



## Cabinet

**Monday 22 May 2017 at 6.00 pm**

Board Rooms 3, 4 & 5 - Brent Civic Centre

### Membership:

**Lead Member  
Councillors:**

**Portfolio**

Butt (Chair)	Leader of the Council
McLennan (Vice-Chair)	Deputy Leader
Farah	Lead Member for Housing and Welfare Reform
Hirani	Lead Member for Community Wellbeing
Miller	Lead Member for Stronger Communities
M Patel	Lead Member for Children and Young People
Southwood	Lead Member for Environment
Tatler	Lead Member for Regeneration, Growth, Employment and Skills

**For further information contact:** Thomas Cattermole, Head of Executive and Member Services: 020 8937 5446, [thomas.cattermole@brent.gov.uk](mailto:thomas.cattermole@brent.gov.uk)

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

# Agenda

Introductions, if appropriate.

Item	Page
<b>1 Apologies for Absence</b>	
To receive any apologies for absence from Members.	
<b>2 Declarations of Interest</b>	
In accordance with the Members' Code of Conduct, Members are invited to declare at this stage of the meeting, any relevant personal, prejudicial or disclosable pecuniary interests, and the nature of these, in relation to any matter to be considered at this meeting.	
<b>3 Minutes of the Previous Meeting</b>	1 - 12
To confirm as a correct record, the attached set of minutes from the meeting of the Cabinet on 24 April 2017.	
<b>4 Matters Arising</b>	
<b>5 Petitions (if any)</b>	
<b>6 Appointments to Committees and Other Bodies</b>	
<b>7 Brent Neighbourhood Community Infrastructure Levy (NCIL) Priorities 2017-2020</b>	13 - 44

This report asks Cabinet to review and approve the recommended strategic priorities for each Community Infrastructure Neighbourhood in the borough. These priorities will be set from 2017-2020 and will inform the expenditure of the neighbourhood element of the Community Infrastructure Levy (NCIL). Following approval by Cabinet, the invitation will be open for project proposals that align to these priorities and mitigate the impact of development on the local area.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Regeneration, Growth, Employment and Skills (Councillor Shama Tatler)

**Contact Officer:** Nkechi Okeke-Aru, Principal Development Funds Officer  
Tel: 020 8937 1824;  
Nkechi.Okeke-Aru@brent.gov.uk

## 8 Northwick Park Memorandum of Understanding

45 - 70

This paper requests Cabinet approval to enter into a Memorandum of Understanding with Partners of the Northwick Park One Public Estate Project.

**Ward Affected:**  
Northwick Park

**Lead Member:** Leader (Councillor Muhammed Butt)

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

## 9 Award of a Contract for Oracle Implementation Services

71 - 80

This report follows on from the earlier Cabinet Report dated 15 November 2016 which set out the options and proposals for the future of the OneOracle systems support and hosting arrangements upon expiration of the current contract in July 2018. It updates Cabinet on developments since November and seeks approval for award of a contract pursuant to the Council's decision to implement the option for future arrangements approved by Cabinet in November 2016.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)

**Contact Officer:** Prod Sarigianis, Joint Head of Digital Services  
Tel: 020 8937 6080  
prod.sarigianis@brent.gov.uk

## 10 Leasing of Unit 2 Marsh Road, Alperton HA9 1ES

81 - 88

The Cabinet is asked to approve the grant of a 3 year lease to Loxam Access of Unit 2 Marsh Road, Alperton, HA9 1ES. Currently Loxam Access occupy the premise on a contracted out lease that does not provide the automatic right to renew at lease end.

**Ward Affected:**  
Alperton

**Lead Member:** Leader (Councillor Muhammed Butt)

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

**11 Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal - Land acquisition, Design & Build Proposals** 89 - 100

This report requests Cabinet approval for the the acquisition of a 141-apartment supported housing development on Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal from Hollybrook Ltd for a package price as set out in appendix 1, subject to 1) an independent valuation, 2) independent cost report confirming value for money, 3) clean and marketable title, 4) satisfactory planning permission and 5) financial and legal due diligence.

**Ward Affected:**  
Stonebridge

**Lead Member:** Leader (Councillor Muhammed Butt)

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

**12 Request for authority to sell properties purchased by the Council for PRS purposes to the Council's wholly owned company 'Investing 4 Brent' for the discharge of homeless duty** 101 - 114

**Ward Affected:**  
All Wards

**Lead Member:** Leader (Councillor Muhammed Butt)

**Contact Officer:** Chris Brown, Programme Manager (PRS Portfolio Acquisitions)  
Tel: 020 8937 2707  
chris.brown@brent.gov.uk

**13 Reference of item considered by Scrutiny Committees (if any)** 115 - 120

**14 Exclusion of Press and Public**

The following listed items are not for publication as they contain the following category of exempt information as specified in Part 3, Schedule 12A of the Local Government Act 1972, namely: *"Information relating to the financial or business affairs of any particular person (including the authority holding that information)"*:

- Award of a Contact for Oracle Implementation Services – **Appendix 1**
- Leasing of Unit 2 Marsh Road, Alperton HA9 1ES – **Appendix 2**
- Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal - Land acquisition, Design & Build Proposals – **Appendix 1**

**15 Any Other Urgent Business**

Notice of items to be raised under this heading must be given in writing to

the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.

**Date of the next meeting:            Monday 19 June 2017**



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 24 April 2017 at 7.00 pm

**PRESENT:** Councillors Butt (Chair), McLennan (Vice-Chair), Farah, Hirani, Miller, M Patel, Southwood and Tatler

**Also present:** Councillors Chohan, Harrison and Mahmood

There were no apologies for absence.

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

None.

2. **Minutes of the previous meeting**

**RESOLVED:**

that the minutes of the previous meeting held on 13 March 2017 be approved as an accurate record of the meeting.

3. **Matters arising**

There were no matters arising.

4. **Appointments to Committees**

**RESOLVED:**

Councillor M Patel be appointed as a Substitute Member to the Barham Park Trust Committee.

5. **Housing Management Options Review: outcome of formal consultation**

Councillor Muhammed Butt, Leader of the Council, informed the meeting that he had received and accepted three requests to speak from Councillor Pat Harrison, (Preston Ward), Ms Farida Adjerit and Mr Phil Bromberg.

Councillor Pat Harrison (Preston Ward) and Ms Farida Adjerit had asked to address the meeting on Housing Management Options Review: outcome of formal consultation and Mr Bromberg on Developing a strategic approach for community libraries in the community and voluntary sector.

Councillor Pat Harrison informed Cabinet Members that is currently appointed by the Council to the Brent Housing Partnership Board. She asked the Cabinet Member for Housing and Welfare Reform about the future governance arrangements for the Brent Housing Partnership Board.

Ms Farida Adjerit outlined her concerns as a current BHP tenant and also a member of the BHP Board. She asked the Cabinet Member for Housing and Welfare Reform to outline what, if any, savings would be achieved by an in-house service.

Mr Phil Bromberg, Chair, Preston Community Library, addressed the meeting on agenda item 6 *Developing a strategic approach for community libraries in the community and voluntary sector*. Mr Bromberg welcomed the report and welcomed the collaborate process that has led to the revised approach to community libraries.

Councillor Harbi Farah, Cabinet Member for Housing and Welfare Reform, introduced the report stating that the Cabinet, in November 2016, agreed that the preferred option for future housing management service provision to the Council's tenants and leaseholders would be an In-house service, subject to consultation.

He stated that this report sets out the outcomes from the formal consultation exercise undertaken.

The primary means of consultation, a survey, found that for every respondent who expressed support for the continuation of the service through Brent Housing Partnership Ltd (8.1% in total), 6 respondents supported the Cabinet's preferred option (49.1% in total). The majority of the other respondents did not express a view, did not mind or were undecided.

Councillors Miller, Tatler, McLennan and Southwood spoke in favour of an in house option. Councillor Southwood asked that the Council starts by looking at the volume and nature of complaints in each ward.

Councillor Farah outlined the proposals for a new Housing Scrutiny Committee which would, he hoped, be approved by Full Council in May 2017.

Cllr Muhammed Butt, Leader of the Council, thanked Members for their contribution and thanked the speakers for attending the meeting. He stated that the Cabinet would be responsible for an effective transition of the management of the housing stock. The in house option would also present opportunities for savings, notably around management costs. He stated that all ward Members would have responsibility for monitoring former BHP housing stock in their areas. He informed Cabinet that a new Operational Director of Housing had recently been appointed. He informed the meeting that the services would also be reliant of the many good staff that currently work for BHP.

#### **RESOLVED:**

- 5.1. Cabinet agreed to cease the delegation of housing management functions and other delegated roles to Brent Housing Partnership Ltd and sought termination of the Management Agreement with Brent Housing Partnership Ltd.



- 5.2 Cabinet agreed to giving Brent Housing Partnership Ltd. notice of its intention to cease its delegation of housing management functions and other delegated roles and its consequent wish to terminate the Management Agreement.
- 5.3 Cabinet agreed to delegate to the Strategic Director Community Wellbeing the power to take all necessary and required steps to achieve the above recommendations in consultation with the Chief Legal Officer (on legal issues), Chief Finance Officer (on financial issues), Director of HR & Organisational Development (on HR issues) and the Cabinet Member for Housing (on strategic issues).

**6. Developing a strategic approach for community libraries in the community and voluntary sector**

Councillor Tom Miller, Cabinet Member for Stronger Communities, introduced the report. He began by thanking Mr Bromberg for his contribution. He stated that the report details the work undertaken on developing a strategic approach to community libraries. In December 2016, Councillor Miller stated, the Council determined to formalise its ongoing operational relationship with the four independent community libraries in a Memorandum of Understanding (MoU). The MoU was developed in collaboration with the community library groups with the draft version being revised following feedback from the consultation process.

Councillor Miller stated that it was also determined that 'premises' issues be dealt with by a separate process since they are site- specific. Officers have progressed the MoU and the Preston community library premises (Preston Park Annexe) as distinct matters with the former led by the Culture Service and the latter by Property. Councillor Miller informed Members that the report also provides an update on the redevelopment of Preston Park.

**RESOLVED:**

- 6.1 The Cabinet agreed to formalise its operational ongoing relationship with the four independent community library groups in the Memorandum of Understanding, attached as Appendix 1 to the Cabinet report.

**7. Authority to market Butler's Green toilets under the Council's Community Asset Transfer (CAT) Policy**

Councillor Muhammed Butt, Leader of the Council, introduced the report stating that through the Council's Community Asset Transfer (CAT) policy, the former public toilets at Butler's Green, Sudbury, were the subject of an Expression of Interest (EOI) by Sudbury Neighbourhood Centre. This EOI has been evaluated and has passed the relevant tests as outlined in the CAT policy. The next step of the decision making process is for Cabinet to grant authority to market the asset as a CAT opportunity.

**RESOLVED:**

- 7.1 Cabinet approved the marketing of Butler's Green toilets as a CAT opportunity.
- 7.2 Cabinet noted the subsequent granting of the lease will be to the preferred CAT bidder, following marketing through a non-binding informal tender process. The final decision to let the asset on the agreed terms would be placed before Cabinet for approval.
- 7.3 Cabinet agreed that officers advertise in the local newspaper in accordance with Section 123 of the Local Government Act 1972 the land shown edged red on the Site Plan Appendix III and in the event of objections they be considered by the Chief Legal Officer unless in the opinion of the Chief Legal Officer significant objections are received in which case this should be reported back to the Cabinet for it to consider.

**8. Brent Faith Covenant**

Councillor Tom Miller, Cabinet Member for Stronger Communities, introduced the report stating that the All Party Parliamentary Group (APPG) on faith and society introduced a Faith Covenant.

He stated that the Brent Multi-Faith Forum has been working with the council to develop this covenant and the commitments from the council to faith groups, and from faith groups to the council, contained within it.

**RESOLVED:**

- 8.1 Cabinet agreed the Brent Faith Covenant attached at Appendix 1 to the Cabinet report.

**9. Contract for the provision of the Targeted Mental Health in Schools Service (TaMHS)**

Councillor Mili Patel, Cabinet Member for Children and young People, introduced the report stating that the TaMHS Service is a targeted mental health service providing support for children aged 5 to 16 and their families.

She informed Cabinet that the project is a collaborative partnership between Brent Council, Central and North West London NHS Foundation Trust (the current provider of CAMHS in Brent) and schools. She stated that this report seeks to award a contract to CNWL for a further 12 months without the need for a tender for TaMHS services on the grounds that, on the advice from Brent Clinical Commissioning Group (CCG), it would be in the best interests of future service provision to defer retendering to align with the timeline for, and integrate with, the retendering of the CCG's much larger CAMHS contract.

**RESOLVED:**

- 9.1 Cabinet approved an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a twelve month contract for Targeted Mental

Health in Schools services for good operational and financial reasons as detailed in Section 3 of the Cabinet report.

- 9.2 Cabinet approved the award of a twelve month contract for Targeted Mental Health in Schools services from 1st August 2017 to 31st July 2018 to Central and North West London NHS Foundation Trust.

10. **Community Asset Transfer at Sports Club at Gladstone Youth & Community Centre, Gladstone Park, 162 Anson Road, London NW2 6BH, the outcome of marketing and recommendation to proceed with a preferred applicant**

Councillor Muhammed Butt, Leader of the Council, introduced the report stating that on 8 February 2016, Brent's Cabinet approved the marketing of the Sports Club at Gladstone Youth & Community Centre, Gladstone Park, 162 Anson Road, London NW2 6BH as a Community Asset Transfer opportunity. He stated that this report details the outcome of marketing making a recommendation to grant a lease of the Sports Club to a preferred applicant.

**RESOLVED:**

- 10.1 Cabinet approved the proposal for a Community Asset Transfer of the Sports Club which involves entering into a lease for 7 years with the Kilburn Cosmos Rugby Football Club (KCRFC).
- 10.2 Cabinet delegated authority to the Strategic Director of Resources to finalise and agree the terms of a leasehold disposal to the preferred applicant, KCRFC in consultation with the Operational Director Environmental Services.

11. **Town Centres: Action and Investment Planning**

Councillor Shama Tatler, Cabinet Member for Member for Regeneration, Growth, Employment and Skills, introduced the report outlining the planned improvements and recommendations to begin the practical actions required to improve the town centre experience, whilst also highlighting the opportunities for longer term and more significant investment to transform town centres into successful places for our residents, businesses and visitors to the borough.

Councillors Hirani, McLenann and Miller spoke in support of the proposals.

**RESOLVED:**

- 11.1 Cabinet agreed to progress the detailed development and implementation of the draft action and investment plans for the nine town centres.
- 11.2 Cabinet agreed to prioritise nine town centres where council and external investment can be focussed to generate greater impact upon the council's priorities (see Action and Investment Plans, Appendix 1 to the Cabinet report), including Wembley High Road, Ealing Road, Harlesden, Willesden, Neasden, Church End, Kilburn High Road, Colindale/ The Hyde, and Burnt Oak.

11.3 Cabinet agreed to prioritise six of these for additional town centre management resource, responding to levels of need identified (such as street-scene and anti-social behaviour, identified in Appendix 1 to the Cabinet report), including Wembley High Road, Ealing Rd, Harlesden, Willesden, Neasden and Church End.

**12. Gloucester and Durham Development Site - South Kilburn (for Delivery Partner award of contract)**

Councillor Shama Tatler, Cabinet Member for Member for Regeneration, Growth, Employment and Skills, introduced the report asking Cabinet to delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Lead Member Regeneration, Growth, Employment and Skills to award and enter into a Development and Sale Agreement with a Delivery Partner for the Gloucester House and Durham Court site.

**RESOLVED:**

12.1 Cabinet delegated authority to the Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Growth, Employment and Skills to award and enter into a Development and Sale Agreement with a Delivery Partner, in line with the redevelopment as set out in paragraph 3.5 of the Cabinet report, procured from the GLA London Development Panel for the Gloucester House and Durham Court site (shown edged red at Appendix 1 to the Cabinet report). The delivery partner provisionally selected, subject to the standard caveats around agreeing final contract terms, is Telford Homes Plc.

**13. Peel - Development Site South Kilburn - Update on site assembly and NHS Engagement and decision to move to procurement of a delivery partner**

Councillor Shama Tatler, Cabinet Member for Member for Regeneration, Growth, Employment and Skills, introduced the report providing Cabinet with an update on the South Kilburn Peel site development and seeks approval to move to the procurement of a delivery partner; to set rent levels at HCA Target Rent and to reaffirm the decision to authorise the use of Ground 10A of schedule 2 part 11 of the Housing Act 1985 and CPO Powers taken in 2012, 2013 and 2014.

**RESOLVED:**

13.1 Cabinet approved the procurement of a delivery partner for the Peel site through inviting tenders using a Competitive Procedure with Negotiation under the Public Contracts Regulations 2015 on the basis of the pre-tender considerations set out in paragraph 3.18 of the Cabinet report and evaluating the tenders on the basis of the evaluation criteria set out in that paragraph.

13.2 Cabinet approved the setting of rent levels for the affordable homes at the Peel site once complete, at a rent equivalent to the Homes and Communities Agency Target Rent levels.

#### 14. **Brent Cycle Strategy Action Plan Update**

Councillor Ellie Southwood, Cabinet Member for Environment, introduced the report. The aim of the report, she stated, was to inform on actions undertaken in 2016/17 and set out progress against the Cycle Strategy's targets and update the Cycle Strategy Action Plan and Targets for 2017/18.

##### **RESOLVED:**

- 14.1 Cabinet noted the actions and progress undertaken in connection with the Cycle Strategy Action Plan and Targets 2016/17.
- 14.2 Cabinet approved the updated Cycle Strategy Action Plan for 2017/18 and revised Targets.
- 14.3 Cabinet approved the intention to seek delegated approval from Cabinet to the Strategic Director Regeneration & Environment, in consultation with the Lead Member for Environment the final approval of content, including design, following any required changes to the updated Cycle Strategy Action Plan for 2017/18 agreed by Cabinet.

#### 15. **Brent Walking Strategy 2017 - 2022**

Councillor Ellie Southwood, Cabinet Member for Environment, introduced the report explaining the steps taken to develop the Brent Walking Strategy 2017 – 2022 which seeks to reflect the priorities and objectives of the Brent Borough Plan 2015 – 2019, the Long Term Transport Strategy and the Mayor's current and emerging Transport Strategy, and recommends its approval so it can be adopted as a policy in the borough.

##### **RESOLVED:**

- 15.1 Cabinet noted the steps taken to develop the Brent Walking Strategy 2017 – 2022.
- 15.2 Cabinet approved the Brent Walking Strategy 2017 – 2022 as set out in Appendix A to the Cabinet report, subject to 2.3 below.
- 15.3 Cabinet delegated authority to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to approve final design of the Brent Walking Strategy 2017 – 2022.

#### 16. **Enforcing Legislation Concerning Letting Agent's Redress Scheme**

Councillor Tom Miller, Cabinet Member for Stronger Communities, introduced the report stating that the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, (the Order) came into force on 1 October 2014. Local Authorities are the 'enforcement authority' for this order and have a statutory duty to enforce it.

He stated that it is proposed that Cabinet delegate enforcement of the Order to both the Council's Trading Standards and Private Housing Services and agree the value of the monetary penalty to be levied.

**RESOLVED:**

- 16.1 Cabinet agreed to the introduction of a penalty charge of £5k, reduced to £2.5k if paid within 14 days for the non-compliance of the Redress Schemes for Letting Agents and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
- 16.2 Officers working in the Trading Standards Service, were delegated responsibility for the Council's statutory duty of enforcing the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
- 16.3 Officers working in Private Housing Services, were delegated responsibility for the Council's statutory duty of enforcing the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
- 16.4 Cabinet delegated authority to the Trading Standards Senior Regulatory Service Manager and any manager above this position, to review the value of any penalty charge imposed subject to any representations made by recipient as prescribed by the Order.
- 16.5 Cabinet delegated authority to the Head of Service, Private Housing Services and any manager above this position, to review the value of any penalty charge imposed subject to any representations made by recipient as prescribed by the Order.
- 16.6 Cabinet agreed any monetary penalties received in connection with the Order be used by either of the two teams issuing the penalty charge to fund the costs of enforcing the Order.

**17. Highways Capital Scheme Programme 2017-18**

Councillor Ellie Southwood, Cabinet Member for Environment, introduced the report informing Members that, during 2017/18, initially it is proposed to allocate £3.5m of Brent capital to maintain the highway network, plus £365k of footway works held over from 16/17, subject to approval of the Budget and Council Tax report to be submitted to Cabinet and Full Council in February 2017.

She stated that this report sets out recommendations for how Brent's £3.5m capital budget should be allocated during 2017/18.

**RESOLVED:**

- 17.1 Cabinet noted the proposed highways maintenance programme for 2017-18 as detailed in Appendix B to the Cabinet report.

17.2 Cabinet agreed that any changes to this and future highways capital programmes, are approved by the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Environment.

**18. Authority to enter into a Joint Venture Vehicle to bring about the comprehensive development of the Cullen House & Falcon P.H. site in South Kilburn Regeneration Programme Area**

Councillor Shama Tatler, Cabinet Member for Member for Regeneration, Growth, Employment and Skills, introduced the report setting out the detail of a proposal to enter into Heads of Terms with the landowner/developer of the Falcon Public House, London & Newcastle Capital Limited, (LN), or a member of its group, in order to proceed with the establishment of a Joint Venture Vehicle to bring forward the comprehensive redevelopment of the Cullen House & Falcon P.H. development site.

**RESOLVED:**

18.1 Subject to 18.2 below, Cabinet approved the creation and for Brent Council to enter into a joint venture vehicle to bring forward the comprehensive redevelopment of Site 18 through the formation of a Joint Venture Vehicle (JV) as a Limited Liability Partnership (LLP) with London & Newcastle Capital Limited, or a member of its group as approved by the Council (LN) (as the landowner of the Falcon Public House).

18.2 Cabinet delegated authority to the Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Growth, Employment and Skills, to agree terms for creation and entry into a joint venture based on the draft Heads of Terms at (Appendix 2).

18.3 Cabinet noted the intention to engage Londonewcastle as Development Manager to the JV on terms to be agreed and as approved by the Board of the JV when established

18.4 Cabinet reconfirmed that the development of Site 18 was a key component of the overall South Kilburn Regeneration Masterplan which sought to bring forward a comprehensive redevelopment of South Kilburn providing new homes and significant social and economic benefits to the area through the regeneration process.

18.5 Cabinet confirmed that the primary purpose of the Council's participation in the JV was the pursuit of socio-economic objectives which were more particularly described in paragraph 3.7 of the report and were in, overall terms, non-commercial.

**19. Tricycle Theatre Renovation Project**

Councillor Muhammed Butt, Leader of the Council, stated that the Tricycle Theatre has recently embarked on a major renovation project due for completion in February 2018.

He stated that, once completed, the work will significantly increase capacity and allow the theatre to extend the range of activities that they run. In recognition of the Tricycle Theatre's economic, social and cultural benefits to Brent this report recommends that Brent Council support the theatre with a grant of up to £1m to enable its ongoing capital renovation project to be completed in its entirety.

**RESOLVED:**

- 19.1 Cabinet approved a grant to the Tricycle Theatre of up to £1m representing the difference between the existing and potential HLF funding sources secured for the renovation of the theatre and the amount required to complete the renovation.
- 19.2 Cabinet approved the grant detailed in 19.1 above on the basis that it was a one off grant that replaces any ongoing grant due to be awarded to the Tricycle Theatre by Brent Council from 1 April 2018.
- 19.3 Cabinet approved the appointment of the Tricycle Theatre on to the Local List as a cultural heritage asset thus enabling the theatre to progress with its application for funding from the Heritage Lottery Fund.

**20. Arboricultural Services and Authority to Tender**

Councillor Ellie Southwood, Cabinet Member for Environment, introduced the report which sets out the background and the options considered for the procurement of Arboricultural Services on the Council's highways, parks and Brent Housing Partnership managed estates.

She stated that the report also seeks approval to invite tenders for the Arboricultural Services contract, as required by Contract Standing Orders 88 and 89.

**RESOLVED:**

- 20.1 Cabinet approved the invitation of tenders for Arboriculture Services on the basis of the pre-tender considerations set out in paragraph 5.3 of the Cabinet report
- 20.2 Cabinet gave approval for the evaluation of the tenders referred to in 20.1 above, on the basis of the criteria set out in paragraph 5.3 (iv) of the Cabinet report; with a further report to Cabinet following the tender exercise which would make recommendations on the award of the Contract.

**21. Tackling Illegal Rubbish Dumping and Litter with Uniformed Street Patrols - 6-month Review and Next Steps**

Councillor Ellie Southwood, Cabinet Member for Environment, introduced the report presenting a review of the uniformed street patrol pilot contract with Kingdom Security Ltd, and proposes- on the basis of the very clear information provided by the pilot – that this activity should be sustained into the future. It sets out options for longer-term deployment for consideration.

Councillors Farah and Hirani spoke in support of the proposals.



**RESOLVED:**

- 21.1 Cabinet noted the clear and helpful findings of the pilot exercise.
- 21.2 Cabinet considered the options for the longer term deployment of this service.
- 21.3 Cabinet authorised the Strategic Director of Regeneration and Environment, in consultation with the Lead Member for Environment, to develop and implement an in-house operating model for the provision of uniformed street patrols.
- 21.4 Cabinet agreed to continue with the suspension of the offer of a reduced payment for early settlement of litter-related FPNs beyond the period of the pilot.

**22. Reference of item considered by Scrutiny Committees**

Councillor Mili Patel, Cabinet Member for Children and young People, introduced the recommendations from Community and Wellbeing Scrutiny Committee.

**RESOLVED:**

- 22.1 Cabinet noted the recommendation as set out in Appendix A to the Cabinet report.

**23. Exclusion of Press and Public**


**24. Any other urgent business**

There was not any other urgent business.

The meeting ended at 8.22 pm.

M BUTT  
Chair

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 <b>Brent</b>	<b>Cabinet</b> 22 May 2017 <b>Report from the Strategic Director, Regeneration and Environment</b>
For Action	Wards Affected: All
<b>Brent Neighbourhood Community Infrastructure Levy (NCIL) Priorities 2017-2020</b>	

## 1. Summary

- 1.1 The Community Infrastructure Levy (CIL) is a charge applied to eligible developments to help fund strategic (borough-wide) and neighbourhood infrastructure and address deficits that might otherwise be caused by development. Brent's CIL was formally introduced on 1 July 2013.
- 1.2 This report recommends strategic priorities for approval by Cabinet. These priorities will be set from 2017-2020 and will inform the expenditure of the neighbourhood element of the Community Infrastructure Levy (NCIL). Following approval by Cabinet, the invitation will be open for project proposals that align to these priorities and mitigate the impact of development on the local area. A summary of the findings of a six-week consultation to determine neighbourhood priorities can be found in **Appendix 1**.

## 2. Recommendations

- 2.1 Cabinet are asked to review and approve the recommended strategic priorities (2017-2020) for each CIL Neighbourhood. Principally:
- 2.2 **Harlesden CIL Neighbourhood:** Town Centre & High Streets, Transport & Roads, Community Spaces & Cultural Facilities
- 2.3 **Kilburn CIL Neighbourhood:** Community Spaces & Cultural Facilities, Transport & Roads, Town Centre & High Streets
- 2.4 **Kingsbury & Kenton CIL Neighbourhood:** Transport & Roads, Town Centre & High Streets, Parks & Open Spaces
- 2.5 **Wembley CIL Neighbourhood:** Transport & Roads, Town Centre & High Streets, Parks & Open Spaces, Community Spaces & Cultural Facilities
- 2.6 **Willesden CIL Neighbourhood:** Town Centre & High Streets, Transport & Roads, Community Spaces & Cultural Facilities

### 3. Neighbourhood CIL – Background

- 3.1 The CIL Regulations 2010 (as amended) stipulate that at least 15 per cent of CIL receipts generated must be spent on Neighbourhood Projects. Whilst the legislation does not prescribe a process for how Neighbourhood CIL is allocated, the expectation is that priorities for spend are agreed with the local community. A cabinet report outlining Brent's Neighbourhood CIL spend process was approved on 13 February 2017<sup>1</sup> and, as a result, Brent is divided into five 'CIL Neighbourhoods'; Kilburn, Kingsbury & Kenton, Wembley, Willesden and Harlesden.
- 3.2 A CIL Neighbourhood may also contain a Neighbourhood Forum with an adopted Neighbourhood Plan. In this case, up to 25 per cent of CIL funds collected from liable developments within the Neighbourhood Forum boundary, may be spent on priorities identified by the Neighbourhood Forum. There are currently four Neighbourhood Forums in Brent; Church End & Roundwood (The Unity Neighbourhood Forum), Harlesden, Kilburn and Sudbury Town Residents Association (STRA). The Kilburn Neighbourhood Forum falls within both the boroughs of Brent and Camden. STRA is currently the only Neighbourhood Forum with an adopted Neighbourhood Plan (July 2015). Neighbourhood Forum priorities will be outlined in their Neighbourhood Plan and set for the duration of the Plan, once adopted. A diagram showing the CIL Neighbourhood and forum boundaries is in **Appendix 2**

### 4. Consultation Methodology

- 4.1 Consultation to determine CIL Neighbourhood priorities for three years was carried out from 15 February 2017 to 30 March 2017. The consultation was publicised via outdoor posters over a four-week period and notifications were sent via social media by Brent Council and CVS Brent. Email notifications were also sent from the Brent database and BHP shared details of the consultation with their Resident Involvement team. Yammer was also used to promote the consultation internally with Brent staff.
- 4.2 In total 675 responses to the consultation were received - 648 online, and 27 paper copy responses.

### 5. Consultation Outcome

- 5.1 A summary of the consultation findings may be found in **Appendix 1**. The majority of respondents (96%) live in Brent and have done so for over 10 years (66%). The majority of responses submitted were from Kilburn CIL Neighbourhood (35%).
- 5.2 Most respondents (38%) were fairly satisfied with their local area overall. However, a significant number (12%) were very dissatisfied. The highest proportion of very dissatisfied respondents were from Wembley CIL Neighbourhood. Kilburn CIL Neighbourhood had the highest proportion of very satisfied respondents.

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<sup>1</sup> <http://democracy.brent.gov.uk/ieDecisionDetails.aspx?AllId=24493>

### Alignment to Corporate Priorities

- 5.3 Respondents were asked to choose up to three priorities for Neighbourhood CIL spend. The categories for selection aligned to the broad categories of strategic infrastructure spend outlined in Brent’s Regulation 123 list. Respondents were also given the opportunity to suggest alternative priorities. A summary of the highest ranked priorities via consultation is below:

CIL Neighbourhood	Community Space & Cultural facilities	Parks & Open Space	Schools & Education	Town Centre & High Streets	Transport & Roads
Harlesden	✓			✓	✓
Kilburn	✓		✓		✓
Kingsbury		✓		✓	✓
Wembley	✓	✓		✓ (joint 1 <sup>st</sup> )	✓ (joint 1 <sup>st</sup> )
Willesden	✓			✓	✓

- 5.4 Four CIL Neighbourhoods selected Town Centres & High Streets as a priority. This aligns to the current corporate priority to invest in high streets, particularly with the introduction of Town Centre Managers, and provides an opportunity for communities to shape the improvement of their high streets directly. Four CIL Neighbourhoods also chose to invest in community & cultural facilities. Two CIL Neighbourhoods chose to invest in parks and open spaces and a range of suggestions to improve these was received.
- 5.5 All five CIL Neighbourhoods featured Transport and Roads as a funding priority. However, the comments received suggest it is important to distinguish between transport - which generally received positive comments and the maintenance of roads. Some initial project ideas relating to roads included the management of air pollution via community projects and schemes that benefit pedestrians, but the majority of comments related directly to repairing pavements or fixing potholes. The maintenance of roads and pavements is an ongoing requirement and cost borne by the council. There is a risk, however, given the limited pot of Neighbourhood CIL funding, that if it is used to maintain roads and pavements, the potential to use CIL for other neighbourhood priorities is limited. This risk and impact will be monitored and managed during the project shortlisting process.
- 5.6 Kilburn CIL Neighbourhood was the only area to select Schools and Education facilities as a priority. Comments on schools and education facilities related to the provision of good schools in the area and the pressure that additional housing development places on current school provision. School provision is a current corporate priority but also requires a significant investment and the availability of suitable land/sites. Whilst the need for school provision is recognised, given the relatively limited value of Neighbourhood CIL available in the Kilburn CIL Neighbourhood for community projects, it is recommended that Neighbourhood CIL is not used to fund the building or extension of schools, and this continues to be managed via other existing funding streams.
- 5.7 The recommended priorities for spend for each CIL Neighbourhood are, therefore, as follows:

### **Harlesden CIL Neighbourhood**

- 5.8 Current CIL receipts in Harlesden CIL Neighbourhood are £98k. The top three funding priorities suggested by respondents are:
- I. Town Centre and High Streets
  - II. Transport & Roads
  - III. Community Space and Cultural Facilities
- 5.9 All three spend priorities were identified by respondents as being in the top three 'worst' features of Harlesden CIL Neighbourhood. Harlesden also had the highest proportion of residents who were fairly or very dissatisfied with their neighbourhood (54%). However, Harlesden also had the lowest response rate (12% of all responses).
- 5.10 Suggestions for additional areas to prioritise funding focussed on reducing antisocial behaviour and supporting young people. Given that these two project areas align to the broader categories of town centres and high streets and community space and facilities. It is recommended that the three funding priorities suggested via consultation are adopted.

### **Kilburn CIL Neighbourhood**

- 5.11 Current CIL receipts in Kilburn CIL Neighbourhood are £580k. The top three funding priorities suggested by respondents are:
- I. Community Space and Cultural Facilities
  - II. Transport & Roads
  - III. Schools and Education Facilities
- 5.12 Kilburn CIL Neighbourhood had the highest response rate (35% of all responses) and also the highest satisfaction rates (48% fairly satisfied or very satisfied). Although community space featured as both the best and worst features of the Kilburn CIL Neighbourhood, where community space existed, this was valued. Subsequently the threat of closure and perceived lack of community space may have contributed towards its inclusion in the 'worst' category.
- 5.13 Although schools and education facilities featured in the top three priorities chosen by respondents, in light of considerations discussed in paragraph 5.6, it is suggested that the fourth ranked priority (Town Centres and High Streets) is used instead. Town Centres featured in the top three 'worst' features of the local area and a number of initial projects ideas were also received suggesting ways to improve High Streets. (None were received for schools). It is therefore recommended that the three funding priorities for Kilburn CIL Neighbourhood are Community Space & Cultural Facilities, Transport and Roads and Town Centres & High Streets.

### **Kingsbury & Kenton CIL Neighbourhood**

- 5.14 Current CIL receipts in Kingsbury & Kenton CIL Neighbourhood are £407k. The top three funding priorities suggested by respondents are:
- I. Transport & Roads
  - II. Town Centre and High Streets
  - III. Parks and Open Spaces
- 5.15 Kingsbury and Kenton CIL Neighbourhood provided around 17% of all responses and 41% of respondents were fairly satisfied with the local area.

Parks & Open Space ranked amongst the best aspects of the Neighbourhood whilst, the town centre and Transport & Roads featured amongst the worst. However, the majority of initial project ideas centred around parks. It is therefore recommended that the three funding priorities suggested via consultation are adopted.

#### **Wembley CIL Neighbourhood**

- 5.16 Current CIL receipts in Wembley CIL Neighbourhood are £2.1m.<sup>2</sup> The top three funding priorities suggested by respondents are:
- I. Transport & Roads
  - I. Town Centre & High Streets (joint rank with Transport & Roads)
  - III. Parks and Open Space
  - IV. Community Space and Cultural Facilities

- 5.17 Wembley CIL Neighbourhood accounted for 16% of all responses received, however Wembley had the lowest proportion of respondents who were fairly or very satisfied (35%). The relatively high value of CIL receipts corresponds to the amount of development that is currently taking place in the Wembley CIL Neighbourhood. Parks and open spaces and community space ranked as the best things in the local area while transport and the town centre were amongst the worst things. The majority of initial project ideas centred around anti-social behaviour and waste management. Respondents have suggested four CIL priorities because Transport and Town centres were ranked equally. However, given the current high value of CIL receipts in the Wembley Neighbourhood and the amount of development that is taking place, it is recommended that all four funding priorities suggested via consultation are adopted.

#### **Willesden CIL Neighbourhood**

- 5.18 Current CIL receipts in Willesden CIL Neighbourhood are £203k. The top three funding priorities suggested by respondents are:
- I. Town Centre and High Streets
  - II. Transport & Roads
  - III. Community Space and Cultural Facilities
- 5.19 16% of all responses were from the Willesden CIL neighbourhood. However Willesden CIL Neighbourhood has the second highest level of respondents who are fairly or very satisfied (46%).
- 5.20 Town centres and community spaces were amongst the amongst the worst features identified within the Willesden Neighbourhood and the majority of initial project ideas centred around creating or improving community space. It is therefore recommended that the three funding priorities suggested via consultation are adopted.

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<sup>2</sup> In addition, Sudbury Town Neighbourhood Residents Association (STRA) has £15k (rounding) to spend within their Neighbourhood Forum boundary as their neighbourhood plan was adopted in July 2015. The STRA neighbourhood plan outlines the current priorities for CIL spend within neighbourhood forum area only.

## 6. Next Steps

- 6.1 Following approval by Cabinet, the invitation will be open for project proposals that align to these priorities and mitigate the impact of development on the local area. Proposed project submission dates are 30 June 2017 and 1 December 2017.
- 6.2 Project proposals for each CIL Neighbourhood will then be ranked according to how well they meet the shortlisting criteria by the Head of Planning and Lead Member for Regeneration, Growth, Employment and Skills, and a shortlist of projects to fund will be agreed.
- 6.3 A summary of the key milestones for implementing these proposals is in **Table 1**.

Table 1: CIL Allocation – Summary Timeline

Date	Neighbourhood CIL
30 Jun 2017	1 <sup>st</sup> Round Neighbourhood project proposals and shortlisting
1 Dec 2017	2 <sup>nd</sup> Round Neighbourhood project proposals and shortlisting
Apr 2018	<ul style="list-style-type: none"> <li>• Publish available funds and spend</li> <li>• Process Review</li> </ul>

## 7. Financial Implications

- 7.1 At least 15 per cent of CIL receipts must be spent on local projects that mitigate the impact of development and are identified in consultation with local communities (capped at £100/dwelling each financial year). Where a Neighbourhood Forum has an adopted Neighbourhood Plan, 25 per cent of CIL receipts may be spent on local projects.
- 7.2 The value of CIL funds available to fund neighbourhood projects is dependent on the number and value of CIL liable developments in each CIL Neighbourhood. However Neighbourhood CIL is one of a range of funding streams that may support Neighbourhood Improvement projects and so, during the project submission stages, projects are also encouraged, where appropriate, to also seek funding from other sources to support their proposals
- 7.3 As of 6 April 2017, approximately £3.4m in Neighbourhood CIL has been collected by Brent Council from developers. **Table 2** shows the current distribution of funds received across all CIL Neighbourhoods:

Table 2: Neighbourhood CIL Receipts

CIL Neighbourhood	Fund received 04/17 (nearest £k)
Harlesden	98
Kilburn and Kensal	580
Kingsbury and Kenton	407
Wembley	2,100
Willesden	203
Sudbury Town (Neighbourhood Forum with adopted Plan)	15
<b>Total</b>	<b>3.4m (Rounding)</b>



7.4 The Planning Policy & Projects Team maintains a profile of all upcoming CIL liable developments; however, the due date of CIL payments is dependent on when development commences. Therefore, the biggest risks to financial planning are that even though a development may be CIL liable, there is still the risk that a development may be delayed, and the risk of late or non-payment of CIL instalments by developers. However to mitigate this, the ongoing monitoring of income and spend will remain the responsibility of the Planning Policy & Projects Team, and a summary CIL monitoring report will be produced annually.

## **8. Legal Implications**

8.1 The Planning Act 2008, and CIL Regulations (2010) as amended, provided for local authorities to apply the CIL to support development. The Neighbourhood element may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure, or anything else that is concerned with addressing the demands that development places on an area (Reg 59c).

8.2 CIL spend is governed by Part 7 of the CIL Regulations and for any financial year in which CIL receipts are received, a report outlining CIL receipts and expenditure must be prepared and published on the council's website. (Reg 62a). However the CIL Regulations do not prescribe a process for agreeing how the neighbourhood portion should be spent. Whilst there is an expectation that communities are involved in this process (see DCLG Planning Practice Guidance), the use of existing community consultation and engagement processes, proportionate to the level of CIL receipts and the scale of any proposed development, is anticipated.

## **9. Diversity Implications**

9.1 In compliance with the Equality Act 2010 and the Public Sector Equality Duty (PSED), 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.

9.2 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

9.3 A summary of the equalities data collated from the CIL consultation is in Appendix 1. Whilst a significant proportion selected the 'prefer not to say' option, areas of under representation – particularly from black and minority ethnic (BME) groups and those under 24 years, may suggest that more targeted engagement may be required to encourage project proposals and support the development of proposals from these groups.

9.4 When considering, shortlisting and approving the use of CIL funds for projects, decision-makers must also ensure that due regard is given to PSED and each project that receives CIL funding will need to be assessed separately for any potential / likely diversity implications.

**10. Staffing/Accommodation Implications (if appropriate)**

10.1 None

**11. Appendices**

Appendix 1 – CIL Consultation Findings 2017

Appendix 2 – Brent CIL Neighbourhood Boundaries

**Contact Officers**

Nkechi Okeke-Aru  
Principal Development Funds Officer  
Email: [nkechi.okeke-arua@brent.gov.uk](mailto:nkechi.okeke-arua@brent.gov.uk)

Amar Dave  
Strategic Director Regeneration and Environment

# Neighbourhood Community Infrastructure Levy (CIL) Priorities 2017-2020

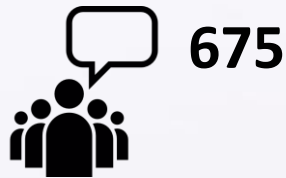
## Consultation Findings

April 2017

Page 21

# Highlights - Brent

A six-week consultation to identify strategic funding priorities for each of the five CIL Neighbourhoods was open from 15 February 2017 to 30 March 2017



## Reponses received

27 of these responses were by post.  
The remainder were online



## Are satisfied or very satisfied with their local area

The highest levels of satisfaction were seen in Kilburn CIL Neighbourhood, and the lowest in Harlesden



1. Parks & open spaces
2. Transport & roads
3. Schools & education facilities



## What are the best things about the local area?

**Transport & Roads** – Positive comments related to transport in Brent



1. Town Centre and High Streets
2. Transport and roads
3. Community spaces and cultural facilities

## What are the worst things about the local area?

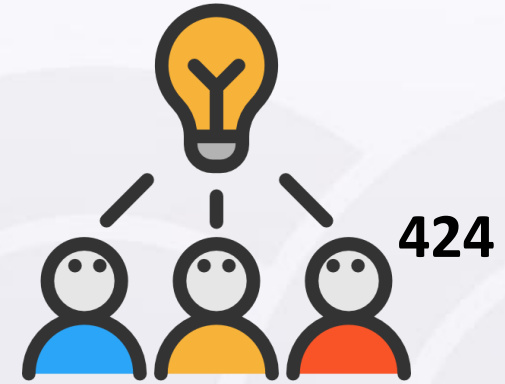
**Transport & Roads** – Negative comments related to the maintenance of roads and pavements



# Highlights - Brent



Additional areas of value to respondents included the local community and its diversity. Where community facilities exist, these were also appreciated.



Initial project Ideas received

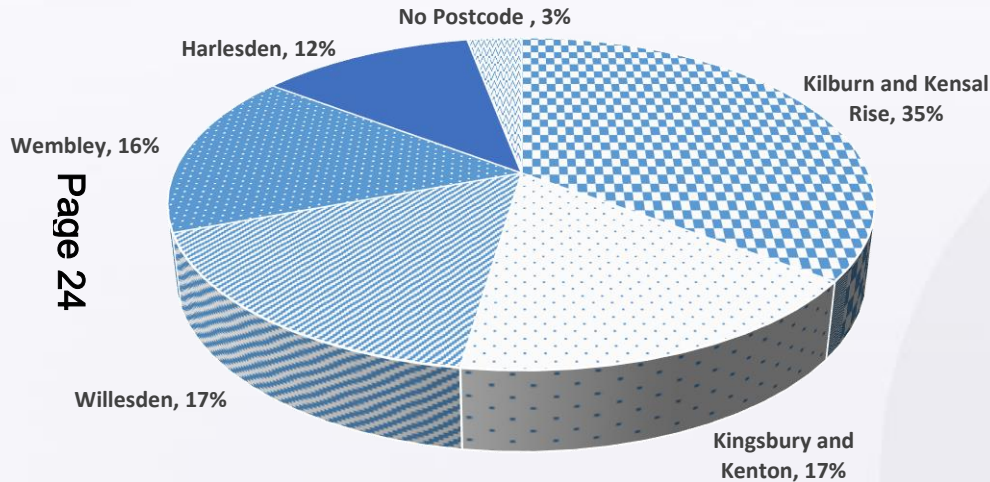


Additional areas of concern to respondents included the maintenance of roads - cleanliness and defects; the management of waste and anti-social behaviour

Initial project ideas will be reviewed, and those best aligned to the eventual Neighbourhood CIL priorities, will be supported to develop more detailed proposals to be put forward for shortlisting.

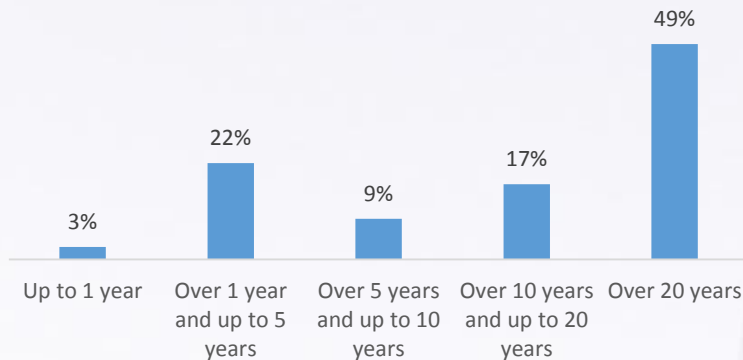
# Highlights - Brent

## Responses received by CIL Neighbourhood



**The highest proportion of responses** was received from Kilburn CIL neighbourhood (35%). CIL Neighbourhoods with a lower response rate may indicate that more targeted engagement is needed to encourage project proposals and support the development of proposals from these CIL Neighbourhoods

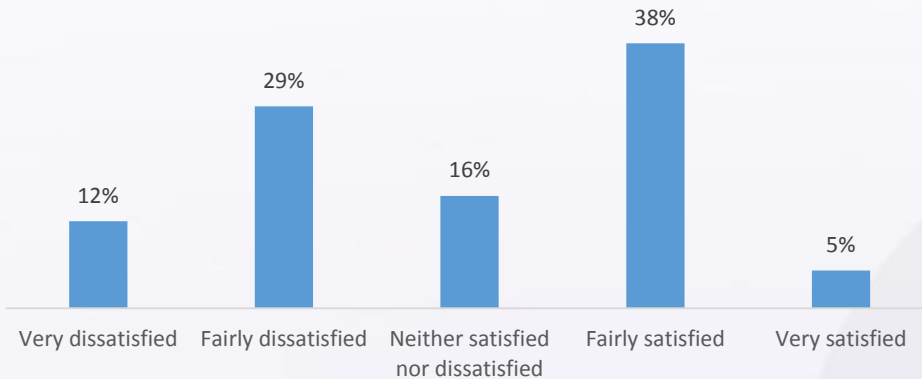
## Connection to Brent



**The majority of respondents have a 20 year+ connection to Brent.**

# Highlights - Brent

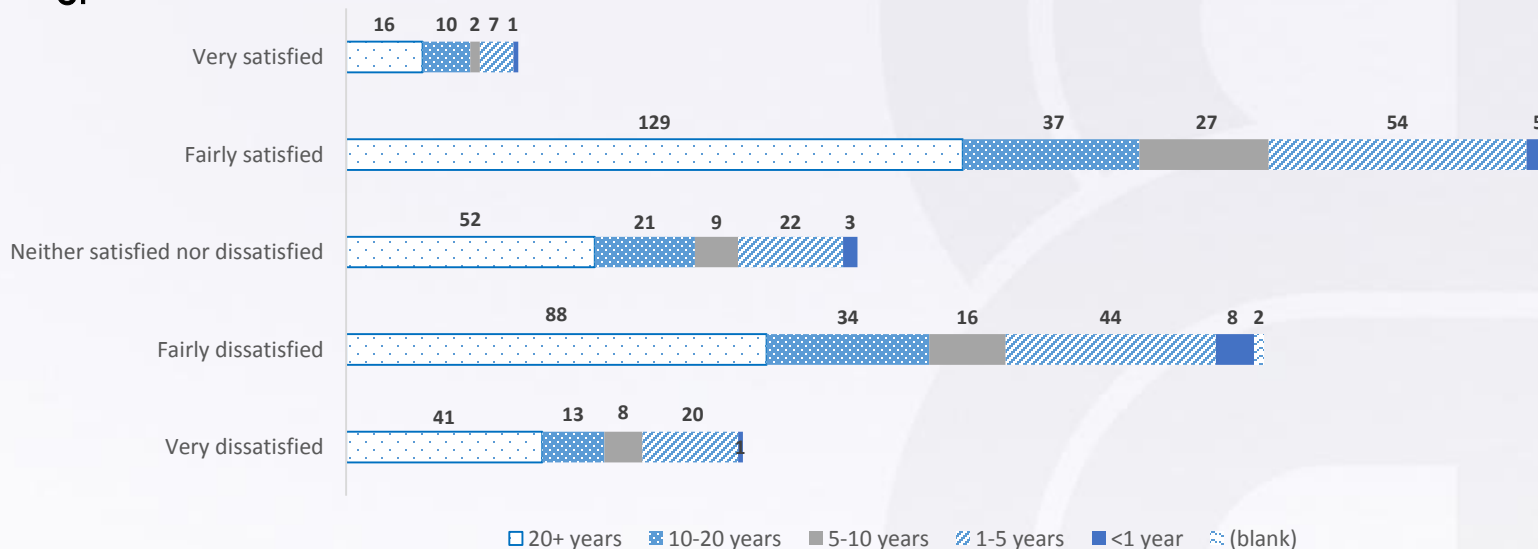
How satisfied are you with your local area?



Whilst the majority of respondents (38%) were at least fairly satisfied with their local area – a significant proportion are very dissatisfied (12%). As the consultation did not ask respondents why they were satisfied or dissatisfied, the implementation of NCIL projects should aim to reduce levels of dissatisfaction.

Page 25

How satisfied are you with your local area?



# Harlesden CIL Neighbourhood

£ 98k available (6 April 2017)

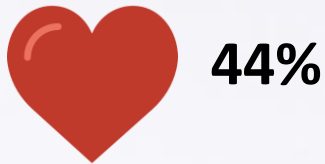


Page 26



79

Responses received



44%

Are satisfied or very satisfied with their local area



1. Parks and open spaces
2. Transport and roads
3. Leisure and sports facilities

What are the best things about the local area?



1. Transport and roads
2. Community spaces and cultural facilities
3. Town Centre and High Streets

What are the worst things about the local area?



1. Town Centre and High Streets
2. Transport and roads
3. Community spaces and cultural facilities

Top three spending priorities

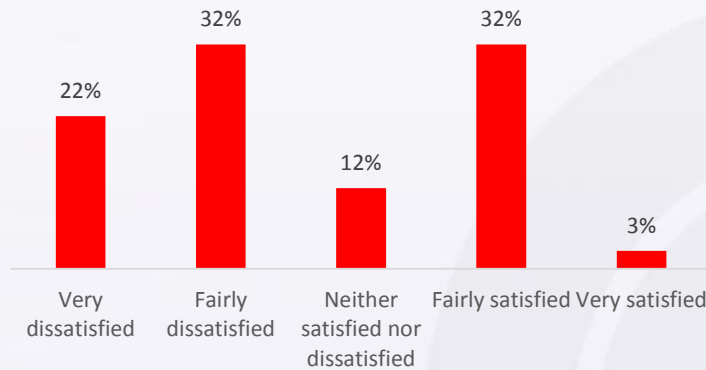


# Harlesden CIL Neighbourhood

£ 98k available (6 April 2017)



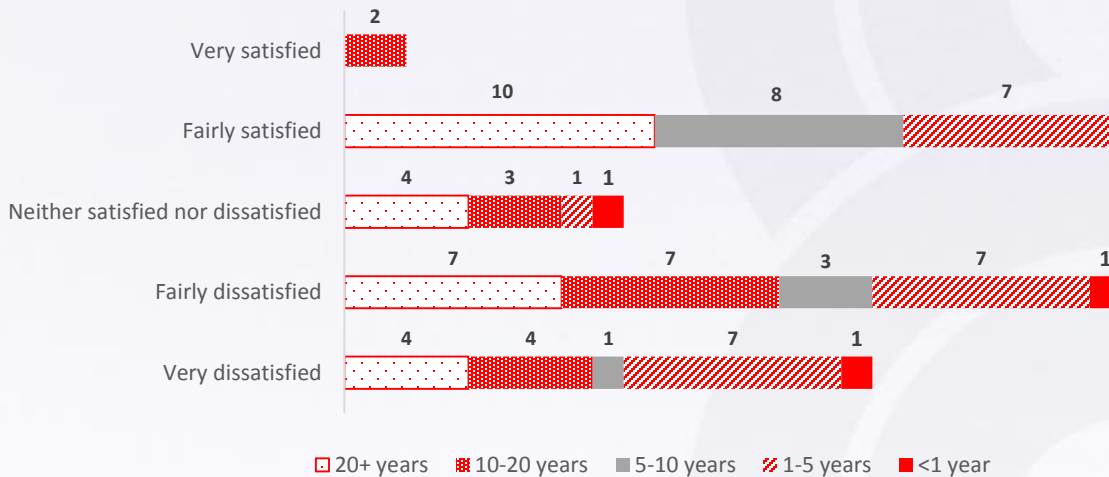
How satisfied - Harlesden



Harlesden CIL Neighbourhood has the highest proportion of respondents (54%) who were fairly or very dissatisfied.

Page 27

How satisfied - Harlesden



# Harlesden CIL Neighbourhood

£ 98k available (6 April 2017)



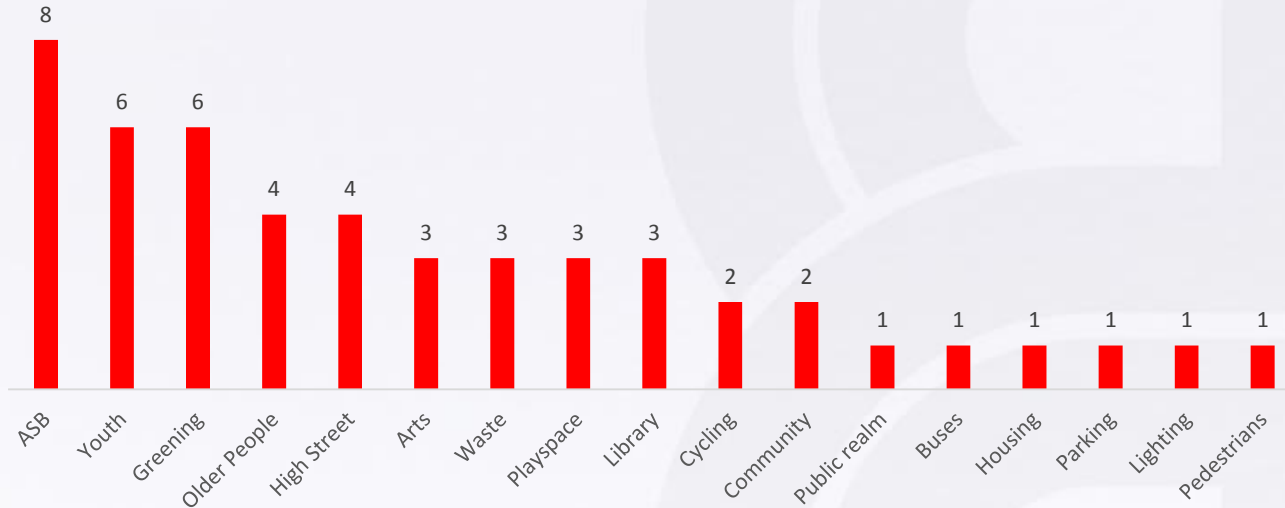
Page 28

## Other Funding Priorities - Harlesden

1. ASB – 6 respondents
2. Youth – 4 Respondents
3. Road Defects – 3 Respondents

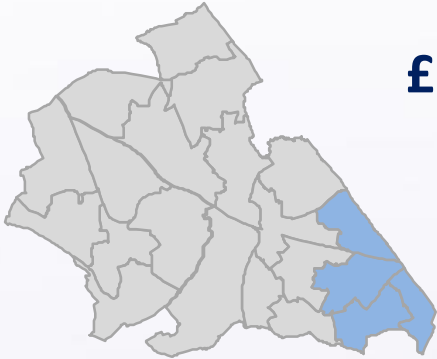


## Initial Project Ideas – Harlesden (50)



# Kilburn & Kensal CIL Neighbourhood

£ 580k available (6 April 2017)



1. Parks and open spaces
2. Transport and roads
3. Community spaces and cultural facilities

**What are the best things about the local area?**



1. Community spaces and cultural facilities
2. Town Centre and High Streets
3. Transport and roads

**What are the worst things about the local area?**



1. Community spaces and cultural facilities
2. Transport and roads
3. Schools and education facilities

**Top three spending priorities**



238

**Reponses received**



48%

**Are satisfied or very satisfied  
with their local area**

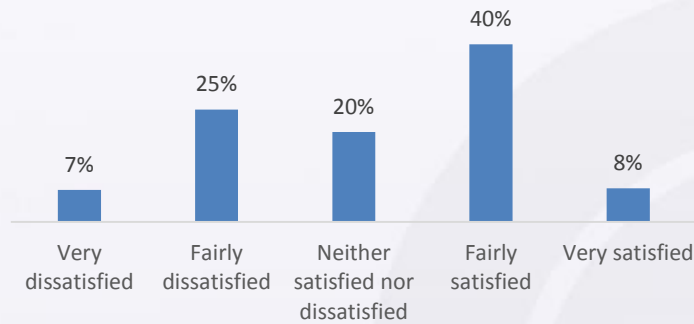
# Kilburn & Kensal CIL Neighbourhood

£ 580k available (6 April 2017)



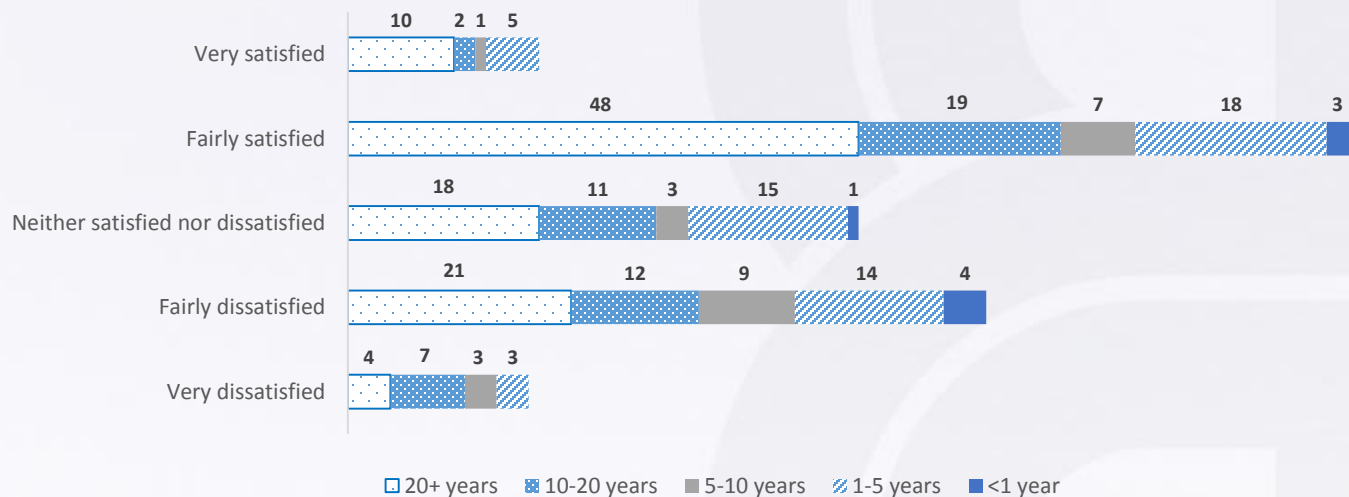
Page 30

How satisfied - Kilburn



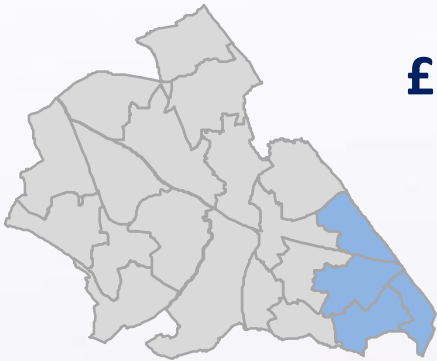
**Kilburn & Kensal CIL Neighbourhood** has the highest proportion of respondents who were fairly or very satisfied (48%).

How satisfied - Kilburn



# Kilburn & Kensal CIL Neighbourhood

£ 580k available (6 April 2017)



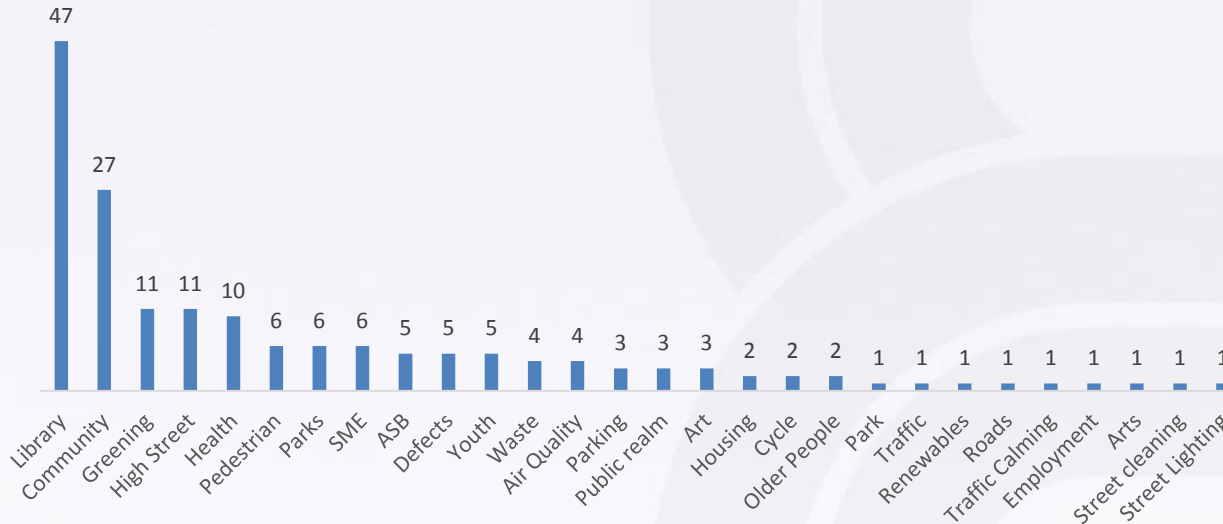
## Other Funding Priorities - Kilburn

1. Libraries – 12 respondents
2. Road Defects – 7 respondents
3. ASB - 5 respondents
4. Youth – 4 respondents



Page 31

## Initial Project Ideas – Kilburn (171)



# Kingsbury & Kenton CIL Neighbourhood

£ 407k available (6 April 2017)

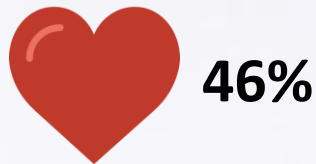


Page 32



115

Responses received



46%

Are satisfied or very satisfied with their local area



1. Parks and open spaces
2. Schools and education facilities
3. Transport and roads

What are the best things about the local area?



1. Town Centre and High Streets
2. Transport and roads
3. Leisure and sports facilities

What are the worst things about the local area?

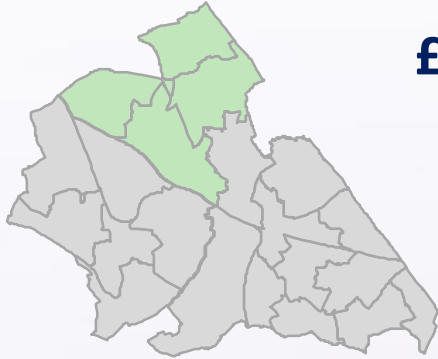


1. Transport and roads
2. Town Centre and High Streets
3. Parks and open spaces

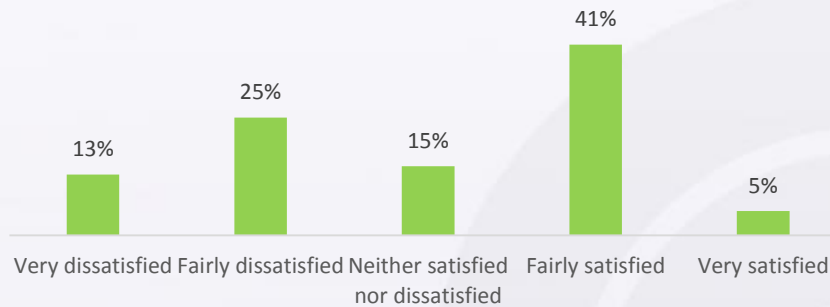
Top three spending priorities

# Kingsbury & Kenton CIL Neighbourhood

£ 407k available (6 April 2017)

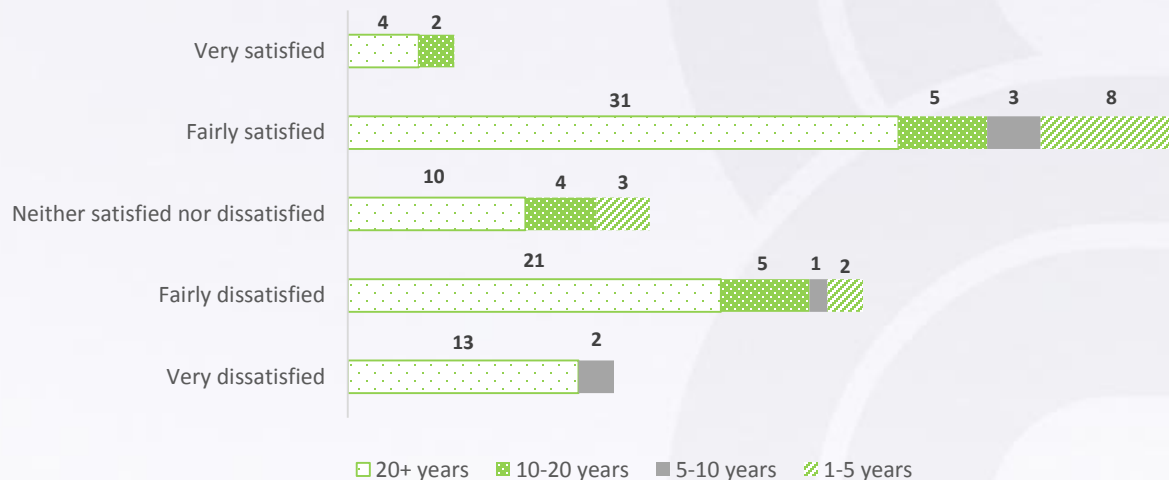


How satisfied - Kingsbury



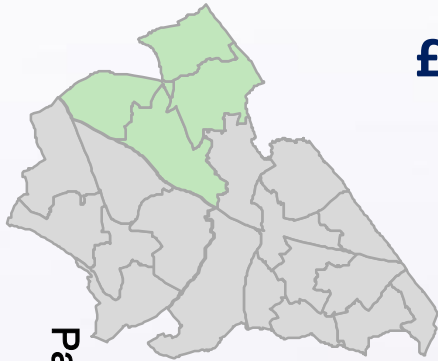
**Kingsbury & Kenton CIL Neighbourhood** has the second lowest proportion of respondents who are fairly or very dissatisfied (39%)

How satisfied - Kingsbury



# Kingsbury & Kenton CIL Neighbourhood

£ 407k available (6 April 2017)



Page 34

## Other Funding Priorities - Kingsbury

1. Road Defects – 2 respondents
2. ASB, Greening, Housing, Parking, street cleaning, youth high street, sports ( 1 respondent each)



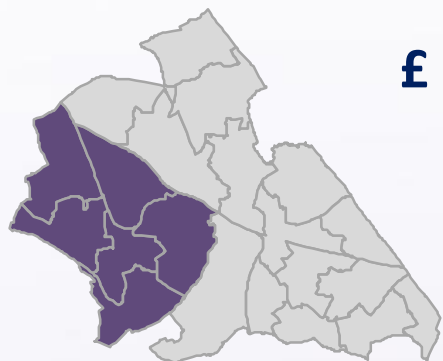
## Initial Project Ideas - Kingsbury (59)





# Wembley CIL Neighbourhood

£ 2.1m available (6 April 2017)



1. Parks and open spaces
2. Transport and roads
3. Community spaces and cultural facilities

**What are the best things about the local area?**



1. Town Centre and High Streets
2. Transport and roads
3. Health facilities

**What are the worst things about the local area?**



1. Transport and roads
1. Town Centre and High Streets
3. Parks and open spaces
4. Community spaces and cultural facilities

**Top three spending priorities**

Page 35



108

**Reponses received**

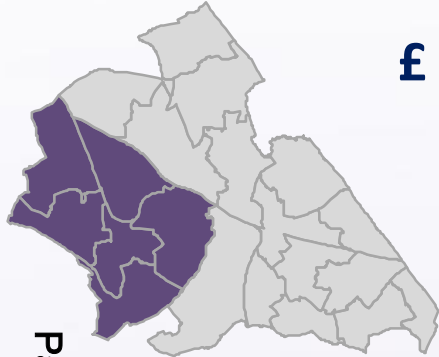


35%

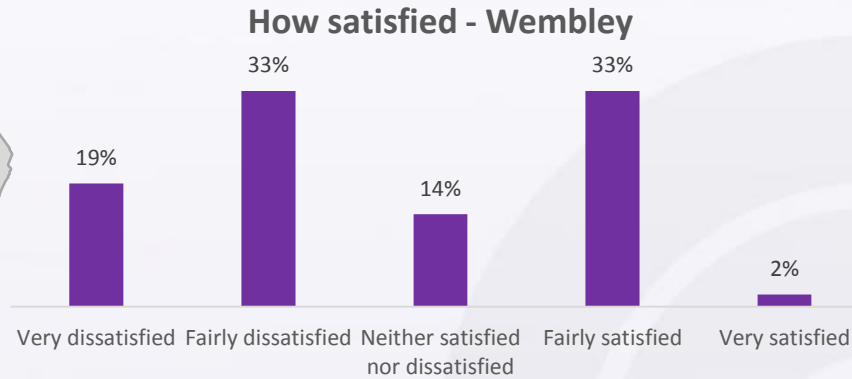
**Are satisfied or very satisfied  
with their local area**

# Wembley CIL Neighbourhood

£ 2.1m available (6 April 2017)



Page 36

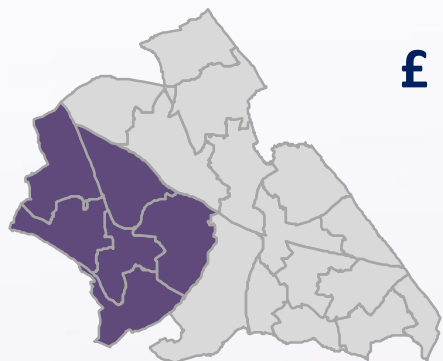


Wembley CIL Neighbourhood has lowest number of respondents who were fairly or very satisfied (35%)



# Wembley CIL Neighbourhood

£ 2.1m available (6 April 2017)

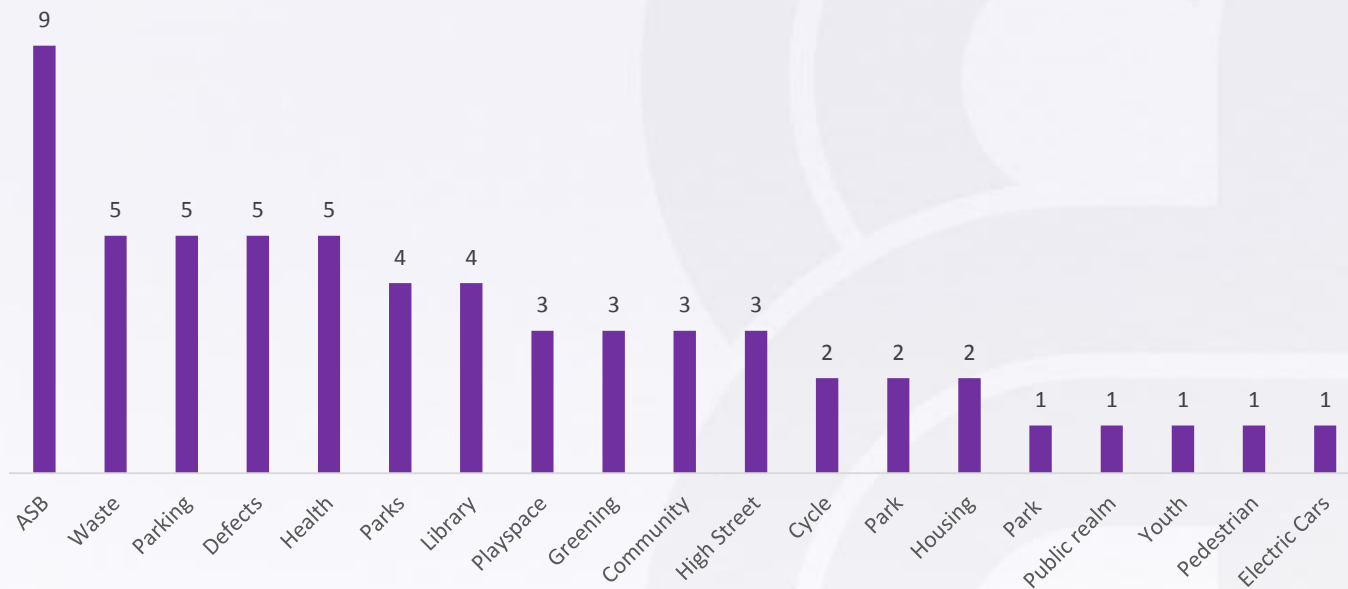


## Other Funding Priorities - Wembley

1. ASB – 8 respondents
2. Parking – 3 respondents
3. Social Care – 3 respondents

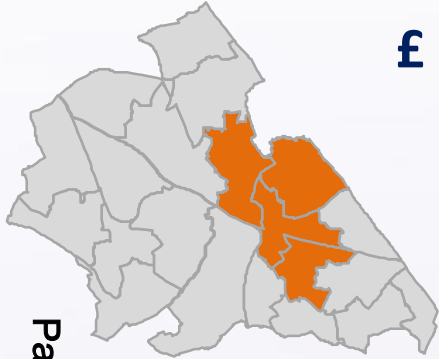


## Initial Project Ideas - Wembley (60)

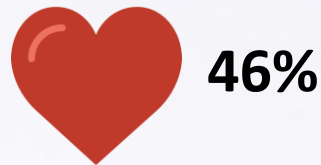


# Willesden CIL Neighbourhood

£ 203k available (6 April 2017)



Page 38



Are satisfied or very satisfied  
with their local area



1. Parks and open spaces
2. Transport and roads
3. Waste and recycling facilities

What are the best things about the local area?



1. Town Centre and High Streets
2. Transport and roads
3. Community spaces and cultural facilities

What are the worst things about the local area?

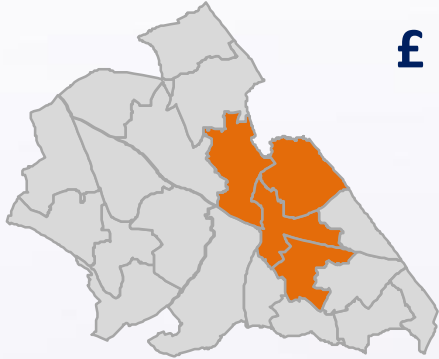


1. Town Centre and High Streets
2. Transport and roads
3. Community spaces and cultural facilities

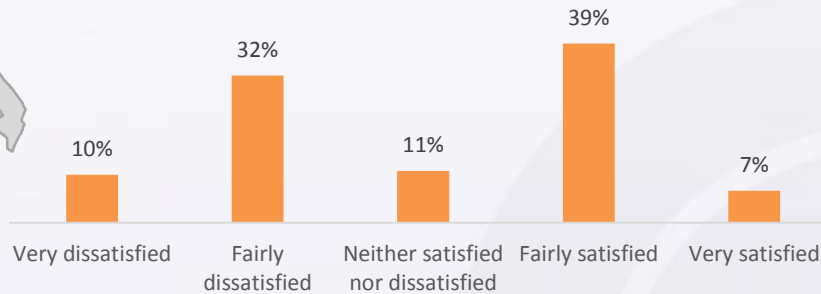
Top three spending priorities

# Willesden CIL Neighbourhood

£ 203k available (6 April 2017)

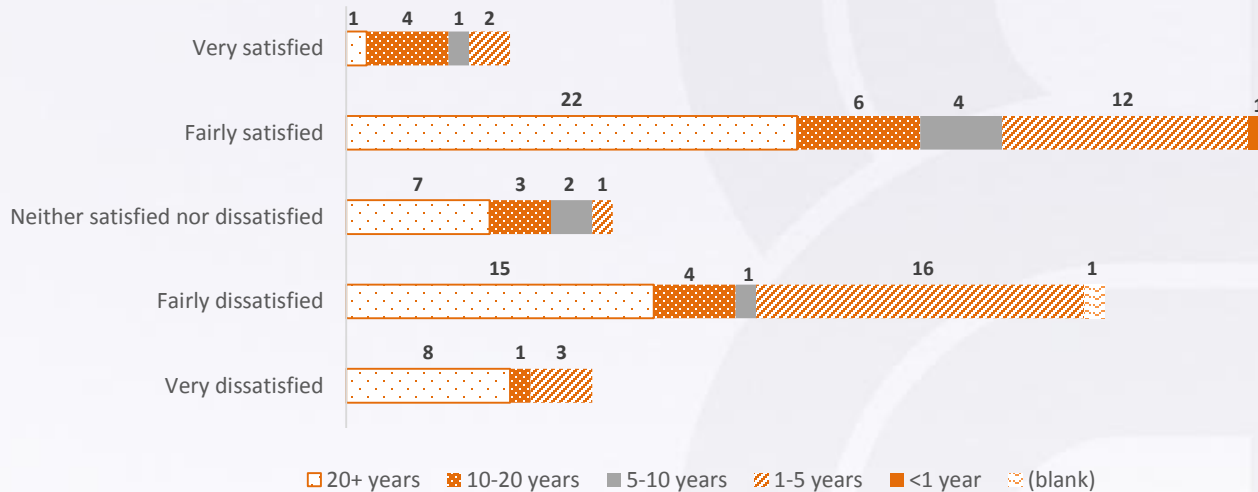


How satisfied - Willesden



Willesden CIL Neighbourhood has the second highest level of respondents who are fairly or very satisfied (46%)

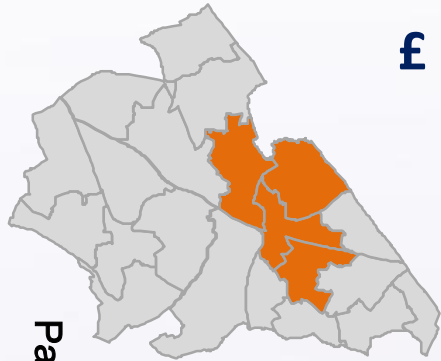
How satisfied - Willesden



20+ years
  10-20 years
  5-10 years
  1-5 years
  <1 year
  (blank)

# Willesden CL Neighbourhood

£ 203k available (6 April 2017)



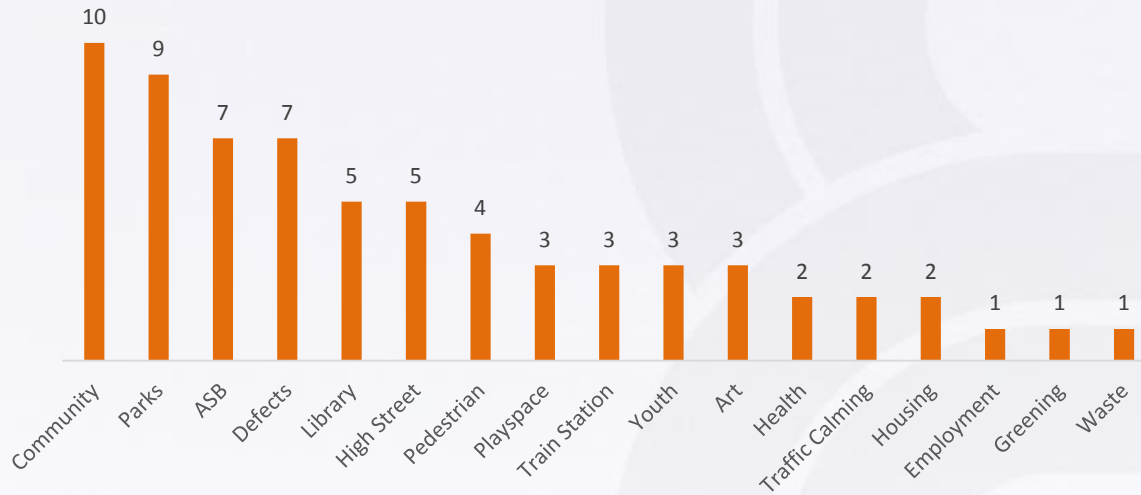
Page 40

## Other Funding Priorities - Willesden

1. Road Defects – 7 respondents
2. ASB – 3 respondents
3. Youth – 3 respondents



## Initial Project Ideas - Willesden (68)



# Equalities

Sex	
Female	57%
Male	39%
Prefer not to say	4%
<b>Grand Total</b>	<b>100%</b>

Age	
35-44	24%
55-64	20%
45-54	18%
65+	17%
25-44	13%
Prefer not to say	6%
16-24	3%
<b>Grand Total</b>	<b>100%</b>

Sexual orientation	
Heterosexual / Straight	76%
Prefer not to say	20%
Gay man	2%
Gay woman/Lesbian	1%
Bisexual	0%
<b>Grand Total</b>	<b>100%</b>

Disability	
No	82%
Prefer not to say	9%
Yes	9%
<b>Grand Total</b>	<b>100%</b>

Gender – same as at birth?	
Yes	87%
Prefer not to say	11%
No	1%
<b>Grand Total</b>	<b>100%</b>

Religion/belief	
Christian	31%
No religious belief	23%
Prefer not to say	21%
Hindu	6%
Agnostic	5%
Jewish	5%
Muslim	4%
Humanist	2%
Sikh	1%
Buddhist	1%
<b>Grand Total</b>	<b>100%</b>

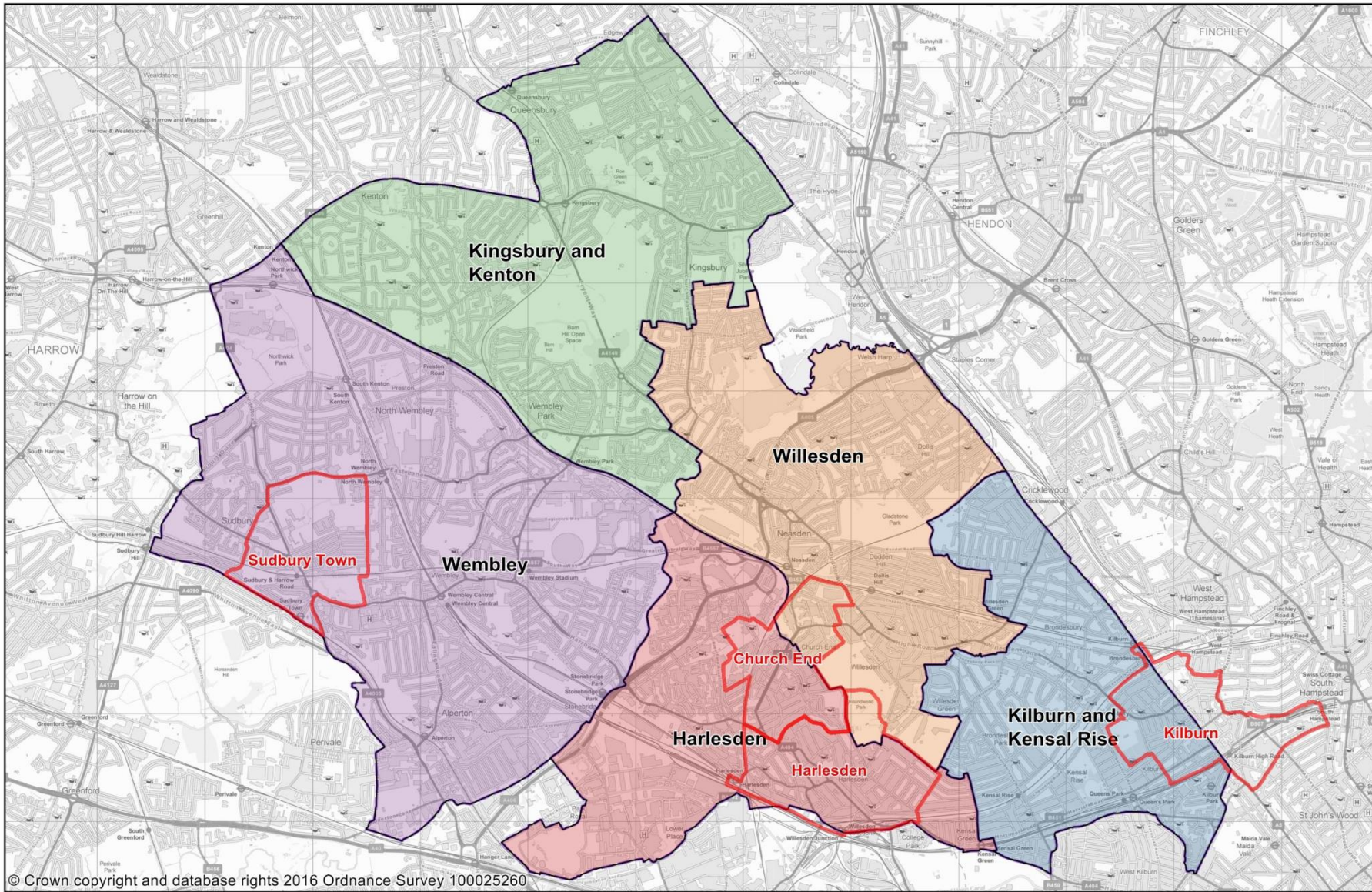
# Equalities

Page 42

Ethnicity		How did you hear about this consultation?	
White: British /English/ Welsh/ Scottish/ Northern Irish	42%	Email	54%
White: Other	14%	Social media	16%
Asian or Asian British: Indian	9%	Word of mouth	11%
Prefer not to say	8%	Brent website	6%
Asian or Asian British: Bangladeshi	8%	Other	6%
White: Irish	4%	Poster	5%
Black or Black British: Caribbean	3%	Brent Connects	1%
Mixed/Dual Heritage: Any Other Mixed Background	2%	Leaflet	1%
Black or Black British: African	2%	Local newspaper	0%
Other Ethnic Groups / Any other Groups	1%	Don't know	0%
Asian/Asian British/Other Asian Background	1%	<b>Grand Total</b>	<b>100%</b>
Asian or Asian British: Pakistani	1%		
Black/Black British/ Other Black Background	1%		
Mixed/Dual Heritage: White & Asian	1%		
Black or Black British: Somali	1%		
Other Ethnic Groups: Turkish	1%		
<b>Grand Total</b>	<b>100%</b>		

**Once Neighbourhood priorities are chosen** – support will need to be provided to ensure that BME groups and younger residents are more represented in project proposals and development, and that a range of engagement techniques are used.





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**Cabinet**  
22 May 2017

**Report from the Strategic Director  
of Resources**

Wards affected: Northwick Park

**Northwick Park – Memorandum of Understanding**

**1.0 Summary**

1.1 This paper requests cabinet approval to enter into a Memorandum of Understanding with Partners of the Northwick Park One Public Estate Project.

1.2 Related cabinet approvals

January 2017 **One Public Estate Programme in Brent**, sets out details of Brent's One Public Estate Programme in Brent, which includes Northwick Park.

**2.0 Recommendations**

2.1 Cabinet to note the contents, intentions and obligations of the Memorandum of Understanding and agree authority to execute.

**3.0 Detail**

3.1 One Public Estate (OPE), is an initiative delivered in Partnership by the Cabinet Office Government Property Unit (GPU) and the Local Government Association (LGA). It provides practical and technical support and funding to councils to deliver ambitious property-focused programmes in collaboration with central government and other public sector partners. It supports Local Authorities to work in partnership with other public sector landowning organisations to transform their estates.

3.2 Brent Council were successful in a bid for funding under the OPE initiative for a number of projects in the borough. Northwick Park received the largest allocation of £270,500 for the first two years. £132,500 is the year one allocation and £138,000 is the year two allocation. The bid was for a five year programme and total allocation of £500,000.

3.3 The Northwick Park Project involves collaborative working of four adjacent landowning partners;

- London Borough of Brent
- London Northwest Healthcare NHS Trust
- University of Westminster
- Network Homes Ltd.

The project involves a number of other partners, such as Transport for London, GLA, Network Rail, and London Borough of Harrow. These have associate partner status and are not party to the memorandum of understanding

**3.4** The funding is to procure professional consultancy services, (Project Management, Architects, Highway/transport engineers, Cost consultancy/Legal etc.), to progress the intentions outlined in Brent's bid.

**3.5** A Memorandum of Understanding (MOU) is required to set out;

- Key objectives of the project
- The principles of collaboration
- The governance structures the partners will put in place.
- The respective roles and responsibilities the partners will have during the project

The four landowning partners named in 3.3 will be parties to the agreement. The memorandum of understanding is attached as appendix A

**3.6** The London Borough of Brent is the lead Partner. The funding has been allocated to Brent, to appoint consultants on behalf of the partnership.

**3.7** It is the intention that a collaboration agreement between the four partners will be entered into at a future date, once initial studies have been completed.

## **4.0 Objectives**

**4.1** The Northwick Park project aligns with the strategic objectives of;

- The Strategic Property Plan 2015-2018
- Brent's Corporate plan 2015/16

**4.2** Specific aims of the project for the four partners are;

- Generation of capital receipts
- Reduction of running costs
- Creation of jobs
- Creation of homes
- Integration of services.

## **5.0 Financial implications**

It is envisaged the £500,000 OPE grant will cover all cost associated with initial phases of the project. As proposals become more developed it is envisaged a collaboration agreement will be entered into to progress the proposals. A further cabinet paper will be written to update members.

## **6.0 Legal Implications**

Funding is provided under section 31 of the Local Government Act 2003. The Memorandum of understanding is not legally binding, but establishes how parties will work together. The Council will need to satisfy itself that it will be able to meet the operational requirements of the MOU.

However, the Localism Act 2011 provides the Council with general powers of competency, which means it can do anything that an individual can do in the United Kingdom for a commercial purpose for the benefit of the Council, its area or persons resident in its area. In addition section 111 of the Local Government Act 1972 provides for a local authority to do "anything" which is "calculated to facilitate,

or is conducive or incidental to, the discharge of any of their functions". Accordingly, the Council has wide powers established by statute to undertake the commercial activities highlighted in the MOU.

## **7.0 Diversity Implications**

Officers have carried out an equality analysis (EA) screening (the form is attached at Appendix B) and concluded that a full EA will be required. It is difficult at this stage, however, to assess the potential/likely diversity implications and opportunities arising from the implementation of the OPE as the viability options have not been identified and agreed yet.

When considering the viability options officers will conduct a thorough consultation with key stakeholders and a full EA on the impact on affected service users, tenants and community groups with protected characteristics to inform the final proposals put forward for approval.

## **8.0 Consultation**

Officers have consulted with ward councillors (11 Jan 2017, 3 April 2017, 7 April 2017). At Councillors request, Officers will be attending the Sudbury Court Residents association AGM on 26<sup>th</sup> April, to discuss the Northwick Park OPE initiative.

Notes have been taken of these meetings and issues raised by Councillors will become part of a list of issues and risks to consider as the project proceeds. Key issues include;

- Transport is a significant concern, and the effect of any development on existing infrastructure.
- Harrow Councillors to be involved in proposals
- A thorough assessment of Flooding and drainage is required
- Local schools should be consulted with.

A communication strategy is being drawn up between the partners to establish an effective means of communicating with all stakeholders.

## **9.0 Staffing**

OPE to date in Brent has largely been led by officers from Property Services. Whilst money will be used flexibly to suit the various needs of the programme, it is likely that it will be dedicated to paying for the time of the property team, whilst the existing workload of these officers will be back filled.

### **Attachments**

Appendix A Memorandum of Understanding  
Appendix B Equality analysis screening

### **Contact officers**

Gordon Cooper  
Project Manager  
Resources  
020 8937 1739  
[Gordon.cooper@brent.gov.uk](mailto:Gordon.cooper@brent.gov.uk)

Sarah Chaudhry  
Head of property  
Resources  
020 8937 1705  
[Sarah.chaudhry@brent.gov.uk](mailto:Sarah.chaudhry@brent.gov.uk)

Althea Loderick  
Strategic Director of Resources  
020 8937  
[Althea.loderick@brent.gov.uk](mailto:Althea.loderick@brent.gov.uk)

ALTHEA LODERICK  
Strategic Director of Resources

**DATED**

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**MEMORANDUM OF UNDERSTANDING**

between

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BRENT**

and

**LONDON NORTH WEST HEALTHCARE NHS TRUST**

and

**UNIVERSITY OF WESTMINSTER**

and

**NETWORK HOMES LIMITED.**

## CONTENTS

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### CLAUSE

1.	Background .....	3
2.	Key objectives for the project .....	3
3.	Principles of collaboration .....	4
4.	Project governance .....	4
5.	Roles and responsibilities .....	7
6.	Procurement.....	9
7.	Escalation .....	9
8.	Intellectual property.....	9
9.	Conflict of Interests .....	10
10.	Partnership Values.....	10
11.	Confidentiality and Data Protection.....	10
12.	Term and termination .....	11
13.	Variation.....	11
14.	Charges and liabilities .....	11
15.	Status .....	11
16.	Governing law and jurisdiction .....	12
17.	Collaboration agreement.....	12

### ANNEX

Annex A.	The Project.....	14
Annex B	Information sharing protocol.....	16
Annex C	Strategic board Terms of Reference.....	17
Annex D	Indicative consultant spend.....	18



THIS AGREEMENT is dated the .....day of .....2017

## PARTIES

- (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BRENT of Brent Civic Centre, Engineers Way, Wembley HA9 OFJ (Partner One).
- (2) LONDON NORTH WEST HEALTHCARE NHS TRUST of Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ [ADDRESS] (Partner Two).
- (3) UNIVERSITY OF WESTMINSTER of 309 Regent Street, London, W1R 8AL (Partner Three).
- (4) NETWORK HOMES LIMITED of Olympic Centre, 8 Fulton Road, Wembley, Middlesex HA9 0NU (Partner Four).

together the “Partners”.

## 1. BACKGROUND

- 1.1 The Partners have agreed to work together and with Associate Partners on the project detailed in Annex A (Project).
- 1.2 The Partners wish to record the basis on which they will collaborate with each other on the Project. This Memorandum of Understanding (MoU) sets out:
  - (a) the key objectives of the Project;
  - (b) the principles of collaboration;
  - (c) the governance structures the Partners will put in place; and
  - (d) the respective roles and responsibilities the Partners will have during the Project.

## 2. KEY OBJECTIVES FOR THE PROJECT

- 2.1 The Partners shall undertake the Project to achieve the key objectives set out in Annex A to this MoU.
- 2.2 The Partners acknowledge that the current position with regard to the Project and the contributions already made (financial and otherwise) are as detailed in the Annex A to this MoU.

### 3. PRINCIPLES OF COLLABORATION

The Partners agree to adopt the following principles when carrying out the Project (Principles):

- (a) collaborate and co-operate. Establish and adhere to the governance structure set out in this MoU to ensure where possible that activities are delivered and actions taken as required and in relation to the stated One Public Estate (OPE) Memorandum of Understanding (MOU) outputs;
- (b) be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;
- (c) be open. Communicate openly about major concerns, issues or opportunities relating to the Project;
- (d) learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
- (e) adopt a positive outlook. Behave in a positive, proactive manner;
- (f) adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU procurement rules, data protection and freedom of information legislation.
- (g) act in a timely manner. Recognise the time-critical nature of the Project and respond accordingly to requests for support;
- (h) manage stakeholders effectively;
- (i) deploy appropriate resources where approved, to ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU.; and
- (j) act in good faith to support achievement of the Key Objectives and compliance with these Principles.

### 4. PROJECT GOVERNANCE

#### 4.1 Overview

The governance structure defined below and in Annex C provides a structure for the development and delivery the Project.

#### 4.2 Guiding principles

The following guiding principles are agreed. The Project's governance will:

- (a) provide strategic oversight and direction in relation to delivery of the stated OPE bid outputs;
- (b) be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;
- (c) align decision-making authority with the criticality of the decisions required;
- (d) be aligned with Project scope (and may therefore require changes over time);
- (e) leverage existing organisational, group and user interfaces;
- (f) provide coherent, timely and efficient decision-making; and
- (g) correspond with the key features of the Project governance arrangements set out in this MoU.

#### 4.3 **Northwick Park Strategic Project Board**

- (a) The Northwick Park Strategic Project Board provides overall strategic oversight and direction to the Project. This group will consist of:

**Partner One:** Chief Executive.

**Partner Two:** Chief Executive.

**Partner Three:** Vice Chancellor.

**Partner Four:** Chief Executive.

- (b) The Northwick Park Strategic Project Board shall be managed in accordance with the terms of reference set out in Annex C to this MoU.
- (c) The Strategic Project Board will be responsible for:
  - Overseeing delivery of the stated Northwick Park OPE MOU outputs.
  - Giving Strategic direction to the Northwick Park Delivery Team.
  - Reporting to “Partners for Brent”, The London Borough of Brent’s Local Strategic Partnership as appropriate.
  - Attempting to unlock obstacles to delivery
  - Making the case for the project to the National OPE programme, OPE and central government departments and arm’s length bodies where appropriate.

#### 4.4 **Northwick Park Delivery Team**

- (a) The Northwick Park Delivery Team will provide strategic management at Project and work stream level in relation to the stated OPE Bid outputs. It will provide assurance to the Sponsors' Board that the Key Objectives are being met and that the Project is performing within the boundaries set by the Strategic Project Board.

- (b) The delivery team consists of representatives from each of the Partners. The team shall have responsibility for the creation and execution of the OPE project plan and related deliverables, and therefore it can draw technical, commercial, legal and communications resources as appropriate into the team. The core Project Delivery team members are:

London Borough of Brent

Project Manager, Head of Property

London North West Healthcare Trust

Director of Estates and Facilities, Head of Capital Case Development, Head of Commercial Services

University of Westminster

Head of Property, Estates, Planning and Services.

Network Homes Ltd.

Head of Strategic Land

Individual membership may change during the course of the project, by agreement with the Project Board.

The Project Board shall meet monthly, or as otherwise agreed between partners.

4.5 **Brent OPE Delivery Board**

- (a) The Northwick Park Delivery Team will report to the Brent OPE Delivery Board. Core members of the Delivery Board will comprise;
- Brent's Strategic Director of Resources.
  - Brent's Head of Property.
  - OPE representation- Joe Garrod, LGA and David Frances GPU.
  - Head of Finance
  - OPE Project Manager (to be appointed)

As appropriate project specific members, such as:

- NHS Brent Clinical Commissioning Group – Sue Hardy or alternative nominee

Ad hoc membership by other public sector partners as and when required,

in the event of funding for additional OPE projects being forthcoming. The group will meet quarterly.

#### 4.6 Reporting

Project reporting shall be undertaken at three levels:

- (a) **Northwick Park Strategic Project Board:** Reporting shall be as deemed appropriate throughout the course of the project, and shall be either face to face, or by telephone; based on the minutes from the Project Board highlighting: progress this period; issues being managed; issues requiring help and progress planned next period and/or aligned with the frequency of the Northwick Park Strategic Board meetings.
- (b) **Northwick Park Delivery Team:** Minutes and actions will be recorded for each delivery team meeting. Any additional reporting requirement shall be at the discretion of the delivery team.
- (c) **Brent OPE Delivery Board:** Reporting shall be bi- monthly, based on the minutes from the Project Board highlighting: progress this period; issues being managed; issues requiring help and progress planned next period and/or aligned with the frequency of the Brent OPE Delivery Board or Northwick Park Strategic Board meetings.
- (d) **Organisational:** the Project Board members shall be responsible for drafting reports into their respective sponsoring organisation as required for review by the Project Board before being issued.

### 5. ROLES AND RESPONSIBILITIES

5.1 The Partners shall undertake the following roles and responsibilities to deliver the Project:

Activity	Brent	LNWH NHS Trust	University of Westminster	Network Homes Ltd.
Application for and receipt of One Public Estate initiative funding	Lead	Assure	Assure	Assure
Acting as Interim Project Manager	Lead	Assure	Assure	Assure
Appointment of	Lead	Assure	Assure	Assure

Project Manager				
Define brief for consultants	Lead	Assure	Assure	Assure
Procurement and appointment of Consultants	Lead	Assure	Assure	Assure
Monitoring of consultants outputs	Lead	Assure	Assure	Assure
Co-ordinate design/consultant meetings	Lead	Assure	Assure	Assure
Reporting to Boards	Lead	Assure	Assure	Assure

The above table is not exhaustive, and further activities will take place as the project progresses.

5.2 For the purpose of the table above:

- (a) **Lead:** the partner that has principal responsibility for undertaking the particular task, and that will be authorised to determine how to undertake the task. The Lead must act in compliance with the Objectives and Principles at all times, and consult with the other partners in advance if they are identified as having a role to Assure the relevant activity;
- (b) **Assure:** the partner that will defer to the Lead on a particular task, but will have the opportunity to review and provide input to the Lead before they take a final decision on any activity. All assurance must be provided in a timely manner. Any derogations raised must be limited to raising issues that relate to specific needs that have not been adequately addressed by the Lead and/or concerns regarding compliance with the Key Objectives and Principles.

5.3 Within 3 months of the date of this MoU the partner with the lead role for any aspect of the Project shall, where appropriate, develop a delivery plan for that part of the Project which shall identify the following:

- (a) the key milestones for the delivery the Key Objectives;
- (b) what employees (other than employees identified in this MoU) will be required to work on the project;

- (c) whether any staff will need to be seconded from one partner to the other;

Delivery plans approved by the **Northwick Park Delivery Team** will require approval by the Northwick Park Strategic Programme Board.

## **6. PROCUREMENT**

- 6.1 The Partner with the Lead role on any procurement exercise shall comply with all EU procurement rules, including (without limitation) the Public Contracts Regulations 2015 and associated government guidance, and shall not do or omit to do anything which may result in the risk of a claim against that Partner or any of the other Partners.

## **7. ESCALATION**

- 7.1 If any Partner has any issues, concerns or complaints about the Project, or any matter in this MoU, that Partner shall notify the other Partners and the Partners shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Brent OPE Delivery Board, Who shall decide on the appropriate course of action to take. If the matter cannot be resolved by the Brent OPE Delivery Board within 14 days, the matter may be escalated to the Northwick Park Strategic Project Board for resolution.
- 7.2 If any Partner receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to the Project, the matter shall be promptly referred to the Northwick Park Project Board (or its nominated representatives). No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the Project, without the prior knowledge of the Northwick Park Board (or its nominated representatives).

## **8. INTELLECTUAL PROPERTY**

- 8.1 The Partners intend that any intellectual property rights created in the course of the Project shall vest in the Partner whose employee created them (or in the case of any intellectual property rights created jointly by employees of more than one of the Partners in the Partner that is lead Partner noted in clause 5 above for the part of the project that the intellectual property right relates to).

8.2 Where any intellectual property right vests in a Partner in accordance with the intention set out in clause 8.1 above, that Partner shall grant an irrevocable licence to the other Partners to use that intellectual property for the purposes of the Project, in relation to any work instructed under the OPE project only.

## **9. CONFLICT OF INTERESTS**

9.1 Partners shall operate collaboratively and collectively for the benefit of the Project. Any actual or potential conflict of interest shall be declared to all the Partners. The remaining Partners will decide whether the conflict is a material conflict to the project. If in their judgement the remaining Partners consider such a conflict to be a material conflict, all Partners shall decide how best to address the conflict. Any failure to agree on how to address the conflict shall be dealt with in accordance with clause 7 (Escalation).

## **10. PARTNERSHIP VALUES**

10.1 The Northwick Park delivery Team will be based on:

- Equality;
- Mutual respect and trust;
- Open and transparent communications;
- Co-operation and consultation;
- A commitment to being positive and constructive;
- A willingness to work with and learn from others;
- A shared commitment to providing excellent services to the community; and
- A desire to make the best use of resources.

## **11. CONFIDENTIALITY AND DATA PROTECTION**

11.1 The Partners agree to share information with each other and with evaluators where related to the OPE project commissions and outputs.

11.2 The Partners may at times acquire information that has not yet been made public and/or is confidential. The Partners must not disclose confidential information for commercial advantage or to disadvantage or discredit other partners or anyone else.

11.3 Any personal data obtained or used by any of the Parties in the course of the project shall be processed in accordance with the Data Protection Act 1998. The only personal data held by any party will be data which is relevant to the care needs of the individual.



**12. TERM AND TERMINATION**

- 12.1 This MoU shall commence on the date of signature by all Partners, and shall expire on completion of the Project.
- 12.2 A Partner may withdraw from the MoU on giving at least three month's notice to the other Partners at any time.
- 12.3 The Partners may by mutual agreement decide to terminate this MoU.

**13. VARIATION**

This MoU, including the Annexes, may only be varied by written agreement of the Sponsor's Board.

**14. CHARGES AND LIABILITIES**

- 14.1 Except as otherwise provided, the Partners shall each bear their own costs and expenses incurred in complying with their obligations under this MoU.
- 14.2 The initial costs and expenses arising in respect of work commissioned by and for the OPE Project will be met unless otherwise agreed from One Public Estate initiative funding.
- 14.3 The Partners agree to share the costs and expenses arising in respect of the Project between them in accordance with a Contributions Schedule to be developed by the Project Board and approved by the Sponsors' Board as the Project progresses.
- 14.4 The Partners shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and no Partner intends that the other Partners shall be liable for any loss it suffers as a result of this MoU.

**15. STATUS**

- 15.1 Save in relation to the provision of clause 6 (procurement) this MoU is not legally binding, and no legal obligations or legal rights shall arise between the Partners from this MoU. The Partners enter into the MoU intending to honour all their obligations.
- 15.2 Nothing in this MoU is deemed to, or shall be deemed to, establish any partnership or joint venture between the Partners, constitute one of the Partners as the agent of the other Partners, nor authorise any of the Partners

to make or enter into any commitments for or on behalf of one of the other Partners.

**16. GOVERNING LAW AND JURISDICTION**

This MoU shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in clause 6, each of the Partners agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

**17. COLLABORATION AGREEMENT**

It is the intention that upon completion of the feasibility works that the partners enter into a collaboration agreement to enable outputs of the project to be delivered.

Signed for and on behalf of Partner  
One  
Signature: .....  
Name: .....  
Position: .....  
Date: .....

Signed for and on behalf of Partner  
Two  
Signature: .....  
Name: .....  
Position: .....  
Date: .....

Signed for and on behalf of Partner  
Three  
Signature: .....  
Name: .....  
Position: .....  
Date: .....

Signed for and on behalf of Partner  
Four  
Signature: .....  
Name: .....

Position: .....  
Date: .....

**CONTACT POINTS**

**Partner One**

Name: Gordon Cooper  
Office address: Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

Tel No: 020 8937 1739  
E-mail Address: [Gordon.cooper@brent.gov.uk](mailto:Gordon.cooper@brent.gov.uk)

**Partner Two**

Name: Nigel Myhill  
Office Address: Northwick Park Hospital, Watford Road,  
Harrow, HA1 3UJ

Tel No: 0208 869 2003  
E-mail Address: [Nigel.Myhill@nhs.net](mailto:Nigel.Myhill@nhs.net)

**Partner Three**

Name: Tim Asson  
Office address: University of Westminster, 309 Regent  
Street, London, W1R 8AL

Tel No: 07768 104161  
E-mail Address: [t.asson@westminster.ac.uk](mailto:t.asson@westminster.ac.uk)

**Partner Four**

Name: Neil Jervis  
Office Address: Olympic Centre, 8 Fulton Way,  
Wembley, Middlesex, HA9 0NU.

Tel No: 020 8782 4218  
E-mail Address: [neil.jervis@networkhomes.org.uk](mailto:neil.jervis@networkhomes.org.uk).

## **Annex A. The Project**

### **Project overview**

The Project is intended to deliver the outputs set out in Brent's One Public Estate Phase 4 delivery plan, July 2016, relating to Northwick Park. It demonstrates the Partners' commitment to collaboration and innovation in the delivery of public services in Northwick Park.

### **The Key Objectives**

The aim of the Project in general terms is to work together to rationalise services and resources between the Partners and Associate Partners (see below), and unlock development land to facilitate hospital redevelopment, new homes and improved services for the community.

Common visions for partners;

- Place making
- Central hub(s)
- Improved infrastructure (road network and Highways, cycle ways etc.), and transport connections, (Underground, overground rail and busses), and private
- Utility and boundary review.
- Energy strategy
- Shared facilities and services.

The specific aim of Project is to:

- to generate capital receipts.
- to reduce running costs
- to create jobs,
- to create homes,
- to integrate services

These aims are referenced in Brent's July 2016 Phase Four OPE MOU

Key objectives for Brent are;

- More affordable homes
- More school places
- Growth
- Increased revenue from homes and businesses
- Employment and skills opportunities within the Borough.

Key objectives for London Northwest Healthcare NHS Trust

- Maximise income for the Trust in order to support its deficit and sustainability plans

- Ensure accommodation requirements are met
- Improve access to the hospital
- Protect existing clinical services from disruption or delay (e.g. Blue light vehicles, clinical activity)
- Improve civic values of the development
- Address requirement to re-provide services currently on the land, whilst ensuring continuity

Key objectives for The University of Westminster

- Maintain and increase student satisfaction levels
- Upgrade teaching spaces
- Increase critical mass and create a sense of place
- Create additional student accommodation
- Maximise value of landholding
- Create staff accommodation.

Key Objectives for Network Homes Ltd.

- Phased redevelopment of Northwick Park working collaboratively with other land holders to maximise the potential opportunity
- Delivery of new affordable and mixed tenure housing as well as commercial uses
- High quality design and place making, including the main gateway into the site from NWP tube station, serving all land holdings
- Improved infrastructure and transport connections to help ensure a sustainable future for Northwick Park residents, service providers and hospital patients

The Associate Partners for the Project are:

- Transport for London
- London Borough of Harrow.
- One Public Estate
- Greater London Authority
- Care and Commissioning Group
- Network Rail

Other associate partners may join the project during the course of its duration if deemed mutually beneficial by the Partners.

**The existing position and contributions already made**

The London Borough of Brent, with the support of the other Partners and Associate Partners submitted a Phase Four OPE bid and has received notification that £132,500 funding has been allocated in year one. In principle agreement has been given to £138,000 year two funding.

Network Homes, with the support of Partner Two (LNWHT) has, prior to the OPE bid, prepared a significant level of feasibility work and analysis in relation to the NWP site, including, but not limited to the Network Homes land holdings, LNWHT's Property Strategy land identified for potential development and associated transport and parking infrastructure.

To date, wider NWP master planning in relation to these areas, and more detailed planning design work in relation to part of Network Homes land holdings as well as associated parking, transport, landscaping, environmental, statutory services surveys have been undertaken that can benefit and contribute to stated OPE objectives and outputs.

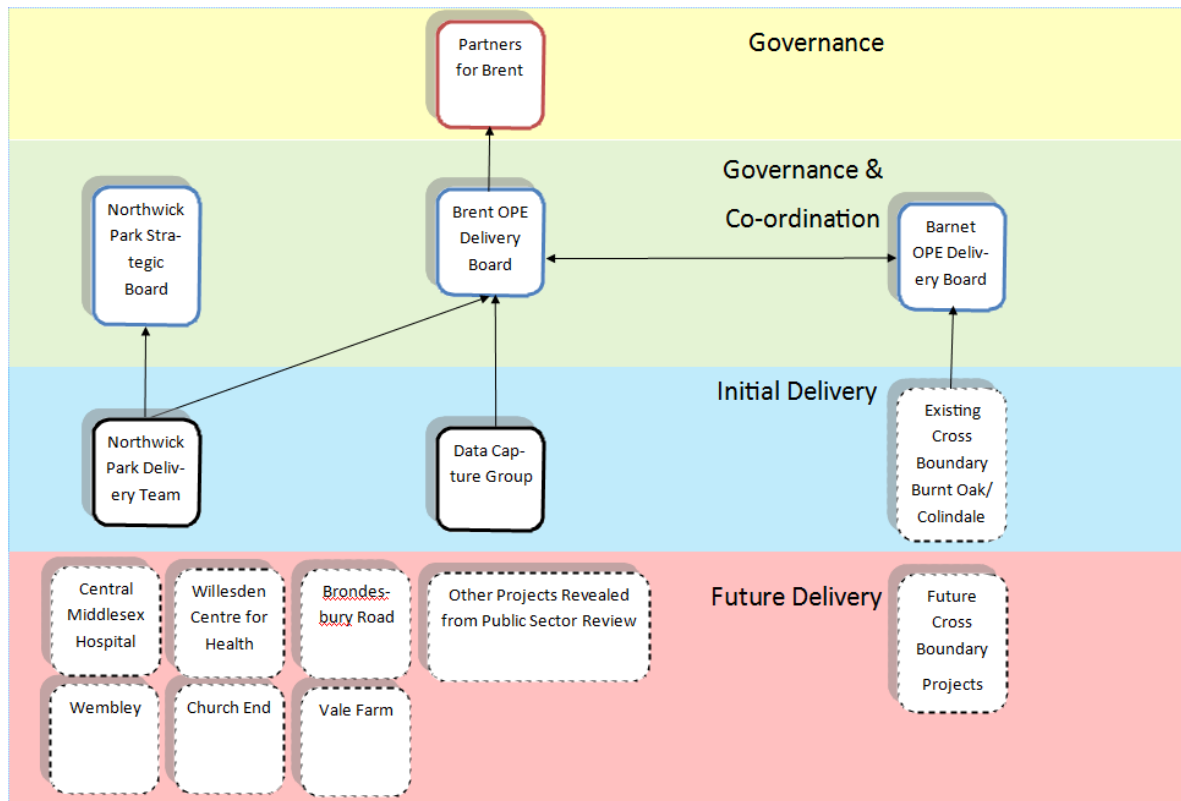
## **Annex B. Information Sharing Protocol**

The Partners will agree an Information Sharing Protocol within 3 months of signing the MoU.

## Annex C. Governance Overview and Strategic Board's terms of reference

### Governance Overview

Governance for the Project fits within the overarching governance for Brent's One Public Estate as follows:



### Strategic Boards' terms of reference

(a) **Remit:**

(i) actions of Project Board requiring approval.

(b) **Decision-making:**

(i) named individuals.

(ii) voting rights.

(c) **Meetings:**

(i) frequency.

(ii) quorum.

(iii) premises.

(iv) notice.



**Annexe D. Indicative consultant spend, Northwick Park (as submitted to OPE July 2016)**

<b>Consultant</b>	<b>Oct 16- Mar 17</b>	<b>Apr 17- Sep 17</b>	<b>Oct 17- Mar 18</b>	<b>Apr 18- Sep 18</b>	<b>Oct 18- Mar 19</b>	<b>Apr 19- Sep 20</b>	<b>Oct 20- Mar 21</b>	<b>Apr 21- Sep 21</b>	<b>Oct 21- Mar 22</b>	<b>Total</b>
Project manger	6,000	9,000	15,000	15,000	15,000	7,500	7,500			75,000
Master planner	7,500	15,000	20,000	25,000	17,500	15,000				100,000
Highways	-	15,000	25,000	15,000	5,000					60,000
Planning	-	5,000	12,000	10,000	5,000	3,000				35,000
QS	-	3,000	5,000	5,000	5,000	5,000	5,000	5,000	2,000	35,000
Property solicitor	-	-	5,000	20,000	25,000	20,000				70,000
Architect/master planner	10,000	18,000	5,000	2,000						35,000
Environmental services eng.	5,000	25,000	35,000	5,000						70,000
Commercial prop surveyor	-	-	10,000	15,000	10,000					35,000
Temp accom	5,000	9,000	1,000							15,000
Landscape	-	-	5,000	7,500	7,500	5,000				25,000
	33,500	99,000	138,000	119,500	90,000	55,500	12,500	5,000	2,000	555,000

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## Equality Analysis Screening Stage

### Northwick Park, One Public Estate Initiative

**Department: Property**

**Person Responsible: Gordon Cooper**

**Created: 12/04/2017**

**Last Review: N/A**

**Status: Ongoing**

**Next Review (if applicable): Cabinet**

#### 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 proposal is to sign a Memorandum of Understanding, setting out the way the four partners of the Northwick Park One Public estate Initiative intend to work together.

It is proposed this will lead to the four partners looking at a number of options relating to their joint landholdings, which by working together in consultation with a number of other parties will bring about significant long term improvements if implemented.

The outcomes are not clearly identifiable at the moment but may involve proposals for generation of capital receipts, reduced running costs, creation of jobs, and creation of homes and integration of services.

Implementation of these will be subject to a number of approvals.

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

There are no implications identified for Brent council staff. However, the proposed outcomes if implemented will impact on a number of stakeholders, such as, but not limited to;

- Existing residents (Network residents living on the site)
- Local residents living nearby
- Staff and students of the Harrow campus of Westminster University
- Staff and patients of Northwick Park and St. Marks hospital
- Users of the park
- Councillors, MP's politicians
- Local businesses.

It is impossible at this stage to say exactly who will be affected and how, but the whole purpose behind the One Public estate is to bring about positive improvements for the community by joint working.

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

It is impossible to say at this stage, as the viability options haven't been identified yet.

##### **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**

As with 3.1, it is difficult to say with any certainty. At this stage we are commissioning consultants to prepare feasibility/options appraisals.

Approvals will be required to implement these options, at which point a full Equality Analysis will take place.

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

As this stage the cabinet report only seeks agreement to a Memorandum of Understanding, and does not give authority to implement any proposals.

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

The Park, the Hospital and the University serve a huge catchment with a large and diverse range of communities. Because it is such a large catchment it is highly likely that there will be known inequalities within this group.

### **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

### **Recommend this EA for Full Analysis?**

**Yes**

When considering the viability options officers will fully consider the potential and likely impact on affected service users and communities in consultation with the affected tenants to inform the final decision.

 <p><b>Brent</b></p>	<p><b>Cabinet</b> 22 May 2017</p> <p><b>Report from the Strategic Director of Resources</b></p>
<p style="text-align: right;">Wards Affected: All</p>	
<p><b>Award of a Contract for Oracle Implementation Services</b></p>	

**\*Appendix 1 is not for publication as it contains the following category of exempt information as specified in Part 3, Schedule 12A of the Local Government Act 1972, namely:**

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

## 1.0 **Summary**

- 1.1. This report follows on from the earlier Cabinet Report dated 15 November 2016 which set out the options and proposals for the future of the OneOracle systems support and hosting arrangements upon expiration of the current contract in July 2018. It updates Cabinet on developments since November and seeks approval for award of a contract pursuant to the Council’s decision to implement the option for future arrangements approved by Cabinet in November 2016.
- 1.2. The original One Oracle system support and hosting contract was awarded in 2012 and the successful bidder was Capgemini. The Council is part of a 7 Council partnership which shares the hosting and support contract among the partners and Capgemini. The seven Councils are Barking and Dagenham, Brent, Croydon, Havering, Newham, Lambeth and Lewisham.
- 1.3. The partnership was established with the 6 original Councils in 2012 (Newham was a recent joiner who went live in 2016). The OneOracle system was implemented in August 2014. The initial contract for LOT2 - systems support and hosting with Capgemini expired in July 2016, and following a short market testing exercise this contract was extended to July 2018. Procurement rules prohibit further extension, other than in exceptional circumstances.
- 1.4. In November 2016 Cabinet approved the option for Brent to host the OneOracle system in-house and to offer the service to other partner Councils.

1.5 In order to be able to do this Brent will need to appoint a system integrator who can undertake the work of moving the system from the current servers in external data centres onto servers owned and managed by Brent.

1.6 Owing to reasons as detailed in this report below, it is considered after some investigation into the current position on intellectual property rights and associated rights of use in relation to the current system technology and planned use that the company best placed to undertake this work is the current provider of LOT2, Capgemini.

## 2.0 **Recommendations**

2.1 That Cabinet grants a waiver of the Council's Standing Orders for the award of contracts to enable the direct award of a contract to Capgemini for system integration work and services.

2.2 That Cabinet approves the award of a contract to Capgemini to undertake system integration work and services as mentioned in paragraph 1.5 at an estimated contract value of £488k for the Brent element. In addition, there is a minimum charge of approximately £25k for each of the other OneOracle partner Councils who choose to join Brent for system hosting, thus potentially an additional £150k, all of which will be met by the other Councils and is not a charge that Brent would need to be met from Brent budgets. Total potential value of the Capgemini contract overall is estimated at £650k if all other partner councils opt in.

2.3 That Cabinet authorises the delegation of authority to the Strategic Director of Resources for the purpose of negotiation and agreement of:

- a) terms of contract to be agreed with Capgemini as referred to in paragraph 2.2
- b) matters of intellectual property rights (IPR) and licence of Capgemini IPR for Brent and other OneOracle partner authorities (and other authorities) which may wish to use Brent's IT services in future; and
- c) terms of service to be offered by Brent and charging arrangements in relation to potential opportunities for Brent to provide hosting, support and archiving IT services to OneOracle partner authorities and other third party authorities

## 3.0 **Detail**

3.1 Since the Cabinet approval in November 2016 work has been undertaken to progress the data transfer to a Brent hosted solution. Certain aspects of the discovery phase have revealed that there are potential complications around the Intellectual Property Rights (IPR) of Capgemini.

3.2 To avoid any prolonged discussion and possibly significant additional costs to the Council regarding use of Capgemini's IPR and potential delay to the project, it is considered the option which would minimise risk and deliver the best value for money for Brent is to appoint Capgemini to move ("lift and shift") the current system into Brent data centres.

3.3 Due to the IPR issues any supplier, other than Capgemini, would not be able to undertake a "lift and shift" approach. Therefore, if a supplier other than Capgemini

were to be appointed the approach would necessitate a complete rebuild of the OneOracle system.

- 3.4 The cost of the “lift and shift” approach submitted by Capgemini in the recent tender is deemed to be cheaper than a rebuild by other suppliers. The costs are outlined in Appendix 1 of this report.
- 3.5 The Capgemini lift and shift approach is scheduled to take 6- 7 months and is deemed a much shorter timescale than a full rebuild and therefore reduces the risk of missing the project deadlines.
- 3.6 Therefore, in light of the significant risks outlined above and in the earlier Cabinet Report, and the lower costs involved in the narrower (more expedient) lift and shift approach using Capgemini, it is considered that awarding the proposed contract to Capgemini is the best option for Brent. There will still be a residual risk of IPR issues because Capgemini has certain IPR which is proprietary to it in relation to present system technology. However this lift and shift option minimises the risk of ongoing issues delaying implementation of future hosting option approved by Cabinet earlier. Capgemini has consented in principle to Brent’s ongoing use of its IPR for Brent future hosting purposes.
- 3.7 The other OneOracle partners are still considering the option of Brent hosting and/or providing the system for them. The potential income regarding the offer to other Councils is set out in Appendix 1. Capgemini has consented in principle to ongoing use of its IPR in the Brent in-house hosting option with Brent offering a future service to those councils currently using the OneOracle system. If Brent wanted to offer hosting services to other councils or bodies (beyond the existing group), this would need to be subject to negotiation.

### **3.8 The Procurement and Selection Process for the System Implementer.**

- 3.8.1 In November/December 2016, a further competition exercise from Crown Commercial Services frameworks was carried out for the “lift and shift” approach to moving the system. As it has since transpired that this is not an approach that can be taken by suppliers other than Capgemini, for the reasons described in 3.1 to 3.6 above, this procurement cannot be taken forward via the further competition procedure.  
However, Capgemini have provided a priced submission for the “lift and shift”, which may be used as the base for a contract to be directly awarded calling off directly under a CCS framework agreement for technology services or via direct contract award outside of the framework arrangements if necessary. It is proposed to make a Direct Award of a contract to Capgemini on the basis that (because of their IPR claim) they are the only supplier that can readily implement the Council’s requirements to shift to the Council’s in-house hosting solution within the necessary timescales approved by Cabinet earlier; and prior to expiry of current contract arrangements There will need to be included in the proposed contract, assurances and licence from Capgemini regarding any ongoing use of its IPR with regard to the Council’s planned hosting in future. This would be subject to negotiation.

### **4.0 Financial Implications**

- 4.1 The total estimated costs associated with the project, including data migration, reconciliation costs, are shown in the appendices to this report. It is anticipated that these one off costs will be funded from earmarked reserves set aside for this project. Also included in the appendices are various scenarios to model the anticipated potential income streams that can be generated.
- 4.2 Detailed work on the financial implications of the support service will need to be undertaken when Officers have fully defined which partners may wish to buy into the Brent offer and to which degree (i.e. full support and hosting or just archiving). Until that time it is difficult to determine the exact scope of the service, including any TUPE and other setup costs. It is envisaged however that bringing the OneOracle hosting and support service back in house and having a service offer to the other OneOracle partners will help Brent IT achieve a significant saving in its ICT revenue budget.
- 5.0 **Legal Implications**
- 5.1 Under section 3(1) of the local Government Act 1989, Brent Council as a best value authority is under a general duty 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. Cabinet previously decided this would be best implemented with the option for Brent to move to Oracle on premise hosted service provided by the Brent in house IT team and Cabinet approved the procurement of a contract for application support services from the CCS Commercial Crown Services framework agreement.
- 5.2 As detailed in this report above, subsequent developments and considerations regarding the claims of Capgemini to IPR inherent in the current system technology have meant that officers have needed to review the position; and officers have sought to find a procurement solution which will enable project implementation within approved timescales, minimising any risk of infringement claims in respect of IPR.
- 5.3. The proposed contract option for lift and shift approach using Capgemini has an estimated contract value of £488k for system integration work and services for Brent systems and a further minimum £25k each for the other six partners (see Appendix 1). Total estimated contract value £650k if all partners join in. The Cabinet has already given authority under the terms of Cabinet decision dated 15 November for the Strategic Director of Resources to award a contract of sufficient value for this procurement. The position on Capgemini IPR has necessitated the need for there to be a direct award of the contract and officers seek authority to make the award with no formal tendering procedures either via use of CCS Framework Agreement referred to in paragraph 3.8.1 under Standing Order 86(e), or via direct contracting arrangements subject to negotiation with Capgemini (on terms similar to call off terms under the framework agreement mentioned). Cabinet approval and waiver is needed under the Council's Constitution with respect to these proposed contracting arrangements, As it is intended to use a CCS framework, CSO 86(e) indicates that no formal tendering procedures are required save that the framework agreement must be approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract provided that the Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible with it being established in accordance with the Public Contracts Regulations 2015. All of these requirements have been confirmed.



- 5.4 As recorded in the earlier Cabinet Report of November 2016 there is a potential intention for the Council's in house IT service to offer support and hosting services and or archive services to other members of the OneOracle partnership pursuant to the power under section 38 of the Local Government (Miscellaneous Provisions) Act 1976. Under this power the local authority's charges may exceed the cost of supply and the Council may exercise this power without establishing a company.
- 5.5 Subsequent discussions with the partner authorities have led to review of the future proposed contracting model across the OneOracle partners authorities (building in their view from the procurement perspective) and favours a co-operative contracting approach based either on a delegation of powers from the partner authority to Brent using a combination of Sections 101 & 111 Local Government Act 1972, or an agreement for mutual co-operation for delivery of common objectives & functions permitted under Regulation 12(7) Public Contract Regulations 2015 subject to relevant criteria being met and agreement with the other partners. Therefore the options are under review and will be subject to agreement of the other partner authorities who may wish to take Brent's hosting or archive services in the future.
- 5.6 Appendix 1 to this report, refers to opportunities for income generation in relation to potential charges for hosting, support and archiving services. Any such arrangements would need to be negotiated between the Council and the other local authorities in appropriate service contracts. In addition permission to use any IPR claimed by Capgemini will be needed for such arrangements.
- 6.0 **Procurement and Employment matters**
- 6.1 The procurement process for the system implementer partner is detailed in Section 3.8 above.
- 6.2 Capgemini have stated that if Brent were to provide the system hosting and support service to the other Councils there is a significant risk that TUPE will apply. The impact of this is not currently known. To mitigate the risk and associated costs Brent have proposed that any Councils who wish to join Brent share the costs of TUPE. Partner Councils are still considering whether they wish to join Brent or not.
- 6.3 If no other Councils join Brent then the risk of TUPE is reduced as there are 7 separate contracts between the Councils and Capgemini and it is deemed that if Brent were not providing a service to any other Councils and purely taking the service back in house the TUPE risk is significantly reduced.
- 6.4 If any partner authorities choose to take a service from Brent when their current contract with Capgemini ends, Brent would become the successor supplier and Capgemini staff who mainly support the service contracts with the relevant councils, would potentially transfer under TUPE and Brent would be required to take a transfer of the staff on their current terms and conditions. The detail of the effects of TUPE will depend on the precise organisational structure and the employment contracts for those eligible to transfer and will need to be kept under review. Further Due Diligence with Capgemini and the allocation of its staff across the present seven contracts is necessary.
- 7.0 **Diversity Implications.**

7.1 An equalities impact assessment will need to be undertaken as part of any restructure exercise which may follow, depending on the take up. This will be carried out as soon as officers know more about the implications to ICT staff.

## 8.0 **Staffing/Accommodation Implications**

8.1 It is difficult to quantify the full staffing implications of taking the service back in house and offering a service to other OneOracle Councils.

8.3 The number of Capgemini staff who are assigned for more than 50% of their time to the OneOracle is currently unknown, it is not considered to be a significant number of full time equivalents. As the staff are based in Glasgow it is anticipated that they will opt for redundancy rather than relocate but this is not yet confirmed.

8.2 In terms of accommodation implications, it is not anticipated that there would be significant growth in staff numbers who would need to be based at Brent. Officers will have to maintain a local presence in their current Councils.

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

Sally Chin

Email: [sally.chin@brent.gov.uk](mailto:sally.chin@brent.gov.uk)

Tel: 020 8937 1432

*ALTHEA LODERICK*

Strategic Director of Resources

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

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**Cabinet**  
22 May 2017

**Report from the Strategic  
Director of Resources**

Ward: Alperton

**Leasing of Unit 2 Marsh Road, Alperton, HA9 1ES**

**\*Appendix 2 is not for publication as it contains the following category of exempt information as specified in Part 3, Schedule 12A of the Local Government Act 1972, namely:**

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

**1.0 Summary**

- 1.1 The Cabinet is asked to approve the grant of a 3 year lease to Loxam Access of Unit 2 Marsh Road, Alperton, HA9 1ES. Currently Loxam Access occupy the premise on a contracted out lease that does not provide the automatic right to renew at lease end.

**2.0 Recommendations**

- 2.1 That Cabinet delegate authority to the Strategic Director Resources to finalise terms and complete the lease to Loxam Access in accordance with the details in the confidential Appendix.

**3.0 Detail**

- 3.1 The Council acquired a former builder’s merchant depot and yard, Units 2 -7 Marsh Road in December 2013. This was in order to provide potential bidders for the public realm contract with a guaranteed site within the borough. The site has a total area of about 8,400sqm. Part of the site (Unit 2) 3,000sqm was acquired subject to a lease agreement that was held by Loxam Access. The lease was for a term of 10 years from 4 April 2007 it has expired 3 April 2017. The remainder of the area (Units 5 and 7) has been leased to Veolia at a peppercorn rent for the period of the public realm contract (8 years plus 8 years) to enable the delivery of the contract for the Council. At the time of the acquisition there was consideration that when the lease to Loxam (Unit 2) expired it could be used by Brent Transport Services (BTS) unit for bus parking and maintenance. BTS have moved to Harrow Council’s depot where

they now operate a joint operation with Harrow and the property is not required for council operational use.

3.2 Loxam Access are a private French company and the European leader in rental equipment providing access equipment for the construction, industrial and media sectors. They have recently completed a takeover of a major UK company (Lavendon) at a cost of £459m. The site provides their west London base with good access to the A40 and North Circular Road and the road network.

3.3 The site (as shown in appendix 1) and building is believed to have been built in the late 1970s, the property provides a total building area of 8,751sqft (813sqm) and 15,403sqft (1,431sqm) of open storage space and is broken down as follows:

		Area sq. ft.
GROUND	Reception	596
	Mess room	259
	Office	1213
	Warehouse - Low clearance	350
	Warehouse- High clearance	2939
	Area under supported floor	475
	FIRST	Storage
FIRST	Office	770
FIRST MEZZ	Office	396
	<b>TOTAL AREA</b>	<b>8,751</b>
	Concrete Open Storage Area	15,403

3.4 Veolia did express an interest in the property but only for use as open storage. They already have considerable land holdings at Marsh Road, where they have their large depot along with Unit 5 and 7 owned by Brent.

3.5 Loxam have expressed significant concern that the traffic on Alperton Lane which is the key access road leading to Marsh Road is seriously restricted by parking which is allowed at all times on either side of the road. The road is too narrow and there are frequent problems with large waste trucks and commercial vehicles passing each other, leading to serious access problems. At the time that the depot was acquired for the public realm contract and planning consent was granted in 2014, it was expected that parking would be restricted to one side only on Alperton Lane and hence traffic would be free to move. These restrictions have not yet been introduced. It is understood that the public consultation on this is to commence shortly with a hoped for installation in June 2017. This will make the property more attractive to business and reduce business disruption.

3.6 A 3 year tenant full repairing and insuring lease is proposed from 4 April 2017 in accordance with the details set out in the confidential Appendix 2.

3.7 In the longer term the supply of industrial/ warehouse buildings with open storage is likely to diminish. This is due to the change of land use from industrial to residential. In addition, pressure arising from the regeneration proposals around Old Oak Common including Crossrail and HS2 is putting

pressure on users in the area. Rental growth should therefore be good in future and the property represents a very good long term investment.

#### **4.0 Financial Implications**

4.1 There will be continued additional income from the rent for a term of 3 years. This income will support meeting income targets in Property Services.

#### **5.0 Legal Implications**

The lease that has expired is contracted out of the Landlord and Tenant Act 1954 security of tenure provisions and the Council can therefore take the property back should it so wish to.

Section 123 of the Local Government Act 1972 (LGA) provides that local authorities may (with a minor exception relating to playing fields in Wales) dispose of land as they see fit, but:

(2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.”

The Local Government Act 1972 General Disposal Consent (England) 2003, defines specified circumstances where land can be disposed of at less than best price. These are:

a) That the local authority considers the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects, in respect of the whole or any of its area, or of all or any persons resident or present in the area;

i) the promotion or improvement of economic well-being;

ii) the promotion or improvement of social well-being;

iii) the promotion or improvement of environmental well-being; and

b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds)”.

#### **6.0 Diversity Implications**

6.1 There are no diversity implications as this is the continuation of letting of a property held for investment income.

#### **7.0 Staffing/Accommodation Implications**

7.1 There are no staffing implications.

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

8.1 Not applicable

## **Background Papers**

N/A

## **Appendix**

Appendix 1 - Site Plan

\*Appendix 2 – Confidential details and terms

## **Contact Officers**

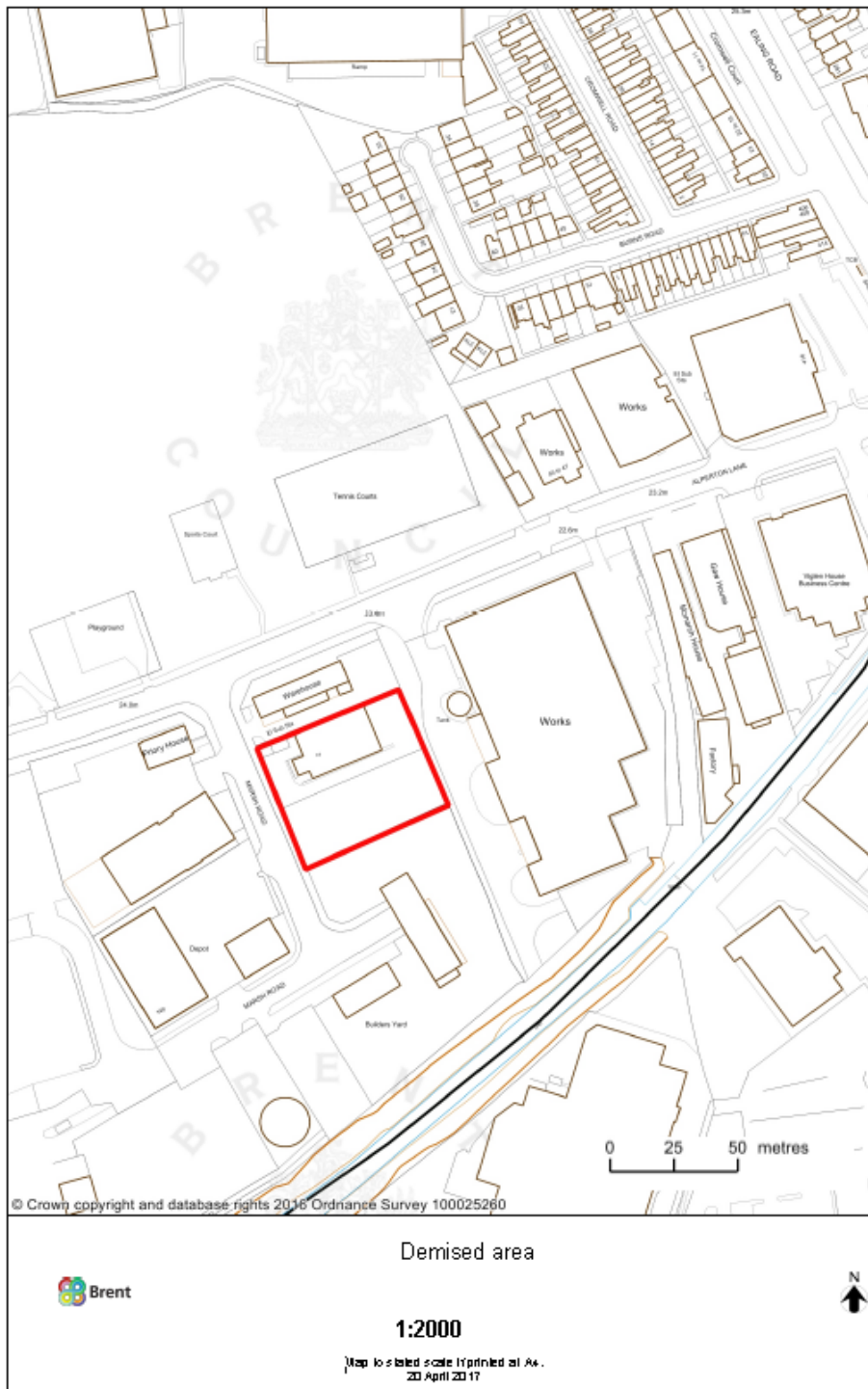
James Young 0208 937 1398  
[james.young@brent.gov.uk](mailto:james.young@brent.gov.uk)  
Commercial Portfolio Manager

Sarah Chaudhry  
Head of Property  
[sarah.chaudhry@brent.gov.uk](mailto:sarah.chaudhry@brent.gov.uk)

*ALTHEA LODERICK*  
Strategic Director for Resources



# Appendix 1 - Site plan



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

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 <b>Brent</b>	<b>Cabinet</b> 22 May 2017  <b>Report from the                  Strategic Director of Resources</b>
Wards Affected: Stonebridge	
<b>Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal                  – Land acquisition, Design &amp; Build Proposals</b>	

**\*Appendix 1 is not for publication as it contains the following category of exempt information as specified in Part 3, Schedule 12A of the Local Government Act 1972, namely:**

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

**1.0 Summary**

1.1 The proposed purchase of a 141-apartment supported housing development on Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal as detailed in the red line plan at Appendix 2. Such purchase would be based on a fixed cost via a land acquisition, in response to a known local need and to support the Council’s new accommodation for independent living (NAIL) programme.

**2.0 Recommendations**

That Members:

2.1 Approve the acquisition of a 141-apartment supported housing development on Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal from Hollybrook Ltd for a package price as set out in appendix 1, subject to 1) an independent valuation, 2) independent cost report confirming value for money, 3) clean and marketable title, 4) satisfactory planning permission and 5) financial and legal due diligence

2.2 Subject to acceptance of the Council’s offer for the site detailed in 2.1 above, to delegate authority to the Strategic Director Resources, in consultation with the Portfolio Lead Member, to finalise the terms of the proposed acquisition and enter any associated agreements and contracts.

2.3 Approve the submission of an application to the Greater London Authority (GLA) for grant funding to offset the purchase cost and achieve affordable rents to maximise long-term sustainability.

- 2.4 Approve a capital budget that depending on the final negotiated figure would be up to £31m including the various fees, charges, taxes and additional social care requirements noted in appendix 1.

### **3.0 Detail**

#### Background

- 3.1 Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal ("Plot 3") is a vacant brownfield site located in Park Royal within the London Borough of Brent, which is owned by Hollybrook Ltd (Hollybrook), a commercial developer.
- 3.2 The site benefits from planning permission for 103 supported housing apartments. However, Hollybrook has explored the potential of an enhanced scheme, subject to a revised planning application which has been submitted to the Old Oak and Park Royal Development Corporation (OPDC).
- 3.3 The proposed enhanced scheme consists of a part 4, 5, 6 and 9 storey building comprising 141 one-bedroom apartments, including wheelchair adaptable units, as supported housing units and the provision of communal facilities. Given the high care needs of the tenants, the development is proposed to be a low car use scheme, with two car parking spaces provided on site. The site has good access to public transport with several bus-stops nearby.
- 3.4 The site is bounded to the north by Central Middlesex Hospital and to the south by Acton Lane. To the east, the site is bounded by commercial premises and to the west by the Victoria Care Centre and a new extra care facility owned by Asra, known as Visram House.
- 3.5 The site falls within the Old Oak Park Royal Opportunity Area, as defined in the London Plan, which aims to transform the area into a well-connected transport interchange, providing new housing and commercial development. Major investment in rail infrastructure projects such as HS2 and Crossrail is also supporting the development of the Park Royal area.
- 3.6 It is anticipated that the supported housing development will take 2 years to deliver from exchange of contracts/start on site to completion/hand over. The timescale for delivery will be made clearer once the exact form and structure the deal will take on is known.

#### Proposal

- 3.7 Adult Social Care financially supports nearly 600 older adults in residential and nursing care in the borough, along with the extra care schemes currently in operation. To meet the current demand of older adults who get admitted into residential care placements, an estimated 492 extra care places are required in total. Support for older adults who get admitted into nursing care adds a further 100 places and a further 20 extra care units a year between 2020 and 2030 are required to meet the demographic growth in the over 85s.
- 3.8 Therefore Council officers have been seeking new investment opportunities for developing new extra care housing to meet the projected growth in demand and to provide future capacity under the Council's NAIL programme, which led to the identification of the site at Plot 3.

- 3.9 Hollybrook's agent, Site Sales Marketing Ltd, have informally marketed the site. Following discussions with the agent, the Council has made an offer to acquire the freehold of the site by private treaty based on a fixed cost via a land, design and build package (see appendix 1).
- 3.10 The offer has been made subject to planning permission being granted for the enhanced scheme of 141 supported housing units, subject to Cabinet approval, subject to contract and on a without prejudice basis.
- 3.11 The offer is also subject to the transaction value being supported by an independent valuation of the development site and verification of construction costs by an independently appointed quantity surveyor/employer's agent to confirm that the costs represent value for money for the Council.
- 3.12 The Council's intention is to hold further negotiations with Hollybrook on the final level of fit-out and refurbishment based on the Council's minimum requirements. The Council will appoint an employer's agent to act on its behalf and to provide a number of services to protect the Council's interest, including sanctioning the detailed design and quality inspection throughout the contract and on completion.
- 3.13 The Council is seeking to fund the purchase cost through grant funding (£85k/unit) to enable it to deliver affordable rent units, with flexibility for the Council to provide alternatives to affordable rent on some units. Informal discussions with the GLA indicates that there is likely to be a favourable response to an application for grant funding, but this is subject to a formal application by the Council and formal decision making process by the GLA.
- 3.14 A housing provider would be commissioned to manage the scheme i.e., all housing management activities, tenant sign up, rent collection etc., and a care and support provider would be commissioned to provide the 24-hour care service that will be delivered to tenants in the scheme. The Council currently commissions 275 units of extra care elsewhere in the borough and have the appropriate procurement mechanisms in place to effectively manage the scheme.
- 3.15 The options appraisal is set out below.

**Option 1: Acquire site and completed scheme (preferred option)**

Benefits

- Improved housing for older adults;
- Provides capacity for estimated growth in demand for supported housing (141 units subject to planning);
- Supports the Council's savings and investment strategy and delivers savings to the Adult Social Care budget. See appendix 1 for investment appraisal.
- If over time the demand for extra care changes, which is unlikely given the demographic growth in the over 65s and particularly the growth in

over 85s, the scheme could be re-designated for general needs or other vulnerable tenant group.

#### Risks

- GLA grant funding availability, which is subject to a formal decision making process;
- The proposal is subject to detailed negotiation, subject to contract and due diligence;
- The proposal is subject to planning permission for the enhanced scheme.

### **Option 2:** Scheme acquired by registered provider or other purchaser

#### Benefits

- No capital expenditure requirement;

#### Risks

- No guaranteed nomination rights for the Council;
- No certainty of acquisition of the scheme by registered provider;
- Delayed start for the scheme whilst new purchaser is found;
- GLA grant availability;
- Risk of increased pressure and cost to Brent if the scheme draws tenants from outside the borough;

### **Option 3:** Do nothing

#### Benefits

- None.

#### Risks

- Few or no alternatives which would provide similar provision or cost efficiency;
- Limited options to meet the needs of older adults with high care and support needs to meet the aims of the personalisation agenda set out in the Care Act 2014.
- There would be a loss to the Adult Social Care budgets as the 141 tenants would have to be accommodated in residential care rather than this more independent environment where the Adult Social Care is only responsible for the care and support service provided, rather than the accommodation costs and food costs of a placement in a care home.
- Scarce availability of land, alternative sites and viability.

- 3.16 The preferred option is option 1, purchase of the site and completed scheme which will increase the quality and quantity of supported housing, help to meet the current and projected demand and deliver ongoing revenue savings for the Council as shown in appendix 1.



## **4.0 Financial Implications**

- 4.1 NAIL schemes like this support the Council's investment and savings strategy. Each unit potentially saves the Council up to £332/week in Adult Social Care, subject to an inevitable period of vacancy and an element of bad debt. Therefore, there are £2.4m of annual savings that this specific scheme could deliver. Furthermore, control over the housing units directly gives Adult Social Care greater cost certainty over its budget in the long-term in an uncertain fiscal environment.
- 4.2 The Council would be committing up to £31m including a variety of additional charges. Full confidential details are in the investment appraisal shown in appendix 1.
- 4.3 Obtaining GLA grant, rather than using Right to Buy Receipts, is more efficient on this scheme as it would provide a greater level of funding. This issue solely relates to the fact that extra care is supported under the current scheme to a greater extent (£85k/unit) than other forms of housing by the GLA, such as shared ownership (£28k/unit).
- 4.4 With grant, the scheme should repay the principal and the interest costs. However, it is important to note that there would be a capital financing gap that the Council would need to fund before the scheme became operational.
- 4.5 Having an experienced developer deliver a fixed price scheme reduces the Council's risk. However, capital schemes often have significant delays within them and this would have a knock-on impact on the Adult Social Care revenue budget.

## **5.0 Legal Implications**

- 5.1 The Council has a general power to acquire land or premises used for the purposes of any of their functions by virtue of section 120 Local Government Act 1972.
- 5.2 The Council is required to comply with its statutory duty under section 123 of the Local Government Act 1972 to achieve best consideration reasonably obtainable to maximise its returns.
- 5.3 The proposal is to acquire the freehold of a 141-apartment supported housing development site, on a fixed price basis. There is likely to be the requirement to exchange on the vacant site with a long stop date for completion.
- 5.4 The proposed transaction as detailed in the report is considered to be an exempt land transaction for the purposes of EU Procurement Rules. Care will need to be taken to ensure the form and substance of the agreement with the seller fully reflects the proposed land transaction.

## **6.0 Diversity Implications**

- 6.1 The equality analysis for The NAIL Project found that from a protected characteristic point of view the NAIL schemes have a positive impact, as having a home of your own gives more individual choice and control than in a care home

(over how it's decorated, furnished, food you eat, how you spend your day, and more personal space to have visitors) and the range of communal facilities enable greater levels and opportunities for social activities.

6.2 It was noted that in residential care, older adults from local BME (black and minority ethnic) communities were under represented, anecdotally this does not appear to be the case in extra care with an increasing number of referrals from the BME communities.

## **7.0 Staffing/Accommodation Implications**

7.1 External consultants will be required.

### **Background Papers**

Appendix 1: Confidential Investment appraisal

Appendix 2: Red line plan

### **Contact Officers**

Sarah Chaudhry

Head of Property

Email: sarah.chaudhry@brent.gov.uk

Tel: 020 8937 1705

*ALTHEA LODERICK*

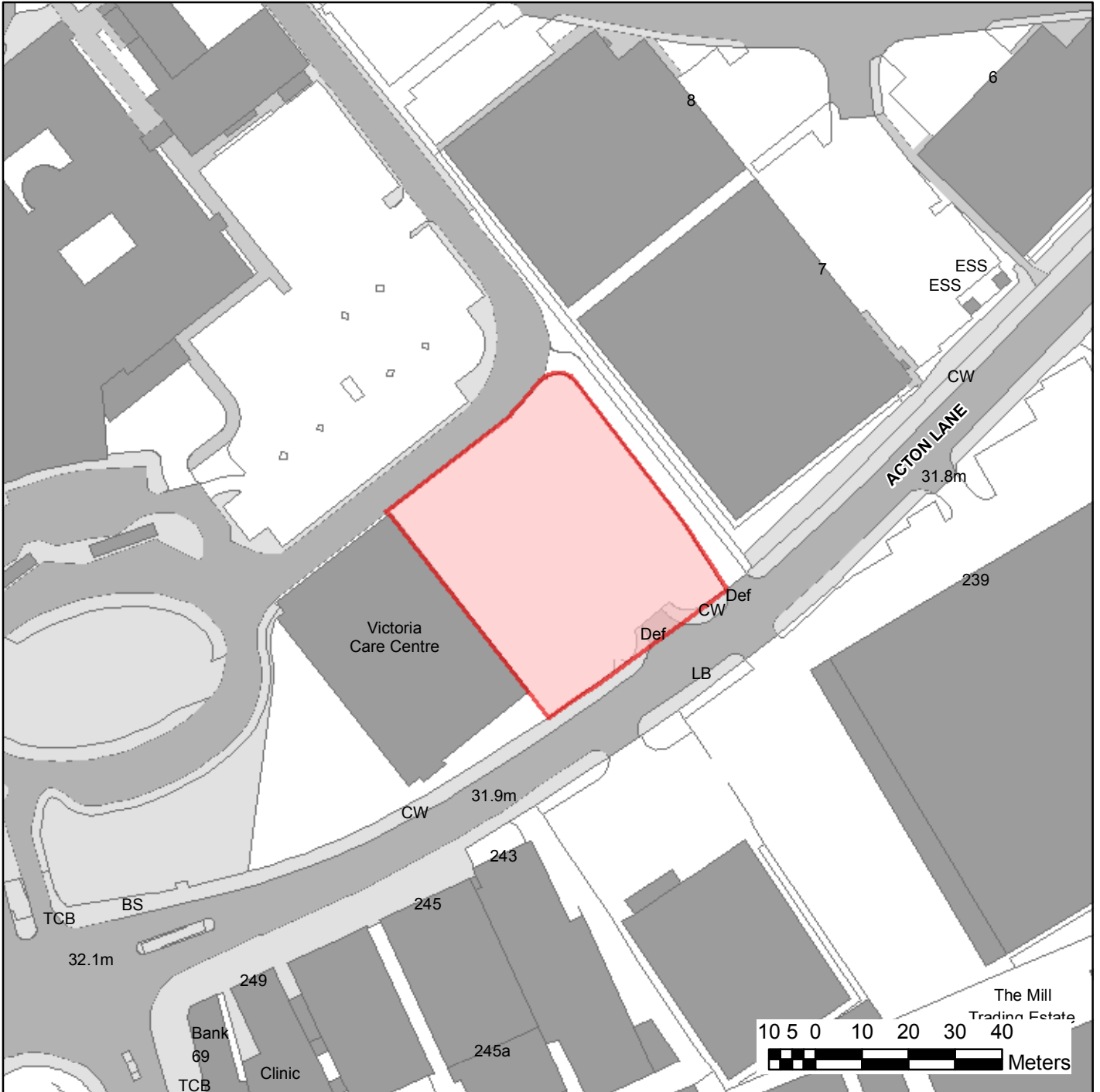
Strategic Director of Resources

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

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# Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal



## Plot 3



**1:1,250**

Plan to stated scale if printed at A4.

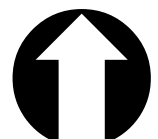
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NORTH



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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 22 May 2017</p> <p style="text-align: center;"><b>Report from the Strategic Director of Resources</b></p>
Wards Affected: [ALL]	
<b>Authority to sell properties purchased by the Council for PRS purposes to the Council's wholly owned company 'Investing 4 Brent' for the discharge of homeless duty</b>	

## 1.0 Summary

- 1.1 The Temporary Accommodation Reform Plan, agreed by Cabinet March 2016, identified a number of new approaches to support Homeless families and help reduce the Council's dependence and expenditure on temporary accommodation. The creation of a private rented sector (PRS) programme received support from Cabinet and approval to purchase properties in advance of the incorporation of a new PRS company wholly Council owned in order to avoid disadvantageous market conditions. The March 2016 report and subsequent reports including 'Establishing a Wholly Owned Investment Company' November 2016, did not expressly recommend the subsequent sale of the properties purchased for the PRS programme onward to the wholly owned company and Officers now seek express authority to sell such properties.
- 1.2 The Council's wholly owned investment company, Investing 4 Brent Ltd, was incorporated in December 2016 and is now able to purchase properties and let 100% of those purchased to homeless families to which the Council has a duty. The Company is requesting to amend its company name to I4B Holdings Ltd. The reason is primarily to support the branding of the company especially in business activities outside the Borough. The Company has developed its policies and contractual arrangements, including a service level agreement with LB Brent. The Company will report progress made to the Council's Audit Committee in September.

## 2.0 Recommendations

That Members:

- 2.1 Approve the sale of residential properties purchased or identified by the Council for the Private Rented Sector programme to be sold to the new wholly owned company 'Investing 4 Brent' on the basis of the valuation methodology set out in this report.
- 2.2 Delegate authority to the Strategic Director of Resources, in consultation with the Chief Finance Officer, for the sale of properties identified for the PRS programme to Investing 4 Brent.
- 2.3 Approve the change of name of the Council's wholly owned company from Investing 4 Brent Ltd to I4B Holdings Ltd.

## 3.0 Detail

The setting up of a new PRS landlord and the implied intention of the Council to sell properties to the new PRS landlord

- 3.1 The Temporary Accommodation Reform Plan, agreed by Cabinet March 2016, identified a number of new approaches to supporting Homeless families and help reduce the Council's dependence and expenditure on temporary accommodation. The creation of a new Private Rented Sector (PRS) landlord wholly owned by the Council was one of the key initiatives agreed.
- 3.2 The Temporary Accommodation Reform Plan identified advantages of establishing a company owned by the council outside the Housing Revenue Account (HRA) so 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.
- 3.3 A PRS portfolio of 300 properties was proposed and an initial budget of £60m, subsequently increased to £100m, was agreed.
- 3.4 In Annex 1 of the Temporary Accommodation Reform Plan (appendix 1, 8.4.7) a rationale for starting a programme of PRS purchases in advance of the setting up of a wholly owned council company was presented. The report stated: *"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."*



- 3.5 The first PRS property was purchased in September 2016 and as at 24<sup>th</sup> April 2017 thirty properties had been purchased from the market and three Council empty homes had been identified for sale to the new PRS Company. Although properties which have been purchased and refurbished can for a limited time be used as temporary accommodation, the value of the PRS programme is for the properties to be owned by the new company, as a private landlord, and provide permanent accommodation under an assured short hold tenancy agreement and therefore end the Council's duty to those housed.
- 3.6 In November 2016 the Cabinet agreed a paper presented by the Chief Finance Officer entitled 'Establishing a Wholly Owned Investment Company'. The Cabinet supported the setting up of the wholly owned Council Company and the company's PRS business plan reflecting the ownership and management of three hundred properties to support the Council's homelessness agenda.
- 3.7 The company, 'Investing 4 Brent' Ltd ("Investing 4 Brent " / the Company) was subsequently set up using the agreed delegated powers in December 2016. The company has a loan agreement with the Council and is in a position to purchase properties bought for PRS from the Council. In the future the intention of the company remains to use the council to find and administer property acquisitions however it will seek to maximise the use of its own funds to purchase properties directly.
- 3.8 The Value of each property purchased exceeds the amount of £250k and accordingly, Cabinet approval is required for the onward sale. Unfortunately, although the content of the report of March 2016 provided an intention for the Council to purchase the properties and sell them to the company based on an agreed valuation methodology, the approval from Cabinet to sell the properties in this way was not explicitly obtained.

#### Valuation of Properties

- 3.9 The Council has a duty under section 123 of the Local Government Act 1972 to dispose of land by means of the best consideration reasonably obtainable.
- 3.10 The Council need to be aware of state aid rules when setting a valuation for the properties and care must be taken not to undervalue assets and services.
- 3.11 Going forward, the sale of the properties to the Company must take place in a timely manner but in any event prior to the undertaking of any repair works.
- 3.12 The Council has purchased the properties in the open market for an agreed price via private treaty. The Council's offers were supported by independent valuations which were carried out by an independent RICS (Royal Institute of Chartered Surveyors) registered valuer to determine the market value in accordance with the 'Red Book'. In addition to the purchase price the Council has incurred Stamp Duty and Land Tax, Legal and professional fees and works costs to bring properties to an agreed lettable standard. A review by officers of the current market conditions and Land Registry data suggests that a sale of the properties to 'Investing 4 Brent' in accordance with the price paid plus

recovery of the Council's costs as set out in paragraph 3.14 to 3.16 will satisfy the best consideration requirement and ensure the Council is not breaching any state aid requirements.

- 3.13 The proposed valuation methodology for pricing the sale of the properties onward to the company is to use the recent valuation of the properties but uplift the sale price to reflect all costs incurred by the Council as well as financing and VAT costs for which it is considered the Company has a responsibility.
- 3.14 Properties purchased by the Council for PRS purposes will be sold onward at no financial detriment to the Council. The following costs will be considered in the valuation;
- Property purchase price
  - Stamp Duty and Land Tax (SDLT) costs
  - Valuation fees
  - Conveyancing Fees
  - Cost of works to achieve the agreed PRS standard
  - A fee for the purchase of properties and overseeing of refurbishment works including staffing costs
  - Insurance costs, Council tax, service charges and freehold charges for leasehold properties
- 3.15 The company also be responsible for any VAT payable in relation to works and services.
- 3.16 For each property:
- a. The Council will make an onward charge to Investing 4 Brent of the capital financing costs incurred for the period between acquisition and disposal. This charge represents the additional interest on borrowing that the Company would have incurred had it carried out a purchase direct from the third party vendor.
  - b. Investing 4 Brent will be liable to pay to London Borough of Brent the capital financing costs when property ownership transfers. These will be charged:
    - on a lump-sum amount equivalent to the total of all costs incurred for each property
    - for the full duration for which the Council holds ownership
  - c. For each property, the company will reimburse capital financing costs on the day it takes legal ownership.
- 3.17 As a result, it is anticipated that in general, there will be a significant difference between the price at which a property is acquired by the Council and the subsequent amount charged to Investing 4 Brent.
- 3.18 As an example Officers considered the first 19 properties available to sell to the company. The Council purchased these properties on behalf of Investing 4 Brent at a cost of £5.898m.

Investing 4 Brent will make available to the Council £6.665m to fund these purchases. The 13% increase results from items contained in paragraphs 3.14 to 3.16 as follows:

- Stamp Duty - £228k
- Pre-let Renovation Works and Fees - £410k
- Rechargeable VAT - £82k
- Capital Financing - £47k

As a result, the average price paid by the Council for each property (£310k) is £41k lower than the amount subsequently charged to Investing 4 Brent (£351k).

- 3.19 In deriving Capital Financing Costs, a 90-day period between Council acquisition & disposal is assumed, with daily interest compounded at effective annual rate of 2.95% (see Appendix 2).
- 3.20 The above methodology deals with valuation of the properties that the Council has purchased for PRS, but in relation to the vacant properties the Council has identified, valuation of these will be through the use of an independent valuer.
- 3.21 The Company will receive the Council's valuation and consider the price against its business assumptions. The Company will seek advice as it feels appropriate. The Council and Company will agree a purchase price.

#### Valuing PRS properties in the future

- 3.22 The Company is now a legal entity and has a borrowing facility (loan agreement with the council). There is also a contract in place between the Council and the company which sets out the agreed terms relating to the future sale of properties where purchased by the Council. Accordingly, should properties have been acquired by the Council the Company can in turn purchase the properties from the Council within a short space of time. In the future the intention of the Company remains to use the council to find and administer property acquisitions however it will seek to maximise the use of its own funds to purchase properties directly.
- 3.23 The risk associated with the length of time properties are in works and the resulting interest charges would be met by the Company. Investing 4 Brent and the Council are working to ensure the most appropriate process is in place to purchase properties from the market to retain risk with the Company and to minimise duplication of costs. Capital finance would still be paid by the Company to the Council should purchased properties remain with the council for a small number of days.
- 3.24 The Company will fund the costs of purchase, capital works and other related costs through the resources provided under the loan agreement.

- 3.25 For properties purchased by the Council on behalf of PRS the Strategic Director of Resources would have delegated responsibility to agree any sale of those properties to the company.

#### **4.0 Financial Implications**

- 4.1 This paper seeks authority to sell properties, purchased by the Council for PRS purposes, to a Council wholly owned company.
- 4.2 If approved, this will allow the Council to realise up to £100m of capital and revenue receipts without the need to seek Cabinet approval for each sale (or batch of property sales) to Investing 4 Brent, thereby improving the Council's cash flow position.
- 4.3 Approximately 19 properties have so far been acquired by the Council on behalf of Investing 4 Brent. The full cost of acquiring these units and preparing them for letting will be passed on to the company. This will include a charge for Capital Financing Costs (relating to the period between the Council's acquisition and disposal of each property) to address any implied provision of State Aid.
- 4.4 It is currently estimated that financing costs will be returned by the Council at a rate of approximately £2,150 for each additional property acquired on behalf of Investing 4 Brent. This is lower than the amount charged for the 19 units above as those properties were more expensive than the required portfolio average.
- 4.5 Capital Financing Costs will need to be separately itemised on invoices to Investing 4 Brent as there is otherwise a risk that they will be included as part of the aggregated capital receipts and thereafter, available for capital purposes only. They would not then be available to directly offset Capital Financing Costs, which they are intended to fund.
- 4.6 As a 'Section 33' body, the Council is able to recover VAT on its inputs (where it is the end-user of goods or services purchased, and subject to Partial Exemption rules). However, it is not permitted to commute this benefit to third parties and so VAT on VAT-able activities must be passed on to Investing 4 Brent.

#### **5.0 Legal Implications**

- 5.1 The Council has a duty to obtain the best consideration reasonably obtainable on the open market when disposing of land.
- 5.2 Circular 06/03 general disposal consent (England) 2003 which provides general consent for the Council to dispose of land other than for best consideration where the difference between the unrestricted value of the property and the consideration accepted is £2,000,000.00 or less. The General consent removes the requirement for the Council to obtain specific consent from the Secretary of State to the sale of the property at an undervalue in the circumstances specified in 5.3 below.

- 5.3 The Council believes that the purpose for which the land is disposed is likely to contribute to the economic, social or environmental wellbeing of the area or for any one or more of its residents.
- 5.4 Where the properties have been sold at an undervalue the Officer should state in writing the value of any direct or indirect value to the Council.
- 5.5 In views of the valuation methodology outlined in paragraph 3.14 – 3.16 of this report, it is not considered that there is a breach of State Aid requirements

## **6.0 Diversity Implications**

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

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

- 7.1 Investing 4 Brent will be efficient on administration and use contracts with private companies and with the council to deliver its service.

## **8.0 Background Papers**

- 8.1 The following paper provide background to the Councils PRS programme and the setting up and purpose of the wholly owned company
- Cabinet Report - Temporary Housing Reform Plan and Annex March 2016  
<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=455&MId=2771&Ver=4>
  - Cabinet Report - Establishing a Council Wholly Owned Company November 2017  
<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=455&MId=3215&Ver=4>
  - Cabinet Report - Authority to Invite Tenders for Works and Housing Management Services for the Council's PRS and NAIL Programmes March 2017  
<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=455&MId=3219&Ver=4>

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

Chris Brown  
Community and Wellbeing  
Email: Chris.brown@brent.gov.uk  
Tel: 07825 074654

*ALTHEA LODERICK*  
Strategic Director of Resources

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## Appendix 1

### Extract from the Temporary Housing Reform Plan Annex 1 section 8

#### **7.0 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 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.





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## Appendix 2

### Capital Financing Costs

#### Capital Interest Cost Calculation

Capital Interest for each property acquired by LBB on behalf of I4B will be:

chargeable for every day of the 'charging period', defined as commencing on, and including the date that LBB acquires the property and ceasing on, but excluding the date that LBB disposes of the property to I4B;

- chargeable on the full amount of all expenditure incurred during the charging period, for the entire charging period (assumed to be 90 days);
- compounded daily and charged by LBB at rate equivalent to the annual rate chargeable on the loan facility that LBB will make available to I4B (specified in the 'loan agreement');
- calculated as;

- $A \times (1 + B)^C - A$


Where;

A is the full amount of expenditure incurred during the 'charging period'

B is the daily compounding interest rate which equates to the annual rate of the loan facility specified in the 'loan agreement'

C is the number of days in the charging period

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 22 May 2017</p> <p><b>Report from Director of Policy, Performance and Partnerships</b></p>
<p style="text-align: center;">Wards affected: ALL</p>	
<p><b>Recommendations from Community and Wellbeing Scrutiny Committee: Special Educational Needs and Disabilities (SEND)</b></p>	

## 1.0 Summary

- 1.1 This report refers recommendations to Cabinet which were agreed by the Community and Wellbeing Scrutiny Committee after members' discussion of a report about Special Educational Needs and Disabilities (SEND).

## 2.0 Recommendations

- 2.1 Cabinet is asked to note the recommendation as set out in Appendix A.

## 3.0 Detail

- 3.1 On 29 March 2017 the committee discussed a report from the Director of Children and Young People updating members on specialist provision and the implementation of reforms to Special Educational Needs and Disability (SEND). Scrutiny members had identified this item as part of their work programme for 2016-17.
- 3.2 Attending the committee meeting was the Strategic Director of Children and Young People, Operational Director Integration and Improved Service, Head of Inclusion Service, the Cabinet Member for Children and Young People as well as a number of head teachers.
- 3.3 Members had a wide-ranging discussion about a report outlining the progress made in delivering reforms to services for children and young people with Special Educational Needs and Disabilities (SEND). These reforms were required following the introduction of the Children and Families Act 2014 and a new SEND Code of Practice in 2015.

- 3.4 Among the issues discussed included progress to the deadline for conversion to the new Education, Health and Care Plans, engagement with the borough's parents, strategic commissioning with health partners and identifying children with SEND and in providing effective support to improve outcomes and life chances.
- 3.5 After discussing the work around the reforms and on the basis of the discussion, members of the Community and Wellbeing Scrutiny Committee made three recommendations for Cabinet, which is set out in Appendix A.

### **Background Papers**

'Special Educational Needs and Disability (SEND): Update on Specialist Provision and the Implementation of the SEND Reforms', report to Community and Wellbeing Scrutiny Committee, 29 March 2017

### **Contact Officers**

James Diamond  
Strategy and Partnerships, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ  
020 8937 1068  
james.diamond@brent.gov.uk

*PETER GADSDON*  
Director of Policy, Performance and Partnerships



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## **APPENDIX A**

That Cabinet be recommended to:

1. Endorse a council-wide approach to maximising employment opportunities for young people with SEND.
2. Endorse the provision of council placements for the internship programme for young people with SEND.
3. Encourage Members to maximise employment opportunities for young people with SEND via their connections with community groups, organisations and businesses in the borough.

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