criteria. It was noted that the Strategic Director of Community Wellbeing already had 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. Councillor Hirani stated that a range of providers were being considered as this was a huge project with a number of options. Councillor Pavey (Deputy Leader of the Council) drew attention to the Equalities Assessment and the profile of the users.

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

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

RESOLVED:

that approval be given to the appointment of the providers listed in Appendix 1 of the report from the Strategic Director Community Wellbeing to the DPS for Accommodation Plus Services.

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

None.

21. **Any other urgent business**

None.

The meeting ended at 8.20 pm

M BUTT  
Chair



**Cabinet**  
14 March 2016

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

For decision

Wards Affected: ALL

**Determination of the proposal to permanently expand The  
Village Special School**

## 1.0 Summary

- 1.1. This report informs the Cabinet of the outcome of the statutory proposals to increase the number of places at The Village School from April 2016 and recommends that they be approved.
- 1.2. The Representation period on the proposals ended on 18 February 2016.

## 2.0 Recommendations

The Cabinet is recommended to:

- 2.1. Approve the expansion of The Village School by adding 35 new places for students aged 4 to 19 from April 2016.
- 2.2. Authorise the Strategic Director for Resources to approve the lease of Kingsbury School premises on satisfactory terms being agreed.

## 3.0 Detail

### 3.1 Background

- 3.1.1 The Village School, Grove Park, Kingsbury, London, NW9 0JY, is a maintained community special school located in the northern region of the London Borough of Brent. It is designated to provide school places for pupils between the ages of 4 to 19 with Severe Learning Difficulties (SLD) / and Profound and Multiple Learning Difficulties (PMLD).

- 3.1.2 The school currently has a planned admissions number (PAN) of 235 permanent places and the proposal is to increase the (PAN) to 270 permanent places by April 2016.
- 3.1.3 As at 19 February 2016 there are 269 children on roll at The Village School. The school has admitted pupils above its existing planned admissions number (PAN). Under the most recent school organisation guidance (January 2014) Governing Body's are able to increase their numbers as long as the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.
- 3.1.4 The school has the capacity to provide much needed additional school places at the current school site, and by utilising accommodation provided by Kingsbury High School. The Village School was rebuilt to a very high standard in 2014 and no further building works on the existing school site are required in order to provide the 35 additional places.
- 3.1.5 The Council's Special Educational Needs and Disability (SEND) services have been facing pressures arising from increased demand for specialist education placements. This increase in demand is in line with the increase in the Brent population, which will continue to grow rapidly until at least 2025. The school population in Brent has increased by 5,575 between May 2008 and May 2015, and correspondingly there is also an increase in demand for special school places. In previous years the council has had to place pupils in expensive out borough independent provision as special schools within Brent were full.
- 3.1.6 Advances in medical technology and higher survival rates of children with complex needs have impacted on special school place demand as have increases in medical diagnoses for conditions such as autism. The council has a statutory duty to provide sufficient school places for children within its area which extends to pupils with SEND who need special school places and access to special units in mainstream schools (Additionally Resourced Provision).
- 3.1.7 The Village is special school with a Good Ofsted rating. The school provides places for children with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with severe learning difficulties and profound physical disabilities.
- 3.1.8 Attending a Brent special school reduces the time pupils have to spend on daily transport to out-borough provision and enables them to mix with other children closer to their home addresses maximising the chances of developing local friendships.
- 3.1.9 Educating children within the borough means less is spent on transportation costs to out borough education.
- 3.1.10 The Village Special School is popular with parents and pupils, and its expansion helps meet parental demand.
- 3.1.11 This proposal supports the aims of Brent's overarching plan for Children and Young People (Borough Plan 2015 – 2019). It is aimed at ensuring that children and young



people are healthy and safe and ensuring sufficient high quality local school places to meet continuing increasing demand for SEND places for local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

3.1.12 Brent Council has been consulting with staff, parents and the community on the proposal to increase the pupil numbers.

## 3.2 **Statutory Process**

### Stage One Consultation

#### 3.2.1 The Village School

The Local Authority, with the support of the Governing Body of The Village School consulted with key interested parties on the expansion proposals. The consultation document is attached as Appendix 1. Over 700 copies of the consultation document were distributed via email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties.

3.2.2 Consultation meetings with staff, parents and the community were held at the school on 8 December 2015 (10am and 6pm). Notes of the meetings can be found in Appendix 2.

3.2.3 The informal consultative stage of the proposal to expand was completed on 24 December 2015.

3.2.4 The Village School proposal received 31 responses to the informal consultation (27 completed the grid below, some with comments, whilst 4 gave a written comment only – see Appendix 3 for full details).

<b>Expansion would mean we could:</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Don't know</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Improve educational facilities for SEN pupils:	13	11	1	1	0
Help meet the growing demand for school places:	14	10	1	0	0
Offer more places to children within the area	15	9	1	0	0
I support the proposal:	13	10	1	0	1
<b>Total</b>	<b>55</b>	<b>40</b>	<b>4</b>	<b>1</b>	<b>1</b>

3.2.5 A breakdown of who responded is in the table below:

Parent / Carer	20
Members of Staff	0
Local Resident	7
Governor at the School	0
Others and unspecified	4
<b>Total</b>	<b>31</b>

3.2.6 Following the end of informal consultation, the council therefore agreed to publish the statutory notice and full proposal.

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

#### Publication of Statutory Notice

3.2.8 Following the informal consultation stages outlined above, the Local Authority with the support of the governing body of The Village School, published the Statutory Notice detailing the proposals, in the Brent and Kilburn Times local newspaper on 21 January 2016.

3.2.9 A copy of the full statutory notice is attached as Appendix 4.

#### Representation

- 3.2.10 The statutory notice was followed by a four week statutory period (Representation stage), during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal and ensures that they will be taken into account by the Cabinet when the proposal is determined.

**Responses received during the Representation Stage:**

- 3.2.11 No representations were received during the four week statutory period [21 January 2016 to 18 February 2016].

**4.0 Financial Implications**

- 4.1 The Village School currently uses accommodation provided at the nearby Kingsbury High School. The additional 35 pupils are already at the school, and the proposal is to make this arrangement permanent, involving no building work.
- 4.2 The provision of the increased special school places within the borough is supported as this avoids the potential costs of sending these pupils to independent special schools outside of the borough, which could cost up to £100k per pupil. The provision of more specialist places locally also reduces the potential costs of transporting pupils to out-borough provisions, and assists with containing expenditure on SEN Transport. These are a reflection of Brent's updated School Place Strategy which was approved by the Cabinet in November 2015.
- 4.3 Special schools are funded from the Dedicated Schools Grant (DSG), whilst SEN Transport costs are funded through the council's general fund. Formalising the continued provision of additional places at the Village School therefore represents a long-term reduction in costs for both the DSG and the general fund. The increased funding for the Village school would be contained within the DSG, with funding moving from the independent top-up funding budget to the school's budget based on per pupil funding as below.
- 4.4 The funding for special schools is split between base funding of £10k for each planned place, and 'top-up' funding for each pupil on roll. The top-up funding is split into bands and is determined by the needs of each individual pupil on roll, using Brent's SEND funding matrix. There are currently six top-up funding bands which range from £3,946 to £27,220. The Village School caters for pupils with the most complex needs and are therefore funded on the higher bands – between £23,740 and £37,220 each (including base funding).
- 4.5 As a maintained school, approval from the council for a formal rental lease of this accommodation will need to be obtained. The accommodation is 448 sqm and the proposed lease is for 3 years at a rental of £25,000 pa with a capital premium of £250,000. These costs will be borne by the school and includes the cost of all maintenance and repair, caretaker, heating, lighting, etc. Business rates are not payable because exceptions apply to special schools. The council's Property Services have reviewed the rental lease agreement and consider that the proposed all-inclusive agreement is reasonable given the costs, and that risks of maintenance and repair along with dilapidations will not be incurred by the school.

## **5.0 Legal implications**

- 5.1 The procedure for the change of character, alteration and enlargement of The Village School is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority is entitled to make prescribed alterations to The Village Special School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 2 of the Regulations.
- 5.2 The Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Schedule 3, paragraph 3 of The School Organisation Regulations 2013.
- 5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them. The Authority has a statutory duty to make suitable and appropriate educational provision for children and young people who have special educational needs in its area in accordance with the relevant provisions of the Education Act 1996 (as amended by the Education Act 2011), The Special Educational Needs and Disability Act 2001, the Apprenticeship Skills Children and Learning Act 2009 and the Special Educational Needs Code of Practice 2015.
- 5.4 The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 of the School Organisation Regulations 2013.
- 5.5 The public sector equality duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision.
- 5.6 An Equality Impact Assessment has been carried out and is attached at Appendix 5 to this report.

5.7 The Cabinet would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal entitled School Organisation Maintained Schools – guidance for the proposers and decision makers January 2014 – <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

5.8 If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the two month period.

5.9 The accommodation taken up by the Village School at Kingsbury School is on proposed heads of terms such that the School take a lease for three years at a rental amounting to an effective rent of about £108k per annum (i.e. annual rent £25,000 pa and capital premium £250,000 spread over 3 years. The Village School have confirmed that this sum is an all inclusive sum with Kingsbury School effectively providing a fully serviced building the only additional cost will be the cleaning.

#### 5.10 Decision Making:

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

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

**All necessary information has been provided.**

- Does the published notice comply with statutory requirements?

**The statutory notice is complete and in line with the statutory requirements. The four week statutory representation period closed on 18 February 2016.**

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

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

- Are the proposals “related” to other published proposals?
- **No, the proposals are not related to other proposals.**

#### 5.12 Types of Decision

- 5.13 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.
- 5.14 In considering prescribed alteration proposals, the Decision Maker can decide to:
- reject the proposals;
  - approve the proposals;
  - approve the proposals with a modification (e.g. the implementation date);  
or
  - approve the proposals subject to them meeting a specific condition.
- 5.15 The following bodies may appeal against an LA decision:
- The local Church of England diocese;
  - The Bishop of the local Roman Catholic diocese;
  - The governing body of the Community School that is proposed for expansion.
- 5.16 Any appeals must be submitted to the LA within four weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within one week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals must also be sent to the schools adjudicator.

## **6.0 Diversity Implications**

- 6.1 The school proposed for expansion has an ethnically diverse pupil population and works to improve the life chances of pupils with disabilities. The Village School would enable the Council to provide additional new places required for Brent's growing pupil population.
- 6.2 The expansion will improve choice and diversity of provision. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.
- 6.3 The Equality Impact Assessment for the school has been completed - Appendix 5.

## **7.0 Staffing Issues**

- 7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the school's budget funded from the Dedicated Schools Grant.

## **Background Papers**

- i) School Organisation Maintained Schools – Guidance for proposers and decision makers – January 2014

## **Appendices**

- Appendix 1 The Village School – consultation document
- Appendix 2 Meeting notes
- Appendix 3 Responses to the informal consultation
- Appendix 4 The Village School – statutory notice
- Appendix 5 Equality Impact Assessment for The Village School

## **Contact Officer(s)**

Judith Joseph, School Place Planning Officer  
Early Help and Education  
Tel: 020 8 937 1061. Fax: 020 8 937 3222  
Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk)

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Gail Tolley  
Strategic Director, Children and Young People

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## Proposal to Expand The Village School by 35 places

### Why are we consulting you?

This consultation document is to inform you of the proposal to increase the planned admissions number of The Village School, Grove Park Kingsbury, London, NW9 OJY. The Village School is a maintained community special school located in the north of the London Borough of Brent. It is designated to provide school places for pupils between the ages of 4 to 19 with severe Learning Difficulties (SLD) / and Profound and Multiple Learning Difficulties (PMLD).

The school currently has provision for 235 permanent places and the proposal is to increase the schools planned admission number to 270 permanent places by April 2016.

We would like to hear your views on the proposal to expand. You can either respond by:

- Completing the form at the back of this document and return it by **Thursday 24 December 2015**
- sending an email to [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk) or
- attending a consultation meeting on **8 December 2015**
  - either at the parent only morning event **10am to 11am**
  - or the open public meeting at **6pm to 7.30pm**

### What is the proposal?

The Local Authority (LA), Brent Council is proposing to expand The Village School by 35 places (from 235 to 270) by April 2016 for students aged 4 to 19.

The School has the capacity to provide much needed additional school places at the current school site, utilising accommodation provided by Kingsbury High School. The Village School was rebuilt to a very high standard in 2014 and no further building works are required in order to provide the 35 additional places. The Village School has a planned admission number of 235. This proposal seeks to increase the planned admission number to 270.

This proposal supports the aims of Brent's overarching plan for Children and Families (Children and Young People's Plan). It is aimed at priority 1, ensuring that children and young people are healthy and safe and priority 2, ensuring sufficient local school places to meet continuing increasing demand for SEND places for local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

Brent Council is therefore consulting with staff, parents and the community on the proposal to increase the pupil numbers.

### **Who is this consultation for?**

This consultation is for anybody who feels they may be affected by the proposal. We would like to hear your views whether they be in support, objections or comments. This document has been sent to the following:

The Village School: parents, staff and student council if applicable  
All maintained schools and Academies in Brent  
Governing Body of The Village School  
Brent Council  
Westminster Diocesan Education Service  
London Diocesan Board for Schools  
London Borough of Ealing  
London Borough of Barnet  
London Borough of Camden  
London Borough of Harrow  
London Borough of Hammersmith and Fulham  
London Borough of Westminster  
Royal Borough of Kensington and Chelsea  
Resident Association,  
All Councillors  
Local Member of Parliament  
All Brent Customer Service Shops  
All Brent Libraries  
Brent Children Centres  
Any trade unions who represent staff of The Village School  
Representatives of main trade unions in Brent  
Brent PCT – Maternity and Child Health Steering Group members  
Any local partnerships, including the main voluntary agencies for SEN and Disabilities that Brent has relations with e.g.  
Partnership / groups who use the school premises on a contractual basis  
Partnerships / groups who use the school under extended services arrangements

## **Why are we proposing to expand The Village School?**

The Council's Special Educational Needs and Disability (SEND) services have been facing pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with the growing Brent population, and a subsequent proportionate increase of children with significant SEND. Advances in medical technology and higher survival rates of children with complex needs have impacted on special school place demand as have increases in medical diagnoses for conditions such as autism. The council has a statutory duty to provide sufficient school places for children within its area. There will be increasing demand for school places as a result of the growing pupil population which will continue to grow rapidly until at least 2025. The school population in Brent has increased by 5575 between May 2008 and May 2015, and correspondingly there is also an increase in demand for special school places. In previous years the council has had to place pupils in expensive out borough independent provision as special schools within Brent were full.

The Village is special school with a Good Ofsted rating. The school offers places to pupils aged from 4 – 19 with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with severe learning difficulties and profound physical disabilities. The proposal to provide an additional 35 places will help meet growing demand and achieve considerable educational and financial benefits. It will enable 35 children with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses. This will reduce the amount of time they have to spend on daily transport and will enable them to mix with other children closer to their home addresses maximising the chances of developing local friendships. The Village Special School is popular with parents and pupils, and its expansion would also help meet parental demand.

## **What is the process to be followed?**

Brent Council in partnership with The Village School intends to meet with staff, parents and the local community, to receive their views.

If, after this consultation, the Council decides to proceed with the changes then the statutory consultation will begin with the publication of a statutory notice in the local papers. The notice will also be placed on Brent website, on The Village School website and in public places such as at the main entrances to The Village School. Thereafter, a 6 week representation period will commence during which anybody can write to make formal representations on the proposal.

Representations can be in the form of support, suggestions or objections to the proposal. All representations will be presented to Brent Council's Cabinet which will make a decision on the proposal.

<b>Stages</b>	<b>Procedure</b>	<b>Approximate timelines</b>
Informal consultation  This consultation  Non statutory	The issue of this document marks the beginning of the informal consultation during which the views of any interested parties are sought. These views will be considered before the formal statutory consultation begins.	6 weeks
<b>Statutory</b>		
<b>Stage 1 - Publication</b>	Dependent upon the outcome of the informal consultation (outlined above), a decision on whether to publish a statutory notice must be made by the LA (Brent Council) in partnership with the Governing Body of the school. This publication marks the start of the statutory consultation.	1 week
<b>Stage 2 – Representation</b>	Following the publication of the statutory notice ‘representations’ can be made on the proposals – this is another opportunity to submit views (support, objections or comments) before the final decision is made.  The representation period will last for 6 weeks.	4-6 weeks
<b>Stage 3 – Decision</b>	Within two months after the representation period ends the Brent Cabinet will make the final decision on the proposal.	2 months maximum
<b>Stage 4 - Implementation</b>	If the proposal is approved, the changes would then be implemented. The aim is to provide the additional places from <b>1 April 2016</b> .	

### How can you give your views?

**Please send the response form attached by [date] to:**

Judith Joseph, School Place Planning Officer  
Brent Civic Centre, 5<sup>th</sup> Floor, Brent Civic Centre  
Engineers Way, Wembley, HA9 0FJ

**Or send an email by [date] to:**

[judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk)

**Or attend a meeting :**

Date -	<b>Tuesday 8 December 2015</b>
Time -	10am – 11am parents only 6pm – 7.30pm parents and public
Venue -	<b>Main Hall, The Village School Grove Park, Kingsbury London , NW9 0JY</b>

**Please tear this page off**

**The Village School – Response Form**

Please indicate your views (support, comments or objections) on the proposal to expand The Village School by 35 places by April 2016 by ticking the most appropriate boxes.

<b>Expansion would mean we could:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Don't Know</b>	<b>Dis-agree</b>	<b>Strongly Disagree</b>
Improve educational facilities for SEN pupils:					
Help meet the growing demand for school places:					
Offer more places to children within the area					
I support the proposal:					

Please add other comments on the proposal (continue overleaf if necessary)

<p><b>Page 30</b></p>
-----------------------

Name: \_\_\_\_\_

Address: \_\_\_\_\_(optional)

Email address: -----

(optional)

I am a:

Parent/Carer		Member of Staff	
Governor at the School		Prospective Parent	
Local Resident		Other please specify	

**Please return the response form to the address below by Thursday 24 December 2015.**

Judith Joseph, School Place Planning Officer  
Brent Civic Centre  
5<sup>th</sup> Floor, Brent Civic Centre  
Engineers Way, Wembley  
HA9 0FJ

**Alternatively, you could leave the form in the school reception for collection.**

Comments continued if necessary

**Parent and Public Consultation Meeting Notes**

**Tuesday 8 December 2015**

**Venue**

The Village School  
Grove Park, Kingsbury  
London, NW9 0JY

**10am – 11am parents only**

*Two mothers turned up and said they were happy with the school and their children were happy also*

**6pm – 7.30pm parents and public**

Nobody arrived for this meeting. Kay Charles, Headteacher and Judith Joseph stayed until 6.45pm.

***Email from Kay Charles, Headteacher dated 7 January 2016***

*Thank you. Also after you left I had a parent come to see me who asked if the expansion would impact on the children's educational provision and school standards. Sorry I had meant to email you about it. I explained that we received funding with each pupil therefore class sizes would stay the same as would provision, she was happy with that.*



## The Village Special School informal consultation responses received by 24 December 2015

Total responses = **31 (27 completed the matrix below, some with comments and 4 sent emails)**

### 27 matrix responses plus comments:

Expansion would mean we could:	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
Improve educational facilities for SEN pupils:	13	11	1	1	
Help meet the growing demand for School places:	14	10	1 **		
Offer more places to children within the area:	15	9	1		
I support the proposal	13	10	1		1^^ ref V4
<b>Total</b>	<b>55</b>	<b>40</b>	<b>4</b>	<b>1</b>	<b>1</b>

V1. *Completed the table but no written comment provided (Local resident)*

V2. "I don't disagree with all of the above (agree to all 4 categories). What I strongly disagree to is the lack of car parking spaces you provide for your staff, as most of them seem to be parking (badly) in our street and this will only increase with more staff.

I have called the school several times to get them to speak with the staff, but nothing changes. I've encouraged the staff to park nearer the green but they don't seem to want to walk 20m more to get to the school. It gets increasingly stressful t not be able to park near my house throughout the week. Plus the doctors surgery will be opening to add to the situation. If it continues we will have to apply for permit parking which would mean, no free parking for our friends and family which is not ideal (Local resident)

V3. I imagine it is up to the school to know if they can cope with additional places. However, the knock on effect of extra traffic is not clear. Already there is an overspill of parking places, which affects residents in Roe Green Village. With the new clinic and its lack of parking places this no doubt will become an issue. Unless some major work is done to Stag Lane this will become extremely congested and unable to cope with the extra traffic. (Local resident)

\*\*It is a pity that the other boroughs do not have the same facility but this does not mean that Brent and the Village School have to take the brunt because they are not coping with this influx of pupils.

V4. We have previously supported two local applications, viz:

- Earlier expansion of Village School
- "new" surgery on Stag Lane near Village School

^^ In both cases the provision of parking spaces has proved, after approval of the application, inadequate. There has been, and will continue to be (worse, when the "new" actually relocated NHS practice is operational). Considerable disruption to the neighbouring area, the increase in overflow parking reducing streets to a single lane for two directional traffic, results in entirely avoidable traffic jams c8.15-9.00 and c15.00-16.00. For this reason alone, i.e. that every new development proves (AFTER APPROVAL of the planning application) not to be self contained from the parking point of view, we strongly appose any expansion.

The quality of life for properties near Stag Lane and of Roe Green Village has been adversely affected already and we oppose any worsening of this. Should there be an assurance that there would be no further overflow parking we shall happily withdraw this objection. (Local resident)

V7. *No additional comments given (Parent)*

V8. *No additional comments given (Parent / carer)*

V9. *No additional comments given (Parent / carer)*

- V10. *No additional comments given (Parent / carer)*
- V11. I support the proposal and I think it is a good idea (Parent / carer)
- V12. *No additional comments given (Headteacher of a local school)*
- V13. *No additional comments given (Parent / carer)*
- V14. We don't have any objection to the expansion as long as you are able to provide the same level of service and increase the numbers of teachers and assistants (Parent)
- V15. I think it would be a good idea to school more pupils (Parent / carer)
- V16. *No additional comments given (Parent / carer)*
- V17. *No additional comments given (Parent / carer)*
- V18. The Village School is an excellent school for the special needs children. I support the proposal to extend the school so that more children can benefit from what The Village School has to offer. My son has enjoyed and has benefitted from the school and I would like other children to have the same opportunities. (Parent / carer)
- V19. *No name or additional comments provided*
- V20. *No additional comments given (Parent)*
- V21. More children with special needs should benefit by going to The Village School in the borough. It will cost the council more to sent them out of the borough (Parent / carer)
- V22. *No name or additional comment supplied (Parent / carer)*
- V23. *No name or additional comment supplied (Parent / carer)*
- V24. *No additional comments given (Parent /carer)*
- V25. *No additional comments given (Parent /carer)*

V26. *No additional comments given (Parent /carer)*

V27. Brent Teachers' Panel are supportive of this proposal to expand an already good community school which is popular with parents, employs a large staff, many of whom are trade union members and honours teachers' pay and conditions as well as being a living wage employer.

The Teachers' Panel is surprised to be consulted on this after the expansion has largely taken place and believes that for a consultation to be meaningful Brent Council ought to consult in future BEFORE The event. If many stakeholders now opposed the proposal, would children be asked to leave the school and jobs lost or would the voices of the community be ignored?!

The Teachers' Panel is pleased that the expansion of The Village School has led to the co-location of one of its sites with Kingsbury High and another with the College of North West London; this type of inclusion was suggested by the Teachers' Panel in an earlier consultation.

While we would not wish to see large numbers of children being excluded from mainstream schools, we are supportive of providing adequate places for those who need them and co-located places for those that are able to access this arrangement.

The Teachers' Panel trusts that the expansion of the school has happened due to the projections of future pupil numbers and that no subsequent falling roles will lead to closure of any classes and thus job losses. We would also wish to underline that any expansion to the school, in whichever location and Key Stage, would honour the existing staffing structure, pay and conditions of staff (Brent Teachers' Panel)

V30. *No additional comments given (Parent /carer)*

V31. *No additional comments given (Parent /carer)*

#### **4 email responses:**

V5. I am pleased to support the proposed admission numbers. It is vital that parents are reassured that the education and services provided to our children will not be reduced or affected to the detriment of our children. It is equally important that all staff, teachers and support workers are in agreement with the planned proposal.

V6. I live in Grove Park in front of the village school. It is not my concern what you mentioned in the response form in the mentioned letter, what I as a resident of Grove Park am concerned is the parking space in Grove Park. I remember before the school being built we had same letter form council regarding to new building. We called *Barnet* council planning department regarding to the parking space in our street. We have been reassured that there will be hundreds of parking spaces inside of school and there won't be any disruption for local people regarding to the street parking. Unfortunately we are still in trouble for our street parking. When we contacted the school and few staffs (the drivers who were parking), they said there is not enough parking inside of school for all staff.

Now by expanding the school means more staff and more cars will be in Grove Park. I'm sure our views as residents of Grove Park are not important for your department and you will go ahead the plan but I just wanted to respect your letter and reply to your letter.  
(Local resident)

V28 We are writing to object to the proposed expansion of the Village School. We are residents of Goldsmith Lane and already having severe parking problems, particularly with staff from The Village School using our road for parking. Since the parking facilities for school are already completely inadequate any additional staff will contribute to the local parking chaos. (Local residents)

V29. I am writing to voice my comment on the above proposal that you wrote to me about.

Whilst I think the school provides a worthy service and it is encouraging no building works are necessary for this expansion, I am concerned about the impact this expansion would have on the volume of traffic along Stag Lane. You will see below correspondence between myself and certain colleagues of yours at Brent Council, in which I have expressed a view that the quality of the road surface is sub-standard for the current volume of traffic it has to withstand. Until Brent Council respond to improve the quality of the road, I personally think any proposals that risk an increase in the volume of traffic along Stag Lane should be avoided.



## Statutory Notice

### **Brent Council proposed changes to The Village School**

Notice is given in accordance with Sections 19(1) and 21(2) of the Education and Inspections Act 2006 (as amended by the Education Act 2011) that the London Borough of Brent (the Local Authority) intends to make a prescribed alteration to The Village School, Grove Park, Kingsbury, London, NW9 0JY (DfE number 3047009) from 01 April 2016.

The Village School is a maintained community special school located in the northern region of the London Borough of Brent. It is designated to provide school places for pupils between the ages of 4 to 19 with severe Learning Difficulties (SLD) / and Profound and Multiple Learning Difficulties (PMLD).

The Local Authority, Brent Council is proposing to expand The Village School by 35 places for students aged 4 – 19.

The school currently has provision for 235 permanent places and the proposal is to increase the schools planned admission number to 270 permanent places by April 2016.

The School has the capacity to provide much needed additional school places at the current school site, utilising accommodation provided by Kingsbury High School. The Village School was rebuilt to a very high standard in 2014 and no further building works are required in order to provide the 35 additional places.

This proposal supports the aims of Brent's overarching plan for Children and Families (Children and Young People's Plan). It is aimed at priority 1, ensuring that children and young people are healthy and safe and priority 2, ensuring sufficient local school places to meet continuing increasing demand for SEND places for local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

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

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Judith Joseph, School Place Planning Officer, 5th Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk).

Alternatively a copy of the complete proposal can be obtained from:  
<http://www.brent.gov.uk/consultations.nsf>.

A limited translation and interpretation service is available for this document and upon request. Please contact Judith Joseph on 0208 937 1061.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Judith Joseph, School Place Planning Officer, 5<sup>th</sup> Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk). **The deadline for representation is Thursday 18 February 2016.**

Signed:

**Cate Duffy, Operational Director Early Help and Education**

**Publication Date: Thursday 21 January 2016**

#### **Explanatory Notes**

- The proposed change to expand The Village School will not affect the education of students currently attending.

## Equality Analysis – Online EA System

### The Expansion of The Village Special School

#### Stage 1 Screening Data

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

The Village School is a maintained community special school located in the north of the London Borough of Brent. It is designated to provide school places for pupils between the ages of 4 to 19 with severe Learning Difficulties (SLD) / and Profound and Multiple Learning Difficulties (PMLD).

The school currently has provision for 235 permanent places and the proposal is to increase the schools planned admission number to 270 permanent places by April 2016.

The School has the capacity to provide much needed additional school places at the current school site, utilising accommodation provided by Kingsbury High School. The Village School was rebuilt to a very high standard in 2014 and no further building works are required in order to provide the 35 additional places.

This proposal supports the aims of Brent's overarching plan for Children and Families (Children and Young People's Plan). It is aimed at priority 1, ensuring that children and young people are healthy and safe and priority 2, ensuring sufficient local school places to meet continuing increasing demand for SEND places for local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

Brent Council is therefore consulting with staff, parents and the community on the proposal to increase the pupil numbers.

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

The Council's Special Educational Needs and Disability (SEND) services have been facing pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with the growing Brent population, and a subsequent proportionate increase of children with significant SEND. Advances in medical technology and higher survival rates of children with complex needs have impacted on special school place demand as have increases in medical diagnoses for conditions such as autism. The council has a statutory duty to provide sufficient school places for children within its area. There will be increasing demand for school places as a result of



the growing pupil population which will continue to grow rapidly until at least 2025. The school population in Brent has increased by 5575 between May 2008 and May 2015, and correspondingly there is also an increase in demand for special school places. In previous years the council has had to place pupils in expensive out borough independent provision as special schools within Brent were full.

The Village is special school with a Good Ofsted rating. The school offers places to pupils aged from 4 – 19 with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with severe learning difficulties and profound physical disabilities. The proposal to provide an additional 35 places will help meet growing demand and achieve considerable educational and financial benefits. It will enable 35 children with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses. This will reduce the amount of time they have to spend on daily transport and will enable them to mix with other children closer to their home addresses maximising the chances of developing local friendships. The Village Special School is popular with parents and pupils, and its expansion would also help meet parental demand.

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

Yes – Age and Disability

**3.2 Could the proposal have a disproportionate impact on some equality groups? If you answered 'Yes' please indicate which equality characteristic(s) are impacted**

Yes – Age and Disability

Expanding the places at The Village School would create a disproportionate positive impact on age and disability (i.e. special educational needs).

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

Yes in a positive way. Educating local special needs children within the borough rather than outborough will cut down on the need for the expensive and very time consuming transportation service which will result in the children being part of their own local community rather than spending most of their time away.

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

No

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

Yes - Age and Disability

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

Yes

**Equality Objective 3** - To work in partnership with voluntary and community led organisations to ensure that services are delivered to the wider community - is engaged by this proposal.

The main aim of this proposal is to widen education provision for those residents that would benefit from the provision provided at The Village School. Through our consultation periods we have contacted a number of stakeholders to ensure they are informed about the proposal.

This proposal also relates to **Equality Objective 4**: To encourage residents to participate and engage with us in order to help us to shape local priorities and improve our performance in service delivery across the protected groups. The consultation process opens dialogue with local residents about their beliefs on school structure. In doing so we gather a wealth of information on the quality of education currently provided by the school and resident's views on how to improve, as well as community issues such as traffic and parking.

### Recommend this EA for Full Analysis?

Yes

**4. Use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis. What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.**

### Stage 2: Analysis

**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

**Please give details:**

The Village School is a maintained community special school located in the north of the London Borough of Brent. It is designated to provide school places for pupils between the ages of 4 to 19 with severe Learning Difficulties (SLD) / and Profound and Multiple Learning Difficulties (PMLD).

The positive impact of the proposal is that there will be additional places for SEND children who are Brent residents who need a school place. The increase in places will also give parents additional choice for a school place.

**5.2 Disability (select all that apply)**

- Positive
- Neutral
- Negative

**Please give details:**

The table below shows the number of children attending The Village School 2013 – 2015 and their primary SEN type. When the places at the school increases to 270 the numbers are likely to increase proportionately. This means 35 additional children will benefit from the provision at this school

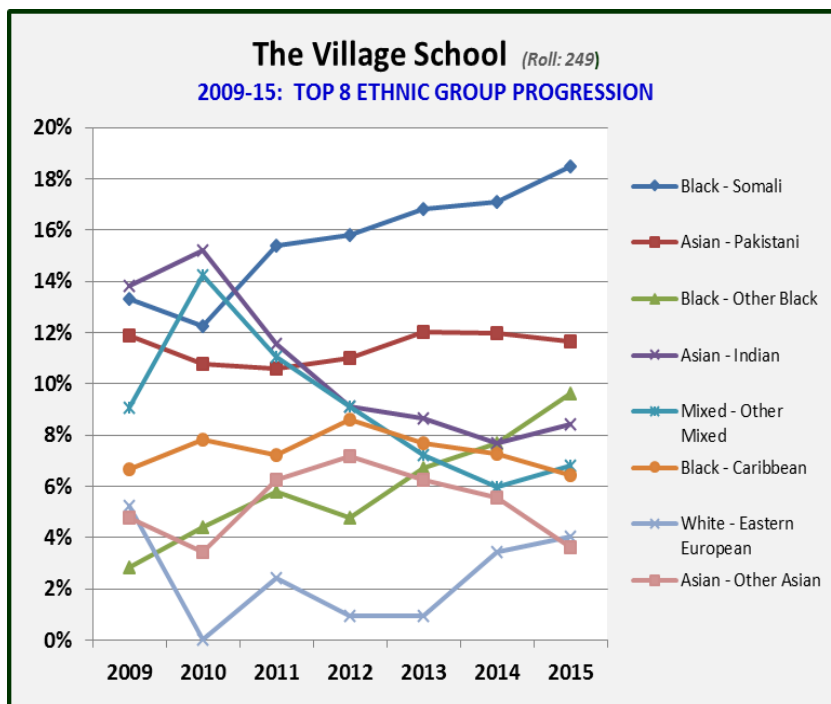
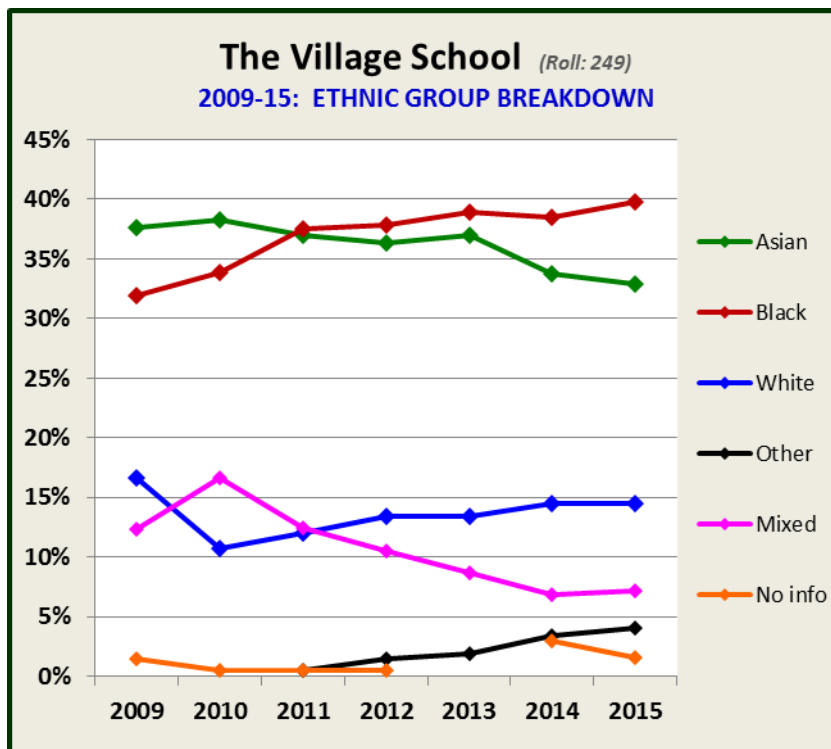
2013-15: The Village School - SEN Types						
PRIMARY SEN TYPE	2013		2014		2015	
Autistic Spectrum Disorder	55	26.4%	72	30.8%	82	32.9%
Severe Learning Difficulty	51	24.5%	64	27.4%	71	28.5%
Profound & Multiple Learning Difficulty	33	15.9%	38	16.2%	45	18.1%
Physical Disability	51	24.5%	41	17.5%	34	13.7%
Specific Learning Difficulty	13	6.3%	13	5.6%	12	4.8%
Other Difficulty/Disability	3	1.4%	3	1.3%	2	0.8%
Speech, Language & Communication Needs	1	0.5%	2	0.9%	2	0.8%
Visual Impairment	1	0.5%	1	0.4%	1	0.4%
<b>TOTAL PUPILS</b>	<b>208</b>		<b>234</b>		<b>249</b>	

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

- Positive
- Neutral
- Negative

**Please give details:**

Below are two graphs showing the ethnic group breakdown of the pupils at The Village School from 2009-2015 and the top 8 ethnic group progressions



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

- Positive
- Neutral
- Negative

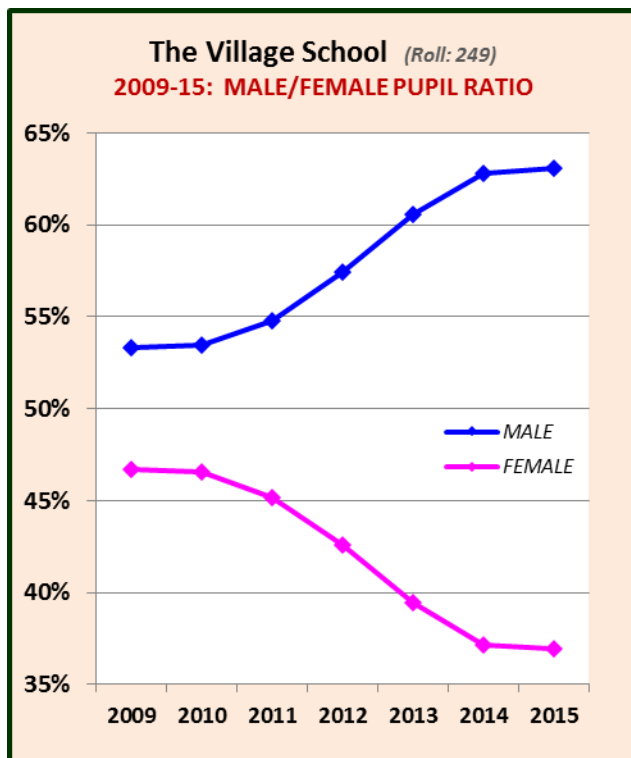
**Please give details:**

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

- Positive
- Neutral
- Negative

**Please give details:**

During the 2014/15 academic year 63% of the pupils at The Village School were boys and 37% were girls – compared to 54% boys and 46% girls during 2009/10.



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

- Positive
- Neutral
- Negative

**Please give details:**

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

- Positive
- Neutral
- Negative

**Please give details:**

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

- Yes
- No

**7. 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 consultation process to expand The Village Special School was in 5 parts (the first part being non statutory):

- Part 1 - Informal consultation (non statutory)
- Part 2 - Statutory notice

- Part 3 - Formal consultation - Representation
- Part 4 - Decision by the Brent Cabinet
- Part 5 - Implementation if the Brent Cabinet agrees the proposal

Detailed consultation documents were drafted and agreed with the governing body of the school. 700 copies were printed and delivered each child for their parents and to the local community of both sites and approximately 300 copies were emailed to a variety of people and organisations as outlined in the attached document. Consultation meetings for parents and residents were held to discuss the proposal. Staff meetings were held also.

31 responses were received for the informal consultation and none for the formal consultation. The vast majority of the responses either strongly agreed or agreed with the proposal.

Supporting documentation can be found here:

[http://brent.limehouse.co.uk/portal/candf/expansion\\_of\\_the\\_village\\_special\\_school](http://brent.limehouse.co.uk/portal/candf/expansion_of_the_village_special_school)

### **STAGE 3: ACTION PLANNING**

**Now, you will respond to your findings from the analysis stage and complete an action plan. At this stage you need to think about how to remove or reduce all the negative impacts that you have identified and how to maximise any opportunities to promote equality. This might mean making changes to your proposal or to the way that it is implemented.**

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

The proposal to provide an additional 35 places will help meet growing demand and achieve considerable educational and financial benefits. It will enable 35 children aged 4-19 with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses.

Attending a Brent special school will reduce the amount of time pupils might have to spend on daily transport to outborough provision and will enable them to mix with other children closer to their home addresses maximising the chances of developing local friendships.

Educating children within the borough means less is spent on transportation costs to out borough education.

The Village Special School is popular with parents and pupils, and its expansion would also help meet parental demand.

This proposal supports the aims of Brent's overarching plan for Children and Families (Children and Young People's Plan). It is aimed at priority 1, ensuring that children and young people are healthy and safe and priority 2, ensuring sufficient local school places to meet continuing increasing demand for SEND places for local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

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

None identified.

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

There are no remaining negative impacts.



 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 March 2016</p> <p style="text-align: center;"><b>Report from the Strategic Director, Community Wellbeing</b></p>
Wards affected: ALL	
<b>Libraries Stock Contract</b>	

## 1.0 Summary

- 1.1 This report sets out the officer recommendation following the successful procurement exercise for the supply of stock items to Brent library service. Following a report to Cabinet in February 2015 officers were authorised to review two frameworks, Central Buying Consortium (CBC) and London Libraries Consortium (LLC) to determine which would provide the best value and most efficient service.
- 1.2 The new CBC Framework has an estimated purchasing power of £19,000,000 and the CBC have negotiated a strong range of discounts with greater flexibility than other frameworks. It is therefore felt to be the strongest framework in terms of providing value for money to Brent Council. The recommendation from the review is for Brent to call off from the CBC framework to provide the majority of its library stock.

## 2.0 Recommendations

- 2.1 That Cabinet gives approval for the Council to be an Associate Member of the Central Buying Consortium (CBC) Library Group from 1<sup>st</sup> of April 2016 for up to four years
- 2.2 That Cabinet gives its approval for the Council to call off services under the CBC single supplier Library Book and AV Framework
- 2.3 That the Cabinet gives its approval for the Council to enter into a call off contract and place an order with the winning bidder, Askews and Holts Library

Services Ltd, for an initial two years with the option to extend for a further two years effective from 1<sup>st</sup> April 2016.

### **3.0 Detail**

- 3.1 The current libraries stock contract, commenced in April 2012 and is with the CBC for the purchasing of library stock. The existing CBC framework is administered by West Sussex County Council (“WSCC”) and consists of 47 local authorities across the country (mainly in the south east). By combining buying power with other local authorities, the Council was able to ensure a higher discount from book suppliers and therefore better value for money.
- 3.2 Cabinet decided not to undertake a formal tender on the open market due to the costs of the tender process and the likelihood of worse terms and conditions, due to low purchasing power.
- 3.3 Officers were tasked with reviewing two major frameworks – the CBC and the LLC as well as a contingency option should these frameworks not be in place in time. During the process a new framework was created by Cultural Services Solutions, which was also considered.
- 3.4 Officers recommend not pursuing participation in the LLC framework due to its small purchasing power (only 7 authorities) and the lack of any additional features or localised specialism that may have set it apart from the CBC. There was also uncertainty as to whether this framework would be re-tendered, with a decision only agreed in November 2015, increasing the risk that the tender would not be ready by April 2016.
- 3.5 The new framework from Cultural Services Solutions (managed by Carillion Library services across 4 London Boroughs) was also considered. However this again lacked the purchasing power of the CBC and involved losing local responsibility and decision-making for stock purchasing for no additional savings. It is therefore not recommended that we pursue this option.
- 3.6 The new CBC framework has been completed and the winner of the tendering process were announced by WSCC on the 4<sup>th</sup> of January 2016. Brent Library officers have contributed to the CBC tendering process to ensure it would meet our needs.
- 3.7 The new CBC Framework will be a single supplier framework awarded to Askews and Holts Library Services Ltd by WSCC. With the addition of new members (up to at least 49 local authorities) and an estimated purchasing power of £19,000,000, the CBC have negotiated a strong range of discounts with greater flexibility than other frameworks. These discounts represent an improvement on the previous contract, covering a wider range of book material and providing additional savings. It is therefore felt to be the strongest framework in terms of providing value for money to Brent Council.

### **4.0 Financial Implications**

- 4.1 The current budget for library stock amounts to £450k and the majority of this budget is spent on purchasing items through the CBC, to the approximate value of £300k (based on 2016/17 estimates and dependent on the exact value of materials purchased in line with demand and publishing trends). The additional funds are spent on specialist stock purchases such as foreign language materials, e-books and newspapers which are not covered by this framework.
- 4.2 The framework is proposed for an initial period of two (2) years with an option to extend for a further two (2) years (potential maximum of four (4) years) therefore the value of the contract could be as much as £1.8m. This will save approx £80k per year towards the departments savings target.
- 4.3 Supplier selection costs have reduced by £1.5k, discounts on mass produced bestselling titles will rise from 35% off the recommended retail price to 48.5%, and discounts of 10-15% on textbooks and reduced print items will be available where previously the full recommended retail price was payable.

## **5.0 Legal Implications**

- 5.1 The Public Libraries and Museums Act 1964, section 7, states; 'It shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof'. The duty arises in relation to persons who are resident, work in or are in full time education in the borough. In fulfilling its duty the Council shall in particular have regard to the desirability of:
- i) securing, by the keeping of adequate stocks, by arrangements with other library authorities, and by any other appropriate means, that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials, sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children; and
  - ii) securing that facilities are available for borrowing books, records, films etc sufficient in number, range and quality to meet the needs of all, and the special requirements, of adults and children.
  - iii) encouraging adults and children to make full use of the service and provide advice
- 5.2 It is the statutory duty of the Secretary of State for Culture, Media and Sport to:
- superintend, and promote the improvement of, the public library service provided by local authorities in England (section 1(1))
  - secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities.

- (i) The Secretary of State has a statutory power to intervene when a library authority fails (or is suspected of failing) to provide the required service (section 10).
- (ii) The Secretary of State may commence a local inquiry either on receipt of a complaint or at his/her own initiation.

5.3 Officers obtained Member approval to express an interest in joining the CBC Library Group managed by WSCC at its Cabinet meeting on 23 February 2015.

5.4 In accordance with Contract Standing Order 86(e) (“CSO”) no formal tendering procedures apply where contracts are called off under a framework established by another contracting authority, such as the WSCC, provided the relevant Chief Officer has confirmed that there is sufficient budgetary provision for the proposed call off and the Chief Legal Officer advises that participation in the WSCC Framework is permissible. However, where the proposed call off contract represents a High Value Contract under CSOs then Officers are required to seek and obtain Cabinet approval prior to award.

5.5 As stated within the body of this report, the council’s existing libraries stock contract is with a supplier (Askews and Holts Library Services Ltd) under an existing framework agreement managed by WSCC, due to expire on 31 March 2016. On 4 January 2016 WSCC sought and obtained approval from its Executive Director to award a new framework agreement comprising of 4 Lots to a single supplier, Askews and Holts Library Services Ltd. The Council’s anticipated spend under the CBC Framework Agreement will be deemed a High Value Contract under CSOs and as such, Cabinet approval is required prior to placing an Order with the single supplier on the CBC Framework.

5.6 For the purposes of CSO 86 (e)(ii) it is confirmed that the council’s proposed participation/call –off under the CBC Framework is permissible; Brent being one of the named Associate Members referred to in the OJEU Contract Notice, under the CBC Framework Agreement permitted to access services thereunder.

5.7 Members should note that under the proposed new CBC Framework Agreement each Associate Member, is required to pay a management fee to WSCC. The management fee proposed will be charged on a quarterly basis, in arrears, in the sum of an amount equal to 1% of the total value of amounts invoiced to that specific Associate Member under the CBC Framework Agreement during the preceding quarter.

## **6.0 Diversity Implications**

6.1 The library service is a universal service for all residents. Specifications are carefully drawn up, monitored and reviewed using demographic and service usage data to ensure that the needs of all residents are identified. When we are unable to use the CBC to buy stock in community languages or for other

identified groups, a proportion of the stock budget is retained and used to purchase the books from specialist suppliers.


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 <b>Brent</b>	<b>Cabinet</b> 14 March 2016  <b>Report from Strategic Director of Community Well being</b>
Wards Affected: ALL	
<b>Adult Social Care – Charging for Services</b>	

## 1.0 Summary

- 1.1 The Care Act 2014 gives local authorities the power to charge for services for care and support and replaces existing provisions under the Council's Fairer Contribution for Services and Charging for Residential Accommodation Guidance (CRAG). The overarching principle is that people should only be required to pay what they can afford. People will be entitled to funding from their local authority based on a means-test and some will be entitled to free care. Statutory guidance published by the Department for Health sets out how the local authority should interpret the provisions of the Act.
- 1.2 This report relates to a minor change in the current policy detailing how people are financially assessed in order to establish their financial contribution towards their care.
- 1.3 The report sets out the consultation process that will need to take place in order to ensure residents are made aware of the potential changes to the policy and process, and to demonstrate the councils commitment to maintaining current practices with regards to charging for care and support services, but within a new single financial charging policy in accordance with the Care Act 2014.

## 2.0 Recommendation

- 2.1 Cabinet agrees to the proposal to consult for a period of 30 days on the:

- a) Implementation of a new Charging Guidance 2016 Policy which brings together the current Fairer Contribution Policy and national guidance for residential care under CRAG.
- b) Implementation of light touch assessment in accordance with the Care Act 2014.
- c) An average charge of £29.07 is made for those customers who are receipt of services but a financial assessment has not been undertaken.

### **3.0 Policy Context**

- 3.1 The Care Act 2014, statutory guidance and supporting regulations replace a raft of legislation and guidance that has been in place for over 60 years. Part 1 of the Act came into force on 1<sup>st</sup> April 2015, and changed the legal basis for charging for care and support from a duty to a power. This new power replaces the existing duty to charge under the National Assistance Act 1948 for residential and nursing provision and the power to charge for non residential services under the Chronically Sick and Disabled Person Act 1970.
- 3.2 The new Act makes minor adjustments to the way that the charging system for care and support operates from April 2015 onwards. Under the Care Act, new rules for charging will apply when a local authority arranges care and support to meet a person's support needs. In certain circumstances the Act states that care and support must be provided free of charge, for example the provision of reablement for up to six weeks. In other circumstances the local authority may ask for a contribution fee towards residential care and/or non-residential care and housing related support.
- 3.3 There are also circumstances when the local authority is prohibited from contributing towards the cost of a person's care and support. Under current legislation, those with assets over £14,250 can be required to make a contribution towards the costs of their care and support, some people with sufficient income living in the community but with less than £14,250 can be required to make a contribution, and those with assets over £23,250 can be required to meet the full cost of their care and support.
- 3.4 Services provided will be means tested according to whether the person receiving care can afford to pay for it in full, contribute towards it or pay nothing at all. The Act brings charging regulations together under one piece of legislation. It allows councils, where possible, to undertake financial assessments by accessing Department for Work and Pensions information or through telephone discussion rather than visiting to verify financial information or by implementing low flat rate charges.



- 3.5 Adult Social Care has previously consulted on the policy of charging for care and support. The recommendations in this report do not alter our position on charging for care and support but do broaden the scope of how people can be financially assessed in the future.
- 3.6 It is right that we consult people who may be adversely affected by the revised proposals although this is assumed to be a minimal number. A clear and transparent policy on charging enables people to make advanced and informed decisions about their care and support arrangements.

#### **4.0 Current Charging Policy**

- 4.1 Adult Social Care charging policy for non-residential care and housing related support is based on the published Fairer Contribution Policy. This policy is based on Government guidance, which states that a council can choose to charge for non-residential care services, subject to certain minimum levels of income.
- 4.2 Current non-residential care and housing related support charges are applied as follows:
- a. Non-residential care and housing related support (including extra care) provided under Section 29 National Assistance Act ['NAA'], Section s Chronically Sick and Disabled Persons Act 1970 ['CSDPA'], Section 45(1) NHS Act 2006, Section 8 Residential Homes Act 1980 and Section 2 Carer and Disabled Children Act 2000.
  - b. Day services including transport, if provided.
  - c. Any non-residential care and housing related support based care packages through Personal Budgets or Direct Payments.
  - d. Telecare/assistive technology.
  - e. One-off services (for example, intensive house cleaning).
  - f. Telephone line rental and TV licences.
  - g. Respite Care Services.
- 4.3 Although the current Fairer Contribution Policy makes provision for a charge for telecare services, in practice this has not been implemented due to problems related to the billing structure. The billing system has now been adapted to resolve this issue. However, further work needs to be undertaken to determine the effect of applying charges to telecare services. It is proposed that a further report is brought to cabinet for consideration once this work has been completed and the

implications can be fully assessed.

4.4 The Current Charging policy does not apply to the following:

- a. Meals on wheels which is invoiced separately at a flat rate on the basis that they are a substitute for ordinary expenditure.
- b. Funerals provided under the duty set out under the S46 Public Health (Control of Disease) Act 1984 as this will be charged in accordance with the relevant protocol.
- c. The provision of day services or additional Adult Social Care services provided to those also accommodated by the Council in residential placements under Section 21 National Assistant Act. Charges are based the charging regime within the National Assistance (Assessment of Resources) Regulations 1992 and Charging for Residential Care Guidance ['CRAG'].
- d. Reasonable costs incurred by the Council for providing protection of property in line with the duty under s48 NAA.
- e. The costs incurred by the Council or any of its officers in connection with an application to the Court of Protection for deputyship or any expenses incurred in the exercise of his functions.

4.5 Charges are not made in the following circumstances:

- a. Under Section 117 of the Mental Health Act 1983 (after care services).
- b. Customers who have any form of Creutzfeldt Jacob Disease.
- c. Care paid for in full by a Primary Care NHS trust.
- d. In an intermediate care setting, to enable re-ablement support for up to six weeks or as part of short-term rehabilitation or extended residential stay (for example, following a stay in hospital) up to a period of four weeks.
- e. Where the council is satisfied that any contribution would lead to exceptional hardship it reserves its discretion not to require a contribution (in full or in part).
- f. Services provided to relevant and former relevant children under the Children Act 1989.
- g. Basic aids and adaptations equipment, where necessary,

will be provided free of charge.

- h. It is currently permissible to require a contribution for services provided directly to carers (under Section 2 Carers and Disabled Children's Act 2000) to support them in their caring role. Where housing related support is offered to carers outside the social care system, different eligible and charging arrangements may apply.
- i. Provision of information, advice and guidance about the availability of service.
- j. Provision of assessment, including assessment of non-residential care and housing related support needs.

#### 4.6 Residential Care Charges

Current residential care charges are applied by using the Department of Health Guidance paper 'Charging for Residential Accommodation Guidance' (CRAG). The paper provides statutory guidance to local authorities on how to interpret the regulations on charging for residential care. The guidance states:

*'It is for the local authority to decide whether it will carry out a financial assessment or whether it will charge an amount that it appears reasonable for the resident to pay'.*

The National Assistance Act 1948 underpins this guidance. The financial assessment is made using the National Assistance (Assessment of Resources) Regulations 1992.

- 4.7 Section 22 of the Act requires local authorities to fix a standard rate for the accommodation. If a resident (i.e. a person who is provided, or proposed to be provided, with accommodation) is unable to pay the standard rate, the local authority must assess their ability to pay, and decide what lower amount should be charged.
- 4.8 Personal Expense Allowance (PEA) is taken into consideration which is the weekly amount that councils must, in the absence of special circumstances, assume that residents will need for their personal expenses. The PEA is specified in regulations made under section 22(4) of the National Assistance Act 1948". This amount is increased each April, in line with the increase in average earnings.

Currently the Council take into account a person's total income and savings less the agreed personal expense allowance which is £24.90 for non property owners and £144.00 for those who have a property (agreed in 2015/16).

#### 4.9 Capital limits

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A customer with capital of more than £23,250 is liable to pay the standard charge for the accommodation, if in a local authority home, or the full amount of the contracted fee if in an independent sector home. If a customer has more than £23,250 no financial assessment is undertaken as there is evidence in their ability to pay the full amount. Where a customer is one of a couple, or a civil partnership, the customer is liable to pay the standard rate or full contracted fee if they have more than £23,250 in their own right; or if their own capital and their share of jointly held capital is more than £23,250. Capital of £14,250 or less is fully disregarded (i.e. does not attract tariff income).

Capital over £14,250 and up to and including £23,250 is taken into account in full for the purposes of calculating the resident's tariff income from capital unless regulations specify otherwise.

Where a customer has £23,250 or less but more than £14,250, a financial assessment of their ability to contribute is undertaken. In doing this what is taken into account is £1 for every complete £250 or part of £250 over £14,250. This is called tariff income.

4.10 CRAG Charging Policy does not apply to those customers in receipt of services under Section 117 of the Mental Health Act 1983 and financial assessments disregard customers in receipt of the following:

- b) Those on Income Support/Pension Credit paid for home commitments
- c) When a person is in receipt of a Christmas Bonus
- d) Payment from the Macfarlane Trusts, or the Independent Living Fund or it's successor body
- e) Those who are in receipt of a Gallantry award
- f) A person who is in receipt of Income however, the income is frozen abroad
- g) Income received in kind
- h) Payments made to trainees
- k) War widow and war widowers special payments
- l) Work expenses paid by employer expenses paid to voluntary workers

## **5.0 Current Charging Process**

- 5.1 The Client Affairs Team are responsible for conducting financial assessments on behalf of Adult Services for care and support services provided, and ensuring charges are paid. The care and support currently provided to customers is not a free service. The process is that a person's care and support needs are determined by Adult Social Care practitioners and, following a care assessment, an officer within the Client Affairs Team will conduct a financial assessment to determine how much the person can afford to pay towards the cost of their care. For non-residential care and housing related support this is normally done by visiting the customer at their home. For residential care the financial assessment form is sent to the customer or their representative to complete and return within 14 days.
- 5.2 On a number of occasions it has proven to be difficult to confirm an appointment with the customer and several attempts are necessary to complete the visit and the financial assessment. This delays the collection of income to the council. The council policy is for three attempts to be made to arrange a visit and if this fails the customer is charged the full cost of the service until a financial assessment can be completed. Charging the full cost of the service inevitably helps to facilitate a financial assessment visit, however, adjustments have to be made to the charges once an accurate assessment has been undertaken and this process does not make good use of officer time.
- 5.3 Once the financial assessment visit is arranged and a financial assessment has been undertaken financial contribution charges, if any, will commence at the point when the customer is informed of how much they are required to contribute. This further prolongs the process and results in a loss of income to the Council. Approximately 50% of customers are not charged for services as their income falls below the contribution threshold.
- 5.4 An invoice is issued to the customer by the Client Affairs Team and charges for non-residential care and housing related support are applied from the day the customer is notified of their charges. Corporate Financial Service Centre (FSC) is responsible for collecting monies owed on behalf of Adult Services.
- 5.5 The guidance for charging for residential care is based on the government guidance paper 'Charging for Residential Accommodation Guidance' (CRAG) 2014 (CRAG). The guidance is underpinned by the National Assistance Act 1948 and the financial assessment is made using the National Assistance (Assessment of Resources) Regulations 1992.
- 5.6 For customers receiving residential care the financial assessment form is sent to the customer or their representative. If the placement is to be permanent a Land Registry check is undertaken to establish if the customer owns a property. If a property is found this may affect the level of financial contribution made by the customer. The assessment

is then undertaken once all the information on the financial assessment form has been completed and returned to the Client Affairs Team.

- 5.7 An invoice is issued to the customer by the Client Affairs Team and charges for residential care apply from the first day the customer receives the service. Corporate Financial Service Centre (FSC) is responsible for collecting monies owed on behalf of Adult Services.

## **6.0 Proposed Changes to the Charging Policy and Process**

- 6.1 The new Charging Policy brings together the charging regime as stipulated within the Councils current Fairer Contribution Policy and Charging for Residential Accommodation Guidance (CRAG) under one policy based on the charging regime within the Care Act 2014, Statutory guidance and Regulations. The policy also exercises the Councils powers to charge for services.
- 6.2 The main change in the updated policy relates to how financial assessments will be undertaken in the future. The focus will be on a light touch assessment.
- 6.3 The Care Act states that in some circumstances a local authority may choose to treat a person as if a financial assessment has been carried out. In order to do so, the local authority must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford, any charges due. This is known as a light-touch financial assessment. It allows councils, where possible, to undertake financial assessments by accessing Department for Work and Pensions information or through telephone discussion rather than visiting to verify financial information or by implementing low flat rate charges.
- 6.4 The main circumstances in which councils are permitted to consider carrying out a light touch financial assessment are:-
- a. Where a person has significant income and savings and capital and does not wish to undergo a full financial assessment for personal reasons, but wishes nonetheless to access support from the Council in meeting their needs. In these situations the Council may accept other evidence instead of carrying out the financial assessment and consider the person to have income and savings and capital above the upper limit.
  - b. Where the Council charges a small amount for a particular service which the customer is clearly able to afford and carrying out a financial assessment would cost more for the Council to perform than the cost of the service.

- c. When an individual is in receipt of benefits which confirm that they would not be able to contribute towards their care and support costs, such as Jobseekers Allowance.
- 6.5 The changes within the charging policy relate to the introduction of light touch assessment using DWP information further supported by Housing Benefit and Council tax systems collection.
- 6.6 Where it has not been possible to undertake a light touch assessment through the DWP or the Northgate system the financial assessment form will be sent to customer for completion and return back within 14 days. A visit to the customer may also be undertaken to verify information. For customers receiving services and where information cannot be obtained from the DWP, Housing Benefit or Council Tax systems, an average charge of £29.07 will be charged from the time that the service commences and until a financial assessment can be completed. This figure will be adjusted to reflect the accurate contribution once the financial assessment has been completed and the customer has been informed of the charges for their service.
- 6.7 Advantages of light touch assessment are as follows:
- a. Reduced financial assessment visits for the customers. Currently 50% of customers are not charged for services because their income falls below the contribution thresholds. It is possible that the council will be able to reduce the number of financial assessment visits undertaken by the same percentage.
  - b. Less forms and evidence for the customers to provide
  - c. Quicker determination of assessed charge which supports the customers personal budgeting and ensures that the council applies the right level of charge more accurately and more quickly
  - d. Charges and the charging process are fairer and more transparent for customers
  - e. The council is able to secure income sooner
  - f. There will be a reduction in the amount of debt accrued as the assessed charge is determined more quickly
  - g. More simplified administration resulting in better use of officer time and a potential reduction in processing costs
- 6.8 The risks associated with implementing light touch assessments are low as long as the Council operate them in accordance with the policy intention. Some low level risk has been identified in table 2 below.
- 6.9 Table 2

<b>RISK</b>	<b>MITIGATION</b>
Capital and savings may not be declared when the customer has had a light touch assessment	The DWP Benefits systems operate a risk based verification programme. Further verification can be made by using the Council's Northgate system related to Council Tax Collection
Disability Related expenses will not be taken into account above the standard disregard	Customers will receive written notification when a light touch assessment had been conducted which will inform the customer they can apply for additional disregards if their disability related expenses are above the standard disregards applied
Financial Resources may change	The customer will have a duty to notify the council of any changes in their financial circumstances. In addition to this regular reviews will be conducted

6.10 In order to access the information on the DWP, Housing Benefit or Council Tax system all staff currently undertaking financial assessments must sign a disclaimer to ensure information obtain will only be used for the purpose of undertaking financial assessments for non-residential care and housing related support services and residential care. In addition to this the Council's Data Protection policy also restricts how personal information is obtained and used.

6.11 Currently all financial assessment staff have signed the DWP disclaimer and have undergone training in utilising the system in an test environment.

## **7.0 Consultation**

7.1 Consultation will take place for 30 days from 1<sup>st</sup> April 2016 to 1<sup>st</sup> May 2016. The purpose of the consultation is to seek views on:-

- a) A single Charging Policy which brings together the current regime for charging for non-residential care and housing related support, and residential care under one document and in accordance to the requirements of the Care Act 2014.
- b) The implementation of light touch assessments which will reduce the requirement to visit clients receiving new services by using the data readily available within the Department of Works and Pension



system relating to benefits entitlement as well and the councils housing benefit and council tax systems.

- c) Charging an average of £29.07 for clients in receipt of services but who have not yet had a financial assessment undertaken due to information being unavailable.

7.2 Consultation methods will include a paper survey and stakeholder meetings. Whilst the proposed change to light touch assessments only affects new users of the service, existing users of the service may be affected if they have a change in circumstances, hence the target audience for consultation will be both new and existing users.

7.3 Subject to agreement a report on the outcome of the consultation exercise will be brought back to Cabinet in July 2016.

## **8.0 Financial Implications**

8.1 The annual forecast for income received from client contribution in 15/16 is £8.3m. The additional annual income to be generated from moving towards the light touch assessments is estimated to be £200k per annum. This saving forms a contribution to the council's customer access service saving target.

8.2 On average, the conclusion of financial assessments is forecasted to be completed 3 days earlier (based on previous client visits), saving 1.5 hrs officer time per appointment. The assessed charge can be made from the day the service commences (3 days earlier), and this will result in recognising income sooner.

8.3 Quicker determination of the assessed charge and reduction in staff time and current procedures cannot be fully quantified until this process has been implemented, but the availability of DWP information will streamline the process and reduce the requirement to visit clients receiving new services.

## **9.0 Legal Implications**

9.1 Cabinet should satisfy itself that the consultation undertaken has abided by case law which states that consultations must contain four elements:

- a. It must be at a time when proposals are still at a formative stage
- b. It must give sufficient reasons for any proposal to permit intelligent consideration and response
- c. Adequate time must be given for any consideration and response

d. The result of the consultation must be conscientiously taken into account in finalising any proposals

9.2 In order to comply with element d. above for proper consultation, members of cabinet should ensure that they have familiarised themselves with the views expressed during the consultation period and ensure that those views are taken into account in any decision made.

9.3 When a Local Authority is considering amending policies it should assess the actual or likely affect of its policies on those with a protected characteristic in the community. An Equality Impact Assessment will also be completed to assist Cabinet in its decision making.

## **10.0 Diversity Implications**

10.1 The Care Act 2014 changes the ways councils can charge and assess customer's financial resources by creating a clear, consistent and fair way of assessing what people can afford to pay for their care and support. Services provided will be means tested to ensure the person receiving care can afford to pay and also takes into account any further considerations. The minor changes proposed will be subject to consultation and in doing so will ensure residents are made aware of the potential changes to the policy and that the policy will apply fairly to everybody irrespective to their protected characteristics and in line with the Public Sector Duty under the Equality Act 2010.

10.2 An Equalities Impact Assessment Screening has been completed, but a full equalities impact analysis will be completed in accordance with our duties under the Equality Act 2010 through the consultation process. This will take into consideration a privacy impact assessment in relation to the use of resident's information.

## **Background Papers**

- Care Act 2014
- Fairer Contribution Policy 2014
- Charging for Residential Accommodation Guidance' (CRAG) Charging for Residential Accommodation Guidance' (CRAG)

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London Borough of Brent  
Charging Guidance  
(Financial Assessment)

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## 1. Background

- 1.1. The Care Act 2014 gives local authorities discretionary powers to charge adult recipients for services provided. The detail of how to charge varies depending on whether someone is receiving care in a care home or in their own home or in another setting. However, they share some common elements
- 1.2. s14 of the Care Act 2014 states that a local authority may make a charge for meeting needs, and must follow the Care and Support (Charging and Assessment of Resources) regulations if it chooses to charge. s17 Care Act 2014 states that having determined that it will charge, the local authority must carry out a financial assessment to determine how much an individual should pay towards their care
- 1.3. This guidance was written to comply with the requirements as set out in section 8 of the Care Act 2014 Statutory Guidance which is issued by the Department of Health

## 2. Guiding principles

- 2.1. There are five principles that support this guidance, namely to make sure that the Council:
  - a. Recovers contributions from service users for care services based on the service user's ability to pay. It is intended that no one would be put in a position of financial hardship as a result of the Care Act 2014 Statutory Guidance, since the maximum contribution will be set at either the full cost of the services provided or at a level that affords the service user at least a basic living allowance
  - b. Has a clear and transparent charging policy which is easy to understand and is consistently applied to all service users, taking into account their individual circumstances and needs
  - c. Provides an early notification to service users of their contribution to care costs
  - d. Ensures that service users have an opportunity to maximise welfare benefits thus maximising their ability to contribute to their care costs. Any reference to Housing Benefit, Council Tax Benefit or DWP welfare benefits includes any successor to those payments (e.g. universal credit)
  - e. Ensures administrative efficiency and convenience for service users (including netting of service user contributions at the point of resource allocation for personal budget)

## 3. What support is covered (scope and exclusions)

- 3.1. This guidance applies to the following:
  - a. Residential / Nursing / short term respite care
  - b. Home and domiciliary care services (including extra care)
  - c. Day services including transport, if provided

- d. Any care packages through Personal Budgets or Direct Payments
  - e. Telecare/assistive technology
  - f. One-off services: e.g., intensive house cleaning
  - g. Telephone line rental and TV licences. However, this would be charged at cost unless exceptional hardship could be demonstrated
- 3.2. This guidance does not apply to the following:
- a. Meals on Wheels which will attract a flat charge which the Service User will add to the funds the Council provides and then settle the invoices directly with the supplier
  - b. Funerals provided under the duty set out under the s46 Public Health (Control of Disease) Act 1984 as this will be charged in accordance with the relevant protocol
  - c. The provision of day services or additional Adult Social Care services provided to those also accommodated by the Council in residential placements
  - d. Reasonable costs incurred by the Council for providing protection of property
  - e. The costs incurred by the Council or any of its officers in connection with an application to the Court of Protection for deputyship or any expenses incurred in the exercise of his functions, save as where these are recoverable from an alternative source.

## 4. What support is not covered

- 4.1. There are a number of circumstances in which service users will not be asked to contribute towards their care or support cost. These include those being provided with care or support:
- a. Under s117 of the Mental Health Act 1983 (after care services)
  - b. Who have any form of Creutzfeldt-Jakob Disease (CJD)
  - c. Paid for in full by a Primary Care NHS trust
  - d. In an intermediate care setting, to enable re-ablement support for up to six weeks or as part of short-term rehabilitation or extended residential stay (for example, following a stay in hospital) up to a period of four weeks
  - e. Where the council is satisfied that any contribution would lead to exceptional hardship it reserves its discretion not to require a contribution (in full or in part)
  - f. Services provided to relevant and former relevant children under the Children Act 1989 are not required to contribute towards the cost of any provision under this guidance
  - g. Basic aids and adaptations equipment, where necessary and where another agency is not responsible for the provision, will be provided free of charge



- h. It is currently permissible to require a contribution for services provided directly to carers (under s2 Carers and Disabled Children's Act 2000) to support them in their caring role. Where housing related support is offered to carers outside the social care system, different eligible and charging arrangements may apply
- 4.2. Examples (not an exhaustive list) of exempt support are stated below
- a. Provision of information, advice, and guidance about the availability of service
  - b. Provision of assessment, including assessment of care needs

## 5. Application of this guidance

- 5.1. This guidance applies to all service users accessing the support listed in 3.1 above
- 5.2. Representatives: Where the service user lacks capacity to manage their financial and / or property affairs, as assessed by an officer of the council or somebody duly appointed by them, the local authority will consult with their agent (i.e. a person lawfully authorised to act on their behalf under the following:
- a. Registered Enduring Power of Attorney ['EPA']
  - b. Registered Lasting Power of Attorney ['LPA'] or
  - c. Deputyship
- 5.3. Where the service user's only income is from the Department of Works and Pension and the service user has no other financial assets, then the local authority will work with an Appointee authorised by the DWP
- 5.4. If there is no one willing to undertake the role of representative, the Council will appoint an officer or a duly vetted and qualified agency or solicitor's firm to undertake the role of representative as described above to support the service user
- 5.5. The local authority will, in the first instance pursue the service users for any unpaid liabilities owed to the Council. However it reserves the right to pursue the agent personally, both jointly and severally, where it appears the agent may have acted in breach of their duties.

## 6. Financial assessment

- 6.1. The Council will positively seek to complete a financial assessment for all service users as soon as possible unless they
- a. Are exempt as described under section 4 of this guidance
  - b. Choose not to be financially assessed. Please note that service users who choose not to be financially assessed will be required to pay the full costs of support provided unless the Council is fully aware that their financial situation is such that they cannot pay the full cost. In such a case, the Council will charge what it deems fair in the circumstances

- 6.2. There are three routes into Adult Social Services, and a financial assessment will be undertaken at different times dependent on the route:
- a. Reablement: a financial assessment will be undertaken as close as possible to the three week review or earlier if deemed appropriate by the social worker / care manager
  - b. Non-Reablement: as soon as the supported self-assessment has been carried out, a financial assessment will be undertaken. The financial assessment may be done on the same day as the supported self-assessment where possible
  - c. Annual Review: at the start of the new financial year, a new financial assessment will be mailed to all service users. The onus is upon the service users to validate the information provided or to provide correct financial information. The Council may interpret a failure to return a fully completed and signed financial assessment as a refusal to provide information which may have the result set out in 6.1.b
- 6.3. The Financial Assessment team may offer a face to face meeting to complete the financial assessment form and undertake a full benefits check, advice and practical support to apply for benefits they might be entitled to claim
- 6.4. Where a face to face assessment is neither necessary nor required, the Service User will be supported to complete a financial assessment form which needs to be returned to the Council
- 6.5. During the needs assessment process, the practitioner or support worker will also advise that they may have to pay a contribution towards the costs of their care and support, subject to a financial assessment
- 6.6. Where the service user opts for the direct payment element instead of a commissioned service, any payments towards care and support costs will be made net of client contributions
- 6.7. Any assessed contribution will not exceed the full cost of care and support or reduce the service user's income below the minimum income guarantee (MIG) which currently is equivalent to Income Support plus a buffer of 25%
- 6.8. Where a service user chooses to have social care support commissioned by the London Borough of Brent, this will result in an invoice being issued. The service user will receive one itemised invoice for all support received. For example if a users receives homecare and daycare they will receive one invoice for both services

## 7. How the contribution is calculated

- 7.1. When the council assesses a service user's ability to pay a contribution towards the cost of their support, it ensures that each individual maintains a portion of their income that is at least the level of basic living allowance

- 7.2. The maximum contribution per week is calculated using financial information received from service users and other information available to the council. The calculation will take account of relevant income and capital
- 7.3. The income that will be taken into account includes all the benefits received by the service user (except those listed in paragraph 7.4 and 7.6 below), state pension and occupational pensions; any other income; and capital, including notional income and capital
- 7.4. Savings between the lower threshold and the upper threshold will attract a surcharge of £1 per week for each £250 (or part of £250). For example, if a service user has savings of £17,250 the notional income would be £12 per week being £17,250 less £14,250 (= £3,000) divided by £250 (= £12)
- 7.5. Capital includes (not an exhaustive list) any savings in bank or building society accounts; National Savings bank accounts; PEP, ISA or TESSA accounts; SAYE (Save as You Earn) schemes; cash; Premium Bonds or National Savings Certificates; stocks, shares, trust funds and investments; invested in property, building and land (rental income will be included); or where someone else is holding any of these on behalf of service user
- 7.6. If there are joint savings with a spouse or partner, 50% of the total amount will be taken into account unless it can be proved that the holding percentages are different
- 7.7. When calculating the maximum contribution for non-residential care, the value of the main residence occupied by the service user will be ignored (if the property is subsequently sold, the proceeds of sale will be subject to financial assessment). However, if the service user owns a second property, 100% of the beneficial value will be taken into account. The maximum contribution, subject to paragraph 7.10, will be the full cost of care
- 7.8. When calculating the maximum contribution for Residential Care, the service user's beneficial interest in all property will be taken into consideration for the purposes of a Financial Assessment. However, the main dwelling will be disregarded only if one or more of the following are resident in that property and has been continuously occupied by them since before the service user went into residential care:
- a. a person's current or , former partner or civil partner except where they are estranged
  - b. a lone parent who is the service user's estranged or divorced partner
  - c. the service user's children under 18 years of age
  - d. an immediate relative aged 60 or over
  - e. a relative who is incapacitated

- 7.9. Service users will be assessed in their own right, and the income of their carer, parent, partner, or spouse will not be taken into account
- 7.10. There are some forms of income which are partly or wholly disregarded and do not form part of the financial assessment. These include but are not limited to:
- a. The mobility component of Disability Living Allowance;
  - b. £10 of a war pension or war widow's pension;
  - c. Survivors Guaranteed Income Payments (GIPs) made under the Armed Forces Compensation Scheme (AFCS)
  - d. Payments from the Independent Living Fund (ILF) - the Department of Health issued a draft guidance document in 2000 in which it stated that service users receiving financial support from the ILF should have their contribution to the ILF considered as a disability related expense within the assessed charge for non-residential services
  - e. Child benefit and child tax credit
  - f. The part of Attendance Allowance (AA), Disability Living Allowance (care component) (DLA), Constant Attendance Allowance (CAA) and Exceptional Severe Disability Allowance (ESDA) that covers care at night where the council purchases no element of night care
  - g. Working tax credit
  - h. Savings credit disregard
  - i. Ex gratia payments made to former Far Eastern prisoners of war
  - j. Payments made under the Vaccine Damage Payment
  - k. Compensation from personal injuries awards are disregarded for assessment purposes for a period of 52 weeks, with the exception of any part of the award provided to meet care costs. There are specific circumstances under which these compensation payments are fully disregarded for assessment purposes and it will not always be possible to ask recipients of these awards to make a contribution. Where service users are in receipt of compensation for personal injuries, their contribution will be considered on a 'case by case' basis. But where an individual is unwilling to disclose the terms of any compensation payment then they will be assessed at full cost
- 7.11. All costs incurred by the Service User receiving care at home directly for their housing costs, mortgage, rent or Council Tax (net of related benefits) will be deducted from the relevant income, as stated in paragraph 7.4 above, before calculating the maximum contribution. Service Users in Residential Care with a property which has been taken into account for assessment purposes will be expected to pay for the mortgage, insurance, maintenance and upkeep of the property from their personal allowance. Anyone living in the property will be expected to contribute their share. Further consideration will be given to

assessments where the Service User in residential care was the sole or main breadwinner.

- 7.12. Disability Related Expenses (DRE) – this will be considered when the extra cost is needed to meet a service user’s specific need due to a condition or disability where the service user has little or no choice other than to incur the expenditure, in order to maintain independence or quality of life. Examples of types of examples which should be considered are included in Appendix B: Disability-Related Expenditure, however it is to be noted that this list is not exhaustive. The Council will disregard these costs from any income where it is satisfied that the cost has been incurred by the service user as a result of their disability, and it is not reasonable for a lower cost alternative item or service to be used. Receipts may be requested. DRE will be assessed on a case by case basis
- 7.13. In addition to the above, if a service user’s expenditure related to night care exceeds the level of the night care element of AA, DLA, CCA or ESDA, any such excess amount must be taken into account when assessing the service user’s DRE
- 7.14. Non-disability related expenses – the calculation of the maximum contribution will take into account such expenses as referred to in the Care Act 2014 Statutory Guidance. Some expenses – for example, household content insurances, water rates, etc. – are deemed to be afforded by the service user from their prescribed protected income. Brent Council will seek to allow additional costs, together with other essential expenses, such as service charges and ground rent that owner occupiers incur if they are not receiving related benefits to cover those costs. Essential expenses may include home maintenance (where this is not provided by a third party e.g. landlord or council and required for the health and safety of the service user (e.g. electrical, heating system repairs, home accessibility) and payments under court order (e.g. child maintenance)
- 7.15. Dependants: The calculation of the maximum contribution will take into account the financial implications for service users who have dependent children up to 18 years of age or for whom they provide maintenance payments, (and dependant adults in exceptional circumstances) e.g. those in full time education post 18 who remain resident at the service users home including those who may reside temporarily elsewhere during term-term, though in such circumstances the service user will be required to evidence financial support provided and that the dependant relative has utilised all alternative funding support
- 7.16. The assessable income is worked out by:
- a. Adding together all identified weekly income and then subtracting;
    - 7.16.a.1. any appropriate housing costs;

- 7.16.a.2. any income that must be disregarded in accordance with the Care Act 2014 Statutory Guidance;
  - 7.16.a.3. any disability-related expenditure; and
  - 7.16.a.4. the minimum income guarantee (MIG)
- 7.17. The result is the assessable income. The maximum that a service user could be asked to contribute each week will be the lower of the assessable income and the full cost of the support being received. A breakdown of how the contribution has been calculated will be provided to the service user

## 8. Financial assessment of couples

- 8.1. In the event of shared capital, benefits, or other forms of income, the financial assessment will seek to identify such shared sums and they will be apportioned between all relevant parties
- 8.2. Whilst all circumstances will be taken into account when calculating the maximum charge, to ensure the outcome does not financially disadvantage either party (whether or not they are a service user). It is the responsibility of the service user or anyone acting on their behalf to notify the local authority of those circumstances.
- 8.3. The financial assessment would only be applied on the basis of joint assets if it were considered advisable that a couple could possibly benefit from being jointly financially assessed. A couple is defined as two people who are married or in civil partnership or are living together as a couple

## 9. Earned income

- 9.1. Any income earned by the service user's spouse, partner, or family member residing in the same address will be fully disregarded
- 9.2. Any disability related expenditure will also be taken into consideration as set out above. This should eliminate any "poverty trap" effects or work disincentives

## 10. Decline to provide financial details

- 10.1. Service users have the right to choose not to provide their financial details to the council. In such cases, the council is unable to undertake a financial assessment, and the service user will be charged for the full cost of support they receive

## 11. Delays in completing the financial assessment

- 11.1. Subject to any extenuating circumstances, if a service user unreasonably delays completing the financial assessment they will be required to pay the full cost of the support provided, until a financial assessment is completed. If a financial assessment results in a lower charge any re-imburement to the service user will be at the discretion of the council and will require the service user to demonstrate exceptional hardship. Where the service user or representative prefers

- to complete the financial circumstances statement by post, then it is expected that this will be returned to the council within two weeks
- 11.2. If further information is required for the financial assessment then it is expected that the service user will provide this within two weeks of the date it was requested
  - 11.3. The council aims to complete financial assessment within 14 days of a request for assessment
  - 11.4. Where the financial assessment is likely to exceed the 14 days due to the complexity of the assessment then the Council will, by agreement with the service user or their representative, agree an interim level of contribution based on the information available at that time. Where, on completion of the assessment, the service user is assessed to pay a lower contribution than the interim figure the Council will reimburse the full amount owed. In the alternative, if the service user is assessed as requiring to pay a larger contribution than the interim figure the Council will charge for the difference

## 12. 'Light Touch' Assessments

- 12.1. The Care Act 2014 Statutory Guidance states that in some circumstances a local authority may choose to treat a person as if a financial assessment had been carried out. In order to do so, the local authority must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford, any charges due. This is known as a 'light-touch' financial assessment. It allows Councils where possible, to undertake financial assessments by accessing Department for Work and Pensions information or through telephone discussion rather than visiting to verify financial information or by implementing low flat rate charges
- 12.2. The main circumstances in which councils are permitted to consider carrying out a light touch financial assessment include:
  - a. Where a person has significant income and savings and capital and does not wish to undergo a full financial assessment for personal reasons, but wishes nonetheless to access support from the Council in meeting their needs. In these situations the Council may accept other evidence instead of carrying out the financial assessment and consider the person to have income and savings and capital above the upper limit
  - b. Where the Council charges a small amount for a particular service which the customer is clearly able to afford and carrying out a financial assessment would cost more for the Council to perform than the cost of the service
  - c. When an individual is in receipt of benefits which confirm that they would not be able to contribute towards their care and support costs, such as Jobseekers Allowance
- 12.3. The introduction of light touch assessment using DWP information further supported by Housing Benefit and Council tax systems collection will form the basis of undertaking such financial assessments

12.4. Where it has not been possible to undertake a light touch assessment through the DWP, Housing Benefits or Council Tax system, or information exists which suggests a full assessment is necessary a visit to the service user will be undertaken to verify contribution. In all circumstances, the Council at its discretion can insist on a full financial assessment or to charge full cost. The service user receiving services up until the financial assessment has been completed will be charged an average of £29.07 or higher if information exists to suggest a higher charge is suitable. This figure will be adjusted to reflect the accurate contribution once the financial assessment has been completed and the customer has been informed of the charges for their service

### 13. Effective point of charging

- 13.1. All service users will be informed of their assessed maximum contribution within five working days of being financially assessed. The service users will be expected to contribute towards the cost of the services received from the date that the Council advises them of their assessed contribution. If this is done verbally, then this will be confirmed in writing within seven days
- 13.2. It is the responsibility of the service user or their representative to advise the council of any change in their financial circumstances as this may prompt a review of their contribution
- 13.3. Any increase in contributions due to an award or benefit increase or increase in other income or amount of capital held will take effect from the date of change in circumstances
- 13.4. In the event of a reduction of income or benefit received, any amendment to the assessed contribution will take effect from the date of the change in circumstances, provided the council is advised of the change in circumstances within two weeks
- 13.5. Billing for assessed contribution will be at monthly intervals
- 13.6. Where a client has been admitted to hospital either from the community or residential care they will not be charged for that period
- 13.7. Any deviation from the timings above, whatever the reason, shall not invalidate the contribution due but will be taken into account if there is a dispute and/or arrears on the account.

### 14. Deprivation of Capital

- 14.1. Where the council believes that a service user has deprived themselves of a capital asset in order to reduce their contribution, the council will treat the service user as still possessing the asset. The council would decide from available evidence whether the service user owned the capital
- 14.2. It is up to the service user to prove that they no longer have a resource. Failure to do so will result in the council treating the service user as if they still possess the actual capital. Examples of acceptable evidence



- of the disposal of capital would include: a trust deed, deed of gift, receipts for expenditure, proof that debts had been repaid
- 14.3. Even if a service user proves they no longer have the asset, as per 14.7 below, the Council may still deem them to have the asset for the purposes of assessment.
- 14.4. The timing of the disposal will be taken into account when considering the purpose of the disposal
- 14.5. Where, for the purpose of avoiding or reducing the contribution, capital which would not have been disregarded has been used to acquire personal possessions, the current market value of those possessions should be taken into account as an actual resource. Their market value should not be disregarded
- 14.6. If the service user, in depriving himself of an actual resource, converted that resource into another actual resource of lesser value, he should be treated as notionally possessing the difference between the value of the new resource and the one which it replaced e.g., if the value of personal possessions acquired is less than the sum spent on them the difference should be treated as a notional resource
- 14.7. If the council decides that the service user has disposed of capital in order to avoid paying a contribution or to reduce the contribution payable, the council will decide whether to treat the service user as having the capital (notional capital) and assess the contribution payable accordingly; and then whether to:
- a. recover the assessed contribution from the service user in full; or
  - b. recover an amount equal to the amount disposed of from the recipient of the disposed asset or its value; or
  - c. recover the assessed contribution by instalment; or
  - d. defer payment until a later date; or
  - e. place a charge on any property owned by the service user either with agreement or subsequent to court action; or
  - f. take appropriate action as agreed by either guidance or management

## 15. Appeal / review of financial circumstances

- 15.1. Under the council's appeal procedure, all service users, or someone acting on their behalf have the right to ask the Council for a review of a charge for which they have been assessed if they consider that they cannot pay it or believe that:
- a. The charge is too high
  - b. Information given may have been misrepresented
  - c. Some information may have been missed
  - d. A change in a service users circumstances
  - e. A mistake may have been made in applying the charging guidance, or
  - f. If the service user is unhappy with how the charging guidance has been applied

- g. Calculation is inaccurate and unfair
- 15.2. The council will consider reviews or appeals within 3 months of the date of charge notification and only accept at its discretion those received outside this timescale
- 15.3. The appeals procedure is included in Appendix A: Review and appeals procedure

## **16. Service users who are in arrears (non-payment of charges)**

- 16.1. Where a service user fails and/or neglects and/or refuses to pay their assessed contribution, The council will take steps to recover any amounts owing, including legal action if necessary
- 16.2. In addition a review of their care needs may be undertaken
- 16.3.
- 16.4. The council also allows people to have their exceptional circumstances considered through the appeals procedure (Appendix A: Review and appeals procedure)

## **17. Complaints**

- 17.1. The council welcomes feedback from service users, and has dedicated officers to manage complaints
- 17.2. If service users are dissatisfied with the way that they have been treated during the financial assessment process, or the service that they receive, they have the right to make a complaint to the Complaints Officer. The council has a statutory complaints process to ensure that service user' views and concerns are considered and dealt with appropriately and that council holds itself accountable to the highest standards

## **18. Use of financial information and privacy**

The information the council collects and keeps about service users is confidential and can only be seen by authorised staff. This information will only be shared with other relevant people and agencies in accordance with the Data Protection Act 1998 or with the written consent of the service user or their legally appointed representative. This Act also gives people the right to see information that the council keeps about them at any stage

## **19. Equality Impact**

The council has considered the impact this guidance will have on the diverse communities of Brent. As this guidance merely applies the Care Act 2014, the council has assessed that this guidance does not discriminate against groups of service users or present adverse impacts due to any characteristics protected under the Equality Act 2010

## 20. Reviewing the contributions guidance

This guidance document will be reviewed as and when there are amendments or additions to the Care Act 2014, Statutory guidance, and/or Regulations.

## Appendix A: Review and appeals procedure

### FRAMEWORK FOR APPEALS AGAINST FEES AND ASC CONTRIBUTIONS

1. All service users of Adult Social Services who are required to contribute towards their care have a right to ask for a review of their contributions if they, or someone acting on their behalf believe that:
  - 1.1 The contribution is too high
  - 1.2 Information given may have been misrepresented
  - 1.3 Some information may have been missed
  - 1.4 A change in a service users circumstances
  - 1.5 A mistake may have been made in applying the contributions guidance, or
  - 1.6 If the service user is unhappy with how the guidance has been applied
  - 1.7 Calculation is inaccurate and unfair
  - 1.8 There are other exceptional circumstances that need to be considered
2. The service user, or someone acting on their behalf, can ask for a review at any time
3. The council will consider reviews or appeals within 3 months of the date of charge notification and only accept at its discretion those received outside this timescale
  - 3.1 The review process

There are two stages to the review process

#### 3.1.1 Stage 1: Informal review

- 3.1.1.1 The service user or person acting on their behalf should write to the department giving details of why they believe the charge may be incorrect
- 3.1.1.2 An officer will review the previous calculation of the charge within 14 working days
- 3.1.1.3 The officer then makes a decision
- 3.1.1.4 If the decision is that the charge needs to be altered or remain the same, the service user will be advised of this outcome within 7 working days
- 3.1.1.5 If the charge is found to be incorrect, this will be explained in writing, with reasons, also within 7 working days
- 3.1.1.6 As part of this review, the officer investigating the case will ask their Manager to look at the original charge and their findings to ensure all facts have been considered
- 3.1.1.7 Overall, this stage should take no longer than 28 days

#### 3.1.2 Stage 2: Contributions review panel

- 3.1.2.1 If the service user or their representative remains unhappy after the charge has been reviewed under Stage 1, the service user or their representative should contact the Departmental Assistant Director of Finance who will

convene a Charges Review Panel to review the process.  
All stakeholders will be invited to give their view

- 3.1.2.2 This panel will be made up of the Assistant Director of Finance and two independent people from outside the finance section
- 3.1.2.3 The panel will make recommendations and the service user will be informed of the outcome and the effect on their charge within 14 days
- 3.1.2.4 If the service user remains unhappy about how the review has been dealt with then they will be invited to take the matter forward under the Council's Complaints Procedures

## Appendix B: Disability-Related Expenditure

1. Expenditure which is the responsibility of another organisation (such as the NHS/PCT) will not be considered as DRE by the Local Authority. Examples of this includes but is not limited to:
  - a. Physiotherapy
  - b. Travel to and from Hospital
2. In assessing disability-related expenditure, the authority should include the following (which costs may need to be evidenced):
  - a. Payment for any community alarm system (net of Housing Benefit or Supporting People Grant)
  - b. Costs of any privately arranged care services provided it is agreed necessary to meet eligible social care needs, including respite care
  - c. Costs of any speciality items occasioned by disability, e.g.:
    - 2.c.1 Specialist washing powders or laundry
    - 2.c.2 Additional costs of special dietary needs due to illness or disability (the user may be asked for permission for us to approach their GP in cases of doubt)
    - 2.c.3 Special clothing or footwear, for example, where this needs to be specially made, or additional wear and tear to clothing and footwear caused by disability
    - 2.c.4 Additional cots of bedding, for example, because of incontinence
    - 2.c.5 Any heating costs or metered costs of water, above the average levels for the area and housing type, occasioned by age, medical condition, or disability
    - 2.c.6 Reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individuals disability and not met by social services
    - 2.c.7 Purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work, this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the local council
    - 2.c.8 Personal assistance costs, including any household or other necessary costs arising for the user
    - 2.c.9 Other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA, if in payment and available for these costs. In some cases, it may be reasonable for council not to take account of transport e.g. council-provided transport to day centres is available but has not been used
    - 2.c.10 In other cases, it may be reasonable for Council not to allow for items where a reasonable alternative is available at lesser costs. For example, private purchases of incontinence pads, as these are available from the NHS

## Equality Analysis Screening Stage Blank Form – Online EA System

**Department:** Adult Social Care

**Person Responsible:** Shaz Choudhry  
Nancie Alleyne

**Created:** 29/01/2016

**Last Review:**

**Status:**

**Next Review (if applicable):**

### Stage 1 Screening Data

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

The Care Act 2014 gives local authorities discretionary powers to charge adult recipients for services provided. The detail of how to charge varies depending on whether someone is receiving care in a care home or in their own home or in a another setting. However, they share some common elements.

Section 8 of the Care Act 2014 states that a local authority may recover such charges as they consider reasonable in respect of relevant services.

The Charging Guidance relates to a minor change in the current policy related to how people are financially assessed in order to establish their financial contribution towards their care.

The guidance is written to comply with the requirements as set out in the Care Act 2014 Guidance which is issued by the Department of Health.

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

The guidance applies to the following current and future user groups

- Residential Nursing/Short term respite care
- Home and domiciliary care services (including extra care)
- Day services including transport, if provided
- Any care packages through Personal Budgets or Direct Payments
- Telecare/assistive technology
- One-off services: e.g. intensive house cleaning
- Telephone line rental and TV licences. However, this would be charged at cost unless exceptional hardship could be demonstrated.

Where the service user lacks capacity to manage their financial and/or property affairs, as assessed by an officer of the council or somebody duly appointed by them, the local authority will consult with their agent (i.e. a person lawfully authorised to act on their behalf).

Where the service user's only income is from the Department for Works and Pension and the service user has no other financial assets, then the local authority will work with an Appointee authorised by the DWP.

If there is no one willing to undertake the role of representative as described above to support the service use, the local authority will, in the first instance pursue the service users for any unpaid liabilities owed to the council. However, it reserves the right to pursue the agent, either as Litigation Friend for the service user or, where it appears the agent may have acted in breach of their duties, personally.

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

The proposals under this guidance will not impact on people in different ways because of their equality characteristics.

There are five principles that support this guidance namely to make sure the Council:

1. Recovers contributions from service users for care services based on the service user's ability to pay. It is intended that no one would be put in a position of financial hardship as a result of this guidance, since the maximum contribution will be set at either the full cost of the service provided or at a level that affords the service users a basic living allowance, whichever is the lowest.
2. Has a clear and transparent contributions Guidance which is easy to understand and is consistently applied to all service users, taking into account their individual circumstances and needs.
3. Provides an early notification to service users of their contribution to care costs.
4. Ensures that service users have an opportunity to maximise welfare benefits thus maximising their ability to contribute to their care costs. Any reference to Housing Benefit, Council Tax Benefit or DWP welfare benefits includes any successor to those payments (e.g. universal credit)
5. Ensures administrative efficiency and convenience for service users.

**3.2 Could the proposal have a disproportionate impact on some equality groups? If you answered 'Yes' please indicate which equality characteristic(s) are impacted**

The application of this Charging Guidance will not have a disproportionate impact on equality groups. See above.

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

The proposed changes will not change or remove services used by vulnerable groups of people.

Adult Social Care has previously consulted on the policy for charging for care and support. The proposed changes in this guidance do not change charging for people receiving care and support but it will mean a minor change to how people are financially assessed in the future. The guidance is clear and transparent and will enable people to make advanced decisions about their care and support arrangements.

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

Age, disability

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

No. It applies equally to everyone irrespective of their protected characteristic.

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

- To ensure that local public services are responsive to different needs and treats users with dignity and respect.
- To involve our communities effectively.

**Recommend this EA for Full Analysis?**

No

**4. Use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis. What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.**



 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 March 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director, Community Wellbeing</b></p>
<p>For action</p> <p style="text-align: right;">Wards affected: All</p>	
<p><b>Temporary Accommodation Reform Plan</b></p>	

## 1. Summary

- 1.1 This report sets out a plan of action to improve the quality of accommodation and services available to homeless households at reduced revenue cost to the council, whilst alleviating the pressure to allocate so much social housing to homeless households. The main points of this are summarised in the report with the Temporary Accommodation Reform Plan appended as Annex 1.
- 1.2 The proposed programme over the next three years is based on an analysis of the types and costs of Temporary Accommodation and the costs and difficulties in provision of private rented sector accommodation for homeless households by the borough at present and going forward.
- 1.3 The plan attempts to estimate likely homelessness demand to the end of 2018/19. By comparing that with estimated supply of different types of accommodation to prevent homelessness and accommodate homeless households over the same period, it estimates the likely trend in numbers in temporary accommodation and the associated costs to the council without reform.
- 1.4 The analysis shows an improved financial position in 2016/17, as the council benefits from the success of its efforts to reduce the use of Bed & Breakfast (B&B) accommodation in 2015/16. However, after 2016/17, without reform we can expect to see increasing pressures and costs to the council as private sector rents diverge further from Housing Benefit levels, causing increased homelessness and reducing the council's ability to end a homelessness duty in the private rented sector (PRS) year on year.

- 1.5 The Temporary Accommodation Reform Plan sets out a number of key actions to address this, including:
- The acquisition and development of a substantial portfolio of long term PRS accommodation which can be let to homeless households at Local Housing Allowance rates.
  - Development of council owned land to deliver improved, self contained temporary accommodation for emergency and short term use as an alternative to B&B.
  - Roll out of the new Find Your Home prevention scheme, which the council has been piloting, to entrench homelessness prevention and early intervention as the council's main approach to working with households at risk of homelessness to resolve their housing crisis.
  - An improved approach to helping households to gain or keep employment and to settle successfully into new accommodation.
- 1.6 If successful, implementation of this plan will deliver long term savings to the council and better quality accommodation for homeless households, whilst reducing pressure on the council's social housing allocations.
- 1.7 The report asks for approval of a number of specific measures within the plan including commitment of funds to purchase private rented sector accommodation suitable for long term occupation by homeless households.

## **2 Recommendations**

That Cabinet:

- 2.1 Note the analysis of current and future temporary accommodation supply and cost issues for the next three years.
- 2.2 Approve the approach set out in the Temporary Accommodation Reform plan to improve the quality of accommodation for homeless households at reduced cost to the council over the period to March 2019 summarised in this report and set out in Annex 1.
- 2.3 Approve initial capital expenditure of £10m for the acquisition of private rented properties (as set out in paras 7.27 to 7.39 of this report and Annex 1) subject to financial criteria to be agreed by the Chief Finance Officer.

## **Detail**

## **3 Introduction**

- 3.1 Brent has one of the highest numbers of households in Temporary Accommodation (TA) in England. Although the borough has been successful in reducing numbers recently, against the overall London trend, and has managed to dramatically reduce the number of households in Bed & Breakfast accommodation during 2015/16, there are still too many

households in temporary accommodation which is inadequate for their needs, and the needs of their children.

- 3.2 As part of the overall financial management of the Council resources due to significant reduction in government funding, the Housing Needs budget was reduced by £1.3m in 2015/16 with additional £0.5m proposed for 2016/17 and 2017/18 respectively. Given the increased levels of demand the council is experiencing and the increasing costs of securing accommodation for homeless households, there are likely to be increasing pressures on the Housing Needs Budget going forward.
- 3.3 Despite devoting 80% of social lettings to homeless households in TA the borough is very reliant on private rented sector accommodation to provide TA or to end a homelessness duty. Private rented sector (PRS) accommodation in Brent and elsewhere in London is however becoming increasingly difficult to obtain at rates covered by housing benefit, and this situation is likely to worsen considerably in the medium term as Local Housing Allowance levels have been frozen for 4 years against a back ground of increasing private sector rents. The council therefore anticipates increasing difficulties in future years due to increased homelessness from the loss of Assured Shorthold Tenancies and increased difficulty in sourcing PRS accommodation.
- 3.4 It is very difficult to give accurate estimates, however if current trends continue, then the council's success in reducing the number of families in Bed & Breakfast accommodation in 2015/16 from over 200 households to under 50 means that Brent's net non-staffing spend on TA and PRS landlord incentives looks likely to decrease from around £3.3M in 2015/16 to just over £2.3M in 2016/17. Due to increasing demand, it is however then likely to rise again to around £3.4M by 2018/19. Beyond 2018/19 this will probably worsen further thereafter against the background of a challenging local authority financial position. The borough is also, increasingly, having to resort to sending homeless households outside Brent, and outside London as far as the Midlands in order to be able to place them in affordable accommodation.
- 3.5 However there are a number of measures the Council is already taking or planning to take to help remedy this situation, including success in making Private Rented Sector Offers (PRSOs) to end a homelessness duty, the establishment of an officer permanently based in the West Midlands to help the resettlement of families who move there, the use of buildings awaiting redevelopment for use as temporary accommodation, and an intense focus on reducing bookings of families into Bed & Breakfast Accommodation wherever possible.
- 3.6 The Temporary Accommodation Plan builds on the progress to date and sets out a number of key measures to further reduce reliance on temporary accommodation, improve its quality and reduce its cost.
- 3.7 The main measures outlined in the Plan are:
  - Roll Out of the "Find Your Home" programme, which aims to prevent homelessness by intervening early and empowering households threatened with homelessness to access PRS accommodation in areas they can afford.

- Making all <sup>1</sup>Stage 1 short term temporary accommodation self contained by planned development of identified sites in Brent.
- Improved procurement of PRS accommodation to prevent homelessness or end a homelessness duty, including by external commissioning and through a pilot project with other West London boroughs.
- Acquisition of a large portfolio of long term PRS accommodation in which to be able to accommodate households who have been homeless at LHA rates into the future
- Development of new build LHA rent PRS accommodation inside and outside Brent.
- Development of a more integrated package to assist housing needs clients into employment.
- Enhanced resettlement services in the main areas where the council is placing homeless households.

3.8 Much of this work will require significant co-operation within the council and with external partners to achieve, but it offers the prospect, within a few years, of drastically reducing the short term and long term use and costs to the council of providing temporary accommodation, while also significantly improving the standard and security of accommodation for homeless households.

3.9 This could be achieved at the same time as significantly reducing the proportion of social lets allocated to homeless households, and enable a greater proportion of these to be made available to other non-homeless households who are not homeless but are in acute housing need.

3.9 It is, however, unlikely that all the accommodation needed will be able to be provided within Brent, as housing market trends allied to the lack of available land for development within the borough preclude this. Median private rented sector rents in the South of Brent are over £400 per month higher than Local Housing Allowance will pay in the South of the borough, and £200 per month higher in the North of the borough.

3.10 It will be essential when housing people inside Brent or outside London that as much as possible is done to ensure that homeless households have the best chance to resettle into their new accommodation, find or keep employment, and access good educational opportunities for their children. The Council's employment and skills department will work closely with Housing Needs to achieve this and also to assist households in existing Temporary Accommodation.

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<sup>1</sup> Stage 1 temporary accommodation is defined as accommodation in which households who approach the council in an emergency may be accommodated for a short time pending assessment of their case and/or while longer term accommodation is found. Stage 2 temporary accommodation is self contained accommodation of a size suitable for households to live in for an extended period. An intermediate stage of "step down" accommodation is also required for households, whose case has been assessed and who need to stay in Brent, but for whom suitable stage 2 accommodation cannot yet be found.

## 4 Current Temporary Accommodation Summary

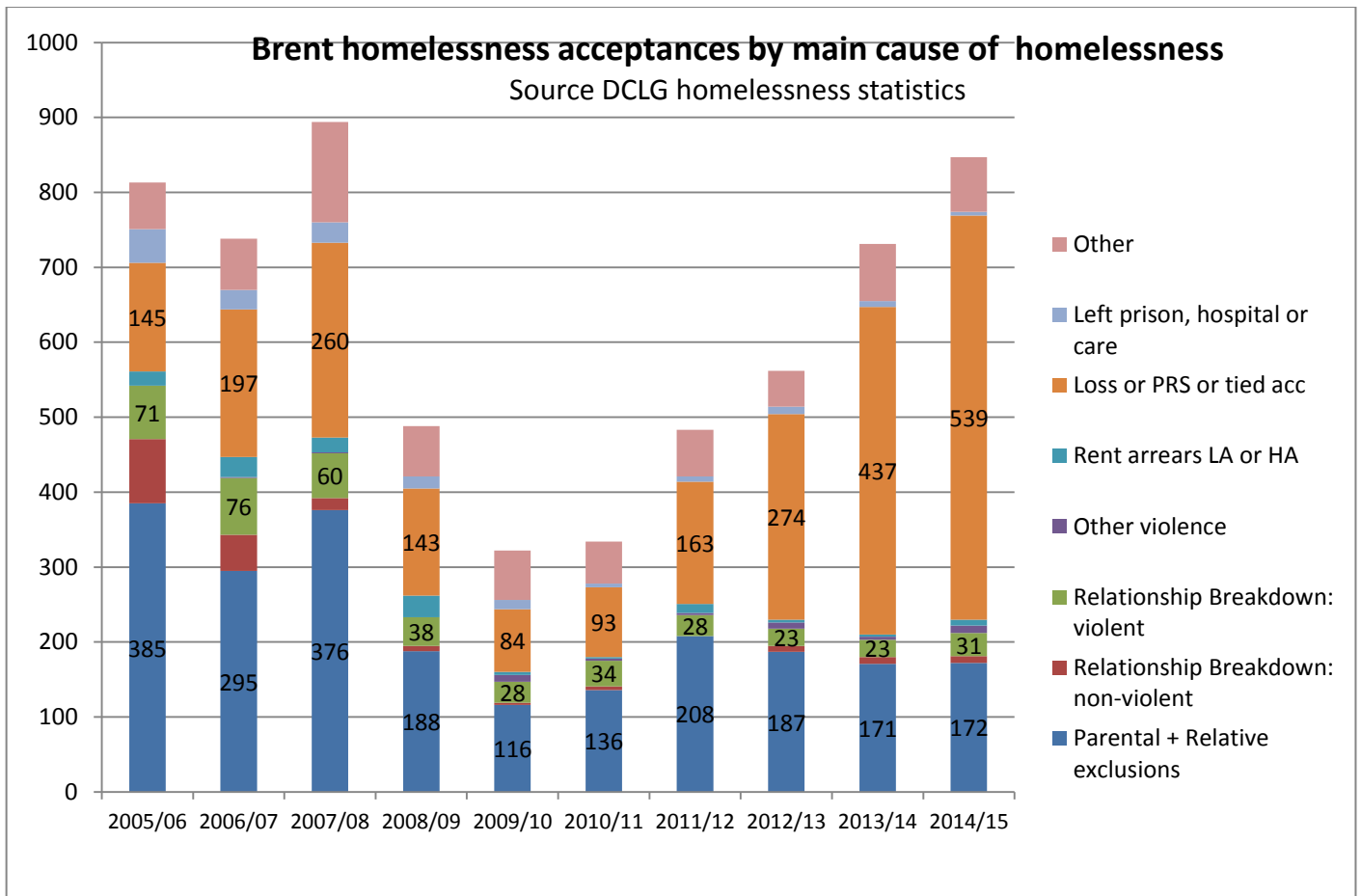
- 4.1 Brent Council currently has the fourth highest number of households in Temporary Accommodation (TA) in England at almost 2945 households, compared to the London average of less than 1500 households.
- 4.2 Although over 90% of Brent's TA portfolio is good quality self contained accommodation managed by Housing Associations or professional managing agents within the borough, a significant proportion of TA is B&B or hostel accommodation with shared facilities or self contained hotel studio annex accommodation unsuitable for families for long periods. Increasingly, due to lack of alternatives, Brent is providing TA outside of the borough.
- 4.3 The council has been very successful in reducing the number of households in Bed & Breakfast but the number of households living in rooms of one sort or another with shared facilities is still over 100 (103).
- 4.4 Additionally, Brent has 76 households in hotel annexe accommodation, which often means whole families living in basic studio accommodation, and is not satisfactory for long periods.
- 4.5 Households placed in TA before 9<sup>th</sup> November 2012 (still almost 2000 households) can eventually expect to move into social housing and are currently being allocated a target of 80% of social lettings under Brent's lettings policy at the expense of other households who need social housing. Nevertheless, the average time in TA for those who were allocated social housing from TA in 2015/16 is 9 years, albeit most of these households were living in decent quality self contained temporary accommodation.
- 4.6 The amount of Discretionary Housing Payments the council receives, which can help to subsidise some of these losses, fell by 40% (£1.3m) in 2015/16. The DHP budget for 2016/17 has just been announced, and is £2,866,279 for Brent which is an increase of £259K or 10% on this year. This will mitigate the impact somewhat, but it is a 10% increase against a 379% increase in the number of households expected to be affected by the reduced Overall Benefit Cap and the increased shortfall of £60 per week for those already capped.

## 5 Current and Future Homelessness Demand

### Homelessness acceptances

- 5.1 Homelessness acceptances have been rising steadily in Brent and have more than doubled over the past 5 years.
- 5.2 This growth is entirely due to the increase in homelessness as a result of the loss of a private sector tenancy. The growing unaffordability of the private rented sector in Brent to families on low incomes is now overwhelmingly the main driver of homelessness acceptances in Brent, with other causal factors relatively stable, as shown in Chart 1.

### Chart 1.



## Private Rented Sector position and implications for loss of Assured Shorthold Tenancies

- 5.3 Projecting forward for four years on the basis that housing benefit levels are frozen over that period as the government has set out, and with a conservatively estimated annual rent rise of 3% per year, then the number of households with a rent shortfall of at least £10 per week rises to an estimated 11,000 households (a 96% increase) and the group with a shortfall of at least £25p.w. rises to 8,980 households (a 138% increase). More detailed information on this is shown in Annex 1.
- 5.4 So there is considerable uncertainty, but taking the number of households in the LHA caseload with a shortfall of at least £25p.w. as the indicator of homelessness pressures in the PRS, then a doubling of homelessness from the PRS might be expected over the next 4 years as a rough estimate.

## Estimate of future homelessness demand

- 5.11 It is not possible to project with certainty future levels of homelessness demand, which if not otherwise addressed may lead to a need for temporary accommodation. If it is

assumed that homelessness from causes other than loss of an AST remains stable, Table 1 provides an estimate of future total homelessness acceptances:

**Table 1.**

Year	Estimated Homelessness Acceptances	% increase
2014/15	<sup>2</sup> 683 (actual)	
2015/16	795	17%
2016/17	908	14%
2017/18	1020	12%
2018/19	1133	11%

- 5.12 To simply maintain the current number of households in TA in the period up to 2019, the supply of non temporary housing available to clients accepted as homeless would need to increase by about two-thirds from 682 lets in 2014/15 to 1133 lets in 2018/19.
- 5.13 The actual number of homeless acceptances will, however, depend on a range of factors outside the council's control. These include changes to national homelessness policy and legislation, the behaviour of the housing market, DHP levels, rental inflation and landlord behaviour.

## 6 Current Supply of Accommodation for Homeless Households

### Social Housing Lets

- 6.1 80% of social housing lets are expected to go to homeless households in 2015/16 as aimed for in 2014/15, mainly those placed in TA before November 2011, where there is no power compulsorily to end a homelessness duty in the private rented sector.
- 6.2 Assuming that the 80% rate continues, analysis of projected new build and relets shown in Annex 1 leads to an estimate of lettings to homeless households as set out in Table 2.

**Table 2. Estimated Social Lets to Homeless Households<sup>3</sup>**

Year	Relets	New Build	Total	Total x 80%
2015/16	450	320	770	<b>616</b>
2016/17	450	250	700	<b>560</b>
2017/18	450	330	780	<b>624</b>
2018/19	450	129	579	<b>463</b>

<sup>2</sup> This differs from the figure of 854 in Chart 1., as P1E figures were over reported by Brent in 2014/15

<sup>3</sup> Projections for future years do not take into account the potential impact of the Housing & Planning Bill and high-value void disposals by the council, as the impact cannot currently be assessed.

This is probably the absolute maximum that could be achieved, given historical performance, the very high level of 80%, and the likely decline in relets over the next few years.

## **Private Rented Sector Offers (PRSOs) and Preventions**

- 6.3 Brent has embraced the Localism Act power to compulsorily end a homelessness duty in the private rented sector and has been the most successful local authority in England in doing so. The ending of a duty in this way is known as a PRSO.
- 6.4 In 2015/16 to end January 2016, the council has made 203 successful PRSO and 31 homelessness prevention placements. The PRSO placements are overwhelmingly outside Brent, with a significant proportion being in the West Midlands. To secure these placements typically requires an incentive payment to be made to the landlord at an average of £5,000 per property.
- 6.5 If the current rate of progress in 2015/16 is maintained, this would result in approximately 244 PRSOs and 37 non Find Your Home preventions for the whole year at a cost of around £1.38M including a proportion of DHP funding.

## **7 The Temporary Accommodation Reform Plan**

- 7.1 The implication of the above analysis, which is set out in more detail in **Annex 1** is that, whilst Brent has been successful in reducing the use of B&B in 2015/16 and therefore can expect lower costs in 2016/17 even if nothing further is done, the overall medium term trend is very challenging for the following reasons:
- Homelessness demand from the Private Rented Sector is expected to increase markedly.
  - Procuring PRSOs is likely to get more difficult and more expensive, and in all probability, the accommodation which can be procured will be ever more distant from Brent in areas of the country in economic difficulty.
  - Less social housing lets are likely to be available in the medium term as new build affordable housing for rent is harder to develop, and relets decline further.
  - The ability of the council to bear long term revenue losses on provision of TA and PRSOs is likely to be harder to sustain due to wider funding constraints.
- 7.2 It is therefore proposed that the council takes a number of key measures, as summarised below.

### **Find Your Home Scheme**

- 7.3 The council has embarked on an important change to the way it administers frontline services for households at risk of homelessness through the new Find Your Home project.



This relies on intervening earlier in housing crises, preventing homelessness wherever possible.

- 7.4 Where efforts to assist a household to remain in the same accommodation do not succeed, Find Your Home works by empowering people to find alternative accommodation at an earlier stage through use of staff support coupled with an innovative IT system which makes it easy to search for affordable properties in Brent and around the country. Importantly, Find Your Home reduces the amount of officer time spent on assessing individual households circumstances in order to make a homelessness determination, and increases the amount of officer time spent on helping households to find accommodation.
- 7.5 It is hoped to directly reduce the use of stage 1 temporary accommodation by helping more households to find private rented accommodation before they actually become homeless, and therefore need emergency accommodation.
- 7.6 The Find Your Home Scheme aims to work with households at risk of homelessness well before they actually lose their home, and harnesses the energy of those households to find a property they can afford in an area they are happy to live in. This will, however, often be outside of Brent.
- 7.7 If households are not successful at finding a property with the Council's help, then Brent will offer them suitable accommodation through a PRSO before they lose their home, and avoid the need to use emergency accommodation. This is dependant however on being able to access suitable PRS accommodation to make PRSOs, as discussed below
- 7.8 A pilot of the Find Your Home scheme began in late September and over the first four months of operation has enabled 42 households to secure private rented accommodation and avoid being booked into Temporary Accommodation at an average cost per property of £1.6K, which is about one-third of the average cost of a PRSO.
- 7.9 An evaluation of the pilot has been undertaken to refine the service and it is planned that this approach will be rolled out so that it becomes the main approach to dealing with households at risk of homelessness from 16/17.
- 7.10 Households using the Find Your Home service will be offered resettlement support and assistance to meet their employment and training needs as outlined below.

### **Make all Stage 1 TA self-contained**

- 7.11 Even if Find Your Home is very successful at avoiding the need to use Stage 1 TA, there will still be a need for some short-term accommodation for:
  - Households who come to the council for help too late to make use of Find Your Home
  - Households who are difficult to accommodate in the PRS e.g. because they need accommodation in Brent
  - Households who are making progress in finding their own property through Find Your Home, but have not succeeded by the time they become homeless, and whom the council would like to give more time to rather than making them a PRSO offer without choice of location.

7.12 It would be much better for both financial and welfare reasons to offer such households good quality self contained accommodation of a reasonable size, rather than overcrowded B&B or other accommodation with shared facilities or studio annex accommodation.

7.13 It is planned to undertake two major development projects in order to secure such a supply.

**a) Redevelopment of Knowles House**

7.14 Knowles House is a former sheltered accommodation project on Council land, which has been successfully used as a temporary accommodation hostel for the past 2 years. The building currently comprises 46 rooms with shared facilities and 3 self contained flats.

7.15 Subject to agreement by Cabinet, it is planned to redevelop the site to include approximately 85 small self-contained 2 and 3 bed flats used for temporary accommodation including 7 units with disabled facilities as well as 40 NAIL units.

7.16 Subject to approvals and planning permission, the new TA units could be ready in 2017.

7.17 This would give 85 good quality long term self-contained stage 1 TA emergency accommodation units and save the council £0.34M in revenue per year through reduced need for B&B and EHL properties, as well as acquiring a capital asset.

7.18 Specific proposals for the redevelopment of Knowles House to provide this accommodation will come to a future Cabinet meeting.

**b) London Road Site**

7.19 Subject to approval of the business case by the Capital Investment Board and approval by Cabinet at a future date it is proposed to develop on the council's London Road site another 30 to 40 small self contained "step-down" TA units for people who need to remain in Brent, but cannot quickly be moved into long term accommodation. This would be the first part of a wider redevelopment of the whole site over the next few years.

7.20 The accommodation could be ready before the end of 2017, subject to approvals and planning permission.

**Procure more PRSOs/prevention lets more cost effectively**

7.21 Despite leading in this area nationally the council currently struggles to procure PRSOs in sufficient numbers to meet its needs, at a sustainable cost.

7.22 Recognising the difficulties of sourcing PRS accommodation close to Brent, there are nevertheless opportunities to be explored.

7.23 The TA Reform Plan at Annex 1 sets out a number of measures to increase the council's internal procurement of PRS accommodation, including increased joint working with

Private Housing Services to secure additional lettings to homeless households in Empty Homes and in connection with the council's PRS Licensing schemes.

- 7.24 The council also intends to commission external organisations to secure additional units of accommodation and is working with the West London Housing Partnership boroughs on a joint procurement pilot in target areas outside London.

### **Access social housing lets in low demand areas**

- 7.25 Council officers have reached agreement with Newcastle City Council to refer households who would like a social housing property, but who cannot reasonably expect to secure one in Brent, to bid for social housing in Newcastle, where there are family sized social housing units that are difficult to let. It is probable that a proportion of homeless households in Brent would prefer a social tenancy in Newcastle to a PRS offer in Birmingham.
- 7.26 If this is successful, there is potential to reach similar agreements with other local authorities in a similar position to Newcastle.

### **Direct access to own long term affordable PRS accommodation**

- 7.27 While the above options will help to secure access to accommodation in which to prevent homelessness or end a homelessness duty it is likely that this will become progressively harder as the divergence between market rents and what Housing Benefit will pay increases.
- 7.28 If the Council relies on procurement of PRS accommodation in the market, then the likely trend is towards higher costs, and households being displaced further and further from Brent.
- 7.29 It is therefore proposed that the Council acquires access to a large portfolio of PRS accommodation which will be well managed in the long term and in which costs can be controlled, minimised and protected against rental inflation.

#### **a) Purchase of existing properties**

- 7.30 The Council commissioned Social Finance in 2015 to investigate the options for the acquisition of a significant portfolio of PRS properties which would be available for the council to end a homelessness duty over the long term, which would be professionally managed and which would be pegged to LHA rents.
- 7.31 There are a number of possible ways this could be done ranging from the Council directly purchasing properties, entering into a joint venture to purchase properties, or entering into a long term agreement to guarantee occupancy and/or rental income with an external supplier.
- 7.32 As part of this analysis, Social Finance approached a number of organisations who are interested in working with Brent, including Cheyne Capital, Mears Omega, Aviva Investors, Notting Hill Housing Trust and the Real Lettings Fund. They have also drawn on their

experience of working with LB Enfield to set up a local authority owned housing company for this purpose. A summary of Social Finance's report is shown at Annex C.

- 7.33 Following consideration of Social Finance's report and model (which has been externally audited for internal consistency) the most promising option is to establish a council-owned company which will acquire properties which will be let as long term PRS properties at LHA levels to prevent homelessness or end a homelessness duty. The properties would need to be either in Brent or sufficiently close to Brent to be able to end a homelessness duty in compliance with the Homelessness Suitability of Accommodation Order of 2011. Based on existing case law, it is currently envisaged that this means acquiring properties no further away than the Home Counties. The viability of acquiring properties in Brent and the Home Counties has been researched.
- 7.34 The advantages of establishing a company owned by the council outside the HRA include that it could let properties within the Private Rented Sector, while drawing on the council's borrowing capacity and give the council greater control of the investment compared to entering into a joint venture or contract with an external organisation, allowing better management of risk and potential reward.
- 7.36 Consideration is being given by the Council to setting up a wholly-owned company with a potentially broader remit for investment, development and regeneration. If such a company is established it is anticipated that the acquired PRS units would be held within that company, with management and maintenance services procured as appropriate.
- 7.37 There is a present opportunity to acquire PRS units in the areas mentioned but house price increases may narrow this opportunity even in the relatively short-term. It is therefore planned to directly proceed with a programme of acquisitions. In advance of a company being established any units will be used as Temporary Accommodation as this provision automatically sits outside the HRA, with these units then switching to PRS lettings on being transferred to the company once established. To support an initial programme of acquisitions Cabinet is asked to approve capital expenditure of £10M.
- 7.38 It is anticipated that further funding for acquisitions would be through on-lending to the company. The terms of that on-lending will be restricted so as to ensure that the council's borrowing costs, including a reasonable premium for risk, are covered, and that state aid rules are not breached. The Temporary Accommodation Reform Plan assumes that £60M would be invested in PRS acquisitions over the first two years, but any commitment beyond the initial £10M will be sought from a future Cabinet committee depending on progress.
- 7.39 The council has also been in discussion with Registered Providers and others, who may be interested in purchasing accommodation within London to let to Brent nominees at LHA rates on condition that the council offers long-term void guarantees (e.g. 10 years). It is not certain if this is viable at scale, as RPs borrowing is usually more expensive than the council's but would have the attraction of guaranteed properties at low risk to the council. This approach, to complement the council's acquisition of its own portfolio will also be further explored.

b) **Development of new housing supply to end a duty in the PRS or for homelessness prevention**

- 7.40 In addition to purchasing properties to end a homelessness duty in long-term PRS accommodation at LHA rents, there are opportunities to build new properties for this purpose.
- 7.41 Cabinet recently approved funding for the development of 34 flats on council-owned land at Church End which will be let at intermediate rents pegged to LHA. The London Road and Stonebridge sites in Brent have already been identified as further areas where this may be possible, with development of these being subject to further Cabinet approval.
- 7.42 However, land is at a premium in Brent, and the Council will also explore the possibilities of developing New Build accommodation outside Brent. Officers are in contact with a number of organisations who may be interested in developing properties outside Brent for the council's use, and in particular the prospect of using off site construction methods may be both cost effective and result in speedier delivery.
- 7.43 A major difficulty is in securing land and gaining planning permission in other local authority areas. If the Council is successful in securing sites, then it will be necessary to enter into arrangements with developers and possibly the host borough in order to secure planning permission for this to happen.

### **Greater use of Converted Buildings within Brent**

- 7.44 From time to time there are opportunities to use buildings which become available in Brent for short or medium term use as temporary accommodation. This is sometimes possible in the period pending long term redevelopment of the properties. The council has recently been successful in taking these opportunities on a number of sites, such as making use of the existing accommodation for elderly people at Knowles House, at former social services schemes at Clement Close and Peel Road, pending their redevelopment to provide NAIL accommodation and, with the assistance of the owner Network Housing Group, at John Barker Court. This has enabled the council to provide temporary accommodation within the borough and to reduce the use of Bed & Breakfast.
- 7.45 Sometimes, in order to take these opportunities, it is necessary to act very quickly, and a specialist officer will be given responsibility for delivering such opportunities in future.
- 7.46 Specifically, the council has recently been working with Genesis to access 58 newly converted 2-bed flats at the former Remploy House in Brent Cross, which they wish to lease from the present owner, and which would be available for use as temporary accommodation, under a variation to the current HALS contract with Genesis. The contract for these properties is expected to be from March 2016 to February 2018, with an option to extend for a further 2 years.

### **Improved Employment and Skills Offer to Homeless Households**

- 7.47 A high proportion of housing needs service clients are either not working, or in insecure, low paid employment. This includes those approaching the Council in housing need, living in temporary accommodation, or living in the private rented sector following homelessness prevention or the ending of a duty in the PRS.

7.48 Working with the Employment & Skills service the intention is to take a number of steps outlined in Annex 1 in order to increase access to employment and skills opportunities for Housing Needs clients through a mixed offer of council and partner services, primarily provided by the Brent Works partnership , which is a joint initiative between the council's employment and skills service, Jobcentre Plus, and the College of North West London, offering jobs and apprenticeship brokerage and advice. Work will be through customer service contact; in the community; and through focussed engagement with TA households, including those affected by the welfare reforms.

### **Homeless Households moving outside of Brent/London.**

7.49 Building on the success of the work of the Council's current West Midlands based procurement and resettlement officer it is planned to develop and enhance the current resettlement service to ensure all households who move out of London are provided with the appropriate support .

7.50 When the Council started relocating homeless households, who were affected by the Overall Benefit Cap to affordable accommodation in the West Midlands, it was considered essential they were provided with appropriate support to enable them to settle in an area that would be so unfamiliar to them. Given the significant distance affected households had to move, the Council employed a resettlement officer who is based in the area, to be a local point of contact for the families that relocated.

7.51 The resettlement officer visits the family upon arrival in their new accommodation. He ensures that the housing benefit claim is processed efficiently and is a point of contact between the Council, the accommodation provider and the household.

7.52 As well as setting up the housing benefit claim the settlement officer will also assist the household with other issues, including advice on securing school places for their children, transferring to a new GP, help in setting up their utilities and assistance with securing employment.

7.53 It is planned to build on this model and put in place similarly effective arrangements in the main areas where families are re-locating to, including those areas where the council's RS portfolio is concentrated.

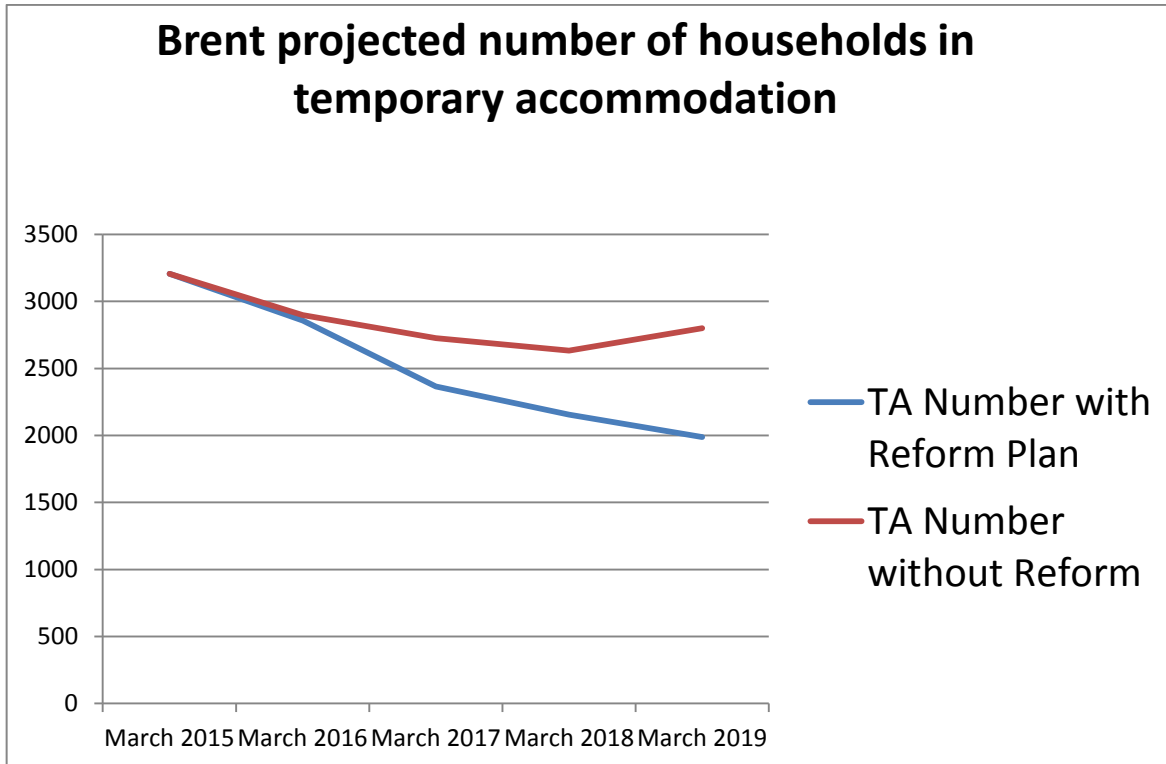
7.54 The council will work with Job Centre Plus to agree 'warm handovers' with JCP to a locally based 'job coach' in the new location, as part of the wider re-location package. This could include early advice to look at opportunities in the new location via the national 'Universal Jobmatch' vacancy website, part of the DWP's 'digital by default' approach, moving towards Universal Credit.

## **8 Impact of Implementing the Temporary Accommodation Reform Plan.**

8.1 The expected benefits of the Temporary Accommodation Reform Plan if it is fully implemented are significant and include the following:

- 8.2 Compared to the alternatives of continued use of B&B, Hotel Annex, and nightly paid self contained accommodation the Council will be able to access significantly better quality, more secure accommodation for homeless households which is located closer to Brent.
- 8.3 Homelessness prevention into the private rented sector will form the bulk of the Housing Options service, but with an adequate supply of decent self contained temporary accommodation available as a safety net.
- 8.4 All Stage 1 Temporary Accommodation will be self contained and within Brent and will be revenue positive for the council. The intention is that there will be no use of B&B or hostels with shared facilities, hotel annexes or other nightly paid accommodation.
- 8.5 Over time the Council will have acquired access to a significant LHA rent PRS portfolio in Brent and the Home Counties, offering long-term well-managed tenancies. This will come from both existing stock and new-build developments.
- 8.6 It is also planned to gain access to a portfolio of around 200 long term properties for PRSO/prevention across London through arrangements with Registered Providers purchasing accommodation for this purpose. This is dependent on agreement of a viable scheme or schemes with partners.
- 8.7 With the implementation of the plan it is expected to achieve an estimated 40% overall reduction in Temporary accommodation between March 2015 and March 2019 as shown in Chart 2.
- 8.8 The proportion of Brent social housing allocations to homeless households can be reduced from 80% to around 55% by 2018/19 with significant benefits to other households in significant housing need and with priority on the housing register, who cannot currently access suitable properties.
- 8.9 A reduction in annual non-staffing costs of the Housing Needs service of over 50%, amounting to c.£1.6m per annum by 2018/19 is anticipated, compared to the position without the measures in the Temporary Accommodation Reform Plan.

Chart 2.



8.10 The outline timetable for delivery of the main elements of the Temporary Accommodation Reform Plan is set out in summary in Table 3.

**Table 3. Outline Temporary Accommodation Reform Plan timeline.**

Workstream	15/16	16/17	17/18	18/19
<b>Find Your Home service</b>	Pilot Phase	Mainstreamed as primary frontline Housing Needs service		
<b>Knowles House</b>		Planning permission gained and construction begins	Hostel opens	
<b>London Road</b>		Planning permission gained and both Stage 1 TA and PRS construction starts	TA opens	PRS completed
<b>PRS acquisition</b>	Company set up.	Brent PRS company begins acquisitions.  Work with RPs	300 Brent PRS units acquired plus up to 200 RP units	



		and other suppliers begins.		
<b>PRS development</b>	Sites identified in and outside Brent	Site acquisition and development begins		New build PRS coming on stream

## 9 Financial Implications

- 9.1 The 2015/16 net Housing Needs temporary accommodation budget is £7.46m. This represents total budgeted expenditure of £50.81m and income of £43.35m. It includes landlord incentive payments as well as the net costs of temporary accommodation provision,
- 9.2 In setting the 2015/16 council budget it was agreed that the Housing Needs budget would make savings of £0.84m in 2016/17 and £0.5m in 2017/18, a total of £1.34m.

Table 4.

	<b>2015-16 Budget</b>	<b>Budgeted Savings (16/17)</b>	<b>Price related adjustments (16/17)</b>	<b>2016-17 Budget</b>	<b>Budgeted Savings (17/18)</b>	<b>2017-18 Budget</b>
	£m's	£m's	£m's	£m's	£m's	£m's
<b>Staffing</b>	<b>4.65</b>	<b>-0.34</b>	-	<b>4.31</b>	-	<b>4.31</b>
<b>Commissioned Services (TA)</b>						
<b>TA Expenditure</b>	46.16	-0.5	0.21	45.87	-0.5	45.37
<b>TA Income</b>	-43.35	-	-	-43.35	-	-43.35
<b>NET TA BUDGET</b>	<b>2.81</b>	-	-	<b>2.52</b>	-	<b>2.02</b>
<b>TOTAL BUDGET</b>	<b>7.46</b>	-	-	<b>6.83</b>	-	<b>6.33</b>

- 9.3 The Temporary Accommodation Reform Plan proposes to reduce the net cost of providing TA to approximately £1.2m by 2018/19. This would represent a saving to the current TA Budget and contribute to the avoidance of cost for future predicted levels of demand. This would deliver the councils planned savings for TA and provide an additional saving of £0.6m by 2018/19.
- 9.4 Demand profiling has shown that without the Reform plan the net cost of TA would increase from current levels to £3.4m by 2018/19.
- 9.5 The Reform plan includes 3 specific proposals that require capital investment to achieve a cost reduction, as shown in Table 5.

Table 5.

<b>2016/18</b>	<b>Investment</b>	<b>Units</b>	<b>TA Cost reduction per pa</b>
Stage 1 TA	£20m	125	0.5m
PRS Development	£50m	150	£0.43m
Brent PRS Acquisition	£60m	300	0.86m
<b>Total</b>	<b>£130m</b>	<b>575</b>	<b>£1.79m</b>

- 9.6 Stage 1 TA refers to the development of two council owned sites (Knowles House and London Road Site) to build 125 emergency accommodation TA units. The savings associated to this scheme would be through the reduction in use of B&B and Annex accommodation. The usage of B&B and Annexe accommodation varies on a day to day basis, but an indicative average weekly net cost to the council of £77 has been used to define the annual cost reduction of £0.5m by developing the 125 units.
- 9.7 The development of the schemes at Knowles House and the London Road site would be subject to a separate cabinet report, so any associated savings for this scheme would be at risk dependant in the decision made.
- 9.8 It should be noted that Stage 1 TA takes advantage of the opportunity presented through the identification of council owned sites suitable for development. Any future site development would be added to the PRS development scheme.
- 9.9 PRS development refers to development of 150 new build units of private rented housing to be let at LHA rates to enable the council to end a homelessness duty over the long term. The individual development appraisals would be subject to separate cabinet reports. The savings associated with this scheme would be through the reduction in use of leased EHL and DPS accommodation. Currently the average weekly cost of EHL and DPS is £55pw per unit. Therefore, a saving of £0.43m would be realised if the 150 units were fully realised.
- 9.10 The £50m investment should be considered as an initial value. Successful delivery of outcomes would represent an opportunity for the council to consider future investment.
- 9.11 Brent PRS acquisition refers to the purchase of a portfolio of 300 properties over the next two years to enable the council to end a homelessness duty over the long term. The financial model underpinning this scheme would allow the letting of units at LHA rates and cease the subsidy from the TA budget. The savings associated with this scheme would be through the reduction in use of EHL and DPS accommodation. Currently the average weekly cost of EHL and DPS is £55pw per unit. Therefore, a saving of £0.86m would be realised if the 300 units were fully utilised.

- 9.12 The financial model underpinning the acquisition of PRS accommodation was produced by Social Finance and is based on a number of prudent assumptions regarding income and expenditure to limit the risk exposure to the Council. This includes prudent assumptions on void rates, rental income and bad debts.
- 9.13 The model assumes that the company would selectively acquire the properties based on those that offer the highest yield post renovation costs and other associated fees, rather than purchasing every property that becomes available.
- 9.14 It should be noted that there are only a limited number of properties available in the market that generate sufficient yield to meet financing costs. Therefore, a target of 300 properties over 2 years would be prudent.
- 9.15 The exact costings and subsequent savings for TA will be variable dependent on the mix of properties and income achievable for those properties. However, Table 6. below provides a financial illustration of the model based on the purchase of 300 properties achievable with an investment of £60m at an illustrative borrowing rate of 4%.

Table 6.

Year	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<i>Year Tracker</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
<b>INCOME STATEMENT</b>	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Rental Income		3,286	3,286	3,286	3,352	3,419	3,487	3,557
<b>TOTAL RENTAL INCOME (REVENUE)</b>		<b>3,286</b>	<b>3,286</b>	<b>3,286</b>	<b>3,352</b>	<b>3,419</b>	<b>3,487</b>	<b>3,557</b>
Maintenance costs		-464	-476	-488	-500	-513	-525	-538
Bad debt costs		-66	-66	-66	-67	-68	-70	-71
Void costs		-127	-127	-127	-129	-132	-134	-137
Major Repairs Provision		-	-	-	-	-310	-317	-325
<b>TOTAL RESIDENTIAL COSTS</b>		<b>-657</b>	<b>-668</b>	<b>-680</b>	<b>-696</b>	<b>-1,022</b>	<b>-1,047</b>	<b>-1,072</b>
Housing Company Costs	-221	-92	-95	-97	-99	-102	-104	-107
<b>SURPLUS BEFORE FINANCE</b>	<b>-221</b>	<b>2,537</b>	<b>2,523</b>	<b>2,509</b>	<b>2,556</b>	<b>2,295</b>	<b>2,336</b>	<b>2,378</b>
Interest Costs	-2,400	-2,375	-2,348	-2,321	-2,293	-2,263	-2,232	-2,201
Principal Costs	-600	-657	-683	-710	-739	-768	-799	-831
<b>SURPLUS/(DEFECIT)</b>	<b>-3,221</b>	<b>-494</b>	<b>-508</b>	<b>-522</b>	<b>-475</b>	<b>-736</b>	<b>-695</b>	<b>-653</b>
TA Savings	0	850	850	850	850	850	850	850
<b>SURPLUS TO MEET TA BUDGET SAVINGS</b>	<b>-3,221</b>	<b>356</b>	<b>342</b>	<b>328</b>	<b>375</b>	<b>114</b>	<b>155</b>	<b>197</b>

- 9.16 Years 1 and 2 of the model are subject to change and dependent on the speed at which properties are brought on stream, so the income from rents will fluctuate. Also, the loans required for purchase would be made in stages, further varying the illustration in Table 6.
- 9.17 The model's underlying principle is to ensure a sufficient surplus is generated each year to repay the interest costs of the loan (initially £2.4m). Repayment of the principal will depend on the price of available properties, the lending rate charge by the council and future movements in LHA rates. Financial criteria for acquisitions will be set by the CFO in accordance with the prudential code.
- 9.18 To support the principal loan repayment, it is proposed that an additional £0.6m savings delivered through the Reform plan be used to repay the loan principal.
- 9.19 The remaining surplus (average of £0.25k pa) of the scheme would be attributed to the planned council's savings for TA
- 9.20 The model relies on the assumption that LHA rates will increase by 2.0% pa following the initial 4 year LHA freeze announced by government. It should be noted that any small divergence to this assumption will affect the financial viability of the financial model either negatively or positively. However, this risk in LHA rate change would have a similar or greater financial impact to the TA budget without proceeding with PRS acquisition.
- 9.21 To mitigate this risk, a phased approach to the purchase of properties will be taken and to ensure that the yields are maximised. Regular reviews will be factored in, to ensure that the portfolio remains financially viable and meets the needs of its tenants.
- 9.22 This proposal does carry a number of risks as per the risk assessment included at the end of Annex 1. Therefore, a number of exit strategies have been considered should the need for homelessness housing change or if the model becomes financially unviable. These include a review of the rent for a different target population, if the number of residents with housing needs reduces, to enable more income to be generated whilst retaining the assets should these be needed again in the future. The terms of the loan may need to be reviewed at that point and legal advice would be sought as required. Alternatively, the company could sell the assets prior to the end of the 40 year term to release capital.

Following its establishment properties will be purchased and owned by a separate local authority company which will act as the owner of the properties. The company will have access to a capital loan facility for purchases. The company will also have access to a start-up loan to cover working capital requirements. The company may require further loans to cover fluctuating cash flows over the life of the scheme.

- 9.23 The company itself will have ongoing marginal costs in addition to the Management and Maintenance of the stock in respect of this portfolio. This amounts to approx. £90k pa and includes: Portfolio asset management, fees for audit and regulatory activities and accounting/bookkeeping.

## 10 Legal Implications

### Homeless Duty

- 10.1 In accordance with Section 8 of the Housing Act 1985, and Part 7 of the Housing Act 1996 (as amended by the Localism Act 2011), the Council is required to consider housing conditions/needs within its area, including the needs of homeless households, to whom local authorities have a statutory duty to provide assistance. Local authorities have a duty under section 193 and Part 7 of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection).
- 10.2 The legislation also provides the Council with powers to meet these requirements via joint working between housing authorities, social services and other statutory, voluntary and private sector partners in tackling homelessness more effectively. The Council can provide accommodation in their own stock or arrange for it to be provided by another landlord, for example, a housing association or a landlord in the private rented sector, which equally could be via a company set up by the Council. Section 193 (7) of the Housing Act 1996 defines that an offer is a private rented sector offer if:
- (a) it is an offer of an assured shorthold tenancy made by a private landlord;
  - (b) it is made with the approval of the local authority, with a view to bringing the authority's duty to an end; and
  - (c) the tenancy is of a fixed term for a period of at least 12 months.

The proposal set out in this report will not impact on the Council discharging these statutory duties.

- 10.3 Local authorities can house homeless persons under Part 7 of the Housing Act 1996 in accommodation with non-secure tenancies by relying on paragraph 4 of Schedule 1 to the Housing Act 1985.

### Local Authority Companies

- 10.4 It is currently intended that the private rented properties to be acquired and developed will be held within a Local Authority Company though the setting up of such a company will be subject to Cabinet approval and a report setting out the details, including more detailed legal implications, is intended to be submitted to the Cabinet for its consideration later this year. The setting up of a company must be in accordance with either section 95 of the Local Government Act 2003 (if it is a trading company) or Section 1 of the Localism Act 2011 – the general power of competence. Section 4 of the Localism Act 2011 extends the existing commercial purposes scheme under the LGA 2003 in relation to acts that are undertaken in exercise of the general power (provides the Council power to do anything that individuals generally may do provided it is not prohibited by legislation or Public Law principles) so that if the general power permits a local authority to carry out a particular activity, then section 4 empowers the authority to do that activity for a commercial purpose. However, if the general power is being used for a commercial purpose then it

must be done through a company. In the report to the Cabinet regarding setting up a company for the purpose of an investment vehicle for housing purposes, the legal implications will cover issues regarding procurement, state aid and directors' duties to a company.

## **Property**

- 10.5 Any purchase of properties by the Council for subsequent disposal (or disposal of existing stock) to the local authority company must be carried out in accordance with the Council's delegations under Part 4 of the Council's Constitution and specific delegations given by Cabinet.

## **Fiduciary duties**

- 10.6 The Council has a fiduciary duty to look after the funds entrusted to it and to ensure that the taxpayer's money is spent appropriately. This would extend to lending to the local authority company if Cabinet decides to do this in future. For that reason the Council must carefully consider any scheme that it embarks on, and to take account, for example of best value principles in accordance with the Local Government Act 1999, and when borrowing to consider the capital expenditure controls under Part 1 of the Local Government Act 2003.

## **Rents**

- 10.7 The Council is required by Section 24 of the Housing Act 1985 to set rent for its properties at a "reasonable" level. The level of rent is practically constrained by the Rent Rebate Limit Level which, if exceeded impacts on the housing benefit subsidy payment to the Council. This does not apply to a local authority company so there is greater flexibility to set rents (subject to any State Aid implications).

## **Investment Powers**

- 10.8 In the event that the Council chose to treat the acquisition of dwelling as an investment then the Council would need to comply with its investment powers. Section 12 of the Local Government Act 2003 (2003 Act) provides as follows:

### 12 Power to Invest

A local authority may invest:

- a) For any purpose relevant to its functions under any enactment; or
  - b) For the purposes of the prudent management of its financial affairs.
- 10.9 Under Section 15 of the 2003 Act, before exercising the power to invest, the Council must have regard to Guidance issued by the Secretary of State. This is set out in the Department for Communities and Local Government "Guidance on Local Government Investments" published 11 March 2010 (CLG Guidance). The Council should also consider related Guidance published by CPIFA under 'Treasury Management in the Public Services: Code of Practice and Cross Sectorial Guidance Notes' and "The Prudential Code for Capital Finance in Local Authorities".

## **11 Diversity Implications**

- 11.1 Some protected groups are over-represented among homeless households. This is partly due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy. It is also an effect of poverty and disadvantage: some ethnic groups, for example Black Africans, are over-represented among homeless households compared to their presence in the general population.
- 11.2 Since the primary focus of the proposals in this report is to improve the quality, security and suitability of temporary accommodation, it is anticipated that impacts will be positive for homeless households and other households on the Needs Register. However, given the profile of homeless households noted above, it is recognised that further investigation and analysis is needed to ensure that the full implications of the change are understood and any possible negative impacts are identified and addressed. An initial screening analysis is attached at Annex 2 to this report and a full analysis is in progress.
- 11.3 It should be stressed that the proposal is made in the context of the council's policy that the principal means through which full homelessness duties are met will be through an offer of private rented housing, in line with the powers granted under the Localism Act. This policy was subject to a full equalities analysis at the time of its adoption and this aspect is therefore not considered further in relation to this proposal. The focus of analysis will be on the specifics of the current proposal, as set out above.

## **12 Staffing/Accommodation Implications**

- 12.1 The current Housing Needs staffing costs are significantly greater than the non staffing costs discussed above. The potential for savings in staffing costs as a result of implementing the Temporary Accommodation Reform Plan may be significant over time. This is because:
- 12.2 The housing management costs for the PRS portfolio will be accounted for within the overall finances of that scheme, rather than coming from the housing needs budget.
- 12.3 As the number of households in TA reduces, the associated staffing costs of providing support, housing management, and maintenance to households in TA may be expected to reduce roughly proportionately.
- 12.4 Although housing needs demand is expected to increase as outlined above, and there is therefore limited scope to reduce front line customer facing staff dealing with new demand, over time the Council's reliance on externally procured TA accommodation

should fall if the TA reform plan is fully implemented, leading to a reduced need for procurement of such accommodation.

- 12.5 On the other hand, the intention to provide better resettlement services to households who move out of the borough is likely to require additional staffing resources in that area.

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# Annex 1

## Temporary Accommodation Reform Plan 2016-19

### **1.0 Executive Summary**

- 1.1** Part 1. of this document analyses the current position for Brent's Housing Needs Service in tackling statutory homelessness both now and looking forward over the next three years. Part 2. sets out a series of measures to transform the council's approach.
- 1.2** The intention is to reposition the council from making an essentially reactive response to increasing homelessness demand and the reducing supply of affordable accommodation in the private rented sector.
- 1.3** Implementation of the plan will significantly reduce the amount of temporary accommodation the council holds and especially targets the expensive and inappropriate use of Bed & Breakfast and other accommodation with shared facilities for families, and the use of expensive nightly paid self contained accommodation which has grown in recent years.
- 1.4** The council will make a very significant and transformational long term capital investment in the development and purchase of good quality accommodation to provide a lasting solution to meeting housing need in Brent, at a dramatically reduced revenue cost to the council.
- 1.5** In so doing, a measure of protection will be provided against the further increasing divergence between the ability of low income households to pay for accommodation and the continuing increase in market rents in London and the South East, which seems inevitable under current government policy.
- 1.6** There will be a sustained move towards prevention of homelessness at an earlier stage, working in partnership with households threatened with homelessness, and away from the use of emergency accommodation and unaffordable Temporary Accommodation. The dominating pressure on Brent's social housing allocations from homeless households in temporary accommodation will also reduce dramatically over the period of the plan.
- 1.7** The council will also fully integrate households seeking assistance because of their housing needs and households living in temporary accommodation into the new Employment and Skills strategy, including making proper provision for the resettlement of those households who move out of the borough in order to secure accommodation they can afford.
- 1.8** Brent has one of the highest numbers of households in Temporary Accommodation (TA) in England. Although the borough has been successful in reducing numbers recently, against the overall London trend, and has managed to dramatically reduce the number of households in Bed & Breakfast accommodation, there are still too many households in temporary accommodation which is inadequate for their needs, and the needs of their children.
- 1.9** As part of the overall financial management of the Council resources due to significant reduction in government funding, the Housing Needs budget was reduced

by £1.3m in 2015/16 with additional £0.5m proposed for 2016/17 and 2017/18 respectively. This results in increased pressures on the Housing Needs Budget.

- 1.10** Despite devoting 80% of social lettings to homeless households in TA the borough is very reliant on private rented sector accommodation to provide TA or to end a homelessness duty. Private rented sector (PRS) accommodation in Brent and elsewhere in London is however becoming increasingly difficult to obtain at rates covered by housing benefit, and this situation is likely to worsen considerably in the medium term as Local Housing Allowance levels have been frozen for 4 years against a back ground of increasing private sector rents. The council therefore anticipates increasing difficulties in future years due to increased homelessness from the loss of Assured Shorthold Tenancies and increased difficulty in sourcing PRS accommodation.
- 1.11** Although it is very difficult to give accurate estimates, on current trends, principally because of the council's success in reducing the number of families on Bed & Breakfast accommodation, Brent's total non-staffing spend on TA and PRS landlord incentives looks likely to decrease from around £3.3M in 2015/16 to just over £2.3M in 2016/17 but then to rise again to around £3.4M again by 2018/19, and probably to worsen further thereafter against the background of a challenging local authority financial position. The borough also increasingly has to resort to sending homeless households far from Brent and as far as the Midlands in order to be able to place them in affordable accommodation.
- 1.12** There are a number of measures the Council is already taking or planning to take to help remedy this situation, including success in making Private Rented Sector Offers (PRSOs) to end a homelessness duty, the establishment of an officer permanently based in the West Midlands to help the resettlement of families who move there, the use of buildings awaiting redevelopment for use as temporary accommodation, and an intense focus on reducing bookings of families into Bed & Breakfast Accommodation wherever possible.
- 1.13** The Temporary Accommodation Plan builds on the progress to date and sets out a number of key measures to further reduce reliance on temporary accommodation, improve its quality and reduce its cost.
- 1.14** The main measures outlined in the Plan are:
- Roll Out of the "Find Your Home" programme, which aims to prevent homelessness by intervening early and empowering households threatened with homelessness to access PRS accommodation in areas they can afford.
  - Making all Stage 1 temporary accommodation self contained by planned development of identified sites in Brent.
  - Improved procurement of PRS accommodation to prevent homelessness or end a homelessness duty, including by external commissioning and through a pilot project with other West London boroughs.
  - Acquisition of a large portfolio of long term PRS accommodation in which to be able to accommodate households who have been homeless at LHA rates into the future
  - Development of new build LHA rent PRS accommodation inside and outside Brent.
  - Development of a more integrated package to assist housing needs clients into employment.

- Enhanced resettlement services in the main areas where the council is placing homeless households.
- 1.15** Much of this work will require significant co-operation within the council and with external partners to achieve, but it offers the prospect, within a few years, of drastically reducing the councils housing needs service short term and long term costs, while also significantly improving the standard and security of accommodation for homeless households.
- 1.16** This could be achieved at the same time as significantly reducing the proportion of social lets allocated to homeless households.
- 1.17** It is, however, unlikely that all the accommodation we will need will be able to be provided within Brent, as housing market trends allied to the lack of available land for development within the borough preclude this.

It will be essential when housing people inside Brent or outside London that we do as much as we can to ensure that homeless households have the best chance to resettle into their new accommodation, find or keep employment, and access good educational opportunities for their children. The Council's employment and skills department will work closely with Housing Needs to achieve this and also to assist households in existing Temporary Accommodation.

## Part 1. Position if we carry on as we are

### 2.0 Summary of Current Temporary Accommodation Provision in Brent

2.1 Brent Council has one of the highest numbers of people in Temporary Accommodation (TA) in England at 2945 (end of Q3 2015/16) households, compared to the London average of less than 1500 households.

2.2 This is not a satisfactory position to be in for a number of reasons:

- a. Although much of Brent's TA portfolio is good quality self contained accommodation managed by Housing Associations or professional managing agents within the borough, a substantial proportion of TA is B&B or hostel accommodation with shared facilities or self contained hotel annex accommodation unsuitable for families for long periods.
- b. Increasingly, due to lack of alternatives, Brent is providing TA outside of the borough. Although the picture can be exaggerated and the great majority of Brent's temporary accommodation is still within the borough, if we look at the new TA placements in 2015/16 to date, around 20% of placements into shared facilities accommodation are outside the borough and around 10% outside London. Although EHL placements are overwhelmingly in London, 50% are outside Brent.
- c. Although the council has been successful in reducing the number of households in Bed & Breakfast to 42 (December 2015), the number of households living in accommodation with shared facilities is 103 and the average length of stay in that accommodation is approximately 10 weeks (shorter stays for families, longer for single people or other types of households).
- d. Additionally, Brent has 76 households in s/c hotel annexe accommodation, which, while considerably better than shared B&B, usually means families living in studio flats, and is not satisfactory for long periods.
- e. Households placed in TA after 9<sup>th</sup> November 2011 have little or no prospect of ever being accommodated in long term social housing, and yet spend indefinite periods waiting for private rented accommodation in which the council can end a homelessness duty under the provisions of the Localism Act. This leads to a situation where residents inevitably have an expectation of being accommodated in settled accommodation in Brent, but that expectation is rarely fulfilled.
- f. Households placed in TA before 9<sup>th</sup> November 2012 (currently almost 2000 households) do expect to move into social housing and are currently being allocated a target of 80% of social lettings under Brent's lettings policy at the expense of other households who need social housing. Nevertheless, the average time in TA for those who are allocated social housing from TA is 9 years.
- g. Temporary Accommodation currently costs the council £2.8m per year in losses to the General Fund because Housing Benefit no longer covers the rental cost the council is obliged to pay to secure accommodation.
- h. The amount of Discretionary Housing Payments the councils receives, which can help to subsidise some of these losses, has fallen by 40% (£1.3m) in 2015/16. The DHP budget for 2016/17 has just been announced, and is

£2,866,279 for Brent which is an increase of £259K or 10% on 2015/16. This will mitigate the impact somewhat, but it is a 10% increase against a 379% increase in the number of households expected to be affected by the reduced Overall Benefit Cap and the increased shortfall of £60 per week for those already capped.

**Table 1. Brent Temporary Accommodation by Scheme Type (2014/15)**

TA Type	Shared/ Self Contained	<sup>1</sup> Number of Households at end April 2015	Weekly Loss per Household 2014/15 £s	Annual Loss of Scheme 2014/15 £(000)s
HALS (Housing Association Leasing Scheme)	s/c	1473	12	961
PMA (Privately Managed Accommodation)	s/c	229	35	365
PSA (Private Sector Accommodation)	s/c	9	No net cost	-
PLA (Private Licensed Accommodation)	s/c	42	13	38
South Kilburn Regeneration	s/c	91	No net cost	-
BDL (Brent Direct Letting)	s/c	156	No net cost	-
EHL (Emergency Homeless Letting)	s/c	298	55	824
Hotel Annexes	s/c	106	38	525
B&B	Shared	232	136	1,789
Knowles House	Shared	33	No net cost	-

- 2.3** Table 1. clearly shows that the largest cost to the council per unit of TA by far is from shared Bed & Breakfast accommodation at an average of £136 per week per unit.
- 2.4** This is because the Housing Benefit Subsidy claimable for B&B is limited to the 1-bed LHA rate by DWP regardless of household size. This in turn means that B&B for larger families is much more expensive to the council than for single people, as the larger accommodation needed for families is more costly.
- 2.5** Although it is possible that this situation could change under Universal Credit, where current government plans are to pay the UC housing element by household size regardless of property type (and therefore potentially make the use of B&B for larger families a profitable activity!) the clear implication of the above on both moral and financial grounds is for the council to reduce or eliminate the use of shared B&B for families.
- 2.6** The council is currently on target to reduce use of B&B to almost zero by the end of 2015/16. If this could be maintained in 2016/17 and thereafter, then, other things being equal, this could save £1.8M per year compared to 2014/15. However as discussed below, this is somewhat misleading, as eliminating B&B by use of PRSOs and other forms of TA has a significant cost.
- 2.7** The second largest unit cost to the council is from EHL (Emergency Homeless Lets), which cost an average of £55p.w.. The time spent in an EHL by those currently living in this type of accommodation is 22 months, and whilst the accommodation is self

<sup>1</sup> B&B in particular has already reduced significantly from this figure in 2015/16 to 42 at end December 2015.

contained and of a suitable size, checks on quality of accommodation are less rigorous than for other schemes.

### **3.0 Consideration of Brent's Temporary Accommodation by scheme type**

#### **3.1 B&B**

Brent currently has 24 households in shared Bed & Breakfast accommodation. This is very costly to the council and highly unsatisfactory for the residents, who typically have to share cooking (no breakfast is in fact provided) and washing facilities and sleep up to 5 persons in one room.

It is illegal for homeless families to be placed in B&B for more than 6 weeks, and the council spends a lot of administrative energy on trying to minimise the number of families in this accommodation for 6 weeks.

B&B use is currently on a reducing trend, but we currently lack alternative emergency accommodation to place people, and some of the alternatives we use are also unsatisfactory (e.g. council owned hostels with shared facilities or hotel annexes).

#### **3.2 Annexes**

A better alternative to B&B is the use of self contained hotel annexes. These are significantly less costly to the council than B&B, but still lose an average of £38 per week per annex. Very often the self contained facilities are very basic and the accommodation is overcrowded for long term use, with again up to 5 people sleeping in one studio.

Because the pressure on the council is to minimise B&B use for legal and financial reasons, the average stay in a hotel annex is currently several months, and we have 76 households living in this accommodation.

#### **3.3 Hostels**

Brent has a small number of temporary hostels – Knowles House, John Barker Court, Clement and Peel, which between them accommodate 58 households in shared accommodation, similar to B&B, but which do not count as B&B because of their status. This is financially advantageous, but not a good solution long term for families. The average stay in hostel accommodation is currently 15 weeks.

#### **3.4 HALS**

Brent's Housing Association Leasing Scheme has been running for many years and is a successful scheme which provides good quality, leased self contained accommodation, mostly within Brent and managed by Housing Associations for the borough.

The scheme was retendered recently and is now operated by three registered providers:

Genesis, with 1013 units  
London Strategic Housing, with 421 units and  
Shepherds Bush HG with 51 units.

Although not cost neutral to the council, HALS is good value for money compared to other existing schemes and helps to preserve a supply of good quality medium term accommodation within Brent.

However, the number of units is in decline, as the difference in revenue available to landlords from a HALS lease and what they could obtain on the open market increases. This means that when HALS leases end, a proportion are not renewed, and it is increasingly difficult for housing associations to start leases with new landlords.

Interestingly, there is no technical reason why HALS accommodation could not be used for homelessness prevention in future, as the Housing Benefit subsidy rules are the same for TA managed by housing associations as for accommodation managed by housing associations for homelessness prevention.

### 3.5 Hyde PFI Scheme

Brent currently accommodates 364 households in the Non-HRA PFI scheme operated by Hyde Housing Group. This is a new build scheme developed between 2010 and 2012 to provide dedicated long term temporary accommodation until 2028, with conversion of units to social/affordable housing at various points during the life of the scheme. The council has a financial stake in the scheme and is under an obligation to make index linked payments to service the debt incurred on it.

Due to the housing benefit income to pay the rents rising at a lower rate than anticipated, the scheme incurs a deficit. In November 2014 Cabinet agreed a number of changes to the PFI contractual provisions, in order to reduce the projected deficit. These changes will result in a loss of temporary accommodation over time, although this will be by conversion of the units to affordable and intermediate housing.

The Council has previously made provision of £5.7m to meet part of the projected deficit. The current projected deficit at the end of the contract is £12.6m. To minimise the impact of this deficit 122 TA units will be converted to Discounted Market Rent (a form of intermediate housing) units during 2016. All remaining TA 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.

This 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 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.

### 3.6 South Kilburn Estate

The South Kilburn Estate Regeneration project has given Brent an opportunity to make use of units on the estate as individual blocks are vacated prior to redevelopment. This affords a period when the units can be let as temporary accommodation outside of the HRA, and contributes positively to the council's financial position. There are currently 172 TA units on South Kilburn, managed by Brent Housing Partnership as additional units under the BDL scheme and projections are that TA use will be able to continue until at least 2021 albeit with some fluctuations in numbers of units at any one time, as the regeneration proceeds block by block. The scheme is financially positive for the council and is managed by BHP.

The expected timetable for regeneration on the South Kilburn Estate is shown below. It is difficult to predict exactly what this will mean for TA supply in any given year, but broadly we may expect TA numbers to average around 100 during the remaining course of the regeneration.

<b>South Kilburn – Decant Programme</b>
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<b>Phase 3A</b>
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97 to 112 Carlton - 16 units inclusive of leaseholders
--

Peel Precinct - 33 units inclusive of leaseholders
--

8 to 14 Neville Close - 7 units inclusive of leaseholders
---

To vacate by <b>2016/17</b>
-----------------------------

Hereford House	- 115 units inclusive of leaseholders
Exeter House	- 23 units inclusive of leaseholders
4-26 Stuart Rd	- 8 units inclusive of leaseholders
To be vacated by <b>2016/17</b>	
<b>Phase 4A</b>	
Neville House	- 8 units inclusive of leaseholders
Winterleys	- 64 units inclusive of leaseholders
Austin	- 135 units inclusive of leaseholders
Craik	- 78 units inclusive of leaseholders
tenants to vacate by <b>2019</b>	
<b>Phase 4B</b>	
Dickens	- 134 units inclusive of leaseholders
Blake	- 71 units inclusive of leaseholders
Crone	- 85 units inclusive of leaseholders
Zanwell	- 10 units inclusive of leaseholders
John Ratcliffe House	- 64 units inclusive of leaseholders
tenants to vacate <b>2021</b>	
Cullen House	- 31 units inclusive of leaseholders
no date set as yet	

### 3.7 **DPS** (successor to PMA and PSA)

The council currently has 217 units of PMA accommodation (inside London) at an average loss of £55 per unit per week and 4 units of PSA accommodation (outside London), which is cost neutral.

Both schemes are procured through the West London framework agreement and are to be superseded from now on by the West London Dynamic Procurement System (DPS) which Brent leads. The advantage of DPS is that new suppliers can be incorporated on an ongoing basis.

DPS pays providers a rate of 100% current LHA + £45p.w. within 50 miles of Charing X As this is significantly more than the current PMA and PLA rates, so the anticipated loss per unit may be expected to average between £50 and £60 per week per unit under current HB subsidy arrangements if we take the current £35 per week loss per PMA unit as baseline.

DPS units more than 50 miles from London will be paid at current 100% LHA + £35p.w.

After a slow start, it is unclear at present how successful the DPS scheme will be at in bringing in new units of TA. We currently have 41 units of DPS, but only half of these are new units – the rest being conversions from HALS, PMA and PSA.

There is a risk that more providers of less expensive TA such as HALS and BDL will be tempted over time to move to DPS, at a cost to the council although this may be better than them leaving the TA marketplace altogether.

### 3.8 **BDL**

Brent Direct Leasing is a scheme, operating solely within Brent, and originally procured and managed by Brent Council, but now managed by Brent Housing



Partnership (BHP). BHP provides a full housing management service and guarantees voids to landlords.

It runs at no net cost to the council, but units have declined to 129 and the scheme offers less money to new landlords than the DPS or EHL schemes.

### **3.9 EHL**

The Emergency Homeless Lettings scheme offers self contained family sized accommodation on a nightly paid basis.

The Council pays varying charges per week in different areas, but this is a relatively costly scheme and loses around £55 per week per unit.

It also has the disadvantage that the council currently does not inspect the properties before letting, so we are sometimes paying more for poorer quality properties.

There is an argument that the scheme competes with better alternatives such as the BDL scheme, and PRSOs, but on the other hand may be the only current way of securing properties the council needs in order to avoid increasing B&B usage.

The DPS scheme potentially offers a solution to this by leasing properties at similar rates to what the council will pay for EHL.

Numbers of EHL properties currently stand at 204.

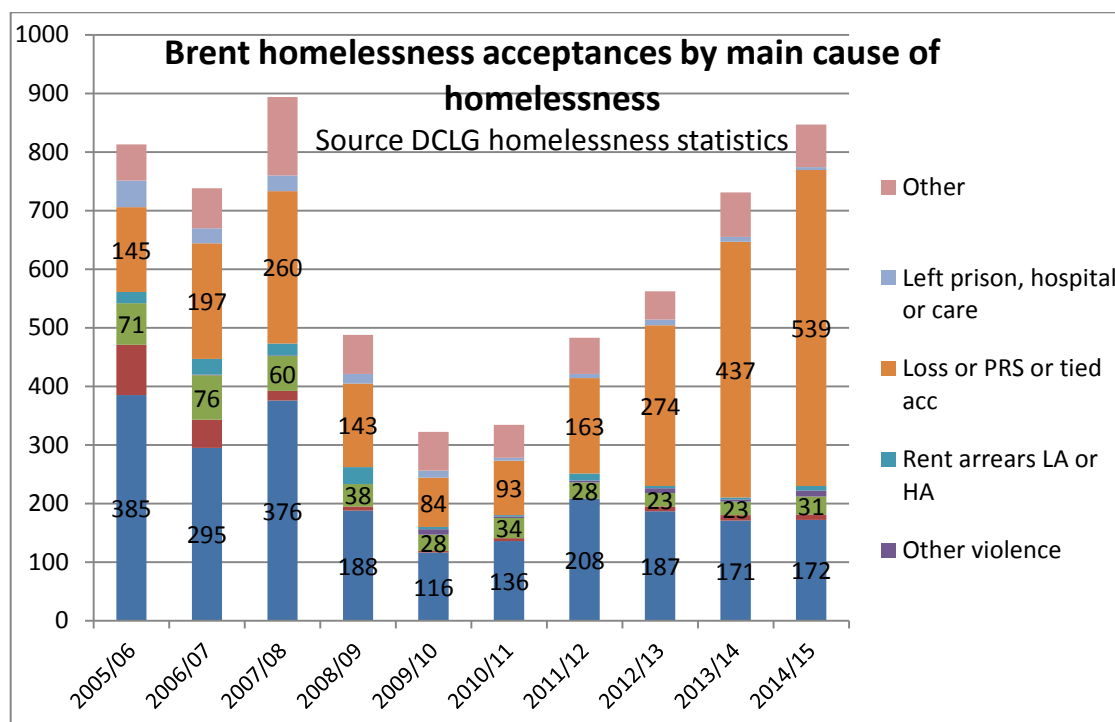
## **4.0 Trends in Demand**

### **4.1 Homelessness Demand**

After falling to historic lows in 2009/10 and 2010/11, homelessness acceptances have been rising steadily in Brent and have more than doubled over the past 5 years.

This growth is entirely due to the increase in homelessness as a result of the loss of a private sector tenancy. Although it is much harder to be accepted as homeless for almost all other reasons than 10 years ago, the growing unaffordability of the private rented sector in Brent to families on low incomes is now overwhelmingly the main driver of homelessness acceptances in Brent, with other causal factors relatively stable, as shown in Chart 1.

**Chart 1.**



#### 4.2 PRS position and implications for loss of AST

In attempting to predict future homelessness demand on the council, the key issue, as illustrated by Chart 1., is whether the number of losses of PRS tenancies will continue to rise, stabilise, or fall.

There is some tentative early evidence of stabilisation in the figures for 2015/16, but on the other hand, the freeze in welfare benefits for the next 4 years against likely continued rises in market rents, coupled with a lowering of the overall benefit cap and restrictions on young people’s ability to rent privately if they are claiming housing benefit, suggest a continued rise in homelessness is more than likely.

Eventually, as private rental accommodation in Brent becomes less and less affordable for people claiming housing benefit, there may be a reduction in homelessness from the private rented sector, as there will be “no one left” on low incomes in the PRS. This seems a long way off in Brent however.

In fact the numbers claiming housing benefit in the PRS in Brent have been growing slightly in recent years, with a rise in LHA caseload (the tenure type most vulnerable to homelessness linked to welfare reform) as follows:

##### LHA caseload (no of households)

Year (average)	No. of households claiming
2011/12	13,686
2012/13	14,881
2013/14	15,229
June 2015	15,584

Given this trend, for the purposes of predicting future homelessness it seems prudent to assume that there will be no significant reduction of LHA claimants in the Private Rented Sector in Brent over the next five years.

If we look at current (August 2015) Benefit data for LHA claimants renting privately (excluding Temporary Accommodation) we find the following.

Total number of LHA claimants:	15,551
Working	61%
Of pensionable age	10%
Claiming Disability Benefits	8%
With passported income	35%

So, as with homeless applicants, a high proportion are in some kind of work, but with an income too low to be able to afford to rent with support from Housing Benefit.

#### **4.3 Rents compared to LHA levels**

The maximum rent that Housing Benefit will pay depends on the Broad Rental Market Area (BRMA) where the property is located, and the number of bedrooms the household is deemed to require, depending on their family size and composition.

If we look at current housing benefit data and compare the LHA level for the size of accommodation a household is assessed as needing, and the level of rent for the accommodation in which they are living, we get an interesting picture (shown in Chart 2.).

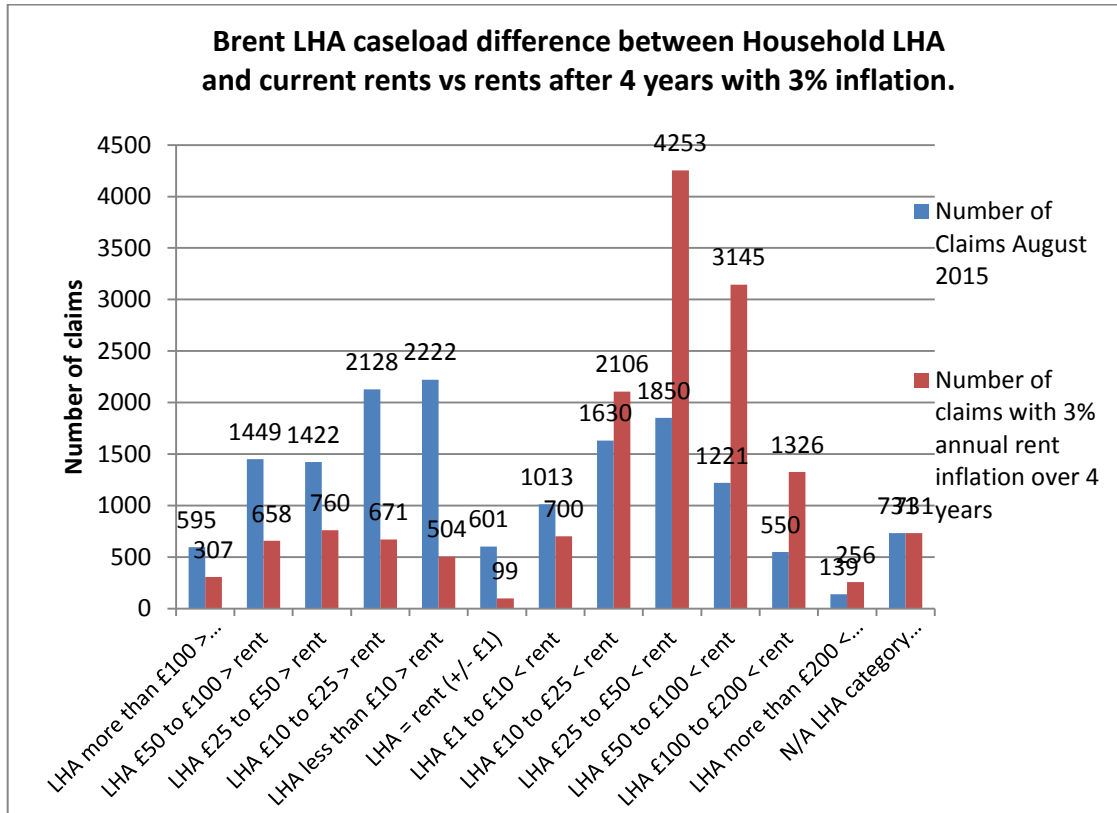
Of the 15,500+ LHA caseload, 5,600 actually pay rent at least £10 per week less than their LHA entitlement, with nearly 3,500 paying at least £25p.w less than the rents housing benefit would potentially cover. This means that landlords in those properties are not charging as much as they could do.

There could be a number of reasons for this:

- People living in properties smaller than their households needs (but LHA rates are set by household size so overcrowding is no bar to charging the maximum amount).
- People living in poor quality properties (this is no bar to claiming maximum LHA either)
- Landlords either unaware of or uninterested in the amount of rent they could claim from housing benefit.

Interestingly, so long as the rent charged is not higher than the LHA level the household is entitled to, there is no financial benefit to the tenant by charging a lower rent, even if the tenant is working (provided their earned income is declared).

**Chart 2**



On the other hand there are also 5,600 households who have to pay rent at least £10 per week more than the maximum housing benefit they can receive and 3,760 paying at least £25 per week more.

Although definitive data on the reasons for loss of an AST leading to homelessness is not recorded by the council, the increasing homelessness from the private rented sector is almost certainly largely coming from:

- the group of 3,760 to 5,600 households with a significant shortfall between housing benefit and rent leading to rent arrears and consequent eviction, and from
- tenants who are evicted for other reasons (perhaps because the landlord wants to raise the rent to a market level) and cannot afford to get back into the private rented sector market.

If we project forward (as shown in Chart 2.) for 4 years on the basis that housing benefit levels are frozen over that period as the government has set out, and with a conservatively estimated annual rent rise of 3% per year (i.e. 13% over 4 years), then the number of households with a rent shortfall of at least £10 per week rises to 11,000 households (a 96% increase) and the group with a shortfall of at least £25p.w. rises to 8,980 households (a 138% increase).

3% annual rent rises seems conservative, but on the other hand, we cannot assume rent rises that reflect market rent inflation will take place for existing tenants, and landlord forbearance does seem to have played a role in limiting homeless due to ASTs to date.

So there is considerable uncertainty, but if we take the number of households in the LHA caseload with a shortfall of at least £25p.w. as the indicator of homelessness

pressures in the PRS, then we might expect to see a doubling of homelessness from the PRS over the next 4 years as a rough estimate.

#### 4.4 Reduction in overall benefit cap

Table 2. shows the estimated changes in the numbers of households affected by the overall benefit cap when the new cap levels of £23K p.a. for families and £15.4K p.a. for single households are implemented in 2016.

The number of families affected rises from 521 to 1088 households (109% increase), with significant increase in both the private rented and social housing sectors, but the really big impact is on single people, with a rise from 100 cases today to a projected 1265 cases in 2016 (1165% increase).

There is particular reason to worry about single people, because they have significantly less non-housing related benefits to take from to meet rent shortfall caused by the cap.

Analysis of the characteristics of single people affected by the change in the cap shows:

- The majority are over 35 living in self contained accommodation
- The vast majority are living in the private rented sector
- A significant proportion are claiming sickness or disability benefits of some kind (34% ESA and 9% Income Support)

**Table 2.**

<b>January 2016 Data: (£26k) - Tenancy Summary</b>			
Tenancy	£26k Cap (Couple or Single with dependants)	£18K Cap (Single with no dependants)	Total
Private Rented Sector	286	68	<b>354</b>
Social Housing	143	22	<b>165</b>
Temporary Accommodation	92	10	<b>102</b>
<b>Totals</b>	<b>521</b>	<b>100</b>	<b>621</b>

<b>January 2016 Data: (£23k) - Tenancy Summary</b>			
Tenancy	£23k Cap (Couple or Single with dependants)	£15.41K Cap (Single with no dependants)	Total
Private Rented Sector	609	1041	<b>1650</b>
Social Housing	337	190	<b>527</b>
Temporary Accommodation	142	34	<b>176</b>
<b>Total</b>	<b>1088</b>	<b>1265</b>	<b>2353</b>

#### **% increases**

<b>January 2016 Data: (£23k) - Tenancy Summary</b>			
Tenancy	£23k Cap (Couple or Single with dependants)	£15.41K Cap (Single with no dependants)	Total
Private Rented Sector	113%	1431%	366%

Social Housing	136%	764%	219%
Temporary Accommodation	54%	240%	73%
<b>Total</b>	<b>109%</b>	<b>1165%</b>	<b>279%</b>

Although it is debatable how many of the singles affected by the cap will be in priority need under the homelessness legislation, and therefore have to be accommodated by the council, there is a serious risk of increased rough sleeping among this group if they do not receive help.

#### 4.5 Estimates of Future homelessness demand

It is impossible to predict levels of homelessness demand with certainty from the above discussion.

However there are good reasons to think that homelessness pressures from the PRS will increase significantly.

For the purposes of examining the need for accommodation to house homeless households who the council would be under a statutory duty to accommodate, we will assume:

- no change to the LHA caseload over the next 4 years
- as suggested above, that homelessness due to loss of an AST increases linearly over the next 4 years to twice the current level.
- that homelessness due to other factors remains the same as it is now.
- that the change to the overall benefit cap will not significantly increase statutory homelessness, leading to a need for temporary accommodation, although the increase in capped households, for singles especially, does need to be addressed by the council.

Table 3. provides an estimate of future total homelessness acceptances:

**Table 3.**

Year	Estimated Homelessness Acceptances	% increase
2014/15	683 (actual)	
2015/16	795	17%
2016/17	908	14%
2017/18	1020	12%
2018/19	1133	11%

It is entirely possible that through changes to current practice, the number of cases classed as homelessness prevention may significantly increase and the number of homelessness acceptances fall commensurately, but this is unlikely to make a big difference to the number of households the council needs to accommodate, and so this possibility is ignored.

To simply maintain the current number of households in TA in the period up to 2019, the supply of non temporary housing available to clients accepted as homeless would need to increase by about two-thirds from 682 lets in 2014/15 to 1133 lets in 2018/19.

The actual number of homeless acceptances will, however, depend on a range of factors outside the council's control. These include changes to national homelessness policy and legislation, the behaviour of the housing market, DHP levels, rental inflation and landlord behaviour.

## 5.0 Current Supply of Settled Accommodation for Homeless Households

### 5.1 Social Housing Lets

80% of social housing lets are expected to go to homeless households in 2015/16 as aimed for in 2014/15, mainly those placed in TA before November 2011, where there is no power compulsorily to end a homelessness duty in the private rented sector.

We might assume the same to be true for the next 4 years, but it is arguably highly unsatisfactory that such a proportion of lets goes to homeless households, because it may reinforce the perception that homelessness is the only way to get social housing, and because of the impact on other households in severe housing need who are unable to secure social housing because of the disproportionate number of lettings to households in TA, many of whom are accommodated in decent quality HALS accommodation within Brent and arguably not in serious housing need.

However assuming that the 80% rate continues, how many lettings to social housing can be expected over the next few years?

### 5.2 Supply of new build

**Annex A.** helpfully shows the projected number of new general needs affordable housing units in the pipeline from housing association and BHP development.

This is shown in summary in Table 4., which also includes 23 units in 2015/16 and 24 units in 2016/17, which are expected from Home Group, but not included in Annex A..

**Table 4. new build affordable general needs units pipeline**

	Sum of 1Bed	Sum of 2B	Sum of 3B	Sum of 4B	Unknown bedsize	Sum of Total Units
<b>FY 2015-16</b>						
General Nominations	28	49	13	2	33	<b>125</b>
<b>FY 2016-17</b>						
General Nominations	58	37	33	5	30	<b>163</b>
<b>FY 2017-18</b>						
General Nominations	57	79	43	6	0	<b>185</b>
<b>FY 2018-19</b>						
General Nominations					29	<b>29</b>
<b>tbc</b>						
General Nominations					67	<b>67</b>
<b>Grand Total</b>	<b>143</b>	<b>165</b>	<b>89</b>	<b>13</b>	<b>410</b>	<b>522</b>

In addition to these units, we are expecting a further 15 units in 2015/16, 60 units in 2016/17, 80 units in 2017/18 and 80 units in 2018/19 from property acquisition using Right to Buy receipts.

We are also expecting a further 27 units in 2016/17, 55 units in 2017/18 and 20 units in 2018/19 to be delivered by the BHP infill programme in addition to those listed in Annex A.

We can also expect 180 new units to be delivered in 2015/16 which have slipped from <sup>2</sup>2014/15.

So, going forward for the next few years available new lets should be:

2015/16: **320** new affordable rent units (including slippage from 2014/15)

2016/17: **250** new affordable rent units

2017/18: **330** new affordable rent units

2018/19: **129** new affordable rent units (plus general nominations)

With 67 units with completion dates to be confirmed.

The 2015 spending review has had a negative effect on expectations for future affordable rented housing. Stock will be lost as a result of the new housing association right to buy sell off programme, and associated sales of more expensive council housing, and with a significant shift in government priority from support for rented housing development towards promoting home ownership development which has little relevance to accommodating homeless households.

### 5.3 Relets

There were 549 social lettings in Brent in 2014/15 of which 368 went to homeless households (Brent supply and demand report 2015). Of the 549, we can infer from LOCATA information that around 450 were relets and that this number is reasonably consistent over the last three years.

In the July 2015 Brent Supply and Demand Report, there is an estimate of 589 lets in total in 2015/16 of which 131 are assumed to be new build, and therefore 458 relets.

This compares with 496 relets predicted for 2014/15 in the 2014 Supply and Demand Report.

For simplicity and given the lack of straightforward data in this area, if we assume that relets continue at about 450 per year, we can add projected new lets as detailed above, but assuming 10% slippage in 2015/16 to give the following estimates for social lettings to homeless households as shown in Table 5..

**Table 5. Estimated Social Lets to Homeless Households<sup>3</sup>**

Year	Relets	New Build	Total	Total x 80%
2015/16	450	320	770	<b>616</b>
2016/17	450	250	700	<b>560</b>
2017/18	450	330	780	<b>624</b>
2018/19	450	129	579	<b>463</b>

This is probably the absolute maximum that could be achieved, given historical performance, the very high level of 80%, and the likely decline in relets over the next few years. The actual figure for 2015/16 now<sup>4</sup> looks likely to be around **550** instead of 616, due to slippage and reduced relets.

<sup>2</sup> We can similarly expect slippage from 2015/16 to 2016/17 etc.

<sup>3</sup> Projections for future years do not take into account the potential impact of the Housing & Planning Bill and high-value void disposals by the council, as the impact cannot currently be assessed.

<sup>4</sup> At 5<sup>th</sup> February 2016.



So compared to the likely demand figures above, we can expect social lettings to take up a maximum 76% of likely new homelessness demand in 2015/16, and falling to perhaps 45% of new demand over the next 4 years.

If, however, we ignore new demand and consider social lettings as the means to reduce the number of pre-November 2011 households in TA from the current 2100, then at the above lettings rates year this could be broadly achieved within 5 years, if the council is prepared to devote 80% of social lettings to this purpose over 5 years. However, there will be continuing issues for larger households in TA who will be slower to accommodate in social housing as the pipeline for larger units is very small.

#### **5.4 Private Rented Sector Offers (PRSOs)**

Brent has embraced the Localism Act power to compulsorily end a homelessness duty in the private rented sector and has been more successful than most other local authorities in doing so.

In 2015/16 (to end January), the council has made 203 successful PRSO and 31 homelessness prevention placements. The PRSO placements break down as follows:

Within Brent: 70

Rest of London: 89

Outside London: 44

Whilst, providing tenancies are sustained for two years, there is no continuing cost to the council arising from PRSOs, as the homelessness duty has ended, there is a significant initial cost, as we make significant incentive payments to landlords and lettings agents, and for relocation of tenants.

The current maximum incentive fees which the council pays for PRSOs are:

Within London: £5,000 per letting

Outside London £3,000 per letting

However, we also pay significant client relocation fees outside London of up to around £700 per PRSO let, and holding fees in some cases.

Looking at the spend position to date in 2015/16 [April 2015 to January 2016], the total actual spend to achieve 203 PRSOs and 31 preventions is £1.155 million. On that basis the average total cost is £4.9K per letting.

At that rate, moving the 1050 post November 2012 households out of TA into PRSOs would cost £5.14 million

Accommodating 700 accepted cases per year in PRSOs would cost £3.43 million per year.

If the current rate of progress in 2015/16 is maintained, then 203 PRSOs and 31 preventions to end January is equivalent to 244 PRSOs and 37 preventions for the whole year at a cost of around £1.38 million. Some of the funding for this comes from the Council's DHP allocation from DWP.

#### **5.5 Households leaving TA or otherwise having a duty ended without being accommodated**

Based on figures this year to date, we would expect around 270 households to leave TA or refuse a PRSO offer and a duty to be ended.

- households refusing an offer of PRS accommodation after a duty had been accepted
- households being found intentionally homeless in TA after a duty had been accepted
- People leaving TA voluntarily
- households refusing an offer of social housing

We will assume that these figures will continue at roughly their present rate, although any increase in offers of PRSOs far from Brent may cause them to increase.

## 5.6 Impact of Universal Credit

Although the rollout time table for Universal Credit affecting TA in Brent is not yet clear, and the exact arrangements for government subsidy of TA under Universal Credit is not yet completely clear, it is very likely that future subsidy arrangements will be based on 100% of the current Local Housing Allowance Rate rather than on 90% of the 2011 LHA rate (as currently).

For many properties this may be relatively advantageous or neutral, but for larger TA properties of 3-bedrooms or above, in the South or the borough (i.e. the Inner North BRMA and Inner West BRMA) this is likely to result in a significant reduction in subsidy.

For example in the Inner North BRMA the following comparison applies:

	<b>90% of 2011 LHA</b>	<b>Current LHA</b> (frozen for 4 years from 2015)
1-bed	£259 p.w.	£260 p.w.
2-bed	£305 p.w.	£302 p.w.
3-bed	<b>£405 p.w.</b>	<b>£354 p.w.</b>
4-bed+	<b>£500 p.w.</b>	<b>£417 p.w.</b>

Brent currently has around 320 3bed and 175 4-bed+ HALS properties in the South of the borough

This places a total of 495 HALS properties at significant risk under Universal Credit. Meeting the shortfall for these properties would cost around **£1.6m** per year.

We also have 51 3-bed and 20 4-bed + Hyde PFI properties in the South of the borough

There are less problems for the Hyde PFI scheme, through the shortfall created on larger properties in the South of Brent, which could create a loss of **£222K** per year

We will ignore this in forecasts for the next 4 years on the basis that UC will probably not have come in for most families in TA within that time.

## 6.0 Cost of TA and PRSOs if things go on as they are

As shown above, and recognising that the figures going forward are best guesses rather than certain, the most likely position if we do nothing is analysed in Annex B, starting from a base of 3206 households in TA in March 2015.

In summary, this assumes that we maintain the current numbers of PRSOs and Homelessness Prevention Lets at 2015/16 rates, and that Social Housing lets remain at 80% of total social housing lets as shown above in Table 5. We also assume a steady decline in less expensive HALS and BDL properties as leases are not renewed by landlords seeking a greater financial return.

Table 6. estimates the future number of households in different types of TA if we do not implement the measures in the Temporary Accommodation Reform Plan.

**Table 6. Estimated Changes in TA Numbers without Reform**

	31/3/2015	31/3/2016	31/3/2017	31/3/2018	31/3/2019
<b>B&amp;B</b>	197	35	0	0	55
<b>Annex</b>	106	100	100	110	180
<b>EHL</b>	298	173	170	195	280
<b>South Kilburn</b>	87	160	120	100	100
<b>DPS (and predecessors)</b>	254	286	350	420	550
<b>PLA</b>	55	56	50	50	50
<b>HALS</b>	1511	1425	1300	1150	1000
<b>Knowles House</b>	33	33	33	33	33
<b>BDL</b>	175	138	110	80	60
<b>net TA reduction</b>	<b>N/A</b>	<b>310</b>	<b>173</b>	<b>95</b>	<b>-170</b>

Assuming (optimistically) that costs of PRSOs and losses on the more expensive types of TA remain the same over the period to end of 2018/19, then this leads to a combined cost to the council of TA and PRS incentives as shown in Table 7.

**Table 7. Cost to Brent of TA and PRS Incentives without reform**

Year	2015/16	2016/17	2017/18	2018/19
<b>Cost to Council</b>	<b>£3,330,644</b>	<b>£2,322,650</b>	<b>£2,693,462</b>	<b>£3,433,162</b>

This suggests that although costs will reduce significantly in 2016/17 due to the large reduction in B&B in 2015/16, this will not be sustained and by 2018/19 costs will have reverted to 2015/16 levels.

In this scenario, Temporary Accommodation numbers initially fall as the sum of social lettings, PRSOs, BHP lettings and non-housing exits is higher than new homelessness demand, but then begin to stabilise and potentially rise again as new homelessness demand increases due to decreased affordability of the PRS in Brent.

After an initial saving in 2015/16 due to a significant reduction in B&B and EHL properties, costs to the Council are quite steady, and then rise even though TA has reduced, as HALS and BDL properties are lost and are replaced by more expensive DPS properties.

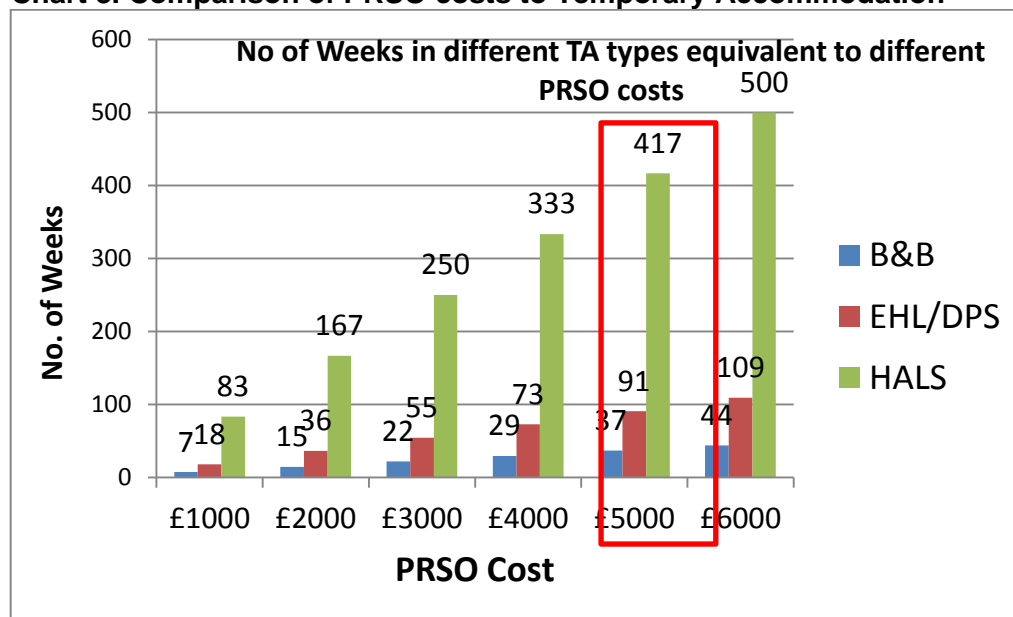
No assumption is made that costs of acquiring PRSOs will rise, but it is likely that they will rise if we continue to use the same procurement methods, as the shortage of PRS accommodation at LHA rates grows.

Although there is definitely potential to increase the numbers of PRSOs and hopefully to achieve better value for money on them, it is hard to be sure of the extent to which this will be successful.

Broadly, if we assume that it will continue to cost £4,900 per PRSO on average, then it depends what assumptions we make about what type of TA this is replacing as to what the financial benefits are. Chart 3. gives a summary of equivalent times in

different types of TA compared to different costs of PRSOs ranging from £1,000 to £6,000.

**Chart 3. Comparison of PRSO costs to Temporary Accommodation**



Clearly a reliance on PRSOs arranged through current procurement routes will cost the council significant amounts, and at some point becomes more expensive than some forms of TA. It is particularly doubtful that it is worth replacing HALS with PRSOs, especially as HALS is mostly in Brent.

The analysis in Annex B shows that without reform, PRSOs are expected to rise from 40% of the Housing Needs non-staffing budget in 2015/16 to **60% of net costs in 2016/17** if 2015/16 PRSO performance is replicated.

## 7.0 Part 2. The Temporary Accommodation Reform Plan

7.1 The implication of the above analysis is that, whilst Brent has been successful in reducing the use of B&B in 2015/16 and therefore can expect lower costs in 2016/17 even if nothing further is done, the overall medium term trend is very challenging for the following reasons:

- Homelessness demand from the Private Rented Sector is expected to increase markedly.
- Procuring PRSOs is likely to get more difficult and even more expensive, and in all probability, the accommodation which can be procured will be ever more distant from Brent in areas of the country in economic difficulty.
- Less social housing lets are likely to be available in the medium term as properties are sold off, new build affordable housing for rent is harder to develop, and relets decline further.
- The council will be in a significantly worse financial position once it is no longer able to use decanted stock from the South Kilburn regeneration, which will end around 2021.

- The ability of the council to bear long term revenue losses on provision of TA and PRSOs is likely to be harder to sustain due to wider funding constraints.

7.2 The overall effect of this is to reduce the council's future ability to prevent and tackle homelessness without unsustainable cost or the kind of wholesale export of people to the North and Midlands, which would in any case be unlawful under current legislation.

7.3 Faced with this situation the council has instead taken a strategic decision to support a prudent but substantial capital investment into long term sustainable accommodation to tackle the problem. Working with partners where appropriate, this will shift the council's position to one of being completely reliant on buy to let investors and their agents to having a substantial property portfolio under the council's control which is insulated from future upward movement of market rents beyond what housing benefit and universal credit will pay. The council will be in a position to benefit from capital growth if the value of properties increases.

7.4 The second important thrust of the plan is to move away from an approach to homelessness which withholds real support to people approaching us in difficulties up to the last possible moment and then gives them no say in where they live, to one where we intervene earlier, but engage those households in working with us to find accommodation that meets their needs, but which will, unless they have a specific need to live in Brent, often be outside the borough, given the state of the market.

7.5 Further to this, the Council will do much more to support homeless households to improve their skills and wherever possible find work, whether they remain in Brent or move elsewhere.

In order to achieve this, the council will implement a number of specific measures, as outlined below:

#### **7.5.1 Find Your Home Scheme**

The council has embarked on an important change to the way it administers frontline services for households at risk of homelessness through the new Find Your Home project. This relies on empowering people to find a solution to their housing problem at an earlier stage through use of staff support coupled with an innovative IT system which makes it easy to search for affordable properties in Brent and around the country. Importantly, Find Your Home reduces the amount of officer time spent on assessing individual households circumstances in order to make a homelessness determination, and increases the amount of officer time spent on helping households to find accommodation.

It is hoped to directly reduce the use of short term "Stage 1" temporary accommodation by helping more households to find private rented accommodation before they actually become homeless, and therefore need emergency accommodation.

The new Find Your Home Scheme aims to work with households at risk of homelessness before they lose their home, and harnesses the energy of those households to find a property they can afford in an area they are happy to live in. This will often be outside of Brent.

If households are not successful at finding a property with the Council's help, then Brent will offer them suitable accommodation through a PRSO before they lose their home, and avoid the need to use emergency accommodation.

This is dependant however on being able to access suitable PRS accommodation to make PRSOs, as discussed below.

A pilot of the Find Your Home scheme began in late September and over the first four months of operation has enabled 42 households to secure private rented accommodation and avoid being booked into Temporary Accommodation at an average cost per property of £1.6K, which is about one-third of the average cost of a PRSO.

An evaluation of the pilot has been undertaken to refine the service and it is planned that this approach will be rolled out so that it becomes the main approach to dealing with households at risk of homelessness.

Households using the Find Your Home will be offered resettlement support and assistance to meet their employment and training needs as outlined below.

### **7.5.2 Make all Stage 1 TA self contained**

Even if Find Your Home is very successful at avoiding the need to use B&B and other emergency accommodation, there will still be a need for some short term temporary accommodation short term accommodation for:

- Households who come to the council for help too late to make use of Find Your Home
- Households who are difficult to accommodate in the PRS e.g. because they need accommodation in Brent
- Households who are making progress on finding their own property through Find Your Home, but have not succeeded by the time they become homeless, and whom the council would like to give more time rather than making them a PRSO offer without choice of location.

Use of Bed and Breakfast accommodation is extremely expensive for the council because of the low level of housing benefit which can be claimed, and is unlawful for families beyond 6 weeks. Other forms of short term accommodation, which are not classed as B&B, tend to lose money for the council and to be overcrowded and unsuitable for use by families.

It will be much better for both financial and welfare reasons to offer such households whose homelessness cannot be prevented good quality self contained accommodation of a reasonable size, rather than overcrowded B&B or other accommodation with shared facilities, or indeed studio annex accommodation.

The Council will undertake two major development projects in order to secure such a supply:

#### **a) Redevelopment of Knowles House**

Knowles House is a former residential care home on Council land, which has been successfully used as a temporary accommodation hostel for the past 2 years. The building currently comprises 46 rooms with shared facilities and 3 self contained flats.

It is planned to redevelop the site to include approximately 85 small self-contained 2 and 3 bed flats used for temporary accommodation including 7 units with disabled facilities as well as 40 NAIL units.

Subject to approvals and planning permission, the new TA units could be ready in 2017.

This would give 85 good quality long term self-contained stage 1 TA emergency accommodation units and save the council £0.34M in revenue per year through reduced need for B&B and EHL properties, as well as acquiring a capital asset.

#### **b) London Road Site**

Subject to approval of the business case, it is proposed to develop on the council's London Road site another 30 to 40 small self contained "step-down" TA units for people who need to remain in Brent, but cannot quickly be moved into long term accommodation. This would be the first part of a wider redevelopment of the whole site over the next few years.

It is anticipated that this development would differ from Knowles House in that the units would not be run as a hostel. Each flat would have external access and households would normally stay in the accommodation for a number of months, but less than 1 year.

The accommodation could be ready before the end of 2017, subject to approvals and planning permission.

40 units would save the council around £160K per year through reduced B&B and EHL properties, not including any rental income from the building net of investment costs.

### **7.5.3 Increase access to cost effective PRSOs/prevention lets and Temporary Accommodation**

The Council currently struggles to procure PRSOs or Temporary Accommodation in sufficient numbers to meet our needs, at a sustainable cost.

Recognising the difficulties of sourcing PRS accommodation close to Brent, there are nevertheless opportunities to be more effective and efficient in securing accommodation.

#### **a) Consider changing the payment of procurement officers within Brent to involve a performance related pay element**

There is a case to be explored for paying council officers procuring PRS accommodation a basic salary, supplemented by performance related pay depending on three factors:

- Number of suitable properties procured
- Level of incentive payments required for each property
- Location of properties

The council would have to consider whether such a commercially oriented payment structure is appropriate for council employees and be careful not to introduce perverse incentives leading to unethical practice, but such a measure might well improve performance, and could lead to increased rewards for staff who are successful.

As part of this, Brent could employ locally based employees, potentially on a freelance basis, in areas around the country where we need properties, as has already proved successful in Birmingham.

**b) Work with Private Housing Services to access properties linked to selective licensing and empty homes**

Housing Needs and the Private Housing Services team will work more closely together to access empty homes to accommodate homeless families and in connection with enforcement of the PRS licensing schemes. A clear process will be developed between Housing Needs and PHS to ensure this happens more in practice.

**c) Commission external procurement of PRSOs**

In parallel with efforts to improve the effectiveness of our in house capability, the council will tender in 2016 for private sector companies to provide PRSO properties in different locations.

Unlike the current West London Temporary Accommodation framework agreement behind the DPS scheme, which pays a set rate for procurement and management of properties (on which the council loses around £55p.w for the duration of the lease), such a tender will be competitive on both price and the number of properties guaranteed to be secured.

This will offer a more predictable supply of properties at a guaranteed price.

The council is also working with the West London Housing Partnership boroughs on a joint procurement pilot in target areas outside London.

**d) Greater use of Temporary Sites and Converted Buildings within Brent**

There are often opportunities to use buildings which become available in Brent for short or medium term use as temporary accommodation. For example, this is sometimes possible in the period before long term redevelopment of the properties. The council has recently been successful in taking these opportunities on a number of sites, such as making use of the existing accommodation for elderly people at Knowles House and at John Barker Court, which was no longer suitable for its original purpose. This has allowed the council to provide temporary accommodation within the borough and to reduce the use of Bed & Breakfast.

Making use of such opportunities is often complex, and requires technical knowledge or at least the co-ordination of people with technical knowledge as well as quick action. The council will invest in dedicated officer capacity working within Property or Housing to secure such sites and bring them into operation efficiently. This will be a good investment for the council on a spend to save basis, considering the significant revenue savings which can be achieved by keeping out of B&B.

This officer will also lead on liaison with Private Housing Services on securing temporary accommodation from the council's empty homes and selective licensing work as outlined above.

**Remploy House**

Specifically the council has recently been given the opportunity to work with Genesis to access 58 newly converted 2-bed flats at the former Remploy House in Brent Cross, which they wish to lease from the present owner

The council will use this as temporary accommodation, under a contract with Genesis.



**e) Do more to access social housing lets in low demand areas**

Partly as a result of the removal of the spare room subsidy within the government's welfare reforms, there are a number of areas where family sized social housing can be hard to let. It is probable that a proportion of homeless households in Brent would prefer a social tenancy in Newcastle to a PRS offer in Birmingham.

Council officers have reached agreement with Newcastle City Council to refer households who would like a social housing property, but who cannot reasonably expect to secure one in Brent, to bid for social housing in Newcastle, where there are family sized social housing units that are difficult to let. It is probable that a proportion of homeless households in Brent would prefer a social tenancy in Newcastle to a PRS offer in Birmingham.

If this is successful, there is potential to reach similar agreements with other local authorities in a similar position to Newcastle.

**f) Homeless Households moving outside of Brent/London.**

Building on the success of the work of the Council's current West Midlands based procurement and resettlement officer it is planned to develop and enhance the current resettlement service to ensure all households who move out of London are provided with the appropriate support .

When the Council started relocating homeless households, who were affected by the Overall Benefit Cap to affordable accommodation in the West Midlands, it was considered essential they were provided with appropriate support to enable them to settle in an area that would be so unfamiliar to them. Given the significant distance affected households had to move, the Council employed a resettlement officer who is based in the area, to be a local point of contact for the families that relocated.

The resettlement officer visits the family upon arrival in their new accommodation. He ensures that the housing benefit claim is processed efficiently and is a point of contact between the Council, the accommodation provider and the household.

As well as setting up the housing benefit claim the settlement officer will also assist the household with other issues, including advice on securing school places for their children, transferring to a new GP, help in setting up their utilities and assistance with securing employment.

It is planned to build on this model and put in place similarly effective arrangements in the main areas where families are re-locating to, including those areas where the council's PRS portfolio is concentrated.

The council will work with Job Centre Plus to agree 'warm handovers' with JCP to a locally based 'job coach' in the new location, as part of the wider re-location package. This could include early advice to look at opportunities in the new location via the national 'Universal Jobmatch' vacancy website, part of the DWP's 'digital by default' approach, moving towards Universal Credit.

**8.0 Direct Access to own long-term affordable PRS accommodation**

- 8.1** While the above options will help to secure access to accommodation in which to prevent homelessness or end a homelessness duty, it is likely that over time this will become progressively harder as the divergence between market rents and what Housing Benefit will pay increases.

- 8.2** If the Council relies on procurement of PRS accommodation in the market, then the likely trend is towards higher costs, and households being displaced further and further from Brent.
- 8.3** It is therefore proposed that the Council acquires access to a large portfolio of PRS accommodation which will be well managed in the long term and in which costs can be controlled, minimised and protected against rental inflation.
- 8.4 Purchase of existing Properties**
- 8.4.1** The Council commissioned Social Finance in 2015 to investigate the options for the acquisition of a significant portfolio of PRS properties which would be available for the council to end a homelessness duty over the long term, which would be professionally managed and which would be pegged to LHA rents.
- 8.4.2** There are a number of possible ways this could be done ranging from the Council directly purchasing properties, entering into a joint venture to purchase properties, or entering into a long term agreement to guarantee occupancy and/or rental income with an external supplier.
- 8.4.3** As part of this analysis, Social Finance of approached a number of organisations who are interested in working with Brent, including Cheyne Capital, Mears Omega, Aviva Investors, Notting Hill Housing Trust and the Real Lettings Fund. They have also drawn on their experience of working with LB Enfield to set up a local authority owned housing company for this purpose. A summary of Social Finance's report is shown at Annex C.
- 8.4.4** Following consideration of Social Finance's report and model (which has been externally audited for internal consistency) the most promising option is to establish a council-owned company which will acquire properties which will be let as long term PRS properties at LHA levels to prevent homelessness or end a homelessness duty. The properties would need to be either in Brent or sufficiently close to Brent to be able to end a homelessness duty in compliance with the Homelessness Suitability of Accommodation Order of 2011. Based on existing case law, it is currently envisaged that this means acquiring properties no further away than the Home Counties. The viability of acquiring properties in Brent and the Home Counties has been researched.
- 8.4.5** The advantages of establishing a company owned by the council outside the HRA include that it could let properties within the Private Rented Sector, while drawing on the council's borrowing capacity and give the council greater control of the investment compared to entering into a joint venture or contract with an external organisation, allowing better management of risk and potential reward.
- 8.4.6** Consideration is being given by the Council to setting up a wholly-owned company with a potentially broader remit for investment, development and regeneration. If such a company is established it is anticipated that the acquired PRS units would be held within that company, with management and maintenance services procured as appropriate.
- 8.4.7** There is a present opportunity to acquire PRS units in the areas mentioned but house price increases may narrow this opportunity even in the relatively short-term. It is therefore planned to directly proceed with a programme of acquisitions. In advance of a company being established any units will be used as Temporary Accommodation as this provision automatically sits outside the HRA, with these units then switching to PRS lettings on being transferred to the company once established.

**8.4.8** It is anticipated that further funding for acquisitions would be through on-lending to the company. The terms of that on-lending will be restricted so as to ensure that the council's borrowing costs, including a reasonable premium for risk, are covered, and that state aid rules are not breached.

**8.4.10** The initial intention is to procure around 300 units over 2 years at a cost of approximately £60M.

**8.4.11** The council has also been in discussion with Registered Providers and others, who may be interested in purchasing accommodation within London to let to Brent nominees at LHA rates on condition that the council offers long term void guarantees (e.g. 10 years). It is not certain if this is viable at scale, as RPs borrowing is usually more expensive than the council's but would have the attraction of guaranteed properties at low risk to the council.

**8.4.12** This approach, to complement the council's acquisition of its own portfolio, will be further explored.

## **8.5 Development of new housing supply to end a duty in the PRS or for homelessness prevention**

**8.5.1** In addition to purchasing properties to end a homelessness duty in long term PRS accommodation at LHA rents, there are important opportunities to build new properties for this purpose.

**8.5.2** The Council has already committed to develop the Church End site as intermediate rent PRS accommodation at LHA rates and the London Road and Stonebridge sites in Brent have been identified as further initial areas for this type of development.

**8.5.3** However, land is at a premium in Brent, and the Council will also explore the possibilities of developing New Build accommodation outside Brent, whilst also working closely with the London Land Commission to secure sites for development.

**8.5.4** Officers are in contact with a number of organisations who may be interested in developing properties outside Brent for us, and in particular the prospect of using off site construction methods may be both cost effective and result in speedier delivery.

**8.5.5** A major difficulty is in securing land and gaining planning permission in other local authority areas. If the Council is successful in securing sites, then it will be necessary to enter into arrangements with developers and possibly the host borough in order to secure planning permission for this to happen.

## **9.0 Improved Employment and Skills Offer to Homeless Households**

**9.1** The council is developing an improved employment and skills offer for residents experiencing face-to-face customer support, making employment and skills advice available to residents when speaking to other customer service, housing options or housing benefits staff.

**9.2** A high proportion of housing needs service clients are either not working, or in insecure, low paid employment. This includes those approaching the Council in housing need, living in temporary accommodation, or living in the private rented sector following homelessness prevention or the ending of a duty in the PRS.

- 9.3** As discussed above, there are particular issues for households affected by the overall benefit cap, where sustained employment can make the difference between it being affordable to live in London or not.
- 9.4** As is increasingly the case, where homeless households cannot be accommodated in Brent, and the council offers accommodation in another area, it is incumbent on us to give the best opportunity for people to settle in their new area, including as far as possible assisting the household to access employment opportunities in their new location.
- 9.5** The intention is to take the following steps to increase access to employment and skills opportunities for Housing Needs clients through a mixed offer of council and partner services. Work will be through customer service contact; in the community; and through focussed engagement with TA households, including those known to be affected by welfare reforms with negative financial consequences:

## **10.0 Joined-up Employment and Skills Advice**

- 10.1** Brent council's aspiration is to ensure that residents receive joined-up customer service at the point of contact, through the customer service centre face-to-face, but also via telephony and online channels.
- 10.2** An offer is being developed for the face-to-face customer support, making employment and skills advice available to residents when speaking to other customer service, housing options or housing benefits staff. The options being considered are:
- Brent's Employment and Skills Team have agreed to provide advice to residents at the customer service centre, in planned surgeries. This will involve opportunities for residents to seek support from; Brent Start adult education courses, such as careers advice, job search, CV writing and interview skills (as well as a much wider range of courses); and Brent Works providing advice regarding available jobs and apprenticeships.
  - Referrals to available advice will be made directly by Customer Service triage staff or offices providing interviews in the mezzanine floors (housing benefits, housing options or customer services) or by JCP and NCS or from the Brent Start advice sessions.
  - It is also hoped that there will be presence from both Jobcentre Plus and/ or the National Careers Service on-site to provide careers advice (note: National Careers Service can provide service to those on out of work benefits or economically inactive, but only for 3 1-2-1 sessions).
  - The council's employment and skills team will also make Brent Start group courses in careers advice, job search, CV writing and interview skills training available, which housing needs customers can book into.
  - A wider range of specialist advice is available in the voluntary sector to meet many bespoke needs. Support is being commissioned by the employment and skills team in partnership with health services to provide employment support for residents with mental health issues and/or learning disabilities Pathways to work are also being developed for ex-offenders and gang members in partnership with the community safety service. The above partners can refer to these wider specialist providers.

## **11.0 People in Temporary Accommodation or placed in the PRS in or near Brent**

- 11.1 The above offer of careers advice, 1-2-1 support, job and apprenticeship vacancies, and Brent Start courses can be promoted to those in TA and those placed in the PRS form homelessness prevention or to end a homelessness duty.
- 11.2 There will also be support available in the community, focussed on the six 'priority neighbourhoods'. This support will be primarily be provided by partners, through community locations; such as Hyde Housing in Stonebridge, Catalyst in Church End, Lift in Harlesden, and 'The Living Room' partnership project in St Raphael's estate. We intend that this support will specifically be available to households placed in TA or the PRS alongside other target groups.

**12.0 Sustaining Work**

- 12.1 The apprenticeship and job hub will provide in-work support to help sustain residents supported into work. There are also in-work training and support programmes available via the College of North West London, although some eligibility criteria apply and it depends on the employer's involvement.

**13.0 Benefit Cap Mitigation**

- 13.1 The above approaches, including the customer facing support, work in the priority neighbourhoods with partners and support in-work will be utilised to support those affected by the benefit cap.
- 13.2 The housing benefits team has analysed the projected impacts of the cap and other welfare changes such as to working tax credits. The households affected will be targeted with communication, which will promote employment. If residents work enough hours to claim working tax credits (16 hours for a single parent with children; 24 hours for a couple with children; 30 hours for a single person with no children) will mean the resident is exempt from the cap, and can potentially avoid the risk of homelessness.
- 13.3 In addition, £180,000 is committed from the council's Discretionary Housing Payments (DHP) to support 100 residents with employment and skills support. The ambition is to support 45 residents into work.

**14.0 Investment**

- 14.1 In order to achieve these benefits, significant investment is needed as estimated in Table 10., which is based on a £130M commitment over the first two years of the plan. This investment will form part of the council's Investment Strategy.

**Table 10. Investment needed to Deliver the Temporary Accommodation Reform Plan**

2016/18	Investment	Units	Income pa	TA Annual Cost Reduction
Stage 1 TA	£20m	125	0.5m	0.5m

Brent PRS Acquisition	£60m	300	Cost-neutral	0.86m
PRS Development	£50m	150	Cost-neutral	£0.3m
Total	£130m	575	0.5m	£1.79m

**14.2** It is assumed in the savings calculations in Annex B that an additional 325 units of PRS accommodation above the 575 in the table will be delivered by March 2019 by partnerships with other organisations, not requiring direct council investment and possibly by further investment in 2018/19. Should this not occur, either revenue savings would be reduced or greater use of social housing lets would need to be made.

## **15.0 Part 3. Impact of Implementing the Temporary Accommodation Reform Plan.**

### **15.1 Summary of Impacts**

The expected benefits of the Temporary Accommodation Reform Plan if it is fully implemented are significant and include:

- Compared to the alternatives of continued use of B&B, Hotel Annex, and nightly paid self contained accommodation the Council will be able to access significantly better quality, more secure accommodation for homeless households which is located closer to Brent.
- Homelessness prevention into the private rented sector will form the bulk of the Housing Options service, but with an adequate supply of decent self contained temporary accommodation and good quality, long term PRSO accommodation available as a safety net.
- It is expected to achieve an estimated 40% overall reduction in Temporary accommodation between March 2015 and March 2019 as shown in Chart 2..
- All Stage 1 Temporary Accommodation will be self contained and within Brent and will be revenue positive for the council. There will be no use of B&B or hostels with shared facilities, hotel annexes or other nightly paid accommodation.
- Over time the Council will have acquired access to a significant LHA rent PRS portfolio in Brent and the Home Counties, offering long-term well-managed tenancies. This will come from both existing stock and new-build developments.
- The council also hopes to gain access to a portfolio of around 200 long term properties for PRSO/prevention across London through arrangements with Registered Providers purchasing accommodation for this purpose.
- The proportion of Brent social housing allocations to homeless households can be reduced from 80% to around 55% by 2018/19 with significant benefits to other households with priority on the housing register, who cannot currently access suitable properties.
- A reduction in annual non-staffing costs of the Housing Needs service of over 57% (£1.6M) by 2018/19 is anticipated, compared to the position without the measures in the Temporary Accommodation Reform Plan. This is shown in Chart 4 below.

### **16.0 Changes in Temporary Accommodation Numbers and costs to the service**

- 16.1** Estimated Numbers and costs of households in different types of TA if the TA Reform Plan is implemented are analysed, along with expected numbers and costs of Find Your Home Preventions, Social Lets, PRSOs and PRS portfolio lets in Annex B.

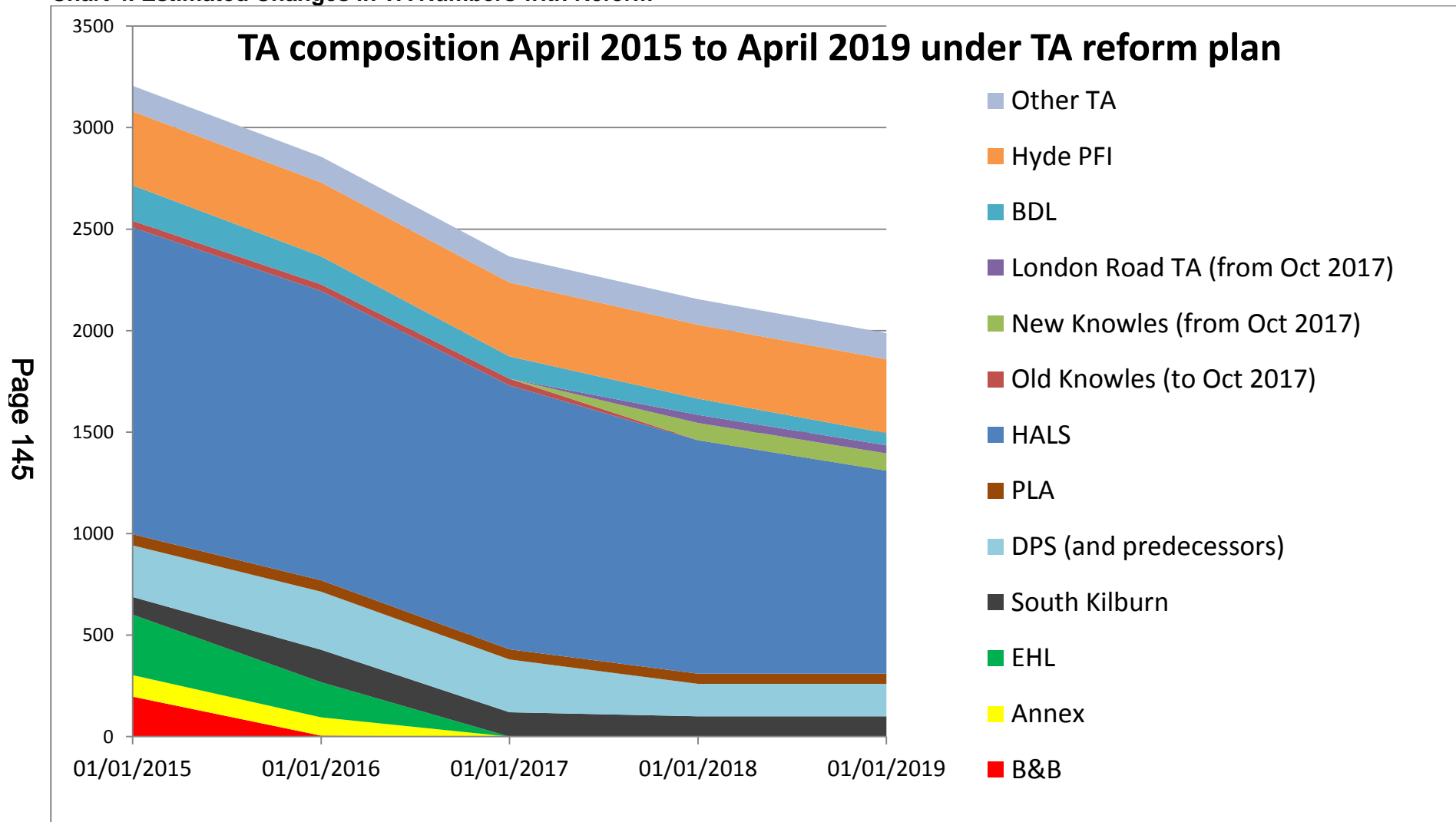
**16.2** Chart 4. shows the estimated future number of households in different types of TA if the council fully implements the measures in the Temporary Accommodation Reform Plan<sup>5</sup>.

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<sup>5</sup> The PFI scheme is shown as remaining as TA in Chart 4. In fact many of these properties will be converted into other forms of tenure but as far as possible will remain dedicated to accommodating homeless households by ending a homelessness duty. The implication of this is that TA will reduce further than shown without increasing demand for additional accommodation.



Chart 4. Estimated Changes in TA Numbers with Reform



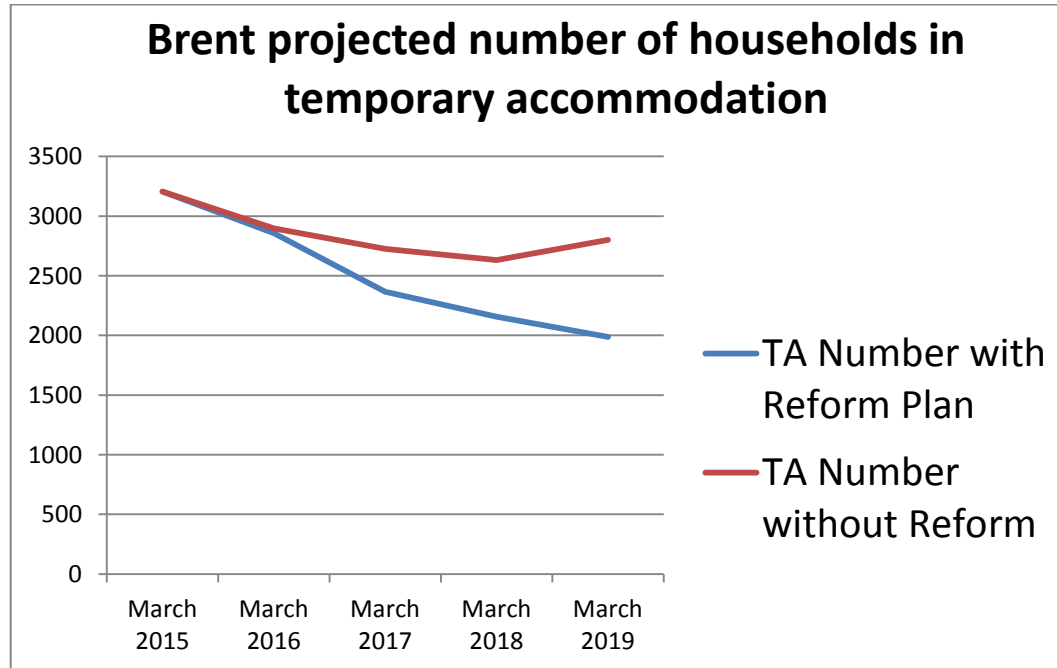
**16.3** This leads to a cost profile to the council, which is significantly better than without reform. The estimated combined cost to the council of TA and PRS incentives if the TA reform plan is implemented is shown in Table 9.

**Table 9. Cost to Brent of TA and PRS Incentives with reform**

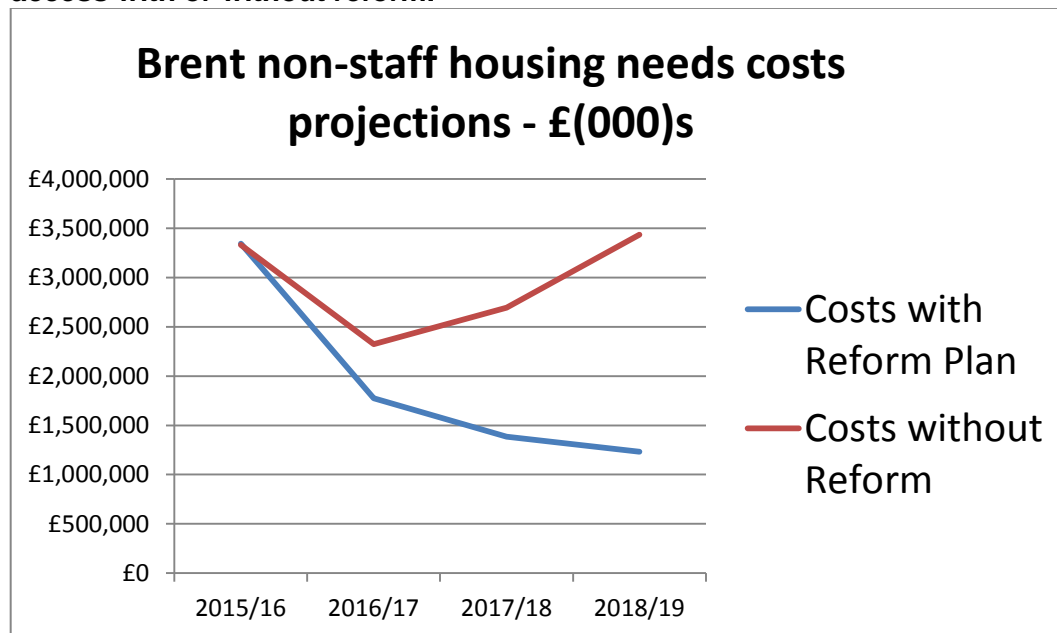
Year	2015/16	2016/17	2017/18	2018/19
Cost to Council	£3,342,684	£1,773,490	£1,386,376	£1,233,700

**16.4** Comparisons of estimated numbers in Temporary Accommodation and costs to the council with or without reform are shown in Charts 5 and 6 respectively.

**Chart 5. Estimated Number of Households in TA with or without reform**



**Chart 6. Estimated costs to the council of Temporary Accommodation and PRS access with or without reform.**



**16.5** The principal reasons for the savings are the financial benefits from the Council owning it's own self contained stage 1 temporary accommodation compared to B&B

or annex accommodation costs, and the benefits of having cost neutral PRS accommodation in which to end a homelessness duty rather than relying on increasingly expensive PRSO accommodation or expensive nightly paid or leased temporary accommodation.

- 16.6** The assets the council has acquired continue to generate savings into the future, but it is important to note that the some of the savings here are through new lets to the PRSO portfolio, and for savings to continue at this rate in to the future beyond 2019, more acquisitions and PRS development would be needed beyond that date.

## **17.0 Staffing Costs associated with Temporary Accommodation**

- 17.1** The staffing budget for Brent's Housing Needs Service in 2015/16 (excluding Care and Support) breaks down as shown in Table 13.

**Table 13. Housing Needs Staffing Costs (exc Care and Support)**

Rehousing	<b>£300,658</b>
TA Support	£474,040
Accommodation Services	£609,920
Housing Options	£1,751,607
Property & procurement	£211,327
Systems and Information	£214,717
Welfare Reform	£126,728
Apprentices	£64,265
Senior Management	£349,277
<b>TOTAL</b>	<b>£4,670,776</b>

- 17.2** Detailed recommendations for staffing changes are outside the scope of this report. However, within the constraints of any overall reductions to staffing costs which the council may require, the following broad points can be made:
- 17.3** The current Housing Needs staffing costs are significantly greater than the non staffing costs discussed above. The potential for savings in staffing costs as a result of implementing the Temporary Accommodation Reform Plan may be significant over time. This is because:
- 17.4** The housing management costs for the PRS portfolio will be accounted for within the overall finances of that scheme, rather than coming from the housing needs budget.
- 17.5** As the number of households in TA reduces, the associated staffing costs of providing support, housing management, and maintenance to households in TA may be expected to reduce roughly proportionately.
- 17.6** Although housing needs demand is expected to increase as outlined above, and there is therefore limited scope to reduce front line customer facing staff dealing with

new demand, over time the Council's reliance on externally procured TA and PRS accommodation should fall if the TA reform plan is fully implemented, leading to a reduced need for procurement of such accommodation.

- 17.7 On the other hand, the intention to provide better resettlement services to households who move out of the borough is likely to require additional staffing resources in that area.

## 18.0 Delivery

- 18.1 The outline timetable for delivery of the main elements of the Temporary Accommodation Reform Plan is set out in summary in Table 11.

**Table 11. Outline Temporary Accommodation Reform Plan timeline.**

Workstream	15/16	16/17	17/18	18/19
Find Your Home service	Pilot Phase	Mainstreamed as primary frontline Housing Needs service		
Knowles House		Knowles House Planning	Construction starts	Hostel opens
London Road, Church End and Stonebridge		Planning for all three sites	Stage 1 TA and PRS construction starts	London Road TA opens PRS completed
PRS acquisition	Investment Panel and Cabinet approval	Brent PRS company begins acquisitions  Work with RPs and other suppliers begins		300 Brent PRS units acquired plus 200 RP units
PRS development	Sites identified in and outside Brent		Site acquisition	New build PRS coming on stream

## 19.0 Risk Assessment

- 19.1 A risk assessment highlighting the key risks of the main elements of the Temporary Accommodation Reform Plan is shown at Table 12.

**Table 12. TA Reform Plan Risk Assessment**

Risk	Impact (HML)	Likelihood (HML)	Mitigation
<b>Housing Company</b>			
Properties cannot be purchased offering the yields we require	H	M	Social Finance analysis suggests a gross yield of 5% may currently be sufficient, and that there are sufficient properties available in the areas we need. However, it will be necessary to raise finance at as low a cost as possible. Fortunately council borrowing is very inexpensive at present. However as house

			prices rise and LHA rents are static for at least 4 years, the ability to purchase viable properties is likely to decrease, so it is important to enter the market as soon as possible.
House Prices do not rise over the term of the investment.	<b>H</b>	<b>L</b>	Our required rise in house prices over the term of the loan is significantly lower than has been the case over any comparable period since records began. However it is important to raise capital over a sufficiently long period to avoid being impacted by fluctuations in the market.
LHA rents fall or do not rise at all over the term of the loan	<b>M</b>	<b>L</b>	We have made conservative assumptions on LHA inflation. Over the long term it is unlikely that LHA rates will not rise, as there would then be no accommodation affordable to people claiming benefits. However, it would be possible to mitigate this if it occurred by moving some properties to market rents or by selling some properties.
We cannot secure, renovate or manage properties competitively	<b>M</b>	<b>L</b>	As a significant proportion of properties will be outside Brent, we may need to contract with external partners to acquire, renovate and manage properties. However, such partners do exist and we have been in discussions with some of them.
<b>Development of Properties in Brent</b>			
Planning permission for TA at Knowles House and London Road not secured,	<b>H</b>	<b>M</b>	We have been liaising closely with planners on Knowles House and on temporary accommodation options for the Dennis Jackson site off London Road, and are hopeful of securing permission for both schemes, and designing with planning considerations in mind. It is possible however that we will have to reduce the number of units on either site from what we would like, which would reduce our savings and perhaps necessitate development of more TA on another site in the borough. It is also possible that one or both schemes could be delayed by the planning process, which would delay the anticipated savings.
Insufficient sites on Brent to develop LHA rent PRS	<b>M</b>	<b>L</b>	This is currently acknowledged as a priority for the council, when suitable sites become available. An important issue is lack of capacity to organise such developments quickly, which may need to be remedied. We have potential investment partners interested in development of unconventional sites such as carparks as a JV which may not require council financial investment, where we own the land.
<b>RP property acquisition in London</b>			
We cannot find RPs or other suppliers to purchase property	<b>M</b>	<b>M</b>	We have been discussing property acquisition with one large RP, who says that the returns may no longer be sufficient to purchase properties in London in reasonable numbers. However, we may be able to mitigate this by letting the properties as Homelessness Prevention or Temporary Accommodation in the first instance which may raise rent levels and there are other potential suppliers.
<b>Development of Properties outside Brent</b>			
Suitable sites are not identified	<b>M</b>	<b>M</b>	It may be that purchase of market price land renders development of LHA rent PRS unviable – especially where rents are low. Discussions with HCA have so far failed to source public land at a reduced price. However we have a number of interested investment partners willing to help build at scale and it may be possible to subsidise LHA rents with market rents in a mixed tenure development.
Political difficulties from host authorities in developing accommodation for homeless households outside Brent	<b>M</b>	<b>M</b>	There are limited grounds for refusing planning permission, but partner developers/investors may not wish to proceed in the teeth of local opposition because of reputational risk. It may be possible to offer access to accommodation to host authorities as a way of dealing with this, but it remains to be seen if this is possible.
<b>Find Your Home Service</b>			
Find Your Home Service does not succeed in finding enough properties	<b>M</b>	<b>L</b>	A decreasing number of PRSO properties is already assumed from 2016/17 and a decreasing number of FYO properties from 2017/18 to reflect probable reality and to achieve savings on landlord payments. There is a risk that FYO will not achieve the 300 properties assumed in 2016/17, but the slack could be taken up by PRSOs, albeit at some extra cost.



## Annex 2

### Temporary Accommodation Reform Plan Cabinet Report March 2016

#### Equality Analysis – Screening - Online EA System

##### Stage 1 Screening Data

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

Brent has one of the highest numbers of households in Temporary Accommodation (TA) in England. Although the borough has been successful in reducing numbers recently, against the overall London trend, and has managed to dramatically reduce the number of households in Bed & Breakfast accommodation during 2015/16, there are still too many households in temporary accommodation which is inadequate for their needs, and the needs of their children.

In the context of budget reductions and the council's financial priorities, the proposal seeks to increase the quantity and quality and reduce the cost of temporary and permanent accommodation provided to households to whom the council owes a homelessness duty. It also aims to reduce the number of permanent social lettings made to homeless households, who currently make up 80% of such lettings, to meet other priority housing needs among households on the Needs Register.

Specifically, the proposal aims to:

- Roll Out of the "Find Your Home" programme, which aims to prevent homelessness by intervening early and empowering households threatened with homelessness to access PRS accommodation in areas they can afford.
- Making all Stage 1 short term temporary accommodation self contained by planned development of identified sites in Brent.
- Improved procurement of PRS accommodation to prevent homelessness or end a homelessness duty, including by external commissioning and through a pilot project with other West London boroughs.
- Acquisition of a large portfolio of long term PRS accommodation in which to be able to accommodate households who have been homeless at LHA rates into the future
- Development of new build LHA rent PRS accommodation inside and outside Brent.
- Development of a more integrated package to assist housing needs clients into employment.
- Enhanced resettlement services in the main areas where the council is placing homeless households.

Identified benefits include:

- Overall, better quality more secure accommodation for homeless households closer to Brent
- Homelessness prevention and private rented rehousing form the bulk of Housing Options service
- Estimated 40% reduction in Temporary accommodation between March 2015 and March 2019.
- All Stage 1 TA self contained and within Brent and revenue positive for the council
- No use of B&B or hostels with shared facilities, hotel annexes or other nightly paid accommodation
- Acquired existing stock and new-build LHA rent PRS portfolio in Brent and the home counties offering long-term well-managed tenancies
- Around 200 to 300 RP managed properties for PRSO/prevention across London
- Proportion of Brent social housing allocations to homeless households reduced from 80% to around 55%
- Reduction in annual non-staffing costs of the Housing Needs service of over 75% (£2.5M) by 2018/19 compared to do nothing projection.

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

The proposal primarily affects households currently in temporary accommodation awaiting suitable permanent accommodation and households applying as homeless in future and other households on the Needs Register.

There is also some effect on a limited number of staff responsible for procurement of PRS housing.

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

Some protected groups are over-represented among homeless households. This is partly due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy. It is also an effect of poverty and disadvantage: some ethnic groups, for example Black Africans, are over-represented among homeless households compared to their presence in the general population.

**3.2 Could the proposal have a disproportionate impact on some equality groups? If you answered 'Yes' please indicate which equality characteristic(s) are impacted**

Given the profile of homeless households noted above, households with certain protected characteristics may be affected disproportionately. However, the impact is expected to be positive since the proposal will improve the quality and security of temporary accommodation.

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

The proposal will change services used by vulnerable groups but, as noted above, the change is expected to result in improved services.

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

Yes – see above.



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

Yes – see above.

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

The proposal relates to the following objectives:

- To know and understand all our communities
- To ensure that local public services are responsive to different needs and treat users with dignity and respect
- To develop and sustain a skilled and committed workforce able to meet the needs of all local people.

**Recommend this EA for Full Analysis?**

Yes. Although it is anticipated that the impact of the proposal will be broadly positive, further investigation and analysis is needed to ensure that the full implications of the change are understood and any possible negative impacts are identified and addressed.

It should be stressed that the proposal is made in the context of the council's policy that the principal means through which full homelessness duties are met will be through an offer of private rented housing, in line with the powers granted under the Localism Act. This policy was subject to a full equalities analysis at the time of its adoption and this aspect is therefore not considered further in relation to this proposal. The focus of analysis will be on the specifics of the current proposal, as set out in section 1 above.

**4. Use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis. What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.**

Full analysis will require the following:

- Profile of the characteristics of households in temporary accommodation
- Profile of homelessness approaches and acceptances
- Profile of Needs Register applications
- Profile of staff impacted by potential contract changes
- Analysis of outcomes from Find Your Home project

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## Annex 3

### Social Finance Report on Brent Property portfolio acquisition

Summary of Key points on PRS Acquisition through a council-owned company

#### Executive Summary

- The Social Finance Report for Brent looks at the potential for Brent to acquire a portfolio of property, potentially across a number of geographic areas, to be used as accommodation for homeless households.
- Properties would be renovated to a good standard and let at Local Housing Allowance levels, either to prevent homelessness or to end a homelessness duty.
- Analysis of 13 geographic markets highlights that for Brent to acquire a significant number of units it will have to look outside of its home borough, even at lower target gross yields
- The number of properties that can be acquired is critically dependent on the target gross rental yield applied in the acquisition phase.
- A lowering of the target gross yield from 6% to 5% would increase the number of available properties by a factor of almost three. A reduction below 5% would make further substantial increases in the number of available properties. For any solution to reach a critical scale over the next few years, a gross yield below 6% would need to be considered for acquisitions.
- A decision will need to be made over whether the delivery route is required to achieve an income just to cover interest costs (plus a margin for safety) or whether it will also be required to generate additional cash to repay the principal on the loan. Debt structures which delay repayment of principal offer potential advantages in the early years of a scheme.
- Using shorter term finance could potentially help lower interest rates given the current yield curve, however this would leave the delivery vehicle facing refinancing risk. Longer term debt would address this issue, at the cost of higher initial interest rates, and would also protect against short term fluctuations in house prices.
- Since the accommodation will be providing “sub-market” housing, there is precedent to use existing Services of General Economic Interest State Aid exemptions, allowing Brent to on-lend from PWLB or other internal sources at no additional margin.

- There are two principal routes to mitigating the risk that the portfolio of properties does not deliver the financial returns expected. These are (1) selling units or (2) converting the portfolio to market rent. A change of use for the properties, depending on the financing arrangement, potentially has State Aid considerations.

### Number of properties available

The number of properties annually available for sale in the market is critically dependent on the gross yield required to be provided by Local Housing Allowance level rents.

Table 1. shows this in a number of potential target areas, which we expect would be compliant with the government’s suitability order governing out of area placements of homeless households.

**Table 1. Estimated number of properties available at different gross yields**

Area	Estimated Annual No. of Properties Available at Gross Yield 6%	Estimated Annual No. of Properties Available at Gross Yield 5.5%	Estimated Annual No. of Properties Available at Gross Yield 5.0%	Estimated Annual No. of Properties Available at Gross Yield 4.5%	Estimated Annual No. of Properties Available at Gross Yield 4.0%
St. Albans	0	0	3	9	19
Three Rivers	3	6	6	6	25
Hertsmere	3	6	9	22	53
Harrow	6	11	26	53	115
Leighton Buzzard	3	6	28	53	84
Watford	16	22	31	53	87
Dunstable	28	31	43	68	93
Slough	12	28	53	118	248
Wycombe	19	43	68	146	270
Dacorum	19	47	71	130	236
Brent	29	43	90	195	368
Luton	56	102	152	239	388
Milton Keynes	133	211	335	508	744
<b>Total</b>	<b>327</b>	<b>557</b>	<b>915</b>	<b>1600</b>	<b>2728</b>

Brent could of course only purchase a proportion of available properties in any area without risking putting up prices. It should be noted, that there 5400 properties were available for sale in these combined locations, so any purchases would likely constitute only a small percentage of the overall market.

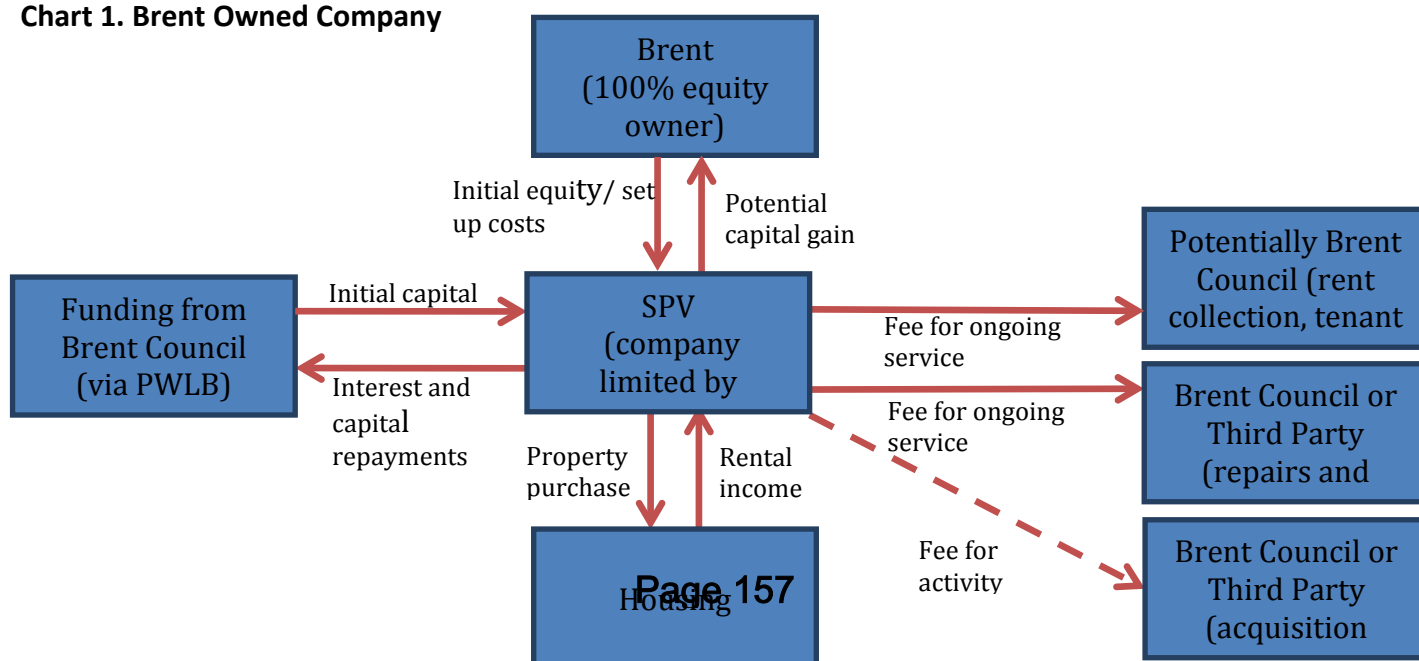
Sensitivity analysis of the above shows that a 10% increase in property prices reduces the number of available properties to purchase by around 40% given unchanged rental income. In other words if property prices rise by 10% in a year, then delaying acquisition of properties by a year would mean 40% less available properties on average.

**Proposed Solution:**

- Brent Council directly set up a local authority controlled housing company, which is a company limited by shares.
- The company would be established with the purpose of creating a portfolio of residential property which could offer households currently living in temporary accommodation a good quality, well managed private rented sector property, affordable at Local Housing Allowance rental levels.
- Tenants would enter into an Assured Shorthold Tenancy with LHC, and the accommodation would enable Brent Council to end a homelessness duty through a PRSO or prevent homelessness.
- The portfolio would be established through the purchase of existing street property in areas selected by Brent, which would be purchased and renovated.
- Tenancy management, maintenance and other on-going operations would be carried out by the company who could either enter into a Service Level Agreement with Brent Council for services or contract with a third party.
- The company could potentially be financed via PWLB (with Brent borrowing from PWLB and then lending on to the company).
- Since the principal activity of the company is the provision of housing at affordable levels, its activities would fall within the Services of General Economic Interest (SGEI) State Aid exemption, and as such there would be no requirement to add a margin to the on-lending.

The likely structure of relationships and transactions involved in the operation is summarised in Chart 1.

**Chart 1. Brent Owned Company**



## Financial Viability

Chart 2., below, illustrates the net operating income yield before finance (NOI) under different rental inflation assumptions, (assuming a 6% gross rental yield). Costs are assumed to increase at 2.5% p.a in all cases. If rent is fixed for an extended period, the NOI yield declines due to cost pressures. If rent increases at a rate of more than 1.0% p.a. then NOI yield expands over time, as the rental income increases exceed the increases in costs. The extent and rate that NOI yield expands is critical in determining whether there is potential to repay principal as well as interest over the life of the scheme

**Chart 2. Net operating income with varying rental inflation.**

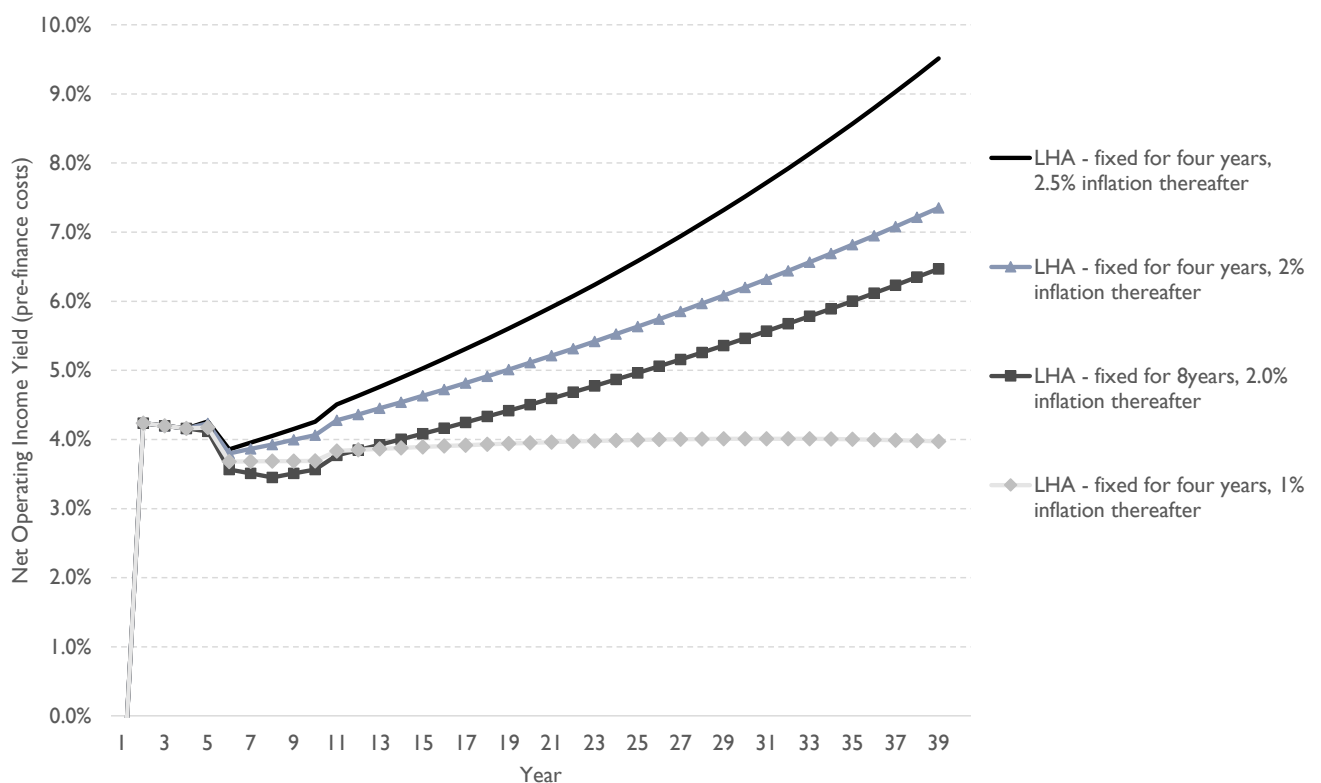
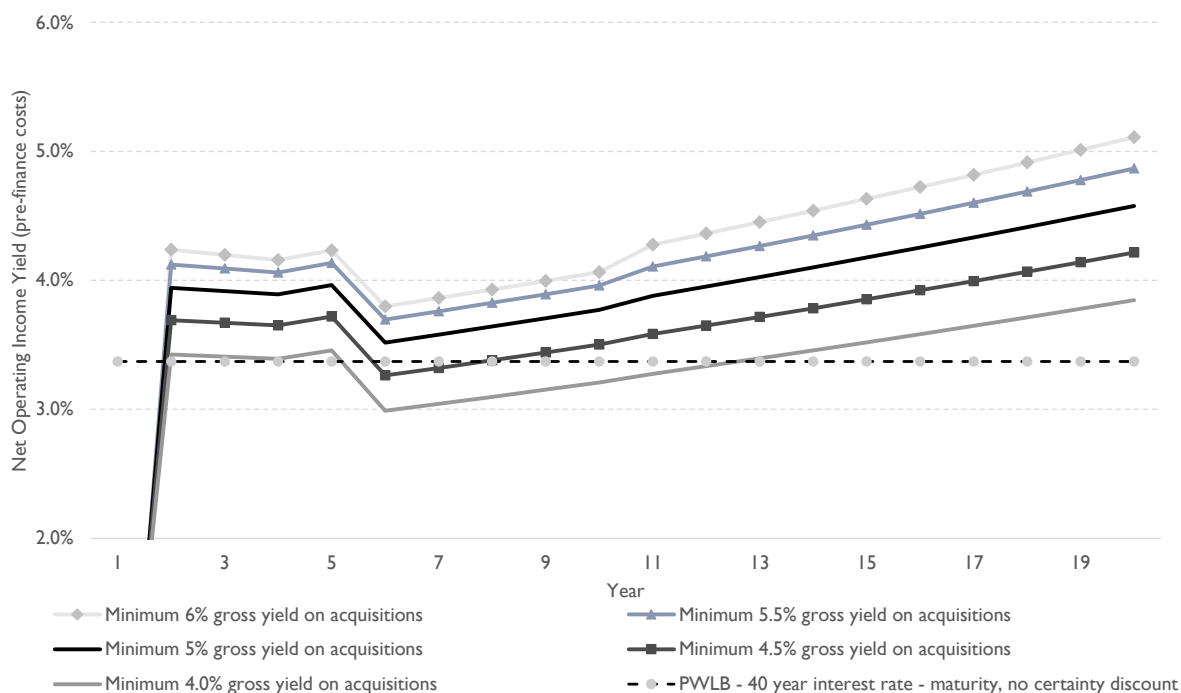


Chart 3., below, illustrates net operating income yield of a housing company under different target gross yields for portfolio acquisition. With a 5%+ target, there is potential to exceed the interest cost of long term finance (assuming PWLB interest rates) in every year of the loan. Rental inflation is assumed at 2% p.a. (post the four year LHA freeze) and cost inflation at 2.5%. p.a.

**Chart 3. Net Operating Income compared to PWLB rates**



## Risk Management

There are numerous operational and financial risks associated with the creation of a housing delivery vehicle, irrespective of the delivery route. There are a number of methods by which internal risks can be managed on a day-to-day basis, but the provision of housing at Local Housing Allowance rates faces a number of potential external factors which may be outside the control of the delivery vehicle.

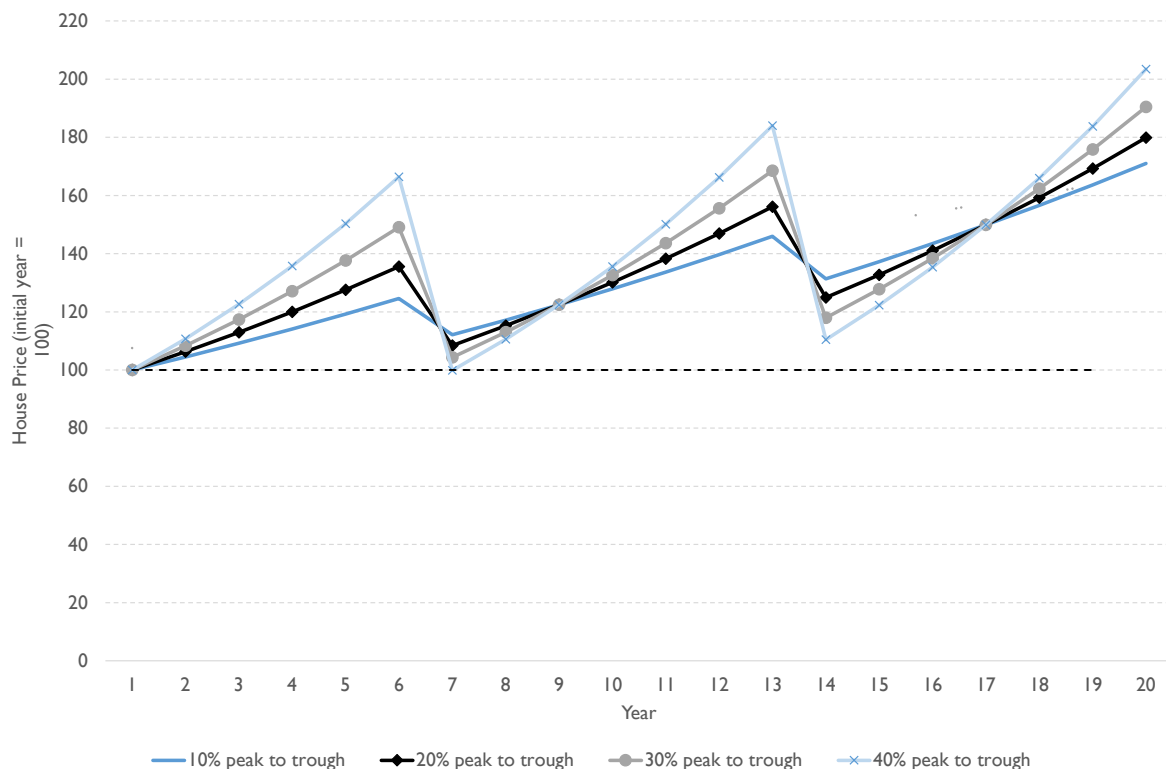
There are two key options for responding to an external shock 1) selling units to exit and/or repay principal of loans and 2) converting rental levels from sub-market to market levels to boost income mid-scheme.

- 1) **Selling Units** – the following charts highlight that the potential for this to be an effective risk mitigation depends on the timing of any sale and therefore the value realised, assuming a long run nominal inflationary environment for house prices. If units are purchased at the start of an up-cycle, there is potential over time for

inflation to create a cushion, giving some degree of reassurance that a sale will recover sufficient capital to repay principal on loans. If units are bought later in the cycle, this cushion may take a number of years (cycles) to be achieved. Over a sufficiently long horizon, assuming positive house inflation, this route could give some comfort as a means to repay loan, particularly if structured as a maturity/bullet repayment.

- 2) **Converting to market rental** - median market rents are typically 15-50% above Local Housing Allowance levels. This offers the potential, dependent on the units acquired to convert from renting at sub-market to market levels, boosting gross rental income. This benefit however may be partially or wholly offset if this action requires a repricing of the interest rate on debt for State Aid reasons.
- 3) Chart 4. below illustrates the potential for house price inflation to provide a risk mitigation against the value of a loan, using a very simple model of house price inflation. This model assumes a 7 year cycle (6 up years and 1 down year), with a trend growth rate of 2.5%.
- 4) If units purchased at start of cycle, then by Year 6 (peak) value has increased to extent that can absorb up to a c. 40% peak to trough decline, and still meet initial value if sold.

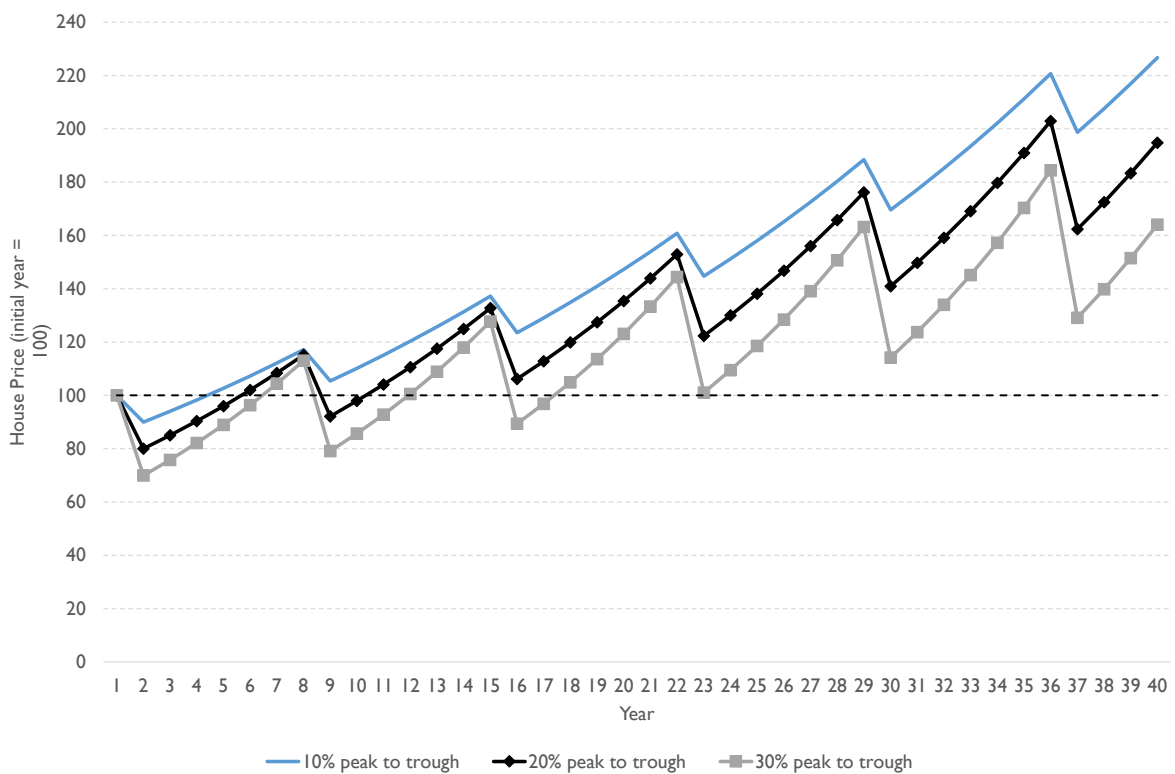
**Chart 4. Value of properties compared to purchase price if bought at the bottom of the cycle**





The situation is very different if properties are purchased at the end of cycle (Year 1 is now 6<sup>th</sup> year of a 7 year cycle). In this scenario depending on where you buy in the cycle it can potentially take multiple cycles before the value of units would exceed initial purchase cost even in a down turn. For example if peak to trough decline is 30%, then it would take until year 22 before confidence that values in a downturn will exceed initial purchase cost.

**Chart 5. Value of properties compared to purchase price if bought at the top of the cycle**



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**Cabinet**  
14 March 2016

**Report from the Strategic Director of  
Regeneration & Environment**

For Action

Wards affected:  
ALL

**Authority to award contract for building works at Leopold  
Primary School, (Brentfield Road site, Stonebridge) NW10  
8HE**

**Appendix A is Not For Publication**

**1.0 Summary**

1.1 The January 2015 Cabinet approved the recommendation to include Leopold Primary School within Phase 3 Primary School expansion programme and approved the commencement of the procurement process for the building contract works, based on pre-tender considerations set out in that report. In November 2015 Cabinet approved the permanent expansion of Leopold Primary School.

1.2 In accordance with the Contract Standing Orders 88 and 89, a high value works contract procurement process was undertaken. Tenders have now been received and evaluated. This report requests authority to award the building works contract as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and recommends the contractor to whom the contract should be awarded.

**2.0 Recommendations**

2.1 That Cabinet approve the award the works contract for the construction works at Leopold Primary School (Brentfield Road), to GMS Building Services Ltd. at a contract sum of £1,389,897.15.

**3.0 Detail**

Background

- 3.1 In January 2015 Cabinet approved the proposal to temporarily expand Leopold Primary School to become a 4FE split site primary school using the former Gwenneth Rickus Building, resulting in both Hawkshead and Brentfield Road school sites each accommodating 2FE/420 pupils. This enabled a statutory consultation process to be undertaken. In November 2015, Cabinet reviewed the outcome of that consultation and approved the permanent expansion. A project business case, based on a commissioned feasibility study and including a fully costed proposal was approved by the Strategic Director of Regeneration and Growth and Chief Finance Officer in consultation with the Lead Member for Regeneration and Housing in June 2015 as per the authority delegated by Cabinet in January 2015. This business case concluded that permanent accommodation befitting a 2FE primary school could be contained within the budget of £1.9m and constructed to an agreed programme. To cause minimum disruption to daily school management and operations, this involved phasing works into 'Summer and Enabling' works and 'Main Building' works. The Summer works were approved via delegated authority and completed in the 2015 school summer holidays and the enabling works will be completed in the February half-term holiday in 2016. The Main Building works were procured as a high value works contract, in line with the procurement strategy as detailed in the January 2015 Cabinet.
- 3.2 The proposed award of contract for Main Building Works will convert the temporary split site provision at Brentfield Road into permanent accommodation. Works include some internal re-arrangement, urgent DDA, Building Regulations and Health and Safety installations/upgrades, major refurbishment of Annexe 4 to provide a school kitchen, dining and multi-sports hall, ancillary teaching space and a covered canopy linking the disparate buildings. To assist in alleviating traffic concerns expressed by the school and local residents, the project budget contains a sum that will also support the installation of vehicle and pedestrian road safety measures around the immediate vicinity of the school. The proposed Main Building Works will enable Leopold Primary School to sustain its full capacity of 420 pupil numbers at the Brentfield Road site. Key stakeholders, including the School Governing Body, the school Deputy Head and other staff members have had considerable input into the proposed scheme design and have fully co-operated in accommodating the Summer and Enabling works. Both the Summer and the Enabling Works have been successfully completed by GMS Building Services Ltd, who were awarded the works contract for this package via delegated authority in July 2015 following a low value procurement process.
- 3.3 The proposed Main Building Works achieved Planning Consent on 6 October 2015 and is subject to additional transport related measures. As such, Planning Conditions, concerning electric car-charging points and dedicated car-parking, are currently in the process of being discharged. Full plan application for Building Regulations has been approved, subject to the fire brigade input, which is currently awaited. The proposed design refurbishment and alteration proposals will support the education delivery, facilities and amenities for pupils and so enhance pupils' educational and life-skills experience once works are completed. There are no plans for any new-build

works; all proposed Main Building Works are to be carried out at existing buildings.

- 3.4 The Main Building contract works are expected to complete by 20 January 2017, although the main elements of project delivery will be completed by early December 2016. Subject to Cabinet approval, contractor mobilisation is to start on 21 March with works starting on site on 4 April 2016. This is within the expected programme for this project.

## Procurement Process

### Procurement process and evaluation of tenders

- 3.5 The procurement process followed is set out in the January 2015 Cabinet report: Update on Schools Capital Portfolio, which approved the pre-tender considerations. That report noted that Leopold Primary was expected to be a high value works contract and was not expected to exceed the EU works procurement threshold. Given that the bulk of proposed works entail refurbishment and/or remodelling of existing buildings, this means a lesser extent of design work being required. The project team and consultants Sampson Associates Architects (SAA), recommended that a single stage Design & Build procurement would be more appropriate for this project than the two stage route described in the January 15 Cabinet report. The other approved pre-tender considerations remained the same except that during discussions it was considered that along with the approved evaluation criteria, it would be helpful to have an interview stage and to score interviews. Adverts were subsequently placed on the e-tender portal on 7 October 2015 with expressions of interest (Pre-Qualification Questionnaires) to be returned by 5 November 2015. Twenty three submissions were received and subsequently evaluated by Brent Officers, with input from SAA to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise. This resulted in 5 contractors being shortlisted in accordance with pre-tender consideration requirements and invited to tender. Tender documents and Invitations to Tender were issued on the 20 November 2015 with a tender submission date set, initially for 21 December and subsequently extended to 8 January 2016. Of the five contractors invited to tender, four tenders were returned via the e-tender portal on 8 January. There were no late responses.
- 3.6 Tenders were evaluated to identify the most economically advantageous bidder using evaluation criteria consisting of Quality criteria (with a combined weighting of 50%) and Price criteria (with a combined weighting of 50%). Quality criteria included logistical approach and preliminaries, procurement and supply chain strategy, programme and programme efficiencies and cost criteria included the contract sum, benchmarks and the quality of the pricing submission.
- 3.7 Of the four tenders received, two contained arithmetical errors and on seeking clarification both contractors agreed to stand by the price submitted. In addition, only one tenderer, GMS Building Services Ltd, allowed for the renewal of the floor structure to Annexe 4 as a result of asbestos removal works. At the time of inviting tenders it was not known that this work would be

required and for this reason the prices of the other 3 contractors (that are not currently working on the site and aware of this new requirement) did not include this element. In order to ensure all bids were evaluated on a like for like basis therefore, the element of GMS Building Services Ltd's bid attributable to the renewal of the floor structure was deducted from its bid price. Similarly, all four tenders were evaluated by Brent Officers, in accordance with the Quality evaluation criteria and scored in accordance with the scoring protocol and matrix included in the tender documents and reflecting the criteria approved by January 2015 Cabinet with the addition of a scored interview. SAA's analysis of all four tenders included checking for errors, omissions and qualifications that tenderers may have applied to each tender have been incorporated in the evaluation process.

- 3.8 Following the initial evaluation of bids, all four tenderers were invited to interview by Officers, the School Deputy Head, the School Site Supervisor and SAA on 15 January 2016, at the school. As indicated at paragraph 3.5, interviews were seen by Officers and advisors as helpful in the evaluation. This was to gauge tenderers engagement and understanding of the bespoke project essentials, liaison with the school stakeholders and clarification, as necessary, arising from the tenders. Interviews were held, scored and formed a part of the evaluation process. .
- 3.9 Officers, with support from SAA, completed the evaluation of tenders on 19 January 2016. The result is that Contractor A, GMS Building Services Ltd is the highest scoring tenderer. This tender contained no arithmetic errors and demonstrated a good understanding of the project and programme sensitivities. It scored highest in both quality and price criteria. All four contractors' names are detailed in **Appendix A**; overall final scores are shown in **Appendix B**. GMS Building Services Ltd's tender programme meets with the Council's requirements, the pricing is considered to be very competitive and their tender reflects good understanding and a genuine enthusiasm for the project. GMS Building Services Ltd. is located in Brent and many of its sub contractors are likewise, locally based.
- 3.10 If the tendered bid by GMS Building Services Ltd at a contract sum of £1,389,897.15 (including a sum for the renewal of the floor structure to Annexe 4 as a result of asbestos removal works) is accepted, the project can be delivered within the total project budget of £1.9m.
- 3.11 Subject to Cabinet's approval to the award of the works contract, the form of build contract will be JCT Standard Form of Building Contract (SBC/XQ) 2011 un-amended, save for the provision that the contractor's insurances include an "Indemnity to Principle Clause" and are to include Brent Council's Special Conditions.

### Project Cost

- 3.12 As stated in paragraph 3.1 above, the total project budget to complete delivery of the proposed scheme is £1.9m. Summer and Enabling Works, described in paragraph 3.2 have totalled approximately £291k, including construction costs, development and statutory fees. This leaves approximately £1.609m to deliver the Main Building Works; Officers believe this is achievable.

- 3.13 The contract sum tendered by GMS Building Services Ltd is to deliver each component of the scheme, as outlined in paragraph 3.2.

#### **4.0 Financial Implications**

- 4.1 In the report to Cabinet on 26 January 2015 the anticipated cost to deliver a permanent school for Leopold Primary at the former Gwenneth Rickus Building was below the average cost estimate for a new build 2FE primary school or a 2FE expansion of an existing school. This remains the case. There is an allocated Basic Needs capital funding available to award this contract.
- 4.2 The contract sum tendered by GMS Building Services Ltd at £1,389,897.15, excluding an optional performance bond, is expected to deliver the remaining elements of the scheme, as outlined in paragraph 3.2 and is considered to be competitively priced. The inclusion of a performance bond would not make any difference to the outcome of the tenderers' scoring; GMS Building Services Ltd.'s tender would still remain the highest scoring. The tender delivers all the required works within budget.
- 4.3 Officers note that the appointed Cost Consultant considers the financial status, as identified in the accounts of GMS Building Services Ltd, as satisfactory for undertaking the subject works package. Having carried out an independent review of GMS Building Services Ltd's' financial standing, Officers consider and conclude that the company meets the financial capacity as detailed in the pre-tender considerations documentation, represents low risk and has sufficient financial stability to undertake the contract. The expectation is that the project will be delivered within budget and programme and to the desired quality and standard.
- 4.4 The Council's Contract Standing Order 88 states that works contracts exceeding £500k (High Value Contracts) shall be referred to the Cabinet for approval to procure and for its subsequent approval to award a contract. Accordingly, as the proposed contract sum exceeds £500k, Cabinet is requested to approve the works contract to GMS Building Services Ltd, thereby allowing contract mobilisation to start as soon as possible after the call-in period, on 21 March 2016 and complete all elements of work by 20 January 2017.

#### **5.0 Legal Implications**

- 5.1 Under sections 13 and 14 of the Education Act 1996 as amended by the Education Acts 2006 and 2011, the local authority has a general statutory duty to ensure there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to education opportunity and the fulfilment of every child's educational potential. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

5.2 The Cabinet is requested to approve the award of contract to GMS Building Services Ltd. The contract value is £1,389,897.15, excluding a performance bond and is therefore below the EU threshold for works contracts of £4,104,394. As such, award of the contract is not governed by the Public Contracts Regulations 2015. The works contract is however classed as a High Value Contract under the Council's constitution. As such, the Council's Cabinet must approve award of contract in accordance with Contract Standing Order 88.

## **6.0 Diversity Implications**

6.1 An Equality Impact Assessment is attached as Appendix 6 to the 16 November 2015 Cabinet report from the Strategic Director Children & Young People - Item No. 5: 'Determination to permanently expand Leopold Primary from January 2016' and is available to view on the Council's website.

6.2 The proposal for expansion at Leopold Primary School is one of a number of schools proposed for Phase 3 Expansion Programme that has an ethnically diverse pupil population and catchment of pupils who need school places. Expansion provision will help to improve choice and enhance diversity and enable the Council to provide additional new places required for Brent's growing pupil population.

6.3 The proposed refurbishment, alterations, remodeling and DDA installations and upgrades, will enable the school to be used safely and easily by children with a wider range of needs.

## **7.0 Staffing/Accommodation Implications**

7.2 There are no staffing implications for Council staff as a result of this decision however there are likely to be additional job and career opportunities for staff at Leopold Primary School as a result of the additional pupils.

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

8.1 Whilst the Public Services (Social Value) Act 2012 (the "Social Value Act") does not apply to works contracts, Officers have had regard to considerations relevant to the Social Value Act in this procurement, namely how the contract might improve the economic, social and environmental well-being of its area and how, in conducting the procurement process, the Council might act with a view to securing that improvement and whether the Council should undertake consultation.

8.2 The contract being procured has a primary aim of improving the social wellbeing of the pupils, staff and key stakeholders in Brent. Pupils and parent have been consulted regarding the proposed expansion of pupil numbers at Leopold Primary School which will directly impact on the proposed works contract.



- 8.3 Whilst not relevant to the selection of the preferred contractor, it is to be noted that the preferred contractor, GMS Building Services Ltd, is a Brent registered contractor, based in the northern half of the borough and has a local supply of sub-contractors; this will serve to continue to support local employment opportunities.

### **Background Papers**

Business Case for Expansion at Manor School, dated June 2015.

### **Contact Officers**

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**LORRAINE LANGHAM**  
**Strategic Director Regeneration & Environment**

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

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**APPENDIX B**

ITT Title

Leopold Gwenneth Rickus Refurbishment: ITT Evaluation

Evaluator:

Evaluation Panel

Criteria	Question			Bidders			
	Number	Title		Contractor C	Contractor D	Contractor A	Contractor B
Project and Cost Management / Innovation / Sustainability	1	Management and resources	Weighting	8	8	8	8
			Bidder Mark (out of 5)	2	2	3	2
			<b>Bidder Score</b>	<b>3.2</b>	<b>3.2</b>	<b>4.8</b>	<b>3.2</b>
	2	Supply Chain Management (including Sustainability)	Weighting	8	8	8	8
			Bidder Mark (out of 5)	3	3	3	3
			<b>Bidder Score</b>	<b>4.8</b>	<b>4.8</b>	<b>4.8</b>	<b>4.8</b>
	3	Cost Control (including Innovation)	Weighting	4	4	4	4
			Bidder Mark (out of 5)	2	3	4	2
			<b>Bidder Score</b>	<b>1.6</b>	<b>2.4</b>	<b>3.2</b>	<b>1.6</b>
Construction Programme / Sustainability	4	Project Programme (including Sustainability)	Weighting	15	15	15	15
			Bidder Mark (out of 5)	2	2	3	2
			<b>Bidder Score</b>	<b>6</b>	<b>6</b>	<b>9</b>	<b>6</b>
	5	Demonstrating Logistical Solutions	Weighting	5	5	5	5
			Bidder Mark (out of 5)	1	2	4	3
			<b>Bidder Score</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>3</b>
6	Commissioning/Handover at completion	Weighting	5	5	5	5	
		Bidder Mark (out of 5)	3	4	4	4	
		<b>Bidder Score</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>	
Project Understanding and Client Liaison	7	Demonstrate client/school liaison methods	Weighting	10	10	10	10
			Bidder Mark (out of 5)	3	4	4	4
			<b>Bidder Score</b>	<b>6</b>	<b>8</b>	<b>8</b>	<b>8</b>
	8	Live Environments	Weighting	15	15	15	15
Bidder Mark (out of 5)			3	3	4	4	
<b>Bidder Score</b>			<b>9</b>	<b>9</b>	<b>12</b>	<b>12</b>	
Quality	9	Delivery of Quality	Weighting	10	10	10	10
			Bidder Mark (out of 5)	4	4	4	4
			<b>Bidder Score</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>
Health & Safety	10	Project H&S Management	Weighting	10	10	10	10
			Bidder Mark (out of 5)	4	4	4	4
			<b>Bidder Score</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>
Interview			Weighting	10	10	10	10
			Bidder Mark (out of 5)	2	3	4	3
			<b>Bidder Score</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>6</b>
<b>Quality</b>			<b>Marks (max 100)</b>	<b>54.6</b>	<b>61.4</b>	<b>73.8</b>	<b>64.6</b>
			<b>Weighting</b>	<b>50.00%</b>	<b>50.00%</b>	<b>50.00%</b>	<b>50.00%</b>
			<b>Bidder Score (max 50%)</b>	<b>27.30</b>	<b>30.70</b>	<b>36.90</b>	<b>32.30</b>
<b>Price</b>			<b>Price</b>	<b>£1,380,791.65</b>	<b>£1,633,253.01</b>	<b>£1,362,093.15</b>	<b>£1,369,657.00</b>
			<b>Price Score</b>	<b>98.65</b>	<b>83.40</b>	<b>100.00</b>	<b>99.45</b>
			<b>Weighting</b>	<b>50.00%</b>	<b>50.00%</b>	<b>50.00%</b>	<b>50.00%</b>
			<b>Bidder Score (max 50%)</b>	<b>49.32</b>	<b>41.70</b>	<b>50.00</b>	<b>49.72</b>
<b>Overall</b>			<b>Total</b>	<b>76.62</b>	<b>72.40</b>	<b>86.90</b>	<b>82.02</b>
			<b>Rank</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>2</b>

KHB notes on price 11.2.16

Tender value less £2,700 for bon  
Tender value less £6K for bonc  
Tender value less £10K bond,  
less £27,804 added for floor  
renewal

Tender value less £2,803 for  
bond

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**Cabinet**  
14 March 2016

## Report from the Strategic Director of Regeneration and Environment

Wards affected:  
Kilburn

### South Kilburn Regeneration Programme – Phase 4 notices

#### 1 Summary

- 1.1 This report summarises the progress made on the regeneration of South Kilburn and sets out the approvals required by the Cabinet to further progress Phase 4 of the regeneration programme.
- 1.2 The report sets out the approvals required by the Cabinet to serve demolition notices on Phase 4B of the South Kilburn regeneration programme (being Dickens House, Blake Court, Crone, Zangwill and John Ratcliffe House). This will enable the next major phase of the Regeneration programme to be initiated.

#### 2 Recommendations

##### **Retrospective report on deliverables to date**

- 2.1 That the Cabinet note the progress made to date in delivering the South Kilburn Regeneration as detailed in the report at Appendix 1.

##### ***Phase 4B Demolition Notices***

- 2.2 That the Cabinet authorise the serving of demolition notices and the suspension of secure tenants' Rights to Buy in relation to secure tenancies in blocks Dickens House, Blake Court, Crone, Zangwill and John Ratcliffe House (together defined as '**Phase 4B**' of the South Kilburn regeneration programme) and authorise the Strategic Director of Regeneration and Environment to issue all and any notices required to be issued in connection with such demolition.

#### 3 Detail

##### **Retrospective report on deliverables to date**

- 3.1 Officers were recently invited to attend Scrutiny Committee to provide that Committee with an overview of the SK Regeneration Programme. A summary of the programme to

date was provided and is attached as Appendix 2 for Cabinet Members as it provides a succinct summary of the physical regeneration outcomes to date.

### ***Demolition Notices***

- 3.2 On 15 October 2012, 11 February 2013 and 26 January 2015 the Executive/Cabinet authorised the serving of demolition notices and the suspension of secure tenants' Right to Buy in relation to secure tenancies on Phase 3 (being Peel Precinct, 8 to 14 Neville Close (all numbers inclusive), 97 to 112 Carlton House (all numbers inclusive), Hereford House and Exeter Court) and Phase 4A (being Craik Court, Austen House, Neville House, Winterleys and 113 to 128 Carlton House (all numbers inclusive)). Consequently the Council is now engaged in buying back leasehold properties within the above blocks due for demolition as part of the South Kilburn regeneration programme in preparation for redevelopment.
- 3.3 Similarly, to assist the smooth operation of the next phase of the programme and to prevent increased leaseholder acquisition costs, authority is now being sought to serve demolition notices and suspension of secure tenants' Right to Buy in relation to secure tenancies within Phase 4B (namely blocks Dickens House, Blake Court, Crone, Zangwill and John Ratcliffe House) of the South Kilburn regeneration programme.

## **4 Financial Implication**

### ***Demolition Notices***

- 4.1 The serving of demolition notices on the affected residents can be undertaken within existing resources so does not have an additional financial implication.

## **5 Legal Implications**

### ***Demolition Notices***

- 5.1 Initial Demolition Notices need to be served on secure tenants in accordance with the provisions of Section 138A and Schedule 5A of the Housing Act 1985 as amended by the Housing Act 2004 to prevent the Council from having to complete Right to Buy sales. Schedule 5A sets out what must be included in the Initial Demolition Notice, including the intention to demolish, the reasons for demolition and identifying the period within which the landlord intends to demolish. The period set out in the notice to carry out the demolition works must be not more than reasonable to carry out the proposed demolition of the relevant properties or in any case not expire more than seven years after the date of service of the notice.

## **6 Diversity Implications**

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



6.2 The new homes in South Kilburn are available to all secure tenants currently living in properties due for demolition as part of the South Kilburn regeneration programme within the neighbourhood regardless of their ethnicity, nationality or national origin, age, gender, marital status/civil partnership, sexual orientation, disability, gender identity or expression or religion or belief. A proportion of new homes are designed to be accessible and wheelchair adaptable while the allocations process considers the specific housing needs of secure tenants in respect of issues related to their protected characteristics. The Estate Regeneration Housing Team will carry out comprehensive Needs Assessments to ensure tenants' needs are effectively assessed and addressed.

## **7 Staffing/Accommodation Implications**

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

## **8 Background Papers**

Appendix 1 Plan A - Current Masterplan

Appendix 2 Scrutiny Report

## **9 Contact Officers**

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LORRAINE LANGHAM  
Strategic Director of Regeneration and Growth

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- Phase 1 –Nov 13
- Phase 2A  
–Mar13-Dec 14
- Phase 2B  
Mar15-Nov16
- Phase 3A  
Feb17-Nov18
- Phase 4A  
Mar19-Jan21
- Phase 4B  
May21-Jan23

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**Scrutiny Committee  
2 December 2015**

**Report from Strategic Director  
Regeneration & Growth**

For Information

**Report Title: South Kilburn Regeneration Programme**

**1.0 Summary**

- 1.1 This report provides an update to Members of the Scrutiny Committee of the progress of the South Kilburn Regeneration Programme
- 1.2 The report sets out the main aims and ambition of the programme.
- 1.3 The report sets out the notable achievements to date and an outline of future projects. Effectively this report sets out to provide a “State of the Nation” type of summary of a very large and complex regeneration programme

**2.0 Recommendations**

- 2.1 To note the contents of this report

**3.0 Detail**

- 3.1 Between the period 2001 and 2011 South Kilburn was a designated New Deal for Communities area. £50m was spent in the area - under the direction of a board comprising a majority of local residents - on a range of socio-economic interventions including health, community safety, employment and education. Throughout this period there was an unprecedented engagement with local residents and it became clear that their number one priority was for new homes to replace poor standard accommodation across South Kilburn. Despite the best efforts by the then housing department, it proved exceptionally difficult to put together a scheme for the physical regeneration of South Kilburn that was economically viable.'
- 3.2 In 2010 Brent Council brought forward a new approach to delivering for the estate-wide redevelopment of South Kilburn. The previous attempt to deliver the scheme through a large scale stock transfer to a Housing Association was abandoned, and the Regeneration Department was tasked with developing a

new master plan and a new delivery mechanism for the area. The area designated the South Kilburn Regeneration Area is shown on the attached plan (Appendix A). The original phasing programme is shown in Appendix B

- 3.3** The stated aims of the programme were to deliver:
- 2,400 homes of which 1,200 will be made available to existing South Kilburn residents
  - A new larger high quality urban park
  - A new local primary school
  - New health facilities
  - Improved environmental standards
  - An improved public realm
  - A site wide energy solution
- 4.0** In addition over the life of the programme additional informal aims have been developed:
- a) Improve the quality of accommodation for tenants and residents on the estate
  - b) To introduce a sense of place to the estate so that it integrated into the wider area
  - c) For existing tenants, an almost unique offer of a guarantee of a new high quality home on the estate (if they wanted one rather than being required to move off the estate). Rents are set at target rent so are lower than other rents set in the borough
  - d) A single move whenever possible
  - e) Accommodation which suited their individual needs and circumstances
  - f) Improvements to the public realm and infrastructure
- 4.1** **Blocks of flats demolished and homes created:**  
To date, based upon the above master-plan and phasing programme the Council has delivered on a number of the planned schemes but has also been able to provide support for other projects.
- The attached schedule sets out the number of flats demolished and homes created to date (Appendix C).
- The success of the programme is based upon the ability to create sufficient units to enable the decant of the next block in the demolition sequence. The type of units required, the mix and the number all need to be carefully planned to avoid any imbalance between the demand and supply at any one time. Fortuitously at an early stage of this programme Brent was able to remove an unwelcoming, large traffic roundabout site and secure planning consent to build 133 new homes (75 affordable rent). As this was a clear site it provided the head-room to enable future moves.
- 4.2** In regard to the commitment to provide every tenant on the estate with a new home on the estate. Appendix C provides general information as to where Brent social tenants have moved to following relocation from blocks to be demolished (Appendix C).

### **4.3 Infrastructure and Public Realm**

Already provided as a result of the Regeneration programme

#### **Sports Provision**

Land was provided for the construction of a new sports hall facility. Built by Westminster City Council, primarily for the, expanded, St. Augustine's Secondary School. The Council secured reduced rates for South Kilburn residents as part of the deal.

#### **Adult Day Care Centre**

The former Albert Road Day Care Centre was relocated to a more suitable central borough location in the John Billam Park. The South Kilburn Regeneration programme was able to contribute to the capital construction cost of this new purpose built facility by redeveloping the site for residential accommodation.

#### **Community Space**

New community space has been incorporated across the South Kilburn Programme. The Vale Community Centre, and South Kilburn Studios also provide community facilities that are used on a regular basis by the Council and Local Community.

#### **Local Road Network**

As part of the place making and re-connection of the estate to the adjoining areas, as sites have been developed, where possible, the former Victorian road layout has been reinstated. In the next phase it is hoped to open up the following roads, Stuart Road, Canterbury Road and, in conjunction with Brent Highways, introduce measures to improve Carlton Vale. Carlton Vale is the main route which bi-sects the South Kilburn Estate. It is proposed to also introduce a dedicated cycle highway along Carlton Vale up to Queens Park Station.

Future Public Realm and Infrastructure Projects:

#### **Green Space**

Already on site on the former Wood House is a new public park. It is scheduled to be completed in Spring 2016 and will provide accessible, safe and stimulating play space for local children and a relaxing area for local residents.

There is also a communal garden space, provided as part of the Catalyst Development, which will also be available to local residents. Within the current master plan there is also a proposal to enlarge and improve the Kilburn Park Open Space.

#### **Medical Centre**

As part of the proposals for the redevelopment of the Peel Precinct area the Council is incorporating plans to provide a large medical centre. This centre will provide a modern, purpose built facility for three local G.P. practices. All three practices are currently working with the Brent appointed architect, Penoyre & Prasad, to help design the facility. It is hoped, over the next year, to garner support and approval from NHS England for this much needed facility. Current plans also include a pharmacy. The target date for completion is 2019.

## **Education**

Currently there are three state schools within the South Kilburn Estate. Brent, via Children & Families Department, is in early conversation with Carlton Vale Infants ND Kilburn Park Juniors in regard to provision of new build replacement facility and a single form expansion.

It is worth noting that as with all infrastructure and public realm works these projects are costs which need to be funded from the receipts generated by the sale of sites for private development. Apart from S.106 funding, which is generated by the SK developments, the South Kilburn Regeneration Programme receives no other form of external funding or internal subsidy. It is therefore, to date, a self-funded regeneration programme. All capital receipts generated within the Regeneration Programme are retained for future projects.

## **Recreation**

Within the master-plan there is also a proposal to improve and possibly expand the Kilburn Park Open Space. As with all infrastructure and public realm projects these are costs which need to be funded from the receipts generated by the sale of sites for private development. Apart from S.106 funding the regeneration programme receives no other form of external funding and is therefore, to date, as self-funded regeneration programme.

## **5.0 Current Position**

The programme has slipped, partly due to internal resources issues and also due to external factors such as the legal challenge by a licensee tenant at Gloucester House and in particular the safeguarding of a key development site by HS2 which effectively froze any development opportunity. However the following schemes are in progress and are at different stages of delivery:

### **Queens Park Place**

Due for completion in late Spring 2016. It consists of 144 flats (28 affordable rent) and a new retail unit to be occupied by Marks & Spencer

### **Former site of Bronte & Fielding Houses**

This scheme has just reached the topping out phase with United Living and Network Housing Group. They were selected in 2013 and it is due for completion in two phases. The first is expected to be available in April 2016 with the second phase completed toward the end of 2016. It will comprise 229 apartments (103 affordable rent) with a new public square facing onto Kilburn Park Road and a new footpath.

### **Argo House**

This is a private development within the estate. However the Council secured 23 units for affordable rent to be offered to existing South Kilburn tenants as well as five shared equity units for South Kilburn leaseholders. This scheme will also come forward in the first half of 2016.

### **Chippenham Gardens**

In collaboration with a private land-owner the Council is seeking to redevelop 5-9 Chippenham Gardens, Kilburn Park Post and 4-26 Stuart Road (even numbers only). It is hoped, subject to a planning application due to be submitted in mid-2016, to provide approximately 52 new homes (22 affordable



rent for existing secure tenants). The scheme should also undertake improvements to the Chippenham Gardens Open Space. Unfortunately the Post Office operator has turned down the opportunity to return to the site post-development and has instead decided to seek to permanently relocate elsewhere in the vicinity. Appendix D shows the location of the nearest alternative Post Office locations.

### **(Former site) Gloucester & Durham**

Brent secured permission to replace the above blocks with 236 new homes (102 affordable rent) together with provision for the creation of space for a District CHP Energy Centre plus re-provision of play space and public amenity. This scheme was also designed to open up the vista towards the Grade 1 Listed St. Augustine's Church.

All former tenants have been relocated with the majority moving to the new Catalyst Scheme on Cambridge Avenue, Rupert Road and Denmark Road. Two leaseholders remain and CPO powers may be required to secure vacant possession.

### **Peel Development**

Only at RIBA Stage 1, this scheme seeks to replace 55 residential and 18 tertiary retail units with approximately 194 residential (42 affordable to rent). This scheme is predominantly a private residential scheme as it is necessary to cross subsidise the provision of 2380m<sup>2</sup> sq. m. of Medical Centre.

Incidentally, although not currently within the SK Master Plan area, the Council has recently been approached by the OK Club in association of the SK Trust with a request to review the potential of a joint development. This development would provide permanent long term space for the OK Club and the SK Trust as well as, subject to a successful GLA bid for funding, an Enterprise hub for the local business and community space. The Council would also seek to develop land which it holds freehold but is currently leased to the OK Club for residential development.

### **Salisbury Road Car Park Site**

This site has been blighted for a number of years by HS2 proposals to locate a vent shaft and ATS on this site which consists of the public car park, former press, a council owned residential block (Cullen House), the Falcon Public House and TfL offices. In March 2013 Full Council authorised officers to raise a petition against this proposal. Since then there have been numerous discussions with HS2 which has culminated with HS2 incorporating within AP4 (a revision to the Bill) an alternative site at Canterbury Works (a privately owned site which consist of a vehicle repair garage).

If AP4 is adopted by Parliament this will free up the site and enable the redevelopment of Cullen House, which is situated on an island site surrounded by traffic. Effectively this site has been "on hold" since 2012 but in anticipation of the success of the lobbying of HS2, the planning permission, which was granted in 2012 has, through joint action by Genesis H.A. and Brent Council, been consented in November 2015.

The current consent is for the demolition of Keniston Press, Cullen House and The Falcon Public House and redevelopment of 137 flats (39 affordable) along with new public space and 1270 sq.m. of commercial space. Therefore,

subject to site assembly and agreement with private owners it is hoped this scheme could be on site in 2017.

## **6.0 Master-Plan**

As can be seen in the attached appendix which set out the current master plan, the next major site to be brought forward is Hereford and Exeter. Given the scale of current schemes it is clear, subject to financial constraints and controls, that, additional internal project management resources will be required as we attempt to regain some lost time.

However it is also considered timely to refresh the Master-plan. Therefore, in conjunction with Planning colleagues it is proposed to consult local residents and tenants on a revised and refreshed master-plan and accompanying SPD. Brent will appoint master-plan architects, Cost Consultants and also engage with the local community in regard to proposals. These proposals will consider matters such as, infrastructure, density, mix and range of accommodation, phasing and also the possibility of incorporating additional sites into the Master plan area.

This work is expected to be concluded by June 2016.

## **7.0 Additional Benefits for the Regeneration Programme on South Kilburn Utilisation of vacated residential units**

Rather than simply de-commission vacated units the Regen Team is working with Housing colleagues to identify units which would be suitable to provide alternative temporary accommodation. The re-use of vacated units provides a higher standard of accommodation for temporary homeless families compared to B&B and provides a saving to the TA budget.

### **Meanwhile Initiatives**

The temporary garden and allotment space at the Former British Legion site was very well utilised by local residents, the former housing department porta cabins on Canterbury Road are now used by South Kilburn Trust to provide studio and office space to local residents who in turn provide training opportunities to local people. One notable success story is the band Klean Bandit who recorded and rehearsed from these studios and who have since achieved a No. 1 chart record.

### **Educational Site Visits**

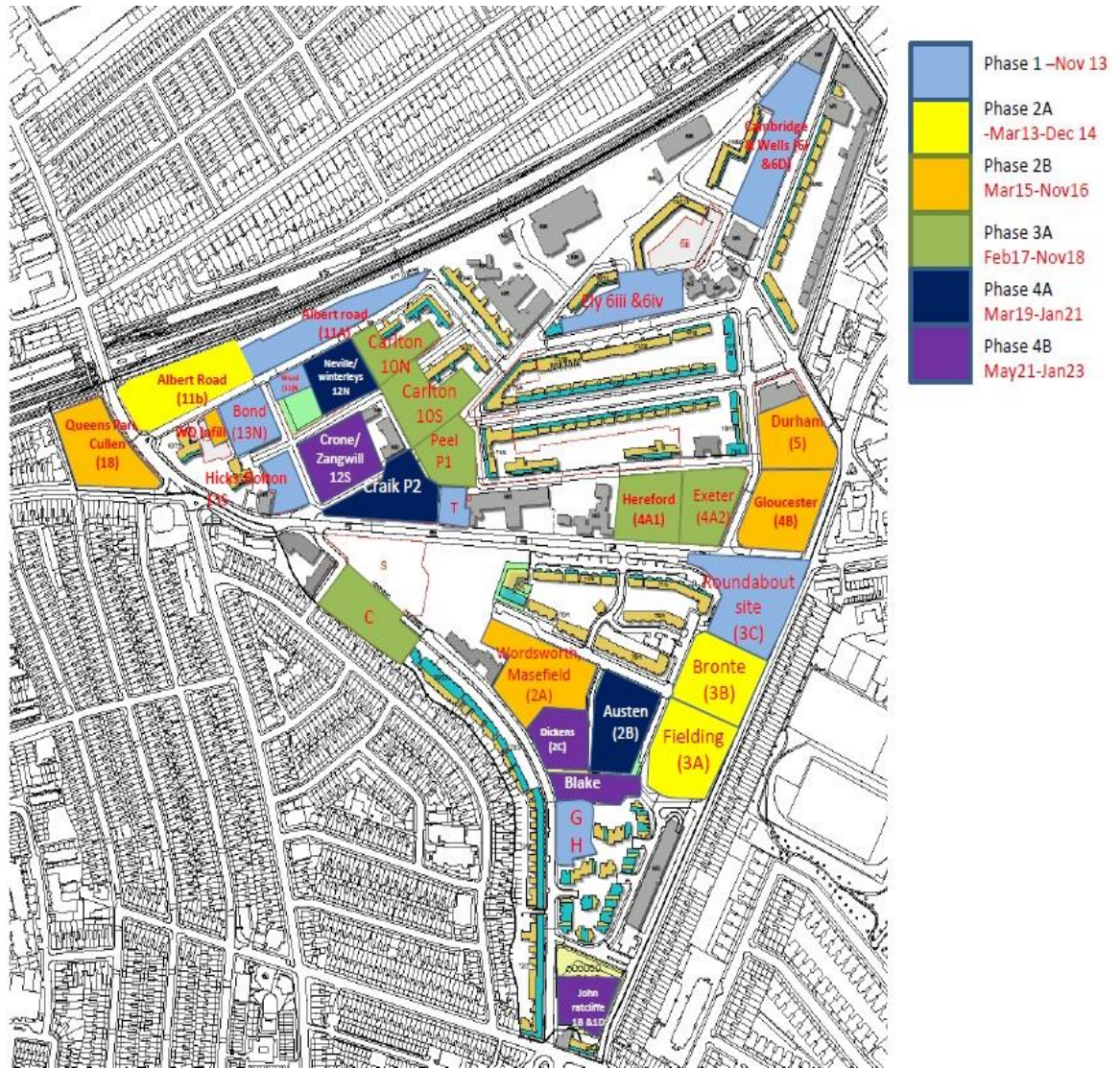
Main contractors are encouraged to reach out to the local schools and youth in the area and arrange open days when children can safely go on site and possibly develop an interest in the various professions and trades which are involved in a large development project

### **Construction Job Opportunities and Apprenticeships**

Each development contract let by Brent Council requires the contractor to offer job opportunities to local people and to also to offer apprenticeships. The Regen Team works with the Council's Employment Team and also with the SK Trust to ensure these opportunities are exploited for maximum benefit to the local community.

**Contact Officer**  
**Strategic Director – Regeneration & Growth**  
**Andrew Donald**

# Appendix A



## Appendix B

The South Kilburn Regeneration Programme is being delivered in phases.

Phases and start dates						
Phase 1a Complete	Phase 1b June 2012	Phase 2a March 2013	Phase 2b March 2015	Phase 3 Feb 2017	Phase 4a March 2019	Phase 4b May 2021
Marshall House	Ely Court	Bronte House	Durham Court	Hereford House	Craik Court	Crone/ Zangwill Court
Site 3C Roundabout Site	Cambridge Court	Fielding House	Gloucester House	Exeter Court	Austen House	Dickens House
Texaco	Wells Court	Site 11b, Albert Road	Wordsworth House	97 to 112 Carlton House	Neville House	Blake Court
Gordon House	Bond and Hicks Bolton		Masefield House	1 to 57 Peel Precinct	Winterleys	John Ratcliffe House
	Wood House		Queens Park/ Cullen House	8 to 14 Neville Close	113 to 128 Carlton House	

## APPENDIX C

**Secure Brent Council tenants:** This spreadsheet shows the addresses the secure tenants who used to live at the following blocks Bond House, Bronte House, Cambridge Court, Fielding House, Hicks Bolton House, Marshall House and Wells Court have now been relocated to:

Bond House	<p>George House (New Development NW6) x5</p> <p>Neasden Lane North NW10 x1</p> <p>McDonald House (New Development NW6) x1</p>	<p>Granville Road NW6 x4</p> <p>Swift House NW6 x1</p>
Bronte House	<p>Allington Road NW6 x1</p> <p>Austen House NW6 x2</p> <p>Canterbury Road NW6 x3</p> <p>Bisham Court x1</p> <p>Broadfield Close NW2 x1</p> <p>Claremont Road NW6 x1</p> <p>Dickens House NW6 x2</p> <p>Dyne Road NW6 x1</p> <p>Ellerslie Gardens NW10 x1</p> <p>Franklin House (New Development NW6) x12</p>	<p>Kingston House NW6 x1</p> <p>Kilburn Lane W10 x3</p> <p>Kilburn High Road NW6 x1</p> <p>Len Williams House NW6 x1</p> <p>McDonald House(New Development NW6) x9</p> <p>Mascotts Close NW2 x1</p> <p>Merle Court (New Development NW6) x5</p> <p>Oakington Manor Drive HA8 x1</p> <p>Oriel House x1</p> <p>Swift House (New Development NW6) x19</p>

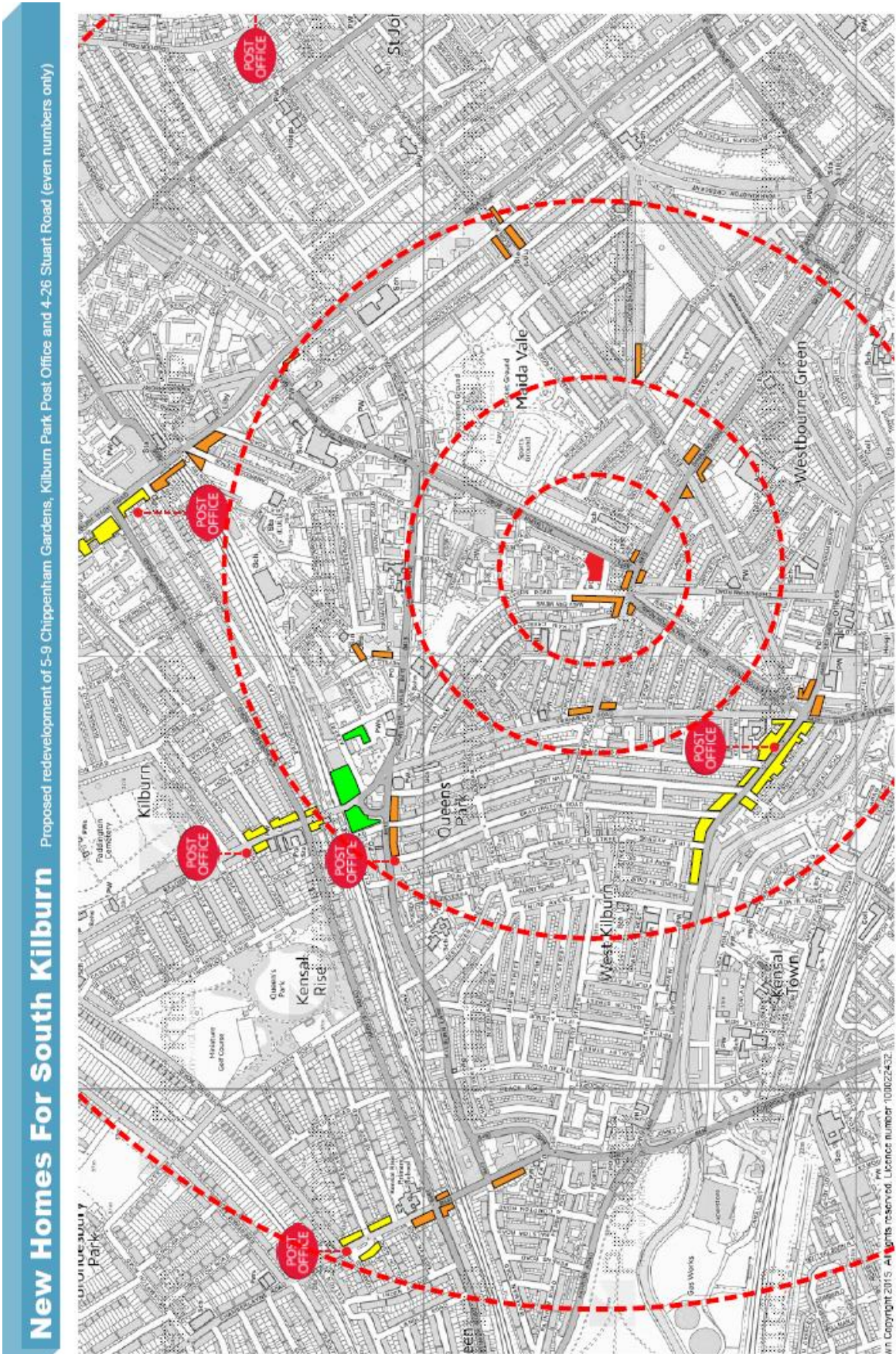
	George House (New Development NW6) x20  Gloucester House NW6 x1  Granville Road (New Development NW6) x2  Hansel Road (New Development NW6) x5  Hollister House (New Development NW6) x16  Hereford House NW6 x1	Princess Road NW6 x4  Randolph Avenue x1  Thames Court NW6 x1  William Dunbar House NW6 x1  Malvern Road NW6 x1  Bond House NW6 x1
Cambridge Court	Canterbury Road NW6 x2  Granville Road (New Development NW6) x5  Merle Court (New Development NW6) x1	Princess Road NW6 x3  Tavistock Road NW10 x1
Fielding House	Allington Road NW6 x1  Austen House NW6 x3  Cavendish Road NW6 x1  Chapel Close x1  Chatsworth Road NW6 x1  Claremont Road NW6 x1	Malvern Road NW6 x1  McDonald House (New Development NW6) x9  Mendip House x1  Merle Court (New Development NW6) x8  Princess Road NW6 x3  Purves Road NW10 x1

	<p>Farm Road Wembley x1</p> <p>Fishers Way Sudbury x3</p> <p>Franklin House (New Development NW6) x7</p> <p>George House (New Development NW6) x24</p> <p>Gloucester House NW6 x2</p> <p>Granville Road (New Development NW6) x6</p> <p>Harrow Road Wembley x1</p> <p>Hereford House NW6 x1</p> <p>Hollister House (New Development NW6) x13</p> <p>Kilburn Lane W10 x4</p>	<p>Quadrant Court Wembley (new development) x1</p> <p>Sancroft Close NW2 x1</p> <p>Shackleton House NW10 x1</p> <p>Swift House (New Development NW6) x10</p> <p>Thames Court NW6 x1</p> <p>Turner Court x1</p> <p>Tylers Gate Kenton x1</p> <p>William Dunbar House NW6 x2</p> <p>William Saville House NW6 x1</p> <p>Wood Road x1</p>
Hicks Bolton House	<p>George House (New Development NW6) x2</p> <p>Merle Court (New Development NW6) x2</p>	<p>Swift House (New Development NW6) x2</p>
Marshall House	<p>Canterbury Road NW6 x4</p> <p>Chichester Road NW6 x1</p> <p>Gloucester House NW6 x1</p>	<p>Granville Road (New Development NW6) x9</p> <p>Princess Road NW6 x4</p> <p>Vincent Gardens NW2 x1</p>

Wells Court	Canterbury Road NW6 x3	Kilburn Lane W10 x1
	Canterbury Terrace NW6 x3	Mcdonald House (New Development NW6) x2
	Creswell House x1	Merle Court (New Development NW6) x5
	George House (New Development NW6) x3	Princess Road NW6 x2
	Granville Road NW6 x9	



APPENDIX D



For more information please call the Estate Regeneration Team:  
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 email: maria.frederick@brent.gov.uk

5 Nov 2015

**Second Public Exhibition**

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South Kilburn Regeneration Programme Housing Mix and Tenure Split: Completed and Under Construction

Phase	Site	Affordable (Social Rent)					Shared Ownership					Private					Grand Total
		1 Bed	2 Bed	3 Bed	4 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	
Phase 1a (Completed)	Gordon House (now McDonald House)	3	15	8	0	26	0	0	0	0	0	0	0	0	0	0	26
	Texaco site (now Merle Court)	9	17	12	4	42	6	2	0	0	8	0	0	0	0	0	50
	Site 11A (now George House and Swift House)	23	62	17	11	113	2	17	0	0	19	3	18	0	0	21	153
	Site 3c (now Hollister House, Chase House and Franklin House)	14	30	23	8	75	0	0	0	0	0	28	0	27	3	58	133
	<b>TOTAL Phase 1a</b>	<b>49</b>	<b>124</b>	<b>60</b>	<b>23</b>	<b>256</b>	<b>8</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>31</b>	<b>18</b>	<b>27</b>	<b>3</b>	<b>79</b>	<b>362</b>
Phase	Site	Affordable (Social Rent)					Shared Ownership					Private					Grand Total
		1 Bed	2 Bed	3 Bed	4 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	
Phase 1b (Under Construction)	Cambridge, Wells and Ely Court	16	22	10	10	58	0	0	0	0	0	32	41	10	3	86	144
	Hicks-Bolton and Bond	13	26	17	8	64	0	0	0	0	0	0	0	0	0	0	64
	<b>TOTAL Phase 1b</b>	<b>29</b>	<b>48</b>	<b>27</b>	<b>18</b>	<b>122</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>41</b>	<b>10</b>	<b>3</b>	<b>86</b>	<b>208</b>
Phase	Site	Affordable (Social Rent)					Shared Ownership					Private					Grand Total
		1 Bed	2 Bed	3 Bed	4 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	
Phase 2a (Under Construction)	Bronte & Fielding	49	38	12	4	103	0	0	0	0	0	47	52	25	2	126	229
	Site 11b	11	10	6	1	28	0	0	0	0	0	35	81	0	0	116	144
	<b>TOTAL Phase 2a</b>	<b>60</b>	<b>48</b>	<b>18</b>	<b>5</b>	<b>131</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>82</b>	<b>133</b>	<b>25</b>	<b>2</b>	<b>242</b>	<b>373</b>
<b>GRAND TOTAL COMPLETED OR CURRENTLY UNDER CONSTRUCTION</b>		<b>138</b>	<b>220</b>	<b>105</b>	<b>46</b>	<b>509</b>	<b>8</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>145</b>	<b>192</b>	<b>62</b>	<b>8</b>	<b>407</b>	<b>943</b>
										<b>3%</b>						<b>43%</b>	<b>100%</b>

New homes provided within South Kilburn from 2011 to date 100% nomination to South Kilburn secure tenants for the affordable homes

<b>McDonald House (formerly Gordon House) Network Stadium Housing) Decanting of tenants from Bond Hse, Hicks Bolton House Wood House &amp; Marshall House</b>						
	Status	1 Bed	2 Bed	3 Bed	4 Bed	<b>Total</b>
McDonald House NW6	Complete 2011	3	15	8	0	<b>26</b>

<b>Merle Court ( formerly Texaco site) Catalyst Housing, Decanting of tenants from Wells Court, Ely, Cambridge Court, Bond, Wells</b>						
	Status	1 Bed	2 Bed	3 Bed	4 Bed	<b>Total</b>
Merle Court Carlton Vale NW6	Complete 2012	9	17	12	4	<b>42</b>

<b>Albert Road Site 11A London &amp; Quadrant Housing Decanting of tenants from Bronte &amp; Fielding House NW6</b>						
	Status	1 Bed	2 Bed	3 Bed	4 Bed	<b>Total</b>
Albert Road NW6	Complete 2012	23	62	17	11	<b>113</b>
Site 3C Carlton Vale NW5	Completed 2013	14	30	23	8	<b>75</b>

<b>Phase 1B</b>						
<b>Catalyst Housing, Cambridge Ely Wells, Hicks and Bond Site. Decanting tenants from Gloucester, Durham, Masefield Wordsworth House</b>						
	Status	1 Bed	2 Bed	3 Bed	4 Bed	<b>Total</b>
Cambridge Avenue, Bristol Walk, Gorefield Place	Complete 2015	16	22	10	10	<b>58</b>

Falconbrook & Walbrook	Complete 2014	13	26	17	8	<b>64</b>
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**Total homes completed to date**

**378**


<b>Phase 2A Site Bronte/Fielding Site, Kilburn Park NW6 &amp; Albert Rd NW6</b>						
<b>Decanting tenants from Hereford, Exeter, Stuart</b>						
	Status	1 Bed	2 Bed	3 Bed	4 Bed	Total
Bronte/Fielding Site & Network Stadium Housing	On site 2013 schedule completion 2016	49	38	12	4	103
Albert Rd L&Q Housing	On site 2013 schedule completion 2016	11	10	6	1	28

<b>Argo Site Kilburn PK Rd Home Group Housing will be available early 2016</b>						
Status	1 bed	2 bed	2 Bed equity swaps	3 Bed	4 Bed	Total
On site schedule completion 2016						
	16	7	5	0	0	28

**Homes to be ready for 2016**

**159**

<b>Peel Site ( partner not engaged as yet) Bispoke development for tenants at Peel, Neville Close and 97 to 112 Carlton House</b>						
	Status	1 Bed	2 Bed	3 Bed	4 Bed	Total
						41

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> <b>14 March 2016</b></p> <p style="text-align: center;"><b>Strategic Director of Regeneration and Environment</b></p>
Queens Park	
<b>A new South Kilburn Enterprise Hub and Homes – approval to enter into the GLA Grant Agreement</b>	

## 1.0 SUMMARY

- 1.1 Working in partnership with the Oxford Kilburn Club (OK Club) and the South Kilburn Trust (SKT), the 'in principle' proposal is for land assembly and redevelopment comprising a new South Kilburn Enterprise Hub and c.40 homes.
- 1.2 To enable development Brent submitted a successful application to the Greater London Authority (GLA), through the London Regeneration Fund (LRA), securing £1.8m funding for the new Enterprise Hub.
- 1.3 This report details the proposal asking Members to approve entering into the GLA grant agreement. At the appropriate time the Cabinet will be asked to approve the land transaction and further agreements.

## 2.0 RECOMMENDATIONS

- 2.1 That Cabinet approve entering into the Greater London Authority Grant Agreement, securing £1.8m funding, to develop the proposed South Kilburn Enterprise Hub.
- 2.2 That delegated authority is provided to the Strategic Director of Regeneration and Environment to finalise the terms of the proposed GLA Grant Agreement, subject to consultation with the Strategic Director of Resources.

## 3.0 DETAIL

### Background

- 3.1 The OK Club are freehold and leasehold (Appendix 1), land registered owners of land and buildings (the subject sites), located adjacent to Peel Precinct, Carlton House and Neville Close ('the Peel'). As per the South Kilburn master-plan, the Peel is earmarked for redevelopment, delivering a new health centre

and homes. As per the 14 April 2015 Cabinet approval, an architecturally led multi-disciplinary design team has been appointed, to prepare and submit 'the Peel' planning application.

- 3.2 The subject sites sit within the South Kilburn master-plan area. While they have not been identified for development in the short term, they are considered opportunities, located in the heart of a major regeneration area where the master-plan is currently under-review.
- 3.3 The subject sites comprise the following registered titles:
1. MX412097 freehold land owned by Oxford Kilburn Youth Trust "the OK Club", against which there is a registered charge held by the National Lottery Charities Board, site area comprises 566 square meters (sqm).
  2. NGL746772 freehold land owned by the London Borough of Brent, subject to two ground leases, site area comprises 1,116sqm.
  3. NGL112475 "the Christian Holt House" for comprising a user restriction as a hostel and training centre for youth leaders; and
  4. NGL607792 "the scrap yard and annex" comprising a user restriction to use the land as a playground and for the carrying on of activities in connection with the OK Club, leased to the Trustees of the Oxford Boys Club Trust, expiring on 23<sup>rd</sup> and 24<sup>th</sup> June 2066 with a rental of £275 (NGL112475 £175 and NGL607792 £100) per annum.
- 3.4 The Christian Holt House is a two storey residential building comprising ten bedrooms, shared living accommodation and a three bedroom self contained flat. The accommodation is used by volunteer staff from the OK Club. The property is in average condition. The premises are leased to the Christian Holt Housing Association Ltd, (registered as an industrial and provident society) and enquiries have been made on the terms. The scrap yard and annex, along with the freehold land and buildings owned by the OK Club, are used by the OK Club for its activities. The property is in poor condition.
- 3.5 The OK Club is a youth club and provides a range of activities and opportunities in the afternoons and evenings for children and young people aged 5-18.
- 3.6 The Oxford Boys Club Trust is a registered charity (no: 306108) from 22 December 1966 and removed on 19 September 2007. Its working name is the Oxford Kilburn Youth Trust.
- 3.7 The OK Club is a registered charity (no:1099564) since 22 September 2003, 5 year trading history shows that each year the organisation spends more then it earns. As at 31 March 2015 total Charity funds were £764,408, primarily comprising land and buildings £877,241.
- 3.8 Redevelopment proposals for the Peel, require the Council owned former Council offices; a porta-cabin, at 2 Canterbury Road, Carlton Vale, London NW6 5BS; (see surrounding interests plan at Appendix 1) to be vacated. The premises have been occupied by SKT since 2011, from where they run South Kilburn Studios. The latest peppercorn lease and meanwhile under-lease is

dated 19 May 2015. The contractual term is from 1 April 2015 to and including 30 September 2015.

- 3.9 SKT is a registered charity (no:1128515) working with Brent Council. It has provided a range of services to local residents since 13 March 2009. 5 year trading history shows losses and profit in some years. As at 31 March 2014 total Charity funds were £6,623,290 with £5,943,279 cash at bank and in hand.

#### The London Regeneration Fund

- 3.9 On 29 July 2015 the Greater London Authority “GLA”, through the London Enterprise Panel, launched a new £20m fund. The London Regeneration Fund (“LRF”) aims to re-energise the capital’s high streets by embracing the city’s talent for creativity and technology innovation. The fund invited proposals from boroughs, as well as sub and regional partnerships, workspace providers and community groups and charities within London.

- 3.10 The deadline for applications was October 2015 with announcements by January 2016. Brent Council as lead partner, working in partnership with the OK Club and SKT, submitted an application for £2m of capital funding, that would be matched by SKT (£1.5m capital and £.5m revenue), along with £400,000 capital investment funded by the Peel Precinct capital receipt. The application was successful, albeit the amount is reduced to £1.8m, subject to signing of the GLA grant agreement.

- 3.11 An exclusivity agreement, dated 30 October 2015 was signed by Brent, SKT and the OK Club ensuring the land will not be sold in advance of partners receiving confirmation of LRF.

#### Business Case

- 3.12 As approved by Cabinet on 19 October 2015, funding cuts will result in the closure of Brent’s youth service in South Kilburn, located in the Granville Centre. Because of this the SKT and OK Club offer is ever more important as they provide and plan to grow local youth services.

- 3.13 Run by SKT, South Kilburn Studios has established a local valuable community resource, providing: start-up business space to 30 Brent residents at any one time, events, workshops and commercial time to support the ongoing regeneration of the local area. Current occupation arrangements were always understood by Brent and SKT as temporary and to enable redevelopment notice seeking possession will be served in the coming months. There is an appetite for continuity of the South Kilburn Studio service in some form.

- 3.14 The Cabinet on 1 June 2015 approved the Strategic Property Plan 2015-19, enabling property acquisition in growth areas, to enable regeneration, retention and investment, to deliver uses that align with Brent’s Borough Plan, providing new homes to meet housing demand. The proposal provides Brent an investment opportunity.

#### Proposals

- 3.15 In September 2015 Architects Penoyre & Prasad produced a feasibility study (Appendix 2), that proposes to retain the existing OK Club building, demolishing all other structures. Redevelopment proposals comprise: a new 2 and 4 storeys community building, the existing OK Club building will be refurbished, along with a new 5 and 6 storey residential building 3,300sqm.
- 3.16 The community building and Enterprise Hub will provide flexible areas for community groups, events, office space, a community kitchen for staff, events and courses, and external community facilities along with roof gardens. The premises will be used by both the OK Club and the SKT.
- 3.17 The 40 new homes will be 50% affordable and 50% private sale, subject to further negotiation. In accordance with Brent's Strategic Property Plan 2015-19, the proposals provide an investment opportunity. The proposed unit mix is: 12 no 1 bed 2 person, 16 no 2 bed 3 person, 8 no 3 bed 4 person and 4 no 4 bed 5 person homes, a total of 40.

#### Planning commentary

- 3.18 The adopted Supplementary Planning Document (SPD) for the South Kilburn Master-plan area identifies the site as a Community Centre providing facilities that need to be retained or replaced to meet local needs. It is also referred to as a site with development potential for residential, subject to securing a community use and being pursued in a way which reflects proposals for the wider area. The review of the master-plan is currently underway but is not envisaged to change this position.
- 3.19 The proposal to provide 50% affordable housing would fully meet housing policies and objectives as would the indicative mix of units. The indicative drawing in Appendix 2 shows the retention of much of the original building which would be strongly supported in maintaining a building of some local value. However, the overall proposal has yet to be sufficiently developed to allow a review in planning terms.

#### Next steps

- 3.20 The proposed next steps:
1. Brent to enter into the GLA grant agreement (31 March 2016). The proposal is to transfer the required outcomes to SKT through a service agreement (June 2016). In order to meet the delivery timeframe, architects to be instructed to further develop the proposed design (March 2016).
  2. Negotiations in respect of the land are ongoing, the OK Club and Brent have exchanged independent valuation reports, and both sides have instructed their respective Chartered Surveyor (Members of the Royal Institute of Chartered Surveyors) to narrow down the difference in valuation opinions. While the initial proposal was for the OK Club to sell their land interests, they have since shifted their position and are considering investment options. Suitable terms of occupation for the new community space will need to be agreed with the SK Trust and OK Club. Whatever is



the final land transaction, this will require legal advice on the most efficient transactional structure to mitigate unnecessary duplication of costs. A Cabinet paper detailing the agreed arrangement will be provided at a future date.

3. Collaboration agreement, including the approach to procurement to follow.

## Communication

- 3.21 A communication plan has been put together by Brent, SKT and the OK Club, that aims to communication to local residents and stakeholders about the early development of a new community and Enterprise Hub in South Kilburn. SKT will co-ordinate much of the communications, the principle messages will come from the OK Club as principle land owners.

## The GLA Grant Agreement

- 3.22 The GLA Grant contribution will be up-to £1.8m. The proposed grant agreement has recently been received from the GLA. The below outputs and timescales for draw-down of funding are based on the bid to the GLA, which the GLA are likely to reflect in the funding agreement. The operational delivery outputs will then be included in the service contract proposed between the Brent and SKT.
- 3.23 The bid proposed that construction commenced in Quarter 2 of 2016 and completion of construction (and the commitment of GLA funding) by the end of March 2018. However, the site is not yet in single ownership and ready for development, meaning the start date for construction is likely to be delayed to 2017. The funding agreement timescales will need to be negotiated with the GLA to ensure that the timeframe for construction is realistic, based upon delays to completion of the property deal and receiving the funding agreement.

*The timetable for grant draw-down included in the bid is as follows:*

- 3.24 100% of the GLA funding is capital, for use in the proposed construction works. Note, this is based on the original bid submission of £1.95million so will need to be amended in agreement with the GLA based on the £1.8million offered by the GLA. As noted in 3.24, the timescales of draw-down will need to be renegotiated with the GLA before entering into a funding agreement.

- 16/17, Qrt 3: £251,399
- 16/17, Qrt 4: £502,797
- 17/18, Qrt 1: £754,196
- 17/18, Qrt 2: £441,609

Total: £1.95m (to be adjusted to reflect GLA approved £1.8m).

- 3.25 The GLA state that all funding should be drawn-down on or before 31 March 2018. An additional 12 months – financial year 2018/19 – is allowed in order collect and validate output and outcome data, during which match funding can also be spent. If relevant, milestones should still be included for activity in financial year 2018/19 even though GLA funding will not be available.

3.26 The GLA's funding (as proposed) is entirely related to the construction/ refurbishment costs of the buildings.

3.27 At the time of application, it was proposed that partners (envisaged as SKT) funds will cover: all land acquisition costs, public realm costs, revenue costs, and the balance of build costs. Revenue costs were included to the end of 2019/20 – to cover the initial letting period of the development.

#### *Service level agreement with SKT*

3.28 The following is information that was included in the bid to the GLA that is likely to be reflected in the funding agreement. Therefore, this will need to be included in the service contract with SKT who will be the lead in delivering the enterprise hub operations.

1. 67 construction jobs:
2. 101 new jobs and safeguarding of a further 27 existing jobs.
3. 109 businesses will be supported (primarily expected to be 1 / 2 person businesses within the Hub) through the provision of new good quality premises and business support offer through the South Kilburn Trust.
4. It is expected that with accommodation of this nature there will be opportunities over the initial years to encourage businesses within the Hub to move-on into other premises in the area (to be promoted as part of the wider redevelopment proposals for South Kilburn), or for others to fail. This "churn" component could be expected to involve approximately 15% - 20% of tenants, with a subsequent overall increase in jobs growth generated by the Hub. Over the first 5 years this could create an additional 50 – 60 jobs
5. 64 desk spaces and 22 self-contained office suites will be provided in the newly refurbished/ constructed space.
6. Business support – the provision of advice, mentoring and other services to a range of businesses, within the Hub (and potentially remotely). This offer could provide assistance to a significant number of local residents and businesses.
7. Training: Over 50 trainee placements could be made on an annual basis.
8. Skills workshops/ seminar activities for young people and other community members to improve and gain work specific skills and training
9. Various job experience activities and training - through the hub's business occupiers
10. Workshops and seminars to improve the skills offer/ and career expectations.
11. Community Events: More than 50 workshops per year with some 500 residents being engaged locally.
12. Numerical data from the operation of the business club and workspace will be collected by the South Kilburn Trust in order to be evaluated every 12 months.

#### Issues & risks

3.29 Issues and key risks as follows:

1. The parties are unable to agree the terms of the land transaction. Alternative options are currently under review, but if a site cannot be identified it would result in the proposal coming to an end.
2. Acquisition and/or variation of premises comprised in leasehold interests under title numbers NGL112475 and NGL607792 delayed or not forthcoming (OK Club action).
3. Charities Commission consent to disposal of site is delayed or not forthcoming (OK Club action).
4. Delay in obtaining Big Lottery Fund consent to any development proposal affecting Oxford Boys Club Trust
5. Difficulty with terminating the lease with the Christian Holt Housing Association, resulting in delays (OK Club action).
6. Delay in commissioning of architects (SKT and Brent action).
7. Delay in drawing down GLA grant funding could put this investment at risk (OK Club, SKT and Brent action).
8. Unable to agree a revised timeframe with the GLA for delivery of the construction and associated draw-down of funding, based on delays to date to the funding agreement and land transaction.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The costs and funding sources for the scheme are set out in Paragraph 3.10 of the report, which also deals with the ongoing revenue costs of £500,000, which will be funded by SKT. Cabinet should note that this scheme is not currently in the Capital Programme, but that funding to meet the costs are included in the report, and thus there is no additional strain on finances if the scheme is agreed. Attention is drawn to risk 7 at paragraph 3.20 which relates to the transfer of a £400,000 capital receipt from the disposal of the Peel Precinct.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The funding agreement from the GLA has only just been received. Should detailed comments be necessary, these will be added to the final Cabinet paper. Previous agreements have been based on the outputs and schedules outlined in the bid as outlined in section 3.28. It is imperative that these requirements are included in the contract for the SK Trust so that they hold accountability for the delivery of the GLA funding agreement.
- 5.2 The freehold properties are subject to long leasehold interests that need to be acquired and/or varied as part of any redevelopment
- 5.3 The consent of Big Lottery Fund may be required to any development proposal which affects the land subject to the Big Lottery Club Legal Charge

#### **6.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 The enterprise hub and community space that will result from this development will create opportunities for Brent residents. Delivery partners will be required to monitor the demographic diversity of the beneficiaries. The partners should ensure opportunities are effectively promoted to all residents in the borough,

making additional efforts to do so in the priority neighbourhoods identified within the borough's Regeneration Strategy.

6.2 The programme of construction and delivery will also need to ensure all required accessibility measures are in place to enable people with physical disabilities or impairments to access the space.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

7.1 There are no new staffing or accommodation implications for Brent staff.

## **8.0 ADDITIONAL INFORMATION**

Appendix 1. Site photos, existing landownership & block plan, and a surrounding interest plan

Appendix 2. Proposed block plan and landownership.

## **9.0 Background Papers**

None.

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LORRAINE LANGHAM  
Strategic Director, Regeneration and Environment

Appendix 1 – Site photos, existing landownership & block plan, Council offices - a porta-cabin at 2 Canterbury Road & the Granville Centre.



View looking north down Neville Road



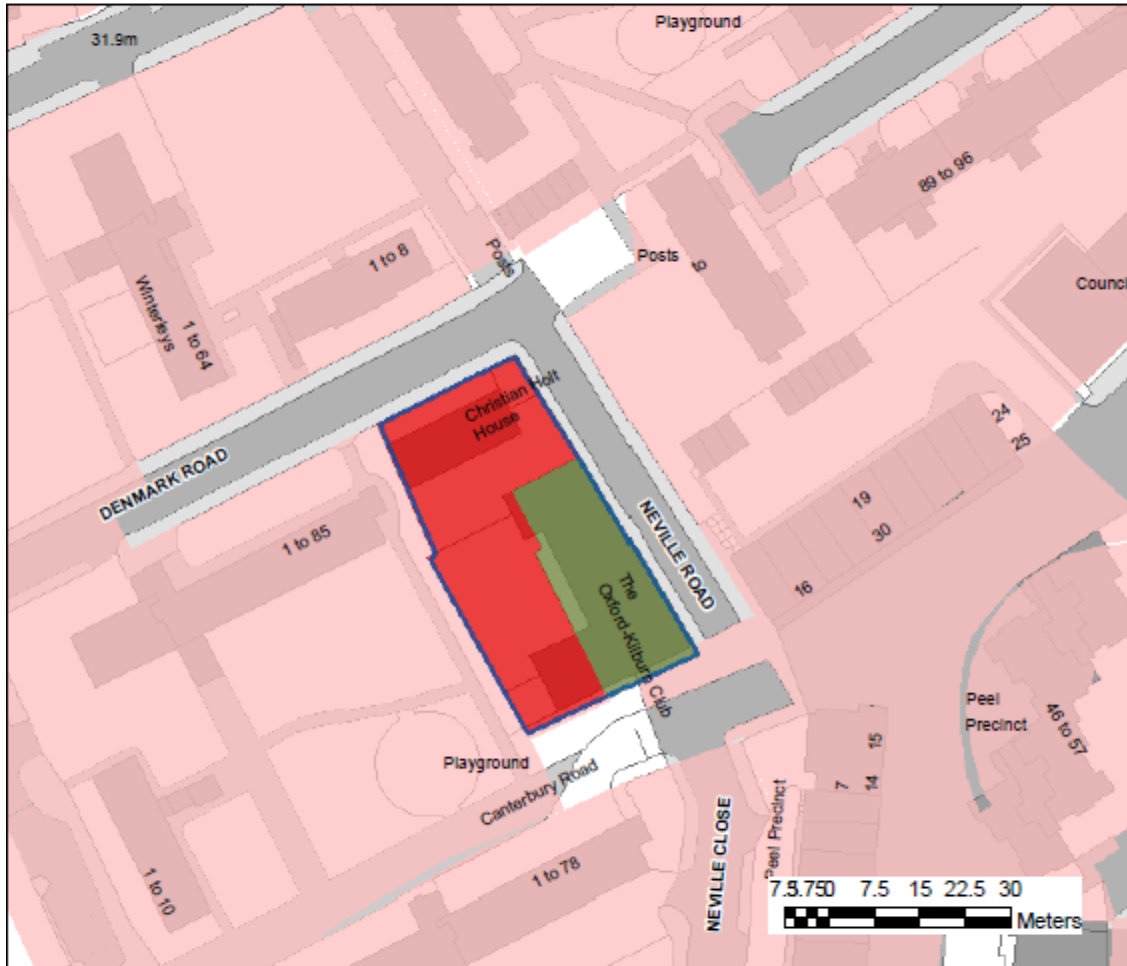
View looking west down Canterbury Road




Existing entrance and single storey extension

Existing. Landownership (including title information).

# Enterprise Hub Site, Neville Road, London, NW6 5BT - Freehold Titles



 **Brent**

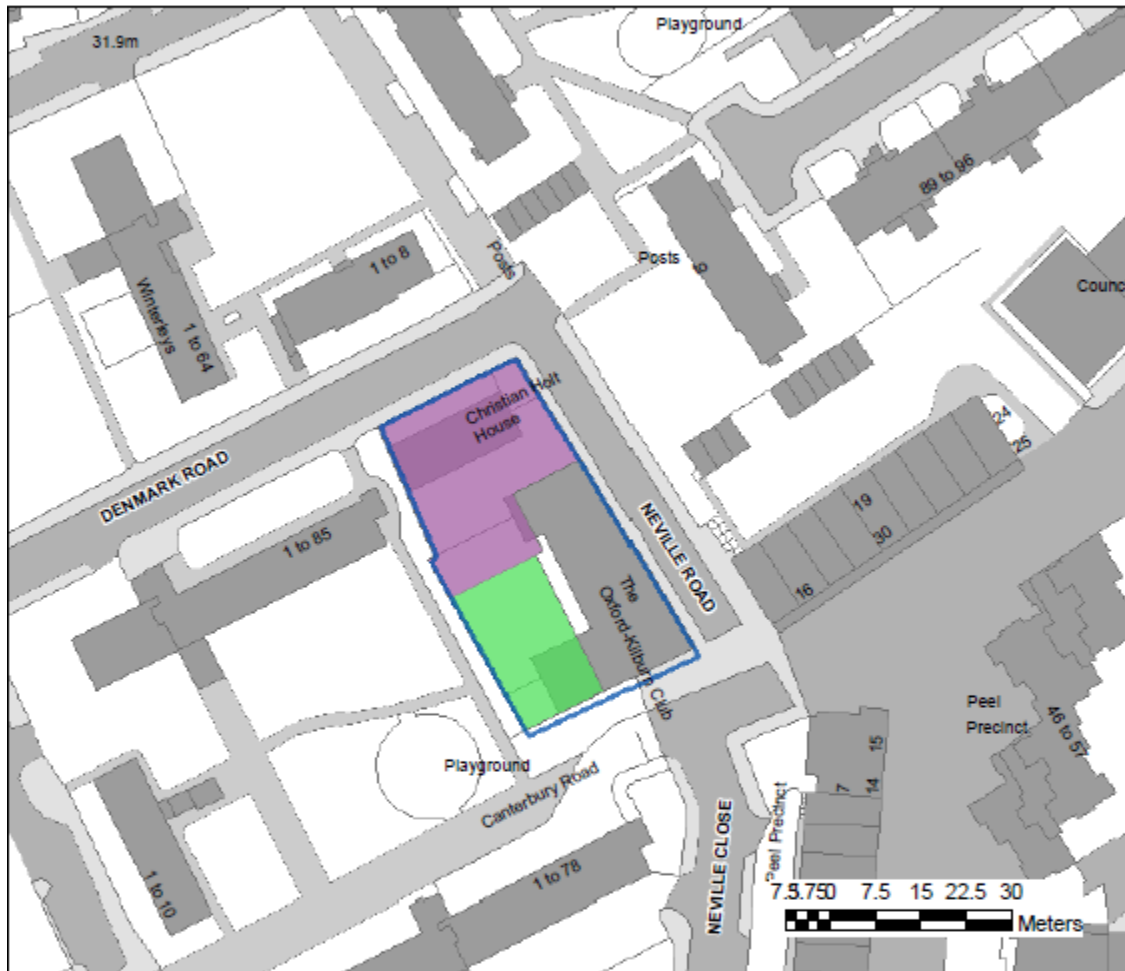
 Enterprise Hub Site  
 Other Brent Ownership  
 Oxford Kilburn Youth Trust - The OK Club - Title No MX412097  
 London Borough of Brent - Title No NGL746772


**1:1,000**  
Plan to stated scale if printed at A4.

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**NORTH**  


# Enterprise Hub Site, Neville Road, London, NW6 5BT - Leasehold Titles






**Brent**

- Enterprise Hub Site
- Oxford Kilburn Youth Trust - NGL112475
- Oxford Kilburn Youth Trust - NGL607792

**1:1,000**  
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NORTH



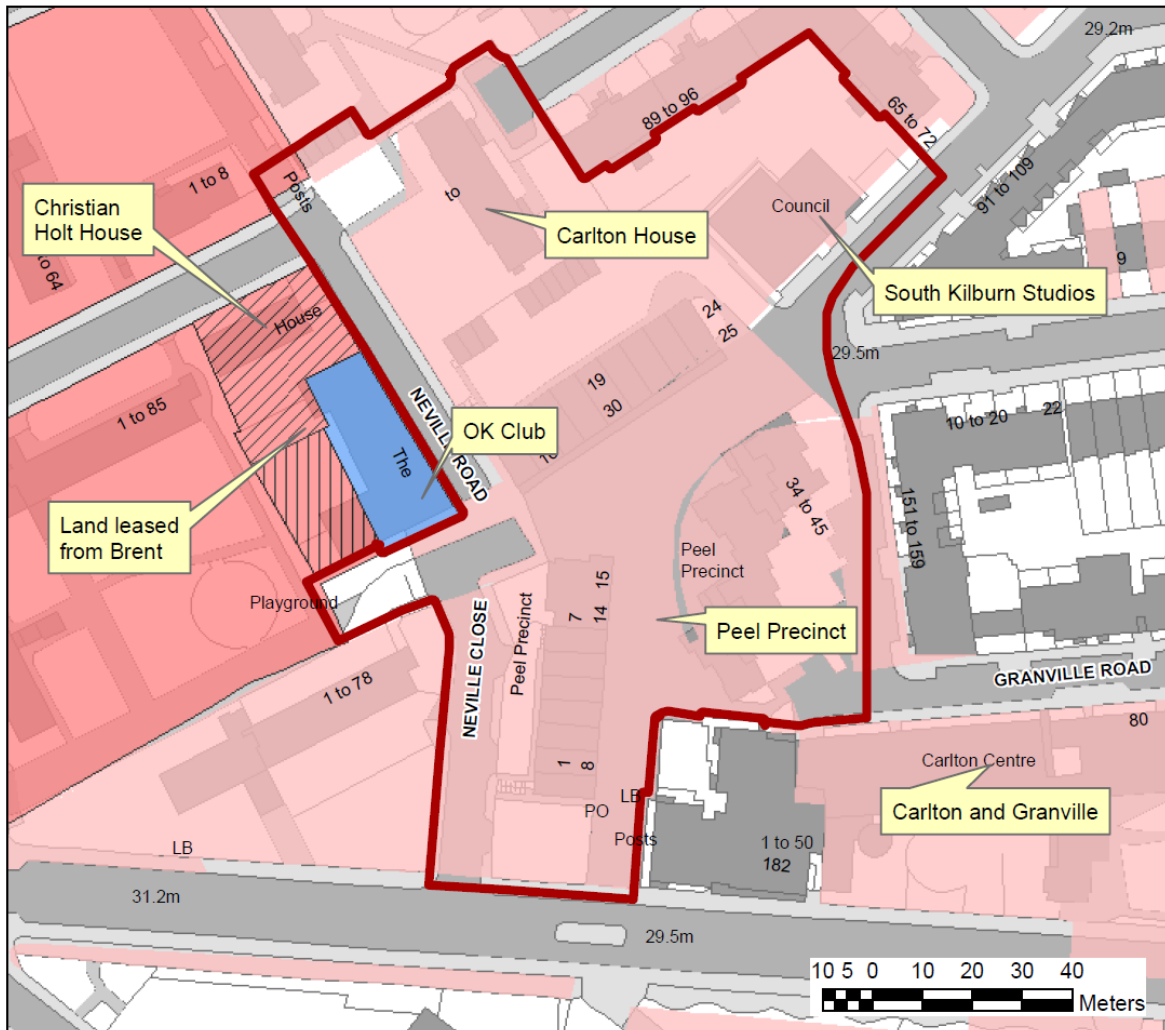
Existing - block plan









Aerial View from the south - existing



# OK Club and Surrounding Interests



- |   |  |   |  |
|---|--|---|--|
|  | Other land in Brent ownership                |  | Leasehold NGL112475                          |
|  | Brent Freehold NGL746772                     |  | Leasehold NGL607792                          |
|  | Oxford Kilburn Youth Trust Freehold MX412097 |  | Carlton House and Peel Precinct Regeneration |



**Brent**

**1:1,250**

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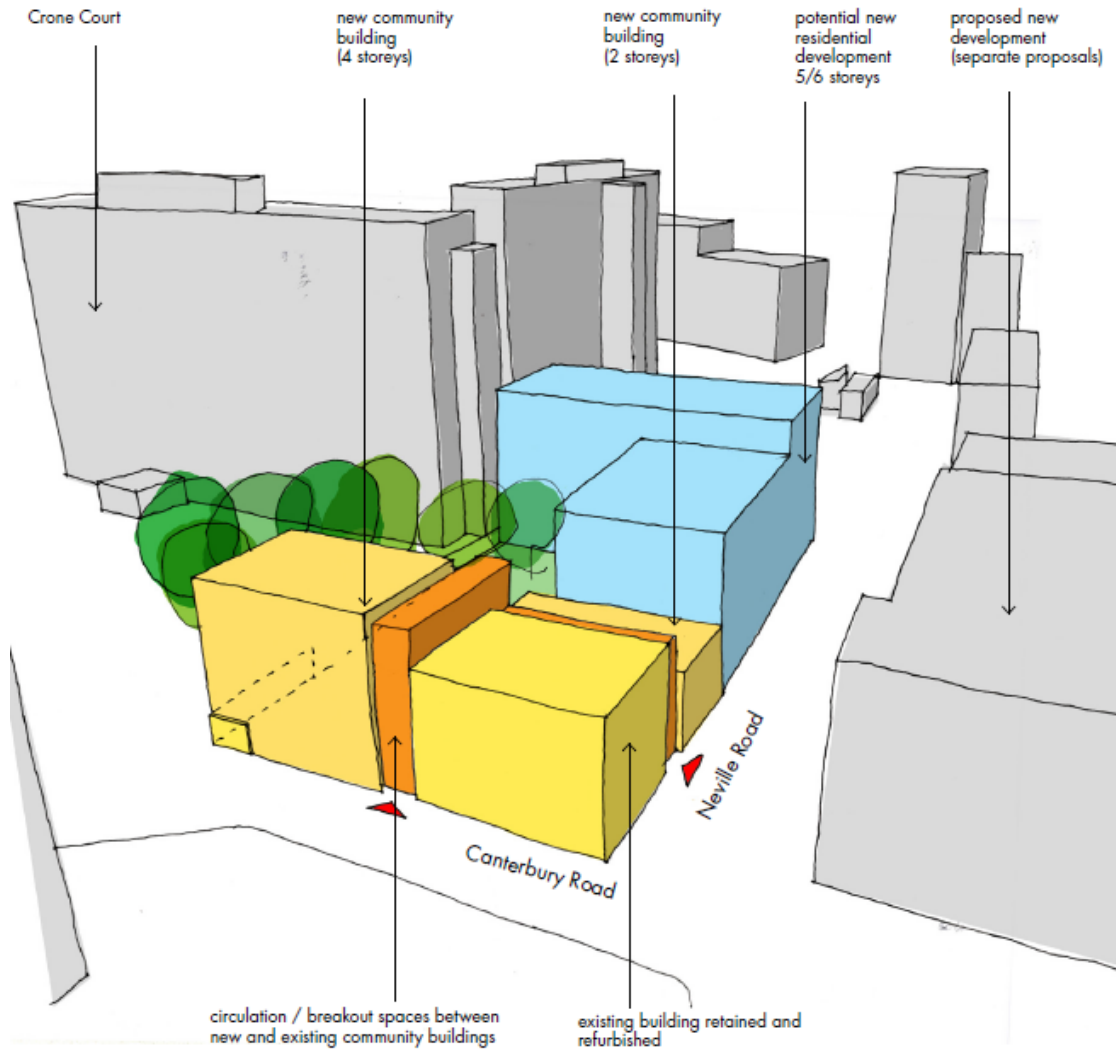
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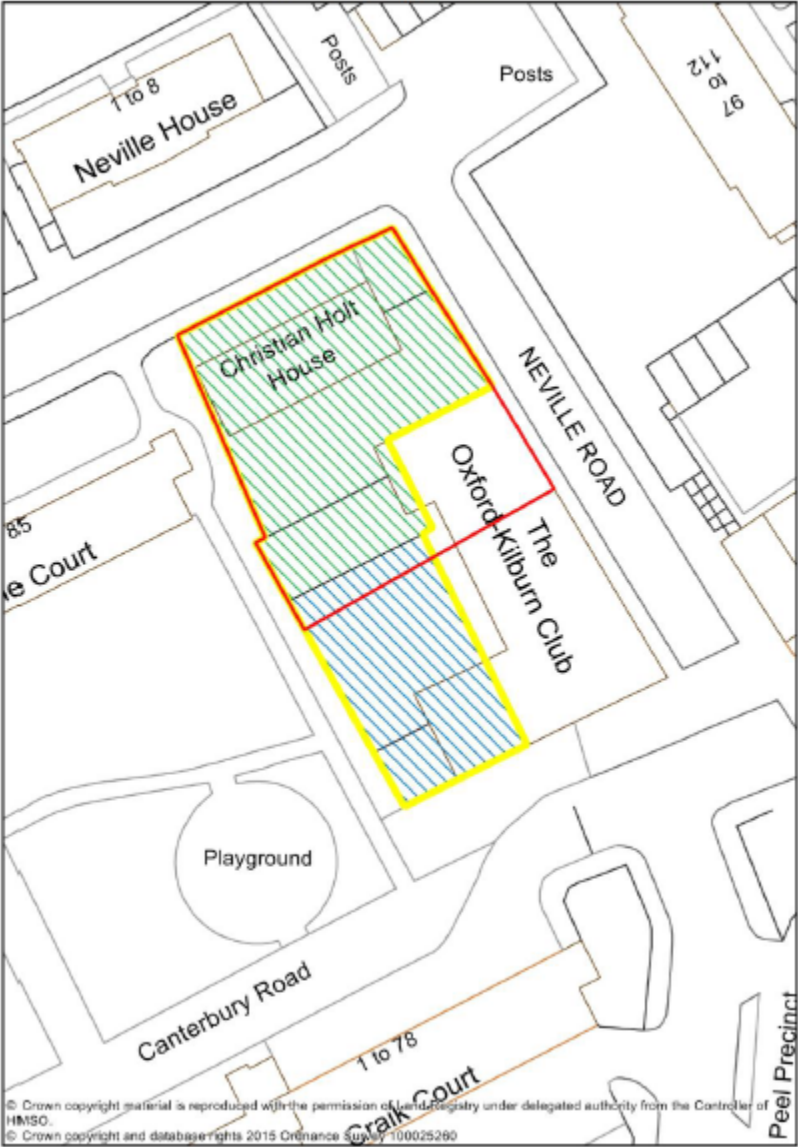


Appendix 2 - proposed block plan and landownership



Proposed landownership

The OK Club, Neville Road and Christian Holt House, 45 Denmark Road, London, NW6 5BP



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**Cabinet**  
14 March 2016

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

For Action

Wards Affected:  
ALL

### **Highways Capital Scheme Programme 2016-17**

#### **1.0 SUMMARY**

- 1.1 In 2015/16 approximately £4.629m will be spent improving the condition of Brent's highways, including resurfacing of 9.5 miles of road and 4.3 miles of pavement. This equates to 3% of the road network and less than 1% of the pavements. This investment includes £3.55m of Brent capital and £1.079k of TfL capital funding for principal (A road) maintenance.
- 1.2 During 2016/17 it is proposed to allocate £3.55m of Brent capital to maintain the highway network, subject to approval of the Budget and Council Tax report to be submitted to Cabinet and Full Council in February 2016.
- 1.3 In addition to £3.55m of Brent capital, TfL have on 22nd December 2015 confirmed funding of £0.901m of Principal Road (A-road) improvements. This is a decrease against the 2015/16 Principal road programme value of £1.079 m.
- 1.4 This report sets out recommendations for how Brent's £3.55m capital budget should be allocated during 2016/17 through a prioritised programme of:
  - Major and minor pavement upgrades;
  - Major Road resurfacing;
  - Preventative maintenance;
  - Improvements to the public realm, and
  - Renewal of Road Markings
- 1.5 This programme criteria has been shaped in discussion with members and will be delivered using Brent's Highway Asset Management Planning (HAMP) approach, which provides a systematic long term methodology for maintaining the borough's highways. The HAMP approach, which was started in 2014/15, will deliver better value for money through adoption of a sensible and forward thinking maintenance plan.

- 1.6 In line with public and member priorities further investment in the roads and pavement network will also be considered this year to improve our performance and reduce reliance on reactive maintenance. Future proposals and priorities to cover a medium term (up to 5 years) approach will see more miles of road maintained each year and our customers will have greater visibility as to the relative status of their roads. As such proposals for 2017/18 priorities will be submitted to a later meeting of the Cabinet as part of this ongoing process. Furthermore the outcome based review of the physical, social and environmental regeneration, which has just begun, will seek to secure greater strategic alignment between the council's vision and its investments in the borough's infrastructure
- 1.7 Future investment will be aimed also to address the following; achieving greater equality in condition between footways and carriageways; addressing localised conditions in an area patching programme to extend the life of roads; accommodating members' requests for regenerating High Streets by giving them greater priority, so improving their look and feel; and consideration of alternative materials, for instance replacing slabs with tarmac when doing full footway renewals. All this will be set out in greater detail in the future "Investment in Highways Report"

## **2.0 RECOMMENDATIONS**

- 2.1 That the Cabinet approves investment of £3.55m of Brent capital funding as summarised in Section 6.0, subject to approval of the Budget and Council Tax report in February 2016.
- 2.2 That the Cabinet approves the proposed highways maintenance programme for 2016-17 as detailed in Appendix B.

## **3.0 LAST YEAR'S HIGHWAYS INVESTMENT 2015/16**

- 3.1 Brent's annual transportation investment programme consists of; Brent capital funding, which is used to fund the roads maintenance programme for local roads; capital funding provided by Transport for London, which is used to deliver principal (strategic) road maintenance and; a programme of highway improvement schemes and sustainable transport projects delivered through the LIP (TFL funded Local Implementation Plan programme).
- 3.2 By 31 March 2016, approximately £4.629m will have been spent on maintaining Brent's highway infrastructure funded through £3.55m of Brent capital, and £1.079 million of principal road maintenance investment. Appendix A provides details of the works delivered, which will result in:
- 9.5 miles of roads being resurfaced; and
  - 4.3 miles of footways being resurfaced and improved.
- 3.3 Members will recall that Brent entered into an 8 year contract on 1st April 2013 to provide a range of highway services, including planned and reactive maintenance works. Our provider was procured through the London Highways Alliance Contract (LoHAC). Whilst recognising that further improvements in the maintenance regime are required, the contractor's performance is satisfactory and better than the other London providers.

- 3.4 Through the 2015/16 LIP programme and combined with Section 106 developer contributions, an additional £5.968m is being invested in improving Brent's roads, footways and transport infrastructure. This includes:
- £4.841m of Local Implementation Plan LIP funding, including £1.596m for Quietways Cycle Route; and
  - £1.127m S106 developer contributions.
- 3.6 In addition the Council is on target to deliver a wide range of infrastructure and initiatives in line with TfL expectations. To date we have delivered, or are in the process of delivering, the following infrastructure on Brent's streets as part of a range of schemes and road safety initiatives:

- 190 areas are being provided with new waiting and loading restrictions to reduce congestion and improve safety;
- 19 crossings have been improved to provide facilities for disabled people;
- 225 on and off-street cycle parking spaces have been provided (including 6 Lambeth bike hangars providing 36 secure spaces)
- 1200 children and 450 adults have received cycle training;
- 4.4 km of new cycle routes have been delivered;
- 17 junctions have been improved to help cyclists;
- 11 new pedestrian crossings have been provided
- 106 road safety education events have been held;
- 48 bus stops are being improved to help make boarding easier and passenger waiting facilities better; and
- 20 new street trees have been planted

#### 4.0 MANAGING HIGHWAYS ASSETS

- 4.1 Highway infrastructure is the most visible, well-used and valuable physical asset owned by the Council. Brent's highways assets include:
- 505 km (315 miles) of roads;
  - 847 km (529 miles) of pavements;
  - 53 bridges and structures;
  - 24,500 road gullies;
  - 10,000 street trees; and
  - 22,848 street lights and other illuminated street furniture.

The latest estimate for the value of this asset is just over £3.89bn.

- 4.2 The table below sets out the condition of Brent's roads by indicating the percentage of each length of road type where maintenance should be considered.

Year	% of roads where maintenance should be considered		
	A class roads	B and C class roads	Unclassified roads
2008/2009	8%	9%	23%
2009/2010	11%	9%	23%
2010/2011	9%	7%	27%
2011/2012	9%	6%	26%
2012/2013	8%	9%	20%

2013/2014	13%	11%	21%
2014/2015	16%	16%	21%
2015/2016	6%	10%	21%

- 4.3 Currently 21% of Brent’s unclassified roads and 7.6% of the most used pavements are in need of substantial maintenance. Unclassified roads make up 80% of all borough roads. Classified roads are in slightly better condition, but around a significant proportion of them still require structural maintenance. There are a number of factors affecting the deterioration of roads, the various effects of which are impossible to disaggregate.
- 4.4 As time goes on roads that are currently in good condition will deteriorate, just like any physical asset such as a house or a vehicle. To keep on top of the deterioration of our asset we must invest continually in maintenance.
- 4.5 Up until 2014/15 Brent adopted a “worst-first” approach to highways asset management. We identified the worst condition roads and developed one year programmes of road resurfacing and reconstruction.
- 4.6 To better manage the way we maintain our highways the council adopted the Highway Asset Management Plan (HAMP) in February 2014. The HAMP sets out a strategy based on the need to repair our assets on a regular basis, before they fail, so as to extend their lifespans and reduce higher long term repair costs, and provide the best value for money to local people
- 4.7 The strategy initially involves introducing a programme of major resurfacing works along with preventative maintenance, which will take the form of regular thin surface repairs to water seal roads and improve their anti-skid properties. Thin surfacing is less than a third of the cost of major resurfacing works but can extend the life of a road considerably by approximately 7-10 years, meaning that you can treat 3kms for the price of 1km of major resurfacing.
- 4.8 A 2 year work programme of both major resurfacing and preventative maintenance has therefore been developed from 2014/15 onwards. During 2016/17 it is expected that this ongoing work will produce a programme of works priorities to cover the medium term up to 5 years from 2017/18. Proposals arising from this work for priority schemes and budget allocations for 2017/18 and future years will be submitted to a later meeting of the Cabinet. This will be the next step in long-term programme development for which a 10 year programme period is recommended to maximise the benefits. This is an aspiration that we will continue to work towards.
- 4.9 A key question is how we will decide which roads should have preventative maintenance treatment and which we need to undertake major resurfacing works on. For this, the highway condition survey data is interrogated. Preventative maintenance is appropriate where the deterioration in the surface has not yet resulted in a problems with the underlying structure of the road. Major resurfacing is required when deterioration has progressed further and so more extensive (and more expensive) repairs are necessary.
- 4.10 During 2015/16 we have assessed the network to determine the current condition. We have then taken account of a range of factors to define relative priorities for



maintenance. We have used a scoring system to identify roads and pavements suitable for major resurfacing, preventative maintenance or upgrades that assessed the following:

- Network Condition - condition-based on outcomes of annual condition surveys and inspection programmes;
- Network hierarchy and traffic usage, including proximity of local schools / colleges;
- Risk - Level of risk in terms of numbers of accident claims, historic pothole repair records and/or collision history; and
- Value for Money - The cost effectiveness of preserving roads that have not yet fully deteriorated and fixing those which have.

4.11 We continue to take account of councillor nominations for road maintenance and, where a number of schemes attract the same or similar scores, we prioritise councillor nominated schemes earlier in our proposed maintenance programmes. We may also deviate from priority order where, for instance, a section of road in relatively good condition may be resurfaced if it is on a street where the rest of the road needs maintenance and it would be illogical, or impractical, not to resurface the whole street.

4.12 This year, as a result of member feedback from business, we are prioritising our High Streets to assist regeneration by improving the look and feel of the environment.

4.13 The optimum level of investment when starting to adopt preventative maintenance has been identified through consultation with authorities that have implemented HAMP principles. Investment of approximately 30% of carriageway resurfacing budgets is considered to be optimum when beginning to introduce preventative maintenance programmes. This balances investment to save future maintenance costs with necessary and urgent repairs. As the asset management regime is developed, this 30:70 split will be tested to find the optimum mix of road and pavement treatments to achieve the desired outcomes.

4.14 We have therefore continued with the approach approved in the corresponding report the year before last (Report to the 17<sup>th</sup> February 2014 Executive: Highways Asset Management Plan and Capital Scheme Programme 2014-16) to invest around 30% of the unclassified carriageway resurfacing budget in preventative maintenance over the next two to three years (i.e. from 2014/15 onwards), and 70% on major resurfacing works. If there is any reduction or increase in funding over coming years, this 70/30 percentage split be applied to revised budgets.

4.15 The 2016/2017 programme drafted last year has been reviewed and amended in light of condition survey data now available to produce the proposals included within this report.

4.16 Future investment will be aimed also to address the following; achieving greater equality in condition between footways and carriageways; addressing localised conditions in an area patching programme to extend the life of roads; accommodating members' requests for regenerating High Streets by giving them greater priority, improving their look and feel; and consideration of alternative materials, for instance replacing slabs with tarmac when doing full footway renewals. All this will be set out in greater detail in the future "Investment in Highways Report"



## **5.0 HIGHWAYS INVESTMENT DURING 2016/17**

### **5.1 Carriageway Resurfacing**

5.1.1 The 2016/17 carriageway maintenance programme is shown in Appendix B, and in map form in Appendix D. Appendix E illustrates the location of principal and other classified roads within Brent for information. Roads have been prioritised from the results of an independent network condition survey, with input from local engineering staff, who assess the road against the wide range of factors noted above.

5.1.3 In summary the proposed carriageway resurfacing programme of £1715m includes:

- £1.365m to improve the condition of the unclassified network divided between major resurfacing and preventative maintenance schemes (see Appendix B for list of streets that have been selected):
- £200k to resurface B and C class roads; and
- £150k to resurface short sections of road (300m or less) that have deteriorated and are in need of resurfacing, but where the whole street is generally in good repair;

5.1.5 Each year Brent is provided with an allocation from TfL to renew principal (A class) roads in the Borough. This programme of works is developed through an assessment of need taken from the most recent condition surveys provided by, and reviewed by, TfL. A draft programme for principal road renewals is contained in Appendix B.

5.1.6 TfL have allocated "A" road funding of £0.901m to Brent for 2016/17. TfL requests that Boroughs include an additional 25% to their provisional allocation to enable them to put forward one or more reserve schemes. This provides an opportunity for additional schemes to be delivered each year if additional funding becomes available. This "reserve" bid adds a further £0.225m (approx.) to the provisional programme value to make a total A Road bid value of £1,126m. Members should note that reserve scheme funding relies on TfL funding availability and is not guaranteed.

5.1.7 It is proposed to utilise up to £5,000 of capital funding for carriageway resurfacing to undertake asset condition surveys during 2016/17. These surveys will assist to prepare a long term asset management programme and confirm future year's capital programmes.

### **5.2 Footway Repairs**

5.2.1 The latest survey of the condition of the busiest footways in the borough (prestige areas in town centres and busy urban shopping areas) indicates a level of 7.6 % where maintenance should be considered. High usage footways form approximately 10% of the footway network

5.2.2 In addition, due to increased coverage of our condition surveys, for the first time we are able to produce figures reflecting the overall condition of all our footways. The overall percentage of all classes of footways where maintenance should be considered is 37%. The percentage of local footways where maintenance should be

considered is 29%. As “Local” footways, which are lower priority for maintenance funding, it is not surprising that this is a higher percentage than we have had historically for the “high usage” footways.

5.2.3 There has also been continuing numbers of requests for footway repairs and responsive maintenance on unclassified roads during the current financial year. Accordingly, it is recommended that £1.510m, approximately 43% of this year’s overall budget, be assigned to improving the condition of footways in the Borough. Appendix B contains details of the footways which have been prioritised for improvement.

5.2.4 The council has maintained its approach to investing equally in road and pavement defects, after investment in other essential highways works has been accounted for. However, the even spread of financial investment does not equate to an equal volume of roads and pavements repaired, as pavement work is much more expensive per metre. The table in appendix B and the maps show what will be achieved in 2016/17. Additional investment will be sought later in the year for more pavement works given the known concerns of residents. Detailed work on a 5 year investment plan is being finalised and it is anticipated that this will come to Cabinet in June, including a list of pavements being prioritised for consideration of further investment.

5.2.5 It is proposed to set aside £50,000 out of the £1.510m to systematically replace slabs across vehicle crossings with concrete or tarmac, reducing the amount of cracked and broken slabs requiring repair. We would aim to do whole streets at a time. At some point in the past, it appears the practice in Brent was that vehicle crossings were built with two materials. The front section (nearest the kerb) was of tarmac / concrete construction. At the back, the footway slabs carried on over the vehicle crossing. The advantage of this was that the footway was continuous for the full length of the street and not interrupted (visually) by vehicle crossings. The disadvantage of this is that cars are driving over slabs. In the past when cars were smaller and lighter, this may not have been a problem. However, now we are finding that slabs are damaged on a regular basis which creates hazards for pedestrians and is a drain on revenue maintenance budgets.

5.2.6 Similarly to the issues with short sections of road that are in poor condition, short lengths of footway that are in poor condition can cost a significant amount in reactive maintenance repairs, as well as being a cause of accident claims. It is therefore proposed to invest £150k of this year’s overall budget to resurface short sections of footway.

5.2.7 It is proposed to utilise up to £25,000 of capital funding for footway improvements to undertake asset condition surveys during 2015/16. These surveys will be used to confirm future year’s capital programmes.

### **5.3 Reducing the risk of flooding in Brent**

5.3.1 Gully cleaning is prioritised to prevent local flooding, with both scheduled and reactive gully cleansing activities taking place. There are approximately 24,500 road gullies in the borough. These are cleaned as part of a cyclic maintenance programme procured through the London Highways Alliance Contract (LoHAC). The cleaning cycle includes:

- High-priority (regularly blocking) gullies cleaned every six months;
- 1,300 medium-priority gullies cleaned each year; and
- 14,100 gullies cleaned every eighteen months as part of a rolling programme.

5.3.2 The cleansing frequencies depend on the likelihood of gullies filling up with silt. Monitoring takes place of the contractor's performance and currently the contractor is on programme. On-site monitoring of cleansing indicates that quality of cleansing has improved with latest monitoring scores giving a 100% pass rate (i.e. all gullies are being cleaned well). Hard to reach gullies (i.e. where there are parked cars over them, or on busy corners) are subject to repeat attendance until cleaned; if necessary other measures (e.g. suspending parking bays) will be considered where necessary.

5.3.3 Gullies are also cleaned on a reactive basis in response to reports from members of the public or Councillors of blocked gullies.

5.3.4 Going forward, once the existing regime has yielded as much as it can in terms of cleansing, it will be made more efficient. Measurements of silt levels taken when gullies are cleaned will indicate whether the existing cleansing frequency is too great or too little. The regime can then be redesigned to be more efficient so that the silt level doesn't become unacceptably high and block the gully.

5.3.5 Small scale schemes are implemented to address localised flooding problems such as broken gullies or gully pipes, or localised gully capacity problems. Larger scale capacity problems are within the remit of Thames Water who are responsible for the main drainage system. Whilst maintenance helps, rainfall which is more intense than the capacity of the network can cope with will still result in localised flooding, which will nevertheless dissipate away down the drains given time.

5.3.6 We are anticipating similar funding from Defra for flood risk management as was received in 2015/16 which translates into a revenue budget of £127k. This will be used for alleviating flooding in the borough and for improvements/upgrades to existing highway drainage as per the following proposed works programme:

<b>Flood Management Scheme</b>	<b>Proposed works</b>	<b>Cost Estimate</b>
Various locations in highway	Installation of Land Drainage	£10K
Northwick Park		£20K
Silk Stream (Barnet agreement)	Trash screen cleaning at A5 Hendon	£15K
Tramway Ditch, Stag Lane, NW 9	Inspect and clear watercourses	£3K
Northwick Park, Kenton		£8K
Various location	Installation of new gullies to prevent flooding	£25K
Reactive gully cleaning and various works undertaken through maintenance programme	Clean and repair gullies, replace missing covers, CCTV survey	£45K
LoDEG	Drainage Engineering Group Subscription	£1k
<b>Total</b>		<b>£127K</b>

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## 5.4 Investing in Public Realm

- 5.4.1 The Public Realm programme involves three areas of highways capital programme investment:
- Works to strengthen and protect footways and soft verges;
  - Works to improve areas of “marginal” land that are part of the public highway but are not footways, verges or carriageways; and
  - Works to maintain, upgrade, rationalise or replace directional and regulatory highway signs.
  - Works to reinstate abandoned tree pits.

It is proposed to allocate £125k (3%) of the 2016/17 capital budget to these areas of work.

## 5.5 Improving Brent’s bridges and structures

- 5.5.1 The Council are responsible for 67 highway structures, including 52 bridges and 13 culverts. The majority of bridges are small structures spanning brooks. Funding for bridge maintenance is allocated by Transport for London on a regional priority basis. The London Bridge Engineering Group is currently reviewing the pan-London programme and funding will be confirmed in February 2016.
- 5.5.2 Although funding has not been confirmed, the Bridge Strengthening Programme 2016/17 Bid Grand Total is £345k, made up for bids for 6 schemes

Princess Federica Retaining Wall RW02	Assessment
Ledway Drive B67	Feasibility
Northview Crescent over Mitchell Brook C02	Design
North End Road West B62	Divert Stats
Twybridge Way North (1) over Canal Feeder B49	Strengthening
Twybridge Way South (2) over Canal Feeder B50	Strengthening

## 5.6 Renewal of Road markings

- 5.6.1 In recent years up until 2015/16 there was no funding allocated for the systematic renewal of road markings. Consequently many road markings had faded beyond the point we would wish them to; those road markings which had faded more than 30% and which are deemed high priority are renewed under the LoHAC contract. However, following on from the practice started in 2015/16 officers recommend the continuation of a £50,000 annual renewal programme. This programme will continue to concentrate on the renewal of those markings most in need of attention (e.g. on main roads and at junctions) before in subsequent years establishing a borough-wide schedule of road marking restoration.
- 5.6.2 Renewal of those road markings which are required for enforcement are managed by the Parking & Lighting Service, with a 2015/16 budget of approximately £50,000

## 6.0 FINANCIAL IMPLICATIONS

- 6.1 The table below summarises the proposed allocation of Brent capital funding for highways maintenance during 2016-17:

Schemes	% of Capital Budget	Amount (£ 000's)
<b>BRENT CAPITAL – Footways</b>		
Major footway upgrade	42.54%	1,510
Footway upgrades – short sections	4.23%	150
Improvements to the public realm	3.52%	125
<b>Sub-total</b>	<b>50.28%</b>	<b>1,785</b>
<b>BRENT CAPITAL – Carriageways</b>		
Major resurfacing unclassified roads	27.18%	965
Preventative maintenance unclassified roads*	11.27%	400
Major resurfacing of B&C roads	5.63%	200
Road resurfacing – short sections	4.23%	150
Renewal of Road Markings	1.41%	50
<b>Sub-total</b>	<b>49.72%</b>	<b>1765</b>
<b>Sub Total Brent Capital</b>		<b>3550</b>
<i>TfL Funding for Principal Roads**</i>		<b>901</b>
<b>TOTAL HIGHWAY MAINTENANCE PROGRAMME</b>		<b>4451</b>

\*around 30% of value of £1.365m unclassified carriageway resurfacing programme

\*\*value could increase if TfL agree to deliver reserve schemes.

- 6.2 The provisional allocation for 2016/17 assumes the same division of funding.
- 6.3 It is proposed to utilise up to £5k of carriageway maintenance allocation and £25k of footway allocation to undertake condition surveys during 2016/17. These surveys will assist preparation of a long term asset management programme.
- 6.4 The proposed approach to major road resurfacing and preventative maintenance assumes an approximate percentage split of funding of 70% and 30% respectively. Should there be any reduction or increase in the value of the Brent capital programme in future years, it is proposed to apply these approximate percentage splits to revised budgets.
- 6.5 Flood risk management expenditure is within the ENS revenue budget and as such is not reflected in the capital programme of works. The DEFRA flood grant was incorporated into the ENS revenue base a number of years ago and the grant taken centrally. As such all required expenditure will be contained within the revenue budget.
- 6.6 A bid for capital funding has been submitted to the London Bridge Engineering Group of the TfL in the sum of £345k for the 2016/17 which if successful would be additional to items included in the table at 6.1 above. Notification on the progress of the bid is due to be received in February 2016. The 2016/17 capital programme does not include any funding from this source. TfL allocates funds purely for

assessments, strengthening, etc. Funding for general and principal inspections needs to be sourced from elsewhere.

- 6.7 The HAMP approach to provide a systematic long term methodology for maintaining the borough's highways is continuing to be furthered during 2016/17. Future proposals and priorities to cover a medium term (up to 5 years) approach to budget allocations will be developed as part of this process. As such proposals for 2017/18 priorities will be submitted to a later meeting of the Cabinet for consideration.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The Highways Act 1980 places a duty on the council to maintain the public highway under section 41. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain it. There is also a general power under section 62 to improve highways.

## **8.0 DIVERSITY IMPLICATIONS**

- 8.1 The proposals in this report have been subject to screening there are considered to be no diversity implications that require full assessment. The works proposed under the highways main programme do not have different outcomes for people in terms of race, gender, age, sexuality or belief.
- 8.2 In addition, the design criteria used in all highway work does take note of the special requirements of various disabilities. These will take the form of levels and grades associated with wheelchair users, for example road crossing points, and for partially sighted / blind persons at crossing facilities. The highway standards employed are nationally recognised by such bodies as the Department for Transport. This programme of works continues the upgrade of disabled crossing facilities at junctions which were not constructed to modern day standards. All new junctions are designed to be compliant at the time of construction.
- 8.3 Strengthened areas of footway are far less susceptible to damage and will therefore aid the movement of pedestrians that may find it difficult to walk on uneven pavements.
- 8.4 We make sure accessibility ramps are provided to aid wheelchair users and those with prams. We make sure high visibility barriers and tapping rails are provided to allow those with visual impairments to negotiate the works as they are in progress
- 8.5 We make sure of the visibility of the required signage, also where temporary work is being carried out.
- 8.6 We monitor of the quality of the work to ensure that the finished surface is to specification and does not form a mobility hindrance; and that signage and road markings are correctly provided as aid to movement.

## **BACKGROUND PAPERS**

**None**

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## CONTACT OFFICERS

Jonathan Westell, Highways Contracts & Delivery Manager  
Tony Kennedy, Head of Service, Transportation

**Chris Whyte**

**Environment and Employment**

## APPENDIX A

### Unclassified Roads Resurfaced during 2015/16

Unclassified Roads Resurfaced (£960k)	Length (m)	Ward
Colwyn Road	54	DOL
Dawpool Road (Heather Road to Brook Road)	231	DOL
Hardinge Road	490	BPK
Mapesbury Road (Willesden Lane to bridge)	373	BPK
Lydford Road	895	BPK
Garnet Road	165	HAR
Upton Gardens (Briar Road to Northwick Circle)	245	KEN
Donnington Road	438	KEN
Cranleigh Gardens	330	KEN
Victoria Road	700	KIL
James Avenue	103	MAP
Grosvenor Gardens	180	MAP
Shelley Gardens	210	NPK
Kingsway	385	PRE
Holmstall Avenue	420	QBY
Wimborne Drive	223	QBY
Girton Avenue	515	QBY
Capitol Way	763	QBY
Crouch Road	220	STN
<b>Total km</b>	<b>6.94</b>	
<b>Miles</b>	<b>4.34</b>	

### Preventative Maintenance during 2015-16

Preventative Maintenance (£400k)	Length (m)	Ward
Barn Rise	703	BAR
Belvedere Way	420	BAR
Kingsmere Park	307	BAR
Christchurch Avenue (Willesden Lane to Brondesbury Park)	215	BPK
Rosecroft Gardens	105	DOL
Bush Grove	493	FRY
Old Kenton Lane	540	FRY
Summit Close	140	FRY

Longstone Avenue (Drayton Road to Harlesden Road)	378	KGN/WLG
Southwell Road	96	KEN
Mapesbury Road (Teignmouth Road to Shoot Up Hill)	196	MAP
Montpelier Rise	420	PRE
<b>Total km</b>	<b>4.01</b>	
<b>Miles</b>	<b>2.51</b>	

### Short Sections Resurfaced during 2015/16

Short Sections Carriageway Resurfaced (£150k)	Length (m)	Ward
Chamberlayne Road (junction with Kilburn Lane)	74	BPK/QPK
Chalkhill Road (Buddings Circle to Saxon Road)	118	BAR
Bembridge Close (Whole Close)	148	BPK
The Close (Alleyway)	30	BAR
Tanfield Avenue (66 to Randall Avenue)	238	DNL/DOL
Linthorpe Avenue (22 to 30)	42	SUD
Station Approach (outside 19)	12	SUD
Harlesden Road (197 to Donnington Road)	190	WLG
Rokesby Place (Whole Close)	105	SUD
<b>Total km</b>	<b>0.96</b>	
<b>Miles</b>	<b>0.60</b>	

### Additional Revenue Funded Short Sections Resurfaced during 2015/16

Carriageway Resurfacing (£150k Revenue)	Length (m)	Ward
Kilburn Lane (house no 202 to 340)	404	QPK
Watford Road	165	NPK
Marsh Road	102	ALP
Neeld Crescent	52	TOK
Craven Road	120	HAR
<b>Total km</b>	<b>0.84</b>	
<b>Miles</b>	<b>0.53</b>	

### Non-Principal Classified B&C Roads Resurfaced during 2015/16

Carriageway Resurfacing (£150k)	Length (m)	Ward
Wrentham Avenue	366	QPK
Chamberlayne Road (junction with Hardinge Road)	45	BPK
Chamberlayne Road (junction with Station Terrace)	20	QPK
Brentfield Road (NCR to outside school)	441	STN
<b>Total km</b>	<b>0.87</b>	
<b>Miles</b>	<b>0.55</b>	

## Principal A Roads Resurfaced during 2015/16

Principal (A Road) Maintenance Programme (£1097k)	Length (m)	Ward
A404 Hillside NW10 (Wesley Road to Brentfield Road - also to include 754mts of footway upgrade)	350	STN
A4088 Forty Avenue (Corringham Road to Barn Rise)	240	BAR
A404 Craven park (Knatchbull Road to St Albans Road)	290	STN/HAR
A4005 Ealing Road (Glacier Way to Carlyon Road)	280	ALP
A4005 Bridgewater Road (Junction Manor Farm Road)	130	ALP
A5 Edgware Road (Chicele Road to Temple Road)	350	MAP
<b>Total km</b>	<b>1.64</b>	
<b>Miles</b>	<b>1.03</b>	

## Footway Resurfacing completed in 2015/16

Footways Resurfaced (£1525k)	Length (m)	Ward
Wembley Hill Road (Wembley Park Drive to East Lane)	610	PRE
Roe Green	840	FRY
Grasmere Avenue (College Road to Preston Road)	926	PRE
Cranleigh Gardens	600	KEN
Hardinge Road	966	BPK
Harrowdene Road (East Lane to Barley Close)	616	SUD
Riffel Road	724	DNL
Robson Avenue (West side only)	320	WLG
Hillside	754	STN
<b>Total km</b>	<b>6.36</b>	
<b>Miles</b>	<b>3.97</b>	

## Short Sections of Footway Resurfacing completed in 2015/16

Short Sections Footway Resurfaced (£150k)	Length (m)	Ward
Pembroke Road (odd side)	80	PRE
Norcombe Gardens (Opposite LC 7)	96	KEN
Heather Park Space Footway (off Beresford Avenue)	40	ALP
Shaftesbury Avenue (O/S School & Playground)	149	KEN
Thirmere Gardens (Grassmere Ave to College Road)	120	PRE
Woodford Place (Outside 13)	15	PRE
Corringham Road (Opp no 1 to the junction with Forty Avenue)	30	BAR
<b>Total km</b>	<b>0.53</b>	
<b>Miles</b>	<b>0.33</b>	



## APPENDIX B

### Highways Maintenance Programme 2016/17

#### Unclassified Borough Roads - Major and Preventative Maintenance Programmes 2016-17

Major resurfacing programme 2016-17	Length (m)	Estimated Cost (£k)	Ward
Limesdale Gardens	345	44	QBY
Park Chase	410	42	TOK
Vivian Avenue (Chalfont Avenue to Monks Park)	228	30	TOK
Verney Street	305	39	WHP
Elspeth Road	95	11	WEM
Barnhill Road (section near Waterside Close)	60	8	BAR
Canterbury Terrace	120	16	KIL
Wycombe Road	140	21	ALP
Bathurst Gardens (property no 2 to Wrottedley Road)	510	66	KGN
Buck Lane (Hay Lane to Highfield Avenue)	287	36	FRY
Winchelsea Road (Knatchbull Road to Farm Road)	206	41	STN
Brownlow Road	290	38	HAR
Melrose Avenue	899	119	DNL
Eton Avenue (Charterhouse Avenue to Repton Avenue)	230	18	SUD
Oakdale Avenue	160	17	KEN
Maybank Avenue (Greenbank Avenue to Harrow Road)	365	46	SUD
Langler Road	225	29	QPK
Sudbury Hill Close	255	26	NPK
Warfield Road	90	12	QPK
Burrows Road	312	36	QPK
Fairlight Avenue (Minet Avenue to Acton Lane)	95	16	HAR
Geary Road (Cullingworth Road to Park Avenue North)	271	35	DNL
Mostyn Avenue	263	34	TOK
Ballards Road	306	39	DOL
Mordaunt Road	245	33	STN
Mostyn Gardens	132	17	QPK
Perrin Road	135	19	NPK
Buckingham Road	292	37	KGN
West Way	321	35	WHP
<b>Total km</b>	<b>7.59</b>	<b>960</b>	
<b>Miles</b>	<b>4.75</b>		

<b>Preventative Maintenance Programme 2016-17</b>	<b>Length (m)</b>	<b>Estimated Cost (£k)</b>	<b>Ward</b>
Wakemans Hill Avenue	603	76	FRY
The Croft	260	21	SUD
Village Way	420	33	WHP
Napier Road	227	20	WEM
Chaplin Road (Belton Road [north] to Villiers Road)	171	19	WLG
Grendon Gardens	375	22	BAR
Lewgars Avenue	250	24	FRY
North Way	362	38	QBY
Aboyne Road (Neasden Lane to Annesley Close)	85	11	WHP
Bryan Avenue (Donnington Road to Rowdon Avenue)	290	35	BPK
Copland Avenue	200	31	SUD
Copland Close	49	6	SUD
Lancaster Road	245	30	DNL
Windermere Avenue (Ennerdale Gardens to Coniston Gardens)	298	34	PRE
<b>Total km</b>	<b>3.84</b>	<b>400</b>	
<b>Miles</b>	<b>2.40</b>		

### **Non-Principal B & C Roads - Major maintenance programme 2016/17**

<b>Carriageway Resurfacing B &amp; C Roads</b>	<b>Length (m)</b>	<b>Estimated Cost (£k)</b>	<b>Ward</b>
Stag Lane (Roe Green to Princes Avenue)	514	91	QBY/FRY
Neasden Lane (Denzil Road to Wharton Close)	523	109	WHP/DNL
<b>Total km</b>	<b>1.04</b>	<b>200</b>	
<b>Miles</b>	<b>0.65</b>		

### **Major resurfacing of short sections 2016/17**

<b>Short Sections of Carriageway Resurfacing</b>	<b>Length (m)</b>	<b>Estimated Cost (£k)</b>	<b>Ward</b>
Sites to be prioritised during financial year	TBD	<b>150</b>	-

### **Renewal of Road Markings 2016-17**

<b>Renewal of Road Markings</b>	<b>Length (m)</b>	<b>Estimated Cost (£k)</b>	<b>Ward</b>
Sites to be prioritised during financial year	TBD	<b>50</b>	-

## Principal (A Road) Maintenance Programme 2016/17 - funded by TfL

Principal (A Road) Maintenance Programme	Length (m)	Estimated Cost (£k)	Ward
A404 Manor Park Road ( Craven Park Road to Crownhill Road - also to include 400mts of footway upgrade)	200	377	HAR
A4005 Ealing Road (Carlyon Road to Alperton Lane)	255	224	ALP
A404 High Street Harlesden (Furness Road to 139)	360	200	KGN
A4003 Willesden Lane ( Walm Lane to Sidmouth Road)	230	100	WLG
<b>Total km</b>	<b>1.05</b>	<b>901</b>	
<b>Miles</b>	<b>0.65</b>		

*Note: programme identified through the results of a London-wide SCANNER survey and to be funded by TfL. All schemes are subject to co-ordination with internal and external agencies.*

## Footway Improvements to be funded by Brent Capital Budget in 2016/17

Footway Resurfacing	Length (m)	Estimated Cost (£k)	Ward
Regal Way (Westward Way to Shaftesbury Avenue)	958	267	KEN
Chandos Road	460	129	DNL
Townsend Lane (Kingsbury Road to Kingsmead Avenue)	1572	243	FRY
Elthorne Road	610	173	WHP/FRY
Mallard Way	744	221	WHP
Chalfont Avenue (Oakington Manon Drive to Brent Way)	162	86	TOK
Geary Road (Cullingworth Road to Park Avenue North)	542	147	DNL
Mostyn Avenue	652	169	TOK
Maintenance to Vehicle Crossings		50	
<b>Total km</b>	<b>5.70</b>	<b>1485</b>	
<b>Miles</b>	<b>3.56</b>		

All schemes subject to co-ordination with internal and external agencies.

## Other footway improvements 2016/17

Footway Short-section Improvements	Length (m)	Estimated Cost (£k)	Ward
Sites to be prioritised in-year	TBD	<b>150</b>	-

## Public Realm improvements 2016/17

Public Realm Improvements	Length (m)	Estimated Cost (£k)	Ward
Sites to be prioritised in-year	TBD	<b>125</b>	-

## APPENDIX C

### WARD ABBREVIATIONS

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



**APPENDIX D**

**MAP OF PROPOSED CARRIAGEWAY AND FOOTWAY RESURFACING PROGRAMME  
2016-17**

SEE ATTACHMENT

**APPENDIX E**

**MAP OF PRINCIPAL AND OTHER CLASSIFIED ROAD NETWORK IN BRENT**

SEE ATTACHMENT

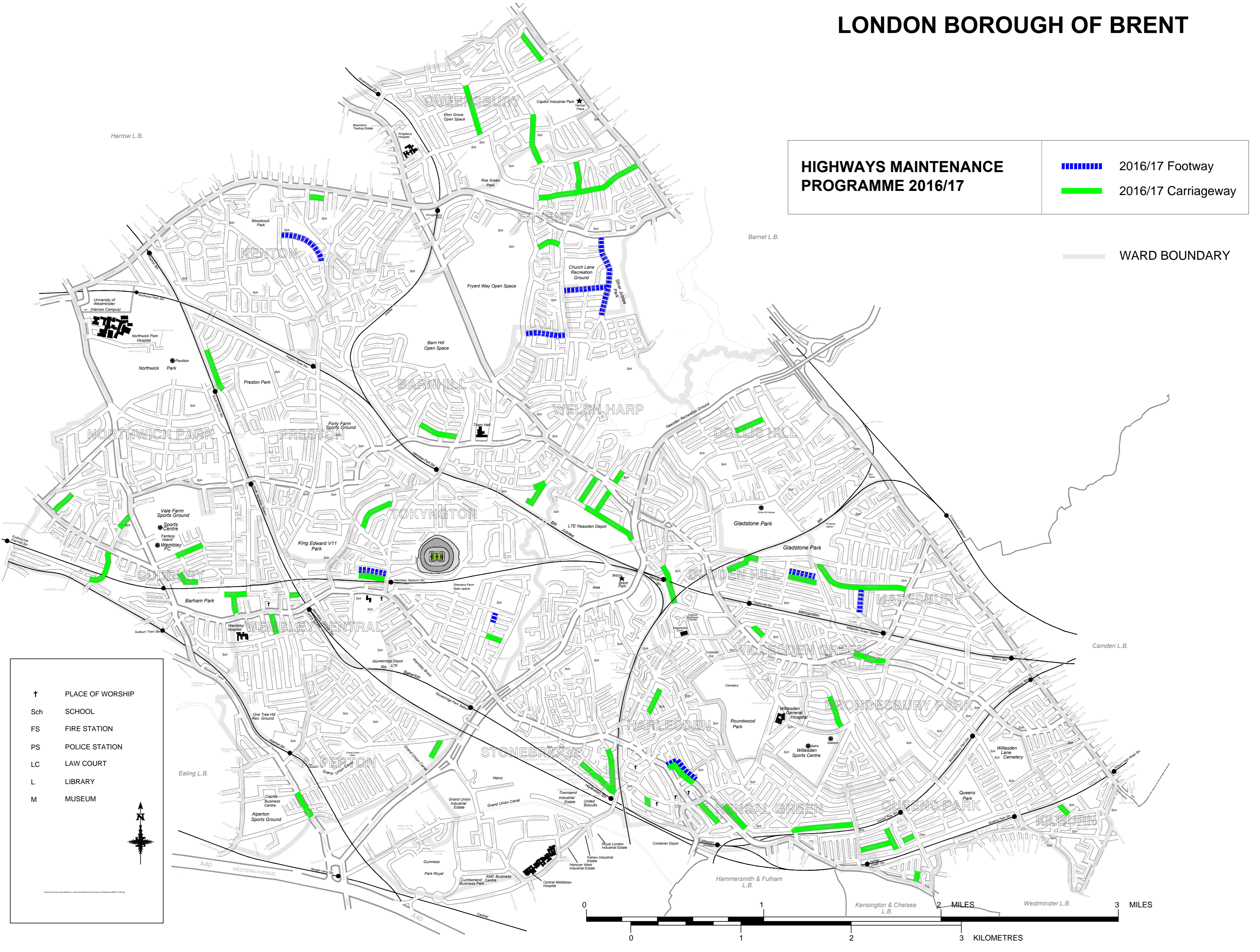
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# LONDON BOROUGH OF BRENT

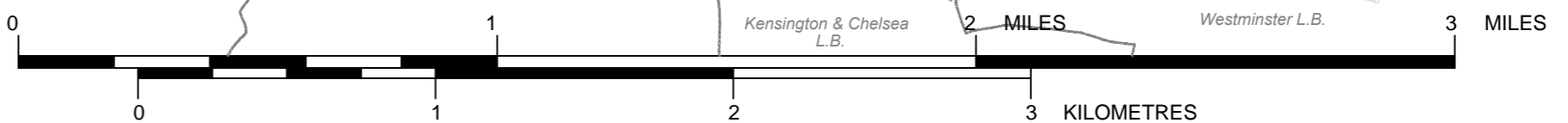
## HIGHWAYS MAINTENANCE PROGRAMME 2016/17

- ▬▬▬▬▬ 2016/17 Footway
- ▬▬▬▬▬ 2016/17 Carriageway

▬▬▬▬▬ WARD BOUNDARY







†	PLACE OF WORSHIP
Sch	SCHOOL
FS	FIRE STATION
PS	POLICE STATION
LC	LAW COURT
L	LIBRARY
M	MUSEUM



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# LONDON BOROUGH OF BRENT

# Principal & Non Principal Classified Roads in Brent

	Borough Boundary
	Principal Roads
	Non Principal Classified Roads
	A406 NCR <sup>^</sup>

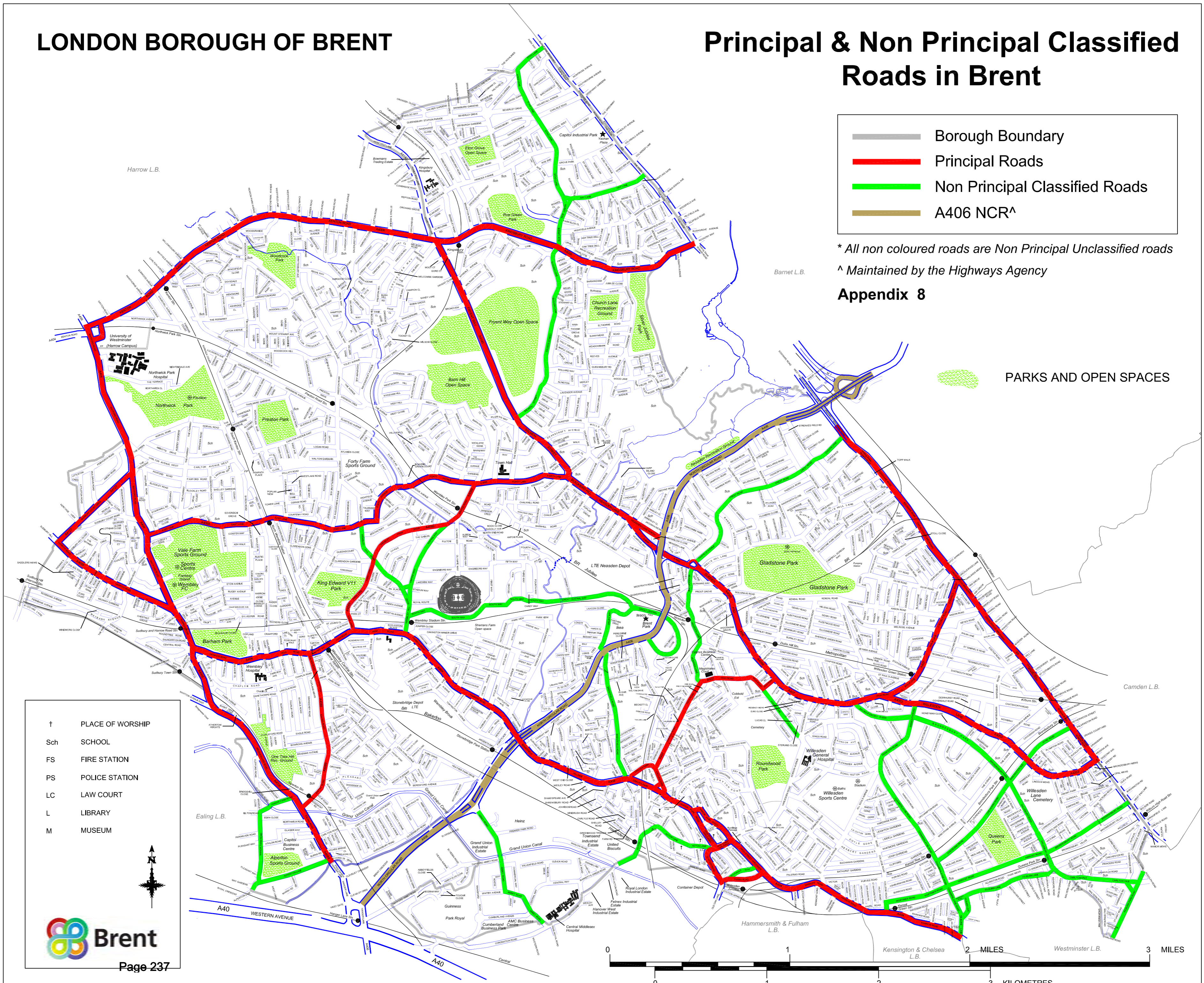
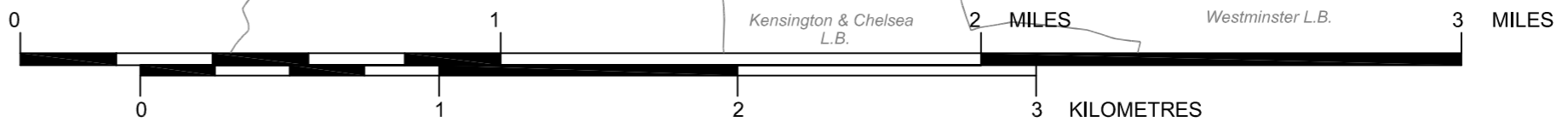
\* All non coloured roads are Non Principal Unclassified roads

<sup>^</sup> Maintained by the Highways Agency


## Appendix 8

 PARKS AND OPEN SPACES

- † PLACE OF WORSHIP
- Sch SCHOOL
- FS FIRE STATION
- PS POLICE STATION
- LC LAW COURT
- L LIBRARY
- M MUSEUM





 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 March 2016</p> <p style="text-align: center;"><b>Report of Strategic Director, Regeneration and Environment</b></p>
For Decision	Wards Affected: Whole Borough
<b>On-Street Parking Service Offer and Charges in Controlled Parking Zones; and Parking Statutory Guidance</b>	

## 1.0 Summary

- 1.1 Following the Cabinet meeting on 16 November 2015 it was proposed that a holistic review of on-street parking was undertaken prior to consulting on increases in charging. This report sets out a series of changes to the way in which the council manages, and charges for, on street parking. Subject to Cabinet approval, it will result in a widespread consultation with local residents and businesses leading to a final set of proposals which will come back to Cabinet in June 2016.

## 2.0 Recommendations

Cabinet is asked to agree:

### Demand-Led Pay and Display Tariffs:

- 2.1 To consult residents and businesses on a recommendation to freeze parking prices in Pay & Display bays borough-wide.

### Daily Visitor Parking Charges:

- 2.2 To consult residents and businesses on introducing new visitor parking arrangements in CPZ areas, with a £1.50 charge for up to 2 hours, a £3 charge for up to 4 hours, and a £4.50 charge for 'all-day' visitor parking of more than 4 hours.

### Visitor Household Permit:

- 2.3 To consult residents on withdrawing the Visitor Household permit.

### Carer's Permit

- 2.4 Subject to 2.3 above, to consult residents on the introduction of a new annual Carer's Permit at a 2016/17 rate of £165 for a full year; £99 for 6 months and £66 for three months; and with future increases linked to the same inflation formula and April revision date used for Resident Parking Permit price increases.

School Parking Permit:

- 2.5 To consult residents and schools on allowing schools within CPZs to:
- Purchase a maximum of 3 business permits at the standard rate (£361 in 2015/16) and terms and conditions; and
  - Purchase a maximum of 3 school parking permits at a rate discounted by 25% to reflect term-time use only providing the school has a bronze level accredited travel plan;
  - Purchase additional school parking permits at the reduced term-time rate should they have either a silver (up to 6 school permits in total) or a gold (up to 9 school permits in total) level accredited travel plan.

Household Car Permits:

- 2.6 To consult residents on measures to combat air pollution, including:
- Simplifying emission-based bandings for resident household permits, as set out in paragraph 7.3, to provide clearer encouragement to switch to low-emission vehicles
  - Capping the number of resident permits allowed per household to 2 cars
  - Introducing a £25 supplement for diesel cars to reflect their additional contribution to air pollution
  - Introducing a minimum charge of £25 for any resident parking permit for a vehicle other than a powered two-wheel vehicle
  - Reducing the permitted weight of vehicles with resident permits to 3.5 tonnes

Visitor Permits:

- 2.7 To consult residents on measures to manage demand, including:
- Capping the number of visitor permits a household can buy to a maximum value of £350 a year (equivalent to just over 75 full day permits, 115 four hour sessions or 230 two hour sessions, or any combination thereof).

Trader Permits:

- 2.8 To consult local businesses and residents on:
- Making specific provision for the parking needs of local traders, in particular those engaged in residential building works.

Parking Statutory Guidance:

- 2.9 **Cabinet is asked to approve** the official list (as set out in paragraph 11.10) of officer posts permitted to cancel a Penalty Charge Notice, in accordance with the Secretary of State's Statutory Guidance on parking enforcement.



### 3.0 Background

- 3.1 The Council regulates and charges for on-street parking to manage demand from residents, businesses and visitors, assist the smooth flow of traffic, and reduce vehicle trips, particularly at peak times. This supports the council's aims of encouraging the uptake of sustainable travel options, reducing air pollution and reducing the number of people killed or injured on the borough's roads.
- 3.2 In November 2015, the council agreed its Parking Strategy (see Appendix A). This sets the context within which on-street parking policies and charges are made.
- 3.3 Demand for parking in Brent is very high in some areas, especially within Controlled Parking Zones (CPZs). Over time the Council has introduced a number of measures to control the demand for kerb space. The south-eastern part of the borough and some areas of the south-western part of the borough around Wembley are controlled through Controlled Parking Zones. These areas are more densely developed compared to the northern part of the borough, and have better public transport links. The south-eastern part is well served by Jubilee line and Overground stations in zones 2 and 3, whilst the south-western part is well served by stations on the Bakerloo line [Wembley Central], Piccadilly Line [Alperton and Sudbury Town] and on the National Rail network [Wembley Stadium, Sudbury and Harrow Road].
- 3.4 There are 40 Controlled Parking Zones in the borough, which have been gradually introduced over recent years. These contain 33,000 spaces serving 56,000 households. Under present arrangements, each household is entitled to three car permits plus unlimited visitor parking. This entitlement is no longer sustainable. The 2001 and 2011 Censuses showed the pattern of car ownership in the whole borough set out in the table below:

**Table: Household car ownership in Brent**

No. of cars/ vans per household	2001		2011	
	No. of h/h	%	No. of h/h	%
0 (car-free)	37,287	37.3	47,417	43.0
1	42,606	42.6	43,598	39.5
2	16,207	16.2	14,884	13.5
3+	3,891	3.9	4,385	4.0
<b>Total Households</b>	99,991	100	110,286	100

- 3.5 This report proposes a number of changes to the council's policies and charging regimes for on-street parking. If approved, all will be subject to consultation with residents and further deliberation by Cabinet.
- 3.6 Cabinet has committed to a programme of reviews of existing CPZs, including the boundaries, time of operation, assessment of the adequacy of Pay & Display and dual-use

bays. This programme will need to include a review of the Wembley event day zone. This report does not seek to deal with wider concerns regarding CPZs which will be subject to this further review, and a subsequent report to Cabinet.

## 4.0 Demand-Led Pay & Display Tariffs

4.1 There are currently 704 Pay & Display machines across the borough's CPZs. Pay & Display bays are designated for short stay visits to businesses or homes within CPZs. Pricing policy seeks to ensure that there is a regular turnover of parking spaces.

4.2 Within the 2015/16 Budget Report, approved by Cabinet on 15 December 2014, various measures were recommended which were expected to have a significant impact on budget expectations for the Parking service. This included a £100k annual saving which was anticipated from an increase in Pay & Display parking charges, focused on areas where excessive demand for spaces might be experienced. However, the proposal was subject to the outcome of a substantial review. This review has now been completed.

4.3 The general principle underpinning on-street pay and display parking is to provide a quick turn-over of spaces, allowing easy access for motorists who wish to make short visits to shop or conduct business; and therefore park nearby. If charges are set too low, parking bays will not be freed up and this principle would be undermined.

4.4 Motorists who wish to park in a Pay & Display bay may do so by booking a session via a mobile device, such as a telephone or tablet, or by purchasing a ticket from a Pay & Display machine and displaying it on the windscreen of their vehicle. Pay & Display bay charges were set in 2013. Motorists pay 20p for up to 15 minutes; and then £1 for 30 minutes, £2 for one hour, £4 for 2 hours, £6 for 3 hours and £8 for 4 hours. For stays of more than 15 minutes, charges are 'linear' i.e. motorists need only pay for the duration of their expected stay. Coin payments are charged a 50 pence cash transaction supplement.

4.5 An analysis has been undertaken of the potential need to increase Pay & Display charges, to improve the management of parking and traffic. The review looked at:

- The prevalence of on-street short-stay parking (of up to 1 hour), based on coin and cashless income data from a sample month (September 2015).
- Price comparisons with adjacent boroughs, and statistical 'near neighbour' boroughs.

A benchmark was then agreed, on parking demand management grounds, to determine a satisfactory level of short-term parking; a satisfactory level of turnover was deemed to be achieved if at least 40% of stays were for less than one hour.

### 4.6 Length of parking stays when paying by coin

- For those motorists who pay by coin, data on the duration of parking stays is only available if a Pay & Display machine is networked.
- Only 37% of Brent's machines are modern, networked meters. The other meters are of a traditional design which simply accept cash payments – information from these machines is limited to the total cash collected
- The coverage of networked machines is very uneven. The west of the borough has a high proportion of networked machines; the south east of the borough a very low

proportion. This means we have very little data across the south east part of Brent - which has the highest concentration of Controlled Parking Zones.

- Based on available data, only one geographic area showed a relatively high number of machines with a low incidence (less than 40%) of short stay parking; this was Wembley (CP Zones C, E and W).
- However, Wembley is also the area with the highest proportion of networked machines, so this may simply be due to the availability of data for this area. Networked machines are essential in the Event Day area due to the need to cover different charging regimes.

#### 4.7 Length of parking stays when paying by mobile device (cashless)

- For those motorists who pay by mobile phone, length of parking stay data is available across all cashless parking locations.
- The data shows that cashless payment locations in 26 out of 38 Controlled Parking Zones across the whole borough already have a sufficiently high proportion (over 40%) of parking visits which are short stay.
- The remaining 12 Controlled Parking Zones have a low proportion (less than 40%) of short duration parking stays, but these Zones are scattered across the borough and do not form a coherent geographic entity. Increasing tariffs in isolated locations would create an incoherent set of different tariffs in locations which are close to one another. This would create confusion for motorists, and be more difficult to manage and enforce fairly.

4.8 Benchmark comparisons, show that Brent Pay & Display bays are cheaper for the first 15 minutes, but are then more expensive than in adjacent boroughs. This suggests that there is little incentive for motorists to park in Brent Pay & Display bays, rather than across the border in other boroughs (see Appendix F). LB Westminster is currently consulting on increasing pay and display prices to £1.70 per hour, and has cited evidence of motorists crossing to park in Pay & Display bays within the Westminster boundary.

4.9 In conclusion, the evidence does not support an increase in pay and display charges at this time.

## 5.0 **Visitor Parking Pricing Scheme**

5.1 Daily visitor parking permits allow residents that live in Controlled Parking Zones to receive visitors during a Zone's operational hours. Daily visitor parking permits are currently priced at £1.50 per day. This price has not increased since 2013.

5.2 Residents can book a parking session for their visitor online, over the telephone or by text message, providing they have a parking account. In 2014/15 residents booked just over 411,000 visitor parking sessions. Residents can still use any remaining scratch cards but these have been phased out since May 2013.

5.3 A proposal to increase daily visitor parking charges to better manage demand was endorsed by Cabinet in the December 2014 budget report; the report advised that the price of visitor parking was markedly cheaper in Brent compared to neighbouring boroughs; and that an increase in the tariff would help control levels of demand.

5.4 In November 2015, Members received a detailed report on visitor parking charges. Cabinet took a decision to link the cost of visitor parking to the cost of public transport to encourage people to consider swapping to more sustainable modes of transport. They also agreed to a

single pricing structure borough-wide to protect poorer residents living in high demand areas. Cabinet also took account of the carbon emissions and air pollution caused by vehicle traffic. A full analysis of the relevant issues taken into account in arriving at these decisions is contained within the [16th November 2015 Cabinet report](#).

- 5.5 Cabinet also agreed that consultation should take place on a proposed all-day charge of £4.50 and a proposed £3 charge for up to 4 hours. This compares with the cheapest return fare on public transport of £3; and the capped cost of bus fares incurred in a single day at £4.50. Full details of public transport fares were set out in the November Cabinet report.
- 5.6 Since the decision of the Cabinet on 16<sup>th</sup> November was published, the Council has received a number of representations from residents and resident associations expressing concern at the impact of setting a minimum £3 charge on very short visits. Several contributors have also expressed a related concern that the availability of convenient Pay & Display bays for short term visitors may be limited in a number of residential CPZ areas. It is therefore now proposed that the current £1.50 charge should be retained for visitor parking permits of up to 2 hours duration. This would freeze the cost for short term visitors at the current rate which is the same price as a single bus fare. Additional 2 hour bookings could be made to extend a visitor parking stay, but for any stays of more than 4 hours duration a single payment of £4.50 for an all-day permit would offer better value.
- 5.7 Cabinet considered the level of charges in neighbouring boroughs and sought to align charges in Brent close to the level set by LB Ealing, rather than the higher charges in inner London boroughs such as LB Camden. The table below sets out the prices of daily visitor parking permits in neighbouring boroughs, alongside current proposals for Brent. The most expensive charging regimes are at the head of the table; least expensive at the foot.

Borough	Products Offered	2 Hours	4 Hours	All Day
<b>Westminster</b>	Pay and Display only. 4 hour max stay*	£3.40- £9.80	£6.80- £19.60	N/A
<b>Kensington &amp; Chelsea</b>	Pay and Display only. 4 hour max stay*	£2.40- £9.20	£4.80- £18.40	N/A
<b>Hammersmith &amp; Fulham</b>	1 hour	£3.60	£7.20	£14.40**
<b>Camden</b>	1 hour, with all day cap	£1.92	£3.84	£6.49
<b>Hounslow</b>	1 hour	£1.50	£3.00	£6.00**
<b>Brent (proposed)</b>	2 hour, 4 hour and all day	£1.50	£3.00	£4.50
<b>Ealing</b>	1 hour, with all day cap	£1.20	£2.40	£4.50
<b>Harrow</b>	All day	£1.69	£1.69	£1.69
<b>Brent (current)</b>	All day	£1.50	£1.50	£1.50
<b>Barnet</b>	All day	£1.00	£1.00	£1.00

\* Max stay limits vary across these boroughs

\*\* Hammersmith & Fulham do not offer an all-day visitor permit. Price is based on the cheapest cost of an 8 hour booking

- 5.8 Car usage makes a significant contribution to the borough's carbon emissions. Increasing the cost of visitor parking may encourage a greater uptake of more sustainable modes of transport for those journeys. For example, a 5% reduction in visitors travelling by car would equate to over 20,000 fewer return car journeys, and would therefore make a contribution to reducing both air pollution and carbon emissions in Brent.
- 5.9 Some local authorities cap the number of individual visitor permits which can be sold to a particular household in a single year; or impose a surcharge for visitor permit bookings made above an upper limit. It is suggested that the consultation include a review of this issue. A possible upper limit for purchases could, for example, be set at £350 p.a. to just over the value of 75 full day permits/115 four hour permits/230 two hour permits, or any combination thereof. Setting a financial cap provides flexibility for residents rather than limiting the availability of any single type of permit.

## **6.0 Visitor Household Permits and the Proposed Carer's Permit**

- 6.1 The council currently offers a Visitor Household permit to residents. This is a paper permit which displays the name of the resident's street. It allows visitors to park in any resident or shared use bay, but only in the named street (or part of the street) within the Controlled Parking Zone shown on the permit. The permit may be displayed on any vehicle, regardless of engine size or ownership. Each household may only hold one Visitor Household permit, which is currently priced at £110. In 2014/15, 3,956 Visitor Household permits were in use, with the associated income making a substantial contribution to the cost of managing and enforcing Controlled Parking Zones.
- 6.2 In September 2012 the council agreed in principle that the annual Visitor Household permit should be withdrawn. The concern expressed was that its relatively low cost created an incentive for some residents to purchase a Visitor Household permit for a vehicle of their own, to avoid the higher cost of a resident's permit for cars with larger engines, which can cost up to £300. The permit is not fully aligned with the council's 2015 parking strategy and transport objectives. Officers have also heard concerns about the risk of the permit being abused and sold as it can be used on any car.
- 6.3 The Executive recognised that a withdrawal of the annual Visitor Household permit would disproportionately impact on Controlled Parking Zone (CPZ) residents who require support from carers. To mitigate this risk, the Executive agreed that any withdrawal of the Visitor Household permit should be explicitly linked to the introduction of a new carer's permit restricted to those with critical or substantial care needs.
- 6.4 LB Brent has clear eligibility criteria for carer funding. There are four bands of need: critical; substantial; moderate; and low. Only those in the critical or substantial need bands are eligible for social care funding. Critical or substantial needs can be long term, e.g. terminal illnesses, mental health problems, physical disabilities etc.; or short-term, e.g. a needs for a few weeks care or post-operative rehabilitation.
- 6.5 Residents requiring formal care for critical or substantial needs can access parking permits for their carers through the Essential User Permit. This is provided to public sector workers and staff of eligible charitable organisations who provide essential care and services to people who live or work in CPZs. The eligibility criteria are: *“any person who performs a statutory service on behalf of the Council, including social housing management and residential or community care management, or is a health visitor, general practitioner, district or community nurse, midwife, chiropodist, dentist or osteopath employed by the*

*National Health Service, or who provides home visiting on behalf of religious or non - profit making charitable organisation”.*

- 6.6 Those who provide informal care, such as volunteers, friends and relatives, are not entitled to Essential User Permits, and to date many have benefitted from use of the Visitor Household permit.
- 6.7 Adult Social Care does not provide ongoing support to people with low or moderate needs, although they are assessed on request and advised about support; some receive limited support on a one-off basis. Many residents with moderate or low levels of need are not known to the Council; many of them cared for or provided with regular support by family members and friends.
- 6.8 It is therefore proposed to cease offering the Annual Visitor Permit and replace it with a new Carer's Permit based on the existing criteria together with the requirement to sign a legal declaration confirming that the resident requires care or support. This would enable all residents needing care to continue benefiting from an annual permit facilitating parking for their carer/s with no additional burden in terms of testing or assessment. Sampling of Carer permit usage would be undertaken, with any breach of the terms and conditions leading to withdrawal of the permit.
- 6.9 There is a potential risk that use of the Carer's permit might be abused although it will be monitored through a programme of random sampling. The council will review usage of the new Carer's Permit after 12 months and consider whether further criteria are required. The council will also explore commissioning support for the scheme through the Brent Carers Centre.
- 6.10 It is proposed that an annual Carer's Permit would cost £165 at 2016/17 prices. This cost would offer a price advantage compared to the purchase of individual visitor vouchers, provided at least one visit per week (on average) is made. £165 would equal the proposed cost of 55 four hour visitor permits costing £3 each; or 110 two hour permits costing £1.50 each. To align with resident permits, it is also proposed to make future annual adjustments to the price of this permit on 1 April each year, based on the most recent available Retail Prices Index (RPI) data published by the Office for National Statistics, and rounded to the nearest pound. This will be the January RPI figure, published on 20 February each year.

## **7.0 Resident Parking Permits**

- 7.1 Resident parking permits are available in CPZs for household cars, subject to proof of ownership.
- 7.2 Permit Application Restrictions: Each of the 56,000 households in Brent located in CPZs are currently entitled to purchase up to 3 resident permits This can be contrasted with the 33,000 spaces available within CPZs. Residents complain about the lack of spaces available and this is supported by evidence. Limiting the number of permits available per household would reduce demand. It is proposed to consult residents on reducing the maximum number of resident permits issued to a household down to two. This change would affect about 600 households in CPZs. Households would still be eligible for the proposed Carer's permit in addition, if someone living there required care. An Equalities Analysis would be conducted before a recommendation on this issue is brought to Cabinet. Only one authority in England has been identified offering just one resident permit – RB Kensington and Chelsea – but many offer just two. Parking stress within RB K&C is extreme, with high density housing, relatively wealthy residents in many areas, and with few off-street residential parking facilities.

- 7.3 Consolidation of Carbon Emission Bands: Resident parking permits currently cost between £0 and £300 (see pricing schedule attached as Appendix G). LB Brent's current emissions-based resident permit scheme currently has 7 categories of vehicle, linked to vehicle data held by the DVLA. The high number of categories may provide a lack of clarity in giving a steer to motorists to opt for vehicles producing a lower level of emissions. A recent survey of London motorists concluded that the average annual cost of car ownership in the capital was over £3,400 p.a., much greater than the cost of residential parking permits. In order to provide more clarity in 'nudging' vehicle owners towards low emission vehicles, it is proposed to consult on simplifying the emissions based permit charges to just 3 categories - for *low emissions* (less than 110 gCO<sub>2</sub>/km), *standard emissions* (110-200 gCO<sub>2</sub>/km) and *high emissions* (more than 200 gCO<sub>2</sub>/km) vehicles. The proposal would be designed to be revenue-neutral but could impact on individual households.
- 7.4 It is suggested that residents' views are sought on whether an additional surcharge of £25 should be levied on diesel powered vehicles, given concerns about NO<sub>x</sub> emissions. Finally the issue of whether a zero charge is appropriate for a first vehicle emitting less than 110 gCO<sub>2</sub>/km has also been raised, given that such vehicles are not entirely emission-free and that the marginal administration cost for issuing a permit does need to be covered. It is proposed to consult on a minimum starting price for any resident permit of £25, reflecting the fact that all vehicles emit carbon and take up space on the street.
- 7.5 It is also proposed to consult on a reduction in the weight of vehicles eligible for a residents parking permit. Currently the council restricts permits to vehicles with a maximum weight of 5 tonnes. It is suggested that this limit could be reduced to that set by the neighbouring borough of LB Camden, where the maximum weight allowed is 3.5 tonnes.

## 8.0 School Parking Permits

- 8.1 Parking pressure experienced by residents in close proximity to schools continues to be an issue, particularly during the morning drop-off and evening pick-up times when parents and carers often park indiscriminately. This causes congestion and has safety implications for pupils, staff and visitors. Complaints from residents about the parking and driving behaviour of parents and carers greatly outweigh concerns expressed about school staff.
- 8.2 Brent Council actively encourages all schools to produce a School Travel Plan (STP) which includes information about the school and pupil & staff modes of travel. Plans are reviewed annually.
- 8.3 School Travel Plans (STPs) are aimed at reducing car use and improving safety on the journey to school. Every STP should contain results from a survey showing how pupils and staff currently travel to school, and how they would like to travel to school, as well as a measurable action plan that includes measures and actions that the school wants to carry out to enable it to meet its STP targets and objectives. More information on the benefits of School Travel Plans is included in Appendix H.
- 8.4 There are three levels of independent accreditation for school travel plans: bronze; silver; and gold. These are awarded in accordance with the activities undertaken, evidence provided and the commitment displayed by the school to reduce congestion and pollution utilising modal shift targets for pupils and staff. Currently, 34 Brent schools have a travel plan approved by TfL of which 17 have a bronze accreditation, 3 silver, and 14 gold.
- 8.5 In September 2012 a review of all parking permits and charges was undertaken which led to a recommendation to phase out the special permit for teachers. The parking permit for

teachers was introduced to assist schools in CPZs with recruitment and retention difficulties. A temporary concession to allow renewal for a further 24 months was given to schools achieving: the TfL Silver Travel Plan Standard by October 2013; or the TfL Gold Travel Plan Standard by October 2015. These schools would have an option to renew one half of any remaining permits for a further and final 12 months. It was agreed the cost for a permit would increase in stages; it is currently £220 p.a.

- 8.6 The concession finishes in September 2016 after which time all school permits will cease, unless the Cabinet makes a new decision.

#### Impact on Schools and Residents

- 8.7 There is a need for further school places within the borough and as such the Council is completing a school expansion programme. There is often no additional land and school expansions are being accommodated within existing footprints. This places pressure on the ability of the school to provide the required space for playing fields etc. As a result the amount of space to provide off street parking for all staff is not always achievable and there is a risk schools will not engage with the expansion programme if parking spaces are lost and no alternative is offered.

- 8.8 The Early Help and Education service commented in September 2015: *“Schools in the more deprived wards where the majority of CPZs are located believe their recruitment of teaching staff will suffer compared with schools which have on-site car parks and/or are not in CPZs. Teacher recruitment is an ongoing issue for primary schools across London, with this in mind consideration should be given to approving options that allow the purchase of permits”*.

- 8.9 Currently all businesses in CPZ areas are entitled to three business permits. In addition, more schools are coming forward as Free Schools and Academies operating on a business model, and therefore entitled to business permits.

- 8.10 This year we achieved a record number of schools with a gold level Travel Plan. These schools demonstrate a significant impact on reducing the extent to which children and staff travel to school by car. There is a real concern that this achievement will be jeopardised if the incentive of obtaining parking permits for key school staff is removed. The objective of school travel plans is to positively encourage more sustainable modes of travel by pupils and staff and improve road safety surrounding the school, and any reduction in the number of schools with travel plans could have the negative outcome of increasing parking and road safety problems in the vicinity of schools.

#### Alternative Policy Proposal

- 8.11 An alternative policy framework has been developed by the Transportation and Parking & Lighting services that proposes to:

- Recognise the need to treat schools no less favourably than local businesses by allowing schools to purchase up to 3 business permits for allocation to staff.
- Provide an incentive for schools to actively engage or remain engaged in travel planning to reduce the school sites' overall demand for car parking spaces and the use of private cars to travel to school.
- To provide increased incentives for schools to achieve higher levels of travel accreditation, thereby further reducing parking demand.



- Ensure that residents' interests are also protected by minimising the on-street parking demands made by schools.
- Assist in teacher recruitment and retention, through schools being able to offer support to key staff who need to travel by car to the workplace in a managed way.

8.12 In order to provide equity it is proposed to allow all schools located within CPZs to purchase up to 3 business permits for staff at the same price (£361 in 2015/16), terms and conditions as local businesses. These permits will be restricted to the CPZ within which the school is located. It should be noted that the school itself would need to apply, not individual staff.

8.13 To provide an incentive for schools to seek travel plan accreditation, it is proposed to allow all schools in CPZs with bronze accreditation to also purchase up to 3 school permits for staff. School permits would be a new permit offer offering a 25% discount on the price of business permits, recognising that school staff only require parking space within the CPZ area during term time. Terms and conditions would be based on the Essential User Permit available to care and health staff, rather than the business permit model.

8.14 To provide further incentives for schools to achieve higher levels of travel plan effectiveness, it is proposed to allow schools with silver accreditation to purchase up to 6 school permits instead of just 3; and schools with gold accreditation to purchase up to 9 school permits. Schools with higher levels of travel plan accreditation have demonstrated that they are taking active steps to reduce the overall parking impact of staff and parents on the local area, and therefore the overall impact on local parking spaces would be contained.

8.15 The purchase of permits would apply to all schools within the borough located in CPZs.

8.16 It has been suggested that permits made available to schools should include detailed restrictions on where they can be used, e.g. not within a ten minute walk of the school. However there may be practical difficulties in taking this approach due to: the cost and delay which would be involved in making changes to the permit issuing system; the additional enforcement complexities; and the additional management this would require. The costs of this approach, and dis-benefit to schools, could outweigh the potential benefit to residents if school staff are required to park on more distant but less pressured roads. In addition, business permits are not subject to this level of restriction so it would be seen as an inequitable approach to schools.

## **9.0 A Trader's Permit**

9.1 Currently residents can book visitor permits for smaller trade vehicles occupying a single bay, or allow such vehicles to use their Visitor Household permit. Larger vehicles are required to apply for a bay suspension for which a charge is levied. It is proposed to invite proposals for how the parking needs of traders, particularly businesses based in Brent, could be met in future; particularly if the council does decide to replace the Visitor Household permit with a Carer's permit. One neighbouring borough offers a 'builder's permit', for example, allowing traders to park within a specified area for a daily charge. Other possibilities might include a one day permit for all CPZs, allowing a trader to attend several jobs in a single day, or an extension of the existing suspension scheme to include provision for single parking bays at an appropriate price. Any new parking offer to local traders would need to be set at an affordable level.

## **10.0 Consultation**

## Approach

- 10.1 It is proposed to utilise a wide range of consultation methods in consulting all stakeholders on the proposals outlined in this report including:
- A letter and email to all residents in CPZs who have a parking account
  - Discussions with Resident Associations based in CPZs
  - Discussions at Brent Connects Forums
  - A Web survey
  - Discussions with schools in CPZs
  - Focus groups of stakeholders to collect qualitative input
  - Discussions with Businesses – via Business Fora and the Chamber of Commerce

All parking account holders would be sent a letter advising them about the consultation and how to respond. A budget of up to £20,000 would be needed to facilitate the consultation exercise, drawn from existing budgets for 2016/17.

## Timeframe

- 10.2 It is proposed that a two stage consultation process be undertaken before new charges are implemented. The proposals set out in this report would require a change to be made to the terms and conditions of visitor permits, and therefore a second stage formal consultation on the corresponding amendment to the relevant Traffic Management Order would be required. Cabinet would have the opportunity to consider responses to informal consultation at its meeting on 27 June 2016, before commencing formal consultation on the Traffic Management Order which would implement the final option. A target date of 1<sup>st</sup> October 2016 is proposed for implementation of any changes to visitor parking permit charges.

## **11.0 Procedure for PCN Appeals and Representations**

- 11.1 Penalty Charge Notices, or PCNs, are usually issued by a Civil Enforcement Officer (CEO) for breaches of parking restrictions at the location where the contravention occurred. In some specified circumstances (for example by CCTV at bus stops and on school Keep Clear zig-zag markings; or where a motorist drives away before a CEO can issue a PCN) they may also be sent to the owner of the vehicle by post. CCTV is also used to enforce bus lane and other moving traffic contraventions.
- 11.2 London Councils' Code of Practice on Civil Parking and Traffic Enforcement details the guidelines that all London authorities have agreed to follow; including reasons for cancelling PCNs (see Appendix C). If the owner of a vehicle feels that a PCN was incorrectly issued, or that there are special circumstances that should be taken into account, then motorists may challenge the PCN; but they can only do so through the statutory appeals process.
- 11.3 The statutory grounds to challenge a PCN or Notice to Owner are set out in Appendix B. Vehicle owners may also make representations if there are any other compelling reasons why they believe they should not pay the Penalty Charge.
- 11.4 Vehicle owners may only appeal to the independent adjudicator, (ETA, formerly PATAS), after representations to the council have been rejected. The adjudicators at ETA act as a tribunal – their decision is final and binding on the motorist and the council.
- Members' and Officers' Role in PCN Appeals
- 11.5 On occasions motorists may contact their local councilor or Member of Parliament in relation to a PCN that they have received, and ask for support in making a PCN appeal. In

such instances, Members are requested to first advise motorists that they must follow the statutory appeals process for the appropriate stage of their appeal.

11.6 Where a Member wishes to submit evidence in support of a resident's appeal, this should be sent as a Member's Enquiry in accordance with agreed Council procedure. Member enquiries should be submitted via email to: [members.enquiries@brent.gov.uk](mailto:members.enquiries@brent.gov.uk) ; and need to include the PCN reference number (beginning with 'BT'). Responses to parking enforcement-related enquiries will normally be signed off by the Head of Service (see Appendix L).

11.7 The London Councils' Code of Practice on Civil Parking and Traffic Enforcement, agreed by its Transport and Environment Committee, provides the following guidance:

*"Consideration of challenges to enforcement is a quasi-judicial function and elected members of authorities should play no part in deciding on individual representations. Their involvement should extend no further than to ask, and receive information, about the progress of consideration of challenges and about the eventual outcome of any challenge."*

11.8 The Statutory Guidance published by the Secretary of State for Transport (under section 87 of the Traffic Management Act 2004) sets out the policy framework for Civil Parking Enforcement. In Section 10.16, under Formal Representation, the Statutory Guidance states:

*"...elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented"*

11.9 In order to meet the requirements of the statutory process, and promote a fair and equitable approach to all PCN appeals, formal approval is sought for an official list of officer posts that are qualified and permitted to cancel PCNs to achieve a consistent and well-managed approach. The Statutory Guidance, Section 10.16, recommends:

*"The authority's standing orders should be specific as to which officers have the authority to cancel penalty charge notices."*

11.10 In accordance with the Statutory Guidance, the recommended list of officer posts with authority to cancel Penalty Charge Notices is set out below. All LB Brent Appeals Officers have now attained the NVQ Level 3 Award in Notice Processing, providing motorists with additional assurance that representations and appeals will be determined professionally.

- a) Parking Appeals Officers (x10)
- b) Contract Operations Manager (Notice Processing)
- c) Senior Contracts Manager (Parking and Lighting)
- d) Head of Parking and Lighting
- e) Departmental Directors relevant to the Parking and Lighting service

The Operational Director and Strategic Director would only very rarely need to review PCN appeals. It is, however, important that senior officers from outside the team are permitted to cancel PCNs; for example in cases where other members of the Parking team itself have had prior contact with a case referred back to the Council by the independent appeals service, ETA.

11.11 Council (or contractors') employees and elected Members who receive a PCN are of course required to appeal only through the statutory process, in the same way as any other motorist. Guidance is available on the Council's intranet. PCNs are a financial penalty and

therefore a relevant extract from the recently revised Member Code of Conduct, in respect of Personal Interests, is attached as Appendix M.

## 12.0 Legal Implications

### Pay & Display - Legal Implications

- 12.1 Although the Mayor of London's Transport Strategy has now superseded the earlier Traffic Management and Parking Guidance (TMPG) for London, the boroughs continue to rely on the TMPG document as an authoritative interpretation of the legal framework. It advises:

*"(2.23) The level of parking charges must be set for traffic management reasons, such as to ration available space and ensure that there is a rapid turnover of parking spaces, rather than to maximise revenue. This is because section 122 of the Road Traffic Regulation Act 1984 does not include the maximisation of revenue from parking charges as one of the relevant considerations to be taken into account in securing the safe, expeditious and convenient movement of traffic".*

- 12.2 Whilst it is reasonable for a Council to take due regard of estimated costs and income arising from the management of parking, it is not lawful for a local authority to use the Road Traffic Regulation Act 1984 to justify imposing charges to raise revenue.
- 12.3 Following the review, there is insufficient evidence to support a price increase on traffic management grounds.

### Visitor Parking Pricing Scheme - Legal Implications

- 12.4 Under section 45 of the Road Traffic Regulation Act 1984 (RTRA 1984), a local authority has powers to designate parking places on the highway, to charge for use of them, and to issue parking permits for a charge.
- 12.5 Section 55 of the RTRA 1984 makes provision for the monies raised under section 45 of the RTRA 1984, in that it provides for the creation of a ring-fenced account (the SPA – Special Parking Account) into which monies raised through the operation of parking places must be placed, and for the application of any surplus funds. Any surplus generated is appropriated into the Council's General Fund at the year end and can be spent on matters defined in section 55(4) of the RTRA 1984 Act (mainly transport and highways matters, which are listed in the Act).
- 12.6 Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, as follows:

*"(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway...*

*(2) The matters referred to in subsection (1) above as being specified in this subsection are—*

*(a) the desirability of securing and maintaining reasonable access to premises;*

*(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*

*(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*

*(c) the importance of facilitating the passage of public service vehicles;*

*(d) any other matters appearing to the local authority to be relevant”*

- 12.7 Although the Mayor of London’s Transport Strategy has now superseded earlier Traffic Management and Parking Guidance (TMPG) for London, the boroughs continue to rely on the TMPG document as an authoritative interpretation of the legal framework. It advises:

*“(2.23) The level of parking charges must be set for traffic management reasons, such as to ration available space and ensure that there is a rapid turnover of parking spaces, rather than to maximise revenue. This is because section 122 of the Road Traffic Regulation Act 1984 does not include the maximisation of revenue from parking charges as one of the relevant considerations to be taken into account in securing the safe, expeditious and convenient movement of traffic”.*

- 12.8 This interpretation of the RTRA 1984, in the context of on-street charges, is widely accepted. Case law supports the view that the Act’s purpose is not revenue-raising and this is set out in the judgements in the cases of *R (on the application of Cran) v LB Camden [1995]* and *R (on the application of Attfield) v London Borough of Barnet [2013]*. The British Parking Association’s Parking Practice Notes “1 - Charging for Parking” (Revised August 2011) emphasises this point by quoting the Camden judgement, saying that the RTRA 1984:

*“...is not a fiscal measure. It contains no provision which suggests that parliament intended to authorise a council to raise income by using its powers to designate parking places on the highway and to charge for their use”.*

In the *Attfield v Barnet* case, the Court ruled that the RTRA 1984 did not authorise a local authority to use its powers to charge for parking in order to: raise surplus revenue for other transport purposes funded by the Council’s general fund; to defray other road transport expenditure; and reduce the need to raise income from other sources, such as fines, charges and council tax.

- 12.9 Should a revision to visitor parking charges be approved for implementation, this would require the amendment of the existing Traffic Management Order (TMO) under the Road Traffic Regulation Act 1984.

#### Parking Statutory Guidance 2015

- 12.10 This Statutory Guidance (“the Guidance”) was published by the Secretary of State for Transport under Section 87 of the Traffic Management Act 2004, and applies to all authorities in England exercising civil parking enforcement powers. It sets out the policy framework for Civil Parking Enforcement. It explains how to approach, carry out and review parking enforcement in order to promote as much national consistency as possible, while allowing parking policies to suit local circumstances.

- 12.11 Although the Guidance is not binding, local authorities must have due regard to it. Where the Guidance says that something must be done, this means that it is a requirement in either primary or secondary legislation. In all other instances, section 87 of the Traffic

Management Act 2004 stipulates that local authorities must have regard to the information contained in the Guidance when exercising their functions.

## 13.0 Financial Implications

### Pay & Display - Financial Implications

- 13.1 The December 2014 budget report assumed that an increase in visitor parking charges would lead to an increase in income of £795k p.a. from 2016/17, and that an additional £100k p.a. would be derived from the introduction of demand-led pay & display charges. This was expected to result in additional income of £895k in 2016/17 and subsequent years.
- 13.2 If the recommendation not to proceed with increasing Pay & Display bay charges set out in section 4 is agreed' the £100k additional income p.a. assumed in the December 2014 Budget report would not be achieved. However, it is anticipated that additional net income would be generated by the proposed increase in charges for visitor permits and the switch to Carer's permits, together with additional enforcement income which would make up the shortfall. No change in budget assumptions for 2017/18 onwards would therefore be required if the coherent package of recommendations made in this report are agreed for consultation.

### Visitor Parking Pricing Scheme - Financial Implications

- 13.3 The table below forecasts the total income which would be generated by agreeing the proposed increases set out in this paper. The forecast assumes a baseline level of demand derived from the 2015 calendar year, and a reduction in demand depending on the extent of the price increase (see Appendix E).

Option Description	Product Split	Transaction Volumes	Forecast Income	Increase
Current: £1.50 All day	N/A	451,119	£676,679	-
Proposed: £4.50/£3.00/£1.50 for: All day   4 Hours   2 hours; with associated demand reductions	40%   30%   30%	451,119	£1,309,188	£632,509

For budget planning purposes, the estimated increase in net visitor parking income is £632k p.a. as shown in the table above. It is anticipated that the linked proposal set out in section 6 to switch from Visitor Household permits to Carer's permits, would increase income by an estimated additional £218k. In total therefore net income could be expected to increase by £850k p.a. This is a shortfall of £45k compared to the income anticipated in the December 2014 Budget report. However, this shortfall could be closed by 2017/18 through efficiency savings and additional enforcement income. No change would therefore be required to budget planning assumptions from 2017/18 onwards.

- 13.4 Due to the time required for consultation and scheme implementation, the estimated additional income would be limited to £425k in 2016/17, resulting in a budget pressure of £470k from the £895k originally assumed in the December 2014 budget report. The budget pressure will need to be managed and closely monitored.
- 13.5 The financial forecast does not factor in the possibility of customers stockpiling the current all day £1.50 permit prior to the price increase taking effect. This would have the effect of increasing visitor parking sales in the immediate short term, but lead to a reduction in sales in the following period. It may be possible to limit stockpiling, however.

- 13.6 Charges for parking are designed to help regulate demand for the limited spaces available and to improve the flow of traffic in the borough. As in many other areas of local authorities' activities, an estimate of the financial impact of changes in pricing policy - in this case an increase in the income likely to be raised – needs to be made, in order to ensure that the budget reflects the requirement to use such income to fund matters which are listed and set out in section 55(4) of the Road Traffic Regulation Act 1984. Brent invests considerably more in funding such costs than the total income that it raises from parking charges. In 2014/15, the £8.957m surplus on the parking account was used to cover the revenue cost of the Transportation service (£2.091m) and make a contribution of £6.866m to the cost of concessionary fares – this covered less than half of the total expenditure incurred by the Council on concessionary fares (£15.913m in 2014/15).

#### Visitor Household and Carer's Permits - Financial Implications

- 13.7 For budget planning purposes, replacing the Visitor Household permit (at a cost of £110 p.a.) with a new Carer's permit (costing £165 p.a.) could be expected to result in an increase in income of £218k. This assumes that any households dropping out of the scheme will switch to an equivalent amount of daily Visitor Permit bookings. In the interim period before the new Carer's permit is introduced it may be necessary to increase the charge for Visitor Household permits to this level.

#### School Permits - Financial Implications

- 13.8 The current level of income arising from issuing school parking permits is £28,000 per annum. This would cease by October 2016 under the current policy.
- 13.9 Income received for Parking from businesses and residents is fully used to offset the cost of administration and maintenance of the Council's Control Parking Zones (CPZs).
- 13.10 The maximum number of permits which might be issued to the 49 schools located within CPZs would be 240. This could potentially provide an income of £59,000 per annum to contribute to the cost of managing and enforcing CPZs. Should it be assumed that 50% uptake is achieved this would more likely result in approximately 120 permits issued to schools, which would generate gross receipts of approximately £29,500 and net revenue of £25,500.
- 13.11 Should a 50% uptake be achieved then this would help to provide a balanced budget from which to continue to cover the cost of maintaining and enforcing the Council's CPZs. Should the permit offer be withdrawn, following consultation, the balance would be a cost pressure on the parking account. The shortfall might then need to be met by cost increases for resident and/or other permits within CPZs.
- 13.12 The new permit, as existing permits are, would be subject to annual adjustment on 1 April based on the most recent available Retail Prices Index (RPI) data published by the Office for National Statistics, and rounded to the nearest pound. This will be the January RPI figure, which is published on 20 February for each year.
- 13.13 There would be miscellaneous costs in introducing the new permit, subject to approval, which can be met from the existing parking budget.

## **14.0 Diversity Implications**

#### Visitor Household Permit - Diversity Implications

- 14.1 S149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, and advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. An Equality Analysis of the proposals was undertaken and included within the 16<sup>th</sup> November 2015 report agreed by Cabinet. Further Equalities Analysis advice will be included within the decision report to be brought to Cabinet in June 2016.
- 14.2 Cabinet was concerned that the proposed increase in visitor parking charges may adversely affect those residents who live in CPZs and receive visitors who provide them with care. This may particularly affect elderly residents, or those with disabilities. However two measures are already in place which will mitigate against this impact: the Essential User Permit; and the Visitor Household permit which this report recommends could be replaced by a new Carer's permit.
- 14.3 The Essential User Permit is issued by the Council to charitable and public sector organisations which provide essential services including formal residential and community care to people who live or work in Controlled Parking Zones. Residents who receive care visits from an Essential User Permit holder will be unaffected by the proposal to increase visitor parking charges.
- 14.4 The proposed new Carer's permit would continue to offer a significantly cheaper alternative to daily visitor permits for those residents who receive regular visitors to their property. Residents who purchase the Carer's permit would be affected to a lesser extent than other residents by the proportionately lower increase in the cost of this permit compared to the current cost of the Visitor Household permit which it would replace; the purchase of this permit by those residents who receive care visits means that they would not be disproportionately affected by the proposal to increase visitor parking charges for daily permit visitors.

## **Background Papers**

19<sup>th</sup> September 2012 Executive report – Parking service simplification and pricing  
15<sup>th</sup> July 2013 Executive report – Statutory consultation on proposed changes to parking tariffs, charges and permits  
15<sup>th</sup> December 2014 Cabinet report – Budget 2015/16 and 2016/17  
[16<sup>th</sup> November 2015 Cabinet report](#) – Visitor Parking Charges

2015 Parking Strategy  
2016 Long Term Transport Strategy

Secretary of State's Statutory Guidance on Parking Civil Enforcement (November 2015)  
London Councils Code of Practice (Parking and Traffic Enforcement)

## **Appendices**

Appendix A – 2015 Parking Strategy: Policy and Operational Objectives  
Appendix B – Average visitor parking bookings per household, per CPZ  
Appendix C – Vehicles with 100+ visitor parking bookings by CPZ  
Appendix D – Air Quality Management Areas within Brent  
Appendix E – Assumptions made in financial modelling  
Appendix F – Benchmarking Pay & Display Tariffs



Appendix G – Resident Parking Permit Prices  
Appendix H – School Travel Plan Objectives  
Appendix I – Statutory Grounds for PCN Challenges  
Appendix J – London Councils Code of Practice  
Appendix K – Statutory Representations  
Appendix L – Guidance on Member Parking Enquiries  
Appendix M – Member Code of Conduct (extract)

### **Contact Officers**

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Strategic Director, Regeneration and Environment: Lorraine Langham

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## Appendix A – 2015 Parking Strategy: Policy and Operational Objectives<sup>1</sup>

### Policy objectives

The Council seeks:

- To improve the safety of all road users.
- To provide affordable parking spaces in appropriate locations to promote and serve the needs of the local economy.
- To assist in providing a choice of travel mode and enable motorists to switch from unnecessary car journeys, to reduce traffic congestion, carbon emissions and pollution.
- To promote carbon reduction and improved air quality by encouraging the use of vehicles with lower emission levels
- To support local businesses by facilitating effective loading and unloading, and providing allocated parking where appropriate.
- To provide the right balance between long, medium and short stay spaces in particular locations
- To achieve a turnover of available parking space in shopping and commercial areas, to maximise business activity and promote economic growth
- To assist the smooth flow of traffic and reduce traffic congestion.
- To enable residents to park near their homes.
- To facilitate visitor parking, especially by those visiting residents with personal care needs.
- To assist disabled people with their parking needs, and enhance their access to local shops and key amenities
- To prioritise parking controls to support the needs of local residents and businesses over event traffic.

### Operational objectives

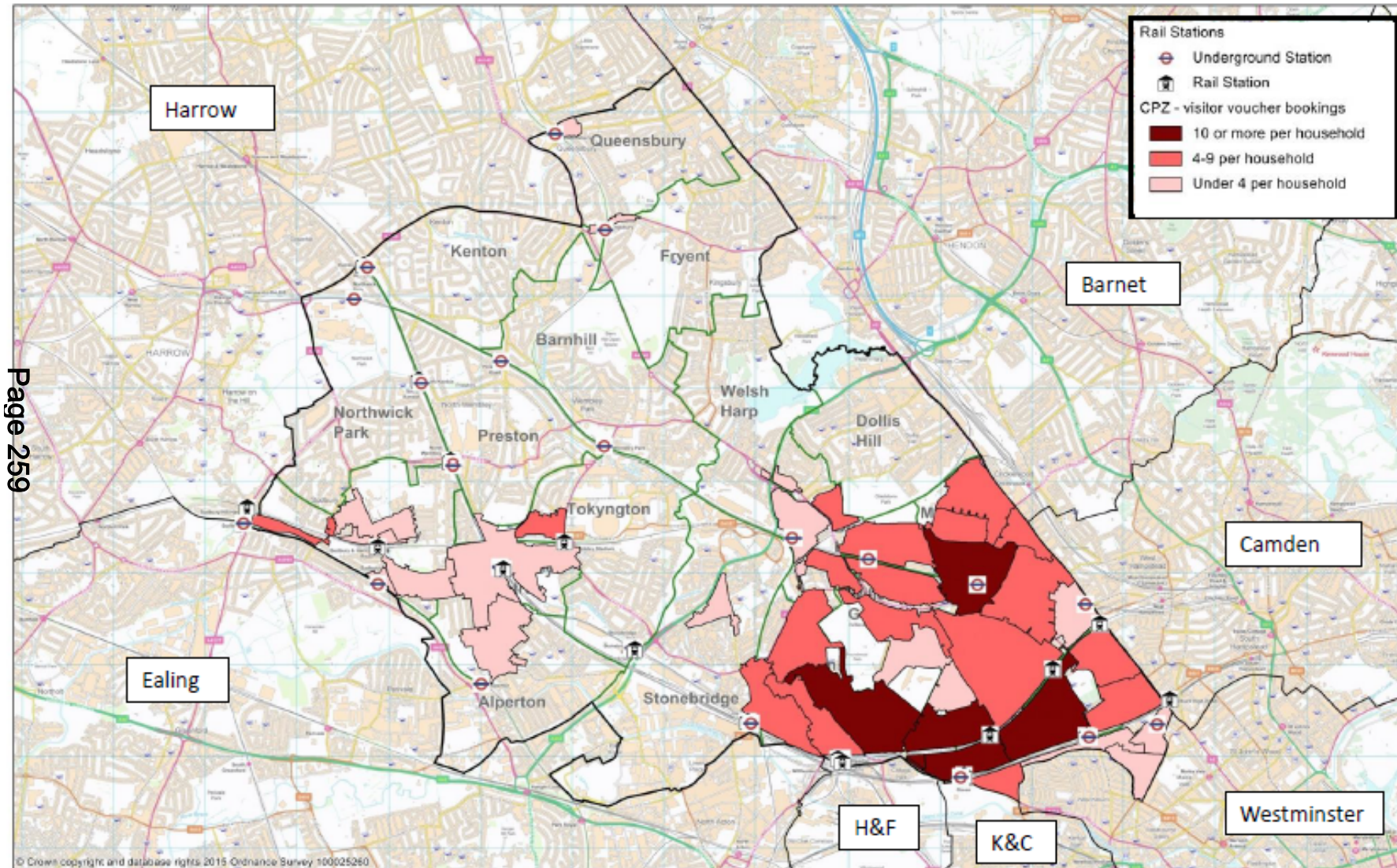
The Council aims:

- To set a level of charges which balances demand and supply for parking spaces across the borough.
- To provide an efficient service which constantly seeks to improve.
- To be fair, consistent and transparent in our dealings with customers.
- To publish clear statistical and financial information on a regular basis.

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<sup>1</sup> London Borough of Brent draft Parking Strategy 2015, section 2.27  
Cabinet 14 March 2016

## Appendix B – Average visitor parking bookings per household, per CPZ



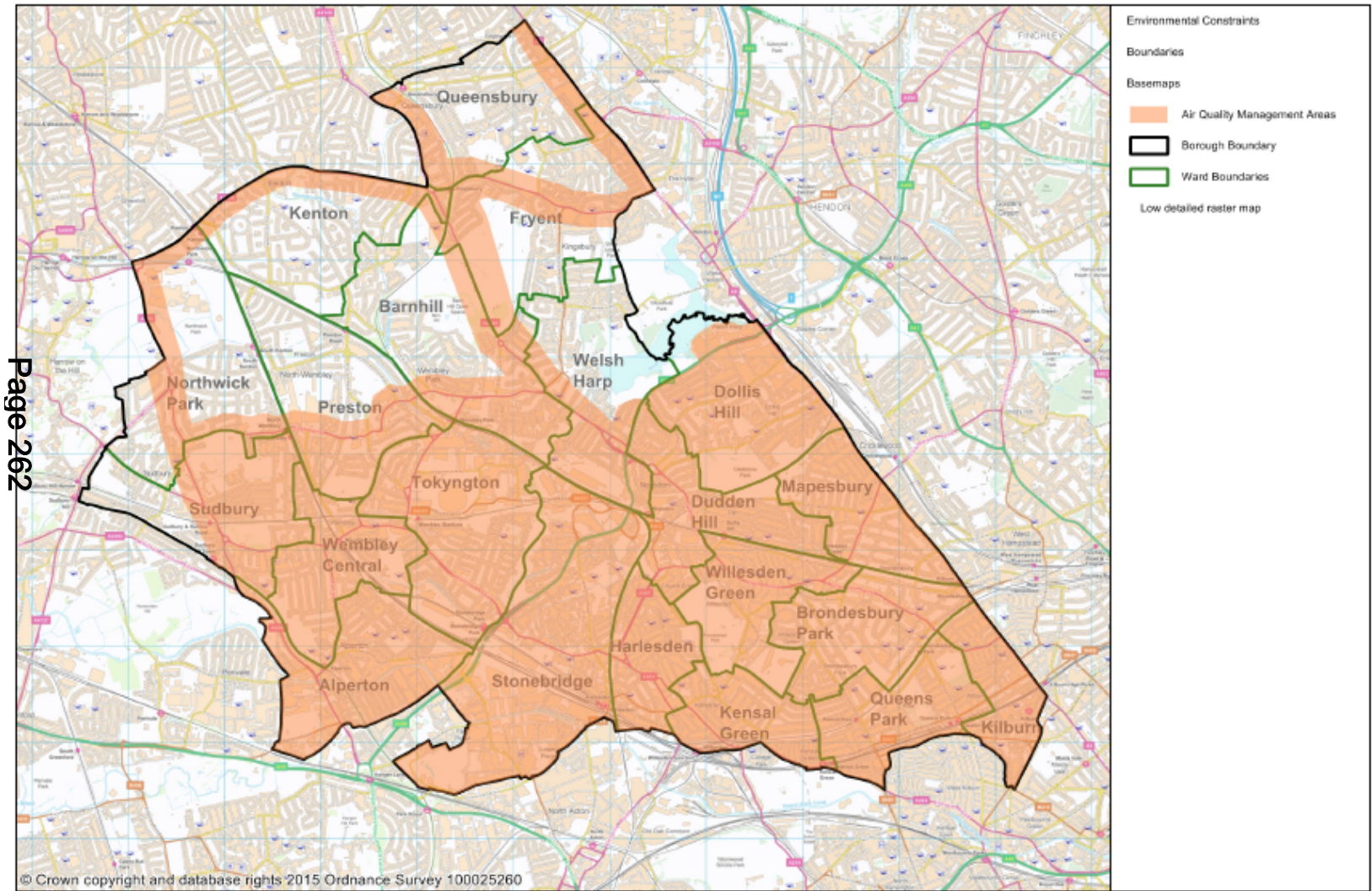
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## Appendix C – Vehicles with 100+ visitor parking bookings by CPZ

CPZ	Ward (s)	Occurrences of the same vehicle booking 100-149 sessions	Occurrences of the same vehicle booking over 150 sessions	Nearby Underground stations	Nearby Overground stations	Travel Zone (s)
KR_1	Queens Park, Kensal Green	16	4	Kensal Green	Kensal Rise	2
GC	Willesden Green	15	4	Dollis Hill, Willesden Green		2, 3
KQ	Queens Park	14	4	Kensal Green, Queens Park	Kensal Rise, Brondesbury Park	2
MW	Mapesbury, Dudden Hill, Brondesbury Park	14	8	Willesden Green		2
PAW	Kensal Green, Harlesden	13	10	Willesden Junction, Kensal Green	Willesden Junction	2, 3
Y	Harlesden, Dudden Hill	13	3	Harlesden, Dollis Hill		3
B	Kilburn, Queens Park	11	2	Kilburn Park, Queens Park	Kilburn High Road	2
GH	Willesden Green, Brondesbury Park	8	4	Dollis Hill, Willesden Green		2, 3
KD	Kilburn	8	6	Kilburn, Kilburn Park, Queens Park	Brondesbury, Brondesbury Park	2
KL	Queens Park, Kensal Green, Brondesbury Park	8	9	Kensal Green, Willesden Junction	Kensal Rise, Willesden Junction	2
H	Kensal Green	7	3	Harlesden, Willesden Junction	Willesden Junction	2, 3
KG	Queens Park	7	2	Kensal Green	Kensal Rise	2
KS	Brondesbury Park, Queens Park	5	5	Willesden Green	Kensal Rise, Brondesbury Park	2
MA_1	Brondesbury Park, Mapesbury	5	1	Willesden Green, Kilburn	Brondesbury, Brondesbury Park	2
GD	Dudden Hill, Willesden Green	4		Dollis Hill, Neasden		3
HS	Harlesden, Stonebridge	4		Harlesden, Willesden Junction	Willesden Junction	2, 3
KC	Kilburn, Queens Park	4	1	Kilburn Park, Queens Park	Kilburn High Road	2

CPZ	Ward (s)	Occurrences of the same vehicle booking 100-149 sessions	Occurrences of the same vehicle booking over 150 sessions	Nearby Underground stations	Nearby Overground stations	Travel Zone (s)
GM	Mapesbury	3	1	Willesden Green	Cricklewood	2, 3
KR_2	Kensal Green	3		Kensal Green, Willesden Junction	Kensal Rise, Willesden Junction	2
NS	Dudden Hill, Welsh Harp	3		Neasden		3
C	Wembley Central, Sudbury, Tokyngton	2	2	Wembley Central	Wembley Stadium	2,4
GB	Dudden Hill	2	2	Dollis Hill		3
K	Kilburn	2	2	Kilburn Park, Queens Park	Kilburn High Road	2
PAIA_2	Mapesbury	2	4	Willesden Green, Kilburn	Cricklewood	2,3
H	Sudbury	2	1	Sudbury Hill	Subury Hill Harrow	4
261 S	Willesden Green, Brondesbury Park	1		Willesden Green		2
KM	Kilburn	1		Kilburn Park, Queens Park	Kilburn High Road	2
MK	Brondesbury Park, Mapesbury	1	1	Kilburn	Brondesbury, Brondesbury Park	2
NT	Dudden Hill	1		Neasden, Dollis Hill		3
W	Tokyngton	1		Wembley Central	Wembley Stadium	4
GA	Mapesbury		1	Willesden Green	Cricklewood	3

# Appendix D – Air Quality Management Areas within Brent



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09 September 2015

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## Appendix E Assumptions made in financial modelling of changes to visitor permit charges

Assumptions made in financial modelling
Demand forecasts based on volume of visitor parking booking transactions completed in 2015: 451,119 visitor parking bookings
In CPZs that operate for more than 5 hours, demand is assumed to be split between the All day, 4 hour and 2 hour permits in the ratio 40:30:30
In CPZs that operate for 5 hours or less, demand is assumed to be evenly split between the 4 hour and 2 hour permits i.e. one half each.
Demand forecasts assume a reduction on the baseline 2014/15 as follows: demand drops by 7.5% for all day bookings; 5% for 4 hour bookings; and 0% for 2 hour bookings

## Appendix F – Benchmarking Pay & Display Tariffs

On-Street Parking Charges: Benchmarking Data for Demand Led Tariffs							
Authority	Subsidy Period	1 Hour - Lowest Rate	1 Hour - Higher Rate	2 Hour - Lowest Rate	2 Hour - Higher Rate	4 Hours - Lowest Rate	4 Hours - Higher Rate
Bordering Boroughs							
Brent (lower rate for cashless)	20p for 15 minutes	£2.00	£2.50	£4.00	£4.50	£8.00	£8.50
Harrow	20 mins	£0.30	£2.40	£0.60	£4.80	£3.60	£9.60
H&F	No	£2.20	£2.80	£4.40	£5.60	£8.80	£11.20
Barnet	No	£1.30	£2.00	£2.60	£4.00	£3.60	£8.00
Camden	No	£1.25	£1.65	£2.50	£3.30	£5.00	£6.60
Ealing	30/60 mins	£0.90	£2.40	£1.80	£2.80	£4.80	£7.00
Westminster (lower rate applies on Brent border)	No	£1.70	£4.90	£3.40	£9.80	£6.80	£19.60
K&C (lower rate applies on Brent border)	No	£1.20	£4.60	£2.40	£9.20	£4.80	£18.40
Comparable Borough							
Hillingdon	30 mins	£1.40	£3.20	£3.60	£6.40	£5.60	£8.40
Hounslow	No	£2.00	£2.00	£4.00	£4.00	£8.00	£8.00
Haringey	No	£1.30	£3.30	£2.60	£6.60	£5.20	£8.40
Waltham Forest	No	£1.30	£1.30	£2.60	£2.60	£5.20	£10.40



## Appendix G – Resident Parking Permit Prices

### On street parking permits

Our charges for resident and annual visitor parking permits reward environmentally responsible behaviour and are designed to encourage residents to consider the contribution their vehicle makes to climate change and local air quality.

Vehicle band	1	2	3	4	5	6	7
Vehicle emissions (gCO <sub>2</sub> /km) of passenger vehicles registered on or after 1 March 2001	Less than 110	110-130	131-150	151-175	176-200	201-255	255+
Cylinder capacity of engine (cc) of passenger vehicles registered before 1 March 2001 and goods carrying vehicles	Less than 1101	1101-1200	1201-1550	1551-1800	1801-2400	2401-3000	Over 3000
<b>Duration: 12 months</b>							
1st permit (£)	0	55	83	110	138	165	220
2nd permit (£)	40	95	123	150	178	205	260
3rd permit (£)	80	135	163	190	218	245	300

## **Appendix H**

### School Travel Plan Objectives

For the pupils:

- Improving health and fitness by walking, scooting and cycling
- Improving travel awareness and road user skills
- Improving awareness of their surroundings

For the school:

- Improving safety around the school
- Reducing congestion around the school
- Establishing safer walking and cycling routes around the school
- Contributing to other school policies such as Eco Schools and Healthy Schools etc.
- Can be linked to the National Curriculum

For parents:

- Reducing stress and time spent driving to school, especially when it is congested
- Increasing quality parent/child contact time

For the local community:

- Improving the local environment by reducing air and noise pollution
- Reducing congestion/obstruction problems
- Improving walking routes
- Improving road safety

## **Appendix I - Statutory grounds on which a PCN or Notice to Owner can be challenged**

- The alleged contravention did not occur - This will include cases where a vehicle was loading and unloading in accordance with a TMO, where a PCN was issued too early by the CEO, or where the vehicle was displaying a valid permit, ticket badge or voucher. If you can you should provide evidence to support your claim, for example if you are claiming that you stopped to unload goods you should send a copy of the delivery note.
- The recipient was never the owner of the vehicle in question; had ceased to be the owner before the date on which the alleged contravention occurred; or became the owner after that date. - You should submit evidence to support your claim, for example a letter from DVLA. If you are making representations under the second or third circumstances outlined, you are legally obliged to provide the name and address of the person to whom the vehicle was disposed of or acquired from if you have this information.
- The vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without consent of the owner. - This covers stolen vehicles and vehicles which have not been stolen but were used without the owner's consent. If you can you should submit evidence to support your claim, for example a crime reference number or insurance claim.
- The recipient is a vehicle hire firm and: the vehicle in question was at the time hired from that firm under a vehicle hiring agreement; and the person hiring it had signed a signed a statement of liability acknowledging his liability in respect of any PCN served during the period of the hire agreement. - This only applies to hire companies where the hirer has signed a suitable agreement accepting liability for penalty charges.
- The penalty charge exceeded the amount applicable in the circumstances of the case. - For example you are being asked to pay the wrong amount; the PCN was not correctly issued; the council believes that you paid less (or later) than you did.
- There has been a procedural impropriety on the part of the enforcement authority. - This means a failure by the council to observe any requirement imposed on it by the Traffic Management Act 2004, or the relevant regulations made under that act in respect of the civil enforcement of parking contraventions. An example of this would be that the NtO was served out of time.
- The traffic order (except where it was made under Schedule 9 of the Road Traffic Regulation Act 1984) is invalid. - This applies if the Traffic Management Order is defective. Details of why you believe that the order is invalid should be provided.
- The CEO was not prevented from serving the original PCN by affixing it to the windscreen or handing it to the owner or person in charge of the vehicle. - This applies when the council sent the PCN to you by post because it claims the CEO was prevented by someone from issuing at the scene.
- The NtO should not have been served as the penalty charge had already been paid in full or had been paid within the specified period at the reduced amount. - This means that correct amount of penalty was paid during the prescribed time period before the NtO was issued. Evidence of the payment method, date and amount should be provided.

## **Appendix J - London Councils' Code of Practice (extract)**

### Reasons for Cancelling PCNs

169) A PCN must always be cancelled when satisfactory evidence is produced of any of the statutory grounds for representations.

170) In addition authorities can always exercise discretion and consider cancelling PCNs under other circumstances.

The following paragraphs provide the basis for a consistent approach to cancelling PCNs.

*It is not a definitive list and authorities will still need to consider the particular circumstances of each case when making their decisions. PCNs should be cancelled:-*

a) when the parking meter is faulty or all nearby (and easily visible) pay-and-display ticket machines are faulty;

b) when the PCN has not been issued properly (e.g. the information on the PCN is inadequate or incorrect due to an error by a parking attendant);

c) the vehicle was broken down at the time and reasonable steps had been taken to move it as soon as possible;

d) where special arrangements exist whereby PCNs are waived (e.g. HEB users attending a medical emergency);

e) where there has been an undue delay at any stage in processing of the PCN. This would certainly be the case with any delay exceeding 6 months, but even shorter delays may be considered unreasonable, for instance if they contribute to a motorist being unable to make detailed representations or present a case for appeal - for example, except in extraordinary circumstances, authorities should respond to representations within at most 60 working days. In cases where authorities have had difficulties tracing owners, longer delays may be acceptable;

f) in cases of extenuating circumstances, authorities should establish guidelines under this category to ensure consistency and assist management control. This should include guidance on what evidence would be appropriate in each set of circumstances. Authorities must consider using their discretion on all occasions if none of the statutory grounds apply, but the need to be flexible in considering exceptional circumstances must be balanced with the need to enforce parking controls firmly and fairly. Where there is an element of doubt, it would be reasonable to give the motorist the benefit of the doubt for a first contravention but to be stricter on later occasions. For this reason it is appropriate to monitor discretionary cancellations carefully to check that the same exceptional circumstances are not being claimed on multiple occasions. At all times each case must be considered on its merits.

## Appendix K - STATUTORY REPRESENTATIONS

*(Extract from the Secretary of State's Statutory Guidance, April 2015)*

186) The people considering statutory representations should be independent of PCN issuing staff and the function of considering these representations must not be contracted out. There are statutory grounds for representations that can be made to an authority. Authorities are not constrained to these grounds and may exercise discretion as to whether or not to cancel PCNs on other grounds and it is important that authorities exercise their discretionary powers responsibly and reasonably. If the authority rejects their representations, the motorist may appeal to the adjudicator. Representations should only be accepted in writing, in order to avoid confusion, and should contain the name, address and signature of the person making them. If representations are made electronically by email, or online, the name of the person making them should be in the message header or in the message and can be taken to be a signature. In such cases it is advisable to validate the message content (e.g. by sending an acknowledgement of receipt containing a copy of the original message) so no later changes to the representations can be made.

187) The relevant grounds for representations against an NtO defined in Paragraph 2 of Schedule 6 to the RTA 1991 (as amended) are that:

- a) the recipient was not the owner of the vehicle at the time of the event;
- b) the alleged contravention did not occur, usually because the vehicle was waiting in accordance with an exemption listed in the relevant traffic order, (e.g. there was loading or unloading taking place)
- c) the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner (e.g. the vehicle was stolen at the time);
- d) the designation order is invalid;
- e) the recipient is a vehicle hire firm and -
  - (i) the vehicle was at the time of the contravention hired from the firm under a vehicle hiring agreement; and
  - (ii) the person hiring it had signed a statement acknowledging his liability in respect of any PCN affixed to the vehicle during the period of hire;
- f) the PCN charge exceeds the amount applicable in the circumstances of the case;
- g) the parking attendant was not prevented from serving the PCN (in London only).

188) These grounds can be divided into two distinct categories, which result in different action being taken if representations are accepted. The first set of grounds are those which challenge the validity of the PCN itself, and are that:

- a) the contravention did not occur – 187) b)
- b) the traffic order was not valid – 187) c)
- c) the penalty charge exceeded the amount applicable in the circumstances of the case– 187)f)
- d) the parking attendant was not prevented from serving the PCN – 187) g)

189) The second set of grounds does not challenge the validity of the PCN itself but are raised by the owners as a challenge to their liability. These are that:

- a) the person to whom the NtO was sent was not the owner – 187) a)
- b) the vehicle had been taken without the owner's consent – 187) c)
- c) the owner is a vehicle hire firm – 187) e)

190) The distinction between the grounds for representations is important to ensure that the correct action is taken in the case of representations being accepted. Successful representations on grounds that challenge the validity of the PCN should result in cancellation of both the PCN and the NtO. Successful representations on grounds that challenge the liability of the recipient need only result in the cancellation of the NtO.

## **Appendix L – LB Brent Parking Services: Member Enquiries (10 January 2014 - extract)**

### **Summary**

*This briefing provides guidance to elected Members on the Council's parking services, and how Members can best seek information or refer on complaints and feedback.*

### **Making an Enquiry or Complaint**

*Members are reminded that, in accordance with agreed Council procedure, any formal: requests for information or assistance; complaints; feedback; or questions to officers; should be treated as 'Member Enquiries'. This procedure should be followed for any of the Council's services.*

*All Member Enquiries, including those relating to parking, should be submitted by Members via email to [members.enquiries@brent.gov.uk](mailto:members.enquiries@brent.gov.uk) . Parking queries will then be assigned to the Council's Parking and Lighting Service, where a response will be drafted. ...*

*When a resident contacts a Member in relation to a Penalty Charge Notice that they have received ... we would request that the Member first advises the appellant to follow the statutory process for the appropriate stage of their appeal (i.e. informal Challenge, formal Representation, or formal Appeal). Where a Member wishes to submit evidence on behalf of a resident, this should also be sent as a Member Enquiry to the aforementioned email address, with the PCN reference number (beginning with 'BT'), included in the email.*

## **Appendix M – Brent Council's Code of Conduct for Members (extract)**

### **Personal Interests:**

#### **13.**

*(1) For the purposes of this Code you have a personal interest in any business of the Council where either –*

*(a) The business of the Council relates to or is likely to affect an interest that you are required to register ... or*

*(b) Where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision;*

*and that interest is not a disclosable pecuniary interest.*

*(2) For the purpose of paragraph 13(b) a "relevant person" is –*

*(a) a member of your family or your friend or any person with whom you have a close association; or*

*(b) any person or body who employs or has appointed persons in sub-paragraph*

*(2)(a), any firm in which they are a partner, or any company of which they are a director; or*

*(c) any person or body in whom persons in sub-paragraph (2)(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*

*(d) any body of a type described in Appendix B, paragraph 1) and 2).*



**Cabinet**  
14 March 2016

**Report from the Strategic Director,  
Regeneration and Environment**

Wards affected:

ALL

**Shared Passenger Transport Service with the London Borough of Harrow**

**1.0 Summary**

- 1.1 A project was established in 2014 to provide significant savings through a transformational change in the delivery of the council's passenger transport service (BTS). The objective was to deliver £538k savings in BTS in 2015/16 and a further £100k in 2016/17. The projected timeframe for full delivery was in the order of twenty-four months based on a start date of August 2014. The savings were set against the base budget.
- 1.2 At the same time, work by the Children and Young People Department began to get underneath the pattern of demand and the very real difficulties of reducing it within the time frame required. At the root, rising demand and lack of in borough places.
- 1.3 Against this backdrop, officers have sought to bring forward as many savings as quickly as possible by creating a collaborative solution with the London Borough of Harrow which is seeking to establish itself as a regional transport hub.
- 1.4 Both Brent and Harrow have passenger transport services and are responsible for transporting adults and children with particular needs from their homes to specified schools, colleges or day centres. This proposal is for a fully shared passenger transport service, delivered from Harrow's Central Depot and ready for the start of the academic year in September 2016. The proposal is expected to create financial savings for both councils whilst still ensuring a high standard of service is maintained.

**2.0 Recommendations**

- 2.1 That Cabinet approves Brent Council entering into a shared service arrangement with the London Borough of Harrow for the provision of special needs transport from September 2016.
- 2.2 That Cabinet gives their approval on the basis of the initial savings opportunities that have been identified and authorises officers to work with Harrow over a further period from March to September to establish the maximum savings profile possible.
- 2.3 That Cabinet approves Harrow's lead on the necessary procurement of labour supply and taxi contracts in 2016/17.

### **3.0 Background**

#### **3.1 Brent's Transport Service (BTS)**

Brent's largest requirement for passenger transport comes from the provision of home to school transport for children and young people with Special Educational Needs (SEN) who have a statement requiring the provision of a specific type of education, most often at a special school or unit catering for their particular educational need. Where the statement identifies a need for the learner to be transported to and from school, Brent has a statutory duty to provide the required transport.

- 3.2 The other core requirement arises within Community and Wellbeing where adult clients who are either elderly and / or have learning difficulties or physical disabilities are transported from home to day centres or other placements or activities, as defined within their personal care plans. With the move from day centres to other forms of provision, the number of adult clients using BTS will decrease significantly over the next few years.
- 3.3 In addition there are a number of ad-hoc transport requirements across the council for transport of vulnerable children, adult clients, foster parents, carers etc. in a variety of circumstances ranging from supervised parental visits, court appearances and emergency transport of children at risk.
- 3.4 The service generally receives strong feedback from service users. Most of the suggested areas for improvement are around continuing to strive for consistency around drivers and escorts, and the need to improve the standard of the vehicles. The importance of good driver and escort training has also been stressed.
- 3.5 The service faces significant financial challenges going forward as the number of SEN transport users is increasing each year and the vehicle fleet is ageing with no replacement budget.

#### **3.6 Vehicles**

BTS's vehicle fleet is old (85% of buses are over eight years old - normal working life expectancy is seven years), and urgently needs replacing.

#### **3.7 Demand**



One of the key drivers of increased costs for BTS is the ongoing increase in the number of children and young people using the service, and the need for some of them to be transported long distances to schools that meet their needs.

3.8 The increase in the overall numbers of children with special educational needs (SEN) and the numbers that need BTS transport is due to a combination of factors:

- population increases
- migration
- the robustness with which new applications for statements / Educational Health and Care Plans (EHCPs) are assessed
- legacy of statements already issued / placements already arranged

3.9 **Population increases**

There has been a substantial increase in the number of births in the borough, which has contributed to the Brent School-age population increasing by nearly 10% in the last 5 years. The need for specialist support services increases roughly in line with this.

3.10 **Migration**

In addition to predictable population growth, Brent also receives unpredictable inward migration of children with SEN. From October 2013, to January 2015, 22 young people moved into the borough with a special educational need. These numbers are not large, but they have a disproportionate impact as they are difficult to plan for. Pupils with significant SEN who are new arrivals to the borough often end up in expensive independent placements, and may remain there for several years until they reach a suitable transition point.

3.11 **The robustness of assessing applications for EHCPs**

Across London, an average of 3.8% of school-age children have a statement of special educational need or an EHCP. In Brent, as of January 2015, there were 1,655 children with statements and EHCPs, which equates to 3.8% of the Brent school-age population – in-line with the London average.

3.12 This has been gradually improving since 2011, when 4.2% of the school population had a statement; which demonstrates the gradual positive impact of the more robust assessment and review processes that have been put in place within the last four years.

3.13 **Legacy**

Significant improvements have been made in the last 3/4 years in both the amount and type of SEN provision within the borough, and the systems in place for assessing and reviewing statements. The impact of this on the overall SEN population is gradual, as once placed in a school, it is often not possible to transfer them to a new in-borough provision until a suitable transition point (i.e. 11+, or post-16). As a result, there are still roughly 150 students with SEN attending independent schools.

3.14 In addition to the 150 children at independent schools, there are an additional 270 students travelling to academies or other schools outside of the borough, making a total of 420 students attending independent and out of borough schools.

3.15 **Measures to reduce demand**

In order to reduce future demand, the following measures are being put in place. It must be noted that with population increases and to a lesser extent migration, this may be more about reducing the rate of increase, rather than actually reducing demand.

- an Independent Travel Assessor is being recruited to meet with families face to face and assess the travel needs and abilities of the child and whether being transported in a BTS bus or BTS-funded taxi is the best approach for the child
- there will be a stronger focus on increasing travel training
- the policy on transport is being revised
- there will be an increase in the number of in borough school places for SEN children
- there will be an increase the amount of travel training

3.16 **The views of service users**

Consultation has taken place with service users on the current service and potential future options. Paper surveys were sent to all families whose children use BTS. Families were also given the opportunity to attend one of four focus group sessions. Paper surveys were sent to Adult Social Care (ASC) users and they were given the opportunity to speak to a council officer if they wanted to learn more or give further opinions.

3.17 There were 150 responses to the survey from families whose children use the service. The survey showed high satisfaction with the current service. In regard to possible future delivery options, the following responses were given:

Option	Very Happy or Happy (%)	Neither Happy nor unhappy (%)	Unhappy or very unhappy (%)
a. Use a different organisation to run the service	21	39	32
b. Run the service in partnership with another organisation	28	44	18
c. Provide more support to help young people to learn how to travel independently (this is not instead of option a or b)	48	25	15

- 3.18 The focus group sessions looked at the issues in more detail. They confirmed a high degree of satisfaction with the current service, with some areas for improvement and stressed the importance of consistency with drivers and escorts. In regard to future options for the service, participants did not seem concerned about how transport was provided (i.e. shared service, run by another organisation) as long as service and service quality were maintained.
- 3.19 There were 47 responses to the ASC survey. Again, satisfaction with the current service was high. Concern was shown about possible changes to the service. This may be because the ASC users have been using the service for a longer period of time. With the move to alternative forms of provision for some day centre users, ASC's need for BTS will reduce significantly over the next years irrespective of the nature of the service.

Option	Very Happy or Happy (%)	Neither Happy nor unhappy (%)	Unhappy or very unhappy (%)
a. Use a different organisation to run the service	16	25	59
b. Run the service in partnership with another organisation	18	39	43
c. Provide more support to help young people to learn how to travel independently (this is not instead of option a or b)	45	32	23

#### 4.0 The Way Forward

- 4.1 The financial pressure impacting on all councils has created the need to explore avenues for reducing the cost of service delivery. The West London Alliance (WLA) has identified passenger transport services as a key area of expenditure where collaboration across councils can support cost reduction objectives.
- 4.2 Both Harrow and Brent councils have a statutory duty to provide transport assistance to eligible children who access education and college placements. As described, eligible children are those that have physical and emotional needs that make the use of personal or public transport inappropriate.
- 4.3 The approach to this work has seen both councils:
- Establish current baselines including operating costs and clients
  - Determine current pressures
  - Ascertain key opportunities
  - Agree possible governance arrangements
  - Agree possible staff secondment arrangements

- Determine business development and growth
- Consider issues relating to demand management that would be required of the commissioning officers.

4.4 The Harrow team has spent a number of days at the Brent SEN office and there have been joint meetings involving directors, finance and procurement and operational staff from both councils. A business case has been developed that represents the position discussed between both councils.

#### 4.5 **Options explored**

The option of a private company or social enterprise running the service was explored. Soft market testing took the form of meetings with some of the larger companies in the sector and a suppliers' open day. There was an appetite for running the whole service or parts of it. Figures of up to £1m were suggested by the companies as potential savings. However, it is difficult to establish how likely this is and earlier work by expert consultancies also gave rise to concerns over the achievability of that level of saving. The results of the consultation with service users also showed that using a private organisation to run BTS was a least favoured option.

4.6 A second option was to maintain a directly run service that continues to be managed and operated by Brent staff. It is likely that a very concerted approach to directly driving through further operational efficiencies may create new savings. Nevertheless, a fundamental and ongoing prerequisite of this would be the need to lease a depot to serve an in-house operation. The current depot lease is due to expire in March 2017 and there is a risk that the landlord would not seek to renew the lease and make use of the site for other business interests. That would leave Brent without a depot and/or having to meet increased and inflated accommodation costs.

4.7 By way of a third option, other London local authorities were approached about a possible shared transport service. Harrow showed the most interest. A very local collaboration with Harrow clearly makes good sense. Any savings that an in-house service could deliver are likely to be less than those offered by a shared service whereby economies of scale are certain to underpin larger, more sustained and longer-term savings. Officers therefore worked with Harrow to develop a firm and final proposal.

4.8 Options 1 and 2 were discounted as this would realise less savings for Brent as the council would still need to provide a depot facility and there would be no opportunity for shared route arrangements.

4.9 Consequently, it is now recommended that Harrow and Brent develop a fully shared SEN Transport service which requires the secondment of Brent staff to Harrow.

#### 5.0 **The Benefits and Opportunities**

- 5.1 Brent and Harrow, like many other councils face significant financial challenges over the medium term. The scale of the challenges is such that traditional “salami slicing” of budgets is no longer sufficient to solve the issues. Both councils are committed to protecting services to vulnerable residents and consequently innovative solutions must be found to meet financial challenges while supporting those that are most in need. Shared service arrangements between Brent and Harrow have worked successfully with the merged Trading Standards, Procurement, and the Mortuary service delivered by Brent yielding significant savings to both councils.
- 5.2 This merger of SEN transport services presents a business opportunity for both councils to gain the benefits of economies of scale in contractual arrangements, greater efficiencies in operational front line staffing (drivers and escorts), shared policies from cross working with seconded staff, route sharing and rationalisation and systems and processes. It also provides the opportunity for better utilisation of Harrow’s premises to reduce the operational costs of the combined service.
- 5.3 This merger will deliver cost reduction in the following areas:
- Premises
  - Route sharing and route reduction and the related front line operational costs
  - Vehicles – greater economies of scale with vehicle contractor and reduced running costs
  - Systems and processes
  - Contractual arrangements – ( the current BTS taxi contract and the labour supply contract expires this year and must be renewed) and provides opportunities for better contractual terms given the larger value contracts
  - Business development and growth including hiring out spare capacity and further collaborations.
- 5.4 In addition to the operational and contractual efficiencies, there is scope to achieve further savings from demand management activities. Achieving desired outcomes here would require actions to be taken by the commissioning directorates/departments, i.e. children and adult services in both councils and a shared approach being adopted. The implementation period would include the finalisation and agreement of a joint policy built on shared resources.
- 5.5 The overarching proposal is that the SEN transport services for the two boroughs are merged and operate under the umbrella of Harrow and Brent Special Needs Transport Service (HB SNT). The service will be hosted by Harrow Council and run from Harrow’s Central Depot. The management of the business will sit with Harrow and will include the secondment of any relevant Brent staff to Harrow under a secondment agreement.
- 5.6 The overall arrangement will be governed by both authorities through the joint SNT Board underpinned by an Inter Authority Agreement between both

councils. This agreement will set out the financial arrangements between the councils and this will be based on the cost of the level of service being provided. The agreement will include:

- A Secondment Agreement that governs the staffing arrangements
- Change control mechanisms that govern how increases in activities are agreed, costed and financed
- Performance review meetings that govern the discussions on key performance indicators and the rectification plans that will underpin the resolution of any non/underperformance
- Monitoring reports to track financial savings from the shared service.

## 5.7 **Staffing**

The required posts will be covered by Harrow's current team as well as the seconded staff from the Brent team. Although a more integrated and reduced management team might have created further savings, this proposed secondment option does provide qualitative benefits:

- Route shares and optimisation - easier and seamless with staff who have little or no learning curve.
- Reduction in costs with combined routes for front line staff , in particular where agency or supply contracts are in place
- Additional capacity to spot check routes/contractors and to offer that monitoring option to the wider taxi service
- Information sharing on poor contractors
- Reduce duplication
- Increase purchasing benefits on all supplies and services
- Shared training opportunities that will reduce costs
- Shared IT options

Any staff savings will initially come from the reduced costs associated with drivers and escorts, where these are part of supply contracts. The shared service will incorporate route sharing and this will reduce the number of front line operatives needed. The proposals around route sharing and route reduction/efficiency will be developed further. These will yield savings on both vehicles and staff and will be fully quantified during implementation.

The personnel management function that is currently outsourced and which is due to be re-procured this year would be subject to a Harrow-led joint procurement exercise.

## 5.8 **Premises**

Harrow is able to offer parking facilities for the Brent vehicles at their Central Depot with any overflow at the Old Driving Centre at their Leisure Centre complex. This provides Brent with a £100k per annum saving on current depot costs. Brent will also make additional savings from the closure of its workshop as that service will not be required.

## 5.9 **Vehicles**

There are a number of options for the provision of Brent's vehicles and these will be finalised as part of the implementation process.

5.10 Given the age of Brent's vehicles (most are over 12 years old) and the fact that these are capitalised assets for the council, the options that have been investigated are:

- Brent to dispose of its current 86 vehicles. The age of these vehicles mean that in 2017 they will be at the borderline stage re emission levels that qualify for vehicles sold in Europe. Therefore in 2 years these vehicles will have very minimal resale value. Disposal now yields higher capital to Brent and leaves Brent with the option of :
- Joining Harrow's leasing contract for the provision of vehicles. This would mean higher revenue costs but no capital outlay.
- Purchasing new vehicles and having these maintained by Harrow's contractor. This means significantly reduced revenue costs as new vehicles will have a 3 years' maintenance warranty. There would be a higher capital outlay as a consequence, but this option maximises revenue savings.
- Brent keeps its current vehicles and these would be maintained by Harrow's maintenance contractor under a variation to Harrow's current contract.

5.11 Regardless of the option chosen, the maintenance of Brent's vehicles will be done under Harrow's contract and will form part of the re-procurement of Harrow's contract in 2017/18.

## 5.12 **Contractual Arrangements**

A joint re-procurement of Brent's current personnel/labour supply contract is expected to yield further opportunities for financial savings this year. The contract will cover both councils and this merged spending power will create economies of scale as well as reduced usage where route sharing will lead to a lower requirement from the supply contract. This procurement would begin after approval from Brent's Cabinet of a shared service and would be led by Harrow.

5.13 It is proposed that all the taxi and ad hoc hire contracts be re-negotiated/re-tendered this year. The taxi framework will be procured by Harrow for 5 boroughs: Harrow, Brent, Hounslow, Barnet and Ealing. This gives greater purchasing power greater and further improves the savings potential. The final savings will be known by June 2016 but a 15% estimate has been included in the business plan.

## 5.14 **Business Development**

The merged service will have spare capacity to facilitate a growth in external income. Harrow's Commissioning Service incorporates a Business and Commercial team with sales and marketing experience. This team will embark on the proactive marketing of the product and service that will be offered. This will include a comprehensive and competitive pricing strategy so that the shared service becomes the provider of choice for schools, charities, and other groups.

#### 5.15 **Demand Management**

Future policy direction and commissioning actions of the Education/Children and Adults departments in both councils will influence the level of savings or cost pressures in the shared service. Although the joint service will make it its mission to keep operational costs at a minimum, it is unable to influence demands. The commissioning departments of both councils will be required to review demand management activities. It is recommended that both councils jointly develop a refreshed Transport Assistance Policy that would cover:

- Independent travel training (ITT)
- Use of personal travel budgets
- Free travel for travel buddies

Investigation shows that the average saving per passenger that can travel independently is circa £6k. The shared service would wish to make use of a dedicated independent travel trainer.

#### 5.16 **Management arrangements – based on the secondment model**

A secondment arrangement does not immediately provide the benefit of full back office and management cost reduction. However, it does facilitate a speedier transition and does create many qualitative benefits, particularly around consistency of service delivery and continuity for existing passengers. This option requires Harrow Council to provide management capacity and support to the joint service. Harrow has an in-house expert team providing contracts management and support on the procurement and management of contracts for taxi, personnel and IT software. This will include on-going contract monitoring and any contractual negotiations required to maximise benefits and values to the joint service. There will be an annual management fee covering staff management and contract management. This has been included in the financial forecasts on the basis of 3% of Brent's staff costs and 2% of Brent's annual contract values. It is anticipated this can be waived if a permanent transfer of staff can happen at a later and mutually agreeable date.

#### 5.17 **Other Considerations**

Clearly, a shared service will build on the previously received views of service users and will ensure a high quality service is maintained, vehicles are maintained in good condition and there is consistency around drivers and escorts. The timetable for implementation is to decide in March on a shared service so that mobilisation can start from April and a fully operational collaboration can begin from the start of the school term in September 2016.



- 5.18 It is clearly vital that, in order to ensure any concerns are fully addressed, the transition to a shared service is properly and sensitively communicated to all service users and to the staff affected. Officers give an absolute commitment to ensuring this is done in a way that avoids confusion and any uncertainty.

## 6.0 Financial Implications

- 6.1 The three year financial plan assumes shows a combined cost reduction of £1.13m as follows:

2016/17	£642k
2017/18	£427k
2018/19	£31k

The savings are split 50/50 between Harrow and Brent unless stated otherwise. The table at Appendix A summarises the saving that each Council will get in each financial year.

- 6.2 The current average cost per passenger for Harrow and Brent is £6k and £6.6k respectively. Assuming service demand remains the same over the next three years, the continuous cost efficiency of the joint service over time will result in a reduction in the average cost per passenger for Harrow and Brent of 6% and 15% respectively in 2018/19.
- 6.3 The current average cost per route for both Harrow and Brent is around £29k. An overall reduction in average cost of 11% will be achieved in 2018/19. The table below summarises the average costs over the next three years.

	<u>Harrow</u>	<u>Brent</u>	<u>Joint Service (HB SNT)</u>		
	2015/16	2015/16	2016/17	2017/18	2018/19
<b>Forecast costs</b>	4,967,000	5,600,000	9,925,000	9,468,000	9,437,000
<b>Average cost per passenger</b>	<b>5,977</b>	<b>6,604</b>	<b>5,911</b>	<b>5,639</b>	<b>5,621</b>
<b>Average cost per route</b>	<b>28,546</b>	<b>28,718</b>	<b>26,897</b>	<b>25,659</b>	<b>25,575</b>

- 6.4 Each Council will meet the cost for change where that change results in an incremental increase to variable costs. Each additional passenger will attract the average cost per passenger in the first instance. This will be adjusted (up or down) depending on the complexity or otherwise of the passenger's needs as this determines the mode of travel.
- 6.5 Each reduction in passengers will generate a cost reduction of the average cost per passenger of circa £6k adjusted for any element of cost that might still be attributable.

## 7.0 Legal Implications

- 7.1 Recommendation 2.1 proposes the delivery of a shared passenger transport service, hosted and managed by the London Borough of Harrow ("Harrow") on

behalf of Brent for the reasons cited within the body of this report. The Local Authorities (Goods and Services) Act 1970 (“the 1970 Act”) provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 1970 Act.

- 7.2 The proposals submitted by Harrow, if approved in principle would represent a provision of service to Brent which, on the face of it, would be subject to competitive tender exercise by Brent under the Public Procurement rules. However Regulation 12 (7) of the Public Contract Regulations 2015 (“the Regulations”) establishes that where 2 or more local authorities concludes a contract, exclusively, between themselves provided the deal fulfils 3 conditions – then the contract would fall outside the scope of the Regulations; therefore no requirement to put the service out to competitive tender exercise. The following conditions must be met in order for both Councils to benefit from regulation 12(7):-

*“(7) A contract concluded exclusively between two or more contracting authorities falls outside the scope of this Part where all of the following conditions are fulfilled:—*

- (a) the contract establishes or implements a co-operation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;*
- (b) the implementation of that co-operation is governed solely by considerations relating to the public interest; and*
- (c) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation.”*

- 7.3 Brent must be mindful that should the shared proposal be approved and implemented, the proposal relies on growth and offering further shared services to other authorities and/or schools – therefore it is imperative that to continue to receive the benefit of regulation 12(7) the performance of the shared transport service must not exceed more than 20% on the open market (taking into account costs of supplying the service and/or annual turnover are some of the indicators used to determine market share under the Regulations).

- 7.4 The estimated value of the provision of the passenger transport services to Brent is likely to be deemed a High Value Contract under Contract Standing Orders (“CSO”). In view of the value of this proposed arrangement, Cabinet approval is required to enter into any partnership arrangement in accordance with CSO 87. Brent will need to enter into an inter-authority agreement (“IAA”) with Harrow setting out both parties’ respective duties, liabilities, costs and savings apportionment etc. in relation to the provision of a passenger transport service.

7.5 With regard to the proposal to establish a shared Special Needs Transport Service with Harrow, there are a number of models of shared service and officers have determined that a hosted service led and managed by one partner authority is preferable in these circumstances. The proposal suggests that a joint Strategic Board/Advisory Board comprising of officers of both authorities is created to monitor and oversee the provision of services. The proposed IAA does not refer to any possible formal delegation of Brent's functions to Harrow therefore the strategic/advisory board will be akin to a working group with no power to make decisions on the strategic direction of the shared service – all decisions affecting the service would be subject to scrutiny by each council's Cabinet/Executive.

7.6 Both Councils understand that Brent's staff currently providing the passenger transport services will transfer to Harrow pursuant to a Secondment Agreement and will maintain their current terms and conditions. The detail of the effects of any subsequent and permanent TUPE transfer of staff will depend on the precise organisational structure and the employment contracts of those transferring, and will be kept under review. Moreover, post any subsequent TUPE transfer it is possible that redundancies may be necessary from the joint pool of staff. The terms of the proposed IAA will include precise terms governing staffing costs, apportionments and pensions liabilities.

## **8.0 Diversity Implications**

8.1 Please see Appendix B for the full equality impact assessment.

8.2 Current users of BTS are likely to have a learning or physical disability and be elderly or young. Any changes to the current service will have an impact on them. The current service is not being withdrawn. It will stay, but as a service run in partnership with Harrow. From the users' side, not all the changes that come with a shared service will be noticeable. What may noticeable is the bus, the driver and the escort and any variation in pick up and drop off times or other occupants on the bus. Routes will be looked at, so there may be more of a change for some users than others in regard to the above. Some users may find any initial change in driver, for example, unsettling for a while. Once the new service is underway, every effort will be made to ensure consistency in drivers and escorts, so users will hopefully soon become accustomed to the new service. The change should not be very noticeable because Harrow and Brent already share some routes, some Brent back office employees will still be in place as will the current drivers and escorts.

## **9.0 Staffing/Accommodation Implications**

9.1 Harrow propose a process whereby Brent staff will be seconded to Harrow and be based at Harrow in the first instance, pending a possible formal TUPE transfer at a later and mutually agreeable date. Moving to a permanent merged team is likely to mean a reduction in overall staff headcount and therefore possibly some redundancies at a later date.

- 9.2 The shared service proposal from Harrow proposes using Harrow's depot to base the Brent fleet, so that Brent can move out of the current East Lane Depot and release savings. However, the lease on the East Lane Depot allows the Council to break the lease on or after the 29 September 2016 on at least six month's written notice, so the earliest exit date would be spring 2017. Unless the landlord is willing for the council to leave earlier, savings could not be realised on accommodation until spring 2017.

### **Background Papers**

- Appendix A – Allocation of Savings
- Appendix B - Equalities Assessment

### **Contact Officers:**

Chris Whyte, Operational Director, Environmental Services

LORRAINE LANGHAM

Strategic Director, Regeneration and Environment

## Appendix A - Allocation of savings

Items	Proposed Allocation method	2016/17 (part-year 7 months)	2016/17		2017/18	2017/18		2018/19	2018/19	
		(Saving)/ Costs	Harrow share of saving	Brent share of saving	(Saving)/ Costs	Harrow share of saving	Brent share of saving	(Saving)/ Costs	Harrow share of saving	Brent share of saving
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Mgt &amp; Business Support</b>	50/50	3	1	1	2	1	1	0	0	0
<b>Computer software</b>	50/50	-9	-5	-5	-7	-3	-3			
<b>Premises</b>	Brent	-52	6	-57	-37	4	-41			
<b>Fuel</b>	50/50	-16	-8	-8	-11	-6	-6			
<b>Taxi Route Optimisation</b>	50/50	-20	-10	-10	-14	-7	-7			
<b>Taxi contracts</b>	50/50	-420	-210	-210	-244	-122	-122	0	0	0
<b>Drake Resource</b>	50/50	-121	-61	-61	-87	-43	-43			
<b>Vehicle Maintenance</b>	50/50	-10	-5	-5	-7	-4	-4			
<b>Routes Share</b>	50/50	-88	-44	-44	-63	-31	-31			
<b>Other Income (net)</b>	50/50	3	2	2	-49	-24	-24	-31	-15.5	-15.5
<b>Additional staff &amp; fuel costs</b>	50/50	55	27	27	39	20	20			
<b>Additional Staff Mileage</b>	50/50	4	2	2	0	0	0			
<b>Management fee</b>	Brent	29	0	29	50	0	50			
<b>Total</b>		<b>-642</b>	<b>-303</b>	<b>-337</b>	<b>-427</b>	<b>-216</b>	<b>--211</b>	<b>-31</b>	<b>-16</b>	<b>-16</b>

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# Passenger Transport - Shared service with Harrow

## Department Person Responsible

Assistant Chief Executive's Service Joanna Little

## Created Last Review

27th October, 2015 27th October, 2015

## Status Next Review

Screened 27th October, 2016

## Impact Assessment Data

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

5.1 Age (select all that apply)

Neutral

The passenger transport service will still be provided to its existing users, most of whom are either children or older people. The change will be that the service is a run as shared one from the London Borough of Harrow. Any change will be disconcerting for a period of time for some users, but should ultimately provide a better service. There will be some consistency with some Brent employees retained as well as the drivers and escorts. Harrow and Brent already share some transport routes. Consultation and engagement took place with stakeholders in July and August 2015. The consultation showed strong satisfaction with the current service and stressed the need for consistency in drivers and escorts and high quality vehicles. The families of children who use the service, showed less concern in their survey responses to any change in the service than the respondents for adult users of the service did. The comments section of the survey showed that concerns about changes to the service were couched in terms of how this would affect the service. There was less concern about who would actually run it provided that the service was similar. Focus group sessions showed that families of SEN users were more concerned about having a good service and consistency with drivers and escorts than with who runs the service. The largest age group of BTS employees is 51-60 (47%) and a shared service will see these staff seconded but could eventually lead to some redundancies if a permanent transfer is agreed at a later date.

Employees who work for the shared service will be seconded to Harrow and will be based at Harrow.

5.2 Disability (select all that apply)

Neutral

The passenger transport service will still be provided to its existing users, most of which have a disability. The change will be that it is run as a shared service from the London Borough of Harrow. Any change may be disconcerting for a period of time for some users, but should ultimately provide a better service. There will be some consistency with some Brent employees retained as well as the drivers and escorts. Harrow and Brent already share some transport routes. Consultation and engagement took place with stakeholders in July and August 2015. The consultation showed strong satisfaction with the current service and stressed the need for consistency in drivers and escorts and high quality vehicles. Concerns about changes to the service were couched in terms of how this would affect the service. There was less concern about who would actually run it provided that the service was similar.

5.3 Gender identity and expression (select all that apply)

Neutral

This information about service users is unknown. The change to the service should be neutral/positive for all users once they have adjusted to any initial changes.

5.4 Marriage and civil partnership (select all that apply)

Neutral

This information about service users is unknown. The change to the service should be neutral/positive for all users once they have adjusted.

5.5 Pregnancy and maternity (select all that apply)

Neutral

This information about service users is not available, although most users are either children or older people and therefore unlikely to be pregnant.

The change to the service should be neutral/ positive for all users once they have adjusted.

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

Neutral

Ethnicity information about service users is patchy with ethnicity information available for around 60% of users in the case of children and young people. The ethnicity of service users is very diverse with highest numbers from the following groups: black Caribbean, Indian, Pakistani and white British. The change to the service should be neutral/ positive for all users once they have adjusted. BTS employees are mainly Asian (27%), black (27%) or white (33%).

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

Neutral

This information about service users is not available.

The change to the service should be neutral/ positive for all users once they have adjusted. The main religious groups for BTS employees are Christian (40%) and Hindu (40%).

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

Neutral

In regard to users of the service a larger percentage of the children and young people to be transported are male. As mentioned previously, the change to the service should be neutral/ positive, but any change is likely to be unsettling for some people for a period of time.

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

Neutral

This information is not available for service users. The change to the service should be neutral/positive for all users once they have adjusted.

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

Neutral

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?

Information from Brent Transport Services, Adult Social Care and Children and Young People on the age, gender and disability of service users. Many of the users have high level physical and learning disabilities.

Informal discussions were held with service users in January 2014 to gain their views about the service and how it could be improved. Users stressed the importance of patient and empathetic staff, comfortable vehicles and consistency with drivers and escorts. Consultation and engagement took place with service users in July and August of 2015. Surveys were sent to all families who use the transport service and to all ASC users. They were given the opportunity to respond to them in paper form or online. Focus group sessions were additionally put on for families who use the service. They were not put on for ASC users as their use of the service is likely to decline irrespective of any change. However, they were given the opportunity to speak to an officer if they chose. The results of the surveys are attached in the PowerPoint. There was strong support for the current service. The surveys showed some concern about change, but combined with the comments in the surveys and the feedback



from the focus groups, it seems that service users do not particularly mind who runs the transport service. Their concern is that they still have a service that meets their needs and provides consistency with drivers and escorts.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No

The passenger transport service will continue. It will just be delivered as a shared service from Harrow Council.

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

Ensure that vehicle standards, consistency with front facing staff and empathetic and patient staff form part of the shared service with Harrow. Promote, encourage and support the skills for independent travel.

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

Continue to engage and consult with service users so that their views can inform the future service. Have a transition phase with the shared service (start April 2016) to ensure a smooth move to the new service. Ensure that consistency with drivers and escorts forms part of the shared service with Harrow. Promote, encourage and support the skills for independent travel. Engage with BTS staff about the proposals, support them through the redundancy and recruitment process.

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

There may be some employee redundancies at a later date because of any subsequent need to make further savings. Staff will be fully supported throughout any future process.

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**Cabinet**  
14 March 2016

**Report from Strategic Director-  
Regeneration and Environment**

For Action

**Report on Tackling Illegal Rubbish Dumping and Litter with  
Uniformed Street Patrols**

**1.0 Summary**

- 1.1 This report sets out proposals to deploy a suitably experienced and qualified contractor to provide uniformed enforcement officers and the necessary infrastructure for the delivery of dedicated enforcement of street scene and environmental offences such as litter, dog fouling, fly-tipping, spitting, fly posting and graffiti at problem areas across Brent.
- 1.2 This will require the contractor to provide a team of experienced and competent enforcement officers, a team leader and adequate administrative support to create a high profile, self-funding enforcement initiative tackling street scene issues across Brent. The primary focus of the initiative in the first instance is to make Brent cleaner and change behaviour towards environmental offences.
- 1.3 Officers propose a one-year pilot contract is entered into with a company called Kingdom Security Ltd, with evaluation taking place throughout, and with a full procurement taking place during the course of that year, should the pilot prove to be successful.

**2.0 Recommendations**

- 2.1 That Cabinet agree to exempt a pilot contract for the delivery of a uniformed service for the enforcement of street scene and environmental offences in the borough from the requirements of the Council's Contract Standing Orders in respect of conducting a tender process.
- 2.2 That Cabinet approve the proposal to enter into a pilot contract with Kingdom Security Limited for the delivery of a payment-by results, cost-neutral uniformed service for the enforcement of street scene and environmental offences in the borough for a period of 12 months.
- 2.3 That Cabinet note and endorse the proposal to suspend the offer of a reduced payment for early settlement of litter-related Fixed Penalty Notices for the period of the pilot.

### **3.0 Background**

- 3.1 Environmental crime can affect the quality of the local environment and can have an impact on how places look and are perceived. It can also influence how attractive areas are to residents, workers, visitors and investors such as businesses and their trade. Ultimately, it can affect how safe and happy people feel about living in an area.
- 3.2 Departmentally, responsibility for environmental crime enforcement is with the Public Realm Waste Enforcement Team, which sits within the Regeneration and Environment Directorate.
- 3.3 A range of activities are currently undertaken by the council in order to maintain the cleanliness of the local environment and the street scene. A key aim of the council's Waste Enforcement Team is to drive down litter and reduce fly-tipping. This requires consistent enforcement of certain environmental legislation, which to date has been carried out by council staff in a targeted manner, dealing generally with high profile offences.
- 3.4 This proposal aims to build on this by providing additional capacity to undertake the issuing of Fixed Penalty Notices (FPNs) in the borough to achieve zero tolerance, principally in town centres and other high footfall areas.
- 3.4 The Clean Neighbourhoods and Environment Act 2005 (the 2005 Act) gave the Council power to use FPNs for litter offences. Since the introduction of the 2005 Act the Council's available resources have stayed static at a relatively low level. Work is underway to improve the work programme of the current Waste Enforcement Team utilising intelligence driven enforcement and improved procedures, particularly through better partnering with the council's ASB officers and with the Public Realm Contractor, Veolia. However, the Waste Enforcement Team does not have the capacity to provide a dedicated litter enforcement service.
- 3.5 Kingdom Security Limited currently provides services in Harrow, Ealing, Havant, Barnsley, Knowsley, Denbighshire, Birmingham City, Maidstone and Croydon and has been enforcing legislation on behalf of councils for seven years. Officers have entered into discussions with Ealing and Harrow Councils about their partnerships with Kingdom Security Limited. Both councils indicated engaging Kingdom Security Limited to assist with enforcement of environmental legislation has been positive. Based on these discussions, Officers propose delivery of such a service in Brent on a trial/pilot basis. Employing Kingdom on a time-limited trial basis will enable the Council to establish the pilot quickly, and will also provide the opportunity to test (and deliberately benefit from) a cross-border working relationship with the neighbouring boroughs of Harrow and Ealing- both of whom are already working with Kingdom. Specifically, the cross-authorisation of Enforcement Officers, reporting into a regional team leader will deliver significant flexibility and service resilience.
- 3.6 This initiative is part of a recommendation from the Council's recent Scrutiny Task Group that explored solutions for the widespread problem of fly-tipping.
- 3.7 In addition to covering a range of waste and litter issues, the initiative will address particular problems with cigarette litter and paan spitting in town centres. In addition there is a gap between public perception of street cleanliness and actual cleanliness and it is hoped a high profile and visible initiative will also impact on future customer satisfaction surveys.

## **4 Basic Service**

- 4.1 The operating model is 'zero cost enforcement' that pays for itself. It can also support Brent's waste enforcement and ASB teams, carrying out enforcement under the Environmental Protection Act in the public realm (including parks) in relation to:-
- Spitting
  - Littering
  - Fly-tipping
  - Dog fouling
  - Graffiti
- 4.2 The contract would provide the opportunity to deploy a highly visible and robust enforcement response to tackle these growing environmental offence issues whilst maintaining normal service delivery in other areas of work.
- 4.3 The Kingdom Group was formed by former personnel of the Armed Forces and Police who employ the same ethics, skills, experience and protocols of that background to deliver services in private security and investigation and, more recently, a new division supporting local authorities in the delivery of environmental enforcement.
- 4.4 It is expected that the enforcement officers will be deployed to patrol hot spot areas and to issue FPNs to anyone found guilty of committing an environmental offence, e.g. dropping litter or dumping items of waste. The number of enforcement officers to be deployed will be governed by the number of locations experience litter in the borough and how the service operates on the ground.
- 4.5 Recognising the administrative burden associated with issuing the FPNs, the contractor will be expected to provide the following support systems:
- Administrative resources to process fixed penalties;
  - The handling of all enquiries regarding the payment of fixed penalties or appeals received against the notices issued; and
  - Investigation and provision of reports on all complaints made against their officers whilst acting on behalf of the council.
- 4.6 Experience of Kingdom's work in other boroughs suggests that there are very few appeals against tickets issued. Nevertheless, it is important to provide an independent review opportunity and this will be developed as part of the detailed terms of engagement. It is proposed that this is signed off by the Strategic Director of Regeneration & Environment under delegated authority.
- 4.7 The enforcement officers provided by the contractor will carry Brent identification and be authorised as Brent officers for the purpose of enforcement against littering and environmental offence.
- 4.8 The only perceived difference is that that the enforcement officers would be wearing uniform, be wearing overt "body-worn cameras" (to improve payment rates and reduce appeals based on officer conduct) and either overt or covert stab vests for officer safety. The uniform design will be subject to consultation with the Cabinet and signed off by the Strategic Director, under delegated authority, in consultation with the Lead Member.

4.9 Deployment of the enforcement officers would be controlled by a designated council officer who would be able to direct the staff to address issues across the borough. This will be informed through customer reports, by partner organisations and also feedback from Brent staff within our environmental and community safety services. In the first instance, this deployment would need to be primarily intelligence based and revenue-led (targeted at high footfall areas where a significant number of littering offences are likely) in order to ensure a cost-neutral position can be achieved. If and when a strong financial performance has been established, there will potentially be scope to look at other areas of deployment which may not generate such high levels of turnover, but would add value to the current enforcement activity of the Council, such as action against ASB, PSPO support and tackling issues associated with rough sleeping in parks.

4.10 The typical responsibilities to be undertaken by both the council and by the contractor are set out below:

**Brent:**

- Provide authorised officer identity cards to all Enforcement Officers working to the direction of Brent.
- Provide stationery and meet postage costs in respect of the service.
- Arrange for Enforcement Officers to be authorised to issue FPNs on behalf of Brent.
- Provide guidance as to areas to be patrolled and times of patrols.
- Provide workstations for administrative officers employed by the contractor (essentially, the Council will be required to provide an administrative base for Kingdom's operatives at the Civic Centre. Such staff will attend on an ad-hoc basis, and such arrangements will be facilitated locally within the Environmental Services Department). Kingdom will be required to sign a licence covering any such ad hoc occupation as set out in paragraph 8.7.
- Manage and administer the appeals process

**Contractor:**

- Issue FPNs to anyone caught committing an environmental offence.
- Provide fully trained, to Disclosure and Barring Service (DBS) standard, Enforcement Officers, admin support and a senior officer for supervision.
- Provide uniform agreeable to Brent.
- Ensure Enforcement Officers carry out enquiries to ensure accurate identity details have been obtained from offenders before issue of FPNs.
- Provide statistical information and other reports, including equality monitoring.
- Not issue an FPN to a person under the age of 18 or those suspected of suffering mental ill health.

4.11 The contract will be for the provision of services to issue fixed penalty notices under Section 87/88 of the Environmental Protection Act 1990 (EPA) regarding littering, chewing gum, smoking related litter and spitting.

4.12 Once established- and if successful, the scope of the contract may be expanded during the course of the pilot to incorporate other offences, such as:

- Graffiti and Flyposting – Section 43 of the Anti-Social Behaviour Act 2003
- Dog Fouling – Section 3 Dogs (Fouling of Land) Act 1990
- Exposing vehicles for sale on a road - section 6 of the Clean Neighbourhoods and Environment Act 2005

- Carrying out restricted works on a motor vehicle on a road - section 6 of the Clean Neighbourhoods and Environment Act 2005

4.13 No decisions have yet been taken with regards to locations for initial deployment, although Harlesden and Willesden town centres and Wembley Central, particularly Ealing Road have been suggested. This will be agreed after need is formally validated, and with input from the Waste Enforcement Team and Veolia.

4.14 The number of fixed penalties issued will be closely monitored throughout the period along with assessing how the service is operating on the ground.

4.15 To help to ensure that the service is cost neutral, it is proposed to suspend the offer of a reduced payment for litter-related FPN's for the period of the pilot.

## **5.0 Customer care**

5.1 The contractor's relationship with any members of the public would necessarily be conducted in a professional, courteous, and helpful manner with due care and consideration given to special situations and circumstances. The contractor must ensure that staff employed on the contract wear their ID at all times. In the event of a complaint or dispute arising as to their conduct it would be investigated by the contractor and a report produced to the council. These reports will be regularly monitored and discussed.

## **6.0 Added Value**

6.1 In addition to on-street enforcement, the contractor is also able to provide the following:

- 'No cost' provision of back office support and administration
- Trade waste and residential waste investigations
- Dealing with juvenile offenders and education through schools.
- Delivering a bolt on service aimed at investigating failures to recycle domestic waste correctly.
- Positive contribution to the reduction of street litter by intelligence-led patrols
- Working with the police to target other types of antisocial behaviour.

6.2 Any enforcement activity is the final stage of promoting a cleaner borough, and having a more visible presence will also have a wider impact on littering and other environmental offences across the borough. In addition the Communications Team will ensure that this initiative is a fully integrated part of the messaging in the current 'Love Where You Live' campaign, developing a range of activities to support the initiative and to highlight that any littering is likely to result in a fine.

## **7.0 Financial Implications**

7.1 It is proposed that the pilot contract with Kingdom Security Limited will be on a payment by results, cost neutral basis.

7.2 Kingdom Security Limited's business model is based on income received from the serving of fixed penalty notices in relation to environmental offences. For every valid £80 FPN issued Kingdom Security Limited would receive £46 as a payment from the council. For every FPN paid the council will receive the income. In practice, not all

valid FPNs would in due course be paid, and it would be reasonable for budget planning purposes to assume some level of bad debts.

- 7.3 Initial assumptions by the service, although they would have to be refined, are that four officers would be deployed, each issuing an average of five valid FPNs per day, of which in due course 70% would be collected. Based on these initial assumptions 5,200 valid FPNs would be issued (assuming no weekend working), generating a payment from the council of about £0.24m. The payments to the council, on this model, would be about £0.29m, generating a surplus of some £50,000 over the period of the pilot.
- 7.4 This would need to be tested during the early months of the pilot, in order that a competitive procurement could then take place for the continued provision of the service, assuming that the results of the pilot in that period were considered favourable. Amongst other things this pilot would need to show that the actual collection rate was at least 58% in order for the solution to be cost neutral.
- 7.5 It is proposed that any additional income generated by the initiative would be utilised to fund any additional costs to the council (such as additional legal support to pursue non-payment, etc.) and to support provision of additional equipment for environmental education and enforcement campaigns with Safer Brent Partners

## **8 Legal Implications**

- 8.1 Part IV of the Environmental Protection Act 1990 (EPA) contains powers and duties to enable certain bodies to manage litter and associated environmental issues on the land for which they are responsible. Section 18 of the Clean Neighbourhoods and Environment Act 2005 (CNEA) amends section 87 of the EPA by extending the offence of littering to apply on all types of land, whether public or privately owned, on the land itself or in water. Section 19 of the 2005 Act amending Section 94A of the EPA as insert by Section 22 of the CNEA enables an authorised officer of a litter authority (individuals other than their own employees) to issue Fixed Penalty Notices to a person has committed an offence under the EPA 1990. An authority may use its fixed penalty receipts to spend in the course of enforcement functions under Part 4 of the Environmental Protection Act 1990; section 43 of the Anti-social Behaviour Act 2003; Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005; and such other of its functions as may be specified in regulations made by the appropriate person (any of the authorities functions).
- 8.2 A one year pilot contract with Kingdom Security Ltd is proposed, with evaluation taking place throughout, and with a full procurement to take place during the course of that year should the pilot prove to be successful.
- 8.3 Based on the information set out in the body of the report, the proposed contract with Kingdom Security Limited is a service concession contract. Services concessions contracts fall outside the scope of the existing EU procurement legislation but, it is recommended that if there is a cross border interest in the arrangement, it will be caught under the EU Treaty and so subject to the general obligations of transparency (including a duty to advertise), equal treatment and non-discrimination. Given the nature of services to be provided by Kingdom Security Limited and the short duration of the proposed contract, it is considered that the proposal will not contravene these general duties.



- 8.4 It is considered that the value of the contract to Kingdom Security Limited is likely to be a Medium Value Contract under the Council's Standing Orders (CSO) and Financial Regulations. Contract Standing Order 96(a) provides that for contracts with an estimated value below the EU Procurement Regulations threshold, tenders shall be invited for Medium Value Contracts. However, Contract Standing Order 84(a) provides that subject to compliance with domestic and European legislation, the Cabinet may agree an exemption from the requirement to procure in accordance with Contract Standing Orders where there are "good operational and/or financial reasons". For the reasons detailed in paragraph 8.3 it is not considered there is a breach of domestic or EU legislation. Members are referred to the reasons set out in paragraph 3.5 and will need to consider whether these constitute good operational and / or financial reasons for awarding a one year pilot contract directly to Kingdom Security Limited rather than carrying out a formal tendering process.
- 8.5 The Environmental Protection Act 1990, provides that the litter authority to which a fixed penalty is payable "may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority".
- 8.6 On that basis and in order to deliver a cost-neutral solution, Cabinet is asked to note that the Strategic Director of Regeneration and Environment intends to suspend the offer of reduced payment for litter-related FPN's for the period of the pilot in accordance with Part 4, Paragraphs 2.4 and 2.5 of the Council's Constitution.
- 8.7 As indicated in paragraph 4.9, the council will provide an administrative base for Kingdom Security Limited's staff at the Civic Centre on an ad hoc basis. This will require the Kingdom Security Limited to enter into a licence arrangement governing the occupation of their staff whilst at the Civic Centre.

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**Strategic Director Regeneration & Environment**

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# EA SCREEN – Litter Patrols

## Department Person Responsible

Regeneration & Environment – Chris Whyte/ Rob Anderton

## Created Last Review

24 February 2016

## Status Next Review

24 February 2017

## Screening Data

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

This should be read in conjunction with the Cabinet report –Tackling ASB and fly-tipping with uniformed street patrols

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

Any resident, business owner or visitor to the borough.

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

- No. We would not expect the proposal to impact differently on people because of their protected characteristics. We have specifically stated that those under 18 or those suffering from mental illness or serious mental health issues should not be served with FPNs as we identified that there was a risk to these groups.

4. Could the proposal have a disproportionate impact on some equality groups?

Enforcement will be targeted at particular problem hotspots so there is a risk that some equality groups could be adversely affected by this initiative, in proportion with the demography of the target area. It is also possible, that some groups of people may be more likely to drop litter than others, for example because they are not aware of the law.

In order to ensure this risk is managed and mitigated, the Contractor will actively monitor enforcement activity and will routinely provide management information to the Council (including a detailed breakdown of enforcement action taken across all equality groups). The council will therefore be in a position to promptly take action should any adverse impact be identified in practice.

5. Would the proposal change or remove services used by vulnerable groups of people?

No

6. Does the proposal relate to an area with known inequalities?

Yes

Most of the areas that will require this new intervention comprise perceptible and well established cultural and /or ethnic communities.

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

No

8. Does the proposal relate to one of Brent's equality objectives?

Yes


1. To know and understand our communities

2. To involve our communities effectively

To ensure local public services are responsive to different needs and treat users with dignity and respect – Will ensure that a high quality service is provided that is mindful of equality considerations and meets the individual residents and visitors.

**Recommend this EA for Full Analysis?**

No

 <p><b>Brent</b></p>	<p><b>Cabinet</b> <b>14 March 2016</b></p> <p><b>Report from Director Performance, Policy and Partnerships</b></p>
<p>Wards Affected: ALL</p>	
<p><b>Procurement Strategy and Social Value Policy</b></p>	

## 1.0 Summary

1.1 This report seeks approval to a Procurement Strategy for LB Brent for the financial years 2016 – 2018 inclusive as set out in **Appendix A**. The principal aim of the Procurement Strategy is to ensure that the Council's Procurement framework and function is aligned to the strategic needs of the Council. It is therefore focused on three key areas:

- Contributing to the Council's savings target
- delivering social value
- leadership.

1.2 The Procurement Strategy sets out a vision for procurement in Brent to be an enabling function that supports the Council to be effective, providing value for money, supporting local business and achieving social value to meet the needs of Brent's residents and businesses.

1.3 Approval is also sought to a Social Value Policy as set out in **Appendix B**. The Policy supports the Procurement Strategy and its principal aim is to ensure that the Council's procurement activities maximize the opportunity to obtain Social Value benefits that can help deliver aspects of the Borough Plan.

## 2.0 Recommendations

2.1 That Cabinet approves the Procurement Strategy for the financial years 2016 – 2018 inclusive as set out in **Appendix A**

- 2.2 That Cabinet approves the Social Value Policy as set out in **Appendix B**
- 2.3 That Cabinet approves the establishment of a joint Member/Officer Social Value Advisory Group to oversee the development and implementation of Social Value in the Council the details of which are set out in paragraph 3.11 below.

### **3.0 Detail**

#### ***Background***

- 3.1 At its meeting on 8 February, Cabinet approved the participation by LB Brent in a shared procurement service with LB Harrow and Buckinghamshire CC. The benefits to Brent of entering into this arrangement will be to help assuage a reduction in the Procurement staffing budget of £272k in 2016/17 whilst bringing together best practice, knowledge, skills and resources. One of the key areas of focus for the Shared Service in Brent is for Procurement to be proactive rather than reactive to enable it to deliver the strategic objectives of the Council.

#### ***Procurement Strategy***

- 3.2 The attached Procurement Strategy (see **Appendix A**) therefore sets out the key work areas that Procurement will deliver over the next three financial years. This is centered around three key themes as follows:-

- Theme 1: Social Value - Delivering Local Economy, Social and Community Benefits
- Theme 2: Savings
- Theme 3: Leadership

- 3.3 The Procurement Strategy reflects the recommendations arising from the National Procurement Strategy for Local Government which was published in July 2014.

- 3.4 The Strategy will guide the work of the shared Procurement Service in Brent in the following key areas:-

- i) Governance – a Commissioning and Procurement Board chaired by the Strategic Director - Community Wellbeing has now been established and has met to agree Terms of Reference and a work programme. This Board will, *inter alia*, be driving forward the work set out in the Procurement Strategy and will meet on a monthly basis with all meetings minuted. In addition a 3-stage Gateway process has been introduced for procurements over £100K as follows:-
- Gateway Zero will consider whether there would be any benefits from bringing in-house any areas of work currently

outsourced to achieve savings or other benefits. This will include consideration of any other vehicles for delivering the service such as the establishment of a mutual or trading company or sharing services with other public sector bodies or the voluntary and community sector.

- Gateway One represents the pre-procurement assessment to ensure that the procurement has been designed to meet the strategic needs of the Council and that the future contract management arrangements have been considered.
- Gateway Two will be implemented post-procurement to ensure that the procurement outcomes have delivered the intended results and to learn any lessons for future procurements.

The Gateway process will provide quality assurance on procurements being undertaken in the Council.

- ii) Savings the Commissioning and Procurement Board will oversee delivery of the procurement-related savings of £8m included in the council's Medium Term Financial Strategy.
- iii) Contract management - contract management procedures will be implemented across the Council to assist with ensuring that minimum standards of contract management are applied and that contracts are managed according to the level of risk they present to the Council should they fail.
- iv) Category management – category management plans are being developed across all areas of third party spend to help develop savings proposals and identify any areas where 'additionality' might be achieved from collaboration with other Councils in the Procurement Shared Service.
- v) Social value – the procurement strategy will help to drive forward the development of Social Value in the Council through the development of a Social Value Policy (see below).

### ***Social Value Policy***

- 3.5 The Social Value Policy has been developed to take forward Theme 1 of the Procurement Strategy. A Members session was held on the 28<sup>th</sup> January 2016 which has played a pivotal role in shaping the policy. Member at the session were recommended that an Officer / Member advisory group should be established.
- 3.6 The Public Services (Social Value) Act 2012 ("Social Value Act") took effect on 31 January 2013 and requires any public body buying or commissioning public services over EU thresholds to consider before the procurement process starts how their local area may be improved

by including economic, social or environmental benefits as part of their procurement process. They also have to consider whether they have to consult on these issues.

3.7 The Social Value Act is designed as a tool for enabling commissioners and procurers to be more innovative in their procurement methods and encouraging more responsive service delivery with the potential of achieving significant cost savings.

3.8 A review of the Social Value Act by Lord Young (Cabinet Office) was published in February 2015. This review informs that:

- Local Authorities and Housing Associations are making fuller use of the provisions in the Social Value Act compared to Central Government and Health.
- Further work is needed on raising awareness on the supplier side, however there is good awareness from the voluntary sector and growing awareness from big business, but less so amongst smaller firms.
- Deriving methods for measuring and quantifying outputs from Social Value gains are important and references examples of successful case studies to base further development on.

3.9 A new Social Value Policy has been drafted to encompass the Council's ambition to further commit itself to go beyond the Social Value Act by applying this policy into all aspects of its procurement activity where it is practicable to do so. In doing this, both the detail and spirit of the Social Value Act can be delivered in all Council procurement activity.

3.10 To date Brent has not pro-actively implemented a process to enable it to take advantage of the opportunities that the Social Value Act offers. Formalising Brent Council's approach will:

- support the embedding of a consistent approach to social value;
- maximise the opportunities to secure additional benefit for the borough through commissioning and procurement activity.

### ***Social Value Governance***

3.11 It is considered that a joint Members and officer advisory group would help to develop Social Value in Brent. In particular this Group would:-

- Consider the activities to which Social Value offerings from contractors might be applied
- Develop Social Value metrics to be applied in procurements according to type and value of procurement
- Consider the overall delivery of Social Value offerings from contractors and impact on the Council



- Consider of how Social Value principles and metrics can be applied to Planning requirements

3.12 Members are asked to approve the establishment of this Group. The Director Performance, Policy and Partnerships will liaise with Members to determine membership of the group.

#### **4.0 Financial Implications**

4.1 There are no direct financial implications from agreeing the Strategy or Policy. However, key elements of the Strategy will support and contribute towards the Council's savings targets as set out in the Brent Financial Savings Plan and the role of Procurement will be to assist with the delivery of these. The procurement related targets contained in the Medium Term Financial Strategy which relate to reductions in third party contract costs are as follows:-

<b>2017/18</b>	<b>2018/19</b>
£'000	£'000
£3,500 across departments	£4,500 across department

#### **5.0 Legal Implications**

5.1 The council must comply with the Public Services (Social Value) Act 2012 when procuring services contracts that are subject to regulation under the Public Contracts Regulations 2015.

5.2 The council can go beyond the requirements of the Social Value Act and indeed Contract Standing Order 89 currently requires officers to consider social value in the procurement of all contracts. The proposals in this report however seek to incorporate social value in all procurement activity in a more structured way.

5.3 The Social Value Policy provides the 'golden thread' that links the council's corporate priorities to procurement activity allowing social value metrics to be considered where appropriate.

#### **6.0 Diversity Implications**

6.1 There are no direct Diversity implications arising from this report. Individual procurement or initiatives will, as appropriate, be subject to an Equalities Impact Assessment as they are progressed.

#### **7.0 Staffing Implications**

7.1 There are no implications for Council staff arising from this Strategy.

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

8.1 The Procurement Strategy (Theme 1) and the Social Value Policy contain recommended actions that will help the Council to address its obligations under the Public Services (Social Value) Act 2012.

## **9.0 Background Papers**

9.1 [National Procurement Strategy for Local Government.](#)

### **Appendices**

Appendix A: Procurement Strategy 2016 – 18

Appendix B: Social Value Policy

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# Procurement Strategy 2016-2018

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# Introduction

## Procurement transformation journey

The London Borough of Brent spends around £220 million revenue and capital annually on procuring a wide range of works, goods and services. It is therefore important that Brent manages this expenditure comprehensively through an effective Procurement function.

The rate of change required of the Procurement function to keep pace with the demands of the business and take a more commercial approach continues to accelerate.

Procurement is therefore undergoing a transformation journey, From mid-2015 Brent began sharing its Head of Procurement role with the LB Harrow and we are in the process of working up proposals for a new Procurement shared service structure with other councils to ensure that Brent has the right people to deliver high class services to the Council.

## Our vision

For Procurement to be an enabling function that supports the Council to be effective, providing value for money, supporting local business and achieving social value to meet the needs of Brent's residents and businesses

## Objectives

Our key objectives are to:

- Provide high quality procurement support to Services
- Support delivery of a balanced Council budget
- Improved customer service
- Ensure significant social value benefits are delivered through a Social Value Policy.



# Brent Borough Plan

## Procurement contribution

# Procurement – meeting the Brent Plan

## How Procurement will contribute to the delivery of the Brent Plan

### Overview

#### Social Value

- Assist to develop and implement a Social Value Policy to provide a 'golden thread' between the Brent Plan and individual procurements
- Work with suppliers to create job opportunities for Brent residents and to support the creation of local employment for hard to reach communities
- Pro actively work with suppliers to create apprenticeships, training and work experience opportunities for Brent residents
- Embed local supply chain opportunities into our procurement activities
- Through procurement activity support the delivery of the green agenda such as reducing carbon emissions, improving air quality and increasing the range of green products bought
- Explore further alternative procurement processes such as Dynamic Purchasing Systems to assess whether these would enable SMEs to gain more business opportunities
- Develop a baseline of council expenditure and a commitment to increase spend in the local economy
- Work with first tier suppliers to create supply chain opportunities for Brent businesses
- Promote council contracts through a single portal to make it easier for local SMEs to access more procurement opportunities
- To increase the involvement of users and employees in service design and provision of Social Value

#### Savings

- Ensure all significant contracts are effectively managed by improving our approach to Contract Management
- Continue to deliver and identify savings and efficiencies whilst ensuring strategic objectives are delivered cost effectively
- Review our procurement processes, systems and tools to ensure they are fit for purpose
- Provide commercial acumen to Service Departments to assist with key projects and to identify improved procurement opportunities
- Encourage early engagement of the Procurement team with Services in strategic decision-making to maximise savings and service quality opportunities

#### Leadership

- Constitute a new Board for oversight of Commissioning and Procurement issues
- Implement Gateway procedures for significant procurements
- Improve expenditure analysis of the Council's third party spend
- Improve contract management across the Council through the issue of Contract Management guidance
- Review whether efficiencies could be achieved by joining up contract management teams
- Prepare an Annual Report on the performance of procurement
- Ensure Procurement has early engagement with Services on re-procurements
- Ensure the potential for procurement fraud is minimised



# 01 Social Value

Delivering local economic, social value and community benefits



# 01. Theme: Social Value

## Local economic, social and community benefits

**The Social Value theme will contribute to Council Priorities by making a difference for the vulnerable, communities and local businesses**

### Current position

Whilst Brent is at the forefront of supporting local businesses, barriers can still be experienced by SMEs and VCS organisations when seeking to access contract opportunities. The employment, training and skills of local residents are not currently always fully considered in all our procurements.

### Our vision

Is to view the spend on third parties as an opportunity to invest in Brent and to promote business and supply chain opportunities for local SMEs and VCS organisations and as an opportunity to provide employment and apprenticeship opportunities for residents. We will also aim to improve our management information and be innovative in our procurements to assist SMEs and achieve value for money (VFM).

### Our aims

#### 1. 'Brent First'

Seek to put business first by enabling Brent businesses and Voluntary Sector Groups to be able to fairly compete for contract opportunities and also for 2nd tier and 3rd tier supply chain work suppliers' sub-contract opportunities. Our aim is that our systems and procedures will also act as a catalyst for Brent Business to Business (B2B) activity to further stimulate opportunities for local businesses.

#### 2. Embed Social Value in our procurements to maximise the opportunities for the Council to receive Social Value benefits from its procurements -

We will seek to use Social Value to help deliver the Council's Employment, Skills and Enterprise Strategy 2015-20 and its Social Value Policy. Initially we will seek to do this by embedding (where permitted to do so) Social Value thinking into all procurements over £100K with the aim of lowering this figure over time. In particular we will aim to:-

- Ensure that it has a 'golden thread' in place linking the Brent Borough Plan through a Social Value Policy to individual procurements to enable it to take full advantage of Social Value opportunities
- Work up Social Value metrics to assist to identify the value of Social Value received and with tender evaluations
- Link Social Value work in procurement to benefits from Planning
- Be innovative in the use of Social Value to achieve the Council's' objectives.
- Become a Social Value innovator

# 01. Theme: Social Value

## Local economic, social and community benefits

**The Social Value theme will contribute to Council Priorities by making a difference for the vulnerable, communities and local businesses**

### **Current position**

Whilst Brent is at the forefront of supporting local businesses, barriers can still be experienced by SMEs and VCS organisations when seeking to access contract opportunities. The employment, training and skills of local residents are not currently always fully considered in all our procurements.

### **Our vision**

Is to view the spend on third parties as an opportunity to invest in Brent and to promote business and supply chain opportunities for local SMEs and VCS organisations and as an opportunity to provide employment and apprenticeship opportunities for residents. We will also aim to improve our management information and be innovative in our procurements to assist SMEs and achieve value for money (VFM).

### **Our aims**

#### **3. London Living Wage**

Ensure that payment of the London Living Wage (LLW) is proactively adopted wherever possible in our procurements as contracts are renewed. Where longer terms contracts are in place seek to implement LLW provisions through negotiations with service providers.

#### **4. Management Information**

Improve management information so that Brent has full visibility of its spend with local, small and medium enterprises and with voluntary sector (VCS) groups. We will also seek to establish a single view of spend for all our suppliers, and develop mechanisms to record the numbers of local residents employed and trained through our contracts.

#### **5. Innovation**

We will investigate extending the use of Dynamic Purchasing Systems, the Procurement with Competition and the Innovation procurement routes under the Public Contract Regulations 2015 to explore whether these might be applied to avoid SMEs being “locked out” of framework agreements for periods of time, improve innovation and provide better value for money provisions through negotiations with service providers.





# 02 Savings

# 02. Theme: Savings

The Savings theme will contribute to Council Priorities by helping to deliver the Council's savings targets

## Current position

A category management approach is being implemented to identify and deliver savings. Procurement not always engaged early enough in pre-procurement discussions.

## Our vision

Is to become an enabling and more commercially focussed organisation delivering savings, efficiencies through the development of new delivery models, collaborative working generating revenue and category management

## Our aims

### 1. Savings

Work collaboratively with Services to deliver the savings target of £8m from Procurement Savings for the period 2016/17 to 2018/19. This will be achieved through 3 key areas:-

- **Price reductions on contract renewal** – to seek a 10% savings target reduction as contracts are renewed.
- **Renegotiations** of contracts where appropriate to seek earlier savings
- **Category Management** - 3 main area of focus -street lighting, spot buying and tail spend (also see Category Management below)

### 2. Commercial acumen

To shape supply markets to meet the Council's current and future requirements, to improve our supplier management capabilities and to be more commercially 'savvy'.

### 3. Category management

Proposals for savings and any cross cutting opportunities based on category management work will be developed by taking a category management approach to Brent's spend. Where appropriate the category management outcomes will be combined with spend from other councils as part of the Procurement shared service to consider where 'additionality' might be achieved by combining requirements. Procurement will participate and, where appropriate, lead on collaborative London wide procurement opportunities to deliver savings and reduce duplication of work.

### 4. West London Alliance (WLA)

Brent will continue to play an active role in the work of the West London Alliance (WLA) to develop shared arrangements with others in the Alliance. We will continue to lead or participate in key procurements as appropriate.





## 03 Leadership

# 03. Theme: Leadership

The Leadership theme will contribute to Council Priorities by ensuring that Procurement uses best practice techniques to deliver the needs of Services

## Current position

Perception in some cases is that procurement is bureaucratic, risk averse and compliance driven. There is a lack of recognition of procurement as a strategic partner and how to maximise the benefits of early engagement.

## Our vision

Our vision is that we will evolve our role to become a true enabling partner to the business pro actively helping to deliver the Council Priorities and other key drivers for the organisation rather being a passive service provider.

## Actions to achieve our aims

### 1. Shared Service

Proposals are being worked up to share a procurement service with LB Harrow and Buckinghamshire County Council. These proposals will be submitted to the Cabinets in each Council to seek approval. If the Business Case is agreed it is intended that the Shared Service will be implemented by April 2016.

### 2. Governance

It is proposed that a new Governance forum be established for the oversight of Procurement matters. The new officer led Commissioning and Procurement Board will, inter alia, oversee implementation of the Procurement strategies, and consider procurement Gateways (see below). The Board will meet on a monthly basis, with all meetings minuted.

### 3. Gateway reviews

A 3 stage Procurement Gateway process will be implemented for all procurements over £100K: the gateways are:

- Gateway Zero will be implemented to consider the opportunities and alternative delivery models including in-house options
- Gateway One will be a pre-procurement assessment to ensure that the procurement has been designed to meet the strategic needs of the Council; and
- Gateway Two will be implemented post-procurement to ensure that the procurement outcomes have delivered the intended results.

### 4. Annual report

At the end of each financial year (commencing 2017) an Annual Procurement report will be produced setting out what has been achieved during the last year. This will set out details of the procurements the Unit has supported, the savings it has helped to achieve and the Social Value benefits it has helped to deliver.

### 5. Contract management

We will implement contract management guidance to ensure that all contracts across the Council are managed to a consistent standard and on a risk basis. A review will be undertaken to determine if benefits could be obtained through joining up contract management resources and expertise across the Council. We will also undertake Supplier Relationship Management with selected strategic suppliers to deliver effective solutions and realise benefits.



# 03. Theme: Leadership

The Leadership theme will contribute to Council Priorities by ensuring that Procurement uses best practice techniques to deliver the needs of Services

## Current position

Perception in some cases is that procurement is bureaucratic, risk averse and compliance driven. There is a lack of recognition of procurement as a strategic partner and how to maximise the benefits of early engagement.

## Our vision

Our vision is that we will evolve our role to become a true enabling partner to the business pro actively helping to deliver the Council Priorities and other key drivers for the organisation rather being a passive service provider.

## Actions to achieve our aims

### 6. Management information

Good procurement and commercial decision making relies on having excellent management information on which to base decisions. We will ensure the Council meets its requirements under the Transparency Code. Seek to share contract pricing data with other councils to improve market knowledge.

### 7. Systems, tools and processes

The Council's procurement systems, tools and processes will be overhauled to ensure good and appropriate governance and that they are fit for purpose. In particular the Council's Contract Standing Orders will be reviewed to ensure that the focus for procurement is on the larger areas of expenditure.

### 8. Contracts register

Procurement will assume primary responsibility for managing and updating the contracts register. This will ensure that a consistent approach is taken and that the Council can rely on the data included.

### 9. Learning and development

Procurement will provide support, learning and development opportunities to those staff engaged in procurement processes to ensure they are able to deliver effectively and are empowered to deal with procurement issues.

### 10. Early engagement

The involvement of procurement at the earliest phase of a project will deliver greater commercial benefits to Brent. The Commissioning and Procurement board's work programme is predicated on early engagement and aims to shift from tactical to strategic and commercially driven procurement.

### 11. Fraud

Implement measures in conjunction with Internal Audit to ensure that the opportunity for procurement fraud to be committed is minimised.

### 12. 'Make or buy' decisions

Consideration will be given at the pre-procurement stage of contract renewal as to "make or buy" decisions to determine whether the council would benefit from bringing some services in-house.

# 03. Theme: Leadership

Leadership - key deliverables	2016	2017	2018
Shared Service	↔		
Governance	↔		
Gateways	↔		
Annual Report		↔	↔
Contract management Implementation of new contract management guidance	↔		
Contract management Consider benefits of joining up contract management resources across the Council	↔		
Management information	↔		
Systems, tools and processes Ensure systems, tools and processes are fit for purpose	↔		
Learning and development	↔		
Early engagement	↔		
Procurement fraud	↔		
'Make or buy' decisions	↔		

# 03. Theme: Leadership

## Current position

People	Staffing structure inappropriate for needs Good procurement knowledge
Processes	Focus on detail Governance needs to be improved
Systems	Limited use of spend or supplier analysis Basic reporting systems

## Future position

People	Shared service in place Experienced permanent procurement staff
Processes	Processes designed to be fit for purpose Established reporting and performance
Systems	E-enabled end to end processes High quality management information

## Investing in our staff

Our aim is to have staff who:

- Recognise the enormous contribution they can make and are empowered to make changes, come up with ideas and continuously improve what we do.
- Are clear on the service outcomes that front line services are delivering and how they can support those.
- Who show clear and visible personal commitment to all the Council's services and who show an enthusiastic tone and ethos.
- Help to remove silos to provide more effective support.

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# **Social Value Policy**

DRAFT

March 2016

## **Social Value Policy**

### **1. Introduction**

Social value at Brent is about more than driving a hard bargain when procuring services – it is a statement of our principles. It is these same principles which underpin the council's vision and priorities. From committing to paying the London Living Wage, to partnership working that enables the council, and its partners, to create opportunities that enhance our communities and improve the lives of our residents.

The Borough Plan for 2015-2019 – *Building a better Brent together* - distils this vision through its commitment to the following three values:

#### ***Doing things differently***

This means finding new and innovative ways of doing things. We will have to develop more targeted, tailored and localised services. This will include considering an in-house option and/or a shared service with another authority.

#### ***Working together***

This means everyone – the council, its public service partners in the NHS, the police and fire service, housing associations, local businesses, voluntary & community organisations – working together in partnership to achieve our common goals.

#### ***Equality and fairness***

This means that in pursuing our priorities, the focus must be on equality and fairness, recognising the need to protect the most vulnerable in our communities and improve their quality of life.

This document should be read with the accompanying Procurement for Social Value Guide for all procurements which fall under the Public Services (Social Value) Act 2012.

### **2. Definition of social value**

For the purposes of this policy, Brent has defined 'social value' as:

*Outcomes and activities that will improve the quality of life & life chances of Brent's residents and enhance the sustainability of the local area.*

### **3. Brent's priorities and social value**

The above values are expressed in the Borough Plan's three over-arching priorities – *Better Lives, Better Place, and Better Locally* – and the outcomes that will measure our success. Brent is already working to achieve these priorities, and social value - whether through

procurement or through our regeneration and development contracts or through the everyday work of the council and with partners in the community and voluntary sector - will play an important part in our success.

### **Our Priorities:**

#### **Better lives**

- Making sure that local people have the best possible life chances, regardless of their starting position
- Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
- Making sure that our schools are amongst the best and that our children and young people achieve to their potential
- Enabling people to live healthier lives and reducing health inequalities
- Supporting vulnerable people and families when they need it.

#### **Better place**

- Making sure that Brent is an attractive place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
- Continuing to reduce crime, especially violent crime, and making people feel safer
- Increasing the supply of affordable, good quality housing
- Supporting good quality, accessible arts and leisure facilities.

#### **Better locally**

- Building resilience and promoting citizenship, fairness and responsibility amongst local people and strengthening the sense of community amongst the people who live and work here
- Promoting cohesion and integration amongst our communities
- Making sure that everyone has a fair say in the way that services are delivered, that they are listened to and taken seriously
- Making sure that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
- Building partnership – between local service providers and between local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.

#### **4. Procurement for social value**

On 31 January 2013, The Public Services (Social Value) Act 2012 came into force. The Act requires local authorities and other commissioners of public services to consider how their services benefit people living in the local community, including any economic, social and environmental benefits.

Under the legislation, local authority procurers must consider how they can improve the social impact of their public service contracts before they start the procurement process. In particular the Act states that:

*The authority must consider —*

*(a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and*

*(b) how, in conducting the process of procurement, it might act with a view to securing that improvement.*

For more information on how Brent is using the Public Services (Social Value) Act in procurement, please see the Procurement for Social Value Toolkit ([hyperlink when finished](#)). Adoption of this policy together with the Toolkit can provide the advantages as noted below:

- **Encouraging a diverse base of suppliers:** Promoting supplier diversity; including the participation of SME's and 3rd sector organisations, and local suppliers in general;
- **Promoting fair employment practices:** Ensuring workforce equality and diversity and more higher quality jobs within supply chains;
- **Meeting targeted recruitment and training needs:** Offering a range of apprenticeship, training and skills development opportunities as well as employment opportunities;
- **Community benefits:** Maximising opportunities for Brent organisations to participate in the council's supply chains and encouraging suppliers to make a social contribution to the local area;
- **Ethical sourcing practices:** Ensuring compliance with UK, EU and international standards, promoting fair trade and fair pricing policies, tackling corruption, child labour and similar social issues; and
- **Promoting greater environmental sustainability:** Minimising waste and pollution, supporting carbon reduction initiatives, furthering energy efficiency and other sustainability programmes.
- **Improving council economic sustainability:** Engaging business in delivery of additional social value will have a range of direct and indirect economic benefits to the council including improving viability (and security of business rates) of SMEs in the borough, providing additional support to third party providers to ensure better community benefits, eventual reduction in costs to the council of providing services.
- **Encouraging participation:** Engaging and encouraging user and employee involvement in service design and delivery

## **5. Employment, Skills and Enterprise**

Through the work of the Employment, Skills and Enterprise Team, Brent Council will seek to reach out to employers and use large scale regeneration projects and the procurement of



goods and services to influence and create of pathways into employment for Brent residents, including apprenticeships and work placements for young people.

The council will also work with other partners, particularly other public sector partners to encourage and grow the skills base and help residents progress in their careers.

## **6. Delivery and Reporting**

In practice this Policy will be applied as follows:

- (i) As a minimum, all procurements over £100,000 will be required to include social value metrics (using the Procurement for Social Value Toolkit) as a part of the scoring and evaluation process. However wherever possible to do so, procurements below this value should also seek social value benefits from contracts.
- (ii) The standard weighting for social value will be a minimum 10% of the overall evaluation score and where it is feasible, this may be higher.
- (iii) Once a procurement exercise is concluded, the responsibility for ensuring the committed social value benefits are actually delivered will fall to those officers responsible for contract management of that individual contract.

## **7. Governance**

A joint Member/Officer Social Value Advisory Group will oversee the development and implementation of Social Value in the Council. In particular this Group will oversee:-

- Consideration of the activities to which Social Value offerings from contractors might be applied
- the development of Social Value metrics to be applied in procurements according to type and value of procurement
- overall delivery of Social Value offerings from contractors and impact on the Council
- consideration of how Social Value principles and metrics can be applied to Planning requirements

Responsibility for the implementation and delivery of Social Value in individual procurements over £250K will sit with the Commissioning and Procurement Board (CPB).

## **8. Review**

Brent Council will periodically review its Social Value Policy. In doing so, it will take account of any changes in legislation pertaining to the Public Services (Social Value Act) 2012, the Local Government Act 1999, EU Regulations and any changes to the Borough Plan when it is reviewed.

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## Equality Analysis Screening Stage Blank Form – Online EA System

Department: Procurement

Lead Officer: Terry Brewer

Date: 22<sup>nd</sup> February 2016

Next review date (if applicable):

### Stage 1 Screening Data

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

This report seeks approval to a Procurement Strategy for LB Brent for the financial years 2016 – 2018 inclusive. The principal aim of the Procurement Strategy is to ensure that the Council's Procurement framework and function is aligned to the strategic needs of the Council. It is therefore focused on three key areas:

- Contributing to the Council's savings target
- delivering social value
- leadership.

The Procurement Strategy sets out a vision for procurement in Brent to be an enabling function that supports the Council to be effective, providing value for money, supporting local business and achieving social value to meet the needs of Brent's residents and businesses. Approval is also sought to a Social Value Policy. The Policy supports the Procurement Strategy and its principal aim is to ensure that the Council's procurement activities maximize the opportunity to obtain Social Value benefits that can help deliver aspects of the Borough Plan.

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

The main group of stakeholders affected by this proposal will be contractors to the Council. The aim of the delivering improved social value will have a beneficial impact on residents and other external stakeholders.

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

No

**3.2 Could the proposal have a disproportionate impact on some equality groups? If you answered 'Yes' please indicate which equality characteristic(s) are impacted**

No

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

No

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

No

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

No

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

No

**Recommend this EA for Full Analysis?**

No

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**Cabinet  
14 March 2016**

**Report from the Director of  
Performance, Policy and  
Partnerships**

For action

**Voluntary Sector Initiative Fund – Infrastructure  
Grant 2016 - 2018**

## 1.0 Summary

- 1.1 This report seeks agreement on the change of terms of the Voluntary Sector Initiative Fund – Infrastructure Grant for CVS Brent from one year to two years from April 2016.
- 1.2 The current Voluntary Sector Initiative Fund (VSIF) which was approved in 2012 has been allocated to four funding streams: i) Local Grants ii) Infrastructure Support iii) Advice & Guidance Contracts and iv) London Council's Grant with a total yearly budget of £2.04M.
- 1.3 Changes to the terms of the VSIF Local Grants 2016-2018 from 3 year to 2 year grants were approved in February 2016.
- 1.4 An annual £410K savings requirement from the VSIF, to be implemented from April 2016, was agreed as part of the Council's wider budget savings in February 2015. These agreed savings do not impact the VSIF Infrastructure Grant as savings were agreed elsewhere within the VSIF.
- 1.5 The approved annual VSIF Infrastructure Grant is £161K and is currently awarded to CVS Brent on a yearly basis through a conditional grant. The proposed two year grant will total £322K (£161K per year).

## 2.0 Recommendations

Cabinet are asked to:

- 2.1 Approve the award of conditional grant funding of the Voluntary Sector Initiative Fund – Infrastructure Grant to CVS Brent in the sum of £161K per annum for a period of 2 years.

- 2.2 Approve the introduction of a grant condition requiring the payment of all staff funded through the grant referred to in paragraph 2.1 at the London Living Wage.

### **3.0 Detail**

- 3.1 The Voluntary Sector Initiative Fund – Infrastructure Grant is one stream of the Voluntary Sector Initiative Fund (VSIF). The VSIF Infrastructure Grant has over recent years enabled CVS Brent to provide infrastructure support including capacity building, training, developing business and fundraising plans, accessing external funding and developing partnerships and networks for Brent’s voluntary and community sector.
- 3.2 Officers consider that the VSIF – Infrastructure Grant provides essential funding to enable the council’s ongoing engagement with the voluntary sector. Officers are of the view that funding one organisation with the VSIF – Infrastructure Grant ensures a cohesive and targeted approach to infrastructure support. Officers have considered the organisations that may provide such infrastructure support and have concluded that CVS Brent is best placed and best able to continue to deliver such support to individuals and organisations in Brent.

#### *VSIF Infrastructure Grant – Length of Grant*

- 3.3 The VSIF Infrastructure Grant is currently allocated on a yearly basis. Options for the time period of the grant are detailed below:

##### Option 1 – One Year Grant

This option would mean that the grant continues to be allocated for a 1 year period. This option limits the ability for CVS Brent to access external funding opportunities where evidence of matched funding or of longer term funding is required. This option also limits CVS Brent in business planning, service development and capacity building support for groups who need a longer term approach. The administration of a one year grant for council officers means that approval for a new grant and associated paperwork is required on a yearly basis. Monitoring and other support work remains the same.

##### Option 2 – Two Year Grant

This option would mean that the grant would be allocated for a 2 year period. This option would bring the VSIF Infrastructure Grant into line with the VSIF Local Grants funding period of 2 years. The benefits of a two year grant would include the ability for CVS Brent to develop a two year business plan thus providing enhanced support in all areas of its capacity building for the community and voluntary sector, to respond more strategically to emerging needs of the community and voluntary sector, submit bids for longer term funding opportunities especially for those that need matched funding and continue to support Brent in engagement with the community and voluntary sector. The administration of a two year grant for council officers is decreased from Option 1 as approval for a new grant and associated paperwork is required on a two yearly basis. Monitoring and other support work remains the same.

*Option 2 is recommended as the preferred option.*

#### *Grant Conditions*

- 3.4 In line with Brent's Borough Plan 2015-2019 an additional grant condition will be introduced that all posts funded through the grant will need to be paid at least the London Living Wage. Currently CVS Brent pay all staff funded through the grant more than the London Living Wage.

#### **4.0 Financial Implications**

- 4.1 The Voluntary Sector Initiative Fund budget for 2015/16 is £2.04m. As part of the Council's wider budget savings, this will reduce by the sum of £410k in 2016/17 and for future years but will not fall upon the VSIF Infrastructure Grant stream.
- 4.2 The approved annual VSIF Infrastructure Grant is £161K which is awarded in full to CVS Brent on a conditional grant, and can be met from currently agreed budgets. The current council budget has been agreed for the VSIF for the period from 2016 – 2018 so this option presents no risk for the council in fulfilling the grant funding commitments.
- 4.3 The proposed introduction of an additional grant condition that all posts funded through the grant will need to be paid at least the London Living Wage will not impact this grant as CVS Brent already pay all their staff at least the London Living Wage.

#### **5.0 Legal Implications**

- 5.1 Under S1 of the Localism Act 2011 the Council has a general power of competence to do anything which an individual may do unless it is expressly prohibited.
- 5.2 The giving of grants to voluntary organisations is a discretionary power which must be exercised reasonably taking into account all relevant considerations and ignoring irrelevant considerations.
- 5.3 The decision to award a grant is discretionary. The Council's discretion must not be fettered by previous commitments they may have given and it should make its decision in the light of present circumstances.
- 5.4 Under section 3(1) of the Local Government Act 1999, Brent Council, as a "best value authority" is under general duty of best value to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Under the duty of best value, the Council should consider overall value, including environmental and social value, when reviewing service provision.
- 5.5 Before deciding how to fulfil their best value duty, local authorities are required to consult a wide range of local persons, including voluntary and community sector

organisations and businesses as set out in section 3(2) of the Local Government Act 1999.

5.6 In March 2015, the Government circulated revised Best Value Statutory Guidance. According to that Guidance, local authorities should be sensitive to the benefits and needs of voluntary and community sector organisations and should seek to avoid passing on disproportionate cuts.

5.7 The Guidance also advises that where appropriate, local authorities should make provision for an affected organisation or wider community to put forward options on how to reshape the service or project and local authorities should assist this by making available all appropriate information. The full guidance is available here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418505/Revised\\_Best\\_Value\\_Statutory\\_Guidance\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418505/Revised_Best_Value_Statutory_Guidance_final.pdf)

5.8 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.9 The Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

5.10 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Council, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

5.11 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance#cop>



5.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

5.13 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty/guidance>

5.14 As it is proposed to fund CVS Brent on a conditional grant basis, a condition can be included requiring CVS Brent pay all staff funded through the grant more than the London Living Wage.

## **6.0 Diversity Implications**

6.1 The proposal to approve the change of terms of conditional grant funding of the Voluntary Sector Initiative Fund – Infrastructure Grant to CVS Brent from 1 year to 2 years will enable the Council to provide a more enhanced and sustainable support to community and voluntary sector organisations across Brent in all areas of capacity building to respond more strategically to the changing needs of local communities and foster community cohesion.

6.2 The proposal to approve the introduction of a grant condition of paying all staff funded through the grant the London Living Wage will help the Council to meet its duties under the Equality and Social Value legislation.

6.3 A copy of the EQIA is attached as Appendix 1.

## **7.0 Background Documents**

- Brent Borough Plan 2015- 2019
- Brent Voluntary Sector Initiative Fund 2012 - 2016 Cabinet Report and Appendices 2012

PETER GADSDON,  
Director of Performance, Policy and Partnerships

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# Voluntary Sector Initiative Fund – Infrastructure Grant 2016 – 2018

## Appendix 1

### Equalities Impact Assessment

Voluntary Sector Initiative Fund – Infrastructure Grant 2016 -2018

<b>Department</b>	<b>Person Responsible</b>
Performance, Policy and Partnerships	James Curtis
<b>Created</b>	<b>Last Review</b>
25 February, 2016	N/A
<b>Status</b>	<b>Next Review</b>
Not-submitted	TBC

### Main Analysis

#### **Introduction**

The current Voluntary Sector Initiative Fund (VSIF) which was approved in 2012 has been allocated to four funding streams: i) Local Grants ii) Infrastructure Support iii) Advice & Guidance Contracts and iv) London Council's Grant with a total yearly budget of £2.04M.

Changes to the terms of the VSIF Local Grants 2016-2018 from 3 year to 2 year grants were approved in February 2016. The funding term for the VSIF Infrastructure Grant was originally granted for one year and it is proposed that this be increased to two years.

An annual £410K savings requirement from the VSIF, to be implemented from April 2016, was agreed as part of the Council's wider budget savings in February 2015. These agreed savings do not impact the VSIF Infrastructure Grant as savings were agreed elsewhere within the VSIF.

The approved annual VSIF Infrastructure Grant is £161K and is currently awarded to CVS Brent on a yearly basis through a conditional grant. The proposed two year grant will total £322K (£161K per year).

The revision of the funding stream from one year to two years will have a number of positive equalities outcomes for the nine groups protected by the Equality Act 2010 which will now be examined in turn:

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

A core component of CVS Brent's role is to track the growth of emerging communities in the borough and work with associated emerging organisations to develop their capacity.

Key emerging groups in Brent include Eastern Europeans, primarily Romanians emigrating to the borough following the accession of Romania to the European Union in 2014 and refugees fleeing conflicts in the Middle East and North Africa.

Revising the funding stream from one year up to two years would have a positive equalities impact for the race, ethnicity and religion or belief equality categories. As CVS Brent would have a longer period of time to work with these associated emerging community organisations to develop their capacity.

In addition to this, public opinion polls have shown increasing support for transgender rights in recent years. This may mean that a heavily stigmatised and vulnerable community may begin to feel increasingly empowered to come forward and work with commissioned organisations in the borough.

Revising the funding stream up from one year up to two will allow CVS to support organisations working with transgender residents for a longer period of time and subsequently develop their capacity in a more sustainable way.

**Summary of research and/or engagement activities**

**Could any of the impacts of the advice and guidance review be unlawful under the Equality Act 2010?**

No

**What actions will we take to enhance the positive potential impacts that have been identified?**

All equalities groups will be considered when providing support from CVS Brent so that any one group does not benefit disproportionately more than others. This will be considered against each protected groups' level of need in the context of ongoing budget cuts and other external factors. The infrastructure spending will ensure that support is secured for two year to support the growth and maintenance of a thriving voluntary sector in the borough serving all equality groups.

**What actions will be taken to remove any potential negative impacts that have been identified?**

No negative impacts have been identified.

**Please explain how any remaining negative impacts can be justified?**

Not applicable.

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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