



Brent

Cabinet

Monday 19 June 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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for Absence

For Members to note any apologies for absence.

2 Declarations of Interests

Members are invited to declare at this stage of the meeting, any relevant personal, prejudicial interests or discloseable pecuniary interests in any matter to be considered at this meeting.

3 Minutes of the Previous Meeting 1 - 8

To confirm as a correct record, the attached set of minutes from the meeting of the Cabinet on 22 May 2017.

4 Matters Arising

5 Petitions (If Any)

Regeneration and Environment reports

6 South Kilburn Supplementary Planning Document 9 - 18

Cabinet approved draft South Kilburn Supplementary Planning Document for consultation on 19 February 2017. This report sets out the results of the consultation feedback, officer responses and where necessary recommended changes to the document. It seeks approval by Cabinet of the adoption of the amended South Kilburn Supplementary Planning Document and the revocation of the existing 2005 South Kilburn Supplementary Planning Document.

[Note: the appendices to this report will be published as a separate pack to supplement the main agenda]

Ward Affected:
Kilburn; Queens
Park

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

Contact Officer: Paul Lewin, Planning, Policy
and Projects

Tel: 020 8937 6710 paul.lewin@brent.gov.uk

7 Domestic Abuse IDVA Support contract

19 - 30

Brent Council currently commission a London charity, Hestia, to deliver Independent Domestic Violence Advocacy (IDVA), Family Support and Multi Agency Risk Assessment Conference (MARAC) coordination services. Hestia are in their final year of service delivery which commenced 03 Dec 2014, ending 02 Dec 2017. The contract is due to be reviewed and upon agreement will need to be re-tendered in June 2017 to ensure deadlines are met for a smooth service transition.

Ward Affected:
All Wards

Lead Member: Lead Member for Stronger Communities (Councillor Tom Miller)
Contact Officer: Karina Wane, Head of Community Protection
Karina.Wane@brent.gov.uk

8 Chippenham Gardens (Land North) South Kilburn

31 - 46

This report relates to Chippenham Gardens, which is a fundamental part of the South Kilburn Regeneration Programme. The report provides Cabinet with an update on the Chippenham Gardens project and seeks approval for the procurement of a delivery partner and to set rent levels at Homes and Communities Agency Target Rent. It also notes the eventual intent to buy out the land owner of 5-9 Chippenham Gardens, Kilburn Park Post Office (see appendix 2). This report also updates Cabinet on the current position of the negotiations with the remaining leaseholders and the possible need to rely on the exercise of Compulsory Purchase Order (CPO) powers in order to obtain vacant possession.

Ward Affected:
Kilburn

Lead Member: Lead Member for Regeneration, Growth, Employment and Skills (Councillor Shama Tatler)
Contact Officer: Marie Frederick, Senior Project Manager, Estate Regeneration
Marie.Frederick@brent.gov.uk

9 Gloucester House and Durham Court – South Kilburn - Appropriation of Housing and Non Housing Land and Open Space

47 - 54

This report seeks Cabinet approval to advertise the Council's intention to appropriate and thereafter dispose of open space (the open space shown coloured green on the attached plan – appendix 1) at Gloucester House and Durham Court site, and to appropriate the whole site (the Site) including open space for planning purposes (the Site shown edged red on the attached plan – appendix 1). This is to allow for the redevelopment of the Gloucester House and Durham Court site.

Ward Affected:
Kilburn

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

Contact Officer: Jill Rennie, Strategic Property
Tel: 020 8937 2556 jill.rennie@brent.gov.uk

10 Brent Housing Zones – Programme Funding and Wembley Partnership Structure 55 - 94

This report provides a further update on the Wembley Housing Zone and seeks endorsement to the ongoing negotiations with developer HUB to agree the Wembley partnership structure (a Joint Venture between the council and developer HUB or vehicle managed by HUB, such as Chesterfield House Partners LLP) and the preferred development option and funding structure. To deliver the vision and objectives for the eastern 'fringe' of Wembley Town centre. The report also considers the financial implications of the proposals and seeks commitment to continued funding of the Housing Zones programme by the council in Wembley and Alperton.

Ward Affected:
Wembley Central,
Alperton

Lead Member: Lead Member for
Regeneration, Growth, Employment and
Skills (Councillor Shama Tatler)
Contact Officer: Maire Grogan, Regeneration
Officer, Maire.Grogan@brent.gov.uk

11 Basements Supplementary Planning Document 95 - 144

Cabinet approved the draft Brent Basement Supplementary Planning Document (SPD) for consultation on 19 February 2017. This report sets out the results of the consultation feedback, officer responses and where necessary recommended changes to the document. It seeks the agreement of Cabinet to adopt the amended Basement Supplementary Planning Document.

Ward Affected:
All Wards

Lead Member: Lead Member for Regeneration,
Growth, Employment and Skills (Councillor
Shama Tatler)
Contact Officer: Claire Jones, Principal Planner
in Policy and Projects
Tel: 020 8937 5301 claire.jones@brent.gov.uk

12 S106 Project Spend 17-18 145 - 172

The purpose of this report is to set out the proposed allocation of Section 106 (S106) funds for expenditure in 2017-18 and, where known, details of specific projects.

Ward Affected:
All Wards

Lead Member: Lead Member for Regeneration,
Growth, Employment and Skills (Councillor
Shama Tatler)
Contact Officer: Paul Lewin, Planning, Policy
and Projects

Community Well-Being reports

13 Extending Selective Licensing in the Private Rented Sector 173 - 212

In April 2014 the Executive approved the introduction of an Additional Licensing scheme, covering all Houses in Multiple Occupation (HMOs) in the borough and in August 2014 approved the introduction of a Selective Licensing scheme, covering all private rented housing in the wards of Harlesden, Wembley Central and Willesden Green. Both schemes came into effect in January 2015 and run to 31st December 2019. This report proposes a further extension of Selective Licensing, setting out the rationale for the scheme taking account of progress since 2015 and changes to the regulations covering Selective Licensing.

[Note: the appendices to this report will be published as a separate pack to the main agenda]

Ward Affected:
All Wards

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Harbi Farah)
Contact Officer: Tony Hirsch, Strategy & Policy Manager
Tel: 020 8937 2336 tony.hirsch@brent.gov.uk

14 Brent Housing Partnership (BHP) Transition Update 213 - 226

On 24 April 2017, Cabinet took a decision to end the management agreement with Brent Housing Partnership (BHP), and bring housing management services back under direct control of the Council. This paper aims to give an update on progress with the transition of staff and services from BHP to the Council, and to make a recommendation regarding the future of BHP Ltd and the properties in its ownership.

Ward Affected:
All Wards

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Harbi Farah)
Contact Officer: Joanna Walton, Head of Chief Executive's Office
joanna.walton@brent.gov.uk

15 Dynamic Purchasing System (DPS) Cabinet Approval to Award Report 227 - 260

In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award 6 Housing Related Support (HRS) service contracts to support vulnerable adults with support needs. The services will provide housing related support services to Brent residents including to Older People (55+), those identified as having Mental ill Health, Learning Disabilities, Physical Disabilities and/or Sensory Impairments, Single Homeless, Ex-offenders, Substance Misuse and Women, Families and

Young People.

Ward Affected:
All Wards

Lead Member: Lead Member for Community Wellbeing (Councillor Krupesh Hirani)
Contact Officer: Helen Woodland, Operational Director, Adult Social Care
Tel: 020 8937 6168
helen.woodland@brent.gov.uk

Resources reports

16 Applications Support with Lewisham Council 261 - 264

This report sets out proposals for joining the Applications Support teams across Brent and Lewisham. This will be an expansion to the shared ICT service established between Brent and the London Borough of Lewisham in April 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

17 Joint ICT Work with London Borough of Southwark 265 - 298

This report sets out proposals for extending the ICT Shared Service for the London Boroughs of Brent and Lewisham to the London Borough of Southwark by 1st November 2017.

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

18 Upgrade of ICT Network Infrastructure 299 - 310

This report requests authority to award 4 contracts for ICT Network Infrastructure as required by Contract Standing Order No 88. This report summarises the process undertaken in procuring the contracts and recommends to whom the contracts should be awarded.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Prod Sarigianis, Joint Head of Digital Services

19 Knowles House

311 - 336

In April 2016, Cabinet approved £24m capital investment on a notional scheme of 125 units for this site. The project team has developed the proposals and will soon be in a position to submit a full planning application. Subject to planning, the scheme is due to deliver 149 units, an increase of 24 homes. Total Scheme costs are £31.5m. An additional capital investment of £7.5m is required to deliver the enlarged scheme.

Ward Affected:
Kensal Green

Lead Member: Leader (Councillor Muhammed Butt)

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

Chief Executive's Reports

20 Q4 Integrated Finance and Performance Report

337 - 376

This integrated Finance and Performance Report brings together both financial and performance information to provide an overview of Council performance in Quarter 4 2016/17 (Q4).

Ward Affected:
All Wards

Lead Member: Leader (Councillor Muhammed Butt)

Contact Officer: Chatan Popat, Senior Performance Officer
Chatan.popat@brent.gov.uk; 020 8937 5068

21 Brent Advice Partnership Update

377 - 384

A recommendation from Brent Advice Partnership's Advice Fund Grant's Panel has now been received to award a grant to Mencap Brent in the sum of £19,657.77 and as a result Cabinet approval is sought to permit such an award.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)

Contact Officer: Genevie George, Partnerships and Engagement Manager
genevie.george@brent.gov.uk

The purpose of this report is for Cabinet to agree the draft Digital Strategy and the Outline Business Case for establishing a programme of activity to enable the Council and the Borough to digitise, improving service to our customers whilst securing important cost savings. In addition, the report seeks Cabinet approval to invest in the Microsoft 365 customer and applications platform as well as approval to procure a CRM Developer.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)

Contact Officer: Peter Gadsdon, Director, Performance, Policy and Partnerships
Tel: 020 8937 1400
peter.gadsdon@brent.gov.uk

23 Reference of Item Considered by Scrutiny Committees (If Any)

431 - 434

This report has the recommendation for Cabinet agreed by the Community and Wellbeing Scrutiny Committee after discussion of the annual report for 2015-16 of the Brent Safeguarding Adults Board.

24 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)”*:

- Brent Housing Zones – **Appendices 1-6**
- Dynamic Purchasing System Contract Award – **Appendix 1**
- Upgrade to ICT Infrastructure – **Appendix 1**
- Knowles House – **Appendix 3**

25 Any Other Urgent Business

Any decisions taken urgently under this heading must comply with the provisions outlined in Standing Order 16 (a) of the Council’s Constitution.

Date of the next meeting: Monday 24 July 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 22 May 2017 at 6.00 pm

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

Also Present: Councillor Colwill

1. **Apologies for Absence**

None.

2. **Declarations of interests**

None.

3. **Minutes of the previous meeting**

RESOLVED:

That the minutes of the previous meeting, held on 24 April 2017, be approved as an accurate record of the meeting.

4. **Matters arising**

There were no matters arising.

5. **Petitions**

None.

6. **Appointments to Committees**

Councillor Butt drew Members' attention to the tabled proposed appointments to Cabinet Committees, Joint Committees and Outside Bodies and proposed appointments of Chairs and Vice-Chairs where necessary. It was **RESOLVED** that the following appointments to the Cabinet sub-committees be made:

HIGHWAYS COMMITTEE

FULL MEMBERS:

SOUTHWOOD (C)

TATLER (VC)
FARAH
HIRANI
M PATEL

SUBSTITUTE MEMBERS:

BUTT, MCLENNAN, MILLER

WEST LONDON ECONOMIC PROSPERITY BOARD

BRENT MEMBERS:

BUTT (C)

BRENT SUBSTITUTE:

TATLER

BARHAM PARK TRUST COMMITTEE

FULL MEMBERS:

MCLENNAN
HIRANI
FARAH
MILLER
SOUTHWOOD

SUBSTITUTE MEMBERS:

BUTT, TATLER, M PATEL

➤ **EXECUTIVE JOINT COMMITTEES**

JOINT COMMITTEE OF THE LONDON BOROUGHS OF LEWISHAM AND BRENT

BRENT FULL MEMBERS:

MCLENNAN
BUTT

LONDON COUNCILS GRANTS COMMITTEE (ASSOCIATED JOINT COMMITTEE)

BRENT MEMBERS:

MCLENNAN
BUTT (DEPUTY)

LONDON HOUSING CONSORTIUM

BRENT MEMBERS:

FARAH

PENSIONS CIV SECTORAL JOINT COMMITTEE

BRENT MEMBERS:

S CHOUDHARY
CRANE (DEPUTY)

➤ **OUTSIDE BODIES**

SOUTH KILBURN TRUST

BRENT MEMBERS:

CONNELLY

7. **Order of Business**

RESOLVED that the order of business be amended as set up below.

8. **Any Other Urgent Business: Review of Community Asset Transfers Policy**

The paper recommended discontinuing the scheme by 31 May 2017. To delay could have resulted in the submission of further Expressions of Interest in Council assets which could have not been fully assessed prior to the June Cabinet meeting. As such, it would have not been in the organisation's interest to pursue such an application. At the current point in time there were no outstanding CAT applications under assessment.

RESOLVED:

- 8.1 With the agreement of the Chair and the permission of the Chair of the Resources and Public Realm Scrutiny Committee, the Review of Community Asset Transfers Policy Report be added to the agenda for urgent consideration.

Councillor Butt (Leader of the Council) welcomed Mr David Daniels and Ms Suzanne Morpurgo who addressed the Cabinet in relation to the Community Asset Transfers (CAT) policy. They emphasised the need to engage the community and to keep CAT in mind after the suspension of the policy as it affected real people who had invested time, commitment and efforts in applications they had prepared. In response, Councillor Tatler (Cabinet Member for Regeneration, Growth, Employment and Skills) said that she would be meeting with local communities. Councillor Butt explained that the CAT policy had been in place nationally since 2003 and had been further encouraged over subsequent years as means of achieving various key objectives, including active citizenship, improved wellbeing and economic regeneration. However, it was time to look into a different method of

asset transfer and Councillor Butt assured the Cabinet, Mr Daniels and Ms Morpurgo that consultation with the local community how to use assets would take place.

Councillor Tatler introduced the report which reviewed the operation of the Council's Community Asset Transfers (CAT) policy and its intended goals since 2015. Cabinet heard that the report looked at the fourteen applications received and explored the availability of further potential assets for transfer, taking into account the opinions of key stakeholders, third sector organisations who had showed interest or had been through a CAT application process, as well as external partners and officers of the Council. Councillor Tatler said that the existing CAT policy was not meeting its objectives and recommended that the Council discontinued the current CAT process in favour of marketing all Council assets in the established way.

RESOLVED:

8.2 The discontinuation of the Community Asset Transfer scheme from 31 May 2017 be approved.

8.3 A different method of asset transfer and community engagement be explored.

9. Brent Neighbourhood Community Infrastructure Levy (NCIL) Priorities 2017-2020

Councillor Tatler (Cabinet Member for Regeneration, Growth, Employment and Skills) introduced the report. She explained that the Community Infrastructure Levy (CIL) was 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. She said that Brent's CIL had been in place since 1 July 2013 and that the aim of this report was to set priorities for the period 2017-2020, which would inform the expenditure of the neighbourhood element of the CIL. Councillor Tatler drew Members' attention to Appendix 1 which detailed the findings of a six-week consultation to determine neighbourhood priorities.

RESOLVED:

9.1 The recommended strategic priorities (2017-2020) for each CIL Neighbourhood be approved as follows:

- a) Harlesden CIL Neighbourhood: Town Centre & High Streets, Transport & Roads, Community Spaces & Cultural Facilities.
- b) Kilburn CIL Neighbourhood: Community Spaces & Cultural Facilities, Transport & Roads, Town Centre & High Streets.
- c) Kingsbury & Kenton CIL Neighbourhood: Transport & Roads, Town Centre & High Streets, Parks & Open Spaces.

d) Wembley CIL Neighbourhood: Transport & Roads, Town Centre & High Streets, Parks & Open Spaces, Community Spaces & Cultural Facilities.

e) Willesden CIL Neighbourhood: Town Centre & High Streets, Transport & Roads, Community Spaces & Cultural Facilities.

10. **Northwick Park Memorandum of Understanding**

Councillor Butt (Leader of the Council) introduced the Northwick Park – Memorandum of Understanding report. He explained that it had been related to approval of the One Council Public Estate Programme in Brent in January as Northwick Park had been part of it. He said that, if approved, the proposed Memorandum of Understanding would include four parties - The London Borough of Brent, The London North West Healthcare NHS Trust, The University of Westminster and Network Homes Limited, with The London Borough of Brent being the lead Partner. Councillor Butt emphasised that a Memorandum of Understanding was required to set out the key objectives of the project, the principles of collaboration, the governance structures that partners would put in place and the respective roles and responsibilities that partners would have during the project. He also mentioned that funding had been allocated to The London Borough of Brent to appoint consultants of behalf of the partnership. Councillor Butt outlined the specific aims of the project which included generation of capital receipts, reduction of running costs, creation of jobs and homes and integration of services which aligned with Brent's Corporate Plan 2015/16 and The Strategic Property Plan 2015-2018.

RESOLVED:

10.1 The contents, intentions and obligations of the Memorandum of Understanding be noted; and

10.2 Authority to execute the Memorandum of Understanding be agreed.

11. **Award of a Contract for Oracle Implementation Services**

Councillor McLennan (Deputy Leader of the Council) introduced the report which followed from an earlier Cabinet report dated 15 November 2016 which set out the options and proposals for the future of OneOracle systems support and hosting arrangements upon expiration of the current contract in July 2018. Councillor McLennan emphasised that this report updated Cabinet on developments since November 2016 and sought 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. She informed Cabinet that work had been undertaken to progress the data transfer to a Brent hosted solution with work on the Capgemini lift and shift approach expected to take six to seven months which would be of much shorter timescale than a full rebuild of the OneOracle system. Councillor McLennan noted that other OneOracle partners (Barking and Dagenham, Croydon, Havering, Newham, Lambeth and Lewisham Councils) were still considering the option of Brent hosting and / or providing the system for them. However, potential income regarding the offer was set out in Appendix 1 to the Cabinet report.

In response to questions from Cabinet, Althea Loderick (Strategic Director for Resources) stated that the proposed arrangement would deliver significant savings to the Council.

RESOLVED

- 11.1 A waiver of the Council's Standing Orders for the award of contracts be granted to enable the direct award of a contract to Capgemini for system integration work and services;
- 11.2 The award of a contract to Capgemini to undertake system integration work and services as mentioned in paragraph 1.5 of the Cabinet report at an estimated contract value of £488k for the Brent element be approved. 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.; and
- 11.3 The delegation of authority to the Strategic Director of Resources be authorised 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.

12. Leasing of Unit 2 Marsh Road, Alperton HA9 1ES

Councillor Butt (Leader of the Council) introduced the report which outlined a proposal to grant a three-year lease to Loxam Access of Unit 2 Marsh Road, Alperton, HA9 1ES. He explained that the Loxam Access had been occupying the premises on a contracted out lease which did not provide the automatic right to renewal. Councillor Butt also spoke of some of the other options considered. It was considered whether Brent Transport Services (BTS) could use the space for bus parking and maintenance, but BTS had relocated Harrow Councillor's depot as part of a joint venture. The other option examined related to Veolia who had expressed interest in the property but only for use as open storage. However, Veolia already had a large depot along with Units 5 and 7 owned by Brent.

RESOLVED:

12.1 Authority be delegated to the Strategic Director Resources to finalise terms and complete the lease to Loxam Access in accordance with the details in the confidential Appendix to the Cabinet report.

13. Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal – Land Acquisition, Design & Build Proposals

Councillor Hirani (Cabinet Member for Community Wellbeing) introduced the report which detailed the proposal for the purchase of a 141-apartment supported housing development on Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal as shown on the plan at Appendix 2 to the Cabinet report. Councillor Hirani spoke about the other two options considered – ‘Scheme acquired by registered provider or another purchaser’ and ‘Do nothing’ and expressed concern that the risks associated with these outweighed the benefits of selecting one of them.

RESOLVED:

13.1 The acquisition of a 141-apartment supported housing development on Plot 3, Land East of Victoria Centre, Acton Lane, Park Royal from Hollybrook Ltd be approved for a package price as set out in Appendix 1 to the Cabinet report, 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.

13.2 Subject to acceptance of the Council’s offer for the site detailed in 2.1 above, authority be delegated 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.

13.3 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 be approved.

13.4 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 to the Cabinet report be approved.

14. 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

Councillor Butt (Leader of the Council) introduced the report which sought approval of a request for authority to sell properties purchased by the Council for Private Rented Sector (PRS) purposes to the Council’s wholly owned company ‘Investing 4 Brent’. Councillor Butt informed Cabinet that the first purchase had taken place in September 2016 and that, as of 24 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. Councillor Butt drew Members’ attention to the fact that properties purchased by the Council for PRS purposes would be sold onward at no financial detriment to the Council. Councillor Butt said that Investing 4 Brent Ltd had

requested to change its name to I4B Holdings Ltd in order to support its branding in business activities outside the Borough.

RESOLVED:

- 14.1 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 be approved.
- 14.2 Authority be delegated 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.
- 14.3 The change of name of the Council's wholly owned company from Investing 4 Brent Ltd to I4B Holdings Ltd be approved.

15. Reference of item considered by Scrutiny Committees (if any)

Councillor Mili Patel (Cabinet Member for Children and Young People) introduced the report which set out recommendations from the Community and Wellbeing Scrutiny Committee. Cabinet heard that these had been agreed after the Committee's discussion of a paper outlining the progress made in delivering reforms to services for children and young people with Special Education Needs and Disabilities (SEND). Councillor Mili Patel informed Cabinet that the Community and Wellbeing Scrutiny Committee had made three recommendations for Cabinet which had been set out in Appendix A to the Cabinet report.

RESOLVED:

- 15.1 The recommendations from Community and Wellbeing Scrutiny Committee as set out in Appendix A to the Cabinet report be noted.

16. Exclusion of Press and Public

None.

The meeting ended at 6:27 pm.

COUNCILLOR MUHAMMED BUTT
Chair



Cabinet
19 June 2017

**Report from the Strategic Director
of Regeneration and Environment**

For Information

Wards affected:
Kilburn and Queens Park

South Kilburn Supplementary Planning Document

1.0 Summary

1.1 Cabinet approved draft South Kilburn Supplementary Planning Document for consultation on 19th February 2017. This report sets out the results of the consultation feedback, officer responses and where necessary recommended changes to the document. It seeks approval by Cabinet of the adoption of the amended South Kilburn Supplementary Planning Document and the revocation of the existing 2005 South Kilburn Supplementary Planning Document. Once adopted the Supplementary Planning Document will have weight as a material consideration in the determination of planning applications.

2.0 Recommendations

- 2.1 Cabinet consider the consultation responses, officer recommendations and proposed amendments to the draft South Kilburn Supplementary Planning Document as set out in Appendix 1.
- 2.2 Cabinet approve the adoption of the South Kilburn Supplementary Planning Document 2017 as set out in Appendix 2.
- 2.3 Cabinet revoke the existing South Kilburn Supplementary Planning Document 2005.

3.0 Detail

Background

3.1 The regeneration of South Kilburn Growth Area and more particularly the South Kilburn Estate led by the Council over the last decade has been one of the most transformational changes to have occurred in the Borough. The regeneration which is approaching its half way stage on the estate has resulted in approximately 1000 dwellings either being completed or about to

start on site, of which over 500 will be replacements for social rented properties of existing tenants on the estate.

- 3.2 The quality achieved to date has been impressive. Numerous residential sites and other new facilities such as open space provision have been recognised as exemplar schemes in national and international built environment and landscape awards. Extensive engagement has been undertaken with the community and existing residents have, on the whole, bought into the change proposed and delivered to date. It has been one of the more successful estate renewal projects in London. Officers have been recognised nationally for their contribution to regeneration and visits by senior Ministers and the Mayor have resulted for praise in what has been achieved so far.
- 3.3 Although much good work has been done, the transformation is only part way through. There has been much change nationally and locally since 2005 when the initial South Kilburn Supplementary Planning Document was adopted. At least 2400 new homes and 1200 replacement affordable homes were identified in the Local Plan for the area. To assist in providing increased clarity about what will be delivered in the future, including the associated community infrastructure, planning guidance needs to be updated. This takes account of new opportunities that have been identified and will provide more certainty for the community, the Council as landowner and planning authority and other investors.
- 3.4 In the early noughties the Council recognised the need for wholesale regeneration of the South Kilburn Estate to replace poor quality council housing stock and upgrade that which was of better quality to improve the life chances of residents. It worked closely with the local community as part of a government programme (New Deal for Communities). This resulted in a masterplan for the estate which identified properties to be retained and those which could be redeveloped.
- 3.5 The masterplan at that time was incorporated into the South Kilburn Supplementary Planning Document 2005 to give it weight in the determination of planning applications. In 2010 the Brent Core Strategy updated Development Plan policy for the area. In recognition of significant changes in circumstances since the adoption of the 2005 SPD, the Council commissioned a masterplan review in 2016 for the estate. This resulted in the production of the draft South Kilburn Supplementary Planning Document 2017. Cabinet on 19th February 2017 approved the draft 2017 document for consultation. The report for that item provides detailed background on why it was considered necessary to take forward a new Supplementary Planning Document.
- 3.6 This report sets out the consultation responses received, recommendations on those responses and where necessary proposed changes to the Supplementary Planning Document for Cabinet to consider. The report recommends Cabinet adopt the amended South Kilburn Supplementary Planning Document 2017, to replace the existing South Kilburn Supplementary Planning Document 2005 which then needs to be formally revoked.

Consultation on the draft South Kilburn Supplementary Planning Document

- 3.7 The document was consulted upon for a 6 week period ending 30th March 2017. It was placed on the website, with paper copies being made available in local Brent libraries. There was a public notice in the South Kilburn Times. Individuals, statutory consultees, local councillors, residents' groups and interested parties identified on the planning policy contacts database were notified of the consultation.
- 3.8 Nineteen responses were received ranging from statutory consultees, locally active organisations and individual residents in or around the area. The majority of the consultees responding were overall positive about the contents of the draft document, although they might have had specific areas of concern. A couple of responses were less supportive of the South Kilburn estate regeneration process in particular, which they considered to be dominated by a commercial imperative on the part of the Council to the detriment of likely outcomes for the local community.

Responses – brief overview

- 3.9 A full schedule of the responses received, officer consideration and recommended changes to the draft Supplementary Planning Document are set out in Appendix 1. This also identifies some minor changes considered necessary. These for instance are in response to the document changes from a draft to adoption, minor anomalies have been noted between text and diagrams, clarity of reference and factual updates.
- 3.10 In terms of a brief overview, the following matters were raised, the:
- a) Length of the consultation/level of engagement in the masterplan/planning document
 - b) Justification for additional height of development in some areas
 - c) Additional dwelling numbers proposed and the adequacy of infrastructure to meet needs
 - d) Suggested changes to some movement routes, in particular the solution for Malvern Road
 - e) Perceived loss of community facilities

Length of the consultation/level of engagement in the masterplan / planning document

- 3.11 Criticism was received from one local resident and representatives of the users of the Carlton and Granville Centres about the level of engagement in the masterplan process and the time of the consultation for the Supplementary Planning Document running for 6 weeks. In response to this it is not considered that the length of the consultation was prejudicial to allowing adequate responses to be made. The relevant Regulations seek a minimum of 4 weeks consultation on Supplementary Planning Documents, whilst development plan documents which have a higher planning status have to only be consulted upon for 6 weeks. There was much engagement in the masterplanning process with the local community and interested groups in the 6 months preceding the presentation of the outcomes of the final draft masterplan in December 2016. The presentation event identified that a draft

Supplementary Planning Document effectively taking forward the masterplan outcomes would be issued for consultation in 2017. Notwithstanding this, flexibility has been shown where a small number of respondents identified that they could not meet the deadline set. In this small number of cases additional time was given to submit their responses.

Justification for additional height of development in some areas

- 3.12 Concerns were raised by local residents about the height of dwellings proposed. In particular this represented a departure from the mansion block typically lower height preference (6-8 storeys) of the original New Deal for Communities masterplan/Supplementary Planning Document 2005. Changes in London Plan policy and the need to accommodate more dwellings in the Borough since 2005 have required a reconsideration of the development potential of the area. If the Supplementary Planning Document had not been updated, this would have occurred in any case on an application by application basis. The GLA in particular typically seeks reassurance/ challenges density levels to ensure that they are maximised on referable schemes, which most of South Kilburn will be. This reconsideration has already resulted in schemes in South Kilburn which have either been built, or have planning consent for taller elements, e.g. George and Swift Houses Albert Road (11 storeys) and the Peel redevelopment (16 storeys). The revised document provides the opportunity to provide a cohesive and consistent approach in terms of place-making to height.
- 3.13 In response, the solution has not been to remove the mansion block typology, but adapt it to include taller elements where additional height is considered appropriate. This will result in a small number of sites where 10 or more storeys will be provided. This will be part of a wider development parcel of typically lower rise development. Principally this is along Carlton Vale (a wide road and principal movement route) where in urban design times such interventions are considered acceptable. There are two exceptions where taller elements are proposed. These are along part of Cambridge Road in response to a stepping down from Carlton Vale and on Rupert/Denmark Road to complement the existing and proposed heights around Woodhouse Urban Park.
- 3.14 The block nature of the existing massing drawings which are purposely devoid of detail can perhaps sometimes provide a crude understanding of impacts. Taking into account the comments received, the relationship of the proposals with the local statutory and non-statutory heritage assets has been revisited. Whilst the principle of such heights, if the designs are of sufficient quality is considered not to harm these heritage assets (buildings and conservation area), the detailing and methods of reducing massing impact on the perception of bulk will be important in ensuring the setting of heritage assets is preserved or enhanced. A solution akin to the architecture of the existing housing blocks that will be removed for instance would not be viewed positively. As such the wording of the document in the relevant parts of the site specific section (12) will be amended to make it clear that quality will be expected in these areas to ensure the setting is protected or enhanced.

Additional dwellings proposed and the adequacy of infrastructure to meet needs

- 3.15 Concerns were raised about the additional dwellings proposed and how this would impact on infrastructure. The document in Appendix 2 identifies that approximately 3500 dwellings will be delivered (and that this could increase if other opportunity sites are brought forward). This is compared to “at least 2400” identified in Core Strategy Policy CP9.
- 3.16 As identified the Council has a requirement to meet a much increased housing target set in the London Plan and therefore has to make best use of opportunities that present themselves. In terms of the significant pieces of infrastructure: schools, transportation, healthcare and open space; all are considered to be adequately planned for.
- 3.17 The Council's education planning team are aware of the amended figures and consider the capacity proposed at the integrated school site appropriate to meet future needs. Secondary school provision is a wider borough matter that is currently being addressed in terms of identifying sites. Funding for this is likely to come from the Education Funding Agency. With regards to transportation, the developments will essentially be limiting car parking provision to minimum levels and for the most part address infrastructure requirements associated with this on site whilst limiting residents' ability to apply for on-street permits. Where it can be justified additional funding will be provided to TfL to supplement existing public transport provision and the Council is keen to pursue provision of 'Boris' bikes.
- 3.18 In terms of healthcare, the health centre at the Peel redevelopment will have more than sufficient space to cater for the number of GPs required through the additional dwellings provided. It will incorporate a facility that has the potential to serve more than the immediate area. In terms of open space, private amenity will be provided to local plan standards wherever possible on site, or through updating existing facilities. In addition significant levels of investment through Community Infrastructure Levy and regeneration funds provide the potential to address deficiencies currently evident in the area, e.g. around sports pitch provision which can be accommodated in the South Kilburn Park reconfiguration.

Suggested changes to movement routes

- 3.19 Concern was raised by local residents about missed opportunities to connect north and south of Carlton Vale but also by TfL of the potential for changes to this in increasing connectivity across this road to adversely impact on bus services. In addition concern was raised about the potential increase in traffic on Malvern Road in relation to the proposed school site and allowing two way flows of traffic which were not considered to have taken sufficient account of recent changes made by Westminster Council in Saltram Crescent.
- 3.20 In relation to Carlton Vale a balanced approach has been pursued, taking account of its role as a principal movement and bus priority corridor with the need to reduce perceived severance of the communities to the north and south. The route is currently subject to implementation of a project to implement dedicated cycleways which will change its character to make it more pedestrian and cyclist friendly. This will be supplemented by additional

improvements as set out in the document. This will include for example improved controlled crossing points, in particular at the Peel/South Kilburn Park desire line, will improve connectivity but are limited in number due to the need to protect bus service efficiency in particular.

- 3.21 In relation to Malvern Road consultation with Westminster in the masterplan process did not highlight planned changes to Saltram Crescent. It is accepted that these will impact on the proposal that was set out in the draft document and might well encourage Malvern Road to become a rat-run to overcome the movement restrictions created through Saltram Crescent being made no entry at either end. As such it is now proposed to keep Malvern Road essentially as is, but improve the current pedestrian/cycle link that runs between the two schools so that it provides a more obvious and desirable link than currently is the case.

Perceived loss of community facilities

- 3.22 Local residents and community groups highlighted the perceived loss existing community facilities as a concern. Principally in relation to the proposed regeneration of the Carlton and Granville Centres, but also others such as the British Legion.
- 3.23 The Development Plan seeks to protect existing community facilities where there is a need for them either in an existing or amended form if a more efficient/effective outcome can be attained. It does not require them to be kept as is. Clearly the Council and groups which support community facilities/activities are for the most part under significant resourcing pressures as such premises need to be fit for purpose, ideally flexible enough to provide for a variety of users throughout the day and potentially generate additional income to support their on-going provision.
- 3.24 The Council through Cabinet resolution has set out in relation to Carlton and Granville Centres a way forward of how it will engage with existing users and seek to accommodate them as well as an Enterprise Hub and potentially some residential development. Outwith this process, the Supplementary Planning Document provides a context which is supportive of the need to retain and provide for community facilities in the area, but also flexible enough to allow for improvements that need to be made to ensure their long term availability and the potential regeneration of the Carlton and Granville Centres.

Adoption of the South Kilburn Supplementary Planning Document 2017

- 3.25 Taking account of the recommended changes to the Supplementary Planning Document set out in Appendix1, it is recommended that Cabinet approves the adoption of the revised document as set out in Appendix 2. This will formalise its status as a Supplementary Planning Document. This will give it significant weight as a material consideration in the determination of planning applications in the area within the South Kilburn growth area boundary.
- 3.26 Upon its adoption, it will also be necessary to clarify the status of the existing South Kilburn Supplementary Planning Document 2005. The 2005 document does not automatically fall away and as such could still be given some weight in the determination of planning applications. As such, it is recommended that

Cabinet approve the revocation of the South Kilburn Supplementary Planning Document 2005.

Conclusions

- 3.27 The South Kilburn Growth area and South Kilburn Estate in particular has gone through a transformational regenerative change in the last decade or so. The Council adopted a South Kilburn Supplementary Planning Document in 2005 which reflected a masterplan generated through the New Deals for Communities project. This had a considerable role in shaping the consequential regeneration but was increasingly becoming out of date, particularly in relation to strategic planning policy set out in the London Plan. Greater clarity was required on how the remainder of the area will develop to provide more certainty for local residents/businesses and other interested parties and in the planning application determination process.
- 3.28 A masterplan review was commissioned in 2016. This was subject to much engagement and consultation with the local community which resulted in an updated vision for South Kilburn. The proposals took account of contemporary circumstances, particularly the contents of the London Plan and what had been achieved in the area to date. The masterplan informed the draft South Kilburn Supplementary Planning 2017; this document once adopted gives the outputs of the masterplan review a formal planning status for its use in the determination of planning applications.
- 3.29 The consultation was for 6 weeks. For the most part the responses to the consultation were positive welcoming the guidance, although a minority of representations from local residents and local groups objected to much of the content. The responses received, officers' consideration of the responses and recommended changes to the document for Cabinet are set out in Appendix 1. The proposed revised South Kilburn Supplementary Planning Document 2017 is set out in Appendix 2 and recommended to Cabinet for adoption. It is also recommended that to provide clarity on its status, Cabinet revokes the existing South Kilburn Supplementary Planning Document 2005.

4.0 Financial Implications

- 4.1 The cost of the production of the SPD and all associated processes associated with its consultation and adoption, will be met from existing South Kilburn development scheme's and planning policy's budgets.
- 4.2 The costs of producing the Masterplan have been met within the wider South Kilburn development scheme's budgets.

5.0 Legal Implications

- 5.1 Regulations provide for Local Planning Authorities to adopt Supplementary Planning Documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary Planning Documents cannot introduce new policy or allocate sites for development.

6.0 Diversity Implications

6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have “due regard” to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

6.2 Statutory public consultation has been carried out in the process of preparing and adopting the Supplementary Planning Document. An Equalities Analysis Assessment screening opinion was undertaken which identified no negative impacts in relation to those with protected characteristics as a result of the document. There is the potential for positive impacts with regards to ethnic background and disability through the provision of new residential properties which are likely to improve the quality of life for people with these characteristics as they have a higher representation amongst social housing tenants than the wider Brent community.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None arising specifically from the draft Supplementary Planning Document.

Background Papers

South Kilburn Supplementary Planning Document 2005

Brent Core Strategy 2010

Brent Site Specific Allocations Plan 2011

Brent Development Management Policies Plan 2016

South Kilburn Masterplan Review 2016

Brent Cabinet 13th February 2017 Draft South Kilburn Supplementary Planning Document

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 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from Strategic Director of Regeneration and Environment</p>
For Action	Wards affected: ALL
Brent Domestic Abuse Advocacy and MARAC Coordination Review	

1.0 Summary

- 1.1 Brent Council has commissioned advocacy support for domestic abuse victims since 2010. Domestic abuse incidents have increased over the years, in line with the wider pan London incident profile; however support provision has increased as a response.
- 1.2 Brent council currently commission a London charity, Hestia, to deliver Independent Domestic Violence Advocacy (IDVA), Family Support and Multi Agency Risk Assessment Conference (MARAC) coordination services. Hestia are in their final year of service delivery which commenced 03 Dec 2014, ending 02 Dec 2017. The contract is due to be reviewed and upon agreement will need to be re-tendered in June 2017 to ensure deadlines are met for a smooth service transition.

2.0 Recommendations

- 2.1 That Cabinet agree the proposed option, Option 1 detailed in 3.14, to commission IDVA, Family Support and MARAC coordinator services and for the contract spend to continue to deliver high level support services.
- 2.2 That Cabinet agree for the proposed Option 1 contract to be let for a term of three years, with a break option and the option to extend for a two year period after the initial term of three years.
- 2.3 That Cabinet delegate authority to the Strategic Director of Regeneration and Environment in consultation with the lead member and the Strategic Director of Children and Young People, to approve the award of the contract to the successful tenderer; following the procurement process to ensure timely service implementation.

3.0 Detail

- 3.1 It is UK best practice to fund Independent Domestic Violence Advisors (IDVAs) and MARAC co-ordination services. Such services exist in most towns and all cities across the UK. IDVAs are specialist advocacy case workers who focus on working predominantly with high risk victims, those most at risk of homicide or serious harm. Their main goal is to ensure safety. They work from the point of crisis and have a well-defined role underpinned by experience and specialist accredited training. They offer intensive short to medium term support. They also mobilise multiple resources on behalf of victims by coordinating the response from multiple agencies who might be involved in a case, including those working with perpetrators and children. Thus, they

work in partnership with a range of statutory and voluntary agencies but are independent of any single agency.

- 3.2 An IDVA acts as the victims' voice at the MARAC and is a key contributor at the MARAC. The MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child and adult safeguarding, housing practitioners, IDVAs and other specialists from the statutory and voluntary sectors. The main focus of the MARAC is on managing the risk to the victim/survivor, and in doing so it also consider other family members including any children involved and managing the behaviour of the perpetrator. Information shared at the MARAC is confidential and is only used for the purpose of reducing the risk of harm to those at risk.

Service Delivery

- 3.3 IDVA services and MARAC coordination in Brent is a shared contract between Community Protection (60%) and Children and Young People's department (40%). Previous commissions (prior to 2013) were awarded to contractors only working with men and High Risk victims or Police crimes. A large proportion of men, medium/standard and non-crime domestic abuse victims have previously not been supported in Brent until new operational processes were introduced by the Community Protection service January 2015 (2014 HMIC inspection report example of partnership best practice).
- 3.4 From Jan 2015 – Dec 2015 a total of 3200 victims were offered support and intervention from the IDVA service. An additional 178 referrals were also made for the Children and Young People's Support Worker, including 32 children under 4 years of age. Within this period, the new operational processes resulted in an average of 650 additional victims being offered support per quarter, at no extra cost to the council. The process responds to all Police incidents (not just offences) by screening all incidents to ensure victim demand is effectively responded to. This is completed by ensuring more victims at an earlier point of risk and harm are identified before the point of escalation. It is expected that this will help to reduce resource costs for the future by reducing risk of further incidents to such victims. A higher reporting rate is then anticipated, as more victims become aware of the support options, and thus there is not an immediate corresponding reduction in the level of reported crime.
- 3.5 The screening is managed through the three CORE IDVAs based at Wembley Police station as well as other Police high risk cases, whilst more intensive support packages for victims and their families are managed by the two IDVAs embedded within Children and Young People's department at the Civic Centre. The screening involves the IDVAs making contact with lower level risk victims who have contacted the Police 24hrs previously, to work towards reducing their risk earlier, rather than waiting for heightened risk due to IDVAs normally only intervening with medium-high risk victims. The council intends to retain this best practice processes implemented in 2015 as this will help manage service demand as an increased number of victims can be supported at an earlier stage of intervention due to the difference in support level required. This partnership working process is essential to best practice and such positive working partnerships were noted at the council's recent Scrutiny committee meeting in May 2017. Following the councils' Outcome Based Review on Domestic Abuse for 2017, we hope further advanced partnership working will also result as the review will bring partnerships together even closer.

Current Contract Specification

- 3.6 The contract covers two sites with the 'CORE' team based at Wembley Police station and the other team at the Civic Centre across 'Family Solutions' and 'Localities' teams.
- 3.7 In 2014 organisations were invited to bid for the contract to the value of £0.3m. The current contract value for the above contract specification costs the council £0.3m per year, 60% of which is funded by Community Protection and 40% by Children and Young People's Department. A recent contract extension review led to a saving of 6%. Refreshed costings for the contract specification were agreed for the last twelve months of the contract (ending 02 Dec 2017), as set out in Table 1.

Table 1:

Contract Breakdown*	Cost £m
Salaries, NI and pension (including additional complementary 16 hours IDVA and additional 7.8 hours Coordinator)	0.24
Infrastructure	0.01
Central costs	£0.03
Total	0.28
Contract Savings	0.02

*Further Contract Breakdown costs can be seen in appendix 1

- 3.8 The current contract also includes delivery of training on general domestic abuse awareness as well as MARAC and risk assessment. The training was delivered to more than 250 front line practitioners and professionals and over 80 GPs in 2016/17. The council will include such training within the new contract specification, and as this was an added extra for no additional cost to current contract, no charge is levied for this service. The added value has been very beneficial as it is expected that the more professional and front line practitioners trained, the earlier the identification of risk, resulting in fewer victims in the future.
- 3.9 The outcomes for the services are monitored each quarter through agreed reporting. For future commissioning the contract will be carefully monitored to evaluate value for money and levels of customer service, with regular reports to demonstrate the key advocacy outcomes. Current key performance indicator outcomes are to be taken forward in the new commission and can be seen in Appendix 2. Outcomes over the past 12 months illustrate that 99% of all referrals received an independent safety support plan which is a 3% increase compared to the previous 12 months outcomes. Further outcomes highlight that 96% of all engaging victims had a reduction in risk following intervention, which is a 35% increase compared to the previous 12 months outcomes. This evidences positive changes following continual operational reviews.

Future Contract Specification Options

- 3.10 There is a body of evidence that supports early intervention and the longer-term financial benefits to the public fund. Safelives also highlights that for every £1 spent on an IDVA and MARAC intervention, £6 of public money is saved.

"Safelives analysis shows that IDVAs and MARAC interventions save on average of at least £6,100 of these costs per high risk victim. MARACs and related IDVA intervention would only have to be successful in 16% of cases to pay for themselves".

¹ Safelives (2010), Saving Lives, Saving Money: MARACs and high risk domestic abuse, http://www.safelives.org.uk/sites/default/files/resources/Saving_lives_saving_money_FINAL_REFERENCED_VERSION.pdf

- 3.11 As identified through the referral data, there is a real need for this service to continue as domestic abuse victimisation is not declining but there is strong evidence that the council achieved value for money through the increased number of victims supported as a result of earlier intervention since 2015, at no extra cost.
- 3.12 Following the council's procurement agenda, we have reviewed costings as part of procurement strategy and it resulted that for a similar contract specification that we currently deliver we can reduce non-frontline service costs by a further 4%. This would not impact on the number of victims being supported, rather reduce central costs which is a 10% reduction when compared to the original contract. This served as a starting point to compare financial value factors against social impact and outcomes when developing contract specification options for the future commission.
- 3.13 Table 2 summarises the forecast financial impact of the three contract specification options reviewed for future commissioning.

Table 2:

	Current contract (Dec 16 – Dec 17) £	Option 1 £	Option 2 £	Option 3 £
Staff Costs				
IDVA	30,443	30,443	30,443	30,443
Senior IDVA	32,496	32,496	32,496	32,496
Family Support Worker	26,338	26,338	26,338	26,338
Service Manager	42,063	42,063	42,063	42,063
MARAC Coordination	34,347	34,347	34,347	34,347
IDVA	5	5	5	4.5
Senior IDVA	1	0.75	0.75	0.75
Family Support Worker	1	1	2	1
Service Manager	0.6	0.5	0.5	0.5
MARAC Coordination	0.2	0.4	0.5	0.4
Total FTE	7.8	7.65	8.75	7.15
Total Cost of Staff				
IDVA	152,215	152,215	152,215	136,993
Senior IDVA	32,496	24,372	24,372	24,372
Family Support Worker	26,338	26,338	52,676	26,338
Service Manager	25,237	21,031	21,031	21,031
MARAC Coordination	6,869	13,738	17,173	13,738
Central Costs	37,927	32,532	32,532	32,532
TOTAL COST	281,082	270,226	300,000	255,004

- 3.14 Option 1 is recommended. This would predominantly retain the current contract specification at a reduced cost, as through a recent contract review the council was able to reduce any non-essential costs which did not impact on service delivery or the number of victims being supported. This option would not increase service delivery but would enable the council to continue supporting an increased number of victims through effective process management, a result of the last two years' operational service review changes. Option 1 would provide the same for less.

- 3.15 Option 2 would entail increasing expenditure. This option considers the potential to increase the service specification of option 1, and resultantly to include an extra Family Support Worker for children. This would increase provision, however not respond to required contract reviews to reduce costs for all non-essential spend.
- 3.16 Option 3 would reduce costs by 15% compared to the original contract value based on the current service specification which would provide a best practice option against the council's procurement. In terms of the impact on the community however, there is a reduced benefit, as based on the current average number of victims supported per year, this option would mean supporting 200-300 less victims per year. This is not accounting for a potential increase in domestic abuse figures or an increase in reporting which is anticipated with earlier intervention methods. Please also note that one high risk victim who does not receive intervention resulting in murder costs the public sector purse £1.2m. Option 3 would mean reducing the number of IDVAs and therefore victim support on the borough.

Contract Considerations

- 3.17 It is proposed to re-tender the service for a three-year period using a revised service specification, with the option to extend for a further two year period if funding is available. This would therefore value the three year contract at a proposed £0.8m or £1.4m should it be extended.
- 3.18 Considerations have also been made to include a break clause in the three year contract to ensure that the council is able to respond to the outcomes of the Domestic Abuse Outcome Based Review being progressed throughout 2017. A break clause within the contract will also allow for the service specification to be reviewed within the contract period as a response to any change to service demand.
- 3.19 Joint commissioning has been considered, however neighbouring boroughs do not have comparative levels of domestic abuse with completely different problem profiles. Both Harrow and Ealing were considered and approached in the first instance but this was not an option at the time due to deferring contract review periods.
- 3.20 An in-house provision was not considered as it is not a feasible option. Firstly, costing analysis indicates that this would be more expensive. And secondly, best practice guidance (as detailed in the national Safelives 'Safety in Numbers', 2009) evaluation report states IDVAs should be 'independent' to statutory organisations to ensure true 'independence' – therefore not a feasible option for the council.
- 3.21 The contract will be robustly monitored to ensure that KPIs are met and to monitor value for money and customer satisfaction, with regular reports to demonstrate the key advocacy outcomes. Quality customer service and service delivery is very important for this agenda, therefore tendering weighting regarding quality delivery will be reflected.
- 3.22 The recommendation for Cabinet to delegate authority to the Strategic Director Regeneration & Environment, in consultation with the lead member and the Strategic Director of Children and Young People, is being requested to ensure that enough time is given for service mobilisation. The period between completion of evaluation of tenders and contract commencement will not be adequate to enable effective service mobilisation should officers return to Cabinet to seek approval to award the contract following the procurement process.

4.0 Financial Implications

- 4.1 Procurement savings are an important part of the Council's medium term plan. Average savings of 10% should be found across all contracts for this to be achieved, option 1 and option 3 achieve this when measured against the former contract.
- 4.3 External funding to help enhance the support service has been identified through the Home Office Transformation Fund. This fund was only available for new innovative additional services therefore cannot fund current provision. A bid for this fund (£0.1m per year for three years) was submitted to the Home Office on 24 February 2017 to fund additional intervention. A decision on bids is due to be released following the election in June 2017.

5.0 Legal Implications

- 5.1 Under the Public Contracts Regulations 2015, contract for domestic violence advocacy, family support and MARAC coordination is a Schedule 3 service contract and in procuring such services, where the value is above the EU threshold for Schedule 3 services (currently 750,000 Euros), contracting authorities are required to publish a contract notice or PIN as a call for competition in the Official Journal of the European Union (OJEU) and a contract award notice once the contract has been awarded. The procurement procedure can be determined by the contracting authority and they must comply with the EU Treaty principles of equal treatment, non-discrimination, fairness and transparency and provide reasonable and proportionate timescales and award of the contract.
- 5.2 The value of the contract over its lifetime as mentioned in this reports is in excess of £500,000. It is therefore deemed a High Value contract for the purposes of the Council's Contract Standing Orders ("CSO") and Financial Regulations and under the CSO, Cabinet approval to invite tenders must be obtained for High Value Contracts and CSO 89 provides that Cabinet approval of pre-tender considerations should also be obtained before the contract is tendered.
- 5.3 Some of the current providers' staff are based at the Civic Centre and occupy under a licence. It is likely that a similar arrangement would apply following any procurement.

6.0 Equalities Implications

- 6.1 The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. There are no negative equality implications resulting from the proposals in this report.
- 6.2 A protected characteristic is defined in the Act as: Age, Disability, Gender reassignment, Pregnancy and maternity, Race (including ethnic or national origins, colour or nationality), Religion or belief, Sex and Sexual orientation. Marriage and Civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination. The previous public sector equalities duties only covered race, disability and gender.
- 6.3 Previous contracts indicated services may only work with women but this new contract specification includes the need to work with men, women, and transgender as anyone can be a victim of domestic abuse and it is expected that anyone in Brent who requires the support will be supported. Information gathered and statistics indicate that there is a need for a non-women only support service.

- 6.4 IDVA and MARAC monitoring will collate data relating to equality as part of the contract including gender, disability, sexuality, ethnicity, and age (with particular interest in young victims and perpetrators). The advocacy service will be monitored on their ability to deliver effective services to specialist BME victims, and to link in with other local specialist partners to facilitate this. An Equalities Impact Assessment has been completed whereby no negative impact was evident to any protected groups therefore no further action required.

7.0 Staffing/Accommodation Implications

- 7.1 The current provision of IDVAs, family support and MARAC coordination to the Council is delivered by Hestia and as such there are no implications for Council staff.
- 7.2 However, in re-tender of the services, if a provider other than the current provider (Hestia) is successful, the provisions of the Transfer of Employment (Protection of Employment) Regulations 2006, ("TUPE") will apply in that the current staff of Hestia providing the service will transfer to the new provider on the existing terms of their employment contracts and the new provider will inherit all rights, liabilities and obligations in relation to the staff. TUPE implications will be considered by Officers as part of the procurement exercise and TUPE information will be made available to bidders if appropriate to enable tender process to be compiled.
- 7.3 The Police provide accommodation for the CORE IDVA community protection funded IDVAs and manager within the police station. Brent Children and Young People department's staff are accommodated within Brent Civic Centre and will continue to be located there as integrated working is essential to risk identification and positive outcomes for victims and children. No changes to accommodation will therefore result.

8.0 Public Services (Social Value) Act 2012

- 8.1 The Council has a duty pursuant to the Public Services (Social Value) Act 2012 to consider how the service being procured might improve the economic, social and environmental well-being of Brent and how it might act with a view to securing that improvement during the procurement.
- 8.2 The service being procured is clearly aimed at improving, in particular, the social well-being of residents in Brent. In procuring the service, officers will also explore introducing specific measures to improve the economic, social and environmental well-being of the Brent area and social value will be one of the evaluation criteria used to encourage bids to address such issues.

Contact Officers

Karina Wane
Head of Community protection
Regeneration and Environment

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Appendix 1: Contract Breakdown Costs for 2016-2017

Infrastructure	
IT support	£1,525
Insurance	£1,302
Printing, photocopying & stationery	£1,500
Marketing activity	£1,287
Network, internet & telecommunications including mobiles	£4,325
Case management system including software licences	£1,502
Legal & professional fees	£840
	£12,281
Central Recharges	
Central recharges (line management, contract management, performance management, finance resource, human resource, some I.T., facilities)	£28,008
	£28,008

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Appendix 2: Contract Outcomes

Outcomes	Indicator	Outcome Measures
Increased Safety	<p>Cessation of abuse (physical, sexual, harassment / stalking and jealous/ controlling behaviours)</p> <p>Risk of further harm.</p> <p>Sustainability of the reduction in risk.</p> <p>Changes to feelings of safety.</p> <p>Changes to feeling afraid.</p> <p>The creation of a safety plan and impact of this support</p>	<p>% of women whose risk is reduced after using the service.</p> <p>% of women who report feeling safer after using the service.</p> <p>% of women reporting a cessation of physical abuse, emotional abuse, harassment and controlling behaviours.</p>
Improved Health & Wellbeing	<p>Improvements to quality of life.</p> <p>Client outcomes achieved and their impact measured across a series of domains:</p> <ol style="list-style-type: none"> 1. Health & Wellbeing: improved coping strategies; engagement with mental health, substance misuse & other health services; client accessing specialist counselling or IAPT. 2. Accommodation: secure and safe housing. 3. Support networks – positive change in client’s support networks; reduction in isolation. 4. Legal issues 5. Financial – improvement in financial independence and situation. 6. Children – positive outcomes recorded in relationship with their children and for the children. 7. Education, training & employment – positive outcomes in learning & work. 8. Empowerment and self-esteem – positive changes in self-esteem and feelings of self-efficacy. Patterns of behaviour changing. 	<p>% of women reporting an improved quality of life after using the service.</p> <p>% of survivors reporting a positive change in their support needs as a result of support from the IDVA service compared with intake.</p>
Increased confidence to access interventions and support	<p>Confidence knowing how to access help and support.</p> <p>Has ‘improved access to help and support’ been achieved and what impact has this had? Evidenced through questionnaire and self-report.</p>	<p>% of survivors who feel confident in knowing how and where to access help and support compared to intake</p>

Brent Children and Families Department further monitored the following outcomes:

Outcomes	Indicator	Outcome Measures
Improved access to specialist support services for survivors of domestic violence who have used children and family services.	% of women who engaged with services after being referred by children and family services.	At least 75% - 80% should be engaged with services on an on-going basis.
Increased knowledge by survivors of how and where to access support.	% of survivors who feel confident in knowing how to access help and support compared to intake.	At least 99% report of feeling confident in knowing how to access help and support in the future.
Improved feeling of being supported by survivors as a result of using services.	% of survivors reporting a positive change in their support needs as a result of support from the IDVA service compared with intake.	At least 85% of women reporting feeling supported following engagement.
Increased physical and emotional safety for survivors of domestic violence after receiving support services.	% of survivors who report feeling safer at the point of exiting services compared with intake. % of survivors for whom their risk has been reduced since using services.	At least a 90% report of feeling safer after using services. At least a 75% reduction in physical abuse. 83% reduction in sexual abuse experience. 62% reduction in harassment and stalking. 69% reduction in jealous and controlling behaviours.
Improved quality of life experienced by survivors as a result of using services.	% of survivors who report an improved quality of life compared with intake.	At least 85% of women felt their quality of life had improved after using services.
Children and Young People feeling more supported in relation to their experiences of domestic abuse.	% of children and young people reporting a positive change since engagement with the family support worker.	At least 85% of identified young people are safer, more settled, have better relationships with parents/carers and have better routines arising from the involvement of IDVA support.
Improvement in the knowledge and expertise of practitioners within social care and early help around domestic abuse and the impact on children and young people.	% of social workers who attended training identified that their understanding has improved and that they could apply what was learned to their practice.	At least 80% of social workers should have attended training. At least 100% of Managers reporting improvement in staff recognising domestic abuse, being able to apply relevant theories and research within assessment and reflecting on these issues in supervision.

 Brent	Cabinet 19 June 2017 Report from the Strategic Director of Regeneration and Environment
For Action	Wards affected: Kilburn
Chippenham Gardens, South Kilburn – To seek approval to use an appropriate Framework or OJEU process to procure a delivery partner together with an update on project issues and options	

1 Summary

- 1.1 The regeneration of South Kilburn is a fifteen year programme that is approximately half way through. It aims to transform the area into a sustainable and mixed neighbourhood and create a real sense of place and belonging. The programme will deliver around 2,400 new homes of which 1,200 will be made available for social rent for existing South Kilburn, secure council tenants. To date 1073 new homes have been delivered with 60% (639) new homes having been made available for existing secure tenants of South Kilburn. Woodhouse Urban Park was opened to the public in May 2016 and South Kilburn residents are able to utilise St Augustine’s Sports Hall.

- 1.2 The Council’s objective is to provide high quality new homes with values driven from market sales in order to maintain the viability of the Regeneration Programme in the long-term, and to achieve a substantial improvement in the living conditions of existing South Kilburn secure Council tenants.

- 1.3 The South Kilburn Masterplan review took place in 2016, and the community are at the heart of our decision making process. We have taken an inclusive and participatory approach to consultation and engaged with residents and stakeholders of South Kilburn with extensive local consultation from July through to December, which directly fed into the drafting of a revised South Kilburn Supplementary Planning Document 2017 (SPD). It is due to be considered for adoption at the June 2017 Cabinet and will be an important document in determining how this area continues to transform over the next 10-15 years.

- 1.4 The South Kilburn Regeneration Programme also includes the delivery of a new larger high quality urban park and an improved public realm, a new local primary school, new health facilities, new retail facilities, an Enterprise Hub and Community Space, improved environmental standards and a South Kilburn District Energy System. The South Kilburn Programme has been recognised for exemplar design for new build homes as well as landscape projects and has won a number of prestigious awards.

- 1.5 The report relates to Chippenham Gardens, which is a fundamental part of the South Kilburn Regeneration Programme. The Site comprises of 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers only) together defined as “**Chippenham Gardens**” (see appendix 1 – Existing Site Plan).
- 1.6 This report provides Cabinet with an update on the Chippenham Gardens project and seeks approval for the procurement of a delivery partner and to set rent levels at Homes and Communities Agency Target Rent.
- 1.7 Note the eventual intent to buy out the land owner of 5-9 Chippenham Gardens, Kilburn Park Post Office (see appendix 2).
- 1.8 This report also updates Cabinet on the current position of the negotiations with the remaining leaseholders and the possible need to rely on the exercise of Compulsory Purchase Order (CPO) powers in order to obtain vacant possession.

2 Recommendations

That Members:

- 2.1 Approve the procurement of a delivery partner for the Chippenham Gardens site either through a mini-competition using an appropriate Framework or alternatively through a Competitive Procedure with Negotiation under the Public Contracts Regulations 2015 on the basis of the pre-tender considerations set out in Appendix 3 of this report and evaluating the tenders on the basis of the evaluation criteria set out in Appendix 3.
- 2.2 Delegate to the Strategic Director of Regeneration & Environment in consultation with the Lead Member of Regeneration, Growth, Employment and Skills, authority to select the appropriate procurement route outlined in 2.1 above for the reasons detailed in paragraph 3.8.
- 2.3 Approve the setting of rent levels for the affordable homes at the Chippenham Gardens site once complete, at a rent equivalent to the H.C.A. Target Rent levels.
- 2.4 Approve in principle the proposal to buy the out the landowner of 5-9 Chippenham Gardens, Kilburn Park Post Office.
- 2.5 To note the possible need to rely on the exercise of CPO powers to obtain vacant possession should an agreement not be reached with the remaining leaseholders and the continuing efforts by officers to reach an amicable agreement with the remaining leaseholders.

3 Detail

Background

- 3.1 The Council's Scheme for the redevelopment of the Chippenham Site has the benefit of full detailed planning permission granted by the Council on 14 July 2016.
- 3.2 The consented scheme will consist of 52 new high quality residential homes which will include 30 dwellings for sale on the open market and 22 social rented homes (for existing secure tenants of South Kilburn) comprising a range of 1 to 3 bedroom flats which consist of 24 x 1 bed, 19 x 2 bed and 9 x 3 bed, which could be subject to change. In addition, the development will provide new public realm, car park spaces, landscaped private and shared gardens and associated highway and other infrastructure.

- 3.3 The current site comprises of a Post Office and a Council residential block comprising of 12 flats. Of these 8 are social rented and 4 have been purchased under Right to Buy (“RTB”) legislation. In regard to the social tenants, to date all have already been relocated to alternative accommodation elsewhere within South Kilburn.
- 3.4 Of the 4 leaseholders, one has been acquired by negotiated agreement leaving three leaseholders in occupation. Two are owner-occupiers and one is an investment-owner with the unit let on a private rented basis. The Council’s Property team are negotiating to acquire these interests by agreement and these negotiations are ongoing, but the council may have to rely on CPO powers to acquire the interests and obtain possession if the negotiations by agreement are unsuccessful. All leaseholders have been offered a market value and compensation in line with that normally offered under compulsory purchase and for the owner-occupiers an alternative and affordable rehousing solution via a shared equity property or property swap on the South Kilburn Estate.
- 3.5 Woodville Properties Limited (“Woodville”), are the freehold owners of 5-9 Chippenham Gardens and the Kilburn Park Post Office site (together the “Woodville Land”). On 11 November 2013, the Executive delegated authority to the then Strategic Director of Regeneration and Growth in conjunction with the Borough Solicitor and the Chief Finance Officer to enter into a collaboration agreement with Woodville. That collaboration agreement was entered into by the Council and Woodville on 19 December 2014 (the “Collaboration Agreement”).
- 3.6 The current tenant of the Kilburn Park Post Office confirmed that they did not want to return to the new development. Consequently he has entered into an agreement to surrender his lease and vacate the site with Woodville. Woodville has recently indicated that they may now be interested in simply disposing of their interest to the Council rather than participate in the Collaboration Agreement. Should the Cabinet approve the option to buy the Woodville Land, officers will seek to negotiate a valuation and terms to buy out their interest, subject to financial appraisal demonstrating that this proposal offers best value to the Council. If terms can be agreed a paper will be brought back to Cabinet at a later date to seek approval for the terms of the proposed buyout.
- 3.7 The Council is currently working through the CPO process for the Chippenham Site, however the Council, will continue and would prefer to seek to acquire the three residential units ahead of this process by mutual agreement.

Delivery Partner

- 3.8 The Council is seeking to engage a Delivery Partner now ahead of the site being fully vacant in order to speed up delivery timescales for both delivering the new homes, but also to assist with the wider South Kilburn programme. It is hoped that by the time a delivery partner is on board the site will be fully vacant. The procurement options currently being considered are:
- Procurement using the Competitive Procedure with Negotiation under the Public Contracts Regulations 2015 (PCR 2015);
 - Procurement by way of a mini competition using a framework that has itself been procured under the PCR 2015.

The Council preferred procurement is by means of a mini-competition, using an appropriate framework. Should these frameworks prove not be suitable then the alternative procurement method by means of the Competitive Procedure with Negotiation under the PCR 2015 will be followed.

- 3.9 The current estimated target for a start on site is the First Quarter 2018. The Council's preferred procurement route for the selection of a delivery partner for the Chippenham site is by means of a mini competition using an appropriate framework. The Council is currently reviewing a range of possible frameworks. Should the frameworks prove to be unsuitable however, then Officers would wish to proceed with a procurement using the Competitive Procedure with Negotiation under the PCR 2015.
- 3.10 Given that Officers have not yet identified a suitable framework, Cabinet approval is sought to delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Lead Member of Regeneration and Environment, authority to select the appropriate procurement route.
- 3.11 Should the Competitive Procedure with Negotiation procurement route be selected, Cabinet is asked to give its approval to the pre-tender considerations set out in Appendix 3 and in accordance with Standing Order 89.

Target Rents

- 3.12 On 18 July 2011 the Executive adopted HCA Target Rent level equivalence for affordable developments in South Kilburn. HCA Target Rent level equivalence was considered the only realistic way of affording the South Kilburn regeneration programme and avoiding the requirement for large amounts of grant that would not in themselves be certain of being awarded and, if awarded, would require rents to be increased to the new higher 'affordable rent' levels of up to 80% market rents.
- 3.13 Target Rents are calculated by a formula, the basis of which is set out below. Target Rent increases are also pegged to inflation and subject to an overall cap:
- 30% of a property's Target Rent is based on relative property values compared to the national average
 - 70% of a property's Target Rent is based on relative local earnings compared to the national average
 - A bedroom factor is then applied so that, other things being equal, smaller properties have lower rents.
- 3.14 Between 2010/11 and 2014/15 increases in Target Rent levels and caps were linked to RPI as set out in the tables below:

Year	Guideline Limit	All Items RPI changes at Previous September	Guideline Limit for rent changes	Maximum increase to individual rent
1/4/2014 to 31/3/2015	RPI + 0.5%	+ 3.2%	+ 3.7%	+ 3.7% plus £2 per week
1/4/2013 to 31/3/2014	RPI + 0.5%	+ 2.6%	+ 3.1%	+ 3.1% plus £2 per week
1/4/2012 to 31/3/2013	RPI + 0.5%	+ 5.6%	+ 6.1%	+ 6.1% plus £2 per week
1/4/2011 to 31/3/2012	RPI + 0.5%	+ 4.6%	+ 5.1%	+ 5.1% plus £2 per week
1/4/2010 to 31/3/2011	RPI + 0.5%	- 1.4%	- 0.9%	- 0.9% plus £2 per week

Year	Rent Cap Change limit	All Items RPI change at the Previous September	Change in rent cap Levels
1/4/2014 to 31/3/2015	RPI + 1.0%	+ 3.2%	+ 4.2%
1/4/2013 to 31/3/2014	RPI + 1.0%	+ 2.6%	+ 3.6%
1/4/2012 to 31/3/2013	RPI + 1.0%	+ 5.6%	+ 6.6%
1/4/2011 to 31/3/2012	RPI + 1.0%	+ 4.6%	+ 5.6%
1/4/2010 to 31/3/2011	RPI + 1.0%	- 1.4%	- 0.4%

- 3.15 In 2015/16 however this policy was reversed with rents in the social sector reducing by 1% per annum for four years from 1st April 2016.

Target & Formula Rent Caps 2015-16 have now been published as below:

Number of Bedrooms	Rent Cap
0 or 1	£141.43
2	£149.74
3	£158.06
4	£166.37
5	£174.69
6 or more	£183.00

- 3.16 New social rented properties developed in South Kilburn are worth more than existing Council properties, so attract a higher Target Rent under the formula outlined. Any inflationary rent increases on these new properties, would therefore also be higher in monetary terms.
- 3.17 In line with the Council's commitment to maintaining current HCA Target Rent level equivalence in regeneration areas it is recommended that the Cabinet agree to set the rent levels for the affordable units at the Chippenham site once complete, at rents equivalent to the HCA Target Rent levels.

4 Financial Implication

- 4.1 The financial model for the South Kilburn regeneration programme is to be self-financing within the funding envelope generated from on-going disposals. The capital receipts generated are reinvested back into the South Kilburn regeneration programme, to enable the rolling regeneration programme that delivers new homes.
- 4.2 The South Kilburn model has traditionally worked through a process of procuring delivery partners, who develop an existing site and generate high value properties. In return for this site, they build affordable and social housing, while also delivering capital receipts to support the capital programme.
- 4.3 The cost of the procurement process will be paid out of existing budgets.
- 4.4 This report refers to the continuation of the existing programme of leaseholder buybacks, however, this is an existing financial commitment. There are no new financial commitments made. This is because a report will still need to come back to Cabinet to approve a development partner if one has been found that meets the Council's requirements. Similarly, a decision to purchase 5-9 Chippenham Gardens, Kilburn Park Post Office will need to return to Cabinet.

5 Legal Implications

- 5.1 Officers consider that the development of the Chippenham site is best achieved through the use of a development agreement with a third party. As a result of rulings in the European Court of Justice, if the Council utilises a development agreement in respect of the land, it will need to undertake some form of procurement process which is compliant with EU law in order to identify a partner to carry out the development. The Court of Justice has ruled that development agreements cannot be viewed as merely part of a land transfer, because they impose detailed requirements as to the development to be constructed and are therefore a form of procurement of works.
- 5.2 As indicated in paragraph 3.9, Officers' preferred procurement approach is the use of a suitable framework that has been procured pursuant to the PCR 2015. The Council would be required to operate a mini-competition in accordance with framework rules, to include evaluation using the criteria specified in the framework. In accordance with Contract Standing Order 86 (e) no formal tendering procedures apply where contracts are called off under a Framework Agreement established by another contracting authority though there is a requirement for the Chief Legal Officer to confirm that participation in the Framework Agreement is legally permissible. Following the operation of a mini-competition Cabinet approval is required for the award of a High Value Contract.
- 5.3 Should it not be possible to identify a suitable framework to procure a delivery partner, the intention is to identify a delivery partner through inviting tenders using the Competitive Procedure with Negotiation under the PCR 2015.
- 5.4 When a Competitive Procedure with Negotiation under the PCR 2015 is used, the value of this proposed procurement over its lifetime will be higher than the EU threshold for Services and the procurement of the contract is therefore governed in full by the PCR 2015. The estimated value of the procurement is in excess of £500k and therefore it will be classed as a High Value Contract under Contract Standing Orders and accordingly the Cabinet must approve the pre-tender considerations set out in paragraph 3.18 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.5 Once the procurement process has been undertaken under the PCR 2015, officers will report back to the Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.6 Using the Competitive Procedure with Negotiation under the PCR 2015, the Council must observe the requirements of the mandatory minimum ten calendar days standstill period imposed by the PCR 2015 before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing the prescribed information which includes the reasons for the decision and the characteristics and relative advantages of the winning bid. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.7 As indicated in paragraph 3.4, the Council is seeking to acquire the 3 remaining RTB leasehold properties by negotiation. Where this is not possible however, the intention is to utilise compulsory purchase powers. Section 226 (1) of the Town and Country Planning Act 1990 (TCPA 1990) provides a tool to enable the Council to acquire and assemble land for planning purposes.
- 5.8 The statutory power can be used if the Council believes that it will facilitate the carrying out of the development (as defined by Section 55 of the TCPA 1990) redevelopment or improvement on or in relation to the land being acquired.

- 5.9 The Compulsory purchase order must only be made where there is a compelling case in the public interest in addition the Council should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.
- 5.10 Government policy provides that the Compulsory purchase powers must however be used as a last resort, the Council must demonstrate that it has taken steps to acquire the land and associated rights included in a compulsory purchase order.
- 5.11 The Council may seek to rely upon the Housing Act 1985 Schedule 2 which provides grounds upon which a Court may order possession of premises, provided that suitable alternative accommodation is available. Ground 10A can be utilised to obtain possession where an area which is subject of a redevelopment scheme approved by the Secretary of State and the Landlord intends within a reasonable time of obtaining possession to dispose of the dwelling house in accordance with that scheme.
- 5.12 It is noted that acquiring 5-9 Chippenham Gardens by way of mutual agreement is preferred. Section 227 of the Town and Country Planning Act 1990 provides that the Council may acquire by agreement any land which they require for any purpose for which a local authority would be authorised to acquire under section 226 of the Town and Country Planning Act 1990. This therefore extends to the acquisition of land by agreement for the purpose of development, redevelopment or improvement on or in relation to land.

6 Equality Implications

- 6.1 The new affordable homes in South Kilburn are available to all secure tenants currently living in properties due for demolition as part of the South Kilburn regeneration programme within the neighbourhood. In regards to the Chippenham site, secure tenants within the South Kilburn Regeneration Programme will be offered the opportunity to move into the new affordable (social rent) units. The additional units will be made available to other secure tenants living in properties due for demolition as part of the South Kilburn regeneration programme.
- 6.2 Every effort should be made to provide the secure tenants with suitable alternative accommodation and to reach mutually acceptable agreements with the leaseholders to buy their properties without seeking legal action. When identifying the options and alternatives put forward, the Council should proactively engage with affected residents and leaseholders.
- 6.3 As with all other schemes that are part of the South Kilburn regeneration programme, full consideration must be given to residents and leaseholders with protected characteristics, particularly people with disabilities and / or other types of vulnerabilities due to older age, childcare and/or caring responsibilities, socio-economic status (lone parents and large families).

Race / Ethnicity

- 6.4 Due to the ethnicity profile of the area, full consideration must be given to the impact on black, Asian and minority ethnic individuals/groups. The Council must also ensure that the options put forward to secure residents and leaseholders, so far as possible, provide reasonable and affordable alternatives that enable them to remain in the area and maintain their family and community ties, as per Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights.

Age/Carers/Disability/Pregnancy and maternity

- 6.5 The requirements for anyone who is older or with a disability, or those who are pregnant or on maternity to have to move from their current property (residential or commercial property) is likely to be more difficult and could suffer greater psychological effects, including stress. (This in turn has an impact on carers).
- 6.6 To mitigate this, for the secure tenants who are moving, the re-housing team provides help to secure tenants through the moving process, additional support and services to those who require it can be provided.
- 6.7 Leaseholders may be affected if they are seeking to acquire a similar sized property in the surrounding area as the value for a Local Authority property tends to be less than a non-Local Authority property. To counteract this leaseholders have been offered the option of shared-equity on the South Kilburn Estate. For those who move off the estate, they may have to increase/get a new mortgage agreement which could be difficult for older residents or those with caring/dependant children responsibilities. The Council is also in the process of recruiting an estate regeneration leasehold liaison officer which will liaise with all leaseholders providing support and guidance as to the options available to relocate or sell their property
- 6.8 The new accommodation on the Chippenham Site has been designed (10%) have been designed to be wheelchair adaptable dwellings and meet the requirements set out in Part M4 (3) 'wheelchair user dwellings'. All other dwellings across the scheme have been designed to meet the requirements set out in Part M4 (2) 'accessible and adaptable dwellings'.

Socio-economic Disadvantage

- 6.9 Target rents are proposed for secure tenants, but it should be noted that new social rented properties being developed in South Kilburn have a higher capital value than existing Council properties and therefore will attract a higher Target Rent under the target rent formula. In line with the Council's commitment to maintaining current HCA Target Rent levels in regeneration areas it is recommended that the Cabinet agree to set the rent levels for the affordable units at the Chippenham site once complete, at rents equivalent to the HCA Target Rent levels.

7 Staffing/Accommodation Implications

- 7.1 There are no specific implications for Council staff or accommodation associated with the proposals contained within this report save as detailed elsewhere in Section 3..

8 Public Services (Social Value) Act 2012

- 8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty does not strictly apply to the proposed contract as it is not a services contract. Nevertheless, Officers have had regard to considerations contained in the Social Value Act in relation to the proposed procurement.
- 8.2 The services being procured aim to improve the economic, social and environmental well-being of residents of South Kilburn through the disposal and development of this site. The new homes will improve living conditions of residents of South Kilburn. The delivery partner will be required prior to a material start (excluding demolition and piling) to inform in writing Brent Works of the projected number of construction jobs and

training opportunities to be generated through the development and provide a copy of the Schedule of Works, and, prior to a Material Start to prepare and submit for the Council's approval, an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and also the operational phase of the Development.

- 8.3 Officers will also have regard to the Social Value Act in its procurement of a delivery partner and seek to implement Social Value considerations where permitted.

9 Background Papers

Appendix 1 – Existing Site Plan

Appendix 2 - 5-9 Chippenham Gardens, Kilburn Park Post Office

Appendix 3 – Standing Order 88 & 89

10 Contact Officers

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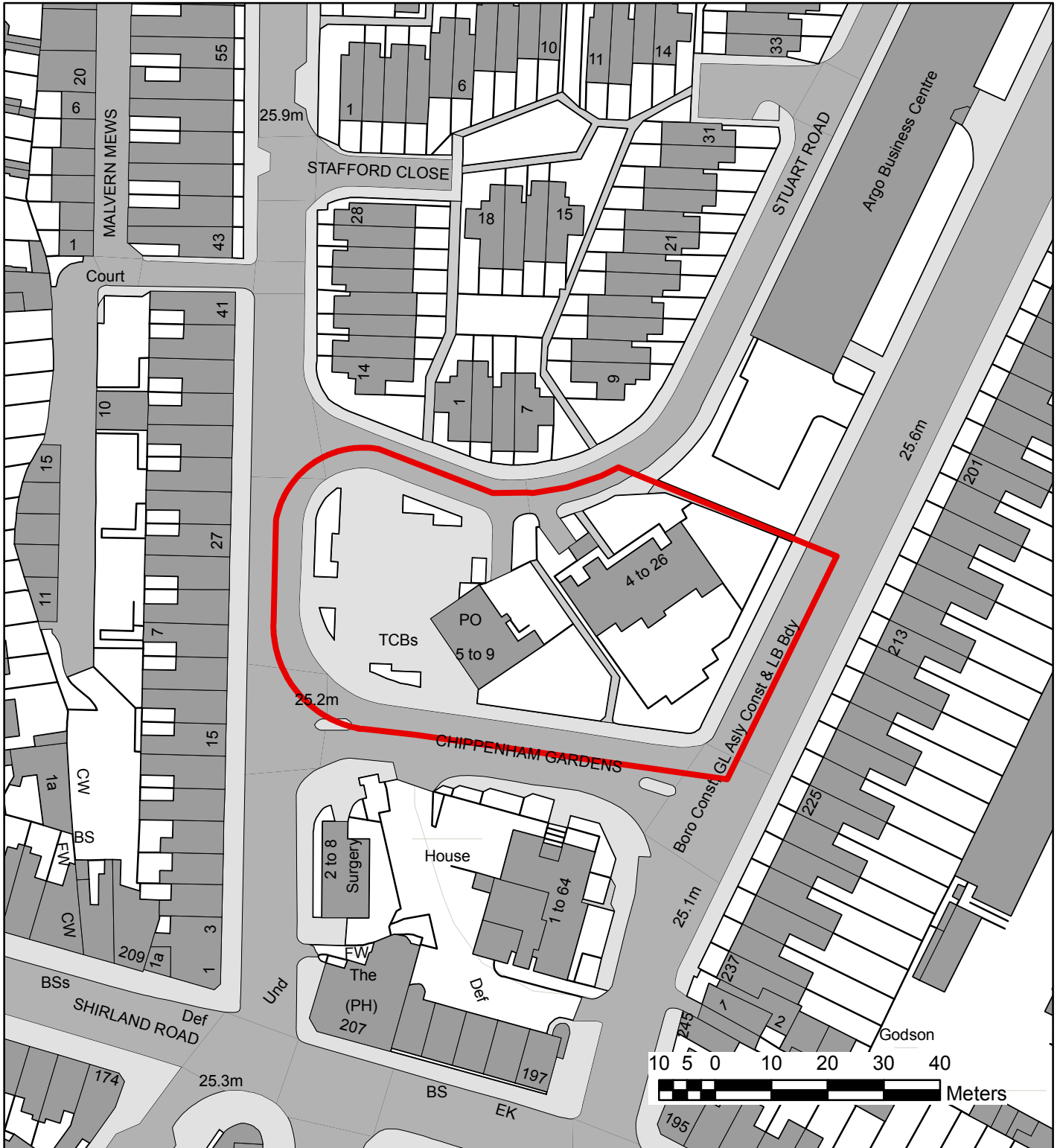
Email: aktar.choudhury@brent.gov.uk

AMAR DAVE

Strategic Director of Regeneration and Environment

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Chippenham Gardens Red Line Plan



Brent

1:1,000

Plan to stated scale if printed at A4.

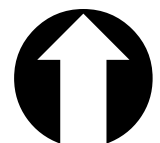
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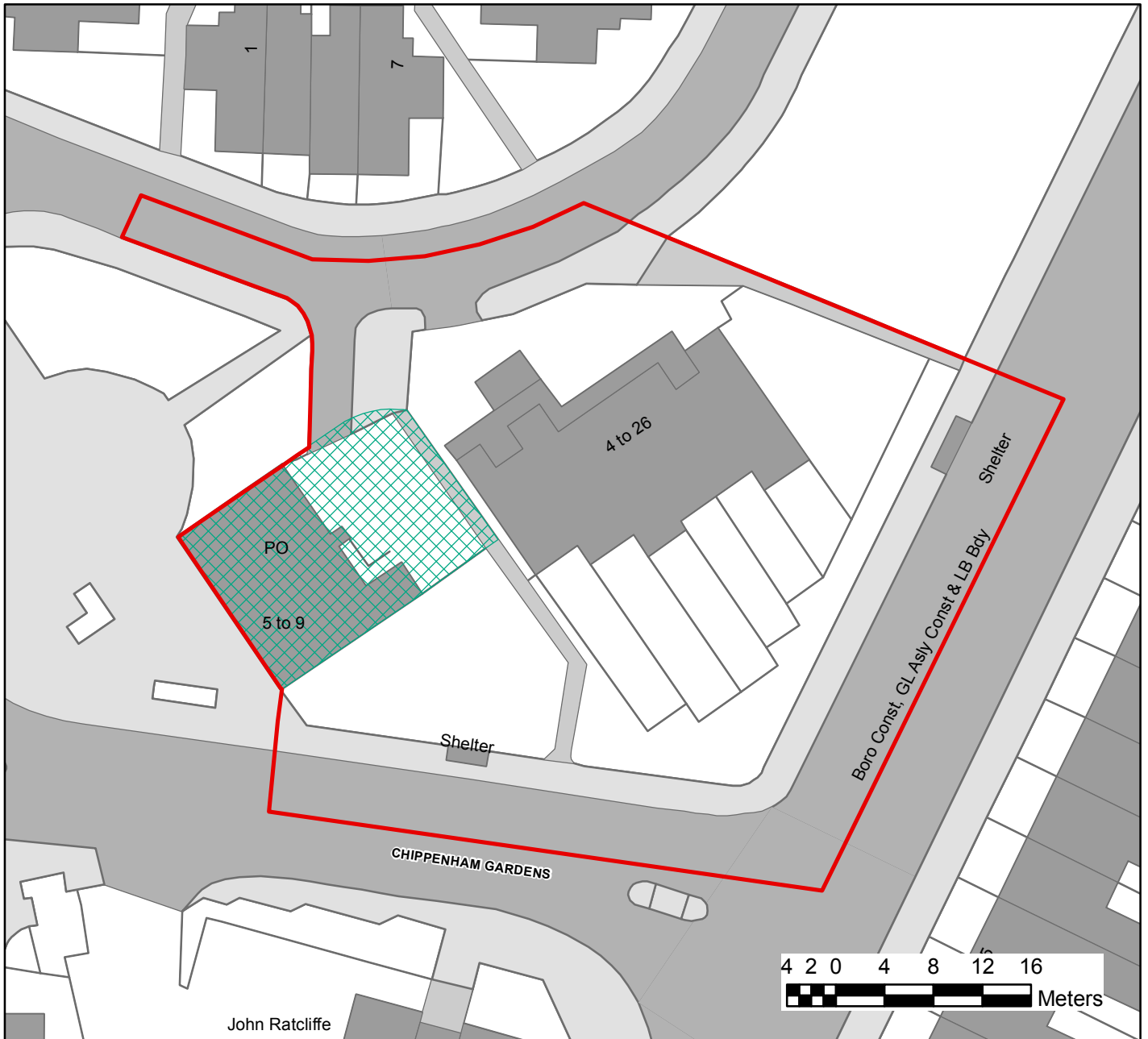
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NORTH



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Land North of Chippenham Gardens.



 Land North of Chippenham Gardens

 Woodville Land



1:500

Plan to stated scale if printed at A4.

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NORTH




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Appendix 3

Ref.	Requirement	Response
(i)	The nature of the service/ works.	To procure a delivery partner/contractor to develop the Chippenham site.
(ii)	The estimated value.	As the procurement is for a delivery partner, the Council would receive a receipt for the sale of the site. Any contract will have a value in excess of £500k thus being a High Value Contract under the Council's Contract Standing Orders and requiring Cabinet approval to tender.
(iii)	The contract term.	The contract period will be approximately four years.
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted otherwise than by electronic means and whether there will be an e-auction.	PCR 2015 compliant Competitive Procedure with Negotiation procurement route, in which parts of the procedure may be conducted by electronic means but there will not be an e-auction.
v)	The procurement timetable.	<p>The procurement would be undertaken during 2017. Indicative milestones/timescales are:</p> <ul style="list-style-type: none"> • Contract Notice placed • Selection Questionnaire (SQ) – 30 days • Evaluation of SQ responses in accordance with the Council's approved criteria – 10 days • Invitation to tender period – 6-8 weeks • Panel evaluation, moderation– 10 days • Negotiation meetings (if required) • Panel decision • Seek Cabinet approval to award contract • Standstill period – 10 calendar days
(vi)	The evaluation criteria and process.	<p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the SQ and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>Officers will evaluate the tenders from the shortlisted bidders on the basis of "most economically advantageous tender criteria" (MEAT) on the basis of:</p> <p>60% - price 30% - quality 10% - social value</p>

Ref.	Requirement	Response
(vii)	Any business risks associated with entering the contract.	The Council will ensure the Development and Sale Agreement is drafted to minimise all business risks.
(viii)	The Council's Best Value duties.	The procurement process will seek to ensure best value is achieved.
(ix)	Consideration of Public Services (Social Value) Act 2012.	See Paragraph 8 below.
(x)	Any staffing implications, including TUPE and pensions.	No staffing implications relating to TUPE or pensions.
(xi)	The relevant financial, legal and other considerations.	See Paragraphs 4 and 5 below. This proposed procurement process would be in line with the Council Standing Orders and the Public Contract Regulations 2015.

 <p>Brent</p>	<p>Cabinet 19 June 2017</p> <p>Report from the Strategic Director of Regeneration and Environment</p>
<p>For Action Wards affected: Kilburn</p>	
<p>Gloucester House and Durham Court – South Kilburn - Appropriation of Housing and Non Housing Land and Open Space</p>	

1 Summary

- 1.1 The regeneration of South Kilburn is a fifteen year programme that is approximately half way through. It aims to transform the area into a sustainable and mixed neighbourhood and create a real sense of place and belonging. The programme will deliver around 2,400 new homes of which 1,200 will be made available for social rent for existing South Kilburn, secure council tenants. To date 1073 new homes have been delivered with 60% (639) new homes having been made available for existing secure tenants of South Kilburn. Woodhouse Urban Park was opened to the public in May 2016 and South Kilburn residents are able to utilise St Augustine's Sports Hall.
- 1.2 The Council's objective is to provide high quality new homes with values driven from market sales in order to maintain the viability of the Regeneration Programme in the long-term, and to achieve a substantial improvement in the living conditions of existing South Kilburn secure Council tenants.
- 1.3 The South Kilburn Masterplan review took place in 2016, and the community are at the heart of our decision making process. We have taken an inclusive and participatory approach to consultation and engaged with residents and stakeholders of South Kilburn with extensive local consultation from July through to December, which directly fed into the drafting of a revised South Kilburn Supplementary Planning Document 2017 (SPD). It is due to be considered for adoption at the June 2017 Cabinet and will be an important document in determining how this area continues to transform over the next 10-15 years.
- 1.4 The South Kilburn Regeneration Programme also includes the delivery of a new larger high quality urban park and an improved public realm, a new local primary school, new health facilities, new retail facilities, an Enterprise Hub and Community Space, improved environmental standards and a South Kilburn District Energy System. The South Kilburn Programme has been recognised for exemplar design for new build homes as well as landscape projects and has won a number of prestigious awards.
- 1.5 This report seeks Cabinet approval to advertise the Council's intention to appropriate and thereafter dispose of open space (the open space shown coloured green on the

attached plan – appendix 1) at Gloucester House and Durham Court site, and to appropriate the whole site (the Site) including open space for planning purposes (the Site shown edged red on the attached plan – appendix 1). This is to allow for the redevelopment of the Gloucester House and Durham Court site.

2 Recommendations

- 2.1 Cabinet to approve to commence the advertisement of the Council's intention to appropriate the open space in accordance with its powers set out in section 122 of the Local Government Act 1972 and dispose of open space at Gloucester House and Durham Court Site to a third party in accordance with the provisions of section 233 of the Town and Country Planning Act 1990.
- 2.2 Cabinet to delegate to the Strategic Director of Regeneration and Environment, in consultation with the Lead Member for Regeneration, Growth, Employment and Skills, authority to consider the representations made by the public in response to the advertisement to appropriate and dispose of the open space and thereafter to decide whether to appropriate and dispose of the open space.
- 2.3 Cabinet to delegate to the Strategic Director of Regeneration and Environment in consultation with the Lead Member for Regeneration, Growth, Employment and Skills authority to appropriate the open space at the Gloucester House and Durham Court Site, and appropriate and dispose of the whole Site including open space for planning purposes (shown at appendix 1) if the Strategic Director of Regeneration and Environment in consultation with the Lead Member for Regeneration, Growth, Employment and Skills decides to do so following the consultation. Members are asked to note section 3.9 which outlines what the redevelopment of the Gloucester House and Durham Court site will consist of including the relocation and improvement of the public open space and play area at the north of the site.
- 2.4 Cabinet to delegate to the Strategic Director of Regeneration and Environment and reconfirm its approval to seeking the Secretary of State's consent under section 19 Housing Act 1985 in order to appropriate any part of the land consisting of a house or part of a house.
- 2.5 To note that the whole Site including the open space is no longer required for the purpose for which it is currently used.

3 Detail

Background

- 3.1 Gloucester House and Durham Court Site is within the wider South Kilburn Regeneration Programme.
- 3.2 Cabinet on the 24 April 2017 resolved:
- 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
- 3.3 As part of the Development and Sale Agreement the Council has to appropriate its interest in the whole Site for planning purposes. Section 122 (2A) of the Local Government Act 1972 provides that prior to the appropriation and disposal of open space that the Council must advertise its intention to dispose of the Open Space and to consider representation made by the public in response to the advert. Accordingly, the Council is required to advertise its intention to appropriate and dispose of the open space for two consecutive weeks.
- 3.4 After advertising the Council's intention for a period of two weeks there will be a two week period for consultation in which the public may make and submit representation to the Council in relation to its intention. After the two week consultation period the Strategic Director of Regeneration and Environment, in consultation with the Lead Member for Regeneration, Growth, Employment and Skills, will decide whether the appropriation and disposal of the open space, should occur having first taken into consideration the representations made.
- 3.5 Appropriation of the whole Site for planning purposes will facilitate the carrying out of the development. There is a compelling case in the public interest to appropriate the open space and the Site for planning purposes as developing the Site would serve in the public interest and accordingly, such development outweighs the effect of the acquisition on the rights of individuals. In addition, the development and regeneration will ultimately contribute to the economic and social well being of the area.
- 3.6 If a third party is able to establish an easement or a right over parts of the Site (the easements could include but are not limited to a right of way or a right to light) then the third party could potentially prevent the development and regeneration of the Site and apply for an injunction to prevent the conclusion of the development. The effect of appropriation is therefore to facilitate the re-development and improvement of the Site and to override third party rights and interests in the Site that may exist. It should be noted that third parties may be entitled to compensation for loss of their rights. The Development and Sale Agreement includes that the Developer will indemnify the Council in relation to any claims for compensation arising.
- 3.7 A detailed planning application for the redevelopment of the site was submitted on 9 May 2014, resolution to grant planning permission was given on 20 August 2014 (case number 14/1896) and a planning decision notice was issued on 23 September 2014.

- 3.8 On 9 May 2014 a Compulsory Purchase Order (CPO) for land surrounding and including Gloucester House and Durham Court was made. The CPO was confirmed by the Secretary of State for Communities and Local Government on 20th February 2015.
- 3.9 The redevelopment of Gloucester House and Durham Court site consists of:
- The demolition of 209 residential units and garages contained within the Gloucester House and Durham Court site
 - Erection of 236 new residential units - market sale (134 new homes) and affordable social rented (102 new homes)
 - Relocation and improvement of the public open space and play area at the north of the Site
 - New public realm and improved routes through the Site
 - Landscaped private and shared gardens
 - Basement car park providing 91 spaces
 - Space for an energy centre for the South Kilburn District Energy System.
 - Market and affordable dwellings including a range of 1 to 4 bed flats and 3 and 4 bed duplex family units
- 3.10 The appropriation includes open space with a public children's play area, however a new replacement play area will be provided. The Planning Committee Report of 20 August 2014 identified that in order to justify the proposed redevelopment it is important that the replacement facility is of a significantly improved quality. The report found that overall, the proposals appear to be of sufficient quality to justify the redevelopment of the existing play area and inconvenience that will be caused during construction when no play area will be provided.
- 3.11 It should also be noted that Paddington Recreation Ground is around 330m away, South Kilburn Urban Park approximately 400m away and in May 2016 the new Woodhouse Urban Park in South Kilburn opened which is just over 500m away.

4 Financial Implication

- 4.1 There will be minor costs associated with the appropriation in respect of the advertisement costs. These are covered by existing budgets. Not doing the consultation would prevent appropriating the land, risking stopping the entire project from taking place.
- 4.2 Claims could be made against the Council in respect of loss of third party rights, but as discussed above there will be indemnity within the Development and Sale Agreement in respect of this.

5 Legal Implications

- 5.1 Cabinet is advised that section 122 of the Local Government Act 1972 provides that a Council may appropriate land from one purpose to another if immediately before the appropriation the land is no longer required for the purpose for which it is held. S122(a) provides an additional requirement in relation to the appropriation of Open Space which is to advertise the Council's intention to appropriate the open space for two consecutive weeks and consider the representations made by the public. S123(2A) also imposes a similar requirement to advertise the intention to dispose of open space for two consecutive weeks and consider the representations made by the public.
- 5.2 Once appropriation has taken place section 233 of the Town and Country Planning Act 1990 (the 1990 Act) enables the Council to dispose of the land appropriated for planning purposes to such person in such manner and subject to such condition as appear to the Council to be expedient in order to secure the best use of the land or to secure the

erection construction or carrying out on the site any buildings or works appearing to be needed. The consent of the Secretary of State is needed where the disposal of the Site is for less than the best consideration that can reasonably be obtained except in the case of leases for a term of less than 7 years.

- 5.3 Provided that the land is validly appropriated then under section 203 of the Housing and Planning Act 2016 the interest of third parties will be overridden, provided that planning permission has been obtained and used for the building or maintenance work to be undertaken on the site and the maintenance or building work must be for a purpose related to the purpose for which the land was acquired, vested or appropriated.
- 5.4 Using Section 203 to override easements such as rights to light, allows the construction or maintenance work to be carried out even if it interferes with such a right, compensation will need to be paid.
- 5.5 Prior to development however it is prudent to make enquiries of what rights might exist over the land. This will involve inspection of the site to see if there are any obvious rights and checking land ownership records.
- 5.6 The Council should obtain the consent of the Secretary of State under section 19 Housing Act 1985 in order to appropriate any part of the land consisting of a house or part of a house.

6 Diversity Implications

- 6.1 This report seeks Cabinet approval to advertise the Council's intention to appropriate and thereafter dispose of open space at Gloucester House and Durham Court site, and to appropriate the whole site including open space for planning purposes. The appropriation is not altering existing plans for the site, but is a statutory process required.
- 6.2 All secure tenants and leaseholders have already vacated the site. Secure tenants have been re-housed predominantly into an earlier phase of the South Kilburn Regeneration Programme.
- 6.3 The appropriation includes open space with a public children's play area however a new replacement play area will be provided. Whilst the community will be without the open space during the construction period, it is important to note that there will be a re-provision following the completion of the development.
- 6.4 The Planning Committee Report of 20 August 2014 identified that in order to justify the proposed redevelopment it is important that the replacement facility is of a significantly improved quality. The report found that the proposals appear to be of sufficient quality to justify the redevelopment of the existing play area and inconvenience that will be caused during construction when no play area will be provided.
- 6.5 There is a need to ensure that the Council's Equality Analysis in relation to the different projects comprising the South Kilburn regeneration programme and their impact on residents (including leaseholders) with protected characteristics is kept up to date, and that reports to Members provide sufficient information to demonstrate adequate consideration of the impacts on all protected groups.
- 6.6 As with all other schemes that are part of the South Kilburn regeneration programme, full consideration must be given to residents and leaseholder with protected characteristics, particularly people with disabilities and / or other types of vulnerabilities due to older age, children and young people, residents with childcare and/or caring responsibilities, socio-economic status (lone parents and large families).

- 6.7 All of the proposed units will be constructed to be Lifetime Homes compliant. Ten percent of all units will be designed to be wheelchair accessible, or easily adaptable properties and the allocation process includes officers reviewing occupational therapy (OT) requirements for secure tenants so that their physical needs can be pre-built into the scheme such that their individual homes are tailored to take account of any identified OT needs.
- 6.8 Due regard must be paid to black, Asian and minority ethnic and religious groups (e.g. community ties and wider community infrastructure, needs of large families, etc). The proposed development would contribute towards the wider rebalancing of the affordable unit mix across South Kilburn where the aim is to provide a greater proportion of larger, three and four bedroom units.

7 Staffing/Accommodation Implications

- 7.1 There are no specific staffing or accommodation implications associated with the proposals contained within this report.

8 Public Services (Social Value) Act 2012

- 8.1 Not applicable

9 Background Papers

Cabinet reports:

24 April 2017 Gloucester and Durham Development Site – South Kilburn (for Delivery Partner award of contract)

Planning Committee Report

20 August 2014 Committee Report Planning Committee Case No. 14/1896

Appendices

Appendix 1 –Site Plan (including extent of public open space)

10 Contact Officers

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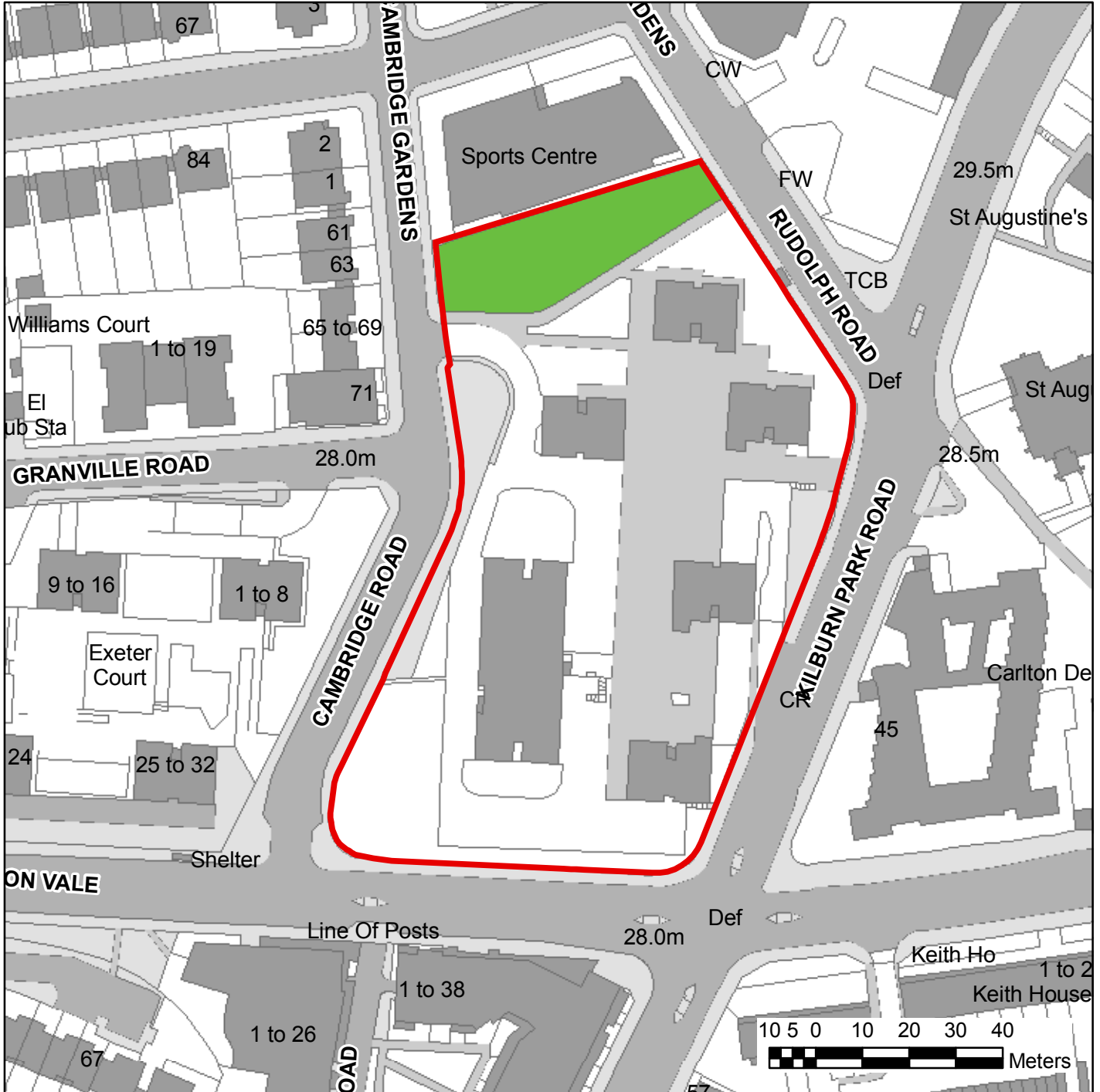
Aktar Choudhury

Operational Director of Regeneration

AMAR DAVE

Strategic Director Regeneration & Environment

Extent of Public Open Space, Gloucester House, Cambridge Road; and Durham Court, London NW6



Site



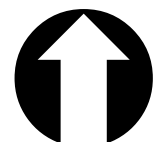
Public Open Space



1:1,250


Plan to stated scale if printed at A4.

NORTH



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 <p>Brent</p>	<p>Cabinet 19 June 2017</p> <p>Report from the Strategic Director, Regeneration and Environment</p>
<p>Wards affected: Wembley Central and Alperton</p>	
<p>Wembley Housing Zone Partnership Structure and Housing Zones Funding Requirements</p>	

Appendices 1 - 6 are not for publication by virtue of paragraph(s) 3 of Part 1 of 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 provides a further update on the Wembley Housing Zone and seeks endorsement to the ongoing negotiations with developer HUB to agree the Wembley partnership structure (a Joint Venture between the council and developer HUB or vehicle managed by HUB, such as Chesterfield House Partners LLP) and the preferred development option and funding structure to deliver the vision and objectives for the eastern 'fringe' of Wembley town centre.
- 1.2 The report also considers the financial implications of the proposals and seeks commitment to continued funding of the Housing Zones programme by the council in Wembley and Alperton.

2.0 Recommendations

Cabinet is asked to:

- 2.1 Endorse the preferred development option of identified sites (see Appendix 1a), including the council's surplus former Copland School land and Ujima House and car park, to be delivered through the Housing Zones programme;
- 2.2 Approve the preferred delivery option of forming a Joint Venture Vehicle with developer HUB or vehicle managed by HUB, such as Chesterfield House Partners LLP, as approved by the council;
- 2.3 Note that a future report to Cabinet will seek approval of the terms of:
- i) a Collaboration Agreement

- ii) a Joint Venture Agreement to create and enter into a Joint Venture Vehicle with developer HUB or vehicle managed by HUB, such as Chesterfield House Partners LLP, as approved by the council;
- 2.4 Note that in entering into a Collaboration Agreement, Joint Venture Agreement and forming the Joint Venture Vehicle, the council's financial liability shall be negotiated to be no greater than the costs incurred in preparing a planning application and developing the business plan and related strategies;
- 2.5 Subject to approval of 2.2 and 2.3, note a further Cabinet report will seek:
- i) Endorsement of the final business plan and detailed financial appraisal
 - ii) Authority to transfer the council owned sites into the Joint Venture Vehicle
 - iii) Authority for up to 50% of the development financing to be provided to the Joint Venture Vehicle.
- 2.6 Agree seed-funding of £1.615m, subject to approval of 2.2, to continue the council's work in both Wembley Housing Zone and Alperton Housing Zone;
- 2.7 Endorse completion on the purchase of Ujima House by 29th June 2017 with the council taking any potential business rates liabilities and other holding costs until demolition and redevelopment, in order to retain the council's stake on the north of Wembley High Road and control of the Wembley Housing Zone programme;
- 2.8 Agree that, should the acquisition of Network Rail land not proceed, the council can continue with a smaller development programme including Ujima House, former Copland School land and other sites as agreed by the council.

3.0 Detail

- 3.1 The Housing Zones programme will deliver transformational change in Wembley town centre and along the Grand Union Canal in Alperton. They will:
- Deliver on the council's strategic objectives as set out in its Brent 2020 Vision, Regeneration Strategy, Brent Borough Plan, Wembley Area Action Plan and Alperton masterplan Supplementary Planning Document
 - Achieve a step-change in the image and profile of Wembley Town Centre and Alperton through significant place-making improvements
 - Unlock previously uneconomic sites in poor condition on outdated industrial land and to significantly accelerate and increase the supply of much needed housing, including affordable housing in the borough
 - Further economic benefits are included in Appendix Six.

Wembley Housing Zone Partnership Structure (Joint Venture Vehicle)

- 3.2 This comprehensive redevelopment approach in Wembley will:
- maximise land use efficiency and help to deliver 651 residential units, including 215 affordable homes
 - enable the council to secure £8m grant funding from the GLA to fund land acquisition, with Ujima House being the first transaction funded from this money

- regenerate this end of Wembley High Road and help better connect it to the new development at Wembley Park
- create new commercial floorspace and 200+ jobs in Wembley
- return a long term receipt to the council, from a 50% share in profits generated through the Joint Venture.

Further analysis is provided in Appendix Two of this report.

- 3.3 The proposed Wembley development programme includes sites identified from architectural capacity studies and viability assessments. All sites are allocated development sites within the Wembley Area Action Plan 2015. The updated analysis of development options is set out in Appendix Two. The analysis considers the housing, economic, financial and regeneration benefits of four options and confirms the current programme is the preferred option for promoting and delivering the vision and objectives for the 'fringe' of the town centre. It includes the council's surplus former Copland school land, subject to Secretary of State for Education's consent, and Ujima House.
- 3.4 The vision for the regeneration of the eastern end of Wembley High Road is to include all identified phases in the development programme (see Appendix 1a). Phase 4, however, is anticipated to be the most challenging. This is due to multiple freehold and leasehold interests, and the increased likelihood of having to use Compulsory Purchase Order powers to assemble the land for development.
- 3.5 The delivery structure options available to the council have all been considered and the analysis of these options is set out in Appendix Three of this report. The options that have been considered are:
- Option 1) Outright disposal of Copland, which will return a land value receipt.
 - Option 2) Develop Copland with a developer partner and share the profit, which will return the land value and a share of sales profit.
 - Option 3) Develop Copland with HUB / Chesterfield House Partners LLP along with the Network Rail lands (to be acquired by HUB/Joint Venture Vehicle) as part of a Joint Venture Vehicle. This will return a deferred land receipt along with a share of the profit from both sites.
 - Option 4) JVV with HUB / Chesterfield House Partners LLP for Copland and all the other identified sites (map is shown in Appendix 1a), which will return a deferred land receipt and a 50% share of the developer profit from all the sites. Copland is necessary if the council want to buy into the Joint Venture Vehicle and have access to the developer skills and profits.
- 3.6 Option 4, establishing a Joint Venture Vehicle with HUB / Chesterfield House Partners LLP is the recommended option as it gives the council:
- more comprehensive and coherent regeneration of Wembley High Road
 - more control over the place-making and regeneration
 - greater financial return through access to 50% developer profit
 - potential to increase the affordable housing numbers.

Further detail is contained within Appendix Three and a risk log for this option and associated mitigation measures is attached as Appendix Four.

- 3.7 Network Rail cannot sell their land directly to the council as current legislation prohibits housing outputs on land sold to a local authority to count towards housing targets that

Network Rail are obliged to deliver on the sale of their land. HUB are therefore leading on negotiations with Network Rail and their agents on the Heads of Terms for the acquisition of the Chiltern Line Cutting South lands.

3.8 Negotiations between the council and HUB representatives remain ongoing and a copy of the latest heads of terms of the potential partnership structure is attached to this report as Appendix Five. These negotiations include legal and financial due diligence of HUB and Chesterfield House Partners LLP to help determine the partnership structure. In summary, the structure of the partnership is proposed as follows on the advice from Counsel and the council's external legal advisers, Bevan Brittan:

- Collaboration Agreement: deals with Stage One of the partnership which will include land assembly, planning, grant funding arrangements and land transfer and,
- JV Agreement: deals with Stage Two which will be the development phase but will need to be entered into at the same time as the Collaboration Agreement (or close to it) to ensure risk transfer and structure is settled at the same time. Key documents to be prepared and agreed between the parties are a draft Business Plan, Shareholders Agreement and a Development Management Services Agreement. The intention is to engage HUB as Development Manager to the Joint Venture, on terms to be agreed and approved by the JVV Board when established.

3.8 Prior to both parties land being transferred into the Joint Venture Vehicle, a further report will be brought to Cabinet to detail the financial model of the scheme and seek approval for up to 50% of the development finance (but likely to be significantly less than that).

Funding the Alperton and Wembley Housing Zones programme

3.9 To fund the full Housing Zones programme (Wembley and Alperton) commitment is required now to the level of resources needed to continue the development and delivery of the programme, including securing the Wembley partnership with HUB and their Special Purpose Vehicle Chesterfield House Partners LLP, the submission of a planning application and ultimately the regeneration of the town centre.

3.10 The additional funding requirement for Wembley adds to the financial resources required to deliver both Housing Zones. The Financial Implications section of this report sets out the anticipated project expenditure across both Housing Zones from 2017 until 2021. A financial forecast of project development expenditure across both Housing Zones is provided in Appendix Six. This results in a total funding requirement of £1.615m.

3.11 Significant capital investment will be required to acquire land and properties in Wembley and develop the identified sites. £8m of GLA Housing Zone grant funding has been secured in principle through an Overarching Borough Agreement, and the terms of the funding agreement are being negotiated currently. The council will only draw down on the GLA grant where it presents best value for the council within the Joint Venture framework. Officers are seeking to ensure the funding does not adversely affect the council's commercial interests. It is assumed the council will use this grant to fund the acquisition of Ujima House and fund or part fund further acquisitions in the programme (the balance to be funded out of the council's own capital resources).

- 3.12 In forming the Joint Venture, a business plan will be prepared and this will provide more up-to-date information of the projected costs of the scheme, the equity and debt funding required, and the council's role and financial commitment required to deliver the scheme through the Joint Venture Vehicle.

4.0 Financial Implications

- 4.1 This report commits the Council to spend up to £1.615m. This funding will be utilised towards 50% of the masterplanning and planning application costs in Wembley, and legal and programme management expenditure across both Housing Zones. A further breakdown is detailed in Appendix Six. Should a Joint Venture Vehicle not be formed, up to £1m of the £1.615m could be offset against the cost of a separate development of council-owned sites.
- 4.2 There is a risk attached to the funding agreed in principle between the GLA and Brent. However, both Alperton and Wembley plans are well advanced and the GLA is heavily involved in decision-making, therefore this risk is fairly well mitigated.
- 4.3 Until planning permission has been granted and both parties transfer their land into the JVV, the risk is limited to points 4.1 and 4.2. It is at that point the council would be bound to 50% of the development risk. However, there will be a separate report to Cabinet prior to that point seeking approval for up to 50% of the development finance costs (but likely to be significantly less than that), as per 2.5 of this report.

5.0 Legal Implications

- 5.1 Legal firm Bevan Brittan, supported by expert opinion from Counsel, are the Housing Zones solicitors and have provided ongoing input into the development of the Wembley partnership structure with HUB / Chesterfield House Partners LLP, including the draft Heads of Terms. They have specifically advised on and ensured to date that the proposed structure complies with EU Procurement regulations, state aid rules and 'best consideration' requirements set out in the Local Government Act.
- 5.2 The proposed partnership structure with HUB / Chesterfield House Partners LLP is split into two stages comprising (i) the collaboration with HUB / Chesterfield House Partners LLP to work together as landowner and secure planning, and (ii) the Joint Venture Vehicle to deal with the development. This is to separate the tasks and responsibilities for each stage as well as the council's role as landowner and as developer.
- 5.3 The council has agreed to acquire Ujima House and its car park on the north side of the High Road from L&Q. The council will need to complete by 29th June 2017 and then take on any liability for business rates and other holding costs unless it could let the building on a temporary basis, and officers are currently exploring this option. It was always anticipated that officers would need to address these points, but they have arisen earlier than anticipated in the programme.
- 5.4 Once the council have worked with HUB / Chesterfield House Partners LLP to assemble land under a collaboration agreement it will be permitted to dispose of land in its ownership to the Joint Venture Vehicle provided it complies with "Section 123 of the Local Government Act 1972" (which provides that the council may dispose of land held by it in any manner it wishes but is under a statutory duty to ensure that the Council

does not dispose of land for a consideration less than the best that can reasonably be obtained).

6.0 Equality Implications

- 6.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Due regard is the regard that is appropriate in all the circumstances. The weight to be attached to the effects is a matter for the council. As long as the council is properly aware of the effects and have taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following.
- 6.3 The need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision.
- 6.4 The need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.5 The need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons' disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant class of people they might be.
- 6.6 The need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low).
- 6.7 The need to tackle prejudice and promote understanding.
- 6.8 The overall aim of the Housing Zones programme is to increase the supply of housing, including between 30% and 50% affordable housing. For the purpose of the current funding model for the Wembley 'fringe' scheme, it is assumed the affordable housing will amount to 30% of the overall housing mix. However, the aim is to increase this to a minimum of 35% through the Joint Venture Vehicle. The mix of affordable housing tenures will vary from one project to another across the programme(s) depending upon viability to maximize the social and economic cohesion of the sites and surrounding areas, as well as the equality and social value outcomes for Brent communities.
- 6.9 The programme will seek to anticipate and address the housing needs of local residents across all protected characteristics. Any social or affordable rented housing would be subject to the council's adopted Housing Allocations Scheme.
- 6.10 As with all other schemes that are part of the council's wider regeneration programme, full consideration must be given to individuals and groups with protected characteristics, particularly people with disabilities and / or other types of

vulnerabilities due to age (both older adults and young people), childcare and/or caring responsibilities and infrastructure, socio-economic status (lone parents and large families). Due regard must also be paid to black, Asian and minority ethnic and religious groups (e.g. community ties and wider community infrastructure, needs of large families, etc.).

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 N/A

Background Papers

N/A

Contact Officers

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 <p>Brent</p>	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from the Strategic Director of Regeneration and Environment</p>
<p>For Information</p>	<p>Wards affected: All except parts of those wards in Tokyngton, Stonebridge, Harlesden, Kensal Green that fall within the Old Oak and Park Royal Development Corporation boundary</p>
<p style="text-align: center;">Basement Supplementary Planning Document</p>	

1.0 Summary

- 1.1 Cabinet approved the draft Brent Basement Supplementary Planning Document (SPD) for consultation on 19th February 2017. This report sets out the results of the consultation feedback, officer responses and where necessary recommended changes to the document. It seeks the agreement of Cabinet to adopt the amended Basement Supplementary Planning Document.

2.0 Recommendations

- 2.1 Cabinet consider the consultation representations received on the draft Basement Supplementary Planning Document, officer responses and recommended amendments to the document as set out in Appendix 1 of this report
- 2.2 Cabinet approve the adoption of the Basement Supplementary Planning Document as set out in Appendix 2 of this report.
- 2.3 Cabinet revoke the Interim Guidance on Basements issued in 2013.

3.0 Detail

Background

- 3.1 Basement development, particularly of existing residential properties has been increasing across London in the last decade, especially in some of the central boroughs. At its extremes it has resulted in some streets having had the majority of homes subject to such development, or individual homes being subject to applications for 'mega-basements'; structures of multiple levels with new floorspace well in excess of the existing dwelling.

- 3.2 Basement development activity in Brent has been more limited both in the number of applications received (15 residential basements in existing properties in 14/15 and 18 in 15/16) and the volume of the spaces proposed. The majority of activity has been in the south of the Borough; here generally house prices are higher, plus the constraints on extending outwards and upwards reduce the opportunity to otherwise increase dwelling size.
- 3.3 Basement extensions in conservation areas do need planning permission from the council due to the Article 4 directions that remove permitted development rights within conservation areas. To clarify the Council's position on planning applications, Brent introduced interim guidance on basement development in 2013.
- 3.4 In response to residents' concerns about adverse impacts of basement developments, Cabinet on 19th February 2017 approved the draft Basement Supplementary Planning Document for consultation. The report for that item provides detailed background on why it was considered necessary to take forward a new Supplementary Planning Document.
- 3.5 This report sets out the consultation responses received, officers' recommendations on those responses and where necessary proposed changes to the Supplementary Planning Document for Cabinet to consider. The report recommends Cabinet adopt the amended Basements Supplementary Planning Document 2017, to replace the interim guidance on basement development 2013 which needs to be formally revoked.

Consultation on the draft Basement Supplementary Planning Document

- 3.6 The document was consulted upon for a 6 week period ending 30th March 2017. The consultation comprised:
- website
 - paper copies in libraries
 - a public notice in the South Kilburn Times
 - individuals, statutory consultees, local councillors, residents' groups and interested parties
 - a meeting with Mapesbury Residents' Association and Queen's Park Residents' Association
- 3.7 Thirteen responses were received ranging from statutory consultees, locally active organisations and individual residents in or around the area. The majority of the responses were overall positive about the contents of the draft document, although they might have had specific areas of concern.
- 3.8 A schedule of the responses received, officer consideration and recommended changes to the draft SPD are set out in Appendix 1. This also identifies some minor changes, such as references to other documents, or organisations to contact.

4.0 Responses – brief overview

4.1 The following matters were raised, the:

- a) Sustainability of basement development
- b) Amenity impacts related to noise, visual impact, overlooking and entrances
- c) Design and heritage related to archaeology, scale and variations necessary related to conservation area characteristics.
- d) Trees and gardens – loss of mature trees and accuracy of information submitted with applications
- e) Flood risk – concerns about cumulative impact and underground rivers not accounted for
- f) Construction impacts: requirement for a structural statement, a bond to pay for repairs/damage to neighbours and suitably qualified person to monitor construction works and addressing the general potential for disturbance caused by the construction activities.

Sustainability of basement development

4.2 This was questioned, including the energy used in excavation, additional materials required to meet structural requirements, including retaining walls and the fact that often these areas have poorer levels of light.

4.3 In response, the construction of a basement, as with creation of any additional room will create further energy demands. This cannot be a reason for their refusal, but the SPD does promote the use of energy efficient products.

Amenity impacts related to noise, visual impact, overlooking and entrances

4.4 Concerns were raised about the SPD not addressing plant associated with basements and the need for an associated noise assessment; a necessity to not create separate entrances to basements; and the impacts of light wells, both in terms of increasing potential for light pollution and overlooking.

4.5 It is proposed to amend the SPD to take account of potential noise by seeking a noise assessment where necessary. The SPD seeks to reduce the visual impact of light wells by seeking provision of screening, whilst overlooking, given the length of extensions permitted, is not considered likely to be a significant issue. In terms of not allowing a separate access to the basement, the SPD states basements are only acceptable as living accommodation as part of a single dwelling. Basements should therefore be accessed from the main property. This has been further emphasised in the SPD.

Design and heritage

4.6 Heritage England provided additional information in relation to on-going work on archaeological evidence which could be incorporated into the SPD; the SPD needed greater recognition of the differences in characteristics of areas which would impact on the acceptability of basement proposals; and the length restriction of 3 metres on basements was welcomed.

- 4.7 In response the SPD has been amended to take account of advice provided by Heritage England and give more prominence to advice provided within conservation area design guides where there is one.

Trees and gardens

- 4.8 There was concern that basements can lead to loss of mature trees, and that applicants sometimes conceal the fact there are trees on site. Photographs should be required of the existing site was suggested.
- 4.9 The SPD sets out that trees, including those on site, on adjoining sites and within the street or other areas of public space, are to be protected. A site survey is required alongside each application, and this is verified by site visit. Where there are potential impacts to trees the SPD requires applications to be accompanied by a Tree/ Arboriculture Report to be assessed by the Council's Tree Officer. The SPD has been amended to state site survey should include photographs of existing site.

Flood Risk & Drainage

- 4.10 Concerns that basements increase flood risk. Details should be provided of how flood risk and surface water flooding have been addressed in the design, and should demonstrate how cumulative effects have been considered. In areas where greater risks are identified a geo-hydrology report should be produced to set out the impact on water flow.
- 4.11 The SPD requires applications in flood zones 2 and 3, and in areas with a history of localised flooding, to be accompanied by a Flood Risk Assessment and Drainage Strategy, informed by a site specific assessment of geological and hydrological conditions. It is recommended that this is further emphasised in text and also a requirement added that reports are prepared by a suitably qualified specialist. Critical Drainage Areas are recommended to be added to the Flood zone map.

Construction Impacts

- 4.12 A significant concern raised was that basement development impacts on the structural integrity of neighbouring properties. It was suggested that: a Structural Statement should be required alongside the application, prepared and signed off by a Chartered Civil Engineer or Structural Engineer; a bond should be secured through the planning system to pay for the repair of any damage to neighbouring properties; and a suitably qualified person should be retained during construction works to monitor works. It was suggested this could be undertaken by the Council's Building Control Team. There was also concern around the disruption caused during the construction process and solutions proposed, such as a requirement for a construction management plan and applicants signing up to the Considerate Constructors' Scheme.
- 4.13 Planning Practice Guidance states that generally courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be material considerations. The Council has sought a further legal opinion, and advice has been received that it is not a material consideration to enter into a consideration of whether a

development will cause damage to an adjoining owner. That is not the function of a Local Planning Authority. Requiring a Structural Method Statement as part of the planning application, will falsely give the impression that the planning system can guarantee the structural stability of a neighbouring property. The Party Wall Act controls matters such as structural stability, method of construction and impacts on neighbouring properties.

- 4.14 In relation to the suggestion of a bond, The Party Wall Act allows adjoining owners to request the building owner to provide a bond or insurances to provide security in the event of a dispute. The money remains the building owner's throughout but can be drawn upon to pay for rebuilding or repair, in the event the surveyors identify there is damage as a result of the works which needs to be put right. There are no such financial mechanisms to secure a bond through the planning system.
- 4.15 The need for a suitably qualified person is again an issue that is addressed through the Party Wall Act provisions which allow for the appointment of such a person to represent the interests of affected parties. As Building Control is open to competition the Council cannot require the use of their Building Control service due to competition laws.
- 4.16 In relation to the potential general disturbance caused by construction activities, the council cannot refuse planning permission because construction works may cause noise and disturbance; informatives and conditions are applied to reduce their impact where possible within planning law. In order to reduce potential disruption to residents and neighbours caused by major construction schemes the Council requires developers to sign up to the Considerate Constructors Scheme. This is secured via a Section 106 agreement. It is recommended that this is highlighted in the SPD. In relation to hours of work, these are restricted under Environmental Health legislation and an informative is placed on planning permissions.
- 4.17 The SPD also outlines how matters related to the construction of basements are dealt with by Environmental Health and Highways using powers under the Highway Act, Environmental Protection Act and Control of Pollution Act. An Enforcement Team is being created within Environmental Services which will tackle issues associated with construction impacts. In addition, consideration is being given to taking forward a Code of Construction Practice, similar to that produced by Westminster Council, which will outline detailed requirements in relation to construction works. This would be produced by Environmental Services and cover all construction, not just basements. It is therefore a separate piece of work to the Basement SPD. These points have been shared with colleagues in Environmental Services.

Conclusions

- 4.18 The 13 consultation responses indicate that there is concern around basement development. The Council is seeking to take forward a Basement Supplementary Planning Document to provide further guidance on the issues that it will consider in the determination of planning applications. The 6 week consultation on the draft document generated a number of responses. The SPD contents are proposed for amendment (as summarised in this report and set out in Appendix 1) as a result of the consultation and other minor amendments that will improve the document.

- 4.19 Nevertheless, it is evident that many of the matters raised are those that cannot be addressed through the planning system. It is recognised that this may be frustrating for some of those that have responded to the consultation. Nevertheless, officers have sought to ensure that the SPD is as helpful as it can be in sign-posting those impacted by basement development on the measures otherwise available to them and the Council to address matters of concern through other legislation and practises.
- 4.20 On the basis of the consultation representations received, officer responses and recommended changes, the proposed revised Basement Supplementary Planning Document 2017 is set out in Appendix 2 and recommended to Cabinet for adoption. It is also recommended that the now superseded, existing Interim Guidance on Basements issued 2013 is revoked by Cabinet.

5.0 Financial Implications

- 5.1 The cost of adopting the SPD – staff time and a small amount of printing costs - will be met from existing planning policy budgets.
- 5.2 The environmental monitoring work proposed by the Operational Director Environment will be subject to separate processes with an associated business case and consultation for any Code of Construction Practice.

6.0 Legal Implications

- 6.1 Regulations provide for Local Planning Authorities to adopt Supplementary Planning Documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary Planning Documents cannot introduce new policy or allocate sites for development.

7.0 Diversity Implications

- 7.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have “due regard” to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 7.2 Statutory public consultation will be carried out in the process of preparing and adopting the Supplementary Planning Document. An Equalities Impact Assessment screening opinion has been undertaken which identified no positive or negative impacts in relation to those with protected characteristics as a result of the document.

8.0 Staffing/Accommodation Implications (if appropriate)

8.1 None arising specifically from the draft Supplementary Planning Document.

Background Papers

Brent Basements Interim Guidance 2013

Cabinet 19th February 2017 Draft Basement Supplementary Planning Document

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Appendix 1 Summary of Responses to the Basement Supplementary Planning Document and Proposed Changes

Consultation responses and proposed changes to the document are set out in the recommendations below. Additions to text are underlined whilst with deletions are highlighted with ~~strike through~~.

General	
Respondent	Environment Agency
Response	No comment
Officer Response	Noted
Recommendation	No change
Respondent	Natural England
Response	No comment
Officer Response	Noted
Recommendation	No change
Respondent	J Hanika
Response	Visuals - Suggested more illustrations and visuals would be beneficial.
Officer Response	Noted. Consideration given to adding further visuals where relevant
Recommendation	Add photos where it can assist in understanding an issue.
Respondent	Mapesbury Resident's Association (MapRA)
Response	Images - Include photos of well-developed basements.
Officer Response	Noted. Consideration given to adding further photos where relevant
Recommendation	Add photos to show good quality basement extensions.
Respondent	R Sharp, Resident
Response	<p>Welcomes the development of a Basement SPD. The present draft contains a number of relevant elements towards the formation of a sound policy on the creation of new basements but it is insufficiently robust to meet the concerns of those Queen's Park residents who have worked hard over the years to maintain the special character of the area. Sad to say but in general developers and residents who want to insert basements into terraces are interested in short term financial gains and are not committed to the long term quality of the place where we live.</p> <p>The SPD needs clear criteria which would enable the Council to refuse basements in specific circumstances. Suggests that there should be a presumption against basements in terraced housing over 100 years old in conservation areas, similar to listed buildings.</p>
Officer Response	<p>Noted.</p> <p>The SPD does not and could not introduce a blanket ban on basements to listed buildings. In line with national policy,</p>

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	the suitability of the introduction of a basement to a listed building is to be assessed on a case by case basis having regard to the potential for harm to the special architectural or historic interest of the building. In the case of conservation areas, a Heritage Statement will be required, demonstrating how the development accords with the Conservation Area Design Guide.
Recommendation	No change
Respondent	D Woolley, Resident
Response	Contractors and designers likely to be fully aware of the legislation. However, if they are also being done by buy to let landlords, or even owner occupiers, then it may be a fair point that they need to be told the rules.
Officer Response	The SPD provides a point of information for both developers undertaking works, and neighbouring occupiers impacted. It helps to ensure all parties are aware of the consents relevant to basement development, and their rights. Contractors that do not secure the relevant permissions may be subject to enforcement action from the Council or, in the case of the Party Wall Act, private legal action.
Recommendation	No change
Respondent	M Beaman, Resident
Response	There are plenty of references to 'encouragement' 'consideration' but very few 'thou shalt / shalt not's'. As a result I do not believe that it would stand up to a determined applicant particularly insofar as matters that impact on neighbouring properties are concerned.
Officer Response	The SPD supplements policy requirements which are established in national, London Plan and local policies. As such the wording in the SPD, in terms of whether it is a requirement or a recommendation, is reflective of these adopted policies.
Recommendation	No change
Respondent	Mapesbury Resident's Association (MapRA)
Response	Provided context - MapRA members have become increasingly concerned about such development. Brent has been urged to develop a policy so that residents and applicants have a clear picture of what may be acceptable development (or not) and what other remedies they may have (under private as opposed to public rights) should they object to a basement development that might affect them
Officer Response	Noted.
Recommendation	No change
Respondent	Queen's Park Resident's Association
Response	The members of QPARA believe that measures should be put in place to 'preserve and enhance' - two of the guiding principles enshrined in the Design Guide - the special architectural integrity of the homes in this estate within the Queens Park Conservation Area. The anti-social impact of noise, vibration, dust, heavy lorry movements in small narrow streets, loss of parking spaces,

General	
	and damage to trees and pavements are experienced over long and protracted periods during construction. We request more co-operation between departments within Brent and resources applied to ensure all relevant departments take an active part in the planning approval, monitoring and enforcement process for proposals in the CA.
Officer Response	The SPD is the result of engagement with relevant officers across the Council, including Highways Enforcement, Environmental Services, Transport, Drainage, Building Control and Planning Enforcement. The SPD seeks to bring together information on the different regimes and consents relevant to basement development. However, the SPD is a planning document and as such the main body of the document focusses and provides guidance on planning matters.
Recommendation	No change

Chapter 1 Introduction	
Respondent	J Hanika
Response	As Mapesbury Conservation Area has no design guide, it is very important the details of the new planning guide lines are included in the future Conservation Design Guide for Mapesbury.
Officer Response	Noted - A Conservation Design Guide for Mapesbury is now being taken forward.
Recommendation	No Change
Respondent	J Roberts, Resident
Response	1.2 Planning Permission: Clarification needed as to which basement developments do not require planning permission.
Officer Response	Permitted development rights are set nationally, and subject to emerging case law. Until recently it has generally been accepted by the courts that outside of conservation areas a basement is permitted development if it is under the footprint of a house, less than one storey, and has no external features. However, in November last year a High Court decision indicated that basements involving 'engineering operations' are not permitted development. Due to the uncertainty this has created we have not defined what constitutes permitted development in our guidance. Instead we recommend householders submit an application for a Certificate of Lawful development, and the Council will reach a view as to whether a planning application is required based on current legal advice.
Recommendation	No Change
Respondent	J Hanika
Response	1.2 Planning Permission: Welcome strong encouragement to enter into pre-application advice with the Development Management Team.
Officer Response	Noted.
Recommendation	No Change
Respondent	J Hanika

Chapter 1 Introduction	
Response	1.3 Other Consents: Welcomed guidance on other consents required under the Party Wall Act, and Highways Act, Environmental Protection and Control of Pollution Act.
Officer Response	Noted.
Recommendation	No Change
Respondent	Mapesbury Resident's Association (MapRA)
Response	1.3 Other consents: Provide more information on private rights they can investigate e.g. restrictive covenants within a lease or other registered with the Land Registry to which they have recourse. It would be sufficient for Brent to point out that such rights may exist and that public rights under planning law are not the only recourse for residents. There was a suggestion of a flow diagram for residents to follow. A party wall notice should be issued asap and not just within the minimum statutory period of one month. Other Consents: Welcomed guidance on other consents required under the Party Wall Act, and Highways Act, Environmental Protection and Control of Pollution Act.
Officer Response	A flow diagram is included in the SPD. Text can be amended to recommend householders have the relevant consents in place as far in advance of works as possible.
Recommendation	1.3 Other consents: Add final sentence "There are prescribed timescales for gaining consents in advance of works, however, householders are advised to have the relevant consents in place as far in advance of works as possible."
Respondent	Queen's Park Resident's Association
Response	1.3 Other consents: Building Control oversight from Brent Officer to any development in the Conservation Area irrespective of any external agent. Evidence of qualifications and suitability of constructors provided. Brent inspectors should always have full access to any basement development and a named Brent Officer should be displayed at the construction site for concerned neighbours to be able to contact.
Officer Response	Building Control is open to competition, as such the Council cannot require anyone to use their Building Control service. Under the Party Wall Act a surveyor is appointed to agree the Structural Method Statement and any additional investigations. The surveyor monitors works throughout and ensure works comply with the method statement and Party Wall Award.
Recommendation	No change

Chapter 2 Planning Matters	
Respondent	R Sharp, Resident
Response	2.2 Sustainability: The introduction of basements create additional rooms, with further energy demands and therefore are not sustainable.
Officer Response	The construction of a basement, as with creation of any additional room will create further energy demands. This is not a reason for refusal, but the SPD does promote the use of energy efficient products.

Chapter 2 Planning Matters	
Recommendation	No change
Respondent	V Secretan, Resident
Response	2.2 Sustainability: Concern for impact on Victorian and Edwardian houses. If people want a larger house, they should be prepared to move to find one. The protection of the environment, including insect and birdlife for all, now and in the future, is much more important than the apparent greed of a number of individuals, with the appalling impact on their neighbours. Encouraged to see so many sustainability aspects covered in the documents – from minimising damage to trees, restricting the size of light wells. However, basement development is intrinsically unsustainable. Suggest the positive recommendations in the text are insufficiently strongly emphasised in the check list. In addition, reference should be included to impact on birdlife of the additional lighting, in addition to the loss of front and rear garden planting areas.
Officer Response	Noted. Paragraph 2.2 of the SPD states biodiversity and green infrastructure should be protected, and paragraph 2.5 elaborates on this. Where a basement development will impact on front and rear gardens a landscaping assessment is required, to be agreed with the landscaping team. Sustainability requirements can be further highlighted in the checklist as suggested.
Recommendation	3. Checklist Of Requirements: Sustainability Add another bullet point: <u>“Has biodiversity and green infrastructure been protected and reinforced?”</u>
Respondent	Queen’s Park Resident’s Association
Response	2.2 Sustainability: To include impact on trees – street and site – pavements, roadways, drainage etc. All trees must be protected. A statement of how the proposed development will enhance the CA should be supplied with photos of the existing site.
Officer Response	The SPD sets out that trees, including those on site, on adjoining sites and within the street or other areas of public space, are to be protected. Where there are potential impacts to trees the SPD requires applications to be accompanied by a Site Survey and Tree/ Arboriculture Report. This will be assessed by the Council’s Tree Officer. A heritage statement will also be required for development within conservation areas. In line with national policy development in conservation areas is required to conserve and enhance the setting of heritage assets. The SPD can be changed as suggested to state site survey should include photographs of existing site.
Recommendation	3. Checklist Of Requirements: Validation Requirements Site Survey Change “All basement applications. <u>To include photographs of existing site.</u> ” Additional bullet point “ <u>Photographs of the existing site;</u> ”
Respondent	J Hanika
Response	2.3 Amenity - Require a noise assessment, where external plant is proposed (or internal plant requiring external ventilation).
Officer Response	Noted. Noise assessments are required for the installation of plant or uses that generate excessive noise, in line with

Chapter 2 Planning Matters	
	Planning Practice Guidance. Cross-reference to be added to SPD.
Recommendation	2.3 Amenity Add a final sentence: “A noise assessment, will be required where external plant is proposed or internal plant requiring external ventilation.” Relevant policies add: “Development should not unacceptable increase exposure to noise.” 3 Validation Requirements: Add “Noise Assessment – Where external plant is proposed or internal plant requiring ventilation.”
Respondent	Mapesbury Resident’s Association (MapRA)
Response	2.3 Amenity - both during and post-construction. Concerns included loss of privacy, outlook and light pollution. In the case of properties which have been sub-divided, residents would like to see Brent being reluctant to approve an application where the light well is overlooked and the garden vista damaged from upper floor properties. Queried potential to require obscure glazing to preserve privacy, and apply conditions on light generation or position and direction of lighting fixtures. Screening light wells would usually be insufficient to address this issue.
Officer Response	The SPD recommends light wells and roof lights are screened by soft landscaping, which will have benefits in terms of light spill. However, this is to be balanced with the need to allow natural light into the basement. When taking into account the existing context a light well or roof light is unlikely to generate significant additional light pollution, so as to impact on wildlife. For example an external garden light will generate higher levels of light spill and can be fitted without planning permission. To minimise visual impacts of basements the SPD required soft landscaping to be reinforced and reinstated, and only allows roof lights where they are to the rear of the property and flush to the wall. Obscured glazing can be required where overlooking is an issue. However, this is less likely to be an issue with basements where windows are located within light wells and therefore generally do not directly overlook an adjoining property.
Recommendation	2.4 Heritage and Design External Elements Last paragraph add: “This will also assist in reducing light spill.”
Respondent	Queen’s Park Resident’s Association
Response	No external access to basements from the front or rear of the property.
Officer Response	The SPD prevents basements from forming accommodation in isolation, as such they should be accessed from the main property and a separate access would not be appropriate, as this would suggest the intention was for the basement to form accommodation in isolation. This can be further emphasised in the SPD.
Recommendation	2.3 Amenity add: “Basements should be accessed from the main property. It will not be appropriate for basements to have a separate access, as this would indicate they are to be used as a separate dwelling.”
Respondent	J Hanika
Response	2.4 Design & Heritage. Scale - Welcomed limits on size of basements, which are more restrictive than other councils.
Officer Response	Noted.
Recommendation	No change

Chapter 2 Planning Matters	
Respondent	Mapesbury Resident's Association (MapRA)
Response	2.4 Design & Heritage. Scale - Rather than a 3 metre limit, scale should reflect the size of the property (i.e. whether it's terraced, semi-detached or detached); its proximity to neighbouring houses and its garden size. The basement itself should not exceed the original footprint of the property. Mapesbury's new Design Guide may address the issues of design in respect of properties in the Conservation area, but the same stringency should apply to properties outside the conservation area.
Officer Response	Having assessed the scale of properties and gardens in areas of the borough where basements are prevalent, applying a percentage approach equivalent to for example Westminster, would result in basements of a significantly greater scale than the 3 metre limit proposed. However, reference has been added to the SPD to considering the context of the scale of building and garden.
Recommendation	2.4 Design & Heritage. Scale Change first sentence: "Basement development should <u>consider the context of the scale of the building and garden, and should not:</u> "
Respondent	Mapesbury Resident's Association (MapRA)
Response	2.4 Design & Heritage. External Elements - Policy presently applied by Brent in respect of Queen's Park might be inappropriate for Mapesbury. Under no circumstances would permission be granted for light wells to the front and sides of any conservation area property in Mapesbury Conservation Area; such permission being inconsistent with its conservation designation.
Officer Response	Noted. Emerging Mapesbury Conservation Area Design Guide will provide locally specific design guidance, and this will be highlighted in the SPD.
Recommendation	2.4 Design & Heritage. External Elements: Change " <u>Within conservation areas, the relevant Conservation Area Design Guide will provide guidance as to the appropriateness of light wells. If new Where front light wells are proposed appropriate to the local context, they should project from the front wall of the house by no more than 800mm or half the length of the front garden, whichever is less.</u> "
Respondent	Queen's Park Resident's Association
Response	2.4 Design & Heritage. External Elements - A standard restriction on light wells - on the front or side where any light pollution to the street or other properties or invasion of privacy would result. A restriction on the size of any basement related to the size of the site and property.
Officer Response	The SPD recommends light wells and roof lights are screened by soft landscaping, which will have benefits in terms of light spill. However, this is to be balanced with the need to allow natural light into the basement. When taking into account the existing context a light well or roof light is unlikely to generate significant additional light pollution, so as to impact on wildlife. For example an external garden light will generate higher levels of light spill and can be fitted without planning permission. To minimise visual impacts of basements the SPD required soft landscaping to be reinforced and reinstated, and only allows roof lights where they are to the rear of the property and flush to the wall. Obscured glazing can be required where overlooking is an issue. However, this is less likely to be an issue with

Chapter 2 Planning Matters	
	basements where windows are located within light wells and therefore generally do not directly overlook an adjoining property.
Recommendation	No change
Respondent	J Hanika
Response	2.4 Design & Heritage. – Heritage. Require a Heritage Statement, where applicable. The council has a duty of care to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas when considering development proposals. Alterations associated with basement development (such as light wells) may affect the character and appearance of a conservation area. In areas such as Queens Park, Mapesbury, and all the other protected conservation areas of Brent, trees, gardens and boundary walls make a particularly important contribution to the suburban character.
Officer Response	Section 2.4 sets out a Heritage Assessment will be required for any basement development for or affecting a heritage asset, including a conservation area, listed or locally listed building, registered park or garden.
Recommendation	No change
Respondent	Queen's Park Resident's Association
Response	2.4 Design & Heritage. – Heritage. Restrict Permitted Development rights for basements within the Conservation Areas.
Officer Response	Nationally prescribed permitted development rights in relation to basements do not apply within Conservation Areas. This is set out in the SPD.
Recommendation	No change
Respondent	J Hanika
Response	2.4 Design & Heritage. – Archaeology. An Archaeological Desk top assessment should be required. Where an archaeological assessment is required, the applicant's archaeologist will need to consult the GLHER and other sources to establish the archaeological interest of the area. In some cases geo-technical pits, trial excavation or boreholes will be needed, typically this would be where the presence of remains of regional or national significance is suspected. Where assessment indicates that significant remains are likely to be harmed the report should also consider how that impact could be mitigated. The guide could mention in more detail, the historical importance of the highlighted areas of the map.
Officer Response	Section 2.4 sets out an Archaeological Assessment will be required for applications within Archaeological Priority Areas and Sites of Archaeological Importance. Even outside of these areas vigilance for archaeological remains will be required during construction. For conciseness the SPD does not outline the history of each area. However, reference can be added to the Council's Conservation webpage which provides further information.
Recommendation	Section 2.4 Archaeology Add: "Further information on their significance is available at: www.brent.gov.uk/heritage ."
Respondent	Historic England

Chapter 2 Planning Matters	
Response	<p>Pleased to see that the document addresses the question of potential impacts on heritage assets of basement extensions. In the interests of clarity there are some minor changes suggested:</p> <ul style="list-style-type: none"> Listed buildings - suggest text is amended to refer to 'significance' to align this with the NPPF. For instance '... structural integrity of the building, and any features that are architecturally important or contribute to its significance'. Archaeology – suggest following is included: 'The Archaeological Priority Areas within Greater London are currently undergoing a programme of review and are being comprehensively updated using up to date evidence and consistent standards to comply with National Planning Policy. The Archaeological Priority Areas for Brent are due for review in 2019. Where there is a risk of a development impacting heritage assets of archaeological interest, consultation should be carried out with the Great London Archaeological Advisory Service (GLAAS)'
Officer Response	Noted. Amendments made as suggested.
Recommendation	<p>2.4 Design and Heritage Listed Building: Change to "It must be demonstrated the development will preserve the hierarchy and interrelationship of spaces, existing fabric, structural integrity of the building, and any features that are architecturally important or contribute to its significance."</p> <p>2.4 Design and Heritage Archaeology: Add "<u>The Archaeological Priority Areas within Greater London are currently undergoing a programme of review and are being comprehensively updated using up to date evidence and consistent standards to comply with National Planning Policy. The Archaeological Priority Areas for Brent are due for review in 2019. Where there is a risk of a development impacting heritage assets of archaeological interest, consultation should be carried out with the Great London Archaeological Advisory Service (GLAAS)</u>"</p>
Respondent	J Hanika
Response	2.5 Trees and Gardens. An arboricultural report and tree survey should be required. The tree survey should show location of trees on or within the vicinity of the site, and assessment of the effect of the proposal on the trees and details of tree protection, preservation orders, and trees affected in the public domain
Officer Response	The SPD sets out that trees, including those on site, on adjoining sites and within the street or other areas of public space, are to be protected. Where there are potential impacts to trees the SPD requires applications to be accompanied by a Site Survey and Tree/ Arboriculture Report. This will be assessed by the Council's Tree Officer.
Recommendation	No change
Respondent	J Hanika
Response	2.5 Trees and Gardens. Concern in small gardens that basements may give rise to loss of garden. Detailed landscaping plans identifying each and every mature tree on the property and next door to it (and on the highway) and the impact on such trees and plants should be a pre-requisite to consideration of a planning application by Brent Planning

Chapter 2 Planning Matters	
Officer Response	See response above
Recommendation	No change
Respondent	J Hanika
Response	2.6 Flood Risk and Drainage: - details should be provided of how flood risk and surface water flooding have been addressed in the design, and should demonstrate how cumulative effects have been considered. In areas where greater risks are identified a specialist geo-technical engineer and/or a geo-hydrologist should be used and a geo-hydrology report produced to set out the impact of water flow produced by the proposed basement. The map set out in the report does not show the critical drainage area adjacent to Kilburn border with Camden on Shoot up Hill, Kilburn station and some areas of Cricklewood – Chichele Road.
Officer Response	SPD requires applications in flood zones 2 and 3, and where there are localised flooding issues to be accompanied by a Flood Risk Assessment and Drainage Strategy, informed by a site specific assessment of geological and hydrological conditions. This will be further emphasised in text.
Recommendation	2.6 Flood Risk and Drainage: Add before relevant policies box: <u>"This is available at www.brent.gov.uk/flooding."</u> Add before Table 1 <u>"Development in flood zones 2 and 3, and in areas with a history of localised flooding are to be accompanied by a Flood Risk Assessment and Drainage Strategy. These studies are to be informed by a site specific assessment of geological and hydrological conditions, prepared by a suitable qualified specialist."</u> Remove in paragraph after Table 1 "In areas with a history of localised flooding, applications should be informed by a site specific assessment of geological and hydrological conditions."
Respondent	Mapesbury Resident's Association (MapRA)
Response	2.6 Flood Risk and Drainage: - Running beneath Mapesbury is at least one culverted river (the Slade River) and that some (but not all) back gardens in Mapesbury are prone to flooding after persistent rainfall. Residents are concerned that their properties may be at greater risk of flood (or subsidence) problems in the future. Applicants should be required to show what flood risk exists.
Officer Response	See response above.
Recommendation	Changes identified in the response above.
Respondent	J Hanika
Response	2.8 Construction. Not rigorous enough and does not address the problems of the amenity and security of property of the neighbours, and the neighbourhood of the developer/ applicant. Highlighted contentious nature of basement development, and disruptive nature of work. Given the complexity of the basement construction process it is particularly important that detailed proposals of all aspects of design and construction are fully worked out at an early stage and prior to submission of any planning application. The drawings including site location plans, existing and proposed plans, sections and elevations and landscaping plan, should include a Structural Statement prepared and signed off by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struc.E) and including setting out a

Chapter 2 Planning Matters	
	Basement Impact Report. This would explain to the neighbours of the applicant, the impact on stability of adjoining properties the drainage, nearby trees and on boundary wall.
Officer Response	<p>Certain matters relating to basement construction are not controlled by the planning system. Planning policies cannot replicate or cut across matters within the scope of other legislative requirements. The Party Wall Act controls matters such as structural stability, method of construction and impacts on neighbouring properties. As set out in the SPD Under the Party Wall Act in the event of a dispute a surveyor or surveyors are appointed. The surveyors are then responsible for:</p> <ul style="list-style-type: none"> • agreeing the structural method statement and any necessary additional investigation into issues such as groundwater; • drawing up the party wall award; • monitoring works to ensure compliance with the terms of the award; • resolving disputes between owners during construction; and • deciding whether there is damage which needs to be put right. <p>The Party Wall Act also allows adjoining owners to request the building owner to provide a bond or insurances to provide security in the event of a dispute.</p> <p>Requiring a Structural Method Statement as part of the planning application, will falsely give the impression that the planning system can guarantee the structural stability of a neighbouring property. This is not the case. Planners are not structural surveyors and are not qualified to assess such reports, moreover once planning permission is granted planners do not have the jurisdiction or qualifications to ensure works are being undertaken in accordance with the structural method statement; the planning system also cannot require a bond or require damage to be put right. For these reasons it would be damaging to give the false impression a Party Wall Award is not needed and these matters will be dealt with through the planning system. For this reason the SPD outlines to applicants and neighbouring occupiers their responsibilities and rights under the Act.</p>
Recommendation	No change
Respondent	R Sharp, Resident
Response	2.8 Construction: Structural impacts - Recognise that the risk of longer term movement within the block is not normally considered a planning matter (but it is a major worry for neighbours and is not adequately dealt with in the Party Wall Act. The approach of the Council to the developer needs to be holistic. There should be investigation reports about risk and if there is material risk the developer should have to provide a long-term insurance bond to cover any repairs needed.
Officer Response	See response above
Recommendation	No change
Respondent	Queen's Park Resident's Association

Chapter 2 Planning Matters	
Response	2.8 Construction: Structural impacts - Requirement that an enduring Bond or some other measure be put in place by the applicant for a minimum of 10 years to address evidence of damage after completion. Use of CIL or s.106 agreement, or some other measure to enforce compliance and provide financial protection
Officer Response	Under the Party Wall Act adjoining owners can request the building owner to provide a bond or insurances to provide security in the event of a dispute. The money remains the building owner's throughout but can be drawn upon to pay for rebuilding or repair, in the event the surveyors identify there is damage as a result of the works which needs to be put right. There are no financial mechanisms to secure a bond through the planning system. The financial mechanisms through the planning system are planning fees, Community Infrastructure Levy and Section 106. Sec 106 and CIL are to fund infrastructure associated with development, and could not be used for the purposes of a bond.
Recommendation	No change
Respondent	M Beaman, Resident
Response	2.8 Construction: Structural impacts - A key issue is the impact that basement construction has on adjacent older terraced buildings in areas like Queen's Park which have soft clay over stiff clay soils. The soft clay swells and shrinks with the seasons and the stiff clay does not. A basement will have deeper foundations and the result on the neighbouring property is having one foundation on stiff clay and the other shallower foundation on soft clay. The result can be long term differential movement and cracking, shearing and other damage. This problem is not dealt with through the Party Wall system which only protects against short term problems. Neither is it commonly dealt with by the Building Inspectors even in the rare event that they have the time to consider it. Insofar as it affects issues of SUSTAINABILITY it is properly a planning matter. In my view an appropriate response would be to: <ul style="list-style-type: none"> (a) require an investigation the sub soil (b) require (not 'advise') that properly qualified and insured professionals are retained (c) ensure that these studies are shared with Building Control (d) not permit the development of basements where there is a danger of differential movement affecting adjoined buildings.
Officer Response	See response above
Recommendation	No change
Respondent	Mapesbury Resident's Association (MapRA)
Response	2.8 Construction: Structural impacts - Mapesbury houses back onto the tube line and residents living in Dartmouth Road and Chatsworth Road are concerned as to the impact of basement development on their properties which are (or are feared to be) structurally compromised already by the rail line. Planning should consider requiring an applicant to pre-consult and have proper engineering and structural (including geo-hydrology) reports plus impact reports and landscaping schemes from properly qualified experts available before an application is considered.
Officer Response	See response above

Chapter 2 Planning Matters	
Recommendation	No change
Respondent	Queen's Park Resident's Association
Response	2.8 Construction: Structural impacts - Houses in this area are about 100 years old, designed and built as 2-storey terraces using soft lime mortar, without deep foundations, 'floating' on soil and sub-soil which moves as part of a street scene where originality and lack of pollution and visual intrusion are essential elements. The sub-soil consists of 2 layers of clay with different densities and structure which cause the buildings above to rise and fall as they absorb seasonal changes in water content. Basements need to punch through top layers to provide stability and strength, using modern materials. Adjoining properties without such developments are more likely to suffer structurally from this essential difference. These problems can take many years to materialize. The Party Wall Act and standard Highways and environmental legislation affords some protection during construction and for a limited period following but not long enough for the evidence of structural problems to materialize and those responsible to be held to account. There is little evidence that proper monitoring on a regular basis takes place. A full geological report of the site and adjacent land including water survey should be required by qualified experts.
Officer Response	See response above
Recommendation	No change
Respondent	J Hanika
Response	<p>2.8 Construction: As construction works associated with basement developments have the potential to cause disruption which often lasts longer than other residential extensions, the council could request a construction management plan be submitted at planning stage to demonstrate that reasonable consideration has been given to issues such as access, working hours and impact on local amenity. Although it can be recognised that full detail may not be available before any contract is let, the broad approach to construction method, and management should be considered by the applicant and their design team at this stage. Some of the main issues which should be considered to ensure construction works, do not cause undue disturbance are set out below.</p> <ul style="list-style-type: none"> • Contact list of Contractors, • Party wall surveyors • Neighbours address and telephone numbers (in case of an emergency) • Timetable and schedule of works <ul style="list-style-type: none"> - Hours of work (8:00 – 18:00 Mondays to Fridays) - No Saturdays, Sundays or Bank holidays • Access parking, storage of materials and use of public highway • Access amenity to community while construction is being carried out • Proposed use of cranes, large items of equipment and supplementary reports on the amount of vibration and noise that will be created by said equipment

Chapter 2 Planning Matters	
	<ul style="list-style-type: none"> • Proof of Contractor belonging to the Considerate Contractors Scheme
Officer Response	The SPD outlines how matters related to the construction of basements are dealt with by Environmental Services and Highways using powers under the Highway Act, Environmental Protection Act and Control of Pollution Act. The Council's Environmental Service is appointing an Enforcement Team which will tackle issues associated with construction impacts. In addition, consideration is being given to taking forward a Code of Construction Practice, similar to that produced by Westminster Council, which will outline detailed requirements in relation to construction works. This would be produced by Environmental Health and cover all construction, not just basements. It is therefore a separate piece of work to the Basement SPD. These points have been shared with colleagues in Environmental Health. In relation to hours of work, these are restricted under Environmental Health legislation and an informative is placed on planning permissions. Reference to the Considerate Constructors Scheme is made in the Development Management Local Plan and can be added to the SPD.
Recommendation	2.8 Construction: Add at end of 2 nd paragraph <u>"In order to reduce potential disruption to residents and neighbours caused by major construction schemes we require developers to sign up to the Considerate Constructors Scheme. This will be secured via a Section 106 agreement."</u>
Respondent	R Sharp, Resident
Response	2.8 Construction: Concern of impacts - the noise, dust, transport and parking impacts of the 8-12 month building process. Impact on quiet enjoyment. Highlights the Kensington & Chelsea SPD as best practice.
Officer Response	See response above in relation to Code of Construction Practice. The Kensington & Chelsea requirements relate to their Code of Construction practice.
Recommendation	No change
Respondent	Mapesbury Resident's Association (MapRA)
Response	2.8 Construction: – details should be provided of plans for waste and soil removal with details of how and where deposited; number of skips and location to be agreed; number of vehicles permitted on site/street; clear descriptions must be included of how the health of local residents is protected from dust and noise pollution; plans for vehicle, street and pavement cleaning and maintenance; constructors to provide details of all vehicles delivering materials and approved contractors; days and hours of operation; general noise levels during construction and permitted machinery with noise levels and periods of operation. All contractors to be members and sign up to Considerate Constructors Scheme.
Officer Response	See response above in relation to a Code of Construction Practice.
Recommendation	No change
Respondent	Mapesbury Resident's Association (MapRA)
Response	2.8 Construction: Brent should require a Construction Management Plan to be approved in advance and, furthermore, it should be enforced. There should ideally be no work at weekends and other building works should keep to a strict

Chapter 2 Planning Matters	
	time. Given also that such development can stress the highway, Brent should seek to put in place a requirement to make good any such damage.
Officer Response	See response above in relation to a Code of Construction Practice.
Recommendation	No change
Respondent	Network Rail
Response	Basements for dwellings could include excavation, earthwork, piling and drainage works which could impact upon Network Rail land, infrastructure, support zones, tunnels, cuttings, embankments etc. Works to construct basements (which could impact upon the railway) should therefore be submitted to Network Rail for review and agreement. Within the checklist of requirements and/or validation requirements a policy to include assessment of the proposal on any railway infrastructure. Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order).
Officer Response	Text can be added to SPD to highlight statutory undertakers should be engaged where there is scope for works to impact on their operations.
Recommendation	2.8 Construction: Add “Should the excavation of a basement have potential to impact on infrastructure, the relevant bodies should be consulted at the earliest stage. For example in the case of rail infrastructure Network Rail, and canals and rivers The Canals and Rivers Trust.”
Respondent	Canal & Rivers Trust
Response	Requested the document refers to Code of Practice for Works Affecting the Canal & River Trust.
Officer Response	See response above.
Recommendation	No change

Chapter 3 Check List of Requirements	
Respondent	J Hanika
Response	Community Infrastructure Levy (CIL) - The SPD could give more guidance to neighbours on what to expect, who they can turn to and what contribution is made by the Council from the payment of CIL.
Officer Response	CIL is very rarely likely to apply to residential basement extensions, as they would have to be over 100 square metres to qualify and even then are likely to be subject to relief requests. It is a validation requirement that all planning applications are accompanied by a CIL liability form. Further information on CIL is available on a dedicated Council webpage.
Recommendation	No change.

Appendix 1 Other regimes and controls	
Respondent	J Roberts, Resident
Response	Surely all developments require notification to all interested parties of Party Wall Act.
Officer Response	As set out in the SPD adjoining owners must be informed of work by serving a notice at least one month before the planned start date for excavation. If work commences without notice being given in the proper way, adjoining owners may seek to stop work through a court injunction or seek other legal redress.
Recommendation	No change
Respondent	D Woolley, Resident
Response	Highways: There is a suggestion that it is necessary to take photographs identifying contractors' vehicles when reporting damage to the public realm by building work. People may not wish to take photographs when they can be seen by contractors, and when works involve a white van it may not be possible to identify a company name.
Officer Response	The Council can only take action against contractors where there is evidence they have damaged the public realm, as such it is beneficial where possible for details such as the registration number, company name, and photographs to be provided.
Recommendation	No change

Additional Non-Significant Changes Made to the SPD to improve its clarity and reflect adoption stage

Other Officer Changes	
Issue	Final document to reflect fact consultation was undertaken and when adopted
Response	Remove Section 1.4 Public Consultation to reflect consultation undertaken and Update Front Cover
Proposed Change	Front Cover: " Consultation Draft February Adopted June 2017 " Section 1.4 Public Consultation Delete
Issue	Who is the SPD most relevant to?
Response	Provide greater clarity on what SPD purpose.
Proposed Change	1.1 Purpose of Document: Add " <u>It provides guidance to those submitting an application, and householders affected by basement developments.</u> "
Issue	Although consultation is encouraged, it is not clear how this should be used to support a planning application. It could also be clearer who the Council will consult.
Response	Provide greater clarity on what should be done with evidence of consultation and who the Council will consult.
Proposed Change	1.2 Planning Permission: Add " <u>It will also be helpful to provide evidence of consultation undertaken as part of your application. The council will consult neighbouring occupiers and amenity societies as part of the application process</u> "
Issue	Greater clarity is required in relation to the key planning matters that the Council can take into account.
Response	Update text to reflect this.

Other Officer Changes	
Proposed Change	2.1 Planning Matters: Amend final sentence: "It brings together policy requirements in the National Planning Policy Framework, Planning Practice Guidance, London Plan and Brent Local Plan. <u>These are the key planning matters we can take into account and will be a material consideration</u> in determining planning applications."
Issue	Although mention is made of the SFRA, the document would benefit from detailing where this is available.
Response	Update text to reflect this.
Proposed Change	2.6 Flood Risk & Drainage: Add to 2 nd paragraph end: " <u>This is available at www.brent.gov.uk/flooding.</u> "

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BASEMENT

SUPPLEMENTARY PLANNING DOCUMENT

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1.0

Introduction

1.0 Introduction

1.1 Purpose of the Document

This Supplementary Planning Document (SPD) provides guidance on planning matters related to basement development. It supplements London Plan and Local Plan policy and, where planning permission is needed, will be a material consideration in determining planning applications.

Although elements of this SPD will be relevant to new build developments including basements, the guidance is primarily for basements as householder extensions. It provides guidance to those submitting an application, and householders affected by basement developments.

1.2 Planning Permission

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 Some basement developments fall within permitted development rights and therefore do not require planning permission. Basement developments are more likely to require planning permission where excavation involves major works, a new separate unit of accommodation will be created, or the work involves alterations to the external appearance of your house, for example by adding light wells. If you live in a conservation area or your property is a flat you will require planning permission. If you are unsure if your basement development requires planning permission you can apply for a Certificate of Lawful Development from Brent's Development Management Team. Even where planning permission is not required other consents (as outlined in paragraph 1.3) are still required

Due to the complexity of basement developments, when permission is needed, **you are strongly encouraged to enter into pre-application advice with the Development Management Team.** You can find out more about our paid pre-application advice service on our website. **We also strongly encourage you to engage with your neighbours at the earliest stage to ensure issues are dealt with and reduce objections.** It will also

be helpful to provide evidence of consultation undertaken as part of your application. The council will consult neighbouring occupiers and amenity societies as part of the application process

If you live in a listed building you will require listed building consent in addition to planning permission.

Useful links

- Certificate of Lawful Development and Pre-application Advice - www.brent.gov.uk/planning
- Conservation Areas and Listed Buildings - www.brent.gov.uk/heritage
- Building Control - www.brent.gov.uk/buildingcontrol

1.3 Other Consents

Certain aspects of basement development are not controlled by the planning system. **As with many other types of developments there are a number of other permissions and consents that will need to be applied for in the development process, and these are summarised below and in more detail in Appendix 1.** Planning policies cannot replicate or cut across matters within the scope of other legislative requirements. As such it would be unreasonable to assume that these matters can be assessed and dealt with as part of the planning application process and indeed applications refused because they do not address these matters.

- **Building Control** - Building Regulations are required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations

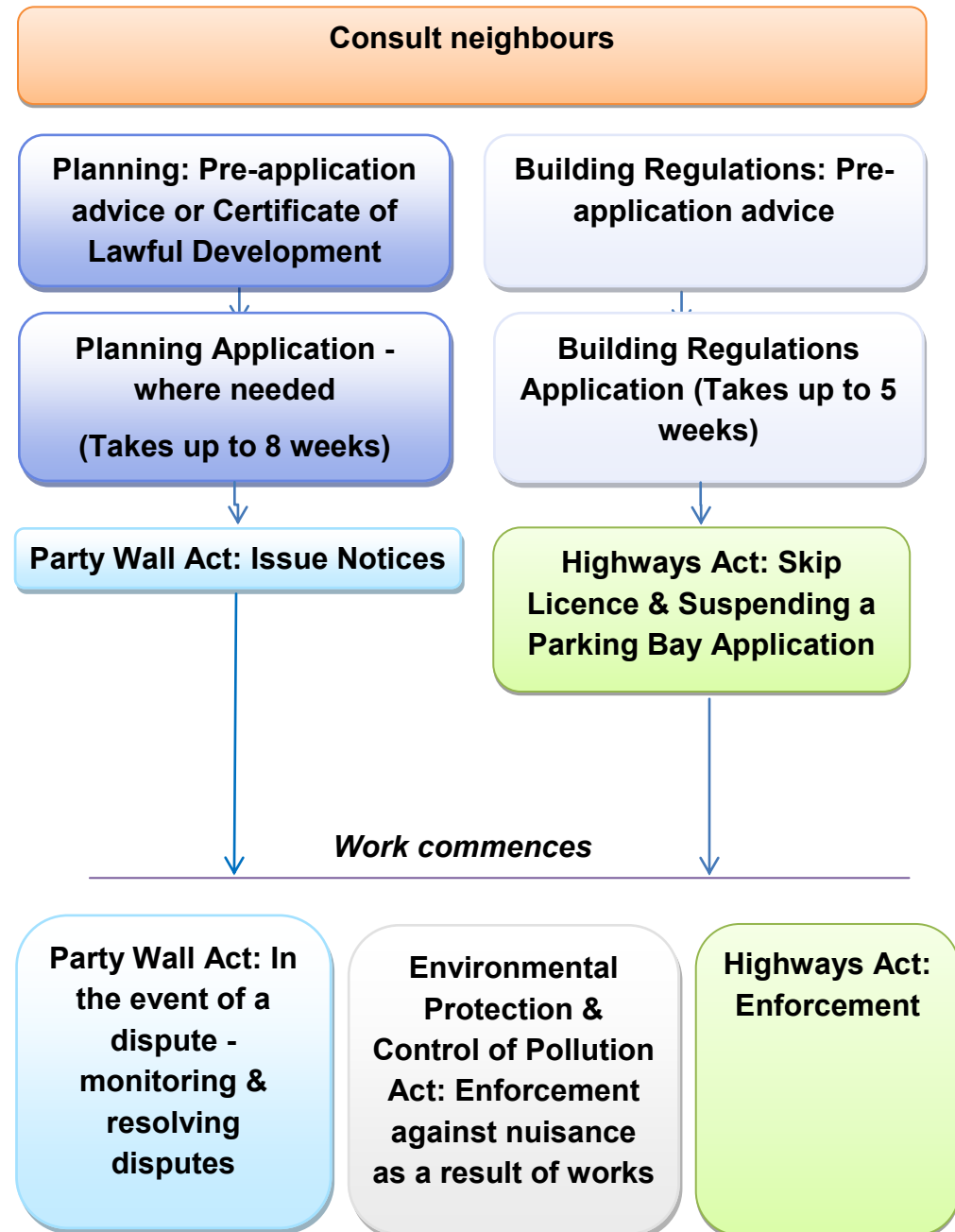
control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

- **Party Wall Act** - The Act controls matters such as structural stability, method of construction and impacts on neighbouring properties.
- **Highways Act** - If you need to put a skip or building materials on the public highway, or if you wish to erect a scaffold, hoarding or gantry you will need to apply for a license under the Highways Act. You will also need to obtain the consent of the appropriate highway authority if your proposal involves any work under any part of the highway or footway.
- **Environmental Protection & Control of Pollution Act** - These Acts control matters such as nuisance from noise, dust and odour.
- **Housing Act** - If you intend to rent out accommodation there will be additional requirements under the Housing Act.

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The flow diagram adjacent gives an indication of the process to be followed in applying for consents relevant to a typical basement development. There are prescribed timescales for gaining consents in advance of works, however, householders are advised to have the relevant consents in place as far in advance of works as possible.

Basement Consents Flow Diagram



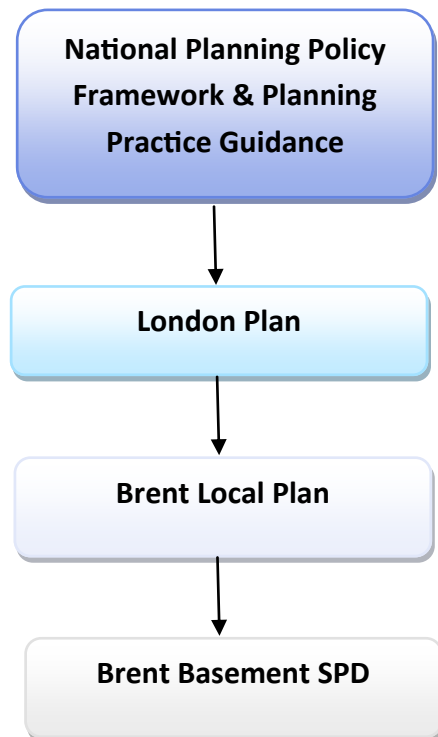
2.0

Key Planning Matters

2.0 Key Planning Matters

2.1 Planning Matters

This chapter provides detailed advice on how we will apply planning policies when making decisions on those basement developments requiring planning permissions. It brings together policy requirements in the National Planning Policy Framework, Planning Practice Guidance, London Plan and Brent Local Plan. These are the key planning matters we can take into account in determining planning applications.



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Figure 1: The Planning Policy Framework

2.2 Sustainability

Basement developments often have high energy demands due to reduced opportunities for natural light and ventilation. In addition, their construction is energy intensive.

Relevant Policies

[London Plan policy 5.3 Sustainable Design & Construction](#)
[Sustainable Design & Construction SPG, GLA](#)

Planning policy requirement: Demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Brent Council encourages best practice in sustainable development. In designing basements consideration should be given to optimising natural ventilation, cooling and lighting. The Council encourages the use of energy efficient products, and sustainably, responsibly sourced materials. In addition biodiversity and green infrastructure should be protected and reinforced as outlined in section 2.5.



2.3 Amenity

Due to issues around daylight, ventilation and flood risk basements do not provide quality residential accommodation in isolation. A basement forming a separate dwelling is unlikely to accord with the requirements of Building Regulations, the Housing Act, Environmental Health standards or amenity standards set out in planning policy.

Relevant policies

[Brent Local Plan DMP 1 Development Management Policy General](#)
[London Plan policy 3.5 Quality & Design of Housing Developments](#)
[Housing SPG, GLA](#)

Planning policy requirement: Housing developments should be of the highest quality both internally and externally. Basements are only acceptable as living accommodation as part of a single dwelling. Development should not unacceptably increase exposure to noise.

Basements should be accessed from the main property. It will not be appropriate for basements to have a separate access, as this would indicate they are to be used as a separate dwelling.

Development must optimise amenity, including natural daylight and ventilation. Consideration should be given to using products which facilitate improved light penetration, such as reflective devices in to habitable rooms.

A noise assessment, will be required where external plant is proposed or internal plant requiring external ventilation.

2.4 Design & Heritage

Basement developments can result in a loss of gardens which cumulatively impact on the character of an area. They can also include external features, such as roof lights, lightwells and railings. If poorly designed and located these features can create visual clutter and detract from the character of an area. This can have a particularly detrimental impact on heritage assets including conservation areas, listed and locally listed buildings. Furthermore, given that basements involve excavation work, particular regard must be given to the potential to affect archaeological remains.

Relevant policies

[Brent Local Plan DMP 1 Development Management Policy General](#)
[Brent Local Plan DMP 7 Brent's Heritage assets](#)
[London Plan policy 7.4 Local Character](#)

Planning policy requirement: Basement development should be subordinate in scale to the above ground portion of building, not unduly intensify the use of a site, or cause significant environmental harm. Structures forming part of a basement are to respond positively to the building and landscape character and not create visual clutter. Basement development impacting on heritage assets should conserve and enhance their significance.



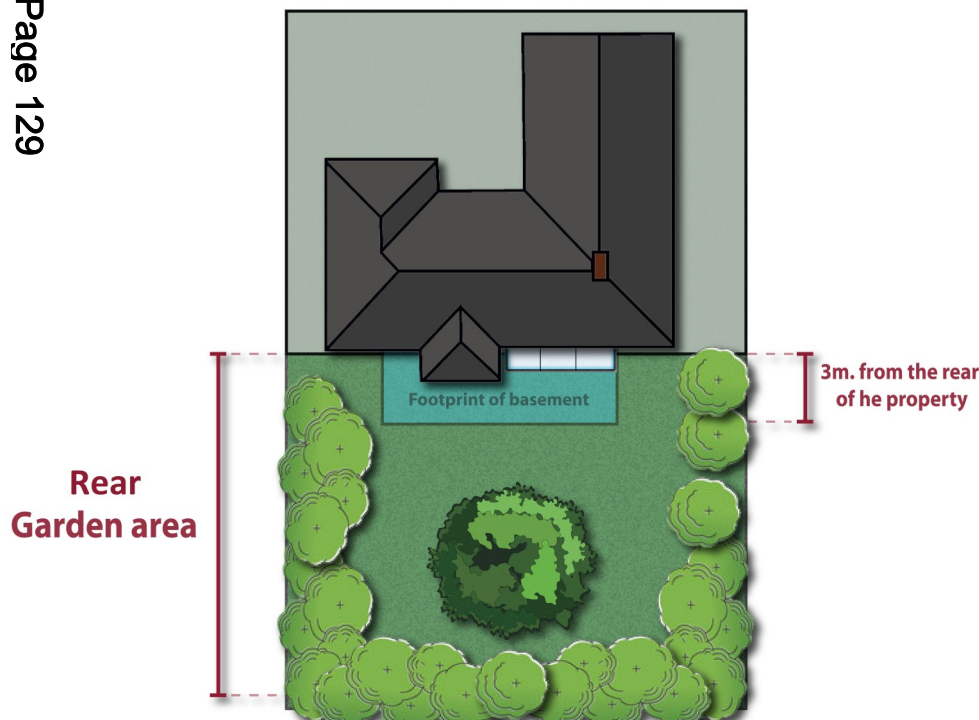
Scale

Basement development should consider the context of the scale of the building and garden, and should not:

- be wider than the original house;
- extend further than 3m from the rear of the property; or
- involve excavation of more than 1 storey (4m floor to ceiling height for a detached house or 3m in other cases).

In exceptional circumstances, such as major commercial or residential developments, a larger basement may be acceptable subject to consideration of all other factors.

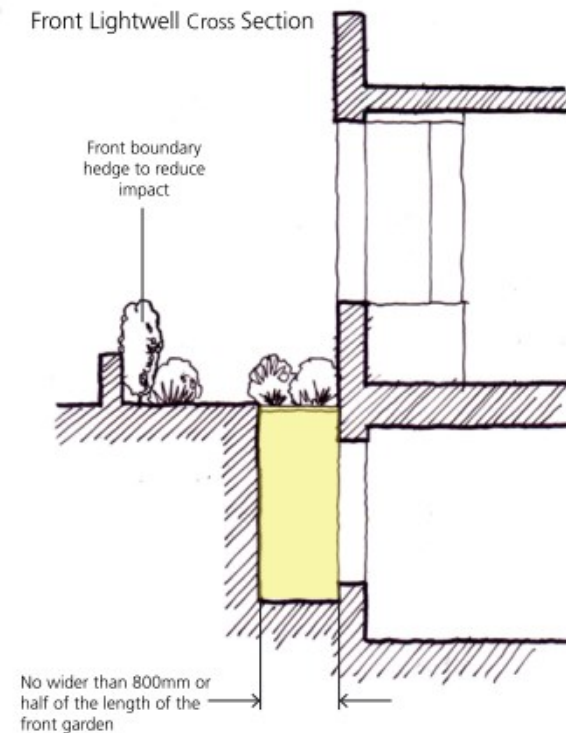
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External Elements

Basements must be designed so that above ground structures do not create visual clutter or negatively impact on the character of an area. Roof lights will only be acceptable if flush and close to the rear of the building.

Light wells are to be modest in scale and located to the rear of the property wherever possible. Within conservation areas, the relevant Conservation Area Design Guide will provide guidance as to the appropriateness of light wells. Where front light wells are appropriate to the local context, they should project from the front wall of the house by no more than 800mm or half the length of the front garden, whichever is less. On bay fronted houses the light wells must follow the profile of the bay and be no wider than the bay or windows above. Light wells should be finished with a horizontal metal grill or flush glazing and not a vertical balustrade.



Consideration should also be given to how light wells and roof lights can be screened for privacy. Metal railings or reinforced glass alongside soft landscaping are the most appropriate solution as they do not reduce permeation of light. In all cases robust, high quality materials should be used which reflect the character of the property and area. In the case of light wells to the front of the property, if front boundary hedges don't currently exist they will need to be planted behind the front wall to reduce visual impact. This will also assist in reducing light spill.

Alterations to infill existing front light wells will not be supported.



Heritage

A Heritage Statement will be required for any basement development for or affecting a heritage asset, including a conservation area, listed or locally listed building, registered park or garden. Within conservation areas, there are additional safeguards to ensure development does not harm the special character of the areas. As such permitted development rights do not apply in conservation areas. It must also be demonstrated how the proposal accords with the Conservation Area Design Guide.

Listed Building

Applications for listed buildings will be assessed on a case by case basis. You can find out if your property is listed online at: www.brent.gov.uk/heritage. It must be demonstrated the development will preserve the hierarchy and interrelationship of spaces, existing fabric, structural integrity of the building, and any features that are architecturally important or contribute to its significance.

A number of listed buildings in the borough already have basements and this is part of their character. However, simpler more modest properties were not constructed with such a feature. Introducing such a feature to these properties will affect the original building's historic integrity. The historic floor levels, location and hierarchy of rooms, foundations, scale, plan form and historic features can all be harmed by the introduction of a basement or an extension of an original basement, cellar or vault. Therefore, in most cases, the special architectural or historic interest will be harmed and the application will be resisted.

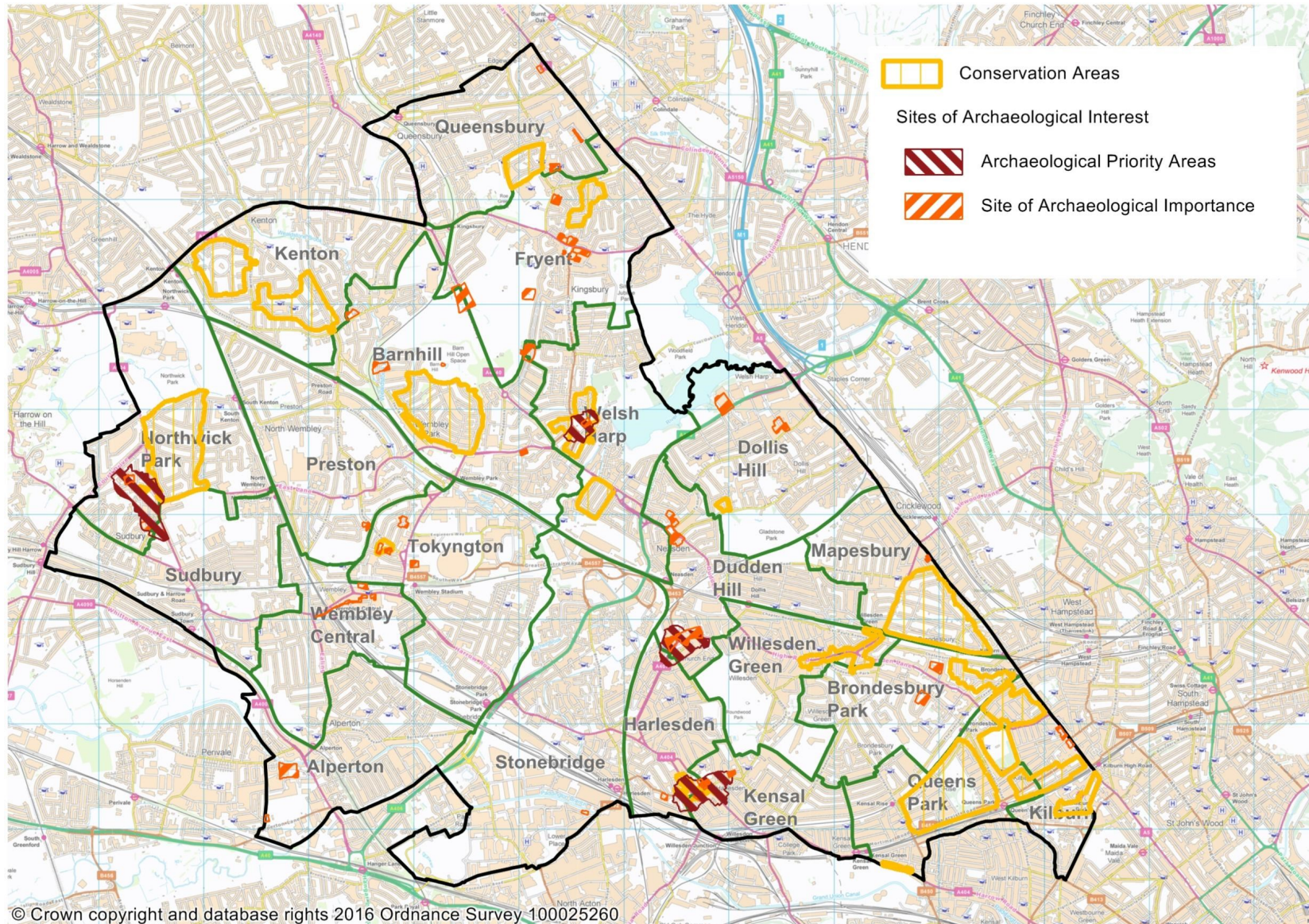
Furthermore, we will need to be satisfied that effective measures will be taken during demolition and construction works to ensure that damage is not caused to the listed building.

Archaeology

An Archaeological Assessment will be required for applications within Archaeological Priority Areas and Sites of Archaeological Importance. These areas and sites are shown on Map 1 and also the Brent online policies map at www.brent.gov.uk/policies-map. Further information on their significance is available at: www.brent.gov.uk/heritage. Within these areas a desk based assessment will be required, and where necessary a field evaluation. Even outside of these areas vigilance for archaeological remains will be required during construction.

The Archaeological Priority Areas within Greater London are currently undergoing a programme of review and are being comprehensively updated using up to date evidence and consistent standards to comply with National Planning Policy. The Archaeological Priority Areas for Brent are due

for review in 2019. Where there is a risk of a development impacting heritage assets of archaeological interest, consultation should be carried out with the Great London Archaeological Advisory Service (GLAAS).



Map 1. Heritage Assets

2.5 Trees & Gardens

Construction of basements can have a direct or indirect impact on survival of trees. They can also result in a loss of gardens which, in isolation and cumulatively, can negatively impact on the character of an area, biodiversity and surface water run off.

Relevant Policies

[London Plan policy 5.10 Urban Greening](#)

[London Plan policy 7.4 Local Character](#)

[London Plan policy 7.21 Trees and Woodland](#)

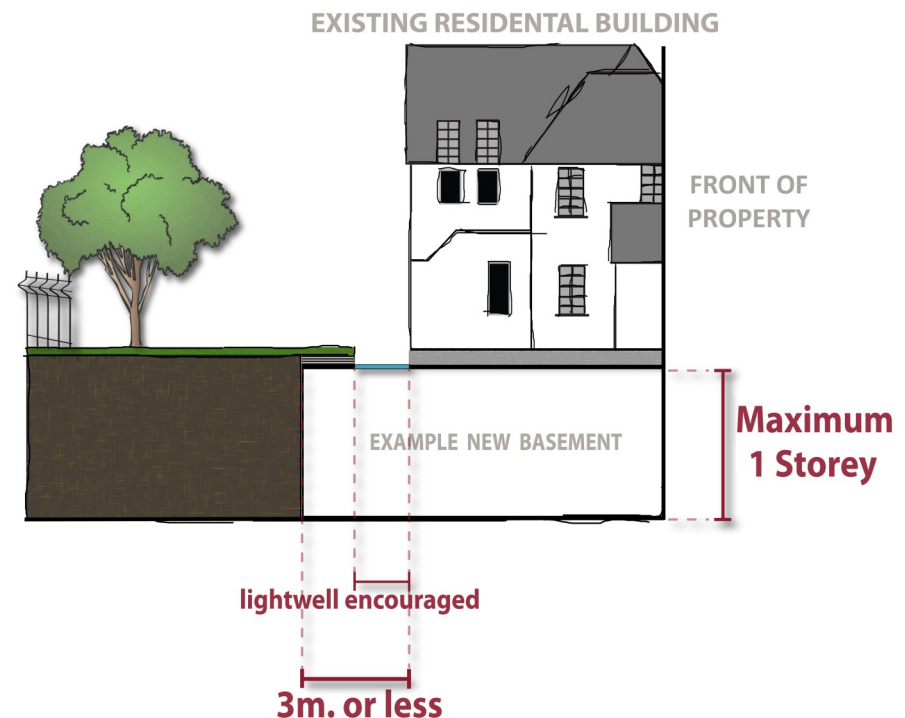
Planning policy requirement: Development is to contribute to local character and urban greening by preserving existing gardens, reinforcing soft landscaping and protecting trees, including those on site, on adjoining sites and within the street or other areas of public space.

An initial site survey should be undertaken to ascertain the likely impact on trees and gardens. Where a basement development is likely to impact on trees on site, on adjoining sites and street trees, an Arboriculture Report will be required. It should be demonstrated that:

- trees of value will be retained;
- the impact on retained trees, both during and post construction, will be minimised;
- sufficient rooting volumes and access to deep soil areas will be provided to ensure long term survival of trees; and
- any tree or root loss will be mitigated following the 'right place right tree' principle.

Basement development is to extend no further than 3m from the rear of the property into the garden. Roof lights should be located close to the building to minimise disruption to garden.

Where a basement development will impact on the garden, soft landscaping will be required to be reinstated and reinforced following completion. Where light wells are proposed the remaining front garden should be re-landscaped to provide at least 50% soft landscaping. Consideration should be given to how planting can be used to create privacy, soften the built form and contribute positively to local character.



2.6 Flood Risk & Drainage

Basements are low lying and therefore highly vulnerable to all forms of flooding, including fluvial (rivers), pluvial (surface water and sewers) and groundwater. They can also affect off-site surface water flood risk. Parts of the borough are affected by flooding from the River Brent and its tributaries. Map 2 provides an indication of flood zones in the borough. The Environment Agency's online flood map, which provides greater detail and is updated annually, can be viewed online at: <http://maps.environmentagency.gov.uk>.

The geology of Brent consists predominantly of London Clay underlain by a chalk aquifer. The London Clay acts as a protective barrier both to infiltration as well as rising groundwater from within the chalk aquifer. Localised flooding in the borough is therefore usually related to local surface drainage issues rather than groundwater. Local drainage issues could include surcharge of the underground sewer system, overland flow from blockage of culverts and gullies, and surface water flooding. The Brent Strategic Flood Risk Assessment (SFRA) includes recorded data on localised flood events. This is available at www.brent.gov.uk/flooding.

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Relevant Policies

[Planning Practice Guidance on Flood Risk](#)

[London Plan policy 5.12 Flood Risk Management](#)

[London Plan policy 5.13 Sustainable Drainage](#)

[Brent Local Plan DMP9a Managing Flood Risk](#)

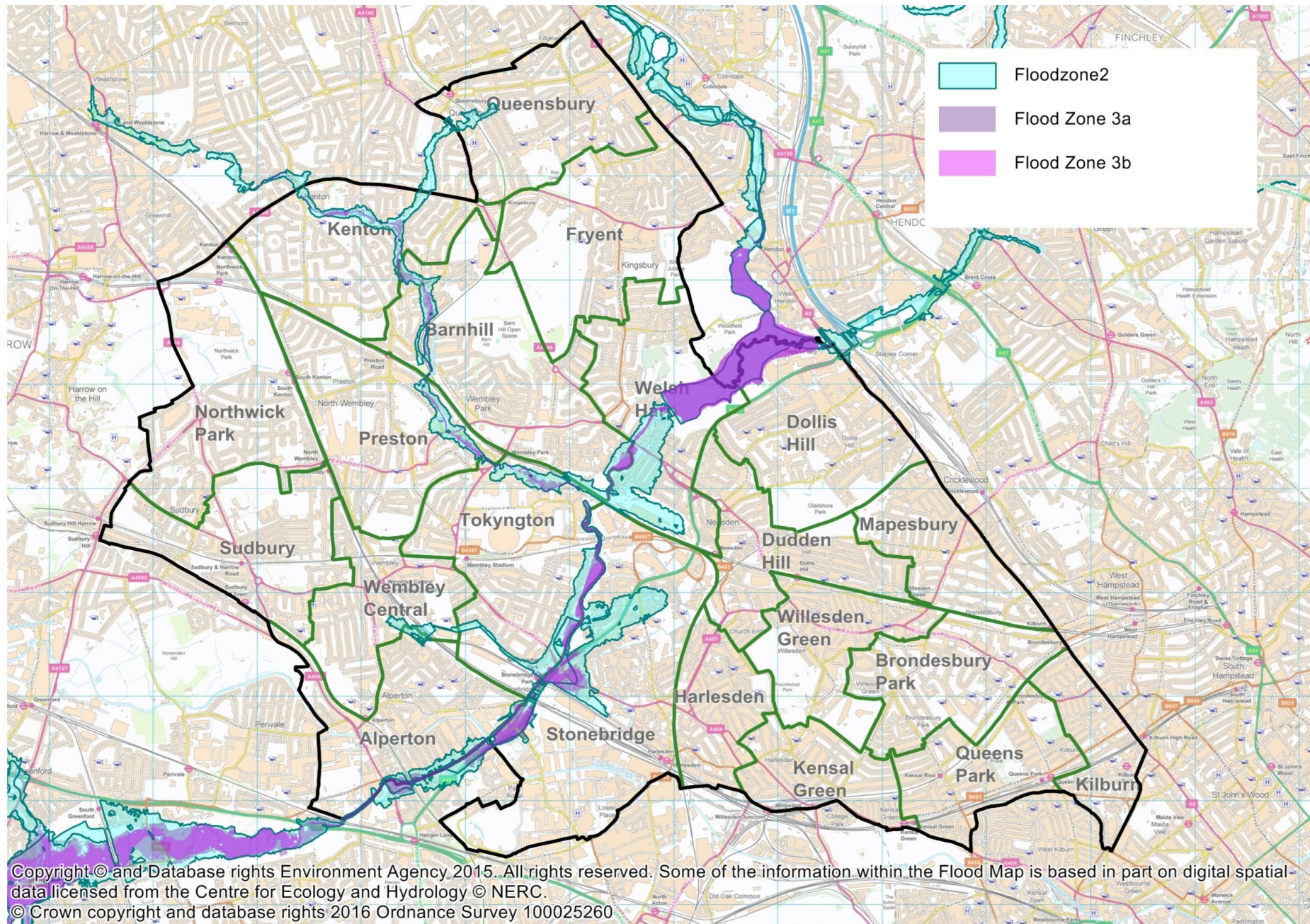
[Brent Local Plan DMP9b Water Management and Surface Water Attenuation](#)

Planning policy requirement: Basement developments are to be located to avoid areas of flood risk, be designed to minimise risk from flooding and not contribute to flooding elsewhere.

The Environment Agency classes self-contained basement dwelling (i.e. with no internal access to the upper floors) as 'highly vulnerable' to flooding. Such uses are not permitted in flood zone 3a or 3b. A basement dwelling with access to upper floors above the flood level (plus climate change allowance) or an extension to an existing dwelling would be classed as 'more vulnerable,' and may be acceptable in flood zone 3a subject to the exceptions test. To pass the exceptions test it must be demonstrated development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. A summary of the requirements for each flood risk zone is included in Table 1. **1. Development in flood zones 2 and 3, and in areas of localised flooding are to be accompanied by a Flood Risk Assessment and Drainage Strategy. These studies are to be informed by a site specific assessment of geological and hydrological conditions, and prepared by a suitably qualified specialist.**

Flood risk zone	Self-contained basement dwelling (Highly vulnerable)	Basement dwelling as an extension/access to upper floors above flood level (More vulnerable)	Flood Risk Assessment Required
1	May be acceptable but consider flood resilience		No, unless in area of localised flooding
2			Yes
3a	Not acceptable	Subject to exceptions test	Yes
3b	Not acceptable	Not acceptable	Yes

Table 1: Flood Risk Requirements



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Map 2. Flood Zones

London Plan policy 5.13 requires development to include Sustainable Urban Drainage Systems (SUDS) and aim to achieve Greenfield run-off rates. Details of how the development will meet this requirement and not increase flooding elsewhere are to be set out as part of the planning application.

Brent's SFRA and Surface Water Management Plan states all basement developments should be fitted with resilience measures. Building regulations require resilience measures, including waterproofing of walls and floors, and inclusion of a positive pumped device to protect from risk of sewer flooding in line with Thames Water recommendations.



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2.7 Contamination

Basements which are extensions to existing housing are unlikely to be at risk from contamination, but where the potential for pollution is identified further investigation will be required.

Relevant Policies

[Planning Practice Guidance Land Affected by Contamination](#)
[London Plan policy 5.21:Contaminated Land](#)

Planning policy requirement: Appropriate measures are to be taken to ensure that development on previously contaminated land does not activate or spread contamination, and that after remediation land must be suitable for use.

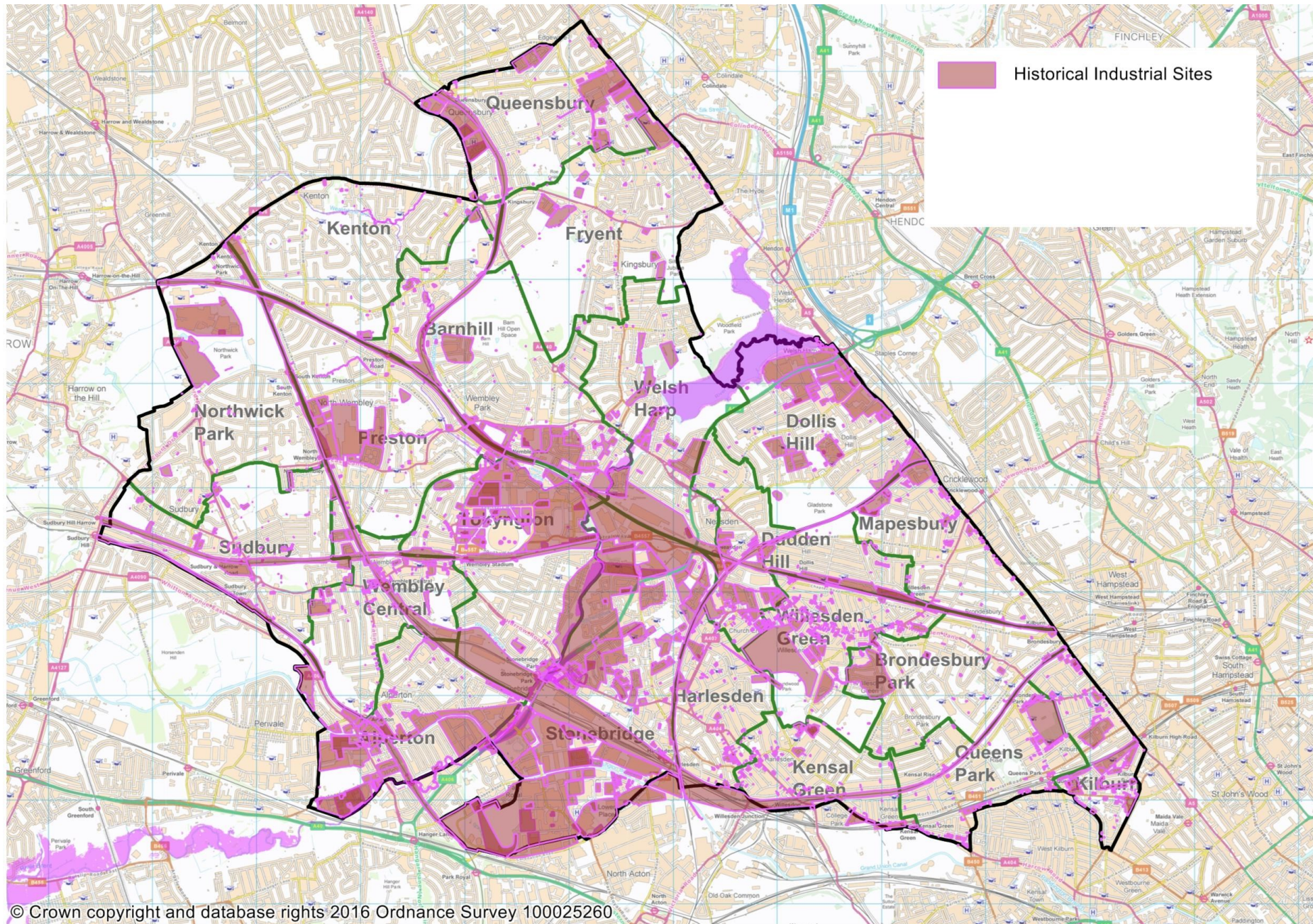
For development on land that may have been associated with a potentially contaminative use an initial assessment of this risk will need to be carried out by a suitably qualified person. Sites with a history of industrial use are shown in Map 3. Remediation will be required where unacceptable risks are identified.

2.8 Construction

It is not the purpose of the planning system to assess the structural stability of works, this is assessed through other controls including Building Regulations and the Party Wall Act. If you do not take appropriate action to ensure the structural stability of works you risk damage to your own property and potentially neighbouring properties, which could result in legal action. As outlined in appendix 1 adjoining owners should be given notice of works and offered a party wall award. This will agree the technical requirements to ensure structural stability of existing properties and it is therefore highly advisable that you use people with the necessary experience and technical expertise in the construction phase to deliver these requirements.

Informatives and conditions will be applied relating to construction as appropriate. In order to reduce potential disruption to residents and neighbours caused by major construction schemes we require developers to sign up to the Considerate Constructors Scheme. This will be secured via a Section 106 agreement.

Should the excavation of a basement have potential to impact on infrastructure, the relevant bodies should be consulted at the earliest stage. For example in the case of rail infrastructure Network Rail, and for canals and rivers The Canals and Rivers Trust.



Map 3. Historic Industrial Sites

3.0

Checklist of Requirements

3.0 Checklist of Requirements

This checklist should be used to help ensure the principles in this SPD have been met.

General

- Have you undertaken consultation with neighbours prior to submission of the planning application, to ensure issues are sufficiently dealt with and reduce objections?
- Have you entered into a party wall agreement with your neighbours?
- Have you provided your neighbours with an indicative timetable of works and the contact details of the site manager?

Sustainability

- Has natural ventilation, cooling and lighting been optimised?
- Have you sought to use energy efficient products and sustainably, responsibly sourced materials?
- Has biodiversity and green infrastructure been protected and reinforced?

Amenity

- Is the basement development to be part of a single dwelling?
- Will suitable amenity be provided, including natural light and ventilation?

Design & Heritage

- Is the basement subordinate in scale to the original building (see section 2.4)?

- Has it been ensured works respect the character of the area (i.e. will not result in the loss of trees, gardens or infilling) and, where relevant, be consistent with the Conservation Area Design Guide?
- Are any external features modest in scale, located to the rear of the building and close to the building?
- Have robust and high quality materials been used?
- If the site is within an Archaeological Priority Area or Sites of Archaeological Importance is the application supported by an Archaeological Assessment?

Trees & Gardens

- Does the development have the potential to impact on trees on site, on adjoining sites and street trees? If so is the application supported by an Arboriculture Report?
- Will soft landscaping be reinforced?

Flood Risk & Drainage

- In the case of self contained basement dwellings, is the development outside of flood zone 3?
- If the basement is an extension to an existing dwelling and in zone 3b has the exceptions test been met?
- If the development is in flood zone 2 and 3 or in an area with local flood issues is the application supported by a Flood Risk Assessment?
- Is the basement resilient to the risk of flooding, and will not increase flooding elsewhere?

Contamination

- If the site is potentially contaminated has a Preliminary Risk Assessment, and if necessary, site investigation been undertaken by a suitably qualified person?

Validation Requirements

Alongside standard validation requirements, the following information must be submitted alongside basement planning applications, where relevant.

Validation Requirement	When required
Site Survey	All basement applications. To include photographs of existing site.
Tree/Arboriculture Report	Where the proposal is in proximity to trees within site, on adjoining sites or street trees. To be agreed with Landscaping Team.
Landscaping Assessment	Where a basement development will impact on a garden. To be agreed with Landscaping Team.
Heritage Statement	Where the application is for or impacting on a heritage asset, including a conservation area, listed or locally listed building, registered park or garden.
Archaeological Survey	Within Archaeological Priority Areas and Sites of Archaeological Importance. (see policies map)
Flood Risk Assessment and Drainage Strategy	Where proposal is in flood risk zone 2 or 3 (see Environment Agency flood zone map), or where there are localised flooding issues.
Land Contamination Assessment	Where there is a risk of contamination.
Noise Assessment	Where external plant is proposed or internal plant requiring external ventilation.

The site survey is to record existing ground levels and landscaping on the site and on adjoining boundaries. It should include:

- levels - across the site (front to back and side to side) as well as that of adjoining property;
- established landscaping and any significant other planting including tree canopies and root areas;
- Photographs of the existing site;
- details of areas of existing hard and soft landscaping.



Appendix 1: Other Regimes & Controls

Other Regimes & Controls

Building Control

Building regulations are required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

Brent Building Control Contacts & Useful Links

- 020 8937 5210 or planandbuild@brent.gov.uk
- www.brent.gov.uk/buildingcontrol

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Party Wall Act

The Party Wall Act provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavation near neighbouring buildings. In relation to basement developments, the Act applies when excavation is:

- within 3 metres of a neighbouring structure;
- would extend deeper than that structure's foundations; or
- within 6 metres of the neighbouring structure and which also lies within a zone defined by a 45 degree line from that structure.

Adjoining owners must be informed of work by serving a notice at least one month before the planned start date for excavation. **If work commences without notice being given in the proper way, adjoining owners may seek to stop work through a court injunction or seek other legal redress.**

If the adjoining owner/s gives written notice within 14 days consenting to the proposed works, the work (as agreed) may go ahead.

If the adjoining owner does not respond, or objects to the proposed work, a dispute is regarded as having arisen. Under the Party Wall Act in the event of a dispute a surveyor or surveyors are appointed. The surveyors are then responsible for:

- agreeing the structural method statement and any necessary additional investigation into issues such as groundwater;
- drawing up the party wall award;
- monitoring works to ensure compliance with the terms of the award;
- resolving disputes between owners during construction; and
- deciding whether there is damage which needs to be put right.

The Party Wall Act allows adjoining owners to request the building owner to provide a bond or insurances to provide security in the event of a dispute. The money remains the building owner's throughout but can be drawn upon to pay for rebuilding or repair, in the event the surveyors identify there is damage as a result of the works which needs to be put right.

Party Wall Act Useful Links

- www.gov.uk/guidance/party-wall-etc-act-1996-guidance

Highways

Under the Highways Act a licence is required to put a skip or building materials on the public highway, reserve space for deliveries/trades within a controlled parking zones, erect a scaffold, hoarding or gantry. Consent is also required from the appropriate highway authority for proposals involving any work under any part of the highway or footway.



It is the responsibility of the householder to ensure they have a licence, and the builder has responsibility for following the licence conditions. Materials are not allowed to block the public highway, or to damage or stain public ground. Permission is also required to store materials in a controlled parking bay.

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Highways Useful Links

- Skip Licence Application Service - www.mylicence.brent.gov.uk
- Parking Bay Suspension Application Service - www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations

If materials are being stored on the public highway without a licence this can be reported to coo@brent.gov.uk; or in a parking bay without permission to parking.suspensions@brent.gov.uk. Damage to the public realm can be reported to the Council at coo@brent.gov.uk. Please note that the Council can only take action against contractors who have damaged the public realm where there is sufficient evidence. Therefore to assist

investigations in your email if possible please include photographs of damage, the company name and vehicle registration number.

Noise, Vibration & Dust Complaints

The Council's Community Protection Team (Environmental Health) enforces issues related to the Environmental Protection Act and Control of Pollution Act. In the first instance disturbance experienced during works should be reported to the site manager and, where a party wall award is in place, the appointed surveyor. If nuisance from noise, dust, vibration or any other environmental impacts from the ongoing development continues, this should be reported to the Council's Community Protection Team for investigation. The Council limits noisy works to Monday to Friday - 08:00 to 18:00; and Saturday - 08:00 to 13:00. Where noisy works occur outside these hours or on Sunday or Bank holidays the Council will investigate.

Community Protection Contact Details

- during office hours (Mon-Fri 9am to 5pm) – 020 8937 5252 or customer.service@brent.gov.uk; or
- outside of these hours (Mon- Fri 5pm to 2am, Sat and Sun 6pm to 2am) 020 8937 1234 ens.noiseteam@brent.gov.uk; or business.licence@brent.gov.uk

Housing Act

If you intend to rent out accommodation there will be additional requirements under the Housing Act.

Planning Policy & Projects Team


Brent Civic Centre

Engineer's Way

Wembley HA9 0FJ

www.brent.gov.uk/localplan

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 <p>Brent</p>	<p>Cabinet 19 June 2017</p> <p>Report from the Strategic Director of Regeneration & Environment</p>
<p>Wards affected: All</p>	
<p>Development Funds Programme for 2017-18</p>	

1.0 Summary

- 1.1 The purpose of this report is to set out the proposed allocation of Section 106 (S106) funds for expenditure in 2017-18 and, where known, details of specific projects.

2.0 Recommendations

- 2.1 Cabinet approves the allocation of funds to specific prioritised S106 projects as set out in Appendix 2
- 2.2 Cabinet delegates to the Head of Planning, Transport and Licensing implementation of the Council's S106 obligations where there is no discretion on spend of funds received, subject to all other necessary sign-offs/consultations
- 2.3 Cabinet agrees that where there is discretion on the Council's spend of S106 obligations funds received that wherever possible these will be allocated to projects in a manner consistent with the methodology to be adopted for Strategic Community Infrastructure Levy funds.

3.0 Background

- 3.1 Section 106 planning obligations which are linked to a planning permission are secured either by agreement between the local authorities and developers or provided by a unilateral undertaking by the developer to the Council. Where the developer cannot directly mitigate the impact of their development the Council can instead seek a financial contribution to undertake works.
- 3.2 This report is concerned with the allocation of those funds which have been paid by developers held by the Council (hereafter "Development Funds"). Development Funds secured via S106 planning obligations can only fund those projects which meet the terms secured. If not the developer can request their

return or if the monies are not spent within any reasonable period specified in the agreement or unilateral undertaking (usually 5 or 10 years). The criteria for the selection and shortlisting of projects are split into “Essential” criteria and “Desirable” criteria. (See Appendix 1):

- 3.3 The **essential criteria** mean any project proposed herein is subject to final verification that the funding is available from suitable sources, which will be ascertained following feedback on this paper from CMT. In principle, providing funding for relevant infrastructure is an important means by which development can help to mitigate the impact an increased population can have on a local area and its amenities and social infrastructure; therefore new or expanded social or physical infrastructure in areas of greater development pressure will be prioritised over maintenance or minor improvements to existing infrastructure in areas of low development pressure. The majority of funds are in any case tied by the S106 obligation to improvements in the vicinity, thus leading to greater spend in those areas that generate the most S106 funds.
- 3.4 The **desirable criteria** allow for a prioritisation where there are competing demands for money. This year this has primarily been in wards where funds are limited due to lower levels of development activity and the theme to which the S106 funds are ring-fenced cover those which a variety of service areas across the Council have a responsibility for, e.g. open space contributions.
- 3.5 The S106 and CIL process was recently subject to audit by PWC. The final report concludes that the processes and procedures overall are reasonable, with some medium and low risks together with advisory points relating to suggested remediation actions around monitoring of S106 expenditure, Community Infrastructure Levy (CIL) income collection, S106 monitoring and non-financial obligations, S106 income monitoring and segregation of duties for CIL relief and exemptions. Implementation of the agreed restructure of Planning will provide the opportunity to introduce greater robustness and address the issues raised by providing sufficient capacity within the teams which in the recent past have been short of the necessary resources.

4.0 Community Infrastructure Levy

- 4.1 Since July 2013 the CIL has been in force in Brent and the Council will no longer seek financial contributions for strategic infrastructure via S106 planning obligations. This means that in time the sums attained from S106 financial obligations will reduce once older extant planning applications are completed.
- 4.2 This report focuses on the expenditure of S106 monies as the recent priority has been spending the larger amount of S106 reserves (as these can be subject to expiry).
- 4.3 CIL provides a lot more flexibility on how it can be spent, as long as spend is consistent with projects listed on a CIL Regulation 123 list. It must be understood that S106 spend is much more restrictive. Not only it is often specific on the type of infrastructure, it often has restrictions on the location in which the funds can be spent. In addition it is also severely limited in how many S106 obligation funds can be pooled together to spend on an infrastructure project.

4.4 Legislation to support CIL identified that since April 2015 local authorities can no longer pool more than five s106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure. In Brent's case this is a significant limitation; a tariff based approach to S106 for residential dwellings meant contributions were attained from a significant number of minor developments. This therefore places a restriction on the size of projects that can be supported; steering spend towards smaller projects than might for instance be able to be funded through CIL.

5.0 Moving forward with S106 allocation in the future

5.1 A process for administering spend of Strategic CIL still needs to be agreed. The Neighbourhood CIL spend process was approved by Cabinet on 13th February 2017. A process which creates a closer relationship between the Council's capital programme and CIL is likely to be taken forward. An Infrastructure Delivery Plan will be the main mechanism for prioritising capital and revenue expenditure, subject to other Council decision making identifying projects prioritised for delivery. Funds available to the Council from various sources including CIL will then be used to fund the projects.

5.2 In the future, rather than continue the current process for S106 which has been followed for the last few years, it is proposed that S106 should follow for the most part the same route as that which will be pursued for Strategic CIL spend. This will be for S106 funds where there is an element of discretion within broad headings about the infrastructure project that the Council can spend the S106 funds collected on, e.g. transport, open space and education. The Council would decide the infrastructure projects to fund and then finance would request funding from S106 as one of a number of sources potentially available to fund such projects. Officers in planning will still monitor the funds and ensure that such funds are only released if they are spent in accordance with the provisions of the S106. An audit trail needs to be available for all financial obligations attained to ensure that the Council can show the developer on request on what and where spend occurred.

5.3 As such it is proposed that projects identified in Appendix 2, which have followed the S106 project identification process for the last few years are taken forward in advance of this process being confirmed. As can be seen from Appendix 2, the majority of the projects require S106 as top up funds, are non-discretionary S106 requirements or will expire shortly and for the sake of work programming/revenue budgets the delivery teams need certainty about what they can take forward.

5.4 As indicated, on some matters the S106 planning obligation is very specific about what the funds given to the Council should be spent on, e.g. provide TfL with a contribution towards improving local bus services, a car club, or a Traffic Regulation Order to introduce waiting restrictions, residents' bays, etc. In these cases the Council has no discretion on what to spend the funds on. (There are examples of these in Appendix 2) The Council through Planning Committee and internal officer consultation would have been made aware of and agreed these specific requirements to make the development acceptable. As such from now on it is proposed that in situations where the obligation is very specific, that officers implement the provisions, subject to all other necessary sign-offs/consultations, e.g. traffic regulation orders, without seeking further Cabinet approval for the principle of spending funds on these types of projects.

5.5 Spending the remaining small contributions attained might still be an issue, as explained in relation to the pooling restrictions. However, many of these contributions do not have expiry dates and so could be used for CIL infrastructure based projects. As the S106 pot diminishes there may be a need for a one off decision on projects on which to spend the available funds, but this is some years away if for whatever reason it is required.

5.6 In summary, it is recommended that in future S106 funds where there is some discretion on spend in accordance with broader headings of the planning obligation e.g. transportation, are released for the delivery of capital projects prioritised within an Infrastructure Delivery Plan within its associated decision making parameters (subject to the projects being in accordance with the obligation requirement). For future specific items not identified in this report where there is no discretion on the part of the Council, S106 obligations will be spent in accordance with the agreement through delegation to the Head of Planning, Transport and Licensing without the need for further approval from Cabinet.

6.0 Draft budget 2017/18

6.1 Available funds

6.1.1 As at 1 July 2016 a total of £10.1 million was available to commission, subject to the terms of planning obligations. The table below shows the distribution of reserves across the main themes, demonstrating the uneven amounts of funding available for projects.

Theme	Available to commission
Affordable Housing	£384,274
Amenity	£3,320,738
Education	£1,787,395
Employment	£41,545
Environment	£46,700
Social	£135,663
Transfer to external	£1,173,400
Transport	£3,255,851
TOTAL	£10,145,851

Table 1: An overview of available money¹ by Theme as of 1 July 2016

6.2 Methodology

6.2.1 Managers responsible for delivering projects which are eligible for S106 funding were invited in July to propose projects for the draft budget for 2017-18, having regard to the project selection criteria (see Appendix 1). Roundtable workshops were arranged to discuss proposed projects. This allowed greater opportunity for challenge on the validity of projects, joined up thinking on projects, consolidation of schemes where possible and looking for cross-cutting benefits rather than focussing on their own outputs, e.g. transportation safety or capacity projects have the ability to improve the public realm improving the quality of town centres.

6.2.2 The following officers were consulted on the basis that their units had money available to budget (see Table 2):

Directorate	Strategic Director	Service Department	Operational Director	Service Unit/Theme	Head of Service (or equivalent)	Project manager(s)
Regeneration & Environment	Amar Dave	Environmental Services	Chris Whyte	Environment, Amenity, Open Space	Robert Anderton	Amanda Haines
Community Wellbeing	Phil Porter	Community Services	Jon Lloyd-Owen	Culture (Recreation, Sports, Social, Public Art, Community Facilities)	Rashmi Agarwal	Rez Cameron (Recreation)
Regeneration & Environment	Amar Dave	Environmental Services	Chris Whyte	Transportation (Transport, Amenity, Public Realm)	Tony Kennedy	Sandy Fazekas, Rachel Best
Regeneration & Environment	Amar Dave	Planning & Regeneration	Aktar Choudhury	Regeneration Investments (Growth Areas)	Dale Thomson	Maire Grogan
Regeneration & Environment	Amar Dave	Planning & Regeneration	Aktar Choudhury	Landscape (Amenity)	Paul Lewin	Martin Page
Regeneration & Environment	Amar Dave	Environmental Services	Chris Whyte	Community Services (Environment)	Karina Wane	Jennifer Barrett
Regeneration & Environment	Amar Dave	Planning & Regeneration	Aktar Choudhury	Schools Capital Programme (Education)	Dale Thomson	Cheryl Andani
Regeneration & Environment	Amar Dave	Planning & Regeneration	Aktar Choudhury	South Kilburn Programme (Growth Area)	Richard Barratt	Marie Frederick
Regeneration & Environment	Amar Dave	Planning & Regeneration	Aktar Choudhury	Employment & Skills (Employment)	Matt Dibben	Kaya Chatterji
Community Wellbeing	Phil Porter	Community Services	Jon Lloyd-Owen	Housing (Affordable Housing)	Jon Lloyd Owen	Maire Grogan
Resources	Althea Loderick	Strategic Property	Sarah Chaudhry	Council/Community Assets	Sarah Chaudhry	Tony Nixon

Table 2: Directorates consulted

6.2.3 The following analysis of the proposed projects has been undertaken by the Planning Policy & Projects Manager:

- Assessment of proposal against the selection criteria
- Availability of funds within relevant distance of proposal
- Suitability of available funds for the proposal

6.3 Suggested S106 monies made available to projects 17/18

6.3.1 A total of 60 projects with a combined budget of £6,188,541.66 are identified for suggested funding in 2017-18. Details of these are identified in Appendix 2. The Strategic Director Regeneration and Environment challenged the list presented. In particular the extent to which projects align with other strategic priorities, rather than being officer 'pet projects' which might not be subject to wider financial scrutiny and thus ordinarily might not gain funding for a variety of reasons (e.g. create additional revenue costs in the longer term which the Council might not be able to cover). Following this further confirmation was sought from the Operational Directors for the service areas responsible for delivering the projects to ascertain that they considered the projects appropriate.

- 6.3.2 The Essential and Desirable selection criteria set out in Appendix 1 were introduced around 3 years ago as a mechanism to provide more robustness of decision making on S106 funds spend and whether schemes should be recommended to be taken forward. It sought to weed out spurious bids and 'pet projects' and has been successful in generating better quality projects put forward by service areas that meet the Council's strategic objectives.
- 6.3.3 Taking account of the Strategic Director Regeneration and Environment's challenge the projects have been split into categories. These are projects which:
- a) Are necessary / specifically identified to be compliant with the S106 – no other flexibility on spending
 - b) S106 plays part of/match funding in other strategies/delivery programmes usually agreed by Cabinet
 - c) S106 spend deadline now short so a priority
 - d) Might have potential image / revenue implications if not pursued
 - e) Other projects that are considered appropriate to fund.
- 6.3.4 Within all categories projects which have S106 sums have less than 2 years left to be spent from the start of next financial year are highlighted. These funds need to be spent otherwise there is the risk that they will have to be sent back to the other S106 party with interest. It is recommended that all projects with such funds whatever their category are approved by Cabinet, as are all in categories a-d.
- 6.3.5 For category e) the Planning Policy and Projects Manager who vetted projects recommends that they should be supported. As identified, Operational Directors responsible for their delivery have confirmed that they support the projects proposed by their officers. Whilst some projects might seem small-scale this is in part reflective of the restrictions associated with S106 funds as set out above around pooling and spend required within the vicinity of the development. For some wards the funds available are small due to lack of development, in these areas contributions are also sporadic in terms of timing.

Conclusion

- 6.3.6 The S106 allocation process this year has followed a similar process to previous years. It has sought to identify projects that meet requirements in terms of supporting projects to meet the corporate objectives, which it seeks approval of for allocation of funding for delivery in 17/18. It is proposed that this will be the last time that the process of allocating funds in this manner is pursued. In future it is proposed that the Council's projects are identified from an updated Infrastructure Delivery Plan which prioritises all capital projects across the Council and which should be funded. Where it is consistent with the requirements of the S106 obligation and the CIL regulations on pooling restrictions, requests for funds will be allocated to these schemes. S106 will most likely be part of a mixture of a wider variety of funding streams available to the Council.
- 6.3.7 Where the Council has no discretion in relation to its S106 obligation on how it spends funds received, it is recommended that the Head of Planning, transport and Licensing who is responsible for the team that administer collection and spend of S106 funds has delegated authority to implement the requirements of

the obligation, subject to any necessary statutory/associated decision making processes being followed.

7.0 Financial Implications

7.1 As at 1st July 2016 a total of £10.1 million was available to commission, subject to the terms of the legal agreements. Of these monies, this report proposes the allocation of £6.1 million to the Service Units for investment in fundable schemes. Therefore, there will still be £4 million (plus other funds collected subsequently) to use to finance spend for other infrastructure where the terms allow this to occur. The terms may be highly restrictive so this is likely to be limited to capital projects in most instances. Of this £4 million total there will be no funds which will expire in less than two years.

8.0 Legal Implications

8.1 Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (“The Act”) are legal documents under seal either entered into between the Council and developers or provided unilaterally by a developer. The intention of the obligation is to mitigate and offset any harmful impacts of a development. Monies paid to the Council in accordance with the s106 obligation can only be applied for the purposes set out in the relevant agreement. It is noted however, that the Council has received certain sums relating to those contributions which are due to be allocated for specific projects within the Borough, subject to employing the essential and desirable criteria as set out in Section 3 of the report.

8.2 The Council has the power to modify S106 planning obligations in accordance with s106A of the Act by agreement between the Council and the parties against whom the obligation are enforceable.

9.0 Diversity Implications

9.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have “due regard” to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

9.2 S106 contributions can have a positive impact on equality and diversity, as they allow the Council to make improvements to the local community which benefit disadvantaged groups the provision of affordable housing, additional community spaces, employment, education and training opportunities.

10.0 Staffing/Accommodation Implications (if appropriate)

- 10.1 The projects above will be managed either directly or at arm's length within existing Service Unit staffing structures.
- 10.2 Some of the funding identified above can be used to meet reasonable professional fees in designing and managing the project. What is considered reasonable is assessed on a case-by-case basis but usually not more than 20% of the S106 funding should be put towards fees.
- 10.3 No accommodation implications are anticipated.

Background Papers

None

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Appendix 1

S106 Project Assessment Criteria

Essential criteria

- meets the terms of the legal agreement;
- mitigates the impact of the development from which funding is derived;
and
- has Member support

Desirable criteria

- meets the objectives of the Borough Plan, the Regeneration Strategy and helps to facilitate growth;
- meets Service Unit objectives;
- substitutes Council capital expenditure and/or borrowing;
- is capable of attracting additional funding streams; and
- has local community support

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

S.106 Total Available to Commission 17/18	£ 10,145,851
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S. 106 Proposed Projects 17/18	£ 6,188,541.66
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Projects which are necessary / specifically identified to be compliant with the S106 – no other flexibility on spending

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
TRANSPORTATION					£ 78,616.33	
TN/17/06	High Road Willesden CPZ	Harlesden	Controlled Parking Zone	Specific S106 requirement. Parking and accessibility reviews to mitigate the effects of development. Improvements to be subject to the outcome of public and statutory consultation process.	£ 10,000.00	S106 only – S106 requirement
TN/17/07	Chalkhill Waiting Restrictions	Barnhill	Parking Controls	Specific S106 requirement. Parking and accessibility reviews to mitigate the effects of development. Improvements to be subject to the outcome of public and statutory consultation process.	£ 6,000.00	S106 only – S106 requirement
TN/17/08	Great Central Way Waiting Restrictions	Stonebridge	Parking Controls	Specific S106 requirement. Parking and accessibility reviews to mitigate the effects of development. Improvements to be subject to the outcome of public and statutory consultation process.	£ 5,000.00	S106 only – S106 requirement
TN/17/10	South Kilburn Transport Infrastructure improvements	Kilburn	Public Realm	Infrastructure improvements to improve accessibility and pedestrian and cycling facilities in the South Kilburn Regeneration Area. S106 specific requirement, waiting restrictions change. Improvements to be subject to the outcome of public and statutory consultation process.	£ 5,000.00	S106 only – S106 requirement
TN/17/13	Brook Avenue TRO	Barnhill	Car Club	On street car club to reduce private car ownership as mitigation to impact of development in the area. To be subject to the outcome of liaison with car club operator and public and statutory consultation process.	£5,000.00	S106 only – S106 requirement Expires 19 months
TN/17/17	Car Club – Brook Avenue	Preston	Car Club	Traffic Order, implementation and publicity for car club. To be subject to the outcome of liaison with car club operator and public and statutory consultation process.	£11,079.57	S106 only – S106 requirement
TN/17/18	Car Club – Chalkhill Road	Barnhill	Car Club	Implementation and publicity for car club. To be subject to the outcome of liaison with car club operator and public and statutory consultation process.	£21,536.76	S106 only – S106 requirement
TN/17/19	Non-car access/parking	Kenton	Parking Controls	Area parking review and improvements subject to the outcome of public and statutory consultation process.	£15,000.00	S106 only – S106 requirement

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	controls in Woodcock Hill					
EMPLOYMENT & ENTERPRISE					£ 115,000.00	
EE/17/01	ESF Working People Working Places	Stonebridge	Training and Skills	Continuation of pilot project in St Raphael's estate providing a holistic offer to residents, ensuring that their wider needs are understood so that they can be supported to improve their skills and confidence and ultimately access employment. S106 requirement to use funds for training.	£ 80,000.00	Specific revenue consistent with S106 obligation. Most expires within next 12 months
Page 158 EE/17/02	Brent Works Apprenticeship Support	All	Training and Skills	Delivery of the Brent Works job and apprenticeship brokerage service focus on delivering employer engagement and delivery of jobs and apprenticeship outcomes, including support for the construction industry to support developers and contractors achieve their S106 obligations to the council.	£ 35,000.00	Specific revenue consistent with S106 obligation. Most expires within next 12 months
LANDSCAPE					£ 277,110.79	
LD/17/12	Park Royal & Stonebridge Tree Planting & Landscape Improvements	Stonebridge	Landscape / Tree Planting	Tree planting in the Park Royal and Stonebridge area, Landscaping and Environmental improvements in Stonebridge.	£17,702.49	Only S106 - £3.5K street trees. All expires in 24 months
TRANSFER TO EXTERNAL					£ 1,154,028.67	
HC/17/01	School Improvements in Ealing		Education	Improvements in education in Ealing due to impact of development in Brent.	£943,400.03	Only S106 - £943.4K Most expires in 12 months
TN/17/23	Transfer to TfL	Queensbury	Transport	Improvements to the A5.	£20,000.00	Only S106 £20K to TfL
TN/17/24	Transfer to TfL	Tokyngton	Transport	Bus service improvements in Wembley	£100,000.00	Only S106 £100K to TfL

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

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S. 106 Proposed Projects 17/18					£ 6,188,541.66	
TN/17/25	Transfer to TfL	Fryent	Transport	Bus Service Improvements in Fryent	£90,628.64	Only S106 £90.6K to TfL

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

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Projects which S106 plays part of/match funding in other strategies/delivery programmes

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
TRANSPORTATION					£ 1,623,946.41	
Page 160 TN/17/01	Watford Road Corridor	Northwick Park	Local Safety	Contribution to TfL Local Implementation Plan (LIP) funded road safety improvements along the Watford Road Corridor from Sudbury Court Drive to Kenton Road. Phase 1 includes enhanced pedestrian crossing facilities near the John Lyon RAB and a central island near the Green. Further work to improve road safety and traffic flows on the Watford Road / Kenton Road Gyratory with LB Harrow and to Northwick Park Hospital and Northwick Park Golf Course. Scheme identified through the Cabinet approved LIP Prioritisation Matrix and funding for the Brent Local Implementation Plan (LIP) Submission For 2017/18 - 2019/20 approved by Cabinet on 13 September 2016. Improvements to be subject to the outcome of public and statutory consultation process.	£ 56,561.94	In association with £100K TfL LIP 17/18 and £300K 18/19 and £300K 19/20
TN/17/02	All Souls Avenue 20mph	Queens Park	Local Safety	Contribution to TfL LIP funded College Road / All Souls Avenue / Chamberlayne Road area 20mph zone and road safety scheme including measures to improve safety for pedestrians, cyclists and power 2 wheelers (P2Ws) 20mph area covering all local streets not currently within 20mph zones bounded by Harrow Road, Bakerloo Line, Chamberlayne Road and All Souls Avenue (including Chamberlayne and All Souls Ave) Scheme identified through the Cabinet approved LIP Prioritisation Matrix and funding for the Brent Local Implementation Plan (LIP) Submission for 2017/18 - 2019/20 approved by Cabinet on 13 September 2016. Improvements to be subject to the outcome of public and statutory consultation process.	£ 51,002.00	£150K TfL LIP 17/18.

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

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Projects which S106 plays part of/match funding in other strategies/delivery programmes

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
TN/17/03	Staverton Road 20mph	Brondesbury Park	Local Safety	Contribution to TfL LIP funded Staverton Road / Brondesbury Park 20mph zone road safety measures to improve safety for pedestrians, cyclists and power 2 wheelers (P2Ws) Includes Willesden Lane, particularly near #223 Scheme identified through the Cabinet approved LIP Prioritisation Matrix and funding for the Brent Local Implementation Plan (LIP) Submission For 2017/18 - 2019/20 approved by Cabinet on 13 September 2016. Improvements to be subject to the outcome of public and statutory consultation process.	£ 11,825.00	£120K TfL LIP 17/18. £50K 18/19
TN/17/05	Harlesden Town Centre Improvements	Harlesden	Local Safety	Pedestrian and Cycling improvements on the approaches to Harlesden Town Centre to include pedestrian facilities at the Furness Road signal junction. Parking and accessibility reviews to mitigate the effects of development. Scheme to be developed in conjunction with the High Street Harlesden Signal junctions improvements at the junction of High Street Harlesden and Furness Road Scheme identified through the Cabinet approved LIP Prioritisation Matrix and funding for the Brent Local Implementation Plan (LIP) Submission For 2017/18 - 2019/20 approved by Cabinet on 13 September 2016. Improvements to be subject to the outcome of public and statutory consultation process.	£ 100,000.00	£130K TfL LIP 17/18 £20K 18/19
TN/17/14	Kingsbury Town Centre Improvements	Fryent Queensbury Kenton	Public Realm	Public Realm improvements to Kingsbury Town Centre including enhanced facilities to improve accessibility and safety for pedestrians and cyclists. Road safety improvements along the Kingsbury Road corridor from Honeypot Lane to Church Lane to reduce the number of injury collision accidents. Scheme developed in consideration of the "Imagine Kingsbury" study in 2015/16 which involved extensive engagement with the community and members to create a vision for improvements.	£419,967.51	£70k TfL LIP in 2017/18 and £100k in 2018/19 and £100k in 19/20

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

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Projects which S106 plays part of/match funding in other strategies/delivery programmes

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement	
Page 162				The scheme was subject to a step 1 Major scheme funding application in 2015/16 but this was not prioritised by TfL. A scheme is being developed in 2016/17 utilising circa £400k of S106 funding for 16/17 and it will be subject to the outcome of public and statutory consultation process. Further S106 and LIP funding is required to deliver significant improvements to the Town Centre and corridor over the next few years.			
	TN/17/20	Woodgrange Avenue	Kenton	Local Safety	Contribution to TfL Local Implementation Plan (LIP) funded road safety improvements along Kenton Road to improve facilities for pedestrians and cyclists. LIP funding available is £70k in 2017/18. Scheme identified through the Cabinet approved LIP Prioritisation Matrix and funding for the Brent Local Implementation Plan (LIP) Submission For 2017/18 - 2019/20 approved by Cabinet on 13 September 2016. Improvements to be subject to the outcome of public and statutory consultation process.	£6,179.06	£70k TfL LIP in 2017/18
	TN/17/21	Park Royal Station Footbridge	Stonebridge	Local Safety	Contribution to ideally replacement of existing bridge with wider shared footpath/cycleway to link First Central development area to Park Royal underground station, working with Ealing, OPDC, TfL and Network Rail.	£960,708.41	Part of wider contributions from OPDC S106, Ealing and TfL, Network Rail £3 million+ project. More than 50% of Brent funding expires in less than 24 months.
EDUCATION					£ 951,425.85		

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

S.106 Total Available to Commission 17/18	£ 10,145,851
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Projects which S106 plays part of/match funding in other strategies/delivery programmes

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
ED/17/01	Elsley Primary	Wembley Central	Schools Capital Plan	Proposed 2FE permanent expansion of primary schools - Better lives for children and families and good performing school attract local investment	£ 291,908.00	Cabinet approval, £11,500,000 other funding
ED/17/02	Stonebridge Primary	Stonebridge	Schools Capital Plan	Proposed 1FE permanent expansion of primary school - Better lives for children and families and good performing school attract local investment.	£ 397,112.57	Cabinet approval, £8,500,000 other funding
ED/17/03	Carlton Vale Primary	Kilburn	Schools Capital Plan	Proposed new school building for amalgamated and expanded schools: deliver a high quality 3FE new school, that will provide 630 school places and 100 nursery places to meet the demand for pupil places in South Kilburn, by September 2017 - Better lives for children and families and good performing school attract local investment	£ 51,000.00	Cabinet approval, £18,450,000 other funding
ED/17/04	Harlesden Primary	Harlesden	Schools Capital Plan	School Expansion Project - The expansion of Harlesden Primary School will provide two additional classes in each year group (420 new primary places in total).	£ 55,750.00	Cabinet approval, £6,100,000 other funding
ED/17/05	Uxendon Primary	Kenton	Schools Capital Plan	Permanent expansion of Uxendon Manor Primary School by 2FE to meet local demand for school place - Better lives for children and families and good performing school attract local investment	£ 155,655.28	Cabinet approval, £10,500,000 other funding

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Projects where S106 deadline now short

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
PARKS & SPORTS					£ 984409.47	
PK/17/10	Dog Lane Allotments	Stonebridge	Open Space improvements	Improves access to site enabling more people to use the area safely, particularly if they have mobility issues. Improves the biodiversity and usability of the land thus essentially increasing its capacity by balancing drainage to alleviate waterlogging and collecting water to make pond and planting trees which will benefit wildlife. Makes space more attractive in the long term to users and therefore off-sets impacts of development pressure on local amenity space.	£ 51,955.50	Only S106 – allotment occupiers/Brent allotment forum lobbying – £30K 24 month deadline
PK/17/12	Kinch Grove Allotment	Barnhill	Open Space improvements	Supply and install DDA compostable toilet - improves access to site and increases usability of the land by enabling more people to use the site for a longer period of time. Provides a sustainable and environmentally friendly solution to toilet facilities, with compostable waste, water free, low maintenance. Makes space more attractive in the long term to users and therefore off-sets impacts of development pressure on local amenity space.	£ 12,000.00	Only S106 – allotment occupiers/Brent allotment forum lobbying - £6K 27 month deadline
PK/17/13	Tokyngton Park & Church Lane Pitches	Tokyngton	Open Space Improvements	Update the pavilion in particular the changing and showering facilities in Tokyngton Park, addressing roofing issues and anti-social use of the veranda and improve the drainage on the Church Lane pitches.	£ 166,753.43	Only S106 – all 16 month deadline
PK/17/14	De-Havilland Open Space	Queensbury	Open Space Improvements	Enhancement of existing facilities to improve their quality and the use of the open space, including relocation/update of children's equipment and fencing.	£ 60,000.00	Only S106 – all 22 month deadline
PK/17/15	Eaton Grove	Queensbury	Open Space Improvements	Enhancement of open space including provision of table tennis tables, new play area, improvement to pathways, tennis courts, bowling & club house.	£ 250,000.00	Only S106 – all 22 month deadline

APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

S.106 Total Available to Commission 17/18	£ 10,145,851
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Projects where S106 deadline now short

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
PK17/16	Grove Park	Queensbury	Open Space Improvements	Improvement to wooded area facing Capitol Way, lift trees/remove brambles, open up and reduce potential for dumping. Improve surface within existing play area. Make existing park space useable – addressing levels differences. Improvements to MUGA, consolidating/improving existing planting, provision of additional equipment/sports facilities, enhance and add to park furniture – significantly improve the facility. Create additional paths. (Costings on the PK17/15, PK17/15 and PK/17/16 are approximate and so might require flexibility in terms of transfer of funds between these three schemes to deliver the improvements suggested).	£443,701.04	Only S106 – all 22 month deadline
TRANSPORTATION					£ 129,853.17	
TN/17/15	Rainsford Road	Stonebridge	Local Safety	Design and implementation of road safety measures targeted at powered two wheelers and cycling improvements on Rainsford Road. There is a history of stunt driving and anti-social behaviour by P2Ws which resulted in an experimental motorcycle prohibition, but access is required as the area is developed. Improvements to be subject to the outcome of public and statutory consultation process. – Difficult to regard this as a S106 strategic project but flexibility due to spend deadlines?	£100,220.50	S106 only - £68K 24 Month deadline
TN/17/22	Stonebridge Footway Improvements	Stonebridge	Local Safety	Improving the footways in the vicinity of the Unisys development site.	£29,632.67	S106 Money only. - £29.6K 16 month deadline
LANDSCAPE					£ 153,627.73	
LD/17/03	Wembley Town Centre Trees	Wembley Central	Tree Planting	This project will improve the public realm in Wembley Town Centre by providing street trees to soften the landscape and improve air quality. Reduces revenue spend associated with	£ 28,627.73	Only S106 - £9.7K expires 21 months

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Projects where S106 deadline now short

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
				existing trees.		
Page 166 D/17/08	Burnt Oak/Colindale Tree Planting	Queensbury	Tree Planting / Landscape	Tree planting and public realm improvements in the environs of the applications sites but not in those areas likely to be subject to separate Brent/Barnet scheme to improve junctions on Edgware Road. Will green the environment to improve setting of the growth area and improve air quality. Reduces revenue spend associated with existing trees.	£125,000.00	Only S106 – Local community support for tree planting – Fryant ward members want public realm improvements – £125K expires in 24 months

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Projects which have potential image / revenue implications if dropped

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
PARKS & SPORTS					£ 70,333.43	
PK/17/01	Liburn Way Play	Stonebridge	Children's Play Areas	Complete renewal of play area - installation of a new play area existing is outdated with little play value. By improving the play area it will enhance community cohesion and make it a more attractive place to live and work. Off-sets impacts of development by providing playspace in an area with more dwellings.	£ 70,333.43	Only S106 – community engagement/ member expectation of replacement in association with new development - £48K expires in 24 months
TRANSPORTATION					£ 6,122.66	
TN/17/04	Kensal Triangle 20mph	Queens Park	Local Safety	Funding to be used for pedestrian and cycling improvements and a new 20mph speed limit in the Kensal Triangle Area. Wrentham Ave.. Improvements to be subject to the outcome of public and statutory consultation process.	£ 6,122.66	S106 only - Scheme identified by officers following meetings with residents groups and Queens Park Councillors
LANDSCAPE					£ 202,774.30	
LD/17/01	Sudbury Landscape	Sudbury	Tree Planting / Landscape	Project mitigates the impact of development by providing off-site tree planting and landscape improvements. Working with Sudbury Neighbourhood Forum. Reduces revenue spend	£ 20,165.58	S106 + Match funding from GLA to be

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Projects which have potential image / revenue implications if dropped

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
				associated with existing trees.		applied for. Cllr Daly request based from residents
LD/17/02	Willesden Green Trees	Willesden Green	Tree Planting	This project will improve and enhance the environment of Willesden Green, improving the town centre and making it more attractive to development. Reduces revenue spend associated with existing tree problems.	£ 34,460.80	Only S106 Cllr Shaw request
LD/17/05	Harlesden Trees	Harlesden	Tree Planting	A tree planting project that will provide a comprehensive tree scheme for Harlesden ward that will enhance the town centre and its environs providing street trees to soften the landscape and improve air quality. Builds on TfL and Mayor's Tree Planting Funding in area. Reduces revenue spend associated with existing tree problems.	£ 122,048.00	S106 + Match funding from GLA to be applied for. Project proposed by Harlesden NF and Kensal Green Streets
LD/17/06	Sudbury Trees and Wildflowers	Sudbury	Tree Planting / Landscape	Tree planting in East Lane and other roads and wildflower seeding on Watford Road roundabout. This will improve the environment along main heavily trafficked roads in the Borough, greening the environment and improving air quality. Reduces revenue spend associated with existing tree problems.	£12,352.63	S106 + Match funding from GLA to be applied for. Requested by Cllr Perrin and Cllr Daly – consistent with Sudbury NF plans

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Projects which have potential image / revenue implications if dropped

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
LD/17/09	College Green Landscape	Kensal Green	Tree Planting / Landscape	Takes forwards residents' plan to improve and replant two large raised beds in the street at junction of College Road and Mortimer Road and add to tree planting in residential streets nearby in an area that has not had much landscape investment. Reduces revenue spend associated with existing tree problems.	£7,038.65	Only S106 – Project proposed by the local community. Ward Councillor supportive of tree planting
LD/17/10	Kilburn Street Trees	Kilburn	Tree Planting	Tree planting in streets off Kilburn High Road to improve the landscape and improve air quality. Reduces revenue spend associated with existing tree problems.	£6,708.64	Only S106 – Cllr Duffy Request

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Other Projects Considered Appropriate to Receive Funding

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
PARKS & SPORTS					£ 85,769.97	
PK/17/02	Preston Park Play Area	Preston	Children's Play Areas	Upgrade of play equipment - By improving the play area it will enhance community cohesion and make it a more attractive place to live and work. Off-sets impacts of development pressure on local amenity space.	£ 20,000.00	Only S106 – no local engagement yet
PK/17/03	Tenterden Close Allotment	Preston	Open Space improvements	Removal of Asbestos Containing Materials at Tenterden Close allotment - improves health and safety on site and reduces Council's long term liabilities. Makes space more attractive in the long term to users and therefore off-sets impacts of development pressure on local amenity space	£ 7,000.00	Only S106 – allotment occupiers/Brent allotment forum lobbying
PK/17/04	Northwick Park Play & Open Space	Northwick Park	Children's Play Areas	Improvements to popular outdoor gym, fencing to ensure that small to children do not hinder use. Improvement to current play area. By improving the play area it will enhance community cohesion and make it a more attractive place to live and work. Off-sets impacts of development pressure on local amenity space.	£ 11,381.75	Only S106
PK/17/05	Neasden Lane play Area	Dudden Hill	Children's Play Areas	Upgrade of play equipment - By improving the play area it will enhance community cohesion and make it a more attractive place to live and work. Off-sets impacts of development pressure on local amenity space.	£ 10,781.60	Only S106 survey identified additional need
PK/17/06	Neasden Grange Wildlife Area	Dudden Hill	Environmental improvements	Improve the walkway/viewing area and planting around this wildlife area. Off-sets impacts of development pressure on local amenity space by improving the space.	£ 14,614.49	Only S106
PK/17/08	Learie Constantine Open Space	Willesden Green	Open Space improvements	Further improvements to park to assist with antisocial problems caused to neighbours by the design of this park. Off-sets impacts of development pressure on local amenity space by making it more useable/attractive to all..	£ 7,742.13	Only S106 survey identified additional need

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Other Projects Considered Appropriate to Receive Funding

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
PK/17/09	Gladstone Park Improvements	Dudden Hill	Open Space improvements	Improve the hedgerows and wild flower planting for wildlife along railway and where hedgerow is missing within the park. Requested by the volunteer gardening group to work alongside Veolia. Improves social cohesion and off-sets impacts of development pressure on bio-diversity and local amenity space.	£ 9,000.00	Only S106 volunteer group suggestion
PK/17/11	Longstone Avenue Allotments	Stonebridge	Open Space improvements	Removal of Asbestos Containing Materials at Longstone Avenue allotment - improves health and safety on site, reduces the Council's long term risks. Makes space more attractive in the long term to users and therefore off-sets impacts of development pressure on local amenity space.	£ 5,250.00	Only S106 – allotment occupiers/Brent allotment forum lobbying
TRANSPORTATION					£ 398,909.74	
TN/17/09	South Kilburn Transport Infrastructure improvements	Kilburn	Public Realm	Infrastructure improvements to improve accessibility and pedestrian and cycling facilities in the South Kilburn Regeneration Area. Part of the South Kilburn masterplan outputs to improve the public realm in areas of development. Schemes to be identified by South Kilburn Regeneration team and improvements to be subject to the outcome of public and statutory consultation process.	£ 169,909.74	S106 only
TN/17/11	Transport CCTV Measures	Borough Wide	Local Safety	Provision of CCTV enforcement cameras (approx. 4) to improve compliance to moving traffic regulations, road safety and improve journey times. This assists in addressing potential adverse impact caused on the network through increased traffic movement/parking pressures.	£ 100,000.00	S106 only
TN/17/12	Localised Measures	Borough Wide	Local Safety	In year targeted local safety, accessibility and ad-hoc improvements to address local issues using localised S106 allocations prioritising those nearer expiry.	£ 100,000.00	S106 only


APPENDIX 2 – List of proposed projects for FY 2017-18 funding by prioritisation

S.106 Total Available to Commission 17/18	£ 10,145,851
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S. 106 Proposed Projects 17/18	£ 6,188,541.66
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Other Projects Considered Appropriate to Receive Funding

Project Ref	Project Name	Ward	Theme	Project Description & Comments	Proposed 2017/18 (£)	Other funding agreed / member / local engagement
TN/17/16	Brentfield / Hillside NW10	Stonebridge	Local Safety	Enhanced facilities to improve accessibility and safety for pedestrians and cyclists. Improvements to be subject to the outcome of public and statutory consultation process.	£29,000.00	S106 only
LANDSCAPE					£ 133,223.34	
LD/17/04	Kensal Triangle Landscape	Queens Park	Tree Planting	Tree planting to improve the public realm in Kensal Triangle by providing street trees to soften the landscape and improve air quality, links in with previous Chamberlayne Road scheme. Reduces revenue spend associated with existing trees.	£21,358.34	Only S106 – arises from a Cllr Denslow project adjacent – local amenity groups will support/not engaged yet
LD/17/07	Bridgewater Road Trees Alperton	Alperton	Tree Planting	Tree planting in the environs of the S106 contributing site to address tree loss. Reduces revenue spend associated with existing trees.	£1,865.00	Only S106
LD/17/11	Wembley Central Square	Wembley Central	Landscape / Tree Planting	New landscaping of the public square entrance to the Underground/overground train station that is a major gateway to the town centre to increase its attractiveness and enhance the town centre. Working with the landowner, TfL and Network Rail will provide the opportunity to lever in funds.	£110,000.00	Only S106 at this stage – match funding will be sought.

 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report From the Strategic Director of Community Wellbeing</p>
For Action	All Wards
Selective Licensing in the Private Rented Sector	

1. Summary

- 1.1 In April 2014 the Executive approved the introduction of an Additional Licensing scheme, covering all Houses in Multiple Occupation (HMOs) in the borough and in August 2014 approved the introduction of a Selective Licensing scheme, covering all private rented housing in the wards of Harlesden, Wembley Central and Willesden Green. Both schemes came into effect in January 2015 and run to 31st December 2019.
- 1.2 This report proposes a further extension of Selective Licensing, setting out the rationale for the scheme taking account of progress since 2015 and changes to the regulations covering Selective Licensing. An extensive consultation exercise has been carried out alongside further research and the results of these activities are considered in the body of the report and its appendices. It should be added that apart from making changes to the fees for future selective licensing applications, the recommendations set out in section 2 of this report will not affect the existing Selective Licensing designations for the wards of Harlesden, Wembley Central and Willesden Green which will continue to run until 31 December 2019.

2. Recommendations

- 2.1. Agrees that the legal requirements for introducing Selective Licensing on the grounds of anti-social behaviour (ASB) and/or migration and/or deprivation and/or poor housing conditions have been met with regard to the proposed selective licensing

designation areas as summarised in table 6 in paragraph 10.10 below, which cover the following Council wards:

(i) Dudden Hill, Kensal Green, Kilburn, Mapesbury, Queens Park (designation area 1 - on grounds of anti-social behaviour, poor housing conditions, migration and high levels of crime);

(ii) Brondesbury Park, Queensbury (designation 2 on grounds of migration, anti-social behaviour and high level of crime);

(iii) Dollis Hill, Welsh Harp (designation 3 on grounds of poor housing conditions and anti-social behaviour);

(iv) Alperton, Barnhill, Sudbury, Tokyngton (designation 4 on grounds of anti-social behaviour and poor housing conditions);

(v) Stonebridge (designation 5 on grounds of anti-social behaviour, high levels of crime, deprivation and poor housing conditions);

(vi) Fryent, Kenton, Northwick Park, Preston (designation 6 on grounds of anti-social behaviour and migration).

2.2 Subject to paragraph 2.1 above, agree to authorise the designation of six areas for selective licensing to last for five years from the date of designation which cover the following Council wards as delineated and edged red on the map(s) at Paragraph 10.10, Figure 16:

(i) Dudden Hill, Kensal Green, Kilburn, Mapesbury, Queens Park (designation area 1);

(ii) Brondesbury Park, Queensbury (designation 2);

(iii) Dollis Hill, Welsh Harp (designation 3);

(iv) Alperton, Barnhill, Sudbury, Tokyngton (designation 4);

(v) Stonebridge (designation 5);

(vi) Fryent, Kenton, Northwick Park, Preston (designation 6)

2.3 Agrees to seek consent from the Secretary of State for the designation for Selective Licensing of the six areas as set out in paragraphs 2.1 and 10.9, which will last for five years from the date of designation, if approved by the Secretary of State.

2.4 Agrees that authority to issue the required statutory notifications in relation to the Selective Licensing Scheme designations are delegated to the Strategic Director of Community Wellbeing, in consultation with the lead member for housing and welfare reform.

2.5 Agrees that the licensing conditions for the proposed designation areas for selective licensing as set out in Appendix 4 be approved and authorises the Strategic Director for Community Wellbeing, in consultation with the lead member for housing and welfare reform, to make any minor variations to such licensing conditions.

- 2.6 Agrees that, subject to consent being obtained from the Secretary of State, and the issue of statutory notifications, that the Strategic Director of Community Wellbeing, in consultation with the lead member for housing and welfare reform is authorised to decide the date from which the council will begin to accept applications for Selective Licensing for the six designated areas and the date on which the designations and the extended Selective Licensing scheme will come into effect.
- 2.7 Agrees that the fees for Selective Licensing will be set at £540 in all proposed designated wards for the five year licensing period, including those three wards covered by the current scheme, as set out in paragraph 11.2.
- 2.8 Agrees that authority should be delegated to the Strategic Director of Community Wellbeing, in consultation with the lead member for housing and welfare reform to agree the basis for and level of any discounts to be applied to these fees.
- 2.9 Cabinet notes that the proposed Selective Licensing scheme will be kept under review annually. Any significant changes, including the withdrawal of a licensing designation or a proposal to introduce a new designation, will be subject to further consultation and a decision by Cabinet.

3. Background

- 3.1 Under the Housing Act 2004, there are three forms of licensing available to local authorities:

(a) Mandatory Licensing

All local authorities are obliged to run a licensing scheme covering Houses in Multiple Occupation (HMOs) that have three or more storeys and are occupied by five or more people. A scheme has been in operation in Brent since 2006.

(b) Additional Licensing

Section 56 of the Housing Act 2004 provides a power to licence HMOs not covered by mandatory licensing; defined as properties containing 3 or more separate households in a property of no more than 2 floors. Under Additional Licensing, local authorities can designate an area for an initial 5 years but must be satisfied that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise to one or more particular problems, either for those occupying the HMOs or for members of the public. In April 2014 the Executive approved the designation of an Additional Licensing Scheme covering the whole borough with effect from 1st January 2015.

(c) Selective Licensing

Under Part III of the Act, local authorities can introduce Selective Licensing schemes that focus on improving the management of privately rented properties accommodating single households as well as HMOs and a partial scheme covering three wards has been in place since 1st January 2015.

- 3.2 This report is concerned solely with Selective Licensing, as Mandatory and Additional schemes are already in place and cover the whole borough. The current Selective Licensing scheme covering the wards of Harlesden, Wembley Central and Willesden Green is also unaffected by this report. Reconsideration of the scope of Selective Licensing is prompted by the continued growth of the sector and continued concern

about its links with the incidence of ASB and other issues. At the 2011 Census the sector contained 35,000 properties, an increase of 72.1 % from the 2001 exercise. Research carried out in relation to this report (see Appendices 1 and 2) suggests that the sector now contains around 37,000 properties.

- 3.3 An additional factor is the changed regulations relating to Selective Licensing from March 2015. Under the previous regulations, Selective Licensing could only be introduced where a local authority could demonstrate either low demand for housing or significant ASB linked to the extent and nature of the private rented sector. Revised regulations, considered in more detail below, introduce new factors that can be taken into account. Licensing can now be considered to address poor property conditions, high levels of migration (national and international), high levels of deprivation and high levels of crime. These are all factors that could be considered relevant in Brent.
- 3.4 The regulations also stipulate that where a licensing designation would cover more than 20% of the local authority area or more than 20% of the private sector stock, consent to a scheme must be sought from the Secretary of State. The 20% total would include any areas already designated, meaning that any significant extension of Selective Licensing in Brent would require consent.
- 3.5 The sector is a vital resource that has grown in response to demand, particularly as house purchase has moved increasingly out of reach for Brent residents and access to affordable rented housing is restricted by short supply. Much of the sector offers good accommodation but there is significant evidence of poor management and poor conditions. There is also evidence that poorly-managed privately rented properties have a negative impact on many neighbourhoods. ASB, noise complaints, nuisance neighbours, accumulations of rubbish and other problems can be linked to the failure of private landlords to manage their properties and tenancies effectively. Overcrowding, sub-letting and illegal conversions are also features of the private rented sector in Brent on the back of huge demand for housing in the borough and all contribute to neighbourhood problems. Brent experiences high levels of in-migration from within and outside the UK and some parts of the borough score highly on the Index of Multiple Deprivation. Licensing is a valuable tool, alongside other measures, in tackling these problems and driving improved standards and conditions across the sector.

4. Impact of Licensing Since 2015

- 4.1 In the first year of operation, the focus was on maximising applications and this has been followed by a concentration on enforcement action since January 2016. Initial research suggested that there might be up to 2823 licensable properties within the wards currently designated for Selective Licensing. In practice, the number has proved to be much higher and 3,834 licences have been issued, representing 136% of the anticipated total and reflecting, at least in part, the continued growth of the sector. There have been 79 successful prosecutions for breaches of licensing or other Housing Act offences with between 3 and 5 cases referred to Legal Services each week for prosecution and over 500 unannounced inspections or raids on unlicensed properties. A proactive door-knocking exercise to identify unlicensed properties has covered 7293 properties (including those covered by the Mandatory and Additional schemes).
- 4.2 Beyond the licensing process and enforcement action, Selective Licensing has Assisted in building close working relationships with the council's other regulatory services and provided a mechanism for monitoring ASB in the designated areas. A

database of over 3500 landlords and agents operating in Brent has been compiled, supporting better communication and engagement with the sector through a quarterly Private Housing Services (PHS) newsletter and expansion of the Brent Private Landlords Forum: for example, the June 2016 meeting was attended by over 350 landlords. It is evident that take-up of Selective Licensing is assisted by the simplicity of the scheme compared to other approaches. Rather than having to establish whether a property is an HMO and, if so, whether it is covered by Mandatory or Additional Licensing, a landlord covered by a Selective scheme will know that any rented property in a designated neighbourhood falls within it.

- 4.3 The picture for Additional Licensing is different. While take-up of Mandatory and Selective licensing has exceeded anticipated levels, take-up of Additional licensing is below expectations, as illustrated by the table below:

Table 1: Take up of Licensing

	Properties Licensed	Estimate of licensable properties	%
Mandatory	603	300	201%
Harlesden	1,292	1,109	117%
Willesden Green	1,450	1,011	143%
Wembley Central	1092	703	155%
Additional	1,573	16,000	10%
Total	6,010		

- 4.3 There are several possible explanations for this. First, there may be deliberate evasion, involving rogue landlords and properties where standards of management and overall conditions tend to be worse, and this has been reflected in enforcement action for breaches of licence conditions. It is also likely that many landlords have failed to understand that the property they are letting is an HMO within the definition applicable for Additional Licensing, wrongly assuming that it is only larger properties falling within the Mandatory Licensing definition that are covered. It should be stressed that an extension of Selective Licensing is not proposed as a solution to low take-up of Additional Licensing, although it should also be acknowledged that the relative simplicity of the former scheme may assist in prompting landlords to come forward.
- 4.4 The 2014 report to Cabinet noted that there was potential for a negative impact on tenants. This might arise from landlords deciding to leave the rental market rather than engage with licensing, or from evictions (potentially including illegal evictions) following or in anticipation of enforcement action. There is little evidence that landlords have withdrawn from renting in response to licensing, although it is unlikely that the council would be informed in such cases and that there are many other factors that could influence such a decision. There is some evidence, principally from surveys undertaken by representative organisations in the sector, that recent tax and welfare reforms, changing lender attitudes and concerns about future

profitability are the main causes of concern for landlords and have promoted some to either change their business model or withdraw from the market.

- 4.5 The more immediate concern is the impact on tenants of enforcement action taken against unlicensed properties or landlords in breach of license conditions. Although there is little evidence that enforcement has led to homelessness applications, there is evidence that tenants have moved on, sometimes voluntarily, in such cases but little evidence as to where they have moved to. To establish a clearer picture of the impact of licensing on tenants, Future of London (FoL) have been commissioned to undertake a study, the findings of which will be taken into account in developing the council's approach to tenant engagement.
- 4.6 Whilst this report concerns extending selective licensing in Brent and most enforcement has been focused on HMOs which is regulated under Mandatory and Additional licencing, Private Housing Services commissioned FoL to look into the effect of their unannounced inspections on tenants. This is to be commended. While 18 boroughs have discretionary licensing schemes, and there are over 500 additional and selective schemes nationwide, so far there has been little shared evaluation of success, and even less on their effect on tenants.
- 4.7 The research, which comprised field work, data analysis and interviews with a number of stakeholders (including tenants themselves), painted a mixed picture. Some tenants' situations have improved as a result of an inspection, while others have deteriorated. Information on eviction and displacement has produced a complex range of tenant pathways, with dependent factors including awareness of rights and support structures, and level of tenant vulnerability.
- 4.8 Despite data and information limitations, the research had some clear actions for Private Housing Services to take forward
- Do more to raise private tenant awareness of their rights before, during and after the inspections. Empowered tenants will engage with officers after visits, and their situations are more likely to improve.
 - Improve and better promote tenant liaison services to tenants. Officers need to better communicate services to tenants, as well as working more closely with the contract-holder (currently SSP Law) and monitoring progress.
 - While the council's concern must be housing decently its vulnerable communities in priority need, people living in poor-quality HMOs are vulnerable in a different way – from poor conditions and exploitative landlords. A closer and more cooperative relationship between PH, Housing Needs and the plethora of voluntary sector groups embedded in communities will help to protect all of Brent's communities.
- 4.9 The research found that some people were being negatively affected, though the way in which the enforcement inspection was conducted had a bearing on what happens next to the tenant. The circumstances of tenants who were well-informed and aware of their rights were more likely to improve. The research suggested ways to ensure more tenants are better-informed of their rights before, during and after the inspections.
- 4.10 It also recognised that displacement of tenants happens, within and beyond Brent boundaries. Tracking of private tenants is difficult and not as much of a priority of most local authorities as it is for Brent. Pan-London/sub-regional licensing groups are a good place to discuss systems for recording/sharing data and the GLA have indeed now established a Private Sector Housing Leaders group to look at issues such as these.

- 4.11 The research also concluded that there is scope for Brent's voluntary sector to help the council seize a number of opportunities, such as communicating with tenants about licensing and rights. Many groups are keen to help Brent improve their services. Advice for Renters has a wealth of information and knowledge, but resources are stretched. A more cooperative and collaborative relationship with the voluntary sector, including regular meetings, would help to share responsibilities and target resources.
- 4.12 Whilst the research focused on tenants that had been party to an unannounced inspection of their property, either at their request due to the conditions they were living in, or at the request of neighbours and residents concerned for instance that the property was an overcrowded HMO, empirical and anecdotal evidence gathered indicated that some tenants had had a positive outcome as a consequence. Furthermore, despite there having been in the region of 600 unannounced visits made since the introduction of licensing and over 6500 properties licenced there was no evidence to show an increase in tenants accessing services both within the Councils Housing Needs service or SSP Law.
- 4.13 As a result of this research an action plan has been developed which will see all of the recommendations made being implemented.

5. Conditions for Selective Licensing

- 5.1 The Housing Act 2004 sets out requirements for the introduction of Selective Licensing and evidence gathering and consultation have sought to establish the position in relation to these. The legal requirements which the Cabinet has to consider before authorising the introduction of designations for selective licensing are set out in paragraphs 14.1 to 14.19 of this report.
- 5.2 It is a requirement that any exercise of the power is consistent with the council's overall Housing Strategy and that a co-ordinated approach is taken in connection with dealing with homelessness, empty properties and ASB affecting the private rented sector. The Housing Strategy was approved by Cabinet on 21st July 2014 and addresses these issues. The Strategy is currently subject to a review, details of which can be found here: www.brent.gov.uk/drafthousingstrategy2017. Consultation ran until 31st May 2017 and the final document will take full account of this report. The authority must also consider whether any other course of action – for example the use of other enforcement powers – would be effective and whether the designation of Selective Licensing will assist in dealing with identified problems. This is considered further below.
- 5.3 Following the publication of revised regulations, Selective Licensing is intended to assist in dealing with a range of issues in addition to problems of low demand and ASB. Low demand is not a relevant consideration in Brent and the focus of research and consultation has been on the other factors set out in the regulations. With regard to ASB, the regulations state that the local authority must be satisfied:
- a. that the area is experiencing a significant and persistent problem caused by ASB;
 - b. that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take, and;
 - c. that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem (s.80(6) Housing Act 2004)

5.4 The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 adds to the existing conditions, which are set out below.

- That the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area and that one or more of the sets of conditions below (i.e. (i) to (iv)) is satisfied:
 - (i) That there is evidence of poor conditions in the sector and that making a designation will, combined with other measures, contribute to an improvement in general housing conditions in the area.
 - (ii) (a) That the area has high levels of migration and a significant number of properties in the sector are occupied by those migrants; and
 - (ii) (b) that making a designation will, with other measures, contribute to the preservation or improvement of the social or economic conditions in the area and ensuring that properties are properly managed, and in particular, that overcrowding is prevented.
 - (iii) (a) That the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of relevant properties; and
 - (iii) (b) that making a designation will, with other measures, contribute to a reduction in the level of deprivation in the area.
 - (iv) (a) That the area suffers from high levels of crime and criminal activity affects those living in relevant properties or other households and businesses in the area; and
 - (iv) (b) that making a designation will, with other measures, contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.

6. Rationale for Reviewing the Current Approach

6.1 The continued growth of the sector, in itself, suggests a need to keep the position under review. The impact of licensing so far, the extent of enforcement action since then and the other evidence considered below, indicate that issues of poor management and poor conditions persist and that the scale and distribution of the sector and its associated problems is not confined to the three wards covered by the current designation. The additional considerations introduced by revised regulations address areas that were a concern prior to the introduction of the current scheme but could not be taken into account at that time. The ability to consider these factors makes it timely to re-evaluate the evidence.

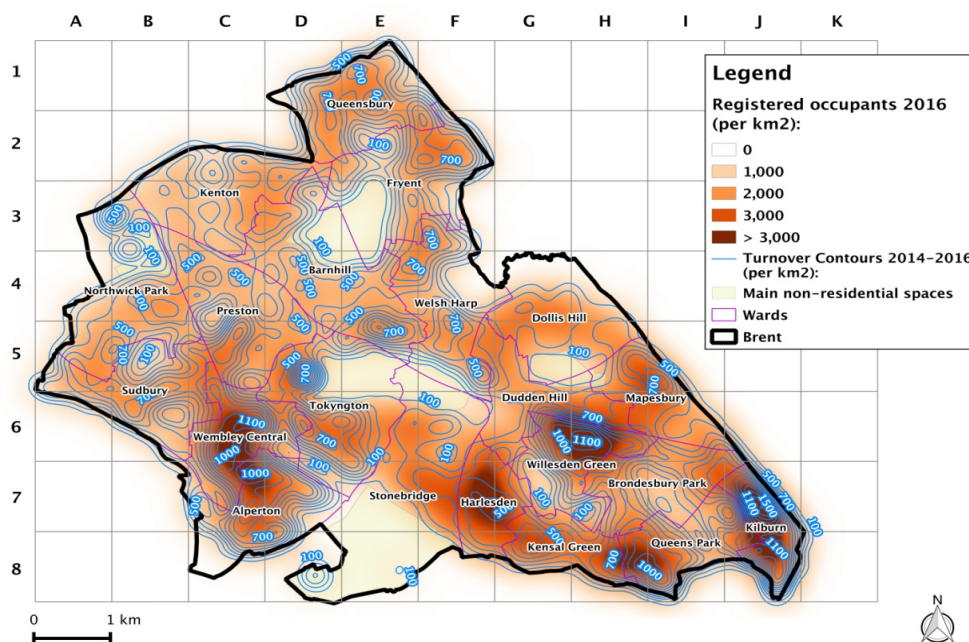
7. The Private Rented Sector in Brent

7.1 The research and consultation exercises that support this report were undertaken in light of the matters summarised above and a similar approach to that taken in the earlier exercise was adopted. Mayhew Harper Associates were again commissioned to review available data and provide an analysis of the sector and, in particular, to identify any correlation between the size and location of the private rented sector and the factors set out in paragraphs 5.3 and 5.4 above. This work complemented extensive research and analysis undertaken by council officers. The consultation exercise was the third key element and this is considered in section 9. The following sections provide a summary of key points emerging from research and evidence gathering. The findings of the council's own research are set out in Appendix 2 and the report from Mayhew Harper Associates is attached at Appendix 1.

7.2 Analysis confirms the continued growth of the sector as noted earlier. This growth is underpinned by London's expanding population, driven by UK and international in-

migration and a rising birth rate, both of which are especially marked in Brent. An additional factor is population turnover, which is three times higher in Brent than in the rest of England, as illustrated in the chart below. Population density is indicated by shading while turnover is shown in the blue contours.

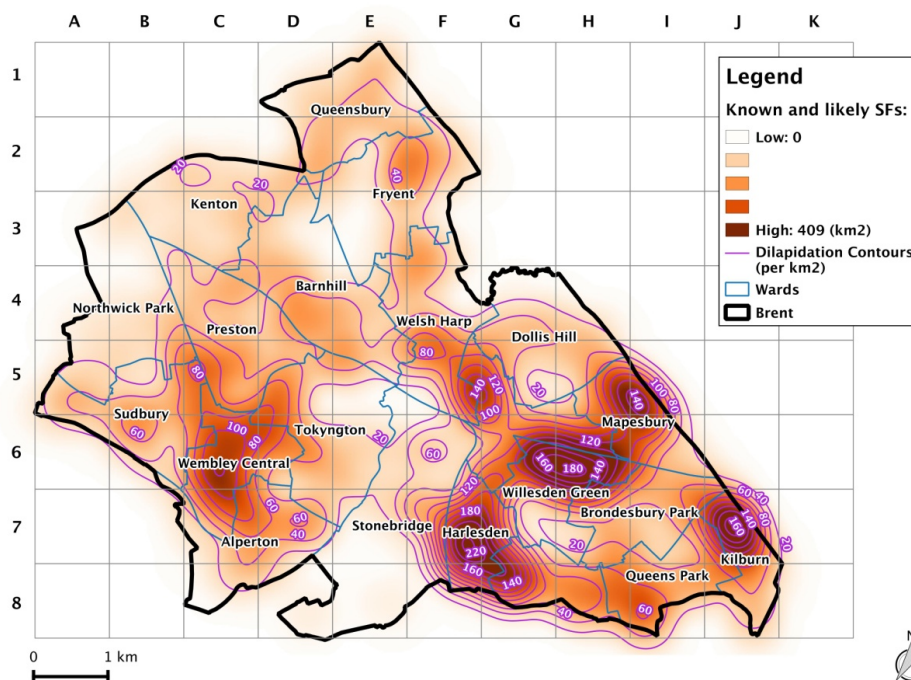
Figure 1: Hotspot and contour map of Brent showing adult population density in 2016 and churn between 2014 and 2016



7.3 Analysis indicates that the PRS now makes up 41.5% of all private sector housing, reflecting a shift away from owner occupation, which has become increasingly unaffordable. While the largest concentrations of private renting have always been in the south of Brent, the pattern is changing, with increasing numbers in areas traditionally dominated by owner occupation and in which problems associated with private renting were not previously a significant concern.

7.4 The map below shows the distribution of known and likely Single Family Dwellings – that is, properties that are unlikely to be HMOs and would be subject to Selective Licensing rather than the Mandatory or Additional schemes. The likelihood of a property being an HMO or a single family dwelling is based on analysis of a range of “risk” factors – for example, number of occupants, HB and Council Tax records – which are explained in detail in the report at Appendix 1. Note that the unshaded areas are mainly open space or areas of very low residential density, with the exception of Stonebridge, where the dominant tenure is social housing (although even here and on other social housing estates, private renting has increased as homes sold under the Right to Buy are let by their owners). The map also shows contours based on the concentration of known dilapidation and noise complaints, which are notably denser in areas of high private renting. The map shows a strong correlation with poor housing conditions and this is considered further below.

Figure 2: Known and Likely Single Family Dwellings



7.6 Single family homes are more numerous in the south, but there are strong indications that the distribution is changing with growth in other wards. While long-standing concentrations of private renting exist in wards such as Kilburn, Harlesden, Willesden Green and Wembley Central, growth has extended to areas such as Mapesbury, Welsh Harp, Dudden Hill and Tokyngton. Beyond this, wards which previously had very little private renting such as Barnhill, Fryent, Preston, Queensbury, Alperton and Sudbury have seen significant growth. While growth of private renting is less marked in Northwick Park and Kenton, analysis indicates that continued demand pressure and high house prices are likely to drive growth in these wards too, where the mainly inter-war housing stock lends itself to single family renting.

8. Private Renting and the Conditions for Selective Licensing

8.1 Selective Licensing will be an appropriate response where it can be demonstrated that the some or all of conditions set out earlier are met. Research and analysis have therefore focussed on examining whether a correlation can be shown between the presence and extent of private renting in the borough, either as a whole or in part, and the relevant conditions. It should be stressed that the research does not set out to prove a causal link between these conditions, such as the incidence of ASB, and any *particular* property, landlord or tenant. Nor is it implied that all landlords or tenants are responsible for ASB, poor conditions or other factors in an area or that licensing alone is the only solution to these problems. It is expected that the role of licensing will be considered alongside other powers the council or others have and actions they might take. The following paragraphs summarise the key findings from analysis, while further detail is set out in the appropriate appendices.

8.2 Anti-Social Behaviour, Crime and Poor Housing Conditions

8.2.1 Analysis has considered the relationship between ASB and poor housing conditions and the extent of private renting at ward level. Data covering six ASB, crime, and housing indicators were used to determine which wards are most/least affected and which indicators are most/least correlated with private renting. This includes: data on environmental crime at household (property and other levels) for the period January 2013 to October 2016; property conditions and disrepair at address level from January 2010 to August 2016; Police reported ASB at ward level by financial year from 2013/14 to 2015/16; data on over 14,000 fly-tipping incidents at ward level between September 2015 and September 2016; data on council reported ASB incidents. The data is used to assess the relationships between various factors and the extent of the PRS, which produces a correlation measure that ranges from -1 (negatively correlated) to +1 (positively correlated). A fuller explanation of the methodology is set out in Appendices 1 and 2.

8.2.2 DCLG guidance groups ASB in three categories:

- Crime: Tenants not respecting the property in which they live, including vandalism, criminal damage, and robbery/theft or car crime
- Nuisance neighbours: Noise, nuisance behavior, animal-related problems, vehicle-related nuisance etc.
- Environmental crime: Graffiti, fly-posting, fly-tipping, litter around a property, dilapidations

8.2.3 The table below ranks each ward according to this data.

Table 1: Ward Rank by ASB and Housing Conditions

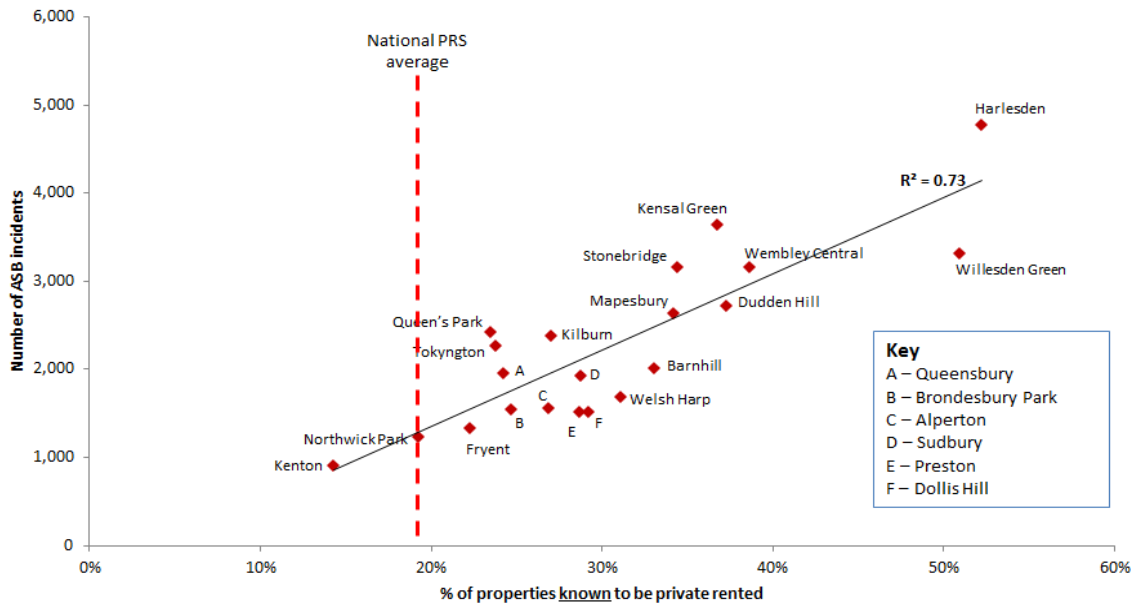
Rank	Ward name	Single Family Rented	Cumulative % of private sector (estimated)	Cumulative % of Brent Area	SLS in place
1	Willesden Green	1,297	3 . 5	3.6	Y
2	Harlesden	1,519	7.6	6.2	Y
3	Kilburn	693	9.4	8.3	
3	Mapesbury	1,012	12.1	11.5	
5	Kensal Green	1,105	15.1	14.1	
6	Wembley Central	738	17.1	17.8	Y Y
7	Queens Park	469	18.4	21.3	
8	Dudden Hill	1,081	21.3	25.2	
9	Stonebridge	771	23.3	34.5	
10	Barnhill	752	25.4	41.4	

11	Tokyngton	698	27.2	47.8	
12	Queensbury	502	28.6	52.6	
13	Alperton	650	30.3	57.3	
14	Sudbury	816	32.5	62.2	
15	Preston	696	34.4	67.8	
15	Welsh Harp	867	36.7	73.1	
17	Dollis Hill	770	38.8	78.5	
18	Fryent	620	40.4	84.6	
19	Brondesbury Park	503	41.8	88.6	
20	Northwick Park	345	42.7	94.8	
21	Kenton	331	43.6	100.0	
	Total	16,235			

8.2.4 Overall, the analysis shows strong associations between the PRS, ASB and disrepair. In particular, compared to the similar analysis undertaken for the 2014 exercise, data on indicators such as noise nuisance and enviro-crime show a deterioration in some wards, including Kensal Rise, Tokyngton and Queens Park. These links are more marked in some areas than others.

8.2.5 The pattern is illustrated in the chart below, which shows the number of ASB incidents and the extent of private renting in each ward. Recorded ASB is lowest in Kenton, which also has the lowest proportion of private renting, and highest in Harlesden, which has the highest proportion of private renting. However, it should be stressed that ranking wards in this way should not mask the fact that all wards demonstrate an unacceptable level of problems, although their relative positions and the scale of local issues show significant variation.

Figure 3: Number of ASB incidents* against % of ward known to be PRS**

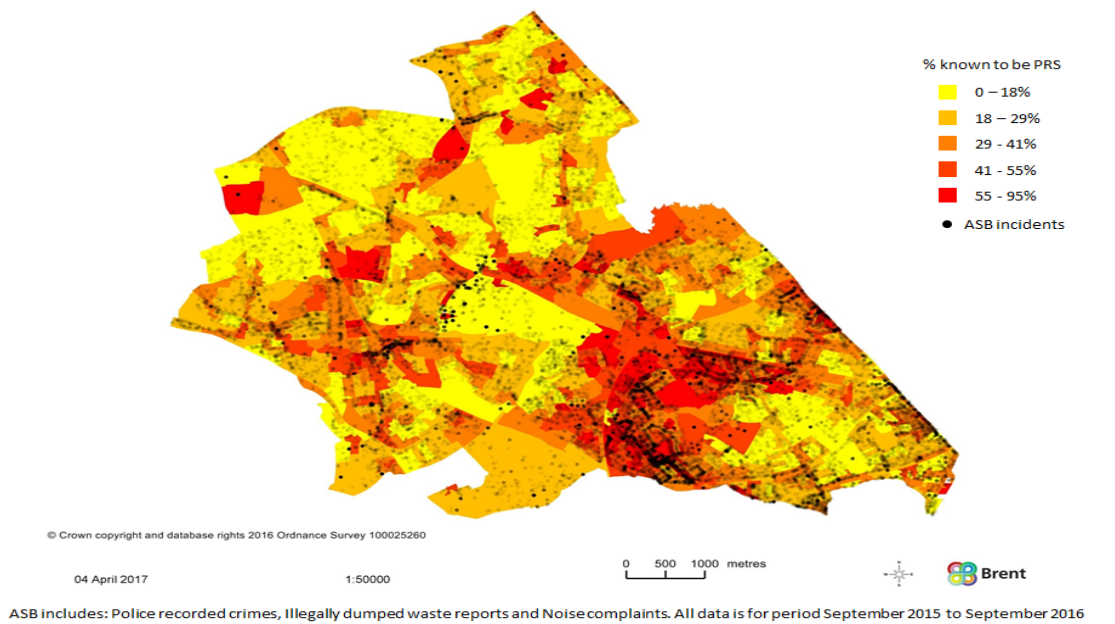


*Includes data from four sources; police recorded crime, fly tipping reports, noise complaints and police recorded ASB – data aggregated to ward level

**37,466 PRS records in total. These have been identified as being known PRS through various council sources e.g. housing benefit, council tax benefit which state the tenure type of the property.

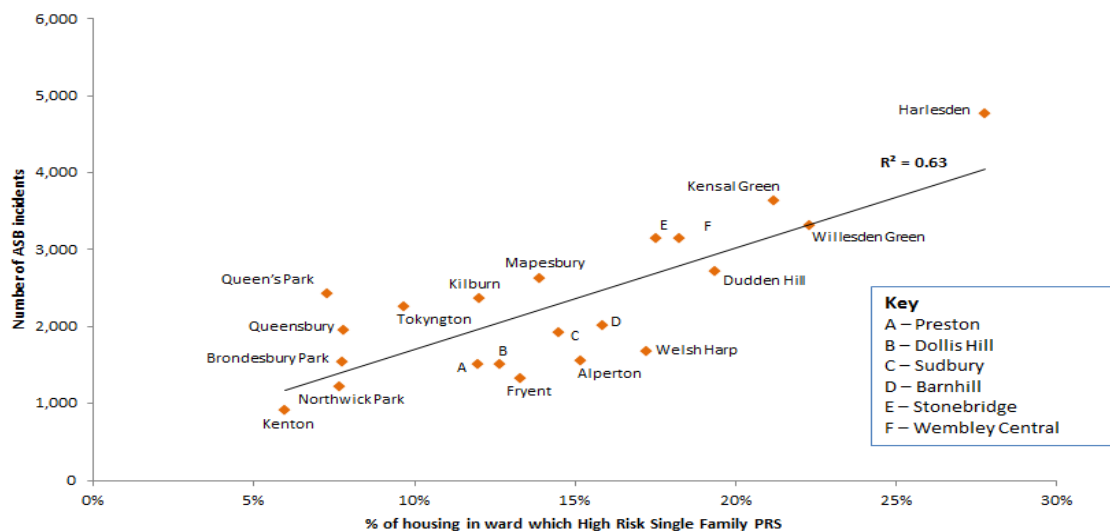
8.2.6 There is a +0.73 correlation between the concentration of private renting and the six indicators used indicating a high level of association throughout the borough. There is a strong correlation between ASB and PRS in relation to police recorded ASB. Using data from September 2015 to September 2016, the highest number of incidents were recorded in Wembley Central (744), Harlesden (640), Stonebridge (613) and Willesden Green (602). These four wards also have some of the highest levels of PRS in the borough, ranging from 52% in Harlesden to 34% in Stonebridge. There is a positive correlation between areas with a greater proportion of Single Family PRS and police recorded ASB. The relationship is however not as strong as with all PRS combined (0.14 compared to 0.57). The relationship is also illustrated in the map below;

Figure 4: Map showing % of properties known to be PRS by recorded ASB incidents



8.2.7 Within the overall private rented sector, Selective Licensing is concerned with Single Family dwellings. Figure 5 illustrates the correlation for these properties.

Figure 5: Number of ASB incidents* against % of ward where housing is predicted to be High Risk Single Family PRS



*Includes data from four sources; police recorded crime, fly tipping reports, noise complaints and police recorded ASB – data aggregated to ward level

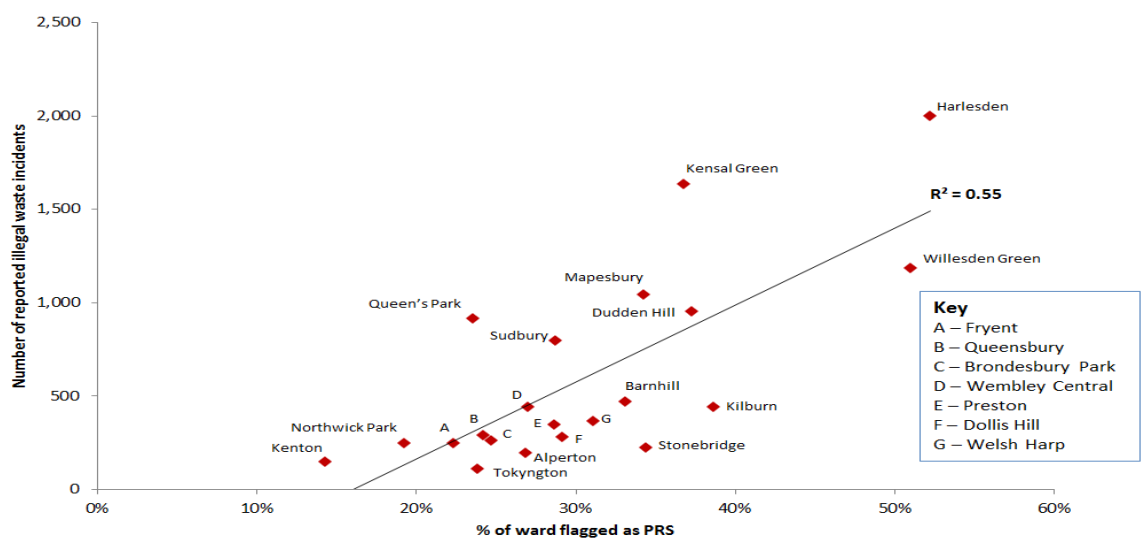
**17,505 properties were identified as being high risk of being Single Family Private Rented. This was deduced by indicators such as having housing benefit at the address, two or more adults at the address, reports of dilapidation or noise, as well as being smaller properties (council tax bands A-C). Please note that we cannot be 100% certain these are single family PRS, nor indeed private rented.

8.2.8 The wards currently covered by Selective Licensing score highly on all key measures such as poor property conditions. Only Wembley Central scores higher on enviro-crime and fly tipping. Wards such as Kenton and Northwick Park where private renting is least established show relatively lower scores on almost every indicator. By contrast Kilburn and Mapesbury with the highest concentrations of private renting are ranked joint third. The indicators most correlated with private renting are enviro-crime (+0.79), fly-tipping (+0.74), and property conditions (0.68).

Those correlated least, albeit still positively, are Police-reported ASB (0.58) and Council reported ASB (0.57) [although it must be noted that the sample size for this indicator was relatively small].

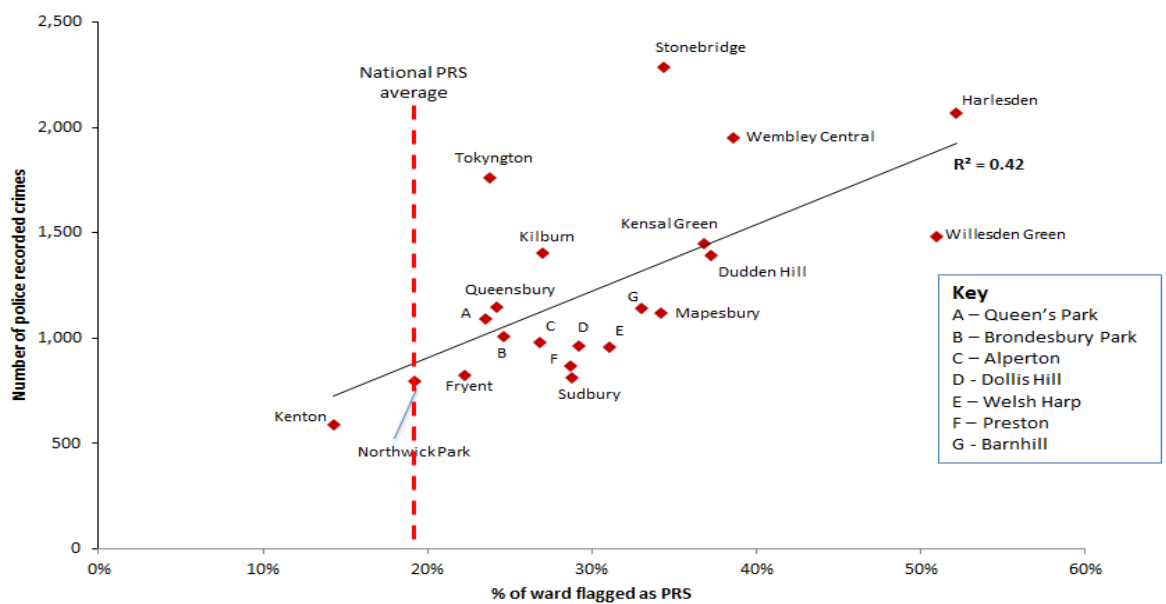
8.2.9 The three wards with the highest levels of contaminated waste reports are Brondesbury Park (13,080), Queensbury (12,206) and Barnhill (11,619). The levels of contaminated waste are also high in other wards. There is also a strong relationship between PRS and reports of illegally dumped waste across the borough, with Harlesden, Kensal Green and Willesden Green showing especially high levels. Overall there is a slight positive correlation (0.32) between noise complaints and private renting, with Harlesden, Mapesbury and Kilburn wards showing the highest correlation

Figure 6: Illegally dumped waste reports using Cleaner Brent app by known PRS (September 2015 – September 2016)



8.2.10 Overall there is a fairly strong relationship between the PRS and police recorded crime in the borough within the wards of Stonebridge, Harlesden, Wembley Central and Tokyngton. It should be stressed that figures for Tokyngton may be distorted by incidents related to large crowds attending events at Wembley stadium. In considering the relationship between Single Family PRS and police recorded crime, there is still a positive relationship in that areas with more Single Family PRS also see higher levels of police recorded crime. Stonebridge, Harlesden, Wembley Central and Tokyngton are notable outliers.

Figure 7: Police recorded crime by known PRS (September 2015 – September 2016)



8.2.11 In terms of disrepair and poor conditions, there is direct evidence from activity within Private Housing Services, which is set out in detail in Appendix 2. In summary, datasets on property conditions and disrepair at address level spanning the period January 2010 to August 2016 were collated and provided background for both the in-house and Mayhew Harper studies. The data covered a range of problems including drainage, overcrowding and HMO enforcement. Section 4 of Mayhew's Report gives his findings while the in-house review of housing conditions is found on pages 30-32 of the in-house report. The study was based on the following evidence;

- Proportion of PRS tenure
- Proportion of Private Rented Sector Stock with a Category 1/2 hazards
- Count of housing disrepair complaints
- Count/proportion property licence applications, licences issued and renewals

8.2.12 The table below shows overall complaints. While it might be expected that more complaints would be received from areas where the PRS has a high presence, it is apparent that numbers are disproportionately high in areas with a larger PRS. For example, while the percentage of PRS housing in Willesden Green is less than double the percentage in Preston, the number of complaints is three times higher. Even in areas with a lower proportion of PRS housing, numbers of complaints are relatively high.

Table 2: Disrepair complaints to private housing service June 2014 to Dec. 2016

Complaints rank	Ward	% known PRS	Number of complaints (June 2014 - December 2016)
1	Willesden Green	51%	194
2	Harlesden	52%	184
3	Dudden Hill	37%	172
4	Mapesbury	34%	163
5	Kensal Green	37%	155
6	Wembley Central	39%	113
7	Kilburn	27%	100
8	Barnhill	33%	96
9	Stonebridge	34%	96
10	Welsh Harp	31%	94
11	Tokyngton	24%	93
12	Dollis Hill	29%	87
13	Sudbury	29%	82
14	Alperton	27%	75
15	Preston	29%	60
16	Fryent	22%	59
17	Brondesbury Park	25%	55
18	Queensbury	24%	52
19	Northwick Park	19%	43
20	Kenton	14%	32
21	Queens Park	24%	16

8.2.13 A similar pattern emerges with Category 1 and 2 hazards, the most serious and high risk disrepair issues.

Table: 3 Category 1 and 2 hazard complaints to private housing services

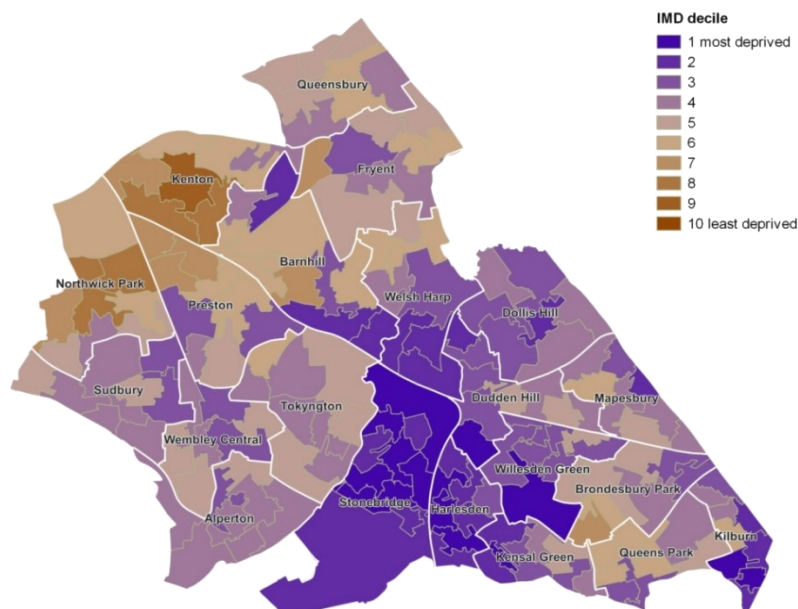
Cat 1 /2 hazard rank	Ward	% known PRS	Cat 1 Hazards	Cat 2 Hazards	Total
1	Harlesden	52%	123	93	216
2	Willesden Green	51%	97	77	174
3	Dudden Hill	37%	71	58	129
4	Wembley Central	39%	66	58	124
5	Kensal Green	37%	74	43	117
6	Mapesbury	34%	82	33	115
7	Welsh Harp	31%	55	31	86
8	Stonebridge	34%	46	36	82
9	Sudbury	29%	48	33	81
10	Tokyngton	24%	43	38	81
11	Kilburn	27%	41	37	78

12	Dollis Hill	29%	34	33	67
13	Alperton	27%	29	32	61
14	Barnhill	33%	36	18	54
15	Brondesbury Park	25%	27	18	45
16	Preston	29%	24	20	44
17	Queen's Park	24%	30	14	44
18	Fryent	22%	18	21	39
19	Queensbury	24%	29	7	36
20	Northwick Park	19%	14	17	31
21	Kenton	14%	10	12	22
		Totals	997	729	1726

8.3 Deprivation

8.3.1 Revised regulations allow a designation to be made if an area is subject to high levels of deprivation. The map below shows deprivation levels in the borough according to the Index of Multiple Deprivation (IMD) 2015. Overall, Brent is ranked 39th among English authorities in the Index, although there are significant variations across the borough. Higher levels of deprivation are concentrated in southern and central neighbourhoods but there are variations in these areas, as well as pockets of deprivation in more affluent parts of the borough.

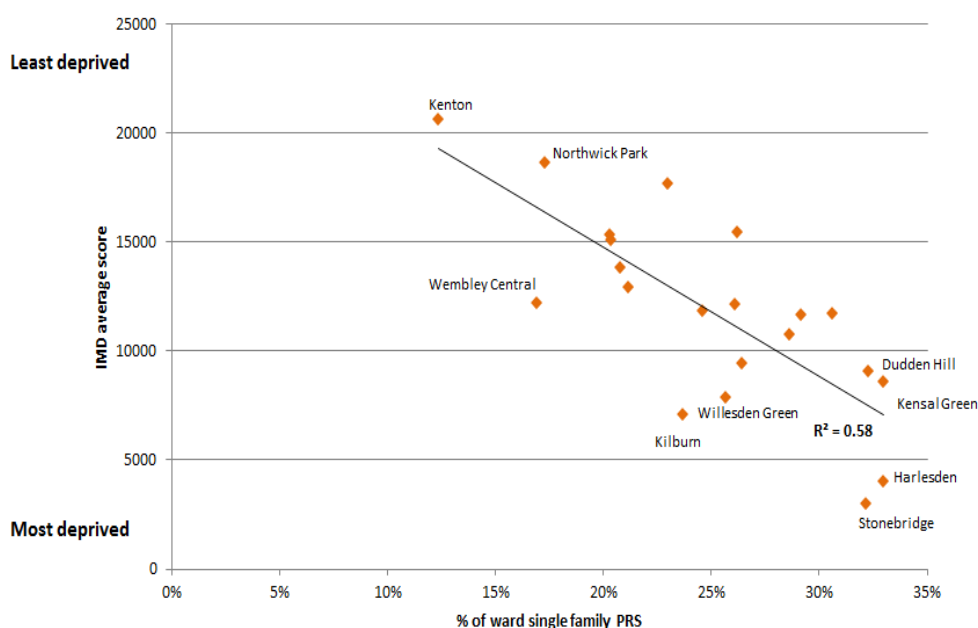
Figure 8: Index of Multiple Deprivation



8.3.2 Analysis considered the correlation between private renting and deprivation, comparing it to the association between private renting and ASB. Wards with high

levels of deprivation show some correlation with private renting but this was not a perfect match and the correlation was not as high, at +0.41, as for ASB and poor conditions, where the correlation is high at +0.76. However, there is still a demonstrative positive correlation in that areas with a greater proportion of Single Family PRS also tend to be more deprived. The chart below shows the correlation between deprivation and private renting. However, taken together all three criteria are persuasive arguments for an extension to Selective Licensing either alone or in combination.

Figure 9: Correlation between Deprivation and Private Renting



8.4 Migration

8.4.1 Migration is an additional factor that can be taken into account. Office for National Statistics (ONS) data shows that annual inflows account for between 8% and 10% of the resident population. This is over seven times the rate experienced by England as a whole and is higher than the London average. Of this percentage between 2.5% and 4.5% is international in origin. Inflows of international migrants exceed outflows by over 2 to 1. By contrast outflows of internal migrants exceed inflows, indicating a growth of international migrants over time. This is supported by the number of new migrant GP and National Insurance Registrations which are running at an annual rate of 15k and 23k. The evidence is that these pressures are not new and that this is reflected in an increasingly diverse black, Asian and minority ethnic (BAME) population. The PRS is the main source of housing for this group, with owner occupation largely out of reach and social housing supply limited and with access controlled by allocation policy. There is also evidence, for example recent research by the Runnymede Trust, that some BAME groups, including the White Other group into which the majority of migrants from Europe will fall, are disproportionately affected by overcrowding.

8.4.2 Figure 1 at paragraph 7.2 above has already highlighted the extent of population churn, demonstrating that that turnover and overcrowding are localised and

correspond with identified private rental hotspots especially in areas such as Kilburn, Wembley Central, Willesden Green and Mapesbury. These are traditionally the areas that have been most vulnerable but the phenomenon is increasingly becoming borough-wide as may be inferred from the density and proximity of turnover contours in other areas. Density and churn are high in areas such as Queensbury, Sudbury, Fryent and parts of Kenton, suggesting that private renting is impacting over a wide area.

8.4.3 Analysis also assists in identifying whether properties experiencing churn or overcrowding are more likely to be private rented HMOs or single family rented. Using a cut-off of five or more adults per address and a turnover of five or more adults as a proxy for large HMOs, key findings are:

- Large HMOs experience higher occupancy and churn than single family private rented properties or smaller HMOs, indicating that smaller private rented single family properties are a more stable group.
- Wembley Central and Alperton rank highest on both occupancy and churn, followed by Kenton, Queensbury and Tokyngton. This finding is consistent with the identified HMO hotspots.
- Wards with lower occupancy include Harlesden and Willesden Green which are already Selectively Licensed and also Kilburn, Kensal Green, Dudden Hill and Mapesbury all of which are more likely to be single family rented.

8.4.4 As with other factors, there is significant variation in the impact of migration at ward level. In broad terms, wards with higher levels of private renting tend to see higher levels of migration, particularly where the proportion of HMOs within the PRS is higher. Wards in the south of the borough rank in the top ten for migration with Mapesbury, Willesden Green, Kilburn and Queens Park ranking highest. This might be expected in light of the points noted at 8.6.1. It should also be noted that there are similarities in the pattern here and that for ASB and deprivation. In this context, the scale and distribution of in-migration is a relevant factor in assessing the potential to extend licensing.

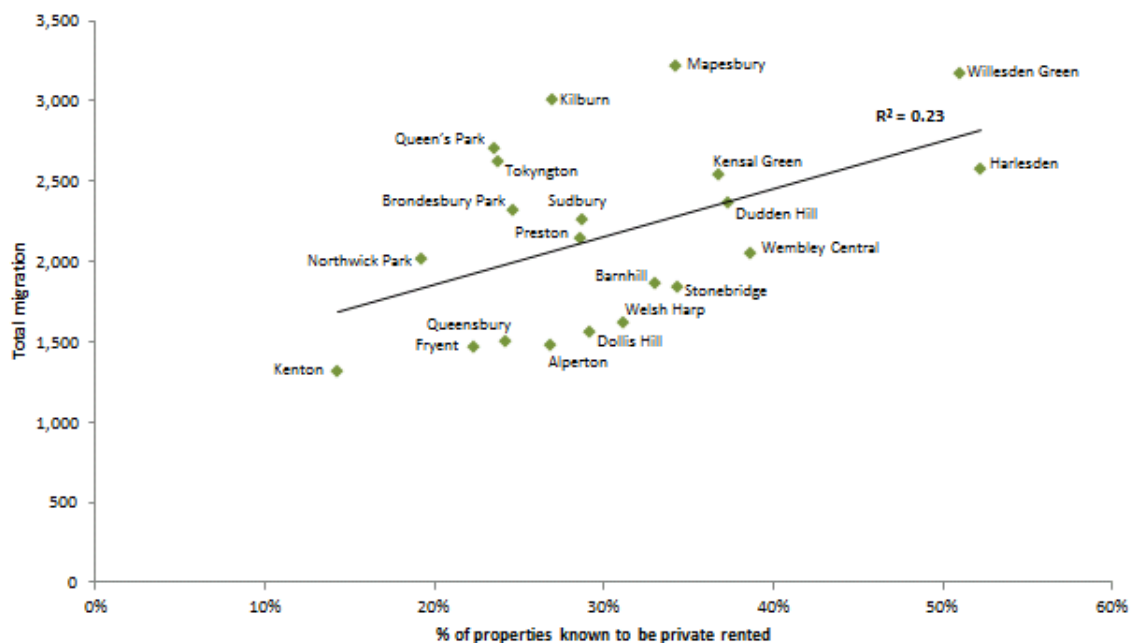
Table 4: Migration at Ward Level

Migration rank	Ward	% PRS (including HMOs)	% Single Family PRS	Migration Total
1	Mapesbury	34%	29%	3,218
2	Willesden Green*	51%	26%	3,163
3	Kilburn	27%	24%	3,006
4	Queens Park	24%	20%	2,696
5	Tokyngton	24%	21%	2,616
6	Harlesden*	52%	33%	2,578
7	Kensal Green	37%	33%	2,541
8	Dudden Hill	37%	32%	2,366
9	Brondesbury Park	25%	21%	2,311

10	Sudbury	29%	26%	2,263
11	Preston	29%	26%	2,142
12	Wembley Central*	39%	17%	2,051
13	Northwick Park	19%	17%	2,008
14	Barnhill	33%	31%	1,866
15	Stonebridge	34%	32%	1,837
16	Welsh Harp	31%	29%	1,615
17	Dollis Hill	29%	26%	1,557
18	Queensbury	24%	23%	1,498
19	Alperton	27%	25%	1,471
20	Fryent	22%	20%	1,469
21	Kenton	14%	12%	1,316

8.4.5 The map below provides an alternative visual illustration of this data

Figure 10: Amount of migration into each ward against known PRS



37,466 PRS records in total. These have been identified as being known PRS through various council sources e.g. housing benefit, council tax benefit which state the tenure type of the property.

8.4.6 As with other factors considered above, ranking wards in this way illustrates the relative severity of the issue, not its presence or absence. Wards that have scored relatively low on other indicators, notably Northwick Park, score much higher in

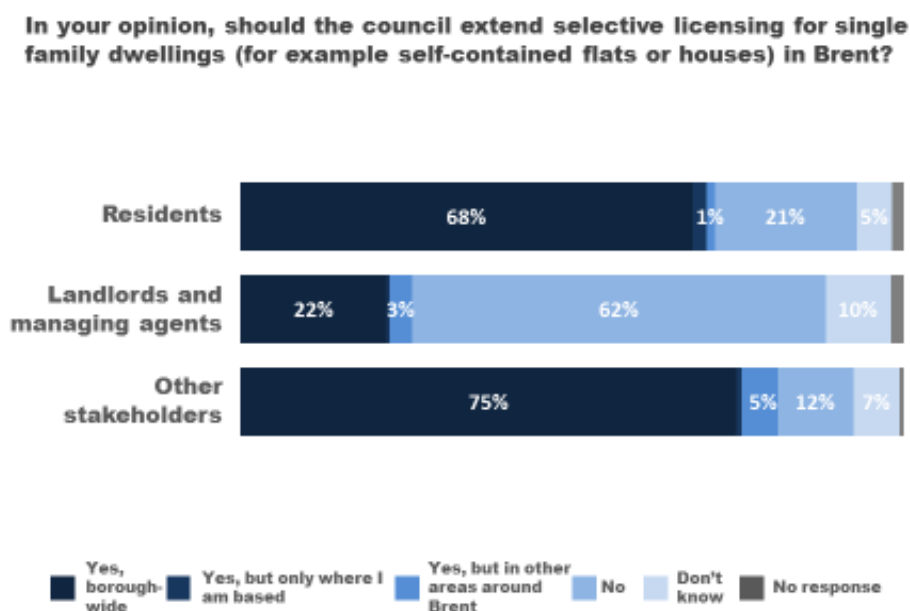
relation to migration, where levels are not significantly lower than in Wembley Central. Similarly, while Kenton is ranked lowest, the level of migration is still significant. These findings reflect a trend identified in relation to other factors that demonstrates the increasing importance of the PRS in such wards. This trend is expected to continue, suggesting a likelihood that these wards will see similar patterns in relation to ASB and other factors to that experienced in other parts of the borough as the sector continues to grow.

9. Consultation

- 9.1 The Housing Act 2004 requires that, before making a designation for Selective Licensing the Council must take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation and not withdrawn. An extensive consultation exercise was carried out, involving landlords and their representative organisations, letting agents, tenants, residents and neighbouring boroughs. A full report on the consultation process and responses is attached at Appendices 6 and 7, while the following paragraphs summarise the process and key findings.
- 9.2 Consultation aimed to provide residents, landlords, and managing and letting agents with an opportunity to provide their views about the draft proposals to extend the selective licensing scheme. Consultation covered the following areas:
- Opportunities to provide views about the problems in their local area and in relation to their homes in Brent
 - Opportunities to provide views as to how the PRS as a whole in Brent might be improved
 - Opportunities to provide views on the proposed licensing conditions
 - Support for extending selective licensing for single family dwellings in Brent
 - Where selective licensing should apply based on ASB and also one or several of these new criteria: - poor property conditions, high levels of migration, high level of deprivation or high levels of crime,
 - Opinion as to what selective licensing would achieve
- 9.3 The approach was primarily governed by the provisions of the Housing Act 2004 and the DCLG guidance (Revised April 2010). Three questionnaires were designed to capture views on the proposals; one for residents, tenants and businesses, another for private landlords and managing agents and a third for other stakeholders, the latter focusing on interest from London Boroughs of Barnet, Camden, Ealing, Harrow, Hammersmith and Fulham, Kensington and Chelsea, and Westminster, as these boroughs border Brent. The consultation questionnaire was conducted online, though paper forms were made available on request and in certain circumstances such as outreach sessions. Paper forms could be completed by hand and returned to the Council in a pre-paid envelope.
- 9.4 The aim was to use our customer insight to target communications and evaluate their impact. The strategy was to use a broadly based communications drive with a diverse range of channels to deliver consistent integrated messages. The approach was also informed by an equalities analysis.
- 9.5 Consultation ran for 11 weeks from 30 September 2016 and closed on Friday 16 December 2016, although the web-link remained open until 19 December 2016. The vast majority of the work was focused on an external audience, although internal channels were used to engage staff whose work is public facing to act as ambassadors for the consultation and encourage more responses.

- 9.6 1,207 responses were received: 205 from landlords and agents, 855 from residents (including 227 tenants living in the PRS) and 147 from others. Key findings are summarised below.
- 9.7 In response to the central question as to whether the council should extend licensing for single family dwellings, responses were as set out in Figure 11.

Figure 11: Views on the Extension of Selective Licensing

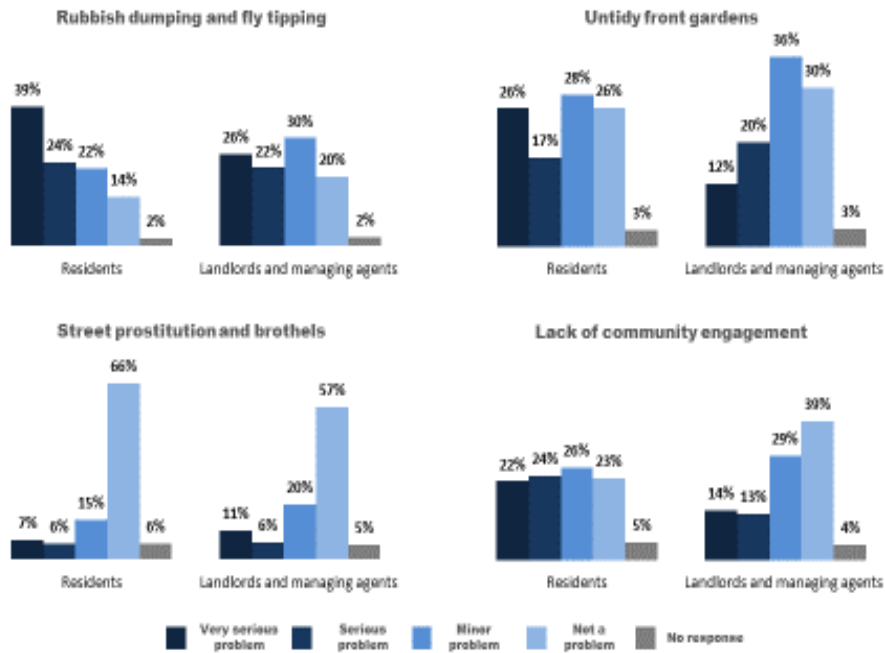


Consultation dates: 30 September 2016 – 16 December 2016
 Residents, tenants and businesses (855) Landlords and managing agents (205) Other stakeholders (147)

- 9.8 As was the case in consultation on the original licensing proposals, there is strong support from residents. Although a majority of landlords and agents were opposed, a significant minority also indicated support. Support was highest among other stakeholders who, along with residents, showed majority support for an extension covering the whole borough.
- 9.9 When asked about ASB and other problems in neighbourhoods, it is notable that all respondents indicated some level of concern, with few respondents indicating that there were no problems, except in the case of street prostitution and brothels, which by their nature tend to be less visible and more localised. Levels of concern in all other cases were higher among residents but a significant proportion of landlords indicated concern about fly tipping and rubbish dumping and untidy front gardens. Responses are summarised in Figure 12.

Figure 12: Neighbourhood Problems

How would you rate the following problems in your local area? / As a resident, landlord or agent in Brent, how would you rate the problems identified below?

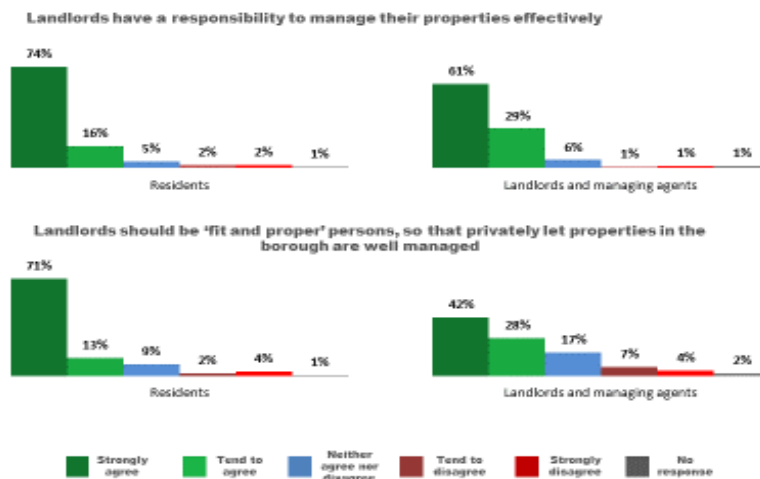


Consultation dates: 30 September 2016 – 16 December 2016
Residents, tenants and businesses (855) Landlords and managing agents (205) Other stakeholders (147)

- 9.10 There was strong support, particularly from residents but also from landlords and agents, for the proposition that landlords have a responsibility to manage their properties effectively and to be fit and proper persons.

Figure 13: Management and Fit and Proper Person Requirements

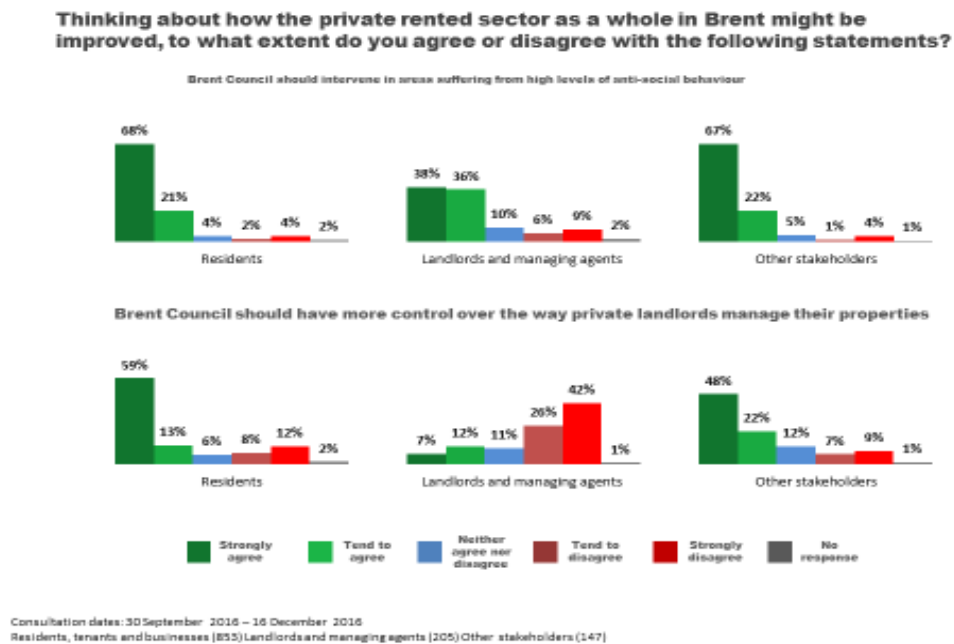
Thinking about the private rented sector as a whole in Brent, to what extent do you agree or disagree with the following statements?



Consultation dates: 30 September 2016 – 16 December 2016
Residents, tenants and businesses (855) Landlords and managing agents (205) Other stakeholders (147)

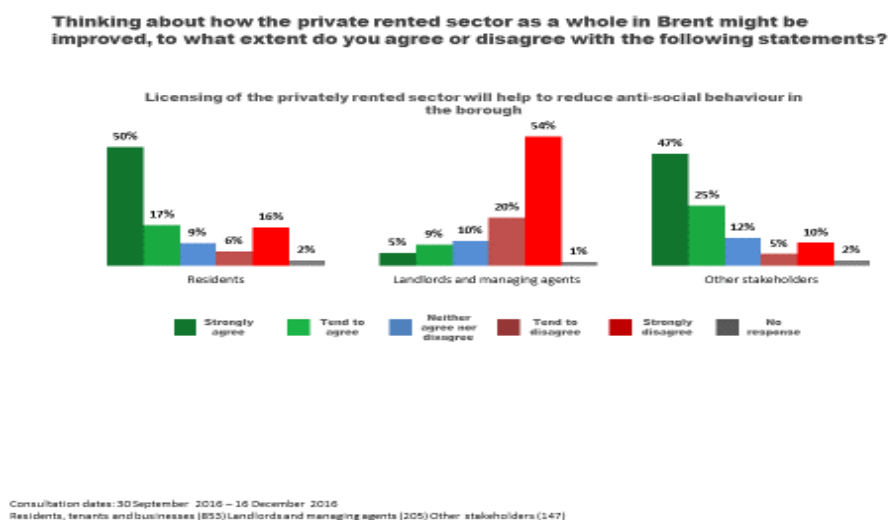
9.11 There was also strong support for the proposition that the council should intervene in areas with high levels of ASB. Although support was less pronounced among landlords and agents, it is clear that there is recognition within this group that their business can be adversely affected by ASB. Views on the extent to which the council should have more control over the way that landlords manage their properties were, perhaps unsurprisingly, more mixed with strong support from residents and other stakeholders but clear opposition from landlords and agents.

Figure 14: Intervention on ASB and Management



9.12 Finally, respondents were asked for view on the impact of licensing on ASB.

Figure 15: Licensing and ASB



9.13. There was clear support from residents and other stakeholders for the view that licensing will help to reduce ASB, while landlords and agents took the opposite view.

Again, this is consistent with findings from previous consultation exercises. Outcomes from consultation are positive and provide additional evidence in support of the case for the extension of licensing. While a numerical majority of all responses supported Selective Licensing there were, perhaps inevitably, differences of view between different interest groups. While it may have been anticipated that landlords and landlord groups would oppose licensing in principle, as they have done elsewhere, the objections put forward raise genuine concerns that have helped to shape the detail of the proposals and will be given due weight in finalising operational arrangements.

10. Conclusions from the Evidence and Consultation

- 10.1 Evidence required by the legislation must ultimately govern the decision in principle as to whether the implementation of Selective Licensing is justified, while outcomes from consultation indicate the level of support for or opposition to the proposals, as well as providing further indication of areas of concern. The consultation sought views as to whether selective licensing should be extended beyond the wards of Harlesden, Wembley Central and Willesden Green to most of the borough and whether selective licensing should be extended on a borough wide basis. It was made clear that any decision on the scope of the scheme would depend on analysis of the evidence and findings from consultation and that it was possible that the Cabinet could be asked to approve the extension of Selective Licensing for every ward in the borough's area beyond the three wards covered by the current Selective Licensing Scheme. It should also be stressed that any decision will not affect the existing Selective Licensing designation in Harlesden, Wembley Central and Willesden Green, which will continue to December 2019 in line with the earlier Cabinet decision.
- 10.2 As set out above, there is strong evidence to support an extension to other parts of the borough based on the conditions relating to ASB, crime, conditions migration and deprivation. However, it is also clear that the picture varies across wards, with factors carrying more or less weight according to local circumstances. The table below summarises the ranking of each ward according to the independent analysis carried out by Mayhew Harper Associates and assessment by officers, with 1 indicating the highest ranking: for example, this means that Harlesden has the most serious problems relating to ASB and poor conditions. Note that some wards rank equally for some factors.

Table 5: Ward Rankings

Ward	PRS (Mayhew)	PRS (Internal)	ASB	Cond	Crime	Dep	Migration
Alperton	31.10%	27%	15	11	14	11	19
Barnhill	27.6%	33%	11	9	10	10	14
Brondesbury Pk	33.7%	25%	16	18	13	15	9
Dollis Hill	24.7%	29%	17	16	15	7	17
Dudden Hill	35.4%	37%	6	3	8	6	8

Fryent	28.3%	22%	19	17	18	17	20
Harlesden	32.4%	52%	1	1	2	2	6
Kensal Green	36%	37%	2	6	6	5	7
Kenton	20.7%	14%	21	21	21	21	21
Kilburn	29.8%	27%	9	7	7	3	3
Mapesbury	45.7%	34%	7	4	11	9	1
Northwick Park	20.6%	19%	20	20	20	20	13
Preston	30.8%	29%	18	15	17	18	11
Queens Park	35.3%	24%	8	14	12	16	4
Queensbury	23.2%	24%	12	19	9	19	18
Stonebridge	16.9%	34%	4	9	1	1	15
Sudbury	33.9%	29%	13	8	19	12	10
Tokyington	35.2%	24%	10	11	4	14	5
Welsh Harp	29.4%	31%	14	13	16	8	16
Wembley Central	35%	39%	5	4	3	13	12
Willesden Green	44.9%	51%	3	2	5	4	2

10.3 For Table 5, 37,466 properties are identified as privately rented from council sources (Council Tax Benefits, Housing Benefits, tenant information from council tax, ASB data, HMO data). As these were identified from council held sources, there is a high degree of certainty as to their tenure type. The total number of domestic properties for each ward was calculated, and the percentage PRS of all properties was calculated and ranked. Four sources of information have been used to identify ASB; police recorded crimes (September 2015 – September 2016), illegally dumped waste reports from the Cleaner Brent App (September 2015 – September 2016), police recorded ASB incidents (2015/16) and Noise complaints (September 2015 – September 2016). These datasets were combined, aggregated to ward level and then ranked. Property conditions are assessed from– complaints received to private housing services on properties between 1st June 2014 and 31st December 2015; the count of category 1 and 2 hazards; Private property licensing returns January 2015 – March 2017. Wards have been ranked by their individual deprivation score for the combined domains within IMD 2015. Finally, migration data has been taken from the 2011 Census. The individual rank scores were totalled for each ward and ranked

from low to high. For example, Harlesden's combined rankings (1+1+2+2+6) were the lowest across all 21 wards.

- 10.4 Areas proposed for Selective Licensing must have a high level of private rented housing. Brent has 21 electoral wards and data has been analysed at electoral ward level and, where appropriate, at Lower Super Output Area (LSOA) geographies, which average approximately 1,800 residents. Brent has 173 LSOAs or around eight per ward. The average across all wards for each factor relevant to licensing was calculated and acts as the benchmark value. A threshold score was established for each ward across each component within the five conditions, excluding low housing demand. Analysis identified wards which were above the national, London or Brent average for each condition. Wards were then considered for Selective Licensing where there is a high PRS and 1 or more of the conditions are met.
- 10.5 The criterion used to demonstrate a 'high level' is a threshold of 19%, although the English Housing Survey 2015-16 now estimates the national average level at 20.1%. Kenton and Northwick Park are the only wards with a lower total than this based on internal analysis but Mayhew Harper's study gives a higher figure and only Kenton has a proportion below 19%, although a higher figure is found in the Mayhew Harper analysis. Given the continued expansion of the sector, there is reasonable confidence that all wards in Brent have a PRS larger than the national average.
- 10.6 Wards with a high proportion of PRS properties show a greater likelihood of ASB issues, including a correlation between Single Family PRS properties and ASB. With regard to individual components of ASB and their relationship with the PRS (including registered HMOs), police recorded ASB has the strongest correlation, followed by fly tipping reports, police recorded crime and noise complaints. For Single Family properties, the strongest correlations are with fly tipping reports, followed by noise complaints. Several wards frequently feature as being marked by high levels of PRS (both including and excluding registered HMOs) and high levels of ASB. These include Harlesden, Kensal Green, Willesden Green, Stonebridge, Wembley Central and Dudden Hill.
- 10.7 In addition to positive correlations between PRS and ASB, there are also notable correlations between deprivation and PRS. Some of Brent's most deprived wards, including Stonebridge, Harlesden, Kensal Green and Dudden Hill are also marked by having some of the highest proportions of Single Family PRS in the borough. Opposite correlations with ASB can be seen when looking at wards with high proportions of properties marked as 'Other tenure' (these properties are not flagged as PRS or council properties, so there is a higher likelihood of them being owner-occupied). For example, wards with the highest proportions of 'Other tenure' properties see the lowest levels of police recorded ASB.
- 10.8 Officers have considered whether the evidence supports a single designation covering the whole borough and, taking account of analysis and responses to consultation, have concluded that the variations between wards and the prevalence of individual factors relevant to Selective Licensing mean that there is insufficient evidence to support a single, borough-wide designation on the basis of a single factor such as ASB. However, the varying patterns in connection with each factor indicate a strong case for a series of separate designations, grouping wards according to the factors most relevant in each area. The recommendation to extend the scope of selective licensing on this basis means that the geographical coverage and the percentage of the PRS involved exceeds the 20% rule noted earlier and that Secretary of State's confirmation of the scheme is needed if the proposals are agreed by Cabinet.

- 10.9 In proposing separate designations we have considered;
- The level of the PRS in each ward (known PRS rank),
 - The ranking for each of the criteria examined based on the outcome tables and coefficient (R – squared). It is considered that, overall, a ranking of 13 or higher among the 21 wards in Brent demonstrates that the impact of any given factor is significant. This includes the three wards already designated as these (notably Harlesden and Willesden Green) feature worst across all measures although these wards do not feature in the proposed designations in Table 6 as they are already subject to selective licensing. Wembley Central ranks 5th worst in terms of ASB and 7th worst overall.
 - The juxta-position of each ward as this indicates a similarity of problem faced, and also allows the boundaries to be easily delineated. The lines also take into consideration the position of the Harlesden, Wembley Central and Willesden Green wards which have already been designated
- 10.10 This rationale indicates that Kensal Green, Dudden Hill, Mapesbury, Stonebridge, Kilburn, Queens Park, Tokyngton, Barnhill and Queensbury could be proposed as one designation on the basis of their high ranking on ASB. However, Kensal Green, Dudden Hill, Mapesbury, Kilburn and Queens Park are also significantly affected by poor property conditions, migration and crime and given their location in the south eastern section of the borough and therefore, it is proposed that these 5 wards form **Designation 1** on the basis of their shared high ranking against these factors.
- 10.11 The Brondesbury Park ward is also situated within the south east of the borough and although levels of ASB are less significant, (ranked 16th), migration (9th) and crime (13th) levels are serious problems. The Queensbury ward is ranked 16th for the levels of the PRS is situated at the northern extreme of the borough Queensbury show a relatively high link with ASB (12th rank) and also high crime (9th) and therefore on this basis these two wards form a separate designation – **Designation 2**.
- 10.12 The Sudbury, Welsh Harp and Dollis Hill wards show evidence of poor housing conditions. The two wards of Welsh Harp and Dollis Hill are therefore proposed as a designation based on poor housing conditions, the general ASB prevalence in the borough and their location next to each other – **Designation 3**
- 10.13 The wards listed in paragraph 10.10 in relation to ASB also rank highly for poor property conditions. It is proposed that the wards of Tokyngton and Barnhill which were not included in designation 1 should be combined with the other wards which provide evidence of disrepair, these being Sudbury (8th rank) and Alperton (11th rank and also 11th for deprivation) to form a separate designation based on these two criteria, namely poor property conditions and ASB - **Designation 4**.
- 10.14 Stonebridge is unusual because it is characterised by a high percentage of social housing and industrial use. However, the ward also contains a high proportion of PRS stock, much of it in the form of public sector stock purchased under the Right to Buy. Based on the 2011 census the proportion is 16.9% (Mayhew) but our in-house analysis indicates that the actual figure is 34%, representing significant recent growth. Stonebridge ranks poorly across all criteria (except for migration), and 6th worst overall. It is therefore proposed that it should the four criteria of ASB, poor housing conditions, migration and high levels of crime be the basis for **Designation 5**.

10.15 A strong correlation is shown between migration and the PRS in the north western wards, notably Preston (11th rank) and Northwick Park (13th Rank). These wards plus Fryent consistently feature as the wards least linked to problems in the single family PRS. However given the very strong ASB problems linked to the whole PRS ($R^2=0.73$), these two wards are combined with Kenton to form **Designation 6**, on the basis of migration and ASB

10.16 The six proposed designations are summarised in the table below.

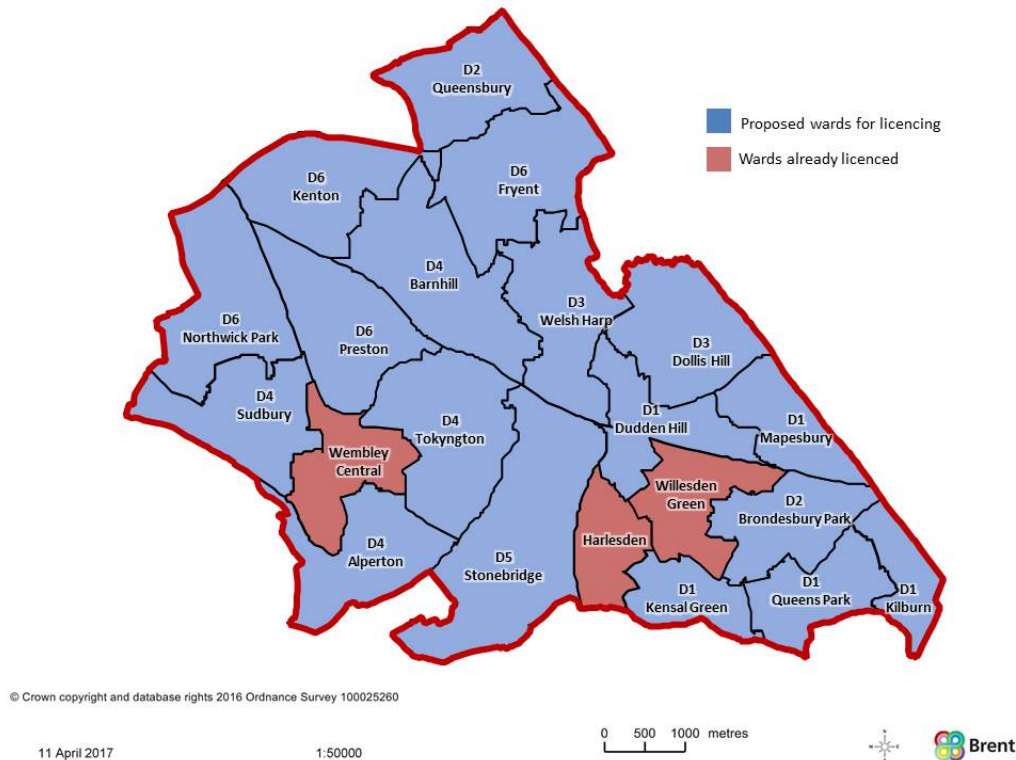
Table 6: Proposed Designations

Ward	Designation	Reasons
Dudden Hill Kensal Green Kilburn Mapesbury Queens Park	1	ASB, PC, MIG, CRIM
Park Brondesbury	2	MIG, CRIM, ASB
Dollis Hill Welsh Harp	3	PC, ASB
Barnhill Tokyngton Preston Sudbury Alperton	4	ASB, PC
Stonebridge	5	ASB, CRIM, DEP, PC
Northwick Park Kenton Queensbury Fryent	6	ASB, MIG

**ASB = Anti-social behaviour; CRIM= high levels of crime; DEP= deprivation;
DISR= poor housing conditions; MIG= migration**

10.10 The map below illustrates the geographical coverage of the proposed designations, each of which is numbered in line with Table 6 above.

Figure 16: Map of Proposed Licensing Designations



11. Licensing Conditions and Fees

11.1 The proposed draft conditions for Selective Licensing for the proposed six designation areas are set out in Appendix 4 to this report. Some of these are mandatory requirements under the Housing Act 2004 and therefore must be included in any scheme. Others are discretionary and these conditions and the way in which they will operate in practice will be subject to further discussion in the period leading up to commencement of the schemes. The intention is that any additional burden on landlords and unintended negative consequences for tenants should be minimised and that the council's administrative requirements, and by extension the costs of the schemes, should be proportionate.

11.2 The council is entitled to cover the costs associated with the scheme through a fee but is not allowed to make a surplus or to use the fee income for purposes unrelated to licensing. To meet these conditions, fees will need to be set at £540 for five years for Selective Licensing. It is proposed that this fee level should also apply to the existing designations in Harlesden, Wembley Central and Willesden Green.

12. Next Steps

12.1 As noted earlier, a decision to designate any additional wards for Selective Licensing will require consent from the Secretary of State. Once this has been obtained and

assuming this is obtained, a decision to proceed with licensing proposals triggers a formal notification by way of a designation notice, which must be followed by a period of at least three months before any scheme comes into effect. Following this, licensing applications will be invited and processed but it is not possible to indicate precise timings for this and the commencement of the scheme since this will depend on the time taken to obtain Secretary of State's approval.

13. Legal Implications

13.1 Under section 80(2) of the Housing Act 2004 ("HA 2004"), before introducing a selective licensing scheme, the Council (in this case, the Council's Cabinet) must consider that –

- (a) the first or second set of general conditions mentioned in section 80(3) or (6) of the HA 2004; or
- (b) any conditions specified in an order under section 80(7) of the HA 2004 as an additional set of conditions are satisfied in relation to the area. In this case, The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 ("2015 statutory instrument") will apply as they have provided for additional conditions which involve poor housing conditions, migration, deprivation and crime.

13.2 Section 80(3) of the HA 2004 refers to the first set of general conditions which relates to low housing demand which is not relevant for this report.

ASB

13.3 The second set of general conditions is set out in section 80(6) of the HA 2004 in relation to ASB and they are as follows:

- (a) that the area is experiencing a significant and persistent problem caused ASB;
- (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
- (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem. "Private sector landlord" does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996.

13.4 ASB is relied upon as the one of the reasons and justifications for all six of the proposed designation areas and the Council's Cabinet must be satisfied the requirements set out in (a), (b) and (c) in the previous paragraph are met when considering and deciding to make Selective Licensing Designation areas for the proposed designation areas 1 to 6 as set out above on the ground of anti-social behaviour.

13.5 As for the definition of "ASB", this is set out in section 57(5) of the HA 2004 which states:

"anti-social behaviour" means conduct on the part of occupiers or, or visitors to, residential premises –

- (a) Which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or
- (b) Which involves or is likely to involve the use of such premises for illegal purposes.

2015 Statutory Instrument – additional conditions

- 13.6 In relation to the 2015 statutory instrument, the following conditions are specified as additional conditions which the Council's Cabinet must consider are met in relation to a proposed designation area before making a selective licensing designation:
- (i) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;
 - (ii) that the properties referred to in sub-paragraph (i) above are occupied under either assured tenancies or licences to occupy; and
 - (iii) that one or more of the four sets of conditions as set out in the 2015 statutory instrument is satisfied. The four sets of additional conditions are set out below.

Conditions in relation to housing conditions

- 13.7 The first set of additional conditions, which are set out in the 2015 statutory instrument, relate to poor housing conditions. The requirements to rely on poor housing conditions as a sufficient reason to introduce a designation for selective licensing are as follows:
- (a) that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in paragraph 14.6(i) above to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises;
 - (b) that the local housing authority intends to carry out such inspections as referred to in the previous sub-paragraph, with a view to carrying out any necessary enforcement action; and
 - (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.
- 13.8 Poor housing conditions are relied upon as the one of the reasons and justifications for Designation 5 of the proposed designation areas (i.e. the ward of Stonebridge). The Council's Cabinet must be satisfied the requirements set out in paragraph 14.6 above and in (a), (b) and (c) in the previous paragraph are met when considering and deciding to make a Selective Licensing Designation area for the proposed designation area 5 for the ward of Stonebridge on the ground of poor housing conditions.

Conditions in relation to migration

- 13.9 The second set of additional conditions as set out in the 2015 statutory instrument relates to migration and they are as follows:
- (a) that the proposed designation area has recently experiencing an influx of migration into it;
 - (b) that a significant number of the properties referred to in paragraph 14.6(i) above are occupied by those migrants referred to in the previous sub-paragraph (a) ; and
 - (c) that making a designation will, when taken by the other measures taken in the designation area by the Council, or by other persons together with the Council, contribute to-

- (i) the preservation or improvement of the social or economic conditions in the area; and
- (ii) ensuring that the properties referred to in paragraph 14.6(i) above are properly managed, and in particular, that overcrowding is prevented.

Conditions in relation to migration are cited as the one of the reasons and justifications for the proposed designations 1 and 6desbury Park. The Council’s Cabinet must be satisfied the requirements set out in paragraph 14.6 above and this paragraph are met when considering and deciding to make a Selective Licensing Designation area for proposed designation areas 1 and 6 on the ground of migration.

Conditions in relation to deprivation

13.10 The third set of additional conditions as set out in the 2015 statutory instrument relates to deprivation and they are as follows:

(a) that the proposed designation area is suffering from a high level of deprivation, which affects a significant number of the occupiers of properties to in paragraph 14.4(i) above;

(b) that making a designation will, when taken by the other measures taken in the designation area by the Council, or by other persons together with the Council, contribute to a reduction in the level of deprivation in the area.

13.11 When determining whether a proposed designation area is suffering from a high level of deprivation, the Council’s Cabinet may have regard to the following factors in relation to the proposed designation area: (a) the employment status of adults; (b) the average income of households; (c) the health of households; (d) the availability and ease of access to education, training and other services for households; (e) housing conditions; (f) the physical environment; and (g) levels of crime.

13.12 Conditions in relation to deprivation are cited as one of the reasons and justifications for the proposed designation area 5 for the ward of Stonebridge. The Council’s Cabinet must be satisfied the requirements set out in paragraphs 14.6 and 14.10 above are met when considering and deciding to make a Selective Licensing Designation area for the ward of Stonebridge (proposed designation area 5) on grounds of deprivation.

Conditions in relation to crime

13.13 The fourth set of additional conditions, which are set out in the 2015 statutory instrument, relate to high levels of crime. The requirements to rely on high levels of crime as a sufficient reason to introduce a designation for selective licensing are as follows:

(a) that the area suffers from high levels of crime;

(b) that the criminal activity affects those living in the properties referred to in paragraph 14.4(i) above, or other households and businesses in the area; and

(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, other persons together with the local housing authority or by the police, contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.

13.14 Conditions in relation to high levels of crime are cited as one of the reasons and justifications for the proposed designation areas 1 and 5. The Council’s Cabinet must be satisfied the requirements set out in paragraphs 14.6 and 14.13 above are met

when considering and deciding to make a Selective Licensing Designation area for the proposed designation areas 1 and 5 on grounds of high level of crime.

Other matters relating to selective licensing

- 13.15 Under section 81(2) of the HA 2004, the Council must ensure that any exercise of the power in relation to a selective licensing designation is consistent with the Council's overall housing strategy.
- 13.16 Under section 81(3) of the HA 2004, the Council, when making its designation, must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and ASB affecting the private rented sector, both: (a) As regards combining licensing (under Part 3 of the HA 2004 – selective licensing) with other courses available to them, and (b) As regards combining licensing with measures taken by other persons.
- 13.17 Under section 81(4) of the HA 2004, the Council must not make a particular designation (for selective licensing) under section 80 of the HA 2004 unless -
(a) They have considered whether there are other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve; and
(b) They consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).
- 13.18 As for the Council's general duties regarding selective licensing under Part 3 of the HA 2004, these are set out in section 79(5) of the Housing Act 2004 which states as follows: "every local housing authority has the following general duties:
a) To make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part (i.e. Part 3 HA 2004 regarding selective licensing);
b) To ensure that all applications for licences and other issues falling to be determined by them under this Part are determined within a reasonable time."
- 13.19 Under section 80(9) of the HA 2004, before making a designation relating to selective licensing, the Council must-
(a) take reasonable steps to consult persons who are likely to be affected by the designation; and;
(b) consider any representations made in accordance with the consultation and not withdrawn (see Appendices 6 & 7).
- 13.20 As soon as a designation regarding additional licensing has made (following approval by the Secretary of State) pursuant to section 83 HA 2004, the Council must publish in the prescribed manner a notice stating — (a) that the designation has been made; (b) whether or not the designation was required to be confirmed by the Secretary of State and that it has been confirmed; (c) the date on which the designation is to come into force; and (d) any other information which may be prescribed.

Licence Fees

- 13.21 Section 63(7) of the HA 2004 states as follows regarding fixing licensing fees for additional licensing:

“When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account— (a) all costs incurred by the authority in carrying out their functions under this Part [i.e. Part 2 HA 2004 relating to additional licensing], and (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter).

- 13.22 Section 87(7) of the HA 2004 states as follows regarding fixing licensing fees for selective licensing:

“When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (5)) take into account— (a) all costs incurred by the authority in carrying out their functions under this Part [i.e. Part 3 of the HA 2004 relating to selective licensing], and (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to Part 3 houses (so far as they are not recoverable under or by virtue of any provision of that Chapter).

- 13.23 However, the EU Directive and the Provision of Services Regulations 2009 was subsequently passed. Regulation 18 of the Provision of Services Regulations 2009, which incorporates Article 13(2) of the 2009 EU Directive, states: “Any charges provided for or by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.”

- 13.24 When taking legal action against such landlords, legal costs can be recovered when the courts award costs in successful court enforcement actions. However, costs orders for all the legal costs incurred are not always made by the courts and where court enforcement cases are unsuccessful, not only does the Council not recover the legal costs of such cases, they can be liable to pay the costs of the defending parties who successfully defend such enforcement cases.

- 13.25 In the case of *Hemming v Westminster CC*, the Supreme Court stated that the fee relating to the administration of the application can be charged when the application is submitted and is non-returnable if the application is refused and is compatible with the EU Directive. The Supreme Court also stated that the fee to cover the costs of managing and enforcing the licensing regime can be charged and is compatible with the 2009 EU Directive if the application for a license is successful. However, as for the costs of managing and enforcing the licensing regime if the application for a license is unsuccessful, the European Court of Justice stated that charging in advance for costs other than those directly related to the authorisation process, even if the payment is refundable where the application for a license is refused.

Public Sector Equality Duty

- 13.26 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic

- 13.27 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 13.28 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 13.29 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the introduction of additional licensing for the area of Brent and the introduction of selective licensing. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Executive, Members of the Executive must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this.
- 13.30 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering relevant detail and statistics.
- 13.31 The Equality Impact Assessment is set out in Appendix 3 to this report.

14. Financial Implications

- 14.1 The administration of the scheme is such that it is intended to be self-financing over a five year period with higher levels of income from years 1 and 2 funding expenditure over the full 5 years. A fee of £340 relating to the Selective Licensing scheme will be charged per application and is set at a level where the total revenue from the fee is intended to cover the total costs incurred.
- 14.2 It is estimated that 14,000 license’s will be issue in the 5 year period, generating total funding of £6.86m over 5 years from the additional selective licenses. This assumes 25% of licenses being provided with the discounted fee for early take
- 14.3 The income will be closely monitored and a team proportionate to the demand for the service will be employed. The costs of the scheme exclude the cost of any enforcement action on non-licensed properties but will cover the cost of processing the license application and of compliance monitoring and enforcement against an applicant who is given a license.

15 Equalities Implications

- 15.1 The proposal to introduce selective licensing is intended to enhance housing management practices in the private rented sector (PRS), in compliance with the Housing Health and Safety Rating System (HHSRS) standards. It is anticipated that

this will have positive outcomes for tenants across all protected characteristics, particularly those who are currently over-represented in the PRS.

- 15.2 It should be stressed that data relating to the protected groups among both tenants and landlords is limited, partly due to the unregulated nature of the sector. Although Census data provides a breakdown of tenure by ethnicity and age, analysis relevant to other issues such as disability has not yet been completed by ONS. Overall, the size of the sector and the estimated number of landlords suggests that there will be members of all protected groups among both tenants and landlords. The sector also contains a mix of household and income types that ranges across the spectrum.
- 15.3 In order to inform the final licensing proposals, officers have carried out an extensive consultation and research available in Appendix 2 and a full Equality Analysis available in Appendix 3. The findings of the analysis show that the groups that are over-represented in PRS are ethnic minority groups (including White: Other groups), older adults, people under 35, households with children (including single parent households), as well as people with disabilities and long term health conditions, socio-economic and other vulnerable groups.
- 15.4 If Selective Licensing is introduced, all equality groups are likely to benefit from improvements in engagement, communication and signposting information between the council, landlords and tenants and other service providers. Information would relate to such matters as changes in the law affecting the PRS, energy efficiency measures and grants availability, information on local organisations and agencies which may be able to provide support. One of the intended outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the support and funding available to them and their tenants such as the Disabled Facilities Grant for reasonable adaptations. This will further enhance the equality outcomes for people with disabilities and long term health conditions, older adults and their carers, as well as other vulnerable groups.
- 15.5 One of the key aims of Selective licensing is to reduce antisocial behaviour, including hate crime and homophobic incidents. This will benefit all protected characteristics, including sexual orientation, gender identity, disability, race and religion.
- 15.6 The Equality Analysis, however, has also identified some potential negative consequences for over-represented equality groups in the affected landlord, agent and tenant cohorts. Black, Asian and minority ethnic (BAME) landlords are overrepresented in Brent, and as such it is recognised that the introduction of the scheme is likely to have a greater impact on them in relation to increased business costs and potential financial penalties.
- 15.7 The main identified risk of negative impact at this stage is the possibility that the introduction of licensing may lead some landlords – particularly those likely to struggle to comply with licensing conditions – to withdraw from the market and evict their tenants. It is not possible to assess the scale of this risk accurately, although experience elsewhere has not demonstrated any significant withdrawal from the market. The findings of the study by Future of London noted earlier in this report bear directly on this point and will be taken into account in the implementation of any scheme. Any impact, in this or other areas, will be monitored closely and will inform regular reviews of the operation of licensing.
- 15.8 It is likely that tenants most impacted by these proposals will be among the lower income groups in the sector, living in the poorest quality housing and, similarly, that the landlords of these properties will experience the greatest impact from their perspective. In particular, there may be issues relating to people under 35 who are


affected by the single room rate for Housing Benefit and are therefore more likely to be living in HMOs.

- 15.9 In addition, data indicates that Black and Asian tenants are over-represented in the private rented sector. The most striking finding from the equality analysis is the over-representation of the Other White ethnic group among private tenants. Although further research is required, it may be that this is due to the presence of high numbers of European migrants in the sector. Again, it is likely that many of these are living in HMOs or property in the cheaper end of the market.
- 15.10 Some landlords may seek to pass on costs arising from the scheme to tenants, which may result in cases of tenant displacement and landlords' claims for possession through both legal and illegal actions. If landlords decide to increase rents, tenants from over-represented equality groups such as people under 35, migrants, single parent households may be particularly affected by this. However, based on the PRS team's experience of licensing over the past two years and that of other Councils who have introduced selective licensing, it is believed that this unintended outcome is very unlikely to materialise.
- 15.11 Tenants may also potentially be affected by enforcement actions against landlords of overcrowded properties. The findings from the PRS team's licensing visits indicate that a growing number of tenants are White: Other groups, particularly Eastern European groups or other emerging communities (e.g. Latin American groups). Wherever possible the Council will work with landlords to make properties fit for the number of tenants. In cases when tenants have been unlawfully displaced or evicted, every effort will be made to effectively support and signpost them to available information and support.
- 15.12 In the longer term, licensing will, among its other benefits, provide an opportunity to obtain a more complete picture of the sector and its operation that will assist in identifying issues relevant to protected groups. At the same time, closer partnership working with landlords should support promotion of good practice on equalities in the sector. The Equality Analysis includes a detailed action plan available in Appendix 3.

16. Staffing and Accommodation Implications

- 16.1 With the introduction of Selective and Additional licensing in January 2015 Private Housing Services already has a dedicated and experienced team of officers employed to both process applications and inspect properties as well as carry out and required enforcement activities. If the predicted number of applications is received, further license application and administration officers will be employed on a temporary contract basis to deal with the demand. It is thought that the vast majority of license applications will be received in the first year of the scheme and there will therefore need to be more officers employed in year one of the scheme than in years two to five. It is also possible that addition Licence Enforcement Officers will also need to be employed to further enforce standards within the private rented sector. Detailed staffing and resourcing plans will be developed and will be subject to any necessary staff consultation.
- 16.2 As stated above, all staffing and other required activities will be funded from the income generated by the license fee.

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 Brent	Cabinet 19 June 2017 Report from the Strategic Director, Community Wellbeing
For Action	Wards Affected: All
Brent Housing Partnership Transition and Future Options for BHP Ltd	

1. Summary

- 1.1 On 24th April 2017, Cabinet took a decision to end the management agreement with Brent Housing Partnership (BHP), and bring housing management services back under direct control of the Council.
- 1.2 This paper aims to give an update on progress with the transition of staff and services from BHP to the Council, and to make a recommendation regarding the future of BHP Ltd and the properties in its ownership.
- 1.3 The Council carries out a range of different housing activities through a range of guises;
 - a. Social Housing ownership / management – direct through the Council itself
 - b. Affordable Housing ownership – through BHP
 - c. Private rented sector housing ownership and management – through Investing 4 Brent (I4B)
- 1.4 Each of these bodies is constituted for a slightly different purpose, and has the ability to undertake slightly different activities and offer different tenures. While it is recognised that both national party manifestos include a commitment to making it easier for Councils to develop in their own right, at the present time there are a number of benefits to keeping BHP as a distinct Registered Provider (RP) of social housing.
- 1.5 This paper recommends that at least in the short term, BHP continues to exist in revised form, with new articles of association, new board membership, and a new name, but retaining its RP status, and continuing to own the 331 properties currently within BHP's ownership.
- 1.6 If the recommendations within this paper are agreed;
 - a. The BHP Board and Council Senior Managers will aim to agree revised articles of association and proposed Board membership at the BHP Board meeting July, so that this can be ratified at their AGM in September.

- b. A Service Level Agreement (SLA) would be put in place between the Council and the revised BHP to enable the Council to provide housing management services to the 331 properties in its ownership.
- c. Alternative legal arrangements will need to be put in place to cover services such as Brent Direct Leasing, where BHP provides a service to the Council.

2. Recommendations

- 2.1 That Cabinet note the update on progress with transition of the Council's housing management functions from BHP back to the Council.
- 2.2 That Cabinet approves that moving forward in the short term, BHP is retained as a company that is wholly owned by the Council and as a registered provider of social housing which will include the properties that it owns in its own right. Any change of course that is proposed to deviate from this direction of travel will be put forward to the Cabinet for a decision.
- 2.3 That Cabinet give approval on behalf of the Council to authorise the Strategic Director for Community Wellbeing, in consultation with the Cabinet Member for Housing and Welfare Reform to make the necessary amendments to the company name, the Articles and Memorandum of Association and changes to the Board Membership of BHP which they see fit, in consultation with the Chief Legal Officer and work with the current BHP Board to implement the necessary changes at BHP's next AGM at the end of September 2017.
- 2.4 That Cabinet delegates authority to the Strategic Director for Community Wellbeing, in consultation with the Cabinet Member for Housing and Welfare Reform to novate and assign relevant contracts from BHP to the Council for the reasons detailed in paragraph 3.8.

3. Transition Update

Governance

- 3.1 Both parties are working towards a transition date of 2 October 2017, and negotiations on termination of the management agreement are ongoing.
- 3.2 The Council and the BHP board have agreed the terms of a variation agreement which formally sets out the governance arrangements and decision making powers of each party during the transition period. This contract formalises the strong commitment on both parties to work closely together during the transition period, and includes agreement to second an officer (Hakeem Osinaike) into BHP on a part-time basis during the transition period.
- 3.3 The BHP board retains the right to take decisions regarding service delivery, as it remains legally responsible for delivering services up until 2nd October 2017. However, the legal agreement does prevent specific decisions such as the disposal of stock, and does include provision for ensuring that the Council is given the opportunity to give its view on decisions, which the BHP Board

have committed to giving due regard to. In practice, there is only one contract that requires a procurement decision during this period, which is being carried out in partnership with the Council.

- 3.4 Both officers of the Council, and members of the BHP board, are committed to ensuring that through the transition the service continues to improve and residents see minimal disruption during the transition period.

Contractual Issues

- 3.5 To enable continuity of provision to BHP tenants, the intention is to novate or assign any relevant BHP contracts. This will ensure the Council is able to utilise these contracts pending any re-procurement of contracts by the Council itself. Prior to agreeing to the novation or assignment of contracts to the Council, Officers will undertake relevant due diligence work to assess the risks and appropriateness of any novation or assignment
- 3.6 Where possible, contracts that were due to be reviewed during the transition period have been extended to enable the Council to take a longer term view of them once the transfer has taken place.
- 3.7 Following transfer, BHPs contracts will be mainstreamed with the Council's, with contracts being extended or break clauses exercised to align contract end dates to enable joint procurement. During the Transition period any decisions on contracts will be dealt with in line with both BHP's and the Council's standing orders to ensure complete transparency and appropriate decision making.
- 3.8 Pending the outcome of the decision on the future of BHP, the properties still in BHPs ownership when the management agreement is terminated on 2 October, a reverse SLA will be put in place between BHP and the Council in order to enable to Council to provide services to BHP tenants and ensure continuity of services for residents.
- 3.9 Following the transfer date, all contracts would be let according to the Council's Standing Orders.

Staffing

- 3.10 BHP staff were briefed on the Cabinet decision on 25 April 2017, immediately after the decision was taken. A variety of communications activities are ongoing, including fortnightly drop-ins for staff to ask questions, regular updates via email and team briefings, and an intranet page on both the Brent and BHP intranets to provide updates on both the transformation programme as a whole, and the specifics of the transition process. The Council and BHP will continue to work together to ensure that staff remain informed, are consulted and feel supported as the transition and transfer processes take shape and are implemented. This is vital to promote staff engagement and ensure business continuity during the transition and transfer. The same consultative approach will be adopted for integration of functions into the council once the transfer has taken place.

- 3.11 The transfer of staff that are currently employees of BHP i.e. those on permanent or fixed term contracts, will constitute a “relevant transfer” under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006. Those currently engaged as interims or agency workers by BHP do not have the right to transfer under TUPE, however, the Council and BHP are considering the potential options to provide additional security for these staff in order to stabilise service delivery during this period.
- 3.12 There is a statutory requirement to consult with recognised trade unions and staff about the transfer for a minimum of 30 days before any TUPE transfer takes place, but given the timing of the consultation over the school summer holidays, the intention is to begin formal consultation on the TUPE transfer will begin on 4th July for a period of two months. Staff would then be issued individual transfer letters in September for a proposed “lift and shift” from BHP to the Council on 2nd October 2017 .
- 3.13 As part of the ongoing transformation work, staff are being actively involved in designing the new operating model for the service, and are all aware that there will be a subsequent reorganisation in March 2018 in order to deliver this. Such reorganisations are permitted under TUPE due to ETO reasons (economic, technical or organisational). The Council will ensure that it consults on any new proposed structures with recognised trade unions and staff and that relevant processes are followed.
- 3.14 As stated in the paper that was approved by Cabinet in April 2017, the council intends to, where practicable, establish and recruit to the most senior roles required within the council's housing management structure to manage the integration of the housing management functions into the Council. This approach will ensure continuity, stability and assist with the integration of BHP staff into the council once a transfer has taken place. As it can take several months to recruit to such posts, recruitment activity is likely to start once the decision to transfer housing management functions has been taken.
- 3.15 After the transfer date, BHP will no longer have any employees, and any support services needed to support its activities as a company will be contracted in from third party providers, or provided by the Council under an SLA.

4. Future Options for Brent Housing Partnership Ltd

Background

- 4.1 BHP's Constitution is made up of its Articles of Association and Memorandum of Association. BHP is a limited company, without share capital, which operates on a not-for-profit basis and the Council is the sole guarantor member.
- 4.2 In April 2011, BHP was granted Registered Provider status by the Tenants Services Authority. Since then BHP has gradually been developing its role as a provider of housing in addition to being a housing management organisation. BHP owns properties in its own right as set out in the table below and grants its own tenancies as the landlord in respect of these properties.
- 4.3 BHP acquired a development of social housing stock called Granville New Homes from the Council in 2009 with the assistance of loan funding from the Council. To enable its acquisition from the council, the council lent BHP £17.8m. Broadly, this provides various securities for the council, and provides for interest and capital repayments of £36.2m.
- 4.4 BHP also acquired properties under the Settled Homes Initiative (SHI) to provide housing to homeless households (with the assistance of SHI grant funding from the Homes and Communities Agency and loan funding from the Council) and small-scale developments such as Aldbury Avenue and Ander Close with the assistance of grant funding from the Homes and Communities Agency.

Options Analysis

- 4.5 There are 4 options for the future of the Brent Housing Partnership and its stock
- a. Retain BHP as a Registered Provider (RP) of Social Housing
 - b. Wind up BHP – transferring its properties into Council ownership
 - c. Wind up BHP – transferring its properties into the ownership of Investing4Brent
 - d. Wind up BHP – disposing of its properties to another housing provider

These options will have no bearing on the tenants of properties that are owned by the Council which BHP has been managing on the Council's behalf and will continue to manage until 2 October 2017.

Option 1: Retain BHP Ltd as an RP

- 4.6 This option has the least impact on BHP tenants. Their landlord would not change, and a reverse SLA could be put in place with the Council to provide housing management services alongside the Council's own stock.
- 4.7 BHP's activities as an RP are currently profitable and are likely to continue to deliver a long-term, stable and low-risk return – providing an opportunity for the Council to balance risk across its investment portfolio.
- 4.8 As an RP, BHP is able to provide a mix of tenure types, adding to tenure diversity within the borough. Some of these units would have to be converted to other tenures / uses if transferred into another body.
- 4.9 An RP has the potential to access HCA / GLA grant funding for a wider range of affordable housing products (e.g. rent to buy / shared ownership) than the Council would be able to. RPs are also able to recycle this grant if properties are sold on.
- 4.10 Retention of an RP would allow trading of social / affordable housing assets, in which there is an actively growing market. This would give the Council the opportunity to acquire affordable housing from the market, or divest them and recycle the receipts into further housing.
- 4.11 In delivering new affordable housing, an RP can lower the cost of borrowing and is in a better position to access funding from banks or other private lenders.
- 4.12 The financial implications of Right to acquire (buy) for an RP are more favourable as there are no restrictions on the proportion of the capital receipts that can be used to replace stock.
- 4.13 Keeping an RP demonstrates a clear commitment on the part of the Council to delivering a wide range affordable housing in the borough, and thought should be given to the potential message that could be sent out by closing an RP whilst concurrently setting up an investment company for a linked but distinct purpose.
- 4.14 The articles of association for BHP Ltd would need to be revised and new board membership agreed. While this would be a relatively straightforward exercise and could be done in agreement with the existing board, it would require appointment of a new board / set of company directors for BHP. These are positions of significant responsibility, and would be in addition to a number of other Company Directorships around the Council (Investing 4 Brent, LGA Digital, Regeneration Joint Ventures).
- 4.15 If kept as an RP, BHP would retain the requirement to comply with various regulatory standards and returns as required by the Homes and Communities Agency, though these are relatively light touch as long as it owns less than 1,000 units.

- 4.16 It has been suggested that the name Brent Housing Partnership should be changed, in order to clarify the shift from BHP being the provider of Housing Management Services to an organisation which holds stock. One possible suggestion would be to call it “Homes 4 Brent Ltd” to align with Investing 4 Brent Ltd, and Cabinet may wish to take a view on this.

Option 2: Wind up BHP and Transfer properties into the Council’s ownership

- 4.17 An application can be made for the company to be voluntarily wound up after the stock has been disposed of / transferred into alternative ownership. This is a relatively straight forward process, and could be completed in around three months, pending closure of the accounts and how soon the properties owned by BHP could be disposed of or transferred into alternative ownership. It would likely be necessary to amend the existing Board membership and articles of association in order to complete this closure.
- 4.18 If stock let under assured tenancies with BHP as the landlord is transferred to the Council’s ownership, the tenants will become secure tenants. In terms of the tenants this is a simple process, requiring tenants to be notified of the change. The Council would want to take this further and properly engage tenants in consultation regarding this change, but there is no statutory duty to do so.
- 4.19 With this change, the secure tenants would gain additional tenancy rights, including the Right to Buy (RTB). 89 of these tenants have preserved Right to Buy (RTB) anyway, but through this transfer, the Council would “inherit” a further 195 properties into its portfolio that could potentially be lost through RTB. The Council would then be required to use 100% of the capital receipts to fund replacement social housing.
- 4.20 If properties are transferred into the Council’s ownership, the income and expenditure in relation to the tenanted properties will need to be accounted for within the housing revenue account (HRA). The HRA debt cap (Capital Financing Requirement), is already under pressure in the medium term, with the requirement to utilise Right To Buy receipts and the development of additional housing stock. The transfer of stock would also transfer approx. an additional £39m of debt within the HRA.
- 4.21 Transferring the stock wouldn’t give rise to any liability to pay Stamp Duty Land Tax (SDLT), as the Council and its subsidiaries are all considered as a body corporate for this purpose.
- 4.22 A number of BHP properties utilised Settled Homes Initiative (SHI) grant, and it would be necessary to gain consent from the HCA to transfer the ownership of these properties. The terms of these grants are such that letting the property under a Secure tenancy from the Council could technically trigger the right to recover the grant. However, initial advice suggests that the HCA are unlikely to object in this way, given that the properties are still being let as

social housing, but it would be necessary to confirm this with them, and BHP have begun initial conversations in case this is necessary.

- 4.23 There is a potential risk around novation of contracts. Whilst all BHPs contracts have terms that will allow for them to be novated across to the Council, there is an inherent risk that contractors could cause difficulty for the Council in doing this.

Option 3: Wind up BHP and Transfer properties into the ownership of Investing 4 Brent (or other subsidiary)

- 4.24 A number of the considerations associated with option 2 would also apply here:

- The process remains the same
- The consequences in terms of SDLT and SHI grant terms remain the same

- 4.25 The differences are that;

- There is no obligation to account for the rental income in the HRA, so no effect on borrowing headroom
- I4B would still be able to offer the same tenancy terms and would not be obliged to let properties using Secure tenancies, so the risks around RTB are avoided

- 4.26 It is important to note that I4B was set up with a specific purpose, and its articles of association would need to be revised. While it is a subsidiary of the Council, the Company Directors of I4B have a legal obligation to act in the best interests of the Company, and as such there would be no obligation for them to accept these properties unless there is a clear business case for doing so.

Option 4: Wind up BHP and Dispose of properties to another Housing Provider

- 4.27 While this would generate short term capital receipts, it is assumed that there is no appetite for this. It would be a substantially different proposition to transferring properties within the Council's and its subsidiaries.

- 4.28 There would be a need for a full consultation with residents, and no guarantee of the service that the receiving organisation would offer. This process in itself, along with the due diligence required, would be resource intensive.

- 4.29 The implications in terms of SDLT and SHI grant terms would likely be the same, and residents would be able to keep their existing tenancy terms.

- 4.30 Unlike transferring properties to another Council subsidiary for nil consideration, it is assumed that properties would be sold at market value,

which would give rise to a liability on the part of BHP to pay corporation tax on the chargeable gain.

Summary of options

4.31 A summary of the 4 options is contained within the table below:

	Retain BHP	Transfer to LBB	Transfer to I4B	Dispose to another RP
Impact on residents		Additional rights under secure tenancies		Service changes possible in transfer to new landlord
				Need for significant and full consultation
Strategic	Maintain tenure variety within the Council's direct control	Loss of tenure variety	Maintain tenure variety within the Council's direct control	Loss of direct control
Financial	Improved access to private finance and grant funding			Capital Receipts for BHP / HRA
	No requirement to transfer properties to HRA	Transfer to HRA – implications on borrowing headroom	No requirement to transfer properties to HRA	
	Increased flexibility around RTB receipts	No flexibility with RTB receipts		Corporation Tax liability for BHP
		Increased exposure to RTB risk (195 new properties with right to buy)		
Contractual		Novation risks	Novation risks	
Governance	Articles of association to be revised	Articles of association would need to	Articles of association would need	

		be amended as part of closure	to be amended as part of closure	
	New Board required			
Regulatory		Notify HCA	Notify HCA	Notify HCA

Green = positive
Red = negative
Grey = neutral

5. Recommended Option

- 5.1 Transferring the stock into the Council's direct ownership is not a viable option, and there is no appetite to generate short term capital receipts by disposing of affordable housing stock to a third party.
- 5.2 The two potentially suitable options are keeping the stock within BHP Ltd, and transferring it into I4B.
- 5.3 This paper outlines a wide range of benefits to keeping BHP as an RP at the current time, the only obstacle for doing so being the need for an independent board. In addition, I4B is a new initiative, and needs time to establish itself for the very specific purpose for which it was created.
- 5.4 As such the recommended option is to keep BHP as a separate legal entity as a company that is wholly owned by the Council and as a registered provider of social housing.
- 5.5 In time, the Council may be asked decide to transfer the stock to another body, such as Investing4Brent. That will be a decision for the Cabinet to make at that time.

6. Timeline and Next Steps

- 6.1 If Cabinet are in agreement, Officers would work with the BHP board to begin drafting revised articles of association to enable to continue as an RP and manage the properties it currently owns, and aim to have these agreed in principle between the Council and the BHP Board in July.
- 6.2 Due diligence would be carried out to gather together the necessary information for any incoming company directors / board members, such as stock valuations, loan agreements, liabilities and stock condition information.

Consideration will need to be given to the new Board membership. A sensible approach would be to align this to I4B's board membership if possible, given the similarities in the activities carried out by each party, and the skills required of Board members, however further legal work will need to be undertaken to assess whether there are potential conflicts of interest that could prohibit this.

- 6.3 The existing BHP board would hold their AGM at the end of September, and at this meeting the existing board would step down, new officers would be appointed, the revised articles of association activated, and the company name changed.

7. Financial Implications

- 7.1 As a registered provider BHP owns 331 properties:

Accounts Category	Preserved RTB	Tenancy Type	Category	Valuation Type	No. of Properties	Valuation - Vacant Possession £m's
Social	Yes	Assured	General Needs	EUV-SH	89	6.5#
Social	No	AST	Intermediate Rent	EUV-SH	25	14.0
Investment	No	AST	Market Rented	MV-T	45	16.6
Social	No	AST	Settled Housing	EUV-SH	170	60.8
Commercial	No				2	0.0
Grand Total					331	97.9

*EUV-SH, Existing use value – Social Housing

*MV-T, Market value – subject to tenancy

Valuation based on assured tenancies

- 7.2 The acquisition of these properties has been via loan facilities from the council, made up of £17.8m for the purchase of Granville New Homes as well as £28.8m for the purchase of dwellings in connection with the Settled Homes Initiative (SHI).
- 7.3 BHP sets its budgets to make a surplus from stock holding activity in the order of £0.3m pa. This is achieved by generating rental income (Rent Debit) of £4.3m pa.
- 7.4 The financial implications of BHP continuing to hold the stock would not materially be any different to the current arrangements.
- 7.5 The options analysis describes the specific implications of the transferring the stock in to council ownership. The most significant would be that of managing the applicable stock within the HRA.
- 7.6 The HRA debt cap (Capital Financing Requirement), is already seen to be under pressure in the medium term, with the requirement to utilise Right To Buy receipts and the development of additional housing stock. The transfer of stock would also transfer approx. an additional £39m of debt within the HRA.
- 7.7 Any transfer of stock to a council subsidiary would not in itself produce any material liabilities.

- 7.8 The option of disposing of the stock would give rise to a corporation tax liability (Chargeable capital gain), this is estimated to be in the region of £8m.
- 7.9 All 4 options have a common implication in relation to the Settled Home Initiative grant. The HCA will need to be consulted on all 4 options, which could give rise to material financial implications if the grant conditions are seen to be broken.

8. Legal Implications

- 8.1 As described within this report, BHP's articles of association, and possibly its Memorandum of Association, will need to be updated and amended to reflect the shift from service provider to owner of stock. Legal advice is being sought on what exact changes would need to be made to the Articles and Memorandum of Association of BHP and the amendments will be presented to the BHP Board for approval. As for the Council's approval to make and agree such changes, the Cabinet is being asked to delegate these tasks to the Strategic Director for Community Well-Being on the terms as set out in paragraph 2.2 above.
- 8.2 New Board membership of the BHP will need to be agreed if the recommended option is approved and this includes both the structure of the new BHP Board and the new membership thereof.
- 8.3 A reverse SLA will need to be put in place in order for the Council to provide services, in particular housing management services, back to BHP for the properties which they own.
- 8.4 The properties which BHP owns are subject either to assured or assured shorthold tenancies which are regulated under the Housing Act 1988. If those properties are transferred to the Council's ownership, those tenancies will become secure tenancies as local authorities cannot grant or be landlords of assured tenancies as the local authority secure tenancy regime is governed by the Housing Act 1985, rather than the Housing Act 1988 which governs assured tenancies. If those properties are transferred to another organisation which is not a local authority, they will remain assured or assured shorthold tenancies and as far as the BHP tenants are concerned, this will lead only to the change of landlord as opposed to a change of tenancy. However, a subsequent landlord would be able to subsequently change the tenancy terms and conditions under the Housing Act 1988 and any requirements and restrictions laid down by the Homes and Communities Agency.
- 8.5 BHP is a subsidiary company of the Council. BHP's Constitution is made up of its Articles of Association and Memorandum of Association. BHP is a limited company, without share capital, which operates on a non-for-profit basis and the Council is the sole guarantor member. The BHP Board currently consists of seven resident members (including tenants and leaseholders), four independent members and four Brent Councillor members. As for the recommended option in this report, it is envisaged that BHP will remain as a separate legal entity and a wholly owned subsidiary company of the Council.

8.6 Further legal implications are set out in the body of this report. Detailed legal implications regarding the process of transferring the housing management functions from BHP to the Council are set out in the report to the report of Brent Council's Cabinet meeting of 24 April 2017.

8.7 As indicated in paragraph 3.8 and in the Cabinet report of 24 April 2017, there will be a requirement for relevant contracts entered into by BHP to be novated or assigned to the Council to ensure continuity of services. Full details of BHP contracts are being collated to establish novation/assignment provisions and to undertake relevant due diligence. Novation and assignment should only be agreed where liabilities under the contracts are acceptable to the Council.

9. Diversity Implications

9.1 The recommended option does not have any diversity implications.

10. Staffing/Accommodation Implications

10.1 Staff involved with the delivery of BHPs services are in the process of being transferred over the Council to coincide with the end of the management agreement, and as such will not be affected by this decision.


10.2 If the recommended option is agreed, there will be a resource implication in sourcing new Board membership for BHP. If options 2,3, or 4 are chosen, there will be a resource requirement to close down BHP's accounts and deal with the winding up of BHP. Neither of these implications should be considered material to this decision.

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 <p>Brent</p>	<p style="text-align: center;">Cabinet</p> <p style="text-align: center;">19 June 2017</p> <p style="text-align: center;">Report from the Strategic Director of Community and Wellbeing</p>
<p>For Action Wards Affected: [ALL]</p>	
<p style="text-align: center;">Authority to award Multiple Housing Related Support Contracts under the Accommodation Plus Dynamic Purchasing System</p>	

Appendix 1 of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

1.0 Summary

- 1.1. In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award 6 Housing Related Support (HRS) service contracts to support vulnerable adults with support needs. The services will provide housing related support services to Brent residents including to Older People (55+), those identified as having Mental ill Health, Learning Disabilities, Physical Disabilities and/or Sensory Impairments, Single Homeless, Ex-offenders, Substance Misuse and Women, Families and Young People.
- 1.2. This report summarises the process undertaken in tendering the contracts and, following the completion of the evaluation of the tenders, recommends to whom the contracts should be awarded.
- 1.3. The tender process was conducted through the Accommodation Plus Dynamic Purchasing System (AP DPS).
- 1.4. The procurement formed part of the Council's wider Transformation agenda which includes the borough's Outcome Based Review (OBR) aimed at developing radical solutions to delivering better, sustainable service models and outcomes for Housing Vulnerable People.

- 1.5. The OBR outlined a number of recommendations, one of which was to develop a Single Homeless Pathway which would improve the assessment process for those approaching the Council as homeless, providing a gateway into services. HRS services would form part of the Single Homeless Pathway delivering housing related support services whether it be floating or accommodating based via the single gateway assessment process undertaken in Housing Options.
- 1.6. A strategic review carried out by Red Quadrant in 2015 as part of the transformation agenda, the review highlighted the existing problems with the HRS provision and the recommendations required to re-design and deliver achievable outcomes within a new service model. The review identified the following issues as key criteria in deciding what services we should provide;
 - Services should support people to whom the council HAS a statutory duty
 - Services should support people to whom the council WOULD have a statutory duty if the service did not exist
 - Services should continue to support people who are ALREADY in services to enable them to exit services if/wherever possible
- 1.7. The review also identified future services would need to deliver the following, in order to meet customer needs and deliver throughput;
 - promote independence and recovery,
 - prevent or reduce the extent of statutory need,
 - enable move on,
 - enable the delivery of key housing and social care objectives, including by freeing up accommodation resources needed for the discharge of statutory homelessness duties, and step down from residential or hospital care, (e.g. through the NAIL project)

The review also recommended having outcome focused specifications for all new services, which are co-designed with service users focusing on:

- Prevention of homelessness
 - Prevention of need for statutory services
 - Gaining employment for younger adults
- 1.8. In order to align services to the OBR and Red Quadrant's recommendations, co-production with service users and key stakeholder was required to design a future proofing service model based on data and evidence gathering. New services were required to meet the strategic aims of the Council taking into account borough trends and the future needs of service users. HRS outcomes would also need to inform the Single Homeless Pathway to ensure those moving between services don't fall into any gaps.

- 1.9. The re-modelling of services took into account what parts of the service worked well and what parts were less effective. Re-design also took into account the Council's homelessness agenda, the need to move people on when they no longer needed support just housing to enable better use of resources.
- 1.10. Services were re-configured to reduce the number of existing contracts from 19 to 6, by grouping together service areas to create synergy and focus to ensure that service users received the appropriate support to meet their needs.
- 1.11. The introduction of a new 14 bed assessment centre within one of the hostels provides intensive support to new entrants into the service for up to 12 weeks, at the end of which service users should be ready for move on into private rented sector or be referred into the most appropriate support service for longer support. This is expected to reduce the length of stay in services and assist those who have short term needs which can be resolved with intense and focused support.
- 1.12. Changes were also made within the Young Person's service which hands over the responsibility of the 'Crash Pad' mediation service for 16-17 years over to Children's Services who are the main users of this service. Alongside the amalgamation of the Women Services and Young Person's services as a more cohesive service where staff have complementary skill sets which can support both service user groups.
- 1.13. The re-design of mental health services have been aligned with Statutory Services to ensure there are no gaps in provision for those with mental health needs, it also means one provider works across the various services for people experiencing mental health problems, so there is continuity in the service provision if tenants move between services.

2.0 Recommendations

- 2.1. That Cabinet award the contract for Generic Floating Housing Related Support service to Thames Reach for a period of 4 years with an option to extend by a further year.
- 2.2. That Cabinet award the contract for Learning Disabilities Care and Housing Related Support to Look Ahead Housing and Care for a period of 4 years with an option to extend by a further year.
- 2.3. That Cabinet award the contract for Mental Health Housing Related Support to Look Ahead Housing and Care for a period of 4 years with an option to extend by a further year.

- 2.4. That Cabinet award the contract for Older Persons and Handy Persons Housing Related Support to Elders Voice for a period of 4 years with an option to extend by a further year.
- 2.5. That Cabinet award the contract for Multiple Needs Housing Related Support to Look Ahead Housing and Care for a period of 4 years with an option to extend by a further year.
- 2.6. That Cabinet award the contract for Women, Families & Young People Housing Related Support to Depaul UK for a period of 4 years with an option to extend by a further year.

3.0 Background

- 3.1. Under Brent's transformation agenda the Council was tasked to address three key areas; improving health and wellbeing, improving quality of care and tackling the financial gap.
- 3.2. In order that new services are aligned to these key areas the organisations Sitra and RedQuadrant were commissioned in 2015 to carry out a strategic reviews of Supporting People Services (now known as Housing Related Support). Housing Related Support ("HRS") covers a range of tasks or activities (but does not include domestic or personal care) which focuses on helping individuals to sustain a tenancy of their own. HRS may be provided in the short, medium or long term but aims to help individuals to learn or develop the skills necessary to sustain a tenancy. Support can be provided in a person's own home (known as floating support) to address identified issues/needs or in specialist accommodation (known as accommodation based support) where an individual may need to receive a service for a longer period to cover a greater range of needs.
- 3.3. The outcomes from the strategic review of Supporting People services highlighted future services would need to focus on 'outcomes' rather than 'inputs'. Red Quadrant recommendation was the following commissioning principles should be applied when procuring new services:

When seeking further savings the Council should prioritise:

- Services should support people to whom the council HAS a statutory duty to
- Services should support people to whom the council WOULD have a statutory duty to if the service did not exist
- Services should continuing to support people who are ALREADY in services to enable them to exit services wherever possible
- Services should ensure that current accommodation is retained for use by vulnerable people including provision of support where needed
- Services should be developed by a focusing on innovation, co-production and clear measurable outcomes for service users

- Contracts should seeking economies of scale/use of alternative funding where possible

The review also found support provision needed to promote independence and be less reliant on statutory services.

- 3.4. In January 2016 Commissioners carried out a cost efficiency review, focusing on the number of voids across services, the length of time residents were remaining within services and the types of interventions made by providers. As a result savings of £1.9m were achieved within the budget without removing or reducing services from anyone that needed them. Instead, those people who no longer required support were discharged from services and supported to move into long term accommodation of their own.
- 3.5. In May 2016 the Council conducted an in-depth accommodation based service review consulting with service users, service providers, landlords and key stakeholders. The consultation process reviewed existing services, addressing current service delivery difficulties and developed possible models for future services.
- 3.6. The findings from the review found;
 - 86% of those in services under were under the age of 35
 - a large number of service users in accommodation based services no longer required support and remained in services due to difficulties accessing general needs accommodation.

The re-designed service model takes into account the above key findings and has addressed this by ensuring new services deliver clear pathways into and out of services and more joined up working with community services to encourage reintegration to address service users' needs in a holistic way. We have also identified innovative solutions to successfully support and work with younger people (those under 35) who are over represented in services. Providers will be required to deliver positive outcomes in the following areas;

- Gang related activity
- Habitual behaviour
- Relationship breakdown with family
- Life style choices

The findings from the review also informed the Vulnerable People Outcome Based Review as part of the Homelessness Prevention agenda, by aligning services to the Single Homeless Pathway.

- 3.7. The reviews formed the platform to develop an HRS Strategy and re-model services so that they enhance the prevention agenda; promote wellbeing and

reduce the number and extent of the needs of people requiring statutory services.

- 3.8. The new model takes into consideration both the HRS and the OBR reviews; it also focuses on re-alignment of existing services in order to deliver more cost efficiencies. The new model will focus on providing services for those most in need of support whilst addressing issues of homelessness and directing those identified as only having a housing need to more appropriate services. The new way of delivering services will also focus on those identified as requiring long term support beyond what is currently delivered via Housing Related Support services. This will ensure those who fall below the threshold for statutory services will continue to receive support for as long as they require it, and will reduce the number of people coming back into services in crisis.
- 3.9. There will be one entry point into services and this will sit within the Housing Options Team under the Single Homeless Pathway, ensuring the service offers a transparent and consistent service to anyone who approaches the Council and is identified as vulnerable, in need of support and have a housing need.
- 3.10. This will be achieved by:
 - 3.10.1. The services will be have smarter outcome identified that are in line with the wider Council's objectives.
 - 3.10.2. Integrating the new services with the Council's 'Single Homeless Pathway' dedicating support worker/s to deliver housing related support services within the Housing Options service to ensure residents get a service at the point of approaching us rather than waiting for a referral to be actioned.
 - 3.10.3. Services will focus on different levels of need and vulnerability; ensuring that services are delivered to those who need it the most in order that the system is not silted up with those who no longer have support needs and only require housing.
 - 3.10.4. The flexible model of care and support allows for the individual to receive services from one provider, offering continuity of services thus allowing for better outcomes and better value for money when purchasing support packages.
 - 3.10.5. A service model within the Learning Disabilities Contracts which supports those identified as having long-term needs yet do not meet statutory requirements, with a service which has no time limit providing this client group with more stability.

4.0 Market Position Statement

- 4.1 The new contracts will ensure they are aligned with the objectives set out in the Brent Market Position Statement (MPS) 2014 who main principal is to ensure that future Social Care and Support services will be delivered by providers who have experience in maximising individual choice and control through flexible delivery of services. The Council welcomed consortium bids in order to open up the market to small providers, four of the six service contracts recommended for award will be delivered by a consortium.

5.0 The Tender and Evaluation Process

- 5.1 A market engagement event was held on 20th October 2016. This event was intended to communicate and share information with potential providers to help them understand commissioning intentions and offer opportunities to network and forge partnerships.
- 5.2 Potential providers were encouraged to apply to join the Dynamic Purchasing System (DPS) for Accommodation Plus Services via the London Tenders Portal. This DPS was established by the council in 2016 and consists of 5 Lots.
- 5.3 The Lots recommended for award fall into the following Lots under the DPS.
- Lot 4.1 Care and Support
 - Lot 5 Housing Related Support
- 5.4 Tendering of HRS contracts commenced on the 15th November 2016 and was due to end on the 5th December 2016. Due to a number of issues arising it was agreed that the tender process was to cease, potential bidders were informed on the 9th December 2016 via the portal of the tender cancellation and provided with dates of a new tender invite.

The rationale for withdrawing the tender was due to the following issues:

- Providers reported they had not received confirmation that they had been accepted onto the DPS following a PQQ submission.
- Providers notified Commissioning that Provider details were disclosed within Provider Q&A responses via the portal.
- Providers requested information on Housing Management agreements, which they felt had they been disclosed providers would be able to provide more competitive tender submissions.
- In correct information had been loaded onto the portal.
- Procurement documents were missing within the provider tender packs.
- Providers had issues with details within method statements and pricing schedules.

The second tender invite commenced on the 19th of December 2016, closing on the 9th January 2017. The tenders were evaluated and scored with successful providers identified and recommended in the 13th February Cabinet report for award. Before the award was discussed at the Cabinet,

commissioning were notified by a potential bidder that they had not been informed via the tender portal that the revised tender documents had been released, as a result an internal investigation was conducted and it was found that there were inconsistencies in the procurement process which left the Council open to challenge. As a result it was agreed that the Council was unable to confirm that all providers had equal access to the revised HRS tender documents and therefore this could result in a potential legal challenge.

- 5.5 In order to go out to the market again a forensic review of the DPS system was carried out by Procurement, and all the issues identified were corrected. This led to a new version of the DPS being set up and tested to ensure it operated within Procurement Regulations and produced correct and consistent communication to suppliers.
- 5.6 The mini competition for each Lot was derived automatically using further functionality from the development of the new version of the DPS with the third tender commencing on the 24th April 2017 ending on the 19th May 2017.
- 5.7 The quality element of the evaluation consisted of 40% of the overall 100% score with cost being 60% and evaluation was carried out by a panel of officers from the ASC Commissioning team.
- 5.8 Officers carried out an initial evaluation of bids independently of each other. The panel, alongside the ASC Category Manager, then met on the 26th May 2017 and the 1st June 2017 to moderate the allocated scores and agree an overall quality result. Following this, the cost element was scored by the ASC Category Manager, overseen by the Lead Commissioning Manager Accommodation, Commissioning and Quality, where the lowest cost received the maximum 60% score and the remainder a proportion of the 60% dependent on their difference to the lowest. This was based on the bidder's proposed annual costings.
- 5.9 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that the following Tenderers gained the highest scores and Officers therefore recommend the award for the 6 HRS contracts as follows:

Lots	Recommend Provider
ASC001 Lot 5 Generic Floating Support HRS	Thames Reach
ASC002 Lot 4.1 Learning Disabilities Care & Support HRS	Look Ahead Housing and Care
ASC003 Lot 5 Mental Health Support Services HRS	Look Ahead Housing and Care
ASC004 Lot 5 Older Persons & Handy Person Service HRS	Elders Voice

ASC005 Lot 5 Multiple Needs HRS	Look Ahead Housing and Care
ASC006 Lot 5 Women, Families & Young People Services HRS	Depaul UK

6.0 Financial Implications

- 6.1 The Council's Contract Standing Orders state that contracts for supplies, services and works exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 6.2 The cost of the contracts is outlined in the table below. The recommendation is for the 6 contracts to be awarded for 4 years with the option of a further year extension which is included in the overall costings.

Lot	Cost Per annum (£m's)	Total cost of contract (4+1 years) (£m's)
ASC001 Lot 5 Generic Floating Support HRS	0.64	3.20
ASC002 Lot 4.1 Learning Disabilities Care & Support HRS	0.37	1.85
ASC003 Lot 5 Mental Health Support Services HRS	1.00	5.00
ASC004 Lot 5 Older Persons & Handy Person Service HRS	0.47	2.35
ASC005 Lot 5 Multiple Needs HRS	0.99	4.95
ASC006 Lot 5 Women, Families & Young People Services HRS	0.44	2.15
Totals	3.90	19.50

- 6.3 The costs are within the estimations of between £4m and £4.3m at the start of the tender process and fall within the budget allocation for this service.
- 6.4 The new contracts will formally crystallise the savings achieved in 2016/17 of £1.9m and deliver a further £0.4m against the Housing related support service savings plan as agreed in the 2016/17 budget.
- 6.6 It should be noted that the intention to block purchase runs the risk of void payment being made if the units are not fully utilised. Voids may occur during the turnaround of a vacancy, this may be due to repair works being carried out or during the assessment process of a potential tenant. The possible impact having voids is less vulnerable people may be allocated the accommodation but this is unlikely given the increase in demand for HRS accommodation.

6.7 The cost of this contract is inclusive of London Living Wage (LLW). The inclusion of LLW adds an additional cost of £230k pa when compared to a sustainable non LLW compliant rate for HRS.

7.0 Legal Implications

7.1 The estimated values over their lifetime of all six contracts are in excess of the EU threshold for Schedule 3 Services under the Public Procurement Regulations 2015 (the “EU Regulations”). Consequently, the award of the contracts is governed by the EU Regulations. The award is subject to the Council’s own Standing Orders in respect of High Value contracts and Financial Regulations and as such Cabinet approval is required to award contracts 1-6.

7.2 Whilst there is no strict legal requirement for the council to observe a minimum 10 calendar day standstill period between tenderers being notified of the contract award decision and the actual award of the contract where a DPS is used, such period is recommended in order to protect against possible post-contractual ineffectiveness claims. Therefore once Cabinet has determined whether to award contracts all tenderers will be issued with written notification of the contract award decision and a minimum 10 calendar day standstill period will then be observed before the contract is awarded.

7.3 The Transfer of Employment (Protection of Employment) Regulations 2006 (“TUPE”) applies to the award of all six contracts. Subject to the right of employees to object to transferring, the employees’ contract of employment will transfer to any new provider of contract.

7.4 It is understood that one member of staff currently employed in connection with the Mental Health service and one member of staff currently employed in connection with the Older People/Handyperson service are former council employees and retain access to the Local Government Pension Scheme (“LGPS”). Although pension rights do not transfer under TUPE, the Council is under a legal obligation to secure pension rights for its staff or former staff who previously transferred to a contractor pursuant to TUPE, either through continued access to the LGPS or through pension arrangements that are broadly comparable to the LGPS. All providers tendering for these 2 contracts did so on the basis that they would apply for admitted body status thus allowing affected staff continued access to the LGPS.

7.5 An admitted body under the LGPS will generally bear liability for any pensions’ deficit that may accrue. It was not considered to be in the council’s interest to place 100% of all pensions’ risks on the provider as the provider has no real control over such risks. Where the provider has to bear full pensions risks, its bid will ordinarily be more expensive. In the circumstances, officers sought bids on the basis that a pensions’ risk share agreement will be offered, with the standard form of pensions risk share agreement, agreed by the General Purposes Committee, issued when inviting bids.

8.0 Equality Implications

8.1 The proposed contracts will require the provider to deliver services which are:

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

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

8.3 In view of the fact that this procurement represents a change to the model of service delivery for some service users it is necessary for the Cabinet, as decision-making body, to consider the equalities implications which are contained within the Equalities Impact Assessment in Appendix 3. In accordance with the Equality Act 2010 officers believe that there are no adverse diversity implications.

9.0 Staffing & Accommodation Implications

9.1 These contracts are currently delivered by external contractors, and are requested to be awarded to external contractors. There are therefore no implications for Council staff arising from the award of this contract.

9.2 Where a new provider has been selected then staff assigned to the contracts who are eligible to transfer pursuant to TUPE, will transfer from the current providers to the new providers save in the circumstances described in paragraph 7.3.

10.0 Public Services (Social Value) Act 2012

10.1 It should be noted that the nature of the services being procured naturally align themselves to the requirements of the Public Services (Social Value) Act 2012 as they are aimed at supporting and improving the lives of some of the most vulnerable and deprived sections of the local community. In procuring the procurement process itself, Officers had regard to social value, with providers invited to describe how they would advance social value as part of the bid and their responses evaluated against social value criteria.

11.0 Background Papers

Housing Related Support Strategy 2016.

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

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APPENDIX 2 -TENDER EVALUATION GRID

Bidders were asked a series of questions which covered key areas of service delivery with weightings attached to each question.

APPENDIX 2 – QUALITY TENDER EVALUATION GRID

HRS Service Requirement: Generic Floating Support

		BIDDER WEIGHTED SCORE				
		Weighting of 100%	A1	A2	A3	A4
1.	Service Delivery:	5%	2.92%	3.75%	2.50%	4.17%
2.	Service Model:	4%	2.67%	2.83%	2.33%	2.67%
3.	Specialist Knowledge:	6%	4.00%	3.50%	4.00%	4.50%
4.	Achieving personal independence:	4%	2.67%	2.67%	2.67%	3.33%
1.	Safeguarding and safe environments	5%	3.75%	2.92%	3.33%	2.92%
2.	Staff recruitment, retention and training:	4%	2.33%	2.33%	2.33%	2.33%
7.	Mobilisation:	4%	2.33%	2.67%	2.00%	2.00%
8.	Partnership Working:	3%	1.50%	1.75%	1.75%	2.75%
9.	Social Value:	5%	3.75%	3.75%	3.75%	3.75%
Total		40%	25.92 %	26.17 %	24.66 %	28.42 %

HRS Service Requirement: Learning Disabilities Care and Support

		BIDDER WEIGHTED SCORE		
		A1	A2	
		Weighting of 100%		
1.	Service Delivery, Specialist Knowledge:	5%	3.33%	3.75%
2.	Service Model:	5%	3.75%	3.75%
3.	Out of Hours:	4%	3.00%	2.00%
4.	Achieving personal independence:	4%	3.00%	2.00%
5.	Equality and Human Rights	4%	2.67%	2.00%
6.	Safeguarding and safe environments:	5%	3.33%	2.92%
7.	Staff recruitment, retention and training:	4%	2.67%	2.67%
8.	Mobilisation:	4%	2.67%	2.67%
9.	Social Value:	5%	3.75%	3.75%
Total		40%	28.17%	25.51%

HRS Service Requirement: Mental Health Support Services

		Weighting of 100%	BIDDER WEIGHTED SCORE
			A1
1.	Service Delivery:	5%	3.33%
2.	Service Delivery:	4%	3.00%
3.	Service Model, Partnership working:	5%	4.17%
4.	Specialist Knowledge:	5%	4.25%
5.	Service User Involvement:	4%	3.33%
6.	Safeguarding and safe environments:	4%	3.00%
7.	Staff recruitment, retention and training:	4%	2.83%
8.	Mobilisation:	4%	3.00%
9.	Social Value:	5%	3.75%
Total		40%	30.66%

HRS Service Requirement: Older Persons & Handy Person Service

		BIDDER WEIGHTED SCORE		
		A1	A2	
		Weighting of 100%		
1.	Service Delivery:	5%	3.33%	3.42%
2.	Service Delivery/Service Model	4%	2.67%	2.33%
3.	Specialist Knowledge:	6%	3.75%	4.00%
4.	Achieving added value:	4%	2.67%	2.67%
5.	Safeguarding and safe environments:	5%	2.40%	3.54%
6.	Staff recruitment, retention and training:	4%	2.67%	2.40%
7.	Mobilisation:	4%	3.00%	2.73%
8.	Partnership Working:	3%	2.15%	2.00%
9.	Social Value:	5%	3.63%	3.83%
Total		40%	26.27%	26.92%

HRS Service Requirement: Multiple Needs Service

		BIDDER WEIGHTED SCORE		
		Weighting of 100%	A1	A2
1.	Service Delivery:	5%	4.17%	3.75%
2.	Service Model	4%	3.33%	3.00%
3.	Specialist Knowledge:	6%	5.50%	5.00%
4.	Achieving personal independence:	4%	3.00%	3.00%
5.	Safeguarding and safe environments:	5%	3.75%	3.33%
6.	Staff recruitment, retention and training:	4%	3.00%	3.00%
7.	Mobilisation:	4%	3.00%	2.67%
8.	Partnership Working:	3%	2.50%	2.50%
9.	Social Value:	5%	3.75%	3.75%
Total		40.00%	32.00%	30.00%

HRS Service Requirement: Women, Families & Young People Services

		BIDDER WEIGHTED SCORE		
		Weighting of 100%	A1	A2
1.	Service Delivery:	5%	4.17%	3.75%
2.	Service Model:	4%	4.00%	2.67%
3.	Specialist Knowledge:	6%	4.00%	5.00%
4.	Achieving personal independence:	4%	3.00%	2.67%
5.	Safeguarding and safe environments:	5%	4.17%	3.75%
6.	Staff recruitment, retention and training:	4%	2.67%	2.67%
7.	Mobilisation:	4%	3.33%	3.00%
8.	Partnership Working:	3%	2.25%	2.00%
9.	Social Value:	5%	3.75%	3.75%
Total		40%	31.34%	29.26%

PART 2B – WEIGHTED COST/ QUALITY SCORES AND BIDDER RANKING

As stated within the ITT evaluation methodology, the quality scores for the quality element were added to the costs scores with the latter being rounded up or down if below or above 0.5 decimal places.

HOUSING RELATED SUPPORT

Service	Bidder Ref	Quality score (out of 40%)	Cost score (out of 60%)	TOTAL SCORE	RANK
ASC001 Lot 5 Generic Floating Support	A1	25.92%	58.24%	84.16%	3
	A2	26.17%	60.00%	86.17%	2
	A3	24.66%	58.52%	83.18%	4
	A4	28.42%	58.38%	86.80%	1
ASC002 Lot 4.1 Learning Disabilities	A1	28.17%	58.78%	86.95%	1
	A2	25.51%	60.00%	85.51%	2
ASC003 Lot 5 Mental Health Support	A1	30.66%	60.00%	90.66%	1
ASC004 Lot 5 Older Person & Handy Person Service HRS	A1	26.27%	60.00%	86.27%	1
	A2	26.92%	56.43%	83.35%	2
ASC005 Lot 5 Multiple Needs	A1	32.00%	59.86%	91.86%	1
	A2	30.00%	60.00%	90.00%	2
ASC006 Lot 5 Women, Families & Young People Service	A1	31.34%	60.00%	91.34%	1
	A2	29.26%	57.69%	86.95%	2

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APPENDIX 3 – TENDER EVALUATION CRITERIA

Each bidder was assessed against the following ITT criteria agreed when the AP DPS was first established:

Lot 4.1:

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

Lot 5:

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

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APPENDIX 4: Equality Assessment

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 Housing Related Support Strategy (HRSS) outlines the commissioning intentions for 2017 – 2020. Consultation on the strategy took place during September 2015 and May 2016, consultation events took place with front line staff, service users and wider stakeholders. The aim of the strategy is to set out Brent's vision and establish the key priorities for development.

This equality assessment is to determine the impact of re-commissioning services in line with the corporate framework for procurement.

The HRSS sets out the commissioning arrangements for Housing Related Support (HRS) services set to be delivered from April 2017. The strategy seeks to review the current provision of accommodation based and floating support services available within the current Supporting People (SP) budget, and make appropriate savings.

The HRSS focuses on floating support services as the default model, with a small number of accommodation based services where service needs cannot be met via floating support services. Services will be delivered to a number of people seen as vulnerable but who do not meet statutory thresholds.

Although HRS is not a statutory service, the support provided can prevent the need for statutory services, and if this service was withdrawn there would be a direct impact on statutory services. HRS offers support to a number of client groups enabling vulnerable people to live independently and in addition to improving their health and wellbeing.

Objectives

It is recognised that HRS is a preventative service which contributes to the health and wellbeing of Brent residents. An effective prevention service can reduce demand for, and the costs of, housing and homelessness, health and care services.

The HRSS proposes a way forward based on provisioning with floating support (FS) services and accommodation based services (ABS): ABS will be funded only where service needs can only be met effectively in this way, (e.g.: direct access, refuges, high support mental health provision).

HRS services aim to develop or sustain an individual's capacity to live independently and sustain their tenancies. The service does not provide general health services, social care or statutory personal care services, but rather services with the aim of supporting independent living. The service applies to everyone as long as they meet the criteria for HRS, HRS promotes equality of opportunities further and for equal and fair access for the services irrespective of an individual's protected characteristics (Race, gender, disability, age, sexual orientation, religion or belief, marriage and civil partnership, pregnancy and maternity, gender reassignment), everyone has universal access to HRS irrespective of the above,

The overarching objective is to advance the prevention agenda in order to promote wellbeing and reduce the numbers and extent of needs of people requiring statutory services.

Outcomes and Proposed Changes

The overall outcome is for HRS services to form part of a 'Whole System' approach and that services are not commissioned in isolation. To ensure that the services commissioned are designed to increase a service user's choice and control and ensure service users are involved in decisions about their services.

The over-riding successful outcome sought from HRS is that it resolves the reason why someone needed the service and then they no longer require it.

Specifically the service proposes:

- Introducing outcome focused specifications for all services, co-designed with service users.
- Prevention of homelessness
- Prevention of need for statutory Adult Social Care services
- Gaining employment for adults under 65

The Overall benefit of housing related support for clients, providers and commissioners:

- Clients - a more effective, outcome focussed service that meets demand and is flexible to meet a range of support needs.
- Providers - a more updated model that enables wider support and streamlined contract monitoring processes.
- Commissioners - A cost effective model that meets strategic need and contributes to a wider prevention agenda.

The level of support service users will receive will be tailored to their specific needs. For people with disabilities or high level needs that require intensive support on a frequent basis, accommodation based support services may continue to be a more appropriate option.

Why is it needed?

Most of the Council's current spend is focused on services for socially excluded people to whom Council does not owe statutory care or homelessness duties, nor, in most cases, would it owe a statutory duty if the services did not exist.

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

Provider/staff

The existing Provider is affected as the tender is open for other providers to bid.

Users

There are 652 (August 2015) clients currently in accommodation based services. Clients who are identified as potentially being suitable for floating support will be identified through individual assessment of their housing related support needs. As a result, the likelihood is

that the vast majority of floating support units will be filled from those living in accommodation based services. As such, this EIA only considers equalities data relating to accommodation based support services. Equalities data collected relates to the **435** Start Plus cases referred to accommodation based services April 2014-March 2015.

The table below shows the nine main client categories and current numbers of HRS clients living in accommodation based services (ABS) and receiving floating support services:

CLIENT GROUP	Total clients in ABS	Current FS clients
Young people	56	0
Mental health	202	137
Learning disability/ Physical disability/ sensory impairment	68	185
Single homeless (inc multi-needs, SH D&A SH Offenders)	243	429
Offenders/substance misuse	45	114
HIV	0	15
DV/ TP	38	109
Homeless families	0	70
older people	0	470
TOTAL CLIENTS	652	1529

The strategy proposes that where possible clients with low level support needs living in accommodation based services will exit the service and be supported into independent accommodation and depending on levels of HRS need will be able to access floating support provision.

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

The Housing Related Support Commissioning Strategy should have no differential impact on any specific equality strand.

The services within the scope of the strategy are there to support all residents of Brent.

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

The service will have an impact on age, as 2.76% of referrals to ABS made between the periods April 2014 - March 2015 were for people aged of 55+. HRS provision for older people has already been uncoupled from accommodation and all provision is currently delivered via floating support. The re-commissioning of a specialist floating support service for people over 65 focussing on targeted prevention of care, will be integrated with the ASC preventative offer.

Other floating support specifications will be designed with a particular client groups in mind and are thus tailored to the needs of those clients. Whereby, the aim is to meet the needs of each service user regardless of their age.

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

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

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

Yes – adults social care clients

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

Age (16-24)

Disability (Residents of accommodation-based services will require accommodation with adaptations where necessary).

Race – A review carried out in May 2016 identified 19% of Brent residents have been identified as having a 'black' ethnicity (Source: Office for National Statistics © Crown Copyright 2012) compared to 72% of those in HRS accommodation based services. HRS services will be required to deliver services in an imaginative and flexible manner to improve accessibility for the range of service users.

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

Yes – Objective Four – Responsive services

Recommend this EA for Full Analysis?

Yes

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

Stage 2: Analysis

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

5.1 Age (*select all that apply*)

- Positive
- Neutral
- Negative

Please give details:

In general the ability to live in independent accommodation with better access to community activities through FS provision rather than an ABS setting with hopefully appeal to a broader representation of age groups.

Mitigate possible adverse impact for 16-24yr olds currently in ABS.

5.2 Disability (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

The ability to live in independent accommodation with better access to community activities through FS provision rather than an ABS setting with hopefully appeal to a broader representation of disability.

Mitigate possible adverse impact for the disabled clients currently in ABS. For those with a disability, the transition from an accommodation based setting to a FS model will require practical support to help them access appropriate levels of floating support. The service has also identified that this client group may require more long term support which falls outside of current HRS service delivery therefore future services to this group will no time frame. It is also important that this group is provided with support to engage with other services outside within the wider community in order to maintain independence.

5.3 Gender Identity (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

Gender Identity is not a distinguishing factor and there should be no greater impact on this group than on any other.

5.4 Marriage and civil partnership (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

Marriage and Civil partnership are not distinguishing factors and there should be no greater impact on this group than on any other.

5.5 Pregnancy and maternity (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

Pregnancy and maternity are not distinguishing factors and there should be no greater impact on this group than on any other.

5.5 Race (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

A review of services identified there is a need for HRS providers to deliver targeted work to those identified as 'black', HRS to deliver flexible services which meet the needs of the client and have a deeper understanding of the communities they serve. Future services will be required to carry out target work with this client group in order to achieve positive outcomes.

5.7 Religion or belief (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

A core aim of the HRS strategy is to provide alternatives to ABS, and to meet people's needs through FS provision wherever possible. However, should someone need to move into an accommodation based service, the aim is that all religious groups will feel equally able to do so. There is also potential for FS services to provide support to access places of worship.

5.8 Sex (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

It is noted that a large proportion of women referred to ABS fall within the 16-24years age bracket, and linked to this within the HRS strategy it is anticipated that some ABS services will be retained based on strategic need via the Commissioning Matrix including the provision of a refuge and a direct access homeless service which will continue to have a positive impact on gender (women and families) as a protected characteristic.

5.9 Sexual orientation (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

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

5.10 Other (New Clients) (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

Change in client demographics within the borough will need to also ensure services are adaptable in order to meet the needs of the community, services are also aware that changes to government legislation will also prompt adaptations to service delivery. The reduction in affordable homes in the borough will reduce the number of people who will be able to remain and maintain a tenancy. Provisions will need to be made to address how people will be supported if they re-locate out of borough.

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

- Yes
- No

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

A design group of users and carers has been set up and will take part in the procurement process, the group met on a regular basis during the months of September 2015, October 2015, December 2015, January 2016, February 2016, March 2016, April 2016 to provide Council staff with input into potential new services.

Engagement with landlords and Providers, in group and individual settings.

Consultation events and focus groups held with service users.

A review of services was undertaken in August 2015 looking at the provision of ABS and FS, with the view of developing a 'Roadmap' for commissioning arrangements.

A HRS strategic review was undertaken in May 2016 looking at the client needs in ABS and any possible unmet needs. Findings of review informed the redesign of current services to address gaps in service provision and any unmet needs.

What did you find out from consultation or data analysis?

A positive impact in relation to service users across all protected groups, as the opportunity to live independently with the right support is a preferable long term outcome than living in less flexible/ accessible accommodation based support settings.

Housing Related Support formed part of a wider Council consultation (Outcome Based Review) which provided a more comprehensive insight into the borough housing needs. The overview of findings focused on adapting current assessment pathways in order to address the needs of vulnerable people, thus ensuring the right services are delivered to the right people.

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

The participants were current service users

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

STAGE 3: ACTION PLANNING

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

Action	By when	Lead Officer	Desired Outcome	Date Completed	Actual Outcome
Age- mitigate possible adverse impact	Via the tendering process	Susan Joseph	Ensure that the implementation of the strategy		

for 16-24yr olds currently in ABS	timeline		and case co-ordination meets the needs of 16-24yr olds currently in ABS		
Disability- mitigate possible adverse impact for the disabled clients currently in ABS	Via the tendering process timeline	Susan Joseph	Ensure that the implementation of the strategy and case co-ordination meets the needs of the 14 disabled clients currently in ABS		
Short briefing note covering equalities issues on each new service/ contract	Via the tendering process timeline	Susan Joseph	Ensure that the implementation of the strategy meets the needs of our client groups		
Short briefing note on each stage of strategy implementation as per timeline	Via the tendering process timeline	Susan Joseph	Ensure that the implementation of the strategy meets the needs of our client groups		

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

Ensuring that all users, regardless of their protected characteristics can access the redesigned services and the service meets the needs of as many of the community groups as possible.

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


Overall, this analysis has found that the proposed service will be beneficial for all clients. The analysis has identified a possible negative impact in relation to disability where an existing ABS service user has needs that cannot be met via FS service or if moving to independent living where there may be a case for an individual package of resettlement support to address needs around disability.

The analysis has also identified a possible negative impact on age in relation to the number of young people (16-24) in ABS and the requirement of an individual package of support to address needs around age. The review as identified the need for deeper understanding of those identified under 'Race' to ensure services are understanding of possible cultural needs which may have an impact in how a service user accesses or engages with services.

The service will be to promote resettlement into independent living from ABS, it is recognised that for many service users across all different groups, relocation may cause emotional distress and orientation issues in their new surroundings. To mitigate this, it will be necessary to manage case co-ordination sensitively and offer a 'resettlement package' to ensure that appropriate support and assistance are in place, both during and after the move.

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

While it is hoped that the flexibility of effective FS and individual support planning mitigates this risk, the benefits of the strategy, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable services and may not be able to take into account the current relative needs of a small number of ABS service users.

 Brent	Cabinet 19 June 2017
Report from the Strategic Director of Resources	
For Action	Wards Affected: [ALL]
Applications Support with Lewisham Council	

1.0 Summary

- 1.1. This report sets out proposals for joining the Applications Support teams across Brent and Lewisham. This will be an expansion to the shared ICT service established between Brent and the London Borough of Lewisham in April 2016.

2.0 Recommendations

- 2.1 That Cabinet approves the addition of the joint service for Applications Support to the scope of services to be covered by the current Shared Service Agreement in respect of ICT services with the London Borough of Lewisham and the merger of the two separate applications support teams across Brent and the London Borough of Lewisham.
- 2.2 That the Cabinet approves the delegation from the London Borough of Lewisham to Brent (as the host authority) of the delivery of the Applications Support Service under the terms of the existing Shared Service Agreement in respect of ICT services.
- 2.3. That the Cabinet delegates authority to the Strategic Director Resources in consultation with the Lead Member for Resources to agree the terms for variation to the existing Shared Service Agreement in respect of ICT services between Brent and the London Borough of Lewisham and to approve the final form of Variation to effect the addition of the Applications Support Service and the related transfer of staff.
- 2.3 That Cabinet approves the transfer of Applications Support staff from the London Borough of Lewisham to Brent pursuant to Transfer of Undertakings (Protection of Employment) Regulations 2006.

3.0 **Detail**

- 3.1 Cabinet approved a report in November 2015 recommending that the London Boroughs of Brent and Lewisham establish a shared ICT service by April 2016. The purpose was to contribute to the savings target for Digital Services whilst establishing a strong and sustainable ICT service for both authorities.
- 3.2 The shared ICT service has now been running for 14 months and is deemed to be a success, based on user feedback and service reviews undertaken. The cost of running the Brent ICT service has reduced by approximately £1m, savings which can be directly attributed to the merger of the two services.
- 3.3 It is now considered that further synergies and efficiencies can be made by merging the two application support teams for the councils. Should the merger be approved, it is proposed that Lewisham's staff currently providing the application support will transfer to Brent pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") on the basis of their existing terms and conditions.
- 3.4 It is not anticipated that there will be direct financial savings made immediately as a result of the merger. Instead the advantage of the merger in the short term is that the service will be more robust and resilient as there will be more staff, at no additional costs, to provide support for the applications in a more cohesive manner across the shared ICT service.
- 3.4 There are a number of applications which Brent and Lewisham have in common, e.g. IDOX planning system, SharePoint, Business Objects. Therefore, there will be an increase in the number of people who will be available to provide support, increasing resilience in the support of applications.
- 3.5 There are a number of applications which are unique to each Council; it is recognised that having a small number of people (sometimes just one individual) responsible for supporting key applications has been a risk in the support model within each Council. With a programme of knowledge sharing, training and development, staff can increase their skills base and will be able to cross train and provide cover for applications, other than those they have traditionally covered.
- 3.6 A restructure of the ICT shared service was undertaken during early 2016, at that time this excluded the Lewisham applications support team. At the current time it is not the intention to restructure further.
- 3.7 The post of Head of Applications Support (which has been held vacant) will be appointed and the post holder will be responsible for bringing the team together and fostering the knowledge sharing necessary to ensure that the team operate effectively. The Head of Applications Support will be based across the two Councils.
- 3.8 Staff will not be expected to change their current place of work, however there may be the need to attend occasional team meetings etc and these could take place in either Brent or Lewisham and staff will be expected to attend. It is not envisaged that these will occur too often.

.4.0 Financial Implications

- 4.1 It is anticipated that there will not be any additional costs associated with the merger. There will not be any redundancy implications as the proposal is to TUPE staff over but not change the main location or job roles.
- 4.2 The intention is for staff to be transferred to Brent from Lewisham. Brent will continue to pay for the Applications Support staff it currently employs. In addition the staff transferring to Brent will be on the Brent payroll and paid for by Brent but Lewisham will reimburse Brent for those staff that work solely on Lewisham applications.
- 4.3 As the service consolidates and the impact of working on a cross Borough basis increases, then Lewisham and Brent will share the costs of the relevant application support staff jointly.
- 4.4 The projected salary spend associated with these staff is c£1.2m. Although the staff will be paid by Brent, Lewisham will be responsible for these costs and there is no net increase in Brent's expenditure.

5.0 Legal Implications

- 5.1 The current ICT Shared Service operated between Brent and Lewisham Councils was established under the statutory framework which permits local authorities to collaborate and share provision of services pursuant to the Local Government Acts 1972 and 2000, the Localism Act 2011 and the Local Authorities (Arrangement for Discharge of Functions) (England) Regulations 2012.
- 5.2 In view of the fact that the proposed transfer of staff involves in excess of 20 staff members, Cabinet approval to such transfer is required pursuant to Part 4 of the Council's Constitution.
- 5.3. The formal Collaboration Agreement between Lewisham and Brent Councils sets out both parties' respective duties and liabilities in relation to the current Shared Service. A variation or amendment to the Collaboration Agreement will be needed to amend the Agreed Service scope to include the joint Applications Support Service and to add to the list of Transferred Staff for the purpose of the Shared Service. In view of the value of the proposed arrangement as detailed in paragraph [4.4] (projected value of service being £1.2m per annum) Cabinet approval is required to the variation to the partnership/collaborative arrangements.

6.0 Procurement and Employment matters

- 6.1 Both Councils understand that Lewisham's staff currently providing the application support will transfer to Brent pursuant to TUPE on their existing terms and conditions.
- 6.2 If any future restructures are undertaken redundancies may be necessary, however, this is not currently planned. It is not possible to estimate any cost impact at this time as the future organisational requirements are currently unknown.

6.3 Arrangements are in place to provide employee liability information under the TUPE regulations since it is a requirement that such information be provided by the transferor of staff prior to any TUPE transfer. Lewisham HR is aware of this requirement and has confirmed it can provide the necessary employee liability information once Cabinet has given approval to the transfer. TUPE also requires provision of information and consultation with affected staff about the prospective transfer and Lewisham HR has confirmed that that this is being undertaken in accordance with TUPE requirements.

7.0 **Equalities Implications.**

7.1 As the current staff are transferring to Brent there are no equalities implications, however an equalities impact assessment will be undertaken as part of any future restructure exercise which may follow.


8.0 **Staffing/Accommodation Implications**

8.1 In terms of accommodation implications it is anticipated that the joint team will not increase significantly, the only addition being the appointment to the current vacant post of Head of Application Support. As staff will remain in their current work locations, there is no impact on accommodation.

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ALTHEA LODERICK
Strategic Director of Resources

 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from the Strategic Director of Resources</p>
<p>For Action Wards Affected: [ALL]</p>	
<p style="text-align: center;">Joint ICT work with London Borough of Southwark</p>	

1.0 Summary

- 1.1 This report sets out proposals for extending the ICT Shared Service for the London Boroughs of Brent and Lewisham to the London Borough of Southwark by 1st November 2017.

2.0 Recommendations

- 2.1 That the Cabinet notes the work undertaken to: complete the identified due diligence activities, sign up to an Interim InterAuthority Agreement dated 30 March 2017 and ongoing work to develop the more detailed inter-authority agreement and to assure the viability of a three-way shared ICT service since approval in principle was given to work with the London Borough of Southwark to expand the shared service.
- 2.2 Approves the establishment of a three-way shared ICT service with the London Borough of Lewisham and the London Borough of Southwark and the delegation from Southwark Council to Brent (as the primary host authority in the Shared Service with London Borough of Lewisham) of the delivery of ICT services within the agreed scope and with a planned service commencement date of 1 November 2017.
- 2.3 Delegates authority to the Strategic Director of Resources to agree the final terms of the inter-authority agreement for accession of Southwark into the existing Shared Service and for the operation of the 3-way Shared ICT Service.

- 2.4 Notes that officers in Southwark and Lewisham are presenting reports to their respective cabinets in relation to this delegation and future shared ICT service. Notes that a report will be brought to a future Cabinet meeting of Southwark Lewisham and Brent councils to give update on transition reporting with future reporting as required by the respective cabinets. The Southwark Cabinet Report will be published with the agenda for the 20th June Cabinet meeting on the London Borough of Southwark website here:
<http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=302>
- 2.5 Agrees to reconstitute the Joint Committee established by Cabinet decision on 26 November 2015 to include the London Borough of Southwark to support the governance arrangements of the shared ICT service as detailed in this report.
- 2.6 Notes that the joint committee will consist of two elected members from each council and that Brent will be represented on that committee by two members.
- 2.7 Agrees the draft governance arrangements as outlined in Appendix A.
- 2.8 Notes that Brent will manage ICT procurement for all three councils within the agreed scope and in accordance with agreed procurement protocols.

3.0 Detail

- 3.1 The Cabinet approved a report in February 2017 recommending that officers work with the London Borough of Southwark towards expanding the Brent & Lewisham ICT Shared Service to Southwark by 1st November 2017.
- 3.2 As set out in the February 2017 report to cabinet, an Interim Inter Authority Agreement was entered into by the three councils and due diligence work was undertaken over an eight-week period with the purpose to accumulate sufficient information to validate the proposed costs, business benefits and risks arising from incorporating the London Borough of Southwark into the shared ICT service.
- 3.3 Due diligence work included:
- review of ICT services provided by Southwark's current IT Managed Service provider and other third party licences, support and maintenance contracts.
 - review of Southwark's current infrastructure environment including hardware, software and serviceability.
 - collecting and analysing information critical to the London Borough of Southwark's successful transition into the shared ICT service and the subsequent on-going 'business as usual' operations. This included; identification of current and/or potential issues, problems, risks or liabilities that could impact on the proposed transition to the shared ICT service in terms of time, cost, performance, service stability or supportability and the development of appropriate mitigations.

- development of resource plans of sufficient detail as to provide assurance that resource requirements for transition and migration phases have been correctly assessed and can be recruited to and that, based on the current known position, technical transition activity plans and budget forecasting is robust.
- 3.4 The output of due diligence includes:
- a detailed and costed report with associated supporting material which provides appropriate assurance as to the work required for Southwark to transition into the shared service including the underpinning assumptions and key dependencies.
 - a detailed and costed register of contracts including planning for contract treatment during the transition period.
- 3.5 The due diligence work identified no major surprises and resource, time and cost estimates are all within officers' expectations.
- 3.6 Members are advised that due diligence and related planning and preparation activities will continue through to service commencement. This will enable service knowledge, detail and documentation to be further refined and will ensure that changes to services prior to the service commencement date are recorded and incorporated into transition plans.
- 3.7 Both Brent and Lewisham have realised cashable savings through shared service efficiencies and economies of scale. Both are now actively seeking to expand the service and/or to supply ICT services on a shared basis as a way of lowering costs further or generating income.
- 3.8 Through Southwark joining the shared ICT service Brent and Lewisham will make a further annual saving on their respective ICT costs. In addition, each of the three authorities will achieve significant benefit through increased efficiency and economies of scale including:
- A larger pool of technical resource providing increased resilience for the business as usual (BAU) service and additional resource to effect change.
 - Shared cost of joint developments – potentially lowering cost for development activity by two-thirds when compared to each authority separately undertaking the same work.
 - Shared support of common applications with opportunity to rationalise, consolidate and share applications.
 - Shared infrastructure – enabling more efficient and cost effective capacity management and increased resilience.
 - Efficient procurement – leveraging our increased size and undertaking procurements on behalf of all three authorities.
 - Shared risk.
 - Shared best practice.

- 3.9 The identified benefits align with the councils' shared objective to "enable the three councils to maximise the use of digital technologies to transform themselves into responsive, efficient and cost-effective organisations".
- 3.10 If this report is approved the three councils will negotiate and agree final terms and enter into a fuller form of inter-authority agreement for the three-way shared ICT service. A joint committee and joint management board will be formed and the transition plan activities progressed. It is intended that this inter-authority agreement and the new governance arrangements will supersede the Interim Inter Authority Agreement dated 30 March 2017 made between the three councils but will not supersede the Council's accrued rights and obligations under the current Collaboration Agreement with Lewisham to the extent that the latter needs to remain enforceable in relation to TUPE and other accrued and ongoing rights and obligations from the two party collaboration agreement..
- 3.11 Prior to service commencement (1 November 2017) due diligence work continues to be undertaken to improve documentation and knowledge of the service being taken on. The shared ICT service will increase the capacity of their in-house team and ICT infrastructure to accommodate Southwark's ICT requirements and TUPE related activities will commence.
- 3.12 As set out in the February report to cabinet, the principal objective of the shared ICT service is to "enable the three councils to maximise the use of digital technologies to transform themselves into responsive, efficient and cost-effective organisations". The common aim of the councils is that by 2020 the ICT service will have achieved the strategic outcomes described in the table below.

<u>Primary outcomes</u>	<u>Secondary outcomes needed to achieve primary outcome</u>
Building a solid platform for transformation	<ul style="list-style-type: none"> • Building a modern, common infrastructure that partners can rely on. • Generating more innovation by investing together to make the most of technology. • Creating shared strategies and roadmaps, with the flexibility to reflect local needs.
Delivering a quality service	<ul style="list-style-type: none"> • Providing a reliable, quality user experience. • Delivering constant improvement by keeping service levels and processes under review. • Building a talented team with a great reputation for supporting the business of each partner.
Providing great value-for-money	<ul style="list-style-type: none"> • Maximising economies of scale, taking a common approach where practical and beneficial. • Offering affordable services that compare well with other providers. • Benefiting by sharing the cost of investment in new developments.
Forging a lasting partnership	<ul style="list-style-type: none"> • Acting as a partnership of equals that everyone benefits from. • Delivering greater resilience by sharing and mitigating risks. • Offering each partner more capacity and capability by pooling resources and knowledge.

- 3.13 The strategic outcomes referenced in Table 1 are underpinned by the agreed partnership principles and future behaviours that address and enable the opinions and expectations of all three councils and are set out in full in Appendix B (Partnership Principles).
- 3.14 The initial evaluation and subsequent due diligence has identified clear synergies in our business and operational requirements. These will form the basis for close collaboration on ICT and digital strategies and future opportunities for shared development programmes.
- 3.15 It is recognised that whilst sharing strategy where possible will be of benefit to all, there are local business requirements which necessitate that each authority retains overall sovereignty of their strategy. The shared ICT service will therefore develop to maximise efficiencies and commonality in services where possible whilst maintaining flexibility.
- 3.16 Supporting our shared strategic outcomes the service strategy is to continually improve service quality whilst reducing cost. The partners recognise that whilst there is much that can be achieved within the new three-way partnership it is likely that to achieve the efficiencies required is likely to

require further growth, albeit that growth will need to be at a pace which does not create unnecessary risk to the service.

- 3.17 All three councils have existing risk management strategies and associated methodologies. It is not proposed to change these however work will be undertaken to align them such that as far as practical we have a shared approach and common understanding of risk. This will enable partners to:
- Identify risks and bring consistency in understanding as to the risks services face;
 - Prioritise response to risks – Highlighting urgent and common problems and possible solutions.
 - Eliminate issues from the risk & assurance registers and add value back into the business
 - Benchmark risks across the shared ICT service.
- 3.18 The head of shared ICT service will report to the joint management board on the aggregate risk profile of the service.
- 3.19 The three councils will remain individually responsible for ensuring that an effective risk management strategy is in place, that it is subject to a formal review process and that there is a robust framework in place to identify, evaluate and control risks.
- 3.20 Service managers remain responsible for the effective management of risk within their service area and ensuring that staff operating within their service adhere to the best practice principles of risk management.
- 3.21 The key risks associated with accession of Southwark into the existing Shared ICT Service arrangements, establishing the 3-way shared ICT service, transition and service delivery are highlighted in Appendix C (Risk Register).

4.0 Financial Implications

- 4.1 All project work, including the procurement of IT hardware and software and recruiting interim staff to provide additional capacity or backfill any existing shared service staff working on the transition project, will be funded in full by Southwark.
- 4.2 Financial principles are set out in the inter-authority agreement and define the way in which costs for the ICT Shared service are apportioned to each of the partnership councils. They have been designed to be simple and will be underpinned by a culture of fairness and cost transparency. The six financial principles are:-
- i. The setting of each councils' ICT budget is a decision reserved for each authority.

- ii. Each authority understands that changes to their ICT budget may impact upon the ICT Shared Service and/or the other partners. Each will therefore work in a spirit of trust and collaboration to minimise any adverse impact as a result of changes to budget.
 - iii. Each authority accepts that expenditure may increase as a result of inflation, wage settlement or other factors beyond the control of the primary host authority. Each authority will therefore reasonably commit to funding their apportionment of any such agreed increase in cost.
 - iv. The partners understand that the effectiveness of the ICT Shared Service is underpinned by forward planning and financial stability and that this may be best supported by a multi-year budget setting period.
 - v. The partners understand that changing use pattern, consumption or volume of ICT services may not result in an immediate or any realisable saving. Consequently, changes or reductions in budget apportionment may rely on actual savings being achieved and should not generally result in increased cost to the other partners.
 - vi. The partners accept that the ICT Shared Service is effectively an in-house team. Consequently, cost risks associated with such a delivery model will be apportioned to the partners in accordance with these financial principles if and when they arise.
- 4.3 The majority of costs incurred in the delivery of shared ICT services will be apportioned and recharged to one or more of the partnership councils based on four metrics.
- i. User Based:
Costs are apportioned to each authority based on their number of active users of IT services.
 - ii. Consumption Based:
Costs are apportioned to each authority based on their respective use of the resource being recharged.
 - iii. Equal Apportionment:
Costs are apportioned with each benefitting authority paying an equal proportion of the cost (either 50% or 33.3%). This metric will most likely be used where two or three councils commission a project which is of shared benefit.
 - iv. Sole Use:
Resource can be identified as used by a single authority and is therefore recharged to that authority in its entirety.

- 4.4 An exception to the metrics detailed in paragraph 4.3 are specific one-off arrangements for apportioning pension and other liabilities and costs arising from reorganisation activities as a result of staff transferring from Capita to the shared ICT service.
- 4.5 The ICT service requirements of the partnership councils for the coming financial year shall be reviewed annually each autumn by the Joint Management Board. The Joint Head of ICT will consider the budget requirement to meet agreed service requirements for the subsequent financial year and prepare a budget proposal for consideration by the Joint Management Board, ensuring that it is aligned to the funding approved by each of the partnership councils and that where appropriate options are detailed. When agreed by the Joint Management Board a service budget report will be presented to the Joint Committee for their approval.
- 4.6 As would be expected with an in-house service, there is no service credit regime and service quality will be achieved through effective team and individual performance management which will be implemented and overseen by the Joint Head of ICT and assured by the Joint Management Board.
- 4.7 The shared ICT service financial principles and model are set out in detail in Appendix D (Financial Principles for ICT Shared Service).

5.0 Legal Implications

Governance and Legal Compliance

- 5.1 The statutory framework that permits local authorities to establish shared services, the Local Government Acts 1972 and 2000, the Localism Act 2011 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 give local authorities the power to arrange for the discharge of their functions by: -
- Another local authority;
 - The executive of another local authority;
 - a joint committee; or
 - one or more officers of the local authorities concerned.
- 5.2 The proposed delegation and Shared ICT Service will be undertaken in accordance with the statutory framework noted in paragraph 5.1 above under which the Brent / Lewisham shared ICT service was already established. For clarity, Lewisham delegated delivery of their ICT service to Brent and separately Brent and Lewisham delegated the delivery of the ICT service to a Joint Committee that oversees the performance and strategic direction of the

shared service with operational control executed through a joint management board supervised by a Joint Committee.

- 5.3 The London Borough of Southwark now wishes to join in the existing shared service arrangements established under Inter Authority Agreement between Lewisham and Brent and as part of this process the existing joint committee will need to be reconstituted to include provision and adaptation for working with Southwark. Similarly the existing 2 party IAA will need to be revised/adapted and replaced with a 3-way Inter Authority Agreement with adaptations agreed between the 3 partner councils for the new 3-way collaboration . However certain accrued and ongoing rights and obligations from the existing collaboration agreement with Lewisham will need to be preserved eg in relation to TUPE, cost recovery when the new agreement is put in place.
- 5.4 The recommendation in this report is for Brent council to collaborate, host and share services with the London Borough of Southwark as well as with the London Borough of Lewisham for the provision of ICT services as permitted by the statutory framework referred to in paragraph 5.1. The statutory framework allow for a council to delegate one of its functions to another council, as well as allowing two or more councils to discharge their functions jointly by way of establishment of a joint committee. Joint committees can in turn delegate functions to one or more officers of the councils concerned. Decisions of the joint committees are binding on the participating councils. However, subject to the terms of the arrangement the council retains the ability to discharge the function itself.
- 5.5 In accordance with Brent Contract Standing Order 87 Cabinet approval is required to the proposed arrangements. The formal collaboration or inter-authority agreement with Lewisham and Southwark Councils will set out the respective duties and liabilities of the three parties in relation to the proposed arrangements.
- 5.6 The delegation will be undertaken in accordance with the statutory framework through the inter-authority agreement (IAA) which will set out the governance framework under which the shared ICT service will operate. It therefore includes: roles, responsibilities, relationship and governance of the shared service partners, financial principles and service details.
- 5.7 The Council's executive arrangements allow the Cabinet to establish joint arrangements with other councils including the appointment of joint committees. The shared ICT service will be governed by a joint member committee. Each authority will have equal representation with two members from each council entitled to attend meetings of the joint committee. Each council will have equal voting rights but, as a matter of law, the Chair will have a casting vote.

- 5.8 A joint management board reporting to the joint committee will be established. This management board will have director and management representation from each of the partner councils. It is expected to meet monthly to oversee service delivery performance, agree priorities and allocation of shared resource and monitor budget. One senior officer from each council (or someone deputising for that officer) will be able to jointly exercise the decision-making powers formally delegated to those officers.
- 5.9 Appendix A outlines the new governance structure and the terms of reference for the joint committee and joint management board will be incorporated into the final form of detailed IAA.
- 5.10 Decision Making: The IAA sets out the decisions which are “reserved” for each council and those delegated to the joint committee. Decisions affecting the running of the shared ICT service will require unanimity at officer level but at Cabinet member level will require a simple majority, because by law, the Chair of the joint committee will have a casting vote.
- 5.11 It should be noted that the arrangements proposed are not intended to amount to procurement of goods and services within the scope of the EU procurement rules. Instead it is intended that the other councils delegate their functions for delivery of ICT to Brent Council and that the latter as the host council exercises the function in delivering a shared service to all three councils.
- 5.12 The delegation of the ICT service function from the councils includes authority for the shared ICT service to undertake procurement of ICT goods and services which will be undertaken in accordance with Brent’s contract standing orders (CSOs) on behalf of the three councils separately and jointly. This will be set out in a schedule to the IAA in the form of procurement protocol rules. The Councils will agree revisions to the existing protocol rules compliant with their respective constitutions and standing orders and the agreed protocol rules will be incorporated in the final form of IAA approved by the Strategic Director of Resources as referred to in recommendation 2.3 above. Existing protocol rules for Shared Service procurements for Lewisham may be retained where procurement reporting is to be in accordance with Lewisham Constitution and standing orders as well as Brent’s.
- 5.13 Brent Council is a London Living Wage employer and imposes requirements for payment of the London Living Wage on its suppliers and service providers where appropriate and legally permissible. Similarly Brent includes within its contract conditions the requirements for its service providers and suppliers to comply with the Employment Relations Act 1999 (Blacklisting) Regulations 2010 to prohibit unlawful blacklisting practices. For the purposes of sourcing locally as permitted by the procurement regulations and directive this will be taken to mean sourcing from firms local to any of the three partner councils.

6.0 Diversity Implications

- 6.1 There are no immediate diversity implications from the recommendations in this report. An equalities impact assessment will need to be undertaken as part of any restructure exercise that may follow the transfer of staff from Capita and Southwark to Brent, when officers know more about the implications to ICT staff in both authorities. It is anticipated however that the joint working is likely to safeguard jobs of ICT staff, achieving the savings required through the sharing of resources with Lewisham and Southwark as opposed to having to delete posts. It is also expected that the shared service will provide a larger pool of technical resources to all three authorities, improving ICT provision to staff and therefore enabling them to deliver a better service to Brent, Lewisham and Southwark residents.

7.0 Staffing/Accommodation Implications

- 7.1 Brent will act as the host authority and will be responsible for employing all staff engaged to deliver the shared ICT service. Separately, each authority will employ ICT staff to deliver a local ICT function.
- 7.2 Brent as the host authority will take-on the existing Southwark ICT service from Capita and provide ICT services to the three authorities. It is estimated that the extended shared service will require an additional 34 staff, taking the team complement to 90 (these numbers exclude an additional 17 staff working in Brent Applications Support, not yet part of the shared service but with plans ongoing to join these staff into the service later this year).
- 7.3 As an on-going service is being transferred it is anticipated that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may well apply. Staff covered by this legislation and engaged to deliver operational services would potentially transfer from Capita to Brent (as host authority). In addition, it is possible that a small number of Southwark IT staff may also be in-scope to transfer to Brent. Further due diligence and close liaison between HR officers in Brent and Southwark will occur to manage the transfer.
- 7.4 It is noted that ultimately there would be an increase in staff complement across both the local Southwark and shared ICT service teams. Consequently redundancies arising from the proposed changes to the Shared Service and the restructure of Southwark's retained ICT team should be minimised. Indeed, many staff will become part of a larger IT function with increased opportunities for staff development and progression.
- 7.5 Transition planning has included development of a resource and skills plan. Whilst this is comprehensive the exact recruitment requirements will not be known until TUPE activities have concluded. However, considering the staff complement requirement of the shared ICT service team and staff likely to be in-scope for TUPE it is anticipated that there will be a need for additional recruitment to the shared ICT service.

- 7.6 The shared ICT service staff complement includes provision for nine apprentices. Where possible these will be sourced from within each of the partnership councils on an equal basis.
- 7.7 In terms of accommodation implications, it is anticipated that the majority of staff in the shared service will be based at the Brent Civic Centre. This will result in an additional requirement for office space for the Shared Service, and this has been costed in our work so far defining the financial model. Some staff will need to travel between all locations, and officers will have to maintain a small local presence at both Southwark and Lewisham from a rota of staff moving between the authorities.

8.0 Background Papers

8.1 Appendices

Appendix A – Draft Governance

Appendix B - Partnership Principles

Appendix C – Risk Register

Appendix D – Financial Principles

The London Borough of Southwark Cabinet Report title: Shared ICT Service with Brent and Lewisham, to be found with the agenda for the 20th June Cabinet meeting here: <http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=302>

Contact Officer(s)

Prod Sarigianis

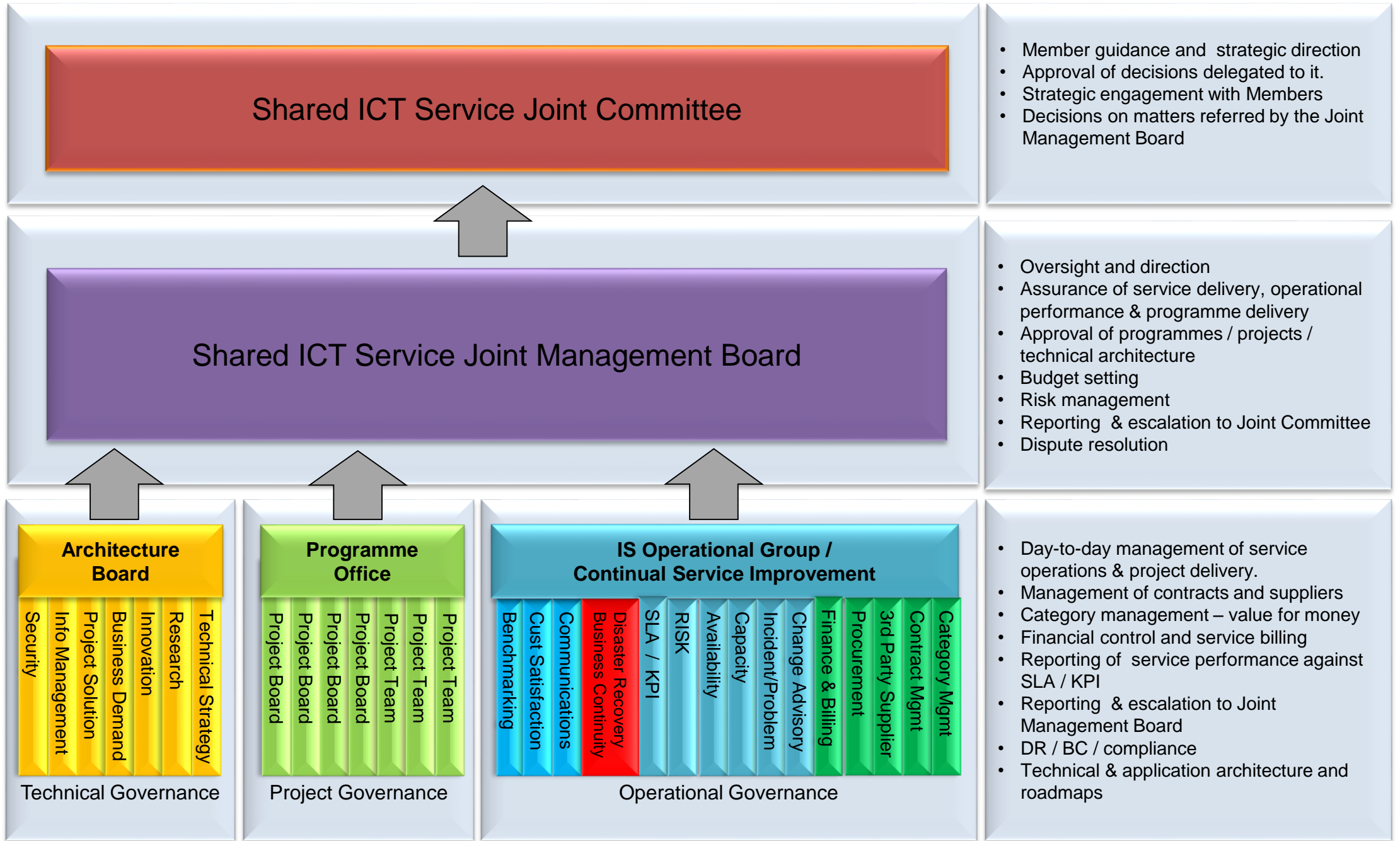
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ALTHEA LODERICK

Strategic Director Resources



SHARED ICT SERVICE JOINT COMMITTEE

Members	Frequency:	2 meetings per annum
<u>London Borough of Brent / Lewisham / Southwark:</u> 2 members from each partner authority	Venue:	Rotated between partners
	Receives reports from:	Joint Management Board
Attendees	Reports to:	Authority Cabinets
<u>Brent:</u> Althea Loderick, Peter Gadsdon, Prod Sarigianis		
<u>Lewisham:</u> Kevin Sheehan, Duncan Dewhurst		
<u>Southwark:</u> Gerri Scott, Emma Marinos, Mark Compton-James		
Terms of Reference	Agenda	
<ul style="list-style-type: none"> • Oversee implementation and delivery of shared ICT service. • Sets key strategic direction and associated activities. • Act as arbiter where there is a conflict in either direction or priority of each Council. • Those matters for which it is identified as responsible for under the Shared ICT Service Agreement. 	<ul style="list-style-type: none"> • Apologies for absence • Declaration of Interest • Minutes of the Last Meeting and matters arising • Provision for public participation • Substantive items for consideration • Exclusion of the public • Closed items for consideration 	

SHARED ICT SERVICE JOINT MANAGEMENT BOARD

Attendees	Frequency:	Every 2 months
<u>Brent:</u> Althea Loderick, Peter Gadsdon, Prod Sarigianis <u>Lewisham:</u> Kevin Sheehan, Duncan Dewhurst <u>Southwark:</u> Gerri Scott, Emma Marinos, Mark Compton-James	Venue:	As agreed by Chair
	Receives reports from:	Transition Project Board Head of Shared Service
	Reports to:	Joint Committee
	Terms of Reference	
<ul style="list-style-type: none"> • To act as the decision making body in respect of any joint decision required to be taken by the Councils under the Shared Service Agreement other than those that have been excluded and defined as Reserved Decisions. • Senior level guidance, leadership and strategy in accordance with that agreed by Joint Committee • Review performance and delivery (transitional activities, operational, projects, programmes) to assure service meets business requirements including:- quality, time, cost. • Oversight of financial management and annually to agree and recommend budget for the Shared ICT Service to the respective councils. • Approval of significant changes to scope or delivery of the service.. • Review risks, issues, data security and business continuity (including audit activities). • Forum to highlight areas and initiatives of common interest. • Review and recommend for approval contracts and purchases in accordance with the procurement protocol. • Preparation and submission of Committee and Cabinet reports. • Resolution of disputes referred to the board. 		Agenda
		<ul style="list-style-type: none"> • Review matters arising and actions • Operational, service and programme delivery • Review financial and other reports of the Head of Shared Service. • Significant change approvals • Shared Service development progress • Significant Risks / Issues • Agree the business for the Joint Committee • Joint Communications plan • Review and set service plan (annually) • Review and recommend budget (annually)

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APPENDIX B

Partnership Principles

1. Senior stakeholders agreed the following overarching principles upon which the Shared ICT Service will be founded.
2. **Our ICT service** is a three-way partnership based on **twelve partnership principles**. Our ICT service is: -
 - i. **Part of the family**, they are our in-house service and an important part of our team in each organisation.
 - ii. **Modern and forward-looking**, working closely with our digital strategists to transform our organisations.
 - iii. **Our expert ICT adviser** on the technology solutions needed to deliver the partners' digital strategies.
 - iv. **Our provider for all ICT services**, using external services and support when needed.
 - v. **Managed collectively**, with sponsors from each partner providing leadership for the service.
 - vi. **Committed to converging** to common technology solutions wherever practical and affordable.
 - vii. **Delivering on an ambitious plan** for the development of the service that is agreed and monitored by the partnership.
 - viii. **Working to common standards** of service levels and performance that are realistic given the funding available.
 - ix. **Accounting for its success** in performing well against those standards, including through benchmarking.
 - x. **Committed to reducing costs** both in its own budget and the cost of partners' services to the public.
 - xi. **Managed simply and transparently** in the way it is governed, makes decisions, spends money and manages its budget.
 - xii. **Open to growth**, but only at a sustainable rate that does not represent a risk to the service.
3. Senior stakeholders accepted that managing a Shared ICT Service was very different to managing an outsourced service or indeed an in-house team in a single Authority. To ensure the Shared ICT Service has the best possible relationship with the managing Authorities, stakeholders agreed the need to adopt appropriate partnership behaviours and it was important that particular behaviours should be avoided. They therefore agreed: -
 - We will not treat the service as a separate entity that is external to our organisations and will not give it a separate identity.
 - We will not adopt a contractual mind-set that treats the partnership as a commercial relationship that needs 'clienting'.
 - We will not complicate the partnership's decision-making by operating different levels of delegation from each partner.

- We will not insist on significant differences in our service processes and technology.
 - We will not take unilateral decisions on technology or funding that adversely impact on the ICT service to others without careful consultation and consideration.
4. These potentially represent significant cultural and behavioural changes for Southwark's officers and further work is required across the organisation to ensure that these changes are adopted and embedded. Consequently, each will be entered on the risk register for further mitigating action.
 5. Detail underpinning the partnership principles will be further developed and agreed during transition planning and due diligence.
 6. The partnership principles are fundamental to a memorandum of understanding, which will enable the detailed work required to agree the legal and governance mechanisms for establishment of the Shared ICT Service to be completed.

Risk register

		Current View									
Risk ID	Description of Risk & Impact	Impact (1 - Minor, 2 - Moderate, 3 - Major,)	Likelihood 1- Low 2- Medium 3-High	Severity Impact x Likelihood 1-2= Very Low 3-4= Low,5-6= Medium, 7-8= High, 9=Extremely High	Mitigation Type (Accept, Reduce, Transfer, Avoid, Stop)	Mitigation Actions (Include action completion date)	Owner	Date Due	Risk Post Mitigation	Further Mitigation Actions	Date Closed (DD-MM-YY)
1	<p>Resourcing - Due diligence Transition Inability to recruit Loss of skills</p> <p>Loss of key staff from LBS, LBB</p>	2	2	4	Reduce, Avoid	<p>Resource plan Access to talent pool - agencies Existing Staff Due diligence - identifies skills required Training TUPE - staff with requisite skills appointed to new positions through Brent ICT team restructure</p>					

2	Impact on existing service for current partners	2	2	4	Reduce, Avoid	Resource plan Skills Over resource for immediate transition commencement date.					
3	In-Flight projects - don't complete and therefore may need to be resourced by Brent Impact on BAU resource of not inheriting service is state expected Handover poor - or poor project implementation - poor design - requires remediation	3	2	6	Reduce,	Q&A of projects as part of due diligence Close project management and early escalation					

4	Excessive or unforeseen demand for service change post service commencement	2	2	4	Reduce, Avoid	Detailed migration plan and programme management to identify, prioritise workload - Employ additional resource if priority and available funding warrants this					
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5	<p>Capita behaviours and support</p> <p>Need to agree Hosting contract T&Cs</p> <p>Page 286</p>	2	3	6	<p>Accept, Reduce,</p> <p>Previous experience suggests that this is likely to arise - however, we are keeping a positive and financially incentivised engagement with the incumbent. Appointment of a dedicated exit manager. Some staff will TUPE and therefore individuals may not wish to be seen as being negative or a poor performer ?</p>					
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6	<p>Stakeholders / Engagement / Communications Business engagement Manage expectations Manage cynics</p> <p>Negative view of shared service</p>	2	2	4	<p>Accept, reduce, avoid</p>	<p>Appointment of communications and engagement bod</p> <p>Floorwalkers at service commencement</p> <p>Regular comms leading up to service commencement</p> <p>Business service meetings</p>					
7	<p>Page 287</p> <p>Finance - Costs escalate TUPE and related costs currently unknown Unidentified/unexpected licence costs</p>	2	3	6	<p>Accept, reduce,</p>	<p>Due diligence financial planning risk management - appropriate contingency and manage risk within agreed tolerance Comprehensive contracts review - gives surety to contract exposure and treatment</p>					

8	Information and documentation - missing, inadequate, inaccurate	2	3	6	Accept, reduce,	Due diligence LBS service reviews and business engagement					
9	3rd party Contract conitnuity?	3	1	3	Reduce	Based on due diligence and contract review we expect to have a know position and treatment for all contracts well in advance of service commencement					

10

Serviceability /
Supportability of current
estate?

Capacity
Application compatibility
with other apps and new
O/S ?

Due diligence process
discovers large scale
vulnerabilities such as
services out of warranty
and old hardware with
likelihood of failing
during data centre move

200
289

2

3

6

Accept,
reduce

We accept that
current estate is
aged and needs
upgrading. This
will be
undertaken in
migration
phase.

Reduce risk by
identifying
issues and
documenting
them,
mitigating
through warrant
or support
contracts where
the cost of this
is warranted.

11	Resistance or inability of staff and stakeholders to adapt to and work with the Shared ICT Service.	2	2	4	accept, reduce	<p>accept that some staff are resistant to change - and these will need targetted communications and support. Appointment of comms bod</p> <p>Good comms</p>					
12	<p>Page 290</p> <p>Unplanned Service disruption occurs during migration of services from Capita to BRENT DCs</p>	2	2	4	accept, reduce	<p>Accept that moving systems and data on such a large scale has an inherent risk which is difficult to fully mitigate. Mitigation focuses on detailed planning and testing of the migration process. Robust programme management.</p>					

13	<p>Cultural misunderstandings between the partners</p> <p>Conflict between partners thereby destabilising the Shared ICT Service</p> <p>Page 291</p>	2	1	3	Accept, Reduce	<p>Ensure that attention is paid to understanding each partners' motives for collaborating, how they will judge success and what values will guide decision-making</p> <p>Ensure change is led by joint senior management to identify potential problems and bring about agreement</p>					
14	<p>Security - Vulnerability - Risk that systems are not configured correctly/securely and/or not as documented</p>	2	3	6	Accept	<p>Accept that this is likely to be the case</p> <p>Due diligence to identify issues</p>					
15											
16											

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Financial Principles for ICT Shared Service

The financial principles sets out the way in which costs for the ICT Shared service are apportioned to each of the partner authorities.

It is important to note that costs could be apportioned in a number of ways, each with an underlying logic and validity, and there is often no right answer. Arguably, the most important aspects of the financial model are:-

- that it sets out to apportion costs fairly across all three authorities,
- that costs are transparent,
- that the partners work in a climate of mutual trust
- that, over time, the principles are developed to reflect changing service delivery requirements, methods and circumstances.

General Principles

- 1) The setting of each Authorities ICT budget is a decision reserved for each authority.
- 2) Each authority understands that changes to their ICT budget may impact upon the ICT Shared Service and/or the other partners. Each will therefore work in a spirit of trust and collaboration to minimise any adverse impact as a result of changes to budget.
- 3) Each authority accepts that expenditure may increase as a result of inflation, wage settlement or other factors beyond the control of the primary host authority. Each authority will therefore reasonably commit to funding their apportionment of any such agreed increase in cost.
- 4) The partners understand that the effectiveness of the ICT Shared Service is underpinned by forward planning and financial stability and that this may be best supported by a multi-year budget setting period.
- 5) The partners understand that changing use pattern, consumption or volume of ICT services may not result in an immediate or any realisable saving. Consequently, changes or reductions in budget apportionment may rely on actual savings being achieved and should not generally result in increased cost to the other partners.
- 6) The partners accept that the ICT Shared Service is effectively an in-house team. Consequently, cost risks associated with such a delivery model will be apportioned to the partners in accordance with these financial principles if and when they arise.

Apportionment Metrics:

The financial model uses four means of apportioning costs to the partner authorities.

- 1) User Based:
Costs are apportioned to each authority based on their number of active Active Directory user accounts.
- 2) Consumption Based:
Costs are apportioned to each authority based on their respective use of the resource being recharged.

- 3) Equal Apportionment:
Costs are apportioned with each authority paying 33.3% of the cost.
- 4) Sole Use:
Resource can be identified as used by a single authority and is therefore recharged to that authority in its entirety.

Staff costs:

Staff costs include:-; staff salary and associated on-costs (NI, pension, holiday pay, sick pay, etc), overtime, allowances, training, travel, etc.

Staff Overhead costs

Staff overhead costs include:- Accommodation costs, supporting staff and services (HR, payroll, pension, legal, procurement, management).

Staff costs and staff overhead costs will be apportioned to each partner authority as follows:-

<u>2017/18 Active Directory User Count</u>			
	<u>LB Brent</u>	<u>LB Lewisham</u>	<u>LB Southwark</u>
Active Users	3000	2500	4500
User Based Apportionment	30%	25%	45%

Infrastructure costs:

Infrastructure costs include:- Infrastructure hardware and software, data centre hosting, core network connectivity, internet connectivity, storage, backup, security services, 3rd party support and maintenance agreements, consultancy, etc.

Costs will be apportioned as set out below.

Infrastructure Apportionment Model 2017/18		
Type	Description	Apportionment method
ICT Hardware	Hardware used by ICT staff – desktops, monitors, laptops, etc	User Based
Consultancy	External specialist support as and when required for BAU.	User Based
Consultancy	External specialist support as and when required for project or Council specific requirement.	Consumption
Hardware Maintenance	General repairs of workforce desktops, laptops, monitors – excludes consumables	User Based

	like batteries, keyboards, mice	
Data Centre Hosting	Rack space including power (core).	User Based
	Rack space including power (service specific).	User Based
Shared Infrastructure	Support and maintenance of core network, server and storage infrastructure cost.	User Based
Network Maintenance	Support and maintenance for core network	User Based
Internet & PSN Connectivity	Resilient internet links with PSN services.	User Based
Premier Support	Microsoft Premier Support Agreement	User Based
Security Testing	Ongoing testing (PSN, PCI DSS)	User Based
Service Desk	License Subscription for Service Desk system	User Based
Service Desk	License Subscription for Council Application Admins	Consumption
Password self-service	Maintenance & Support for Quest Password Manager.	User Based
SQL Replication	Maintenance & Support for Double-Take software	Consumption
Data Centre Links	Links to connect each authority with the data centres and/or core network.	Sole use
Web Filter	iBoss licenses.	User Based
Email Filter	Proofpoint licenses.	User Based
Mobile Device Management	Maintenance & Support for Mobile Iron	User Based
2-Factor Authentication	Maintenance & Support for Freja Appliance licenses.	User Based
Microsoft Licenses	EA subscription covering Desktop licenses, Office products and Server components.	Sole use
Certificates	Certificates for external web sites/services	Sole use
Citrix Licenses	Citrix Support & Maintenance	Sole use
Virtualisation Licenses	VMWare Support & Maintenance (core)	Sole use
	VMWare Support & Maintenance (service specific)	Sole use
Telephone Network	Maintenance & Support of telephony network including ACD	Sole use

Telephony Lines & Calls	All telephony circuits / PSTN / call charges	Sole use
Mobile Telephony	Mobile phone line rentals, call charges, data charges	Sole use
Data Circuits	Rental of all Wide Area Network data circuits	Sole use
Printing	Maintenance & Support of print devices and print charges (including consumables)	Sole use

Except where identified above or as otherwise agreed by the Joint Management Board and/or Joint Committee, each authority will meet the cost of their local ICT staff, applications and other ICT services.

Project related costs:

It is anticipated that many projects will be delivered using the BAU project and technical support teams. The salary and on-costs for these staff are covered within the staff related support costs and therefore for many projects no additional funding will be required for staff resource. Funding of infrastructure (hardware, software, licences, etc) required to deliver a project may still need to be funded and where this applies funding will be apportioned as set out in infrastructure related support costs.

Some projects will be of such size or technical complexity that they require additional resource or skills or backfill staff. Where this is the case such costs will be met by the commissioning beneficiary authorities. Unless for a single authority or agreed otherwise, project resource costs will be apportioned on an equal basis where:-
Two authorities – 50% : 50%. Three authorities - 33.3% : 33.3% : 33.3%.

The authorities accept that project requirements will vary year to year and therefore apportionment of resource may not mirror cost apportionment in any single year – but should average out over a longer period.

Where appropriate Southwark intend to recharge project costs to internal departments. Southwark and the shared service will therefore agree a notional rate card for shared service support resources and the PID for each project will identify the estimated resource requirement and notional rate. Southwark will be responsible for undertaking the internal recharge process.

Transition and other one-off costs

Developing the shared service offer, due diligence and subsequent transitioning is being treated as a project. Costs for the first two phases of transition will be defined and will be met by Southwark. These costs are included in the estimated budget for year 1 of the service and Southwark will look to capitalise these.

Transition costs for phase 3 will be a combination of one-off costs which Southwark will fund and use of the BAU project resource which Southwark will contribute to as of the go-live date.

TUPE, reorganisation costs:

TUPE, redundancy, pension and reorganisation staff costs arising from the transition of Southwark's services from Capita and any reorganisation required as a result of this will be funded by Southwark (66%) and Shared Service (Brent/Lewisham) (33%).

TUPE protected (insurance, car, health or other allowances) costs arising from TUPE of Capita or Southwark staff to the shared service (Brent) in 2017/18 financial year will be met by Southwark. Thereafter they will either cease or be incorporated into staff related support costs.

Unless agreed otherwise by the Joint Management Board and/or Joint Committee, any subsequent staff related costs arising from reorganisation of the ICT Shared Service will be funded using the user based metric applicable at that time.

Budget setting:

The ICT Shared Service budget will be reviewed in August/September for the following financial year taking into consideration service performance, inflation and other cost pressures, authority savings targets, the requirement to increase or decrease resource as a result of changes in service requirements or demand and any other factors considered relevant.

The proposed budget requirement will be agreed by the ICT Shared Service Joint Committee. No later than 30th November.....check

The partner authorities will be responsible for agreeing the ICT budget within their respective authorities.

Any variation to the agreed budget of any of the partner authorities will be notified to the Joint Head of ICT at the earliest opportunity so that appropriate service arrangements can be considered and implemented.

Billing:

The shared service will produce a quarterly invoice in arrears for all staff, infrastructure, 3rd party, project and other costs incurred on behalf of Southwark.

The shared service will take over and continue to provide itemised billing for telephony and printing to facilitate recharging within Southwark. This is an area for review in the future.

Financial Review:

At the end of each financial year the ICT Shared Service will prepare a financial service report detailing the service and financial performance of the shared service for the previous 12 months and setting out the financial commitments for the coming 12 months.

Any surplus or deficit for the current financial year will be identified and detailed with the Joint Management Board deciding how the surplus/deficit should be treated.

Managing Change:

Any changes to the level of service commissioned by the authorities during the year, or in the associated service costs, will be reported to the Joint Management Board for consideration. It is expected that this will occur annually to align with budget

setting; however the Head of Shared Service may bring a report to the board at any time if the change impacts the service or budget such that it warrants their early attention.


Any reduction in cost (savings) will only be reflected in individual authority apportionment once the saving has actually been achieved. Unless agreed otherwise savings will be apportioned to authorities using the same cost metric as was used for charging.

Income:

Unless agreed otherwise by the Joint Management Board, any income generated from using shared service resources to deliver services outside of the agreed partnership will be apportioned to the partner authorities using the User Based metric.

Expansion of the ICT Shared Service:

Should the shared service expand in the future the Joint Management Board will review and agree the metrics to be used. It is expected that any expansion of the partnership must be to the benefit of all existing partners.

 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from the Strategic Director of Resources</p>
<p>For Action Wards Affected: [ALL]</p>	
<p style="text-align: center;">Upgrade of ICT Network Infrastructure</p>	

Appendix 1 is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”

1.0 Summary

1.1 This report requests authority to award 4 contracts for ICT Network Infrastructure as required by Contract Standing Order No 88. This report summarises the process undertaken in procuring the contracts and recommends to whom the contracts should be awarded.

2.0 Recommendations

2.1 That Members award the contract for Lot 1: Protective Monitoring to Logicalis Ltd;

2.2 That Members award the contract for Lot 2: Network Performance and Diagnostics to Daisy Communications Ltd,

2.3 That Members award the contract for Lot 3: Data Centre Switching, Firewall and other Network Services to Daisy Communications Ltd, and

2.4 That Members award the contract for Lot 4: Office LANs and Network Security Devices to Daisy Communications Ltd.

3.0 Detail

Background

- 3.1 Brent procured and implemented its current network infrastructure in 2012, in preparation for the Civic Centre. The network was designed to provide Brent with a new security model, innovative for a local authority at the time, a design that delivered a lot of the facilities that were part of the Civic Centre IT offer, most notably:
- remote access for all staff from any device including personal devices (Bring Your Own Device – BYOD)
 - staff and public wi-fi with self-service registration
 - mobile working
- 3.2 The design delivered these facilities while at the same time ensuring the council's compliance with the security standards required for a local authority to perform its functions, including PSN (Public Sector Network) and PCI (Payment Card Industry).
- 3.3 The implementation was successful, allowing Brent to be significantly more flexible in its use of technology than a lot of other local authorities at the time, something that was recognised by the Local Government Association when they were evaluating Brent's IT offer against 5 other councils.
- 3.4 The network consisted of a core installed across both Brent's datacentres, and with the move of the council's second datacentre to Slough as part of Brent's shared service with Lewisham, this core is now shared between the two authorities, with all of Lewisham's infrastructure migrated to it.
- 3.5 As the equipment is approaching its 5th anniversary, the council's maintenance contract is coming to an end in 2017; additionally some of the components are already end of life and no longer supported with software updates from the vendor. At this point Officers would be looking to refresh the infrastructure in any case, however there are additional factors adding to the need for such a project.
- 3.6 The shared service is facing challenging budget pressures going forward and has aspirations to address them by generating additional income from offering IT services to other organisations. To do so Brent needs a network that is not only reliable and secure, but also one that allows the council to scale to more sites and devices without loss of performance, while allowing it flexibility in segregating organisations from each other.
- 3.7 Officers are currently in the planning stage of extending the shared service to the London Borough of Southwark, subject to approval by Cabinet in June 2017. This would effectively double the number of users connected to Brent's network.

- 3.8 The original objectives of the council's network implementation are still important to the business; flexible and mobile working facilities are essential to the way Brent operates.
- 3.9 Security has always been a key factor in the evaluation of any network solution, but as external threats become more sophisticated and new threats appear at a significantly more rapid rate, there is a need to invest in modern security tools over and above what was available to Brent in the past.
- 3.10 With the technology continuously moving and the increase in cloud based and internet facing services, it is vital that the council invests in infrastructure refreshes and is at the leading edge of network cyber security design to maintain Brent's position as a market leader in agile flexible and secure network provision to public sector organisations – Brent, LGA, Lewisham, Southwark and any more opportunities the council successfully explores going forward.
- 3.11 With the continuous pressure on staff resources, the council needs a wider range of monitoring and/or automation tools to make the most of existing staff while expanding Brent's user base, providing a more proactive service and being able to report more accurately on the performance of the services the council offers.
- 3.12 Experience gained from previous compliance audits has indicated that comprehensive monitoring and automation, previously a recommendation, is likely to become essential.
- 3.13 Network support has always been the most difficult area of recruitment; staff with specialist networking skills are always sought after and offered salaries well outside what a local authority can offer. Despite numerous efforts the council has failed to recruit staff in this area; the council has instead invested in training its staff, however when it comes to troubleshooting more complex issues, this is no substitute for engineers with a wider range of experience from multiple organisations, and the council has always had to resort to external support.
- 3.14 Cabinet approval to award these contracts is being sought as their combined value is above the High Value contract threshold of £500,000.

Requirements

- 3.15 The council's requirement is split into four separate lots, which address all the issues mentioned above:
- Data Centre Switching, Firewalls and other Network Services
 - Office LAN and Network Security Devices
 - Network Performance and Diagnostics
 - Protective Monitoring

It should be noted that all of the above will be procured for Brent and Lewisham and any devices procured for Lewisham will be their assets; in terms of Office LAN devices specifically, Officers have included in the specification a number of devices that are required by London Borough of Southwark, which, if purchased, will be Southwark assets.

Outline of Tender Process

3.16 Tenders for Lots 1 – 4 were invited from the Crown Commercial Service (CCS) Framework RM1045 Network Services. Lots 1 (Data Access Services) and 2 (Local Connectivity Services) were used. The tender opportunity was divided into the 4 lots:

Lot 1: Protective Monitoring

Lot 2: Network Performance and Diagnostics

Lot 3: Data Centre Switching, Firewalls and other network services

Lot 4: Office LANs and Network Security Devices

Tenderers were able to bid for any combination of the lots, with an opportunity to offer a discount should they be awarded all 4 of them.

3.17 Tenders were invited on 3rd March 2017, using the CCS eSourcing system. Of the 14 suppliers on both lots of the framework, 3 submitted tenders.

3.18 The Invitation to Tender stated that the selection of Suppliers to be awarded each of Lots would be made on the basis of the most economically advantageous combination, and that in evaluating tenders, the Council would have regard to the following:

- Technical Merit (70%)
- Delivery and Implementation Approach (20%)
- System availability and Service Levels (10%)

These quality criteria were then weighted against tender price in the ratio 70:30.

Evaluation Process

3.19 The tender evaluation was carried out by a panel of officers from Brent and Lewisham's IT departments, and Brent Procurement. The price evaluation was based on the Brent and Lewisham contract values. If Southwark joins the Shared Service following the boroughs' June Cabinet meetings, their hardware requirements can be purchased at the rates quoted in the tender for Lot 4.

- 3.20 All tenders had to be submitted electronically no later than noon on 10th May 2017. Tenders were opened on 10th May 2017 and 3 valid tenders were received. 2 suppliers tendered for all 4 lots, and one for Lots 3 and 4 only. Each member of the evaluation panel read the tenders using evaluation sheets to note down their comments on how well each of the award criteria was addressed.
- 3.21 The 3 suppliers were invited to attend presentation and clarification meetings on 15th and 16th May, where they presented their solutions and the panel asked, and received answers to, some clarification questions.
- 3.22 Subsequent clarifications were requested following the meetings, and upon receipt of this, the panel were able to finalise the scoring. The detail of the scoring is in Appendix 2.
- 3.23 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers for each lot are included in Appendix 2. It will be noted that Tenderer B was the highest scoring tenderer for Lot 1, and Tenderer A was the highest scoring tenderers for Lots 2, 3 and 4. Officers therefore recommend the award of a contract for Lot 1 to Logicalis Ltd, and a contract for Lots 2, 3 and 4 to Daisy Communications Ltd.
- 3.24 It is anticipated that the contracts will commence in July 2017. As the proposed contract represents a call-off under a framework agreement, a mandatory standstill period is not required.

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that contracts for supplies, services or works exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 4.2 The value to Brent of these contracts over the five year period is above this threshold.
- 4.3 The capital cost of the contracts will be funded equally by Brent and Lewisham, other than Lot 4, for which Lewisham has a greater requirement than Brent. Lewisham are presenting a separate report to their Mayor & Cabinet to seek approval to award the contract. The elements procured specifically for Southwark (their device requirements in Lot 4) will be funded by them. The maintenance costs will be shared among Brent, Lewisham and Southwark in the ratio 30:25:45.
- 4.4 The cost of the Brent element of the procurement is as follows:

Lot 1: £148,814.57
Lot 2: £ 34,960.50
Lot 3: £285,320.75
Lot 4: £ 68,974.00
<u>£538,069.82</u>

- 4.5 The Capital Investment Panel has approved funding for the capital elements of this contract for Brent. The capital elements of the above total £388,907.90, which is within this amount.
- 4.6 The contract is profiled such that the cost in year 1 will be the capital element of £404,207.90 describe above. Years two to five will be shared among the boroughs at a cost to Brent of £33,465.48, 30% of the total cost. This is the ongoing maintenance of the equipment and software which will be funded by the existing ICT Shared Service revenue budget.
- 4.7 Maintenance of the Southwark elements will be funded by Southwark until such time as they become part of the shared service and the shared service budget is adjusted accordingly.
- 4.8 The equipment and software procured under this contract will be owned by Brent and Lewisham; any other users of the network, including Southwark, will be charged for their usage. The only exception is the elements procured specifically for Southwark.

5.0 Legal Implications

- 5.1 The value of the proposed call off Contracts for Lot 3 is higher than the EU threshold for Supplies and the award of this contract is therefore governed by the Public Procurement Regulations 2015 (the "Procurement Regulations").
- 5.2 The award of Lot 3 is subject to the Council's own Standing Orders in respect of Medium Value Contracts and Financial Regulations with the award of Lots 1, 2 and 4 subject to the Council's own Standing Orders in respect of Low Value Contracts. Cabinet approval is therefore not technically required for the award of all Lots but for the reasons detailed in paragraph 3.143.14 approval of Cabinet is being sought
- 5.3 The Procurement Regulations allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process.
- 5.4 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Chief Officer and provided that the Chief Legal Officer has advised that participation in the framework is legally permissible. Legal Services have reviewed the Framework and is able to confirm that participation in the Framework is legally permissible.

6.0 Diversity Implications

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

7.0 Staffing/Accommodation Implications

7.1 The equipment procured under this contract will be replacing the existing equipment currently maintained by Shared Service ICT staff. It is anticipated that the new equipment will have a similar staff resource requirement to support it; any training requirements identified as part of the change will be met by the existing ICT training budgets.

8.0 Background Papers

8.1 Appendices

Appendix 1 (not for publication)

Appendix 2

Contact Officer(s)

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ALTHEA LODERICK
Strategic Director of Resources

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

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APPENDIX 2

Evaluation Scoring Lot 1 Protective Monitoring

Table 1

	Contractor A	Contractor B	Contractor C
Total Lot Price (£)	£1,050,798.00	£319,143.70	N/A
Price Score	30.37%	100.00%	N/A
Weighted Price Score (30%)	9.11%	30.00%	N/A

Table 2

Criteria	Contractor		
	A	B	C
Technical Merit (70%)	42.00%	46.55%	N/A
Delivery and Implementation Approach (20%)	15.00%	15.00%	N/A
System availability and Service Levels (10%)	7.50%	7.50%	N/A
Total Quality Score	64.50%	69.05%	N/A
Weighted Quality Score (70%)	45.15%	48.34%	N/A
Weighted Price Score (30%) from Table 1 above	9.11%	30.00%	N/A
Total Score	54.26%	78.34%	N/A

Evaluation Scoring Lot 2 Network Performance and Diagnostics

Table 1

	Contractor A	Contractor B	Contractor C
Total Lot Price (£)	£74,361.00	£319,143.70	N/A
Price Score	100.00%	34.19%	N/A
Weighted Price Score (30%)	30.00%	10.26%	N/A

Table 2

Criteria	Contractor		
	A	B	C
Technical Merit (70%)	40.60%	35.98%	N/A
Delivery and Implementation Approach (20%)	15.00%	15.00%	N/A
System availability and Service Levels (10%)	7.50%	7.50%	N/A
Total Quality Score	63.10%	58.48%	N/A
Weighted Quality Score (70%)	44.17%	40.94%	N/A
Weighted Price Score (30%) from Table 1 above	30.00%	10.26%	N/A
Total Score	74.17%	51.20%	N/A

Evaluation Scoring Lot 3 Data Centre Switching, Firewall and other Network Services

Table 1

	Contractor A	Contractor B	Contractor C
Total Lot Price (£)	£723,169.50	£718,196.54	£488,018.38
Price Score	67.48%	67.95%	100.00%
Weighted Price Score (30%)	20.24%	20.39%	30.00%

Table 2

Criteria	Contractor		
	A	B	C
Technical Merit (70%)	45.78%	40.60%	33.46%
Delivery and Implementation Approach (20%)	15.00%	15.00%	10.00%
System availability and Service Levels (10%)	8.13%	7.50%	6.25%
Total Quality Score	68.91%	63.10%	49.71%
Weighted Quality Score (70%)	48.24%	44.17%	34.80%
Weighted Price Score (30%) from Table 1 above	20.24%	20.39%	30.00%
Total Score	68.48%	64.56%	64.80%


Evaluation Scoring Lot 4 Office LANs and Network Security Devices

Table 1

	Contractor A	Contractor B	Contractor C
Total Lot Price (£)	£357,904.00	£2,360,792.00	£548,776.14
Price Score	100.00%	15.16%	65.23%
Weighted Price Score (30%)	30.00%	4.50%	19.57%

Table 2

Criteria	Contractor		
	A	B	C
Technical Merit (70%)	45.08%	42.84%	32.69%
Delivery and Implementation Approach (20%)	15.00%	15.00%	15.00%
System availability and Service Levels (10%)	7.50%	7.50%	7.50%
Total Quality Score	67.58%	65.34%	55.19%
Weighted Quality Score (70%)	47.31%	45.74%	38.63%
Weighted Price Score (30%) from Table 1 above	30.00%	4.50%	19.57%
Total Score	77.31%	50.24%	58.20%

 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from the Strategic Director of Resources</p>
For Action	Wards affected: Kensal Green
Knowles House – Update and request for additional investment	

Appendix 3 of this report is not for publication as it contains the following category of exempt information as specified in the Local Government Act 1972, namely: paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). As the item was not listed as ‘part exempt’ on the Council’s Forward Plan, both relevant Scrutiny Chairs have been informed and a notice has been published on the Council’s website.

1.0 **Summary**

1.1 In April 2016, Cabinet approved £24m capital investment on a notional scheme of 125 units for this site. The project team has developed the proposals and will soon be in a position to submit a full planning application. Subject to planning, the scheme is due to deliver 149 units, an increase of 24 homes. Total Scheme costs are £31.5m. An additional capital investment of £7.5m is required to deliver the enlarged scheme.

2.0 **Recommendations**

2.1 That Cabinet approve further investment of £7.5m (total investment £31.5m), to deliver the Scheme.

2.2 That Cabinet delegate authority to the Strategic Director of Resources, in consultation with the Portfolio Lead Member for Property to award the works contract to the successful tenderer following a procurement process, for the reasons detailed in paragraph 3.5.

2.3 That Cabinet approve procurement of the works contract through a framework as outlined in 3.5.

3.0 **Detail**

3.1 **Background**

Delivery of this Scheme will reduce the council's dependency on bed and breakfast and care homes. The Scheme will provide 149 new council owned homes and a replacement community centre.

Mix

Temporary Accommodation ("TA")		New Accommodation for Independent Living ("NAIL")		Community Centre	Total
2b3p	62	1b1p	57	1	
2b4p	7				
3b5p	23				
Total	92		57	1	150

- 3.2 The financial model assumes that NAIL is affordable housing (i.e. Local Housing Allowance levels), but that the TA is set no higher than 80% of market rent, (including service charge).

NPV	£3.9m
IRR (60 Yrs.)	6.43%
Discounted Payback Period (3.5%)	26 Years
Gross Yield	6.71%
Net Yield	5.43%

Construction Period 3 Years

- 3.3 The Scheme aligns with; the Strategic Property Plan 2015-2018, Brent's corporate plan 2015/16, Temporary Accommodation reform plan April 2016, New Accommodation for Independent Living as per the 2016 update.

- 3.4 Timescales

Milestone	Date
Planning submission	June 2017
Cabinet approval	June 2017
Contractor tendering	July 2017
Tenders received	November 2017
Build contract executed	February 2018
Start on Site	May 2018
Completion Phase One (TA and Community Centre)	January 2020
Decant Knowles House	February 2020
Completion phase two (NAIL)	July 2021

All dates are provisional.

3.5 Procurement

- 3.5.1 To identify and select the most suitable procurement route, consideration has been given to the following issues and criteria;

- The Council requires that a firm price and agreed programme are obtained from the contractor before commitment can be provided to commence works on site;
- Where possible and practical, risk should be transferred to the Contractor.

3.5.2 The recommendation is to procure the project through a single stage design & build approach. The key benefits of this approach for Knowles House are:

- This addresses Brent's concerns over two stage tendering as this approach may lead to loss of competition and increased tender costs;
- Reduces the time period for the procurement process;
- Passes risk to the contractor;
- The procurement process can begin quickly and utilise the available planning drawings.

3.5.3 The recommendation is to use a works contract framework in order to avoid the requirement to procure a contractor by publishing a contract notice/contract opportunity on the Official Journal of the European Union ('OJEU') and undertaking a full procurement process. It was also noted that the majority of works contractors/construction companies who are capable of undertaking a project of this size and nature were already on frameworks. In addition a lot of time will be consumed in preparing and publishing a contract notice on OJEU and undertaking a full procurement process than in calling off from an already established EU procurement compliant construction/works framework.

3.5.4 A number of EU procurement regulations compliant construction/works frameworks including, South East Construction, London Construction Framework, Hyde Construction Framework, Pagabo, Scape and A2 Dominion Housing Group were reviewed to determine whether they are suitable for this project. The contractors who are appointed to these frameworks have already been assessed for technical ability by the framework operator. Following assessment of the various frameworks by Officers, Officers are of the view that the Hyde framework has a good mix of works contractors (15 main stream contractors) that have the ability and skills to deliver a project of this nature and size. The Hyde Framework is managed by the Hyde Housing Group and based on Officer's assessment, it was noted that Lot 8 is the most suitable for this project - Knowles House.

3.5.5 The Hyde Housing Group has also confirmed that both single stage and two stage tendering routes are available through this framework.

3.5.6 In order to engage with the market, Officers are conducting soft market testing in respect of Lot 8 contractors. It will provide the Council with the opportunity to ascertain the appetite to single stage tendering. There is a concern that in the current market, contractors are being far more selective in respect of the nature of works contract they are prepared to undertake. Results to date suggest that 50% of contractors were unwilling to undertake a single stage tender. Detailed feedback will be reviewed and it may be necessary to revert to a two stage tender, and/or an alternative strategy, to secure the most advantageous position for Brent.

3.5.7 Although at this stage, single stage tendering is the preferred option depending on the outcome of the soft market testing, if it is necessary to revert to a two stage tender, as the Hyde framework caters for this option, it will not materially affect the overall recommendation to procure the project as a design & build contract. As a precaution, Cabinet approval is requested to use other EU procurement regulation compliant frameworks, subject to the recommendation of the Chief Legal Officer that it is legally permissible to call off from such frameworks, to allow alternate contractors to be approached, should the soft market testing from the Hyde framework not prove acceptable.

3.5.8 Cabinet is requested to delegate authority to the Strategic Director of Resources, in consultation with the Portfolio Lead Member for Property, to award the works contract to the successful tenderer following a procurement process. This will remove the need for a further Cabinet approval when tenders are received, thereby reducing the length of the development programme, with consequent savings to Brent.

3.6 Risks

Risk/issue description (incl. impact)	Planned mitigation or resolution	Owner
Contractor going into administration	This is a risk with any building contract. A performance bond (and Parent Company Guarantee if appropriate) can be taken out, and financial checks on the organisation will be undertaken by Finance prior to award of contract.	Property/Finance
Planning permission refused or approved for a lesser number of units.	Feedback from major cases forum and pre planning application meeting has been positive. Public consultation has generally been supportive.	Property
Build costs come in above consultant's estimate	Expressions of interest were sent out under the Hyde framework to test the market. Cabinet approval to use other frameworks and other procurement options will give officers flexibility to use the most appropriate procurement route.	Property
Agreement of effective housing management is key to the success of this project	Housing and Adult Social Care have been involved in the scheme from the outset.	Property/ASC

3.7 Assumptions (financial)

It is assumed for the purpose of the analysis that the service charge is an average of £1,667 pa, per unit, (£32/week). This is an estimate as actual costs cannot be calculated at this stage. This service charge is included in the rents charged, and is therefore a key financial sensitivity. A reduction in service charge would benefit the scheme financially.

A flat rate for voids and bad debt was assumed to be 4% on the properties. One month has been allowed to decant 51 Knowles House into the completed building. Rent on community space £1pa. It is proposed that a peppercorn rent is charged on the community centre, so that a suitable organisation may be sought that complements the residents on site and also serves the wider community.

3.8 Variance with April 2016 Cabinet approval

Some of the additional capital cost arises as a result of delivering more units. Some arise out of changed assumptions set out below.

	April 2016	Present
Works cost/sq. metre	£1,800	£2,800
Rent on Community Centre	£51,000 PA	0
Void rate	3%	4%
Build period	26 months	36 Months
Fit out (communal areas)	0	£380,000

Cross laminated timber construction	Not considered	£442,405
-------------------------------------	----------------	----------

Delivering more units adds approximately £4m to construction costs, as the gross floor area increases. The remaining additional £3.5m cost is largely through a significant increase in works cost and contractors pricing a three year programme, with risk and uncertainty of labour and material costs. This is informed by current tender returns. We have accurate figures and costs for communal areas, and £380k has now been allowed for communal furniture and fit out of the NAIL accommodation. Cross laminated timber (CLT) construction has been allowed for in the construction of the TA building. This has an additional capital cost, but will save in contractors preliminaries, will shorten the construction period, thereby delivering revenue savings earlier and an overall benefit to the Brent.

4.0 Financial Implications

- 4.1 Delivery of this Scheme will reduce the council's dependency on bed and breakfast and care homes.
- 4.2 The savings for Adult Social Care (ASC) care home budgets from the NAIL development are considerable, and Knowles House is integral to the programme's projected savings. Each unit represents an average saving for ASC of £332 per person per week (£17k/unit/annum) compared to residential care. The additional 17 units for the NAIL scheme will save an extra £294k pa, and the scheme in total will save ASC £987k p.a., in addition to providing a much higher quality of accommodation with a range of improved outcomes for customers.
- 4.3 A more detailed financial appraisal has been included in confidential Appendix Three. This contains commercially sensitive data which might influence the tendering process. However, a 5% net yield and a discounted payback period of less than 30 years are strong indicators of a scheme that would meet the Council's standard investment criteria.

5.0 Legal Implications

- 5.1 Section 19 of the Housing Act 1985 provides powers for the Council to appropriate land held for housing purposes subject to the consent of the Secretary of State.

Section 122 of the Local Government Act 1972 provides powers for the Council to appropriate land that is no longer required for the purpose for which it is held provided that the land is surplus to requirements. S122 therefore allows the Land to be appropriated for planning purposes.

- 5.2 Where land has been successfully appropriated and has been granted planning permission then section 203 of the Housing and Planning Act 2016 allows any rights that may exist to be overridden and could potentially prohibit construction to be overridden

This will ensure that third party rights that might prohibit construction such as easements or right to light may be overridden although compensation will be payable to third party for the loss of such rights

- 5.3 Where land has been appropriated for planning purposes Section 235 of the Town and Country Planning Act 1990 provides the Local Authority with powers to develop land that has been acquired, or appropriated. The powers under this Act provides that the Local Authority is able to erect, construct, or carry out on any land any building or work.

- 5.4 The National Planning Policy Framework provides a definition for affordable housing. Affordable housing is essentially social housing let on an affordable rent subject to rent controls that require rent of no more than 80% of the local market rent (including service charge)
- 5.5 Where the Council lets property then Part IV of the Housing Act 1985 provides that the tenant will acquire a secure tenancy provided that the criteria is met: (Section 80 and 81 Housing Act 1985) a) the property is owned by a Local Authority..... and b) is occupied by an individual as his/her main home, accordingly part V of the Housing Act 1985 provides the secure tenant with a statutory right to buy the property.

However, where a tenant occupies the property under Schedule 1 of the Housing Act 1985 and a tenancy has been granted in pursuance of the Council's homelessness functions as specified in part VII of the Housing Act 1996 then the tenancy is not deemed to be a secure tenancy.

Furthermore, a right to buy does not arise where the premises are occupied in accordance with schedule 5 of the Housing Act 1985 such as occupation of certain dwelling houses for the disabled, or certain dwelling houses for persons of pensionable age.

- 5.6 Under the Public Contracts Regulations 2015 ('PCR 2015'), procurement of building contracts falls within the definition of public works contracts and where the value of the contract is above the EU procurement threshold, such contract will be subject to the full requirement of the EU procurement regulations, in that, contracting authorities are required to publish a contract notice of it in the Official Journal of the European Union ('OJEU') and should only award the contract after they have undertaken a full procurement process.
- 5.7 The value of the contract is above the EU procurement threshold and being in excess of £500,000 it is also deemed a High Value contract for the purpose of the Council's Contract Standing Orders ('CSO') and the Financial Regulations. It is therefore subject to the full requirements of the PCR 2015 and the CSO in respect of High Value contracts.
- 5.8 However, the Council intends to procure the contract through a framework and regulation 33 of the PCR 2015 prescribes the rules and controls for the use of frameworks. It provides that contracts may be called off under framework agreements without the need for a separate advertisement or undertaking a full procurement process where the framework agreement was advertised on OJEU but contracting authorities must in any case comply with the EU Treaty principle of equal treatment, non-discrimination, fairness and transparency in the procurement.
- 5.9 CSO 86(e) provides that the Chief Legal Officer's approval to use a framework, should be obtained, by way of recommendation that it is legally permissible to call off from the framework, before calling off from the framework. Officers are therefore required to obtain the Chief Legal Officer's approval in respect of the Hyde Framework or any other framework, before calling off from the framework.

6.0 Diversity Implications

- 6.1 The proposals have been discussed with local residents. A drop in event was organised on site on 18th April 2017, attended by the project team. A leaflet drop took place advising of the drop in session, with a questionnaire people could return if they were unable to attend the drop in session.

- 6.2 The drop in session was over an afternoon and an evening. Notes from the drop in session are in appendix two. Generally residents were supportive of the proposals and had constructive feedback on the proposals and the construction process.
- 6.3 Key issues raised by residents were;
- Concern over construction traffic, and in particular safety of schoolchildren who pass by the site
 - Disruption caused by construction, hours of operation, noise and effect on local residents.
 - Concerns over antisocial behaviour and security.
 - Boundary treatment needed careful consideration.
- 6.4 The scheme design has been refined to address residents' concerns, where possible. Procurement of the contractor will be on a quality/cost basis. The quality assessment will seek to address how best contractors are able to address concerns raised by residents over construction.
- 6.5 A consultation portal was set up online, and was open four weeks.
- 6.6 A councillors briefing session was held in January 2017, ahead of the public consultation.
- 6.7 Discussions on the community facility took place amongst Councillors and with residents and stakeholders. The planners are keen to see the D1 use on the site retained, but acknowledge if it can be demonstrated there is insufficient demand, there is no need to provide. The proposals show a community centre that is self-contained, but can easily be linked to the Temporary Accommodation, or alternatively can easily be converted into three additional residential units, should there prove to be a lack of demand.
- 6.8 A meeting was held with Crisis Skylight who run community cafes, and a drop in centre in Harlesden. They feel the location is too remote to be a successful community café.
- 6.9 The proposals in this report have been subject to screening to assess equalities issues and officers consider that there are no adverse equality implications. A full screening analysis is attached at appendix One.

Contact Officers

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Appendix	One	Equality Analysis screening
Appendix	Two	Residents consultation
Appendix	Three	Financial appraisal (confidential)
Appendix	Four (A-E)	Scheme Drawings

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Knowles House

Department: Property

Person Responsible: Gordon Cooper

Created: 09/05/2017

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 seek additional funding to enable this project to be developed. The proposal will replace outdated accommodation with new purpose built accommodation for homeless people and families, and vulnerable adults.

The project is needed because Brent has a statutory duty to house people in greatest need. The current facilities are dated and nearing the end of its life. The existing buildings are capable of housing approximately 44 families in temporary accommodation. The new proposal will house 92 families in temporary accommodation, together with 57 adults aged 55 and over, with varying degrees of dependency.

Delivery of the scheme will reduce the council's dependency on bed and breakfast and care home accommodation. It will produce considerable savings in the Adult Social Care (ASC) budget.

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

A number of people are affected by this proposal;

Local residents and Stakeholders

L.B.Brent have held a drop in session o 18th April 2017, on site to discuss the proposal with local residents. There was a local leaflet drop and the event was advertised on Brent's consultation portal for four weeks. Key issues raised by Local residents were;

- Construction traffic
- Security
- Crime and antisocial behaviour
- Boundary treatment

These and other issues have been fed back to the design team and will be addressed in the design and the construction/build contract.

Residents

The existing building is used for temporary accommodation. Residents typically stay for between one and three months. Phase one of the building will be constructed with residents living adjacent to the site. L.B.B rent will consult with these residents to appraise them of developments. When a contractor is appointed a key requirement will be for regular consultation with local residents.

Staff

The current accommodation is managed by Altwood, an external management company. It is likely this arrangement will continue with a renewed contract.

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

The proposal represents a positive improvement on current facilities. The TA building is a former sheltered housing scheme. The NAIL accommodation will enable residents currently in a care home to enjoy more independent living with purpose built self-contained flats.

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

The proposals will help those in greatest housing need.

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

The proposal would provide more suitable accommodation for both client groups.

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

Yes.

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.

Appendix Two

Knowles House Redevelopment- Residents Consultation 18th April 2017

A drop in session took place in the dining room of Knowles House between 3.00pm and 7.00 pm to discuss the proposed redevelopment of Knowles House, prior to submission of the planning application. Four banners showing the proposals were on display.



Present

Laurence Coker, Jon Burgoyne, Tim Gray, Seun Odunlami, Tom Reynolds, Patrick Devlin, Matt Hornsby, Gordon Cooper

Main issues/concerns raised by residents;

1. Construction traffic. A lot of schoolchildren use the footpath to access nearby schools. Residents had concerns the construction traffic would be a safety issue for schoolchildren in particular. This had been an issue with the construction of the skate park.
2. More general concerns about the disruption caused by construction traffic.
3. Residents were concerned about construction noise and the hours the site would operate
4. Residents felt their concerns over the skate park had not been listened to. There are no toilet facilities or rubbish bins provided, which has led to a deterioration of the area.
5. Residents reported that the café in the park was well used.
6. Residents did not want to see community facilities used for a youth club

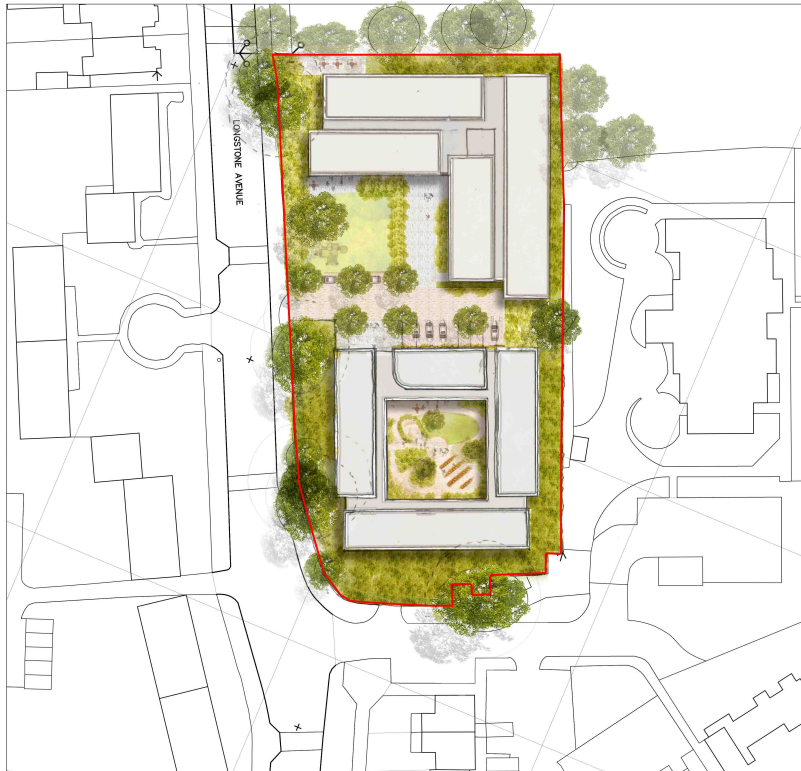
7. One resident suggested the need for “stay and play” baby facilities, similar to Curzon Street. Free childcare facilities.
8. One resident asked if the premises would be gated. She felt a gated development may reduce crime.
9. Boundary treatment needed careful consideration. Residents did not want something that would encourage children to sit on the wall and congregate.
10. One residents asked if traffic calming measures could be introduced in the street
11. One resident was pleased to see the building had no balconies (other than possibly some balconies to communal areas of TA). She felt balconies would just become “smoking balconies”. She felt we should provide some covered facility for smokers, otherwise they would just congregate around the entrance porch.

Gordon Cooper 19th April 2017

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

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 All dimensions are in millimetres unless noted otherwise.
 All levels are in metres above ordnance datum unless noted otherwise.
 This drawing must be read in conjunction with all other relevant drawings and specifications from the Architect and other consultants
 If in doubt, ask

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DATE: 00.00.14

PROJECT: XXXXXXXX Phase 0
 LONDON NO 1XX

General Arrangement
 Ground Floor Plan

14-000 XX XX 1:1250@A3 Feb'14

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 Edwards**

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 <p>Brent</p>	<p>Cabinet 19 June 2017</p> <p>Report from Chief Executive's Department</p>
<p>Wards affected: ALL</p>	
<p>Integrated Finance & Performance Report – Q4 2016/17</p>	

1.0 Summary

- 1.1 This integrated Finance and Performance Report brings together both financial and performance information to provide an overview of Council performance in Quarter 4 2016/17 (Q4).
- 1.2 Additional reports in the appendices provide further detail on the Council's position:
- **Appendix A** – Financial Forecast 2016/17
 - **Appendix B** – Performance Report – Q4 2016/17
 - **Appendix C** – Performance Scorecard – Q4 2016/17

2.0 Recommendation(s)

- 2.1 Cabinet is asked to note the overall position of the Council in terms of finance and performance and the measures in place to manage budget pressures and improve service delivery.

3.0 Detail

- 3.1 The detailed overview of the Council's financial position is provided in Appendix A and the Performance Report and Scorecard are provided in Appendices B and C respectively for Q4.

4.0 Financial Implications

4.1 This integrated report aligns the Council's financial position and current level of performance in Q4 2016/17; there are no direct financial implications in agreeing the report.

5.0 Legal Implications

5.1 There are no direct legal implications in agreeing this report.

6.0 Equality Implications

6.1 There are no direct equality implications in agreeing this report.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

Appendix A – Financial Forecast 2016/17

Appendix B – Performance Report – Q4 2016/17

Appendix C – Performance Scorecard – Q4 2016/17

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Appendix A Financial outturn

Summary

- 1 This report sets out the anticipated income and expenditure against the revenue and capital budgets for 2016/17, with brief summary commentary. The full accounts, of which this forms a part, are being drafted and will be brought to the Audit Committee in June.
- 2 Subject to the resolution of a few minor outstanding year-end queries the overall revenue position is that net expenditure will be contained within the agreed budget as there will be a greater underspend on central items than the net overspend within service departments. As reported throughout the year this underspend is principally the result of slippage in the capital programme.
- 3 However, as set out below, this satisfactory overall outturn is made up of some significant over and underspends within individual departments. Actions to address these in 2017/18, including adjustments to budgets where structural issues exist are being developed and will be proposed to Cabinet in July.
- 4 The table below summarises the overall position. The report has a brief explanation of the outturn for each department.

Department	Full year Budget (£m)	Actual Outturn (£m)	Variance (£m)
Community Wellbeing	122.9	126.1	3.2
Performance Policy & Partnerships	10.5	10.5	0
Resources Department	31.8	33.9	2.1
Regeneration & Environment	33.5	29.5	(4.0)
Children And Young People	40.8	43.1	2.3
Total (General Fund)	239.5	243.1	3.6
Children and Young People – Dedicated Schools Grant	0	0	0
Housing Revenue Account	4	1.4	(2.6)

Community Well Being

- 5 The Community Wellbeing budget overspent spent by £3.2m as per the anticipated forecast. As anticipated, this largely related to the late delivery of NAIL accommodation by the private market (£2m). This was in addition

to pressures as a result higher levels of need and a sharp increase in the number of clients receiving community based packages (£1m). Planned savings targets were missed in 2016/17 regarding the de-registration of Tudor Gardens (£0.3m) and the savings from the recovery pathway in Mental Health (£0.3m).

- 6 The general needs housing budget underspent by £0.4m. This was due the implementation of the temporary accommodation reform plan, from which further savings are anticipated in future years. The Public Health budget underspent by £0.4m, which was transferred to the Public Health ring-fenced reserve. The service was able to deliver a number savings early, including a reduction in the substance misuse contract in anticipation of the grant reduction in 2017/18.

Policy, Performance & Partnerships

- 7 Policy, Performance & Partnerships finished the year on budget.

Resources

- 8 Resources overspent by £2.1m. The main element was the overspend in legal services, as reported throughout the year, partially offset by Digital Service's underspend of £0.3m. Otherwise, minor underspends and overspends largely cancelled themselves across other services.

Regeneration and Environment

- 9 As reported through the year, the department identified significant savings during the year, including advance delivery of savings planned to be delivered in 2017/18. As a result a significant underspend of £3.7m was forecast throughout the year. As a result of these and similar actions a substantial in year underspend was generated, without which the council would be facing an overall overspend in 2016/17.
- 10 Year-end adjustments increased this underspend to £4.0m, through a combination of increased income from garden waste collection and the Kingdom service and also as some contractual contingencies were in the event not fully utilised.

Children and Young People – General Fund

- 11 The Children and Young People department overspent by £2.3m, £0.3m less than forecast. Recruitment and retention problems during the year have mean that agency social workers in front line teams have cost £0.5m more than the establishment budget. As forecast there were large overspends of £1.7 million on placements for looked after children and care

leavers after accounting for compensating in-year savings. LAC numbers rose from 2015/16 levels to average 349 in 2016/17, with older more complex cases being taken into care. This, in addition to the high proportion of unaccompanied asylum seekers (24%), has had a knock on effect on the number of care leavers supported by the borough. The budget also came under pressure in-year from accommodating intentionally homeless families.

Children and Young People – Dedicated Schools Grant

- 12 The Dedicated Schools Grant outturn underspent more significantly than expected due to fewer allocations being made to schools for pupil growth and expansions. The high needs block also underspent with fewer children being placed out of borough. These will be managed within the overall DSG and carried forward to next year, and some further work is required to understand more fully the causes and amounts.
- 13 Overall school balances have decreased from £21.2 million to £19.5 million, but there is not a uniform pattern. Half of the 60 maintained schools used balances to support projects and in-year expenditure, and half added to their balances. Average balances remain at a prudent level of 12%, with 8 schools holding balances below 5% and 1 nursery school finishing the financial year in a deficit.

Housing Revenue Account

- 14 The outturn position is showing an underspend of £2.6m for 2016/17, this is a movement of £0.5m from the £3.1m forecast position in February. The main reasons for the variance are:
 - Warden services and concierge – underspend of £0.9m, mainly as a result of savings anticipated from the retendering of warden and concierge services.
 - Leaseholders major works income – underspend of £1.0m, due to increase in the anticipated leasehold major works income as a result of section 20s now issued for Fire Safety works which was not budgeted for.
 - Capital financing charges – underspend of £1.6m, due to the reduction in the forecast of long term borrowings and the premium on early repayment charges.
 - Rent and rates - £0.1m overspend
 - This is due to increase in the council tax paid on empty properties.

- Repairs and maintenance - £0.8m overspend
 - This is due to overspend on responsive repairs and void works.

2016/17 Capital Outturn Draft Position

The outturn position is £100.8m, subject to final checks. This was forecast throughout the year although the final position was £9m less than that forecast in March.

	2016/17						
2016/17 Boards	Budget £m	Growth In-Year £m	Revised Budget £m	January Forecast £m	Outturn £m	Variance to Forecast £m	Variance to Budget £m
Corporate Landlord	2.4	0.2	2.6	1.0	2.5	1.5	(0.1)
Estates Regeneration	3.4	0.3	3.7	2.5	1.2	(1.3)	(2.5)
Housing Investment Board	84.1	45.4	129.5	69.0	67.1	(1.9)	(62.4)
Schools Programme	47.4	0	47.4	14.4	14.4	0.0	(33.0)
South Kilburn Programme	15.6	1.7	17.3	9.9	5.8	(4.1)	(11.5)
Transport & Highways	20.5	2.3	22.7	13.3	9.8	(3.5)	(12.9)
Grand Total	173.4	49.9	223.2	110.1	100.8	(9.3)	(122.4)



Cabinet
19 June 2017

Report from
Chief Executive's Department

For Action

Wards affected:
ALL

Performance Report, Q4 and out-turn (January -March) 2016/17

1.0 Introduction

- 1.1 The Borough Plan for 2016-19 was agreed by Full Council in April 2016. It includes the Brent 2020 vision and its five themed priorities for the Council (see paragraph 1.3).
- 1.2 The Borough Plan sets out three overarching priorities for Brent as follows:
- Better Lives
 - Better Place
 - Better Locally
- 1.3 The Brent 2020 vision provides a strategic picture of where the Council would like to be by 2020 and how it intends to get there. The Brent 2020 vision is designed to complement the Borough Plan over the next five years. Its five themed priorities are as follows:
- Employment and Skills – to respond to the increase in the working age population and lift people out of poverty and welfare dependency.
 - Regeneration - to improve the economic, social and environmental conditions in the borough.
 - Business and Housing Growth - to maximise the tax base to support the delivery of core services.
 - Demand Management - to manage the pressure on needs led budgets such as children's social care, adult social care and homelessness.

- Raising Income - to support the delivery of core services.
- 1.4 The purpose of this report is to provide Cabinet with a corporate overview of performance information linked to the current Borough Plan and Brent 2020 priorities, to support informed decision-making, and to manage performance effectively.
- 1.5 The Corporate Performance Scorecard (**Appendix C**) sets out the suite of key performance indicators (KPIs) being monitored corporately. Where measures have an Amber or Red RAG status, commentary is mandatory in line with the current performance framework and is included in the scorecard. For measures which have a Green RAG status, commentary is optional. **Appendix A** provides supporting financial/budgetary commentary in relation to performance this quarter and for the full year.

2 Recommendations

- 2.1 Cabinet has been asked to:
- a. Note the performance information contained in this report and agree remedial actions as necessary.
 - b. Consider the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.
 - c. Challenge progress with responsible officers as necessary.

3 Performance Summary

- 3.1 There are currently 126 key indicators in the Q4 performance scorecard. Out of these, 98 indicators have a RAG status: 52 are on or above target (Green status), with a further 13 just off target (Amber status), leaving 33 significantly off target (Red status). A further 28 indicators are for contextual use.
- 3.2 The total number of Red RAG indicators has increased from 27 in Q3 to 33 in Q4. In addition, there has been a significant reduction in the number of Amber indicators, a decrease from 16 in Q3 to 13 in Q4, suggesting that some Amber indicators may have slipped into Red. This is reflected in areas like the Nursery Grant (NEG), household recycling, overpayments recovered, homeless prevention, call answering times in Customer Services and stage 1 corporate complaints.
- 3.3 A summary of performance under the Borough plan priorities, outlining good performance as well as areas that are not performing well this quarter is set out below. Red indicators include commentary explaining

why they are off target and the actions being taken to bring performance back in line with target.

Better Lives:

Employment and helping people into work

- 3.4 There has been continuing strong performance in helping people living in our priority areas back into work and with Brent Start initiatives:
- The Living Room, which deals with our priority areas, has placed another 4 people into jobs this quarter. There is strong performance overall of 49 employment outcomes achieved against the end of year target of 40 (Green RAG).
 - Other new baseline indicators for Brent Start include enrolment, retention and achievement rates. Strong performance across these has been maintained in Q4 also and all of these indicators are currently Green.
- 3.5 Performance is still significantly below target on Wembley Works employment outcomes and apprenticeship outcomes:
- There has been a major shift of focus towards employment outcomes in Brent with the integration of the employment and skills services in 2015/16. Performance for employment outcomes is still Red RAG - 95 employment outcomes year to date (YTD) compared to a target of 160. Outcomes are expected to show improvement in the new financial year due to a service restructure and increased number of live vacancies available. There is also positive news as the service has fulfilled all of its internal targets around group assessments and careers event attendance.
 - Apprenticeship outcomes are off target in Q4 with 27 outcomes achieved YTD against a target of 50 outcomes (Red RAG).

Business and Local Enterprise

Business

- 3.6 The formation of New Business Groups in the borough is a new performance indicator for 2016/17. This year provides a baseline with preliminary targets. Current performance is strong with 5 outcomes achieved against a target of 5 for the year (Green RAG). In addition, there is an ongoing capacity building programme to ensure these business groups maintain sustainability.

Regeneration

- 3.7 All three of the planning indicators have again shown improvement in this quarter. Overall performance is mixed with two Greens and one Amber:
- Major application determined within 13 weeks (85.73% provisional actual YTD, 82% target, Green RAG). There has been an improvement over the course of the year due to a better focus on improving productivity and application timescales.
 - Minor applications determined within 8 weeks (77.98% actual YTD, 76% target, Green RAG). Overall performance has improved over the year with the Q4 snapshot figure at 90.94%. this makes up for the relatively low performance of Q1.
 - Other applications determined within 8 weeks (80.47% actual YTD, 82% target, Amber RAG). The Q4 snapshot figure stands at 94.38%. Performance over the year has followed a similar trend to that of the previous indicator (minor applications in 8 weeks) in that Q1 figures were low but performance over the year has improved and is strong in Q4.
- 3.8 The Service has undergone significant changes this financial year, alongside a large increase in the number of applications submitted, which has led to sustained pressure on Planning staff. However, performance is strong again and the service expects to maintain this into the new financial year.

Promoting Fair Pay – London Living Wage

- 3.9 With 12 London Living Wage (LLW) signups achieved YTD against our target of 30 we are further below target in Q4 (Red RAG). However, there are signs that performance may improve in the next financial year. After jointly working with the business rates team, the service has seen 19 requests from local business who would like further

information on becoming accredited. There is also a further one that has become an accredited service provider this quarter (these are businesses that cannot provide the LLW but are recognised as making the effort to follow best practice).

Education and Training

3.10 Brent schools are performing strongly with regard to OFSTED ratings again this quarter. Performance is maintained at 96% for schools judged as Good or Outstanding after the 5 schools inspected in Q3 maintained their respective judgements (Green RAG). Now 97% of pupils are attending Brent schools rated as Good or Outstanding (95% YTD target, Green RAG) due to a marginal increase in the number on the school roll.

3.11 Performance measures for the Nursery Education Grant take-up for 2-year olds (NEG 2) and for care leavers in education, employment and training remain below target:

- NEG 2 has dipped between Q3 and Q4, from 74% to 64% and currently has a Red RAG status. This is because a number of settings did not have NEG 2 vacancies. To mitigate this, the Early Years' service will be assessing and closely monitoring to assess whether this is an ongoing issue, especially the delivery of 30 hours' childcare places from September 2017. The 30 hours' entitlements offer an additional 15 hours of free care to 3 and 4 year olds from working families.
- The number of unaccompanied asylum seeking children (UASC) requiring support from the Council is impacting the overall numbers of care leavers in education, employment and training. This is because their immigration status prevents them from accessing employment and education post-18 years old, which has a significant impact on performance. The Q4 figure has stayed at 49%, and the 49% YTD performance against a target of 58% means that this indicator has a Red RAG status.

Supporting Vulnerable Children

3.12 The performance of Looked After Children (LAC) placed with foster carers (63.6% actual YTD, 75% target, Red RAG) is acutely impacted by the increasing number of UASC who are approaching the Council for support. The proportion of UASC out of all LAC has been consistently increasing since 2015 and there are now 76 UASC in Brent's care (a significant increase against the 64 at this time last year). Many of these children are in the older age groupings as reflected by the increase in LAC residing in semi-independent

accommodation - an increase from 19.2% at 31/12/16 to 20.4% at 31/03/2017. There are new foster carer approvals in the pipeline for the new financial year which should help mitigate the risk of future pressures.

- 3.13 The percentage of social workers on permanent contract remains a challenge for the organisation (64% actual YTD, 75% target, Red RAG). This indicator measures the percentage of all permanently employed social work staff but there is significant variation within the salary bands. Performance is improved when permanent staff members within basic grade social worker posts are considered (currently at 72%). It is more difficult to recruit to social work management and experienced social worker positions. Currently 53% of management and 31% of senior social worker/advanced practitioner roles are filled by permanent staff. A recruitment and workforce strategy, informed by iMPower research, is in development and aims to improve performance in this area.

Supporting Vulnerable Adults:

Independent Living and Direct Payments

- 3.14 There has been some further improvement in performance with Reablement and Direct Payments:
- People being helped to regain their independence after short-term or emergency care (outcome of short term services: sequel to service, Reablement) - this indicator shows much stronger performance again in Q4 with 61% YTD against a target of 75%. Although it is Red RAG, the direction of travel is good considering the service recently underwent a lot of change. The new service went live in September 2016, and new providers started in October 2016. (Please note that the Q3 figure has been revised down from 62% to 56% to account for the time lag between rehabilitation and the take up of the service package).
 - The Q4 figure for Direct Payments is 22.0% YTD against a target of 26.7%. As a higher figure shows better performance, this indicator has a Red RAG. However, since the beginning of the financial year it has been showing a positive direction of travel which is reflective of the continuing promotion of Direct Payments and resolving issues around delayed logging of take up. The Direct Payments project continues to ensure that all Direct Payments are categorised and recorded properly, alongside actual increases in activity. This should put us in a better position to achieve target in 2017/18.

- 3.15 There has been improved performance with safeguarding outcomes, however performance has been significantly below target with carers assessments and information and guidance signposting:
- The proportion of outcomes that are recorded as fully met for safeguarding investigations has improved again in Q4 and has now surpassed target (83% against a target of 80% and Green RAG).
 - Unfortunately the Q4 figure for carers' assessments shows very low cumulative performance again, currently at 743, against a target of 1,550 (Red RAG). However, the carers review and assessments process is currently under review and will change to ensure the joint assessments which are not loaded onto the system will be on the system in the future. It is anticipated better recording and the inclusion of Carers Centre figures will boost the performance levels and allow us to improve further next year.
 - The Q4 figure for people being correctly signposted through information, advice and guidance (IAG) is slightly down from 34.23% in Q3 to 33.8% in Q4. Although it is currently below the 40% target and has been Red all year, the Council expects stronger performance next year due to the introduction and embedding of new collection processes.

Residential and Nursing care

- 3.16 Performance in the area of residential and nursing care and providing the most appropriate type of accommodation remains challenging, especially in the over 65s category:
- The number of people aged 18 - 64 in residential and nursing care is still Red RAG (actual YTD is 13 against a target of 7) is being closely monitored by QAM management and other options are being looked into, like Stepdown and extra care bed spaces.
 - Similarly the number of people aged 65 and above in residential and nursing care (actual YTD is 109 against a target of 71, Red RAG) is also being closely monitored by QAM management. It is also impacted by delays in Vishram House becoming available, which is anticipated to happen in September 2017 and should ease demand on residential and nursing care.

Public Health and Wellbeing (including Sports)

- 3.17 Public Health services are performing well as the year-to-date figures across all indicators reflect a Green RAG status. New birth visits are up 4% from the beginning of the financial year, now at 93% in Q4, and performance is significantly above the national average for opiates treatment (Green RAG).
- 3.18 The borough continues to do consistently well for sports visits to council-run sports centres both for dry visits (non-swimming) and for swims. Further details are in paragraph 3.28 below.

Better Place:

Housing Supply - Homelessness and Temporary Accommodation:

- 3.19 There has been mixed performance in homelessness prevention activities and the number of accepted homeless cases. Homeless prevention has dipped in Q4 due to the effects of the restructure within the service itself. However, there is an ongoing Housing Options Prevention project and PASS scheme in place to mitigate risk and increase performance again. The number of accepted homeless is performing strongly again and continues to reflect performance above target (Green RAG).
- 3.20 Performance against temporary accommodation is worsening in Q4. The overall number of households living in non-self-contained Bed & Breakfast (B&B) for more than 6 weeks is currently at 2 households (Q4 YTD) against a target of 0 (Red RAG) due to these households being in the midst of legal action and therefore unable to move on. The borough still has a high number of households in non-self-contained Bed and Breakfasts although numbers have reduced with 29 households against a target of 0 YTD (Red RAG). The target is ambitious and was set against March 2016 performance which was in single figures then. Unfortunately there has been a knock on effect from the worsening performance in homelessness prevention which is being addressed for 2017/18. Similarly there is a higher than target number of households in Temporary Accommodation overall (actual YTD - 2,904, target – 2,538, Red RAG status) due to a delay in PRS Acquisitions and supply in Private Rented Sector Offers (PRSO) discharge alongside a backlog of pending assessments. A dedicated team has been set up to help bring performance back on track in 2017/18. The number of households impacted by the overall benefit cap (OBC) in temporary accommodation is significantly improved

(actual YTD now at 116 against a target of 150, Red RAG) despite the anticipated impact in newly capped cases.

Housing Supply and Provision

- 3.21 Q4 performance for improving housing supply in the borough is again robust due to a range of initiatives to increase housing that was implemented earlier last year. Licensing of HMOs and additional and selective dwelling all performed above target (Green RAG status) as did bringing empty properties back into use. Performance is promising, mainly due to the effects of the Selective and Additional licence take up schemes. Performance for dwellings improved through enforcement action is currently showing an Amber RAG as the target of 1000 was just missed by 73 cases due to a resourcing issue. However, there is still scope for improvement and the Council has completed a consultation that proposes to increase Selective licensing to all or other parts of the borough.
- 3.22 Brent Housing Partnership (BHP) is closely monitoring the day to day operations to help improve performance. Standard (or minor) void turnaround performance is 27 days year to date now as compared to 30.7 in March 2016. Performance dropped after the Christmas period with a Q4 actual of 33.2 against a target of 24 (Red RAG) when it was decided to close the Direct Labour Organisation (DLO). In addition, the percentage of properties with a valid gas certificate has remained at 99.88% (against 100% target, Amber RAG). There have been difficulties accessing some properties and the contractor has tried to proactively contact households in the first instance to avoid going through a court process to gain access.

Sustainable Environment

Attractiveness of the Public Realm

- 3.23 Continuing the trend from last quarter, the service continues to perform well in many areas such as sites with unacceptable levels of graffiti and litter, waste enforcement, residual waste per household, the time taken to remove illegally dumped waste and working streetlights. This includes the traditionally challenging period over autumn and Christmas where the borough sees shorter days, leaf fall and increased waste levels.

- 3.24 The number of reported illegally dumped waste incidents is not performing well and the RAG status remains Red in Q4 with an upward (negative) direction of travel. This is due to the increase in resident awareness about the issue and the ease with which dump sites can now be reported (actual YTD – 17,338 reports against a target of 12,000). The service continues to promote the “Love Where You Live” campaign and is also focussing on uniformed litter patrols, issuing Fixed Penalty Notices (FPNs) for littering offences and using CCTV wherever possible to identify offenders of illegal rubbish dumping and littering. The Council’s efforts in waste enforcement were recently recognised when the team was quoted as having issued the second highest number of fly-tipping related Fixed Penalty Notices nationwide.

Recycling

- 3.25 Brent continues to perform significantly below target (Red RAG) for municipal waste tonnages sent to landfill (actual YTD – 70,679 tonnes, against a target of 55,680). Unfortunately this indicator has seen a negative trend since 2014 due to the economic recovery nationwide and continued property growth in the borough. There is a significant amount of new builds across Brent making it harder to meet our target as the number of households and level of household waste significantly increases year on year. There is ongoing communications and education activities led by the Council in conjunction with relevant partners to encourage people to generate less waste (such as engaging in the Love Food Hate Waste campaign), and (where waste is unavoidable) to reuse or recycle. Brent and Veolia are committed to working together to bring down borough tonnages if at all possible.

Community Protection

Reducing Crime

- 3.26 Performance remains strong against Youth Offending targets in Brent. There has been a substantial and notable decrease in the number of Brent young people entering the criminal justice system in recent years. The MOPAC funded Brent YOS Triage Programme has had the most impact in this area because of early intervention and alternative approaches taken to giving a criminal sentence to young people who have admitted committing low level offences. This indicator is reported in arrears with the latest available figure of 132 first time entrants aged 10 to 17 for October 2015 to September 2016 (rolling full year) against a target of 157 (Green RAG).
- 3.27 The strong performance of the Youth Offending service is also reflected by the below target rate (smaller is better) of reoffending per cohort of young offenders maintained this year. It now stands at 42.6%

against a target of 43.2% (Green RAG). The latest published London rate is 43.3% (Youth Justice Board, binary rate from April 2014-March 2015) so we are performing well against the London average too.

Arts and Leisure Facilities

- 3.28 Brent sports centres are performing above target for sport centre visits (Green RAG status) and the number of overall visits across the borough has increased again in Q4.
- 3.29 The number of physical visits to libraries has increased again in with an actual figure of 628,442 for Q4 compared to 603,754 in Q3 (still Amber RAG). And the number of online interactions has also increased from Q3 to Q4 from 796,630 to 852,055 interactions. (Green RAG). The number of library items issued is also currently just below target (Amber RAG). Larger libraries have enjoyed increased footfall due to local events and the opening of a new café in Willesden library but smaller libraries have not fared so well. The Council is widening its public engagement in order to increase visits to smaller libraries in 2017/18.

Better Local:

Customer Care

- 3.30 Brent Customer Service has shown continued strong performance in the areas of average days taken to process new benefit claims and waiting times in our local offices. BCS telephone answer rates (ACD system) still remain below target at 84% (target – 90%, Red status) and the Q4 standalone figure was significantly lower at 77% as opposed to 85.4% in Q3. There is ongoing activity across the Council to improve monitoring and our overall level of customer care performance. These include further emphasis on the Customer Promise Scorecard and the identification of hotspot areas across the Council that require extra attention.
- 3.31 The new Digital Strategy, which is under development, will support accelerated channel shift to online and digital channels thus removing pressure on telephone contact and other traditional means of contact.

Complaints and Information Requests

- 3.32 Stage 1 statutory and corporate (non-statutory) complaints are now being reported separately to allow for a clearer reflection of performance and to be consistent with our internal reporting. Overall complaints performance remains below the 100% target:
- Stage 1 corporate complaints: actual YTD – 90%, target 100%, Red RAG status. This is a decrease (4 percentage points between Q3 and Q4). However, there is an overall improvement compared to last year and there continues to be a strong focus on improving timeliness of responses at the first stage.
 - Stage 1 statutory complaints: actual YTD – 93%, target 100%, Red RAG status. Statutory cases tend to be more complex and therefore missing the deadline on small number of cases can significantly affect the overall percentage rate. There was a smaller number of cases for both adults social care (ASC) and children and young people (CYP) in Q4. Whilst ASC maintained strong performance at 94%, CYP dipped to 79%.
 - Stage 2 corporate complaints: actual YTD – 85%, target – 100%, Red RAG. Performance on corporate complaints shows some improvement in Q4 (3% points higher than Q3) but it is significantly below target. There are measures in place to address issues with managing caseloads and more effective use of iCasework which should be reflected in better performance for Q1 2017/18.
 - Stage 2 statutory complaints: actual YTD – 57%, target 100%, Red RAG status. In Q4, only 5 out of 9 overall were actually closed within timescale, all of the outstanding ones being CYP cases. There is joint work between the corporate complaints team and CYP management to improve performance for next year. Statutory stage 2 investigations are complex but low in volume and some of delays occur because of the individual case complexity.
- 3.33 Freedom of Information requests responded in time remained static in Q4. However, the actual year to date performance was 96% against a target of 100% (Amber RAG). This has been the council's best annual performance to date.
- 3.34 Timeliness of response to member enquiries has risen slightly from 95% in Q3 to 97% in Q4 (Amber RAG) even though the volume of member enquiries has increased significantly this year. Overall performance to date is 96% against a target of 100% (Amber RAG status).

Corporate Health

Council Revenue

- 3.35 The percentage of Council Tax collected is 95.7% for the year against a target of 96.2% and is currently Amber RAG. However the value of Council Tax arrears collected continues to underperform compared to the same time last year due to arrears affected by transfers and refunds from April 2016. Clearing the arrears is being prioritised with a more concentrated focus on resourcing that area of the service.
- 3.36 The percentage of invoices paid on time is still below target due to a large backlog of invoices (actual YTD – 79%, target 95%, Red RAG). Focussed training was given to staff to relevant staff and managers but did not produce the improvements expected. Further training is planned to ensure that common rectifiable system issues are prioritised and the Oracle Improvement Project is underway. Performance is expected to increase substantially in the next financial year due to planned improvement actions. These include a new Oracle interface to reduce error, streamlining procure-to-pay processes, evaluating auto-receipting of smaller purchase orders, increasing the use of Post Office pay-out to process small payments to one-off suppliers. An investigation of e-invoicing is currently on hold pending an evaluation into the strength of the business case and an appraisal of the various solutions.
- 3.37 Registration and Nationality income is currently below target and Red RAG at £805k against a target of almost £1.1m. The target is based on performance from previous financial years and may not be reflective of current and future projections due to a recent change in Home Office policy. The criteria for attainable income through marriage and citizenship are now different and there are resourcing issues within the service which have affected performance this year. However, there is additional management capacity now in place and additional officer capacity being implemented and income is forecast to increase by around £50k this year even after accounting for the cost of additional staff. A wider restructure of Brent Customer Service will address the residual budget pressure arising from unachieved budgeted income.
- 3.38 Performance for Council Tax arrears recovered and the value of Council Tax and Housing Benefit overpayments recovered are both Red RAG at the end of 2016/17. CT/HB overpayments recovered was £9.1m against a target of £10m mainly due to the target being set against a full staffing complement which had not manifested until now, putting pressure on the service and impacting the recovery profile. All vacancies have now been filled and overpayment collection is anticipated to rise to between £11m and £12m in 2017/18.

4.0 Financial implications

None.

5.0 Legal implications

5.1 In Table 3 of Part 4 of the council's constitution, it states that the Cabinet is responsible for formulating and preparing a sustainable community strategy and then submitting the same to Full Council for consideration and adoption or approval. The Sustainable Community Strategy constitutes part of the council's Policy Framework. The council's Borough Plan 2016-19, which is its current sustainable community strategy, was agreed by Full Council in 2016.

6.0 Diversity implications

6.1 There are no direct diversity implications. However the report includes performance measures related to the council's diversity objectives and is part of the framework for ensuring delivery of these key outcomes.

7.0 Contact officers

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Director, Performance, Policy And Partnerships

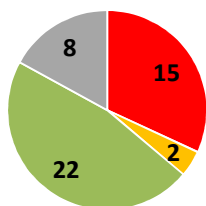
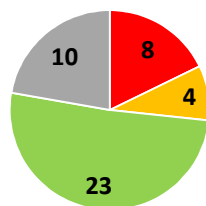
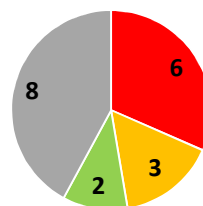
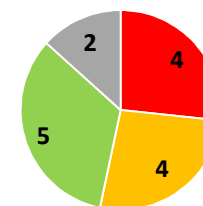
Borough Plan and Brent 2020 Performance Summary – Quarter 4 (January to March 2017)

How did Brent perform?

 Legend: Red Amber Green Contextual


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Quarter 4 – Performance summary of priorities

Better Lives

Better Place

Better Local

Corporate Health


Borough Plan and Brent 2020 Performance Summary – Quarter 4 (January 2017 to March 2017)
Key for Performance Tables (all priorities)

Unless otherwise defined, performance information is assessed using the following tolerances to give a RAG rating:

Red		Greater than 5% outside target*
Amber		0.01% - 5% outside target*
Green		At target or exceeding target
Contextual		No target set

**please note some indicators are set at a 10% tolerance due to national requirement*

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Supporting local enterprise, generating jobs for local people and helping people into work and promoting fair pay

Regeneration

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
NI 157a - Percentage of major applications determined in 13 weeks, or formally agreed period	56.7%	71.43%	88.89%	90.91%	91.67%	85.73%	82%	Bigger is Better	Green	Regeneration	84% London 2015/16 (LG Inform)	Performance has improved throughout the year resulting in a very pleasing YTD figure, testament to the hard work of officers and others involved. The outturn means that we should not be in any danger of designation for poor performance by central government.	Amar Dave	Cllr Tatler
NI 157b - Percentage of minor applications determined in 8 weeks, or formally agreed period	73.2%	53.05%	82.69%	85.25%	90.94%	77.98%	76%	Bigger is Better	Green	Regeneration	75% London 2015/16 (LG Inform)	Year end target has been exceeded; strong performance over the last 3 quarters more than compensated for a weak first quarter.	Amar Dave	Cllr Tatler
NI 157c - Percentage of other applications determined in 8 weeks, or formally agreed period	81.8%	57.36%	84.31%	85.82%	94.38%	80.47%	82%	Bigger is Better	Amber	Regeneration	82% London 2015/16 (LG Inform)	Although Q4 to date is showing a strong performance, building on Q2 and Q3, it was not sufficient to compensate for lower performance at the start of the year. However it is showing there is ongoing improvement and the target was only marginally missed.	Amar Dave	Cllr Tatler

Employment

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
HE 81 - Jobs - Wembley Works - Employment Outcomes	123	42	27	20	6	95	160	Bigger is Better	Red	Employment & Skills	-	The restructure of Brent Works is now complete and a number of vacancies are live so outcomes are expected to be significantly higher in April 2017. The team have engaged 4 new employers this month, hit their annual target for attending careers events and delivered three group assessments. On the 15th March 40 local residents were submitted for a number of cleaning vacancies and all being well this preparatory work will result in target actuals for April.	Amar Dave	Cllr Tatler
HE 83 - Earnings - London Living Wage signups	17	6	3	2	1	12	30	Bigger is Better	Red	Employment & Skills	-	Enquiries have been slow over the last few months. However since sending out letters to all businesses via the business rates team in March 17 we have had 19 requests for more information to become accredited with 1 business already completing accreditation. We have also had two Brent businesses in the facilities management industry become recognised service providers* in January & March. (*businesses who are working in industries where it is hard or impossible to pay the LW but recognised by the Foundation as those who want to play a role and support the aims of the Living Wage Foundation furthering best practice in the industry, through the Service Provider Recognition Programme)	Amar Dave	Cllr Tatler
HE 84 - Priority Areas - The Living Room - Employment Outcomes	45	14	18	13	4	49	40	Bigger is Better	Green	Employment & Skills	-	Engagements increased for the last quarter allowing us to support residents into employment for Jan and Feb however March saw a decline to job outputs. I believe this was down to staff annual leave and the new jobs team getting the grasp of the new funding stream criteria. I believe going forward we shall see an incline to job outcomes especially with the new summer months and more students wanting to secure employment.	Amar Dave	Cllr Tatler
HE 89 - Brent Works - Apprenticeship Outcomes	New for 2016/17	14	2	1	10	27	50	Bigger is Better	Red	Employment & Skills	-	Only one member of staff has been working on apprenticeships this month.	Amar Dave	Cllr Tatler
HE 90 - New Business Groups formed	New for 2016/17	3	0	1	1	5	5	Bigger is Better	Green	Business & Housing	-	The 5 business groups were established by Q3 16/17 and a continual capacity building work is in place to support and ensure that these groups become sustainable with a developed business plan in place for action.	Amar Dave	Cllr Tatler
HE 91 - Brent Starts Enrolments	New for 2016/17	1,174	1,448	530	1,418	4,570	3,720	Bigger is Better	Green	Employment & Skills	-	Provision hasn't decreased in size but changes in course structure mean learners doing fewer but larger qualifications in academic year 16/17, thus reducing enrolment count.	Amar Dave	Cllr Tatler

Supporting local enterprise, generating jobs for local people and helping people into work and promoting fair pay

Employment continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
HE 92 - Brent Starts Retention	New for 2016/17	91.80%	92.0%	92.0%	93.8%	93.8%	92%	Bigger is Better	Green	Employment & Skills	-	Target exceeded - 1.8 percentage points above YTD target. Final figures come in at the end of the academic year.	Amar Dave	Cllr Tatler
HE 93 - Brent Starts Achievement Rate	New for 2016/17	89.50%	90%	90%	90%	90%	90%	Bigger is Better	Green	Employment & Skills	-	This is an annual measure so 15/16 final achievement rate will be used until annual rate for 16/17 is known (in Oct 2017).	Amar Dave	Cllr Tatler

Partnerships

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Number of community assets transferred to the community	1	0	0	0	0	0	-	Contextual			-		Peter Gadsdon	Cllr McLennan

Making sure that our children and young people have access to the best education and training, achieve to their potential and have the best start in life

Schools and Education

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
PP 21 - New reception places created	12	0	60	0	0	60	60	Bigger is Better	Green		-	The target number of new reception places was provided in the target quarter (Q2). This also means the annual target was met in Q2. No further places have been provided in Q3 or Q4.	Amar Dave	Cllr Tatler
PP 22 - New primary school places created	1,785	780	0	0	360	1,140	1140	Bigger is Better	Green		-	The target number of new primary school places was provided in the Q4 this also means the annual target has been achieved as planned.	Amar Dave	Cllr Tatler
Percentage of schools that are judged good or outstanding by Ofsted	91%	91%	94%	96%	96%	96%	95%	Bigger is Better	Green	Employment & Skills	93 (Prim'y) 89 (2ndary) LGINform 2015/16 academic year	The overall figure has stayed the same because the five schools inspected this quarter (with published reports) maintained their good or outstanding judgements.	Gail Tolley	Cllr Patel
Number of primary schools that are judged good or outstanding by Ofsted	51	52	53	53	53	53	51	Bigger is Better	Green	Employment & Skills	-	No change in Q4	Gail Tolley	Cllr Patel
Number of secondary schools that are judged good or outstanding by Ofsted	10	10	11	13	13	13	11	Bigger is Better	Green	Employment & Skills	-	No change in Q4	Gail Tolley	Cllr Patel
Percentage of pupils attending Brent schools that are judged as being either good or outstanding	86%	86%	90%	97%	97%	97%	95%	Bigger is Better	Green	Employment & Skills	91 (Prim'y) 89 (2ndary) LGINform 2015/16 academic year	There was a slight increase in the number of pupils educated in good and outstanding schools, due to a 0.9% increase in the number on the school roll.	Gail Tolley	Cllr Patel
Take up of the 2 year old Nursery Education Grant (%)	66%	62%	57%	74%	64%	64%	75%	Bigger is Better	Red	Employment & Skills	-	The DfE Target number changes each term. Take-up has remained lower than the target. This term numbers were affected by a number of settings not having NEG2 vacancies. Early Years will be monitoring this to assess whether this will be an ongoing problem, particularly with the delivery of the 30 hours' places commencing in September 17. The 30 hours' childcare entitlement offers 15 additional hours of free childcare to 3 and 4 year olds from working families.	Gail Tolley	Cllr Patel
No. of CYP applying for Reception and Yrs 1&2 (ages 4-6) not offered a school place w/in 4 wks	0	0	0	0	0	0	0	Smaller is Better	Green	Employment & Skills	-		Gail Tolley	Cllr Patel

Making sure that our children and young people have access to the best education and training, achieve to their potential and have the best start in life

Schools and Education continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
No. of CYP applying for Yr 3, 4, 5 & 6 (ages 7-10) not offered a school place w/in 4 wks	0	0	0	0	0	0	0	Smaller is Better	Green	Employment & Skills	-		Gail Tolley	Clr Patel
No. of CYP applying for Yr 7, 8, 9, 10 & 11 (ages 11-16) not offered a school place w/in 4 wks	2	0	0	0	1	1	0	Smaller is Better	Red	Employment & Skills	-	Exceptional case (parents declined 4 offers).	Gail Tolley	Clr Patel
Percentage of 16 to 18 year olds who are not in education, employment or training (NEET)	2.6%	2.2%	3.3%	2.4%	2.3%	2.3%	3.5% (annual target)	Smaller is Better	Green	Employment & Skills	3.0% Nov-Jan 2015 (DFE)		Gail Tolley	Clr Patel
Percentage of care leavers in education, employment or training	56.8%	48%	51%	49%	49%	49%	58%	Bigger is Better	Red	Employment & Skills	53.3% 2015/16 (DFE)	The cohort includes a proportion of former Unaccompanied Asylum Seekers whose immigration status prevents them accessing employment and education post 18 years old, which has a significant impact on percentages.	Gail Tolley	Clr Patel

Supporting vulnerable people and families when they need it

Children's Social Care

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Percentage of Looked After Children placed with foster carers	71%	70%	67%	67%	63.6%	63.6%	75.0%	Bigger is Better	Red	Demand Management	72% 2015/16 (DFE)	There were 76 UASC in the Local Authority's care as at 31/03/17 compared to 64 at 31/03/16. A greater proportion of LAC are now residing in semi-independent accommodation - an increase from 19.2% at 31/12/16 to 20.4% at 31/03/17. There are more new foster carer approvals in the pipeline from April.	Gail Tolley	Clr Patel
CSE 01 - The number of Child Sexual Exploitation suspicions	36	14	10	7	7	38	-	Contextual		Regeneration	-		Amar Dave	Clr Miller
CSE 02 - The number of Child Sexual Exploitation related crimes	22	5	3	10	1	19	-	Contextual		Regeneration	-		Amar Dave	Clr Miller
CSE 03 - The number of Child Sexual Exploitation disruptions	10	12	9	21	7	49	-	Contextual			-		Amar Dave	Clr Miller
CSE 04 - The number of detections (Child Sexual Exploitation flagged)	8	0	0	0	1	1	-	Contextual			-		Amar Dave	Clr Miller
Percentage of Looked After Children with an up to date Personal Education Plan	69%	90.3%	95.9%	96.0%	98%	98.0%	100%	Bigger is Better	Amber	Employment & Skills	-		Gail Tolley	Clr Patel
Percentage of social workers on a permanent contract	68%	63%	61%	63%	64%	64%	75%	Bigger is Better	Red	Demand Management	-	This indicator measures the percentage of all permanently employed social work staff. There is significant variation within the salary bands. Performance is improved when permanent staff within basic grade social worker posts (PO1/2) are considered – 72%. It is more difficult to recruit to social work management and experienced social worker positions. Currently 53% of management and 31% of senior social worker/advanced practitioner roles are filled by permanent staff. A recruitment and workforce strategy, informed by iMPOWER research, is in development that aims to improve performance in this area.	Gail Tolley	Clr Patel
Percentage of Looked After Children placed with In-House (Brent) foster carers	31%	32%	27%	29%	27%	27%	-	Contextual		Demand Management	-		Gail Tolley	Clr Patel

Supporting vulnerable people and families when they need it

Children's Social Care continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Percentage of Looked After Children placed with independent fostering agencies	26%	25%	25%	25%	26%	26%	-	Contextual		Demand Management	-		Gail Tolley	Cllr Patel
Percentage of Looked After Children placed with relatives and friends	13%	12%	13%	12%	10%	10%	-	Contextual		Demand Management	-		Gail Tolley	Cllr Patel
Average days between a child entering care and moving in with its adoptive family, for those adopted	494	554	536	523	523	523	550	Smaller is Better	Green	Demand Management	558 national average (Adoption Leadership Board) 2013-16		Gail Tolley	Cllr Patel
Stability of placements of Looked After Children: 3 or more placement moves (%)	12.5%	1.1%	3.7%	10.8%	13.8%	13.8%	13% (annual target)	Smaller is Better	Red	Demand Management	9.2% (statistical neighbours) Department for Education 2014/15	This indicator is impacted by an older age range of children in care with more complex needs.	Gail Tolley	Cllr Patel

Supporting vulnerable people and families when they need it

Adult's Social Care

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
ASC LPI 22 -The proportion of initial contacts to Adult Social Care who are directed appropriately to information, advice and guidance (IAG)	36.6%	37.3%	32.0%	34.23%	33.8%	33.8%	40%	Bigger is Better	Red	Demand Management	-	A new front door system has been introduced in February 2017 which aims to screen out at least 50% of the calls by providing effective information and guidance at 1st point of contact. This will enable this indicator to show positive results for 17/18. The fall in quarter 4 is due to the low performance in January was 31.6% despite these low numbers and transition period to the new service the outturn was 33.8%	Phil Porter	Cllr Hirani
Making Safeguarding Personal: Proportion of outcomes that are recorded as fully met	76.5%	80%	75%	80%	83%	83%	80%	Bigger is Better	Green		-	The indicator has met the set target. We will continue our focus on this indicator and adapt the changes that are introduced by PAN London and ADASS which will improve reporting. London councils were asked to provide data on this indicator and only 9 London councils including Brent councils was able to report on it with confidence Brent was in 4th place.	Phil Porter	Cllr Hirani
ASC LPI 23 - Number of assessments & reviews of carers	992	190	370	568	743	743	1550	Bigger is Better	Red	Demand Management	-	This indicator has not met the set target. To improve this indicator we have set various projects/working groups and we will look for ways to improve how we record carer's data as well as manage carer needs. Were able to maintain a steady increase in numbers which shows a positive sign towards better improvement.	Phil Porter	Cllr Hirani

Supporting vulnerable people and families when they need it

Adult's Social Care continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
ASCOF 2D The outcome of short-term services: sequel to service (REABLEMENT)	64.2%	54%	54%	56%	61%	61%	75%	Bigger is Better	Red	Demand Management	60.3% (Q3) ADASS	This indicator has not met the set target. An integrated reab and rehab service has been introduced and it is in a period of transition. The new service will enable us to better manage the needs of service users who require short term therapy and deliver short service to them instead of long term service. The success rate throughout the year showed a positive increase especially for q3 and q4.	Phil Porter	Cllr Hirani
ASCOF 1C (2A) - Proportion of people who use services that receive a direct payment	21.6%	20.5%	20.78%	21.84%	22.0%	22.0%	26.7%	Bigger is Better	Red	Demand Management	23.7% (Q3) ADASS	This indicator has not met the set target. Direct payments are being promoted strongly and service areas are scrutinised to see if any services were not loaded as DP where they should have been. Throughout the year this indicator has shown a significant increase. At the beginning of the year approx. 80 meals on wheels service which was direct payments were redefined as not being a DP service despite this drop the indicator showed an increase of 0.5% increase and would have been at 24.4% if this service remained as DP. Although we are offering DP to new service users the uptake is reasonably high unfortunately percentage wise this has a very little effect as the population of clients receiving Community based service is equally increasing therefore a proportion wise the effects are minuscule. The most effective way to manage this indicator is by converting existing non DP clients to DP which we are focusing on.	Phil Porter	Cllr Hirani
Number of admissions to residential & nursing care homes, 18-64	10	4	6	9	13	13	7	Smaller is Better	Red	Demand Management	-	The number of admissions has decreased by half in Q3 and Q4 this is a result of the assessments being closely monitored by Managers at QAM and encouragement of pursuing other options such as Stepdown and extra care beds. Although we have not met our indicator we have the 2nd lowest admissions rate in London.	Phil Porter	Cllr Hirani
No. of admissions to residential & nursing care homes, 65+	93	44	77	96	109	109	71	Smaller is Better	Red	Demand Management	-	The number of admissions has decreased by half in Q3 and Q4 this is a result of the assessments being closely monitored by Managers at QAM and encouragement of pursuing other options such as Stepdown and extra care beds. The indicator has not met the target as our plans to open Vishram in October was delayed and it is now likely that Vishram may not be opening till September 2017. While this being the case we will be putting in other measures to reduce admissions such as (Hospitals) discharge to asses model. Despite this setback we only had 16 more placements than last year.	Phil Porter	Cllr Hirani

Enabling people to live healthier lives and reducing health inequalities

Public Health

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
PH 11 - Successful completions as a proportion of all opiate drug users in treatment	6.7%	6.4%	6.9%	8.2%	7.6%	7.6%	6.6%	Bigger is Better	Green		6.6% England Average Mar 2017 (PHE)	Final data for 16/17.	Phil Porter	CLlr Hirani
PH 12 - % of clients waiting to start first intervention	100%	100%	100%	100%	100.0%	100%	100%	Bigger is Better	Green		-	Final data for 16/17.	Phil Porter	CLlr Hirani
% of New birth visits within 14 days	New for 2016/17	89%	89%	92%	93%	93%	92%	Bigger is Better	Green		-	4% improvement from the start of the year.	Phil Porter	CLlr Hirani
RS PH 03 - % of residents that complete a health check as a proportion of those offered	55%	34%	68%	58%	69%	57%	55.0%	Bigger is Better	Green		47.1% London 2013/14 - 15/16 (PHE)	Final data for 16/17.	Phil Porter	CLlr Hirani

Making sure that Brent is an attractive place to live with a pleasant, sustainable environment, clean streets and well-cared for parks and green spaces

Public Realm and Highways

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Percentage of sites with unacceptable levels of litter	5%	3%	12%	7%	4%	7%	8%	Smaller is Better	Green	Regeneration	4.1% 2015/16 London (LAPS)	Positive results for the quarter with full year performance expected to be within target. If full year scores are above target, the Public Realm contractor will incur a financial penalty.	Amar Dave	Clr Southwood
Percentage of sites with unacceptable levels of graffiti	2%	2%	3%	4%	3%	3%	6%	Smaller is Better	Green		2.4% 2015/16 London (LAPS)	Positive results for the quarter with full year performance expected to be within target. If full year scores are above target, the Public Realm contractor will incur a financial penalty.	Amar Dave	Clr Southwood
Tonnes of municipal waste sent to landfill	68,351	18,275	18,155	17,421	16,828	70,679	55,680	Smaller is Better	Red		-	There has been an increase in municipal waste tonnages since 2014, reflecting the economic recovery nationwide as well as property growth within the borough, which is set to continue. We are constantly working with Veolia and West London Waste Authority on improving communications and education, to encourage people to generate less waste (such as engaging in the Love Food Hate Waste campaign), and (where waste is unavoidable) to reuse or recycle. The cost for disposal of tonnage in excess of the contract target is met by the Public Realm contractor Veolia.	Amar Dave	Clr Southwood
Number of waste enforcement cases investigated which lead to a non sanctionable outcome	528	123	159	128	90	500	500	Bigger is Better	Green		-	Due to higher resident awareness through campaigns such as "Love Where You Live", we are continuing to see a high number of fly tips reported across the borough. The enforcement team continues to perform strongly with appropriate enforcement action taken wherever evidence allows	Amar Dave	Clr Southwood
Number of waste enforcement cases investigated which lead to a sanctionable outcome	630	192	149	189	99	629	500	Bigger is Better	Green		-	Due to higher resident awareness through campaigns such as "Love Where You Live", we are continuing to see a high number of fly tips reported across the borough. The enforcement team continues to perform strongly with appropriate enforcement action taken wherever evidence allows	Amar Dave	Clr Southwood
Number of illegally dumped waste incidents reported on public land (large and small)	13,197	4,822	5,278	3,498	3,740	17,338	12,000	Smaller is Better	Red	Regeneration	-	Due to higher resident awareness through campaigns such as "Love Where You Live", we are continuing to see a high number of fly tips reported across the borough. This doesn't mean that the actual number of fly tipping incidents has increased, just what is reported as fly tipping. We are promoting the "Love Where You Live" campaign, implemented uniformed litter patrols, issuing Fixed Penalty Notices for littering offences and using CCTV wherever possible to identify offenders of fly tipping and littering. In March 2017, Brent's enforcement efforts were recognised when the team was quoted as having issued the second highest number of fly-tipping FPN's in the country.	Amar Dave	Clr Southwood
Number of kilograms of residual household waste collected per household	479	123	117	113	110	463	480	Smaller is Better	Green		585.1 2015/16 London (LAPS)	Kg per household is lower for Q4, reflecting seasonal trends.	Amar Dave	Clr Southwood
Household recyclables collected sent for reuse, recycling, recovery and composting	40%	41%	42%	39%	39%	40%	45%	Bigger is Better	Red	Regeneration	32.3% 2015/16 London (LAPS)	This figure is reflective of the London-wide picture, where recycling rates have plateaued over recent years. As part of the waste minimisation work in partnership with Veolia, there are initiatives to improve performance through targeted projects to increase recycling from flats as well as improve communications and education campaigns for promotion of the Brent's recycling service.	Amar Dave	Clr Southwood
Average time taken to remove illegal dumped waste (days)	0.74	0.79	0.81	0.81	0.75	0.79	1	Smaller is Better	Green	Regeneration		Despite increases in the number of reports to the Council, performance remains ahead of target.	Amar Dave	Clr Southwood

Making sure that Brent is an attractive place to live with a pleasant, sustainable environment, clean streets and well-cared for parks and green spaces

Public Realm and Highways continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Gulleys regularly cleared	94%	97%	98%	98%	87%	95%	93%	Bigger is Better	Green			For the month of March, 1789 gulleys were scheduled to clean and 1074 gulleys were cleaned. CA attended 1146 and 72 gulleys were unable to clean due to parked cars and jammed covers. This month progress was very poor and this may be related to re-attending gulleys with parked cars. For the month of February, 1556 gulleys were scheduled to clean and 1559 gulleys were cleaned. CA attended 1665 and 109 gulleys were unable to clean due to parked cars and jammed covers. For the month of January CA were scheduled to clean 1323 gulleys. They attended 1472 and cleaned a total of 1363; parked cars and jammed covers prevented access to 109 gulleys. CA did not work during the Christmas and New year period. The Contractor achieved 103 %. The contractor will return three times before requesting traffic management should obstructions remain. We will be amending payments accordingly, asking for a catch up programme and reviewing the matter in the monthly contract meeting	Amar Dave	Clr Southwood

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Forecast YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Parking driver compliance- PCNs issued: Parking contraventions	99,721	27,996	26,096	27,487	23,944	105,523	96,546	Contextual			-	PCN issuance well above forecast due to high productivity from Serco CEOs, and extra enforcement commissioned. Increased activity seeks to match need for enforcement.	Amar Dave	Clr Southwood
SS 33 - Parking driver compliance- PCNs issued: CCTV bus lane	8,370	2,324	2,213	2,807	3,005	10,349	10,800	Contextual			-	PCN issuance below forecast due to increased driver compliance with bus lanes.	Amar Dave	Clr Southwood
SS 34 - Parking driver compliance- PCNs issued: CCTV moving traffic	73,990	19,945	18,952	17,180	16,144	72,221	79,153	Contextual			-	Issuance below forecast, due to sustained increases in driver compliance at most sites, reducing traffic congestion. Two additional cameras installed in Q4; eight more on order.	Amar Dave	Clr Southwood
FIN EP 11 - Parking revenue: Car parks / Off street P&D	£499,137	£138,172	£132,125	£131,376	£131,825	£599,499	£534,000	Bigger is Better	Green	Raising Income	-	Performance within forecast parameters for the year.	Amar Dave	Clr Southwood
Percentage of resident permits purchased online	78%	79%	79%	81%	81%	80%	80%	Bigger is Better	Green		-	Performance remains consistent quarter on quarter, with a slight improvement overall since Q1.	Amar Dave	Clr Southwood

Continue to reduce crime, especially violent crime, making people feel safe

Community Protection

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Offences of Violence with Injury	2,883	809	784	727	754	3,704	-	Contextual			-	There was an increase in the number of violence with injury offences in Q4 compared to Q3 and the borough saw a 6.6% increase in offences on the rolling 12 month comparisons. The increase in violent offences has been seen across London. We will continue with our partners to tackle the key drivers of violent crime including domestic abuse and gangs.	Amar Dave	Clr Southwood
Residential Burglary offences	2,007	389	438	529	581	1,937	-	Contextual			-	Q4 saw an increase from the Q3 figures, however the borough is performed well across the year with a 3.5% reduction in burglary offences on the rolling 12 months comparison.	Amar Dave	Clr Southwood
Robbery offences	966	210	207	248	208	873	-	Contextual			-	There was an decrease in robberies in Q4 compared to Q3. The borough saw a 9.6% decrease in robbery offences on the rolling 12 months comparisons.	Amar Dave	Clr Southwood

Continue to reduce crime, especially violent crime, making people feel safe

Community Protection continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
CST 09 - Theft of and from motor vehicles	2,655	676	686	773	786	2,921	-	Contextual			-	There was a slight increase in motor vehicle offences in Q4 compared to Q3. The borough saw a 10% increase in motor vehicle offences on the rolling 12 months comparisons.	Amar Dave	Clr Southwood
CST 05 - Calls to the police for ASB	8,254	2,455	2,955	2,569	3,063	11,042	-	Contextual			-	ASB calls increased in Q4 compared to Q3. The borough saw a 20.3% increase in ASB calls on the rolling 12 months comparisons. The increase in ASB calls to Police has been seen across London.	Amar Dave	Clr Southwood
CST 24 - Sanctioned Detection rate for domestic violence	35.7%	35.3%	34.0%	30.9%	28.7%	28.7%	-	Contextual			-	There was a decrease in the sanction detection rate for domestic violence offences on the rolling 12 months comparisons.	Amar Dave	Clr Southwood
Gang-related offences (Gun discharges and Knife injury victims (under 25 years old non domestic)	85	78	90	101	105	105	-	Contextual			-	There was an increase in gang related offences on the rolling 12 months comparisons. The increase in violent offences has been seen across London. We will continue with our partners to tackle Brent's gangs through dedicated partnership groups which holistically tackles the highest risk gangs in the borough.	Amar Dave	Clr Southwood
Reoffending rate for young offenders per cohort	41.0%	42.6%	41.9%	39.5%	42.6%	42.6%	43.2%	Smaller is Better	Green	Regeneration	-		Gail Tolley	Clr Patel
First time entrants to the Youth Justice System aged 10-17 per cohort	119	130	132	134	132	132	157	Smaller is Better	Green	Regeneration	424 (London) LGinform 2014/15		Gail Tolley	Clr Patel
SSL 01 - % of street lighting working as planned	99.94%	99.94%	99.94%	99.94%	99.93%	99.94%	99.94%	Bigger is Better	Green			KPI performance is consistently above target, as street lighting maintenance arrangements continue to work effectively.	Amar Dave	Clr Southwood

Increase the supply of affordable, good quality housing

Housing and Growth

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
HE 33 - Dwellings improved through enforcement action	1,281	221	264	220	222	927	1000	Bigger is Better	Amber		-	The target of 1000 was just missed by 73 cases (7.3%). This was predominantly caused by resourcing issues in the service.	Phil Porter	Clr Farah
HE 34 - Empty properties brought back into use	100	38	19	31	30	118	100	Bigger is Better	Green	Business & Housing	-		Phil Porter	Clr Farah
HE 38 - Number of Mandatory HMOs licensed	300	405	477	540	603	603	300	Bigger is Better	Green	Business & Housing	-		Phil Porter	Clr Farah
HE 48 - Number of additional and selective dwellings licenced	8,000	4,688	5,020	5,329	5,486	5,486	4829	Bigger is Better	Green	Business & Housing	-		Phil Porter	Clr Farah

Increase the supply of affordable, good quality housing

Housing and Growth continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
BHP 04 - % of properties with a valid gas certificate	99.99%	99.99%	99.98%	99.98%	99.88%	99.88%	100%	Bigger is Better	Amber		-	The magistrates court changed the way they accept payments for warrants and the delay with setting this up through finance has caused 29 properties to go overdue at the end of March. BHP and our gas contractor Oakrays has been proactively trying to carry out these checks without going through the courts by attempting contact up to 8pm during the week and on Saturdays. 24 of the 29 have since been certified in April. All other gas certificates were renewed on time in the quarter. Key Actions: BHP will continue to attempt contact with the remaining five outstanding properties and any new ones that arise with difficult access. The new payment method has now been set up and needs to be confirmed by the magistrates court then will be in use.	Phil Porter	Clr Farah
BHP 05 - Average re-let time minor voids	30.7	24.29	28.20	22.83	33.2	27.00	24	Smaller is Better	Red	-	-	Standard void turnaround averaged 27 days for the year, missing the target by three days, but also improving on previous year's performance by three days. This is disappointing after being so close to target in quarter three at an average of 25 days. Performance declined after Christmas when the final decision to close the DLO was taken. Key actions: BHP has brought in two new voids contractors from 3rd April. The contractors will be working in partnership with BHP and council teams to deliver on our lettable standard for all homes and help us achieve the 24 days re-let target. We are also working closely with the council to further improve the systemised allocations and lettings process.	Phil Porter	Clr Farah
BHP 06 - Average re-let time major voids	59	48	49	40	57	49	61	Smaller is Better	Green	-	-		Phil Porter	Clr Farah
HE 36 - Households in Temporary Accommodation	2,933	2,880	2,871	2,894	2,904	2,904	2,538	Smaller is Better	Red	Business & Housing	1,692 Q3 London (LG Inform)	Although the total number of TA units has reduced from 2015/16, the number has not reduced by as much as we had targeted for the end of Q4. This is due to a combination of a delay in the PRS Acquisitions Project bringing in new supply for PRSO discharge, and a backlog of pending homelessness assessment cases (100). This has resulted in an increase in the use of stage 1 TA for these households, while enquiries are pending. A backlog team has been set up to address this issue and we therefore expect the TA figure, and the first PRS properties are being delivered in April 2017.	Phil Porter	Clr Farah
HE 55 - Households in non self contained Bed & Breakfasts for more than 6 weeks	2	1	5	5	2	2	0	Smaller is Better	Red	Business & Housing	-	The small number of households who are remaining in BB over six weeks, are households whose cases are either subject to legal challenge and therefore cannot be moved or have special requirements making it more difficult to find suitable move-on accommodation.	Phil Porter	Clr Farah
HE 59 - Number of households in non-self-contained Bed & Breakfasts	124	29	33	27	29	29	0	Smaller is Better	Red	Business & Housing	-	An ambitious target of having zero families living in non-self contained B&B by year end was set, as B&B numbers had reduced to single figures in March 2016. Unfortunately the anticipated increase in homelessness prevention following the Housing Options restructure has not happened, due to delays in recruitment to posts, and a build up of homelessness assessment cases. The Housing Options Prevention Project is addressing these issues.	Phil Porter	Clr Farah
HE 31 - Accepted homeless	745	179	150	95	129	553	645	Smaller is Better	Green	Business & Housing	142 Q3 London (LG Inform)	An excellent performance has been achieved on the number of statutory homelessness acceptances, even factoring in the backlog of cases that are pending	Phil Porter	Clr Farah

Increase the supply of affordable, good quality housing

Housing and Growth continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
HE 53 - Number of Overall Benefit Cuts (OBC) impacted households in temporary accommodation	New for 2016/17	93	87	102	116	116	150	Smaller is Better	Green	Business & Housing	-	There was a spike in the number of capped cases in Q3 due to the new Overall Benefit Cap (£23K) being implemented. Despite this increase in new capped cases, performance of mitigating the impact through supporting capped households to secure employment or move to more affordable TA has remained strong and the target has been exceeded	Phil Porter	Clr Farah
Homeless Prevention	New for 2016/17	158	97	93	67	415	510	Bigger is Better	Red	Business & Housing	920 London 2015/16 (CLG)	Performance in preventing homelessness has dipped due to issues with-in the Housing Options Team following their restructure (outlined above). The Housing Options Prevention Project is addressing these issues and the implementation of the Brent Single Homeless Prevention And Sustainment Solutions (PASS) scheme will significantly increase the volume of homelessness prevention	Phil Porter	Clr Farah

Ensuring good quality, accessible arts and leisure facilities

Sports and Culture

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Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
SP 10 - The overall number of wet and dry visits to Brent's sports centres	1,600,785	421,419	410,844	393,938	424,106	1,650,306	1,613,391	Bigger is Better	Green	-	-		Phil Porter	Clr Hirani
SP 07 - The overall number of swim visits to Brent's sports centres	566,614	143,569	154,603	133,740	139,167	571,079	556,614	Bigger is Better	Green	-	-		Phil Porter	Clr Hirani
The overall number of dry side visits to Brent's sports centres	1,034,171	277,850	256,241	260,198	284,939	1,079,227	1,046,777	Bigger is Better	Green	-	-		Phil Porter	Clr Hirani
Total number of physical visits to libraries	2,404,283	663,619	540,883	603,754	628,442	2,436,698	2,524,497	Bigger is Better	Amber	-	-	The opening of the café in Willesden Green and increased delivery of activities in rooms for hire helped exceed targets in the final quarter. Wembley benefitted from artist in residence, school visit, Culture day and World book day events to record its strongest ever month in March. The addition of the Harlesden hub and reading ahead visits brought new use to Harlesden library. Overall we saw visits rise against last year, but still failed to meet targets. Willesden Green continues to perform well, a popular museum exhibition, art gallery exhibitions and a confident range of library events, alongside higher room bookings helped the library exceed targets despite delays in opening both the café and long room. Wembley Library suffered from a drop earlier in the year when building works at Wembley Park reduced access, and some stadium events have put residents off visiting the area, but this bounced back in the last quarter. The popularity and focus on Willesden Green has inevitably effected the smaller libraries visits, with Harlesden the least effected due to its joint location with other services. We hope the upcoming work on Ealing Road library and our focus on engaging with a wider range of the local population will help increase our visits.	Phil Porter	Clr Miller

Ensuring good quality, accessible arts and leisure facilities

Sports and Culture continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
LIB 10 - Number of library stock issued	1,059,083	255,780	276,973	265,234	266,013	1,063,996	1,080,265	Bigger is Better	Amber	-	-	<p>Quarter 4 saw the fruition of ongoing work with Adult Education in Brent as the Reading Ahead Challenge was launched with 100s of students borrowing from Wembley and Harlesden libraries. Harlesden library also benefited from new interest generated by the Harlesden Hub and Wembley library from the artist in residence scheme. Ealing Road and Kingsbury libraries also performed well with strong class visits and new language stock proving popular. Online resources have also proved popular with increased services leading to a rise in issues across the year.</p> <p>Overall performance was slightly down on target, but up on last year. We had been overly ambitious when setting targets for the new Library at Willesden. We had forecast it to be busier but unfortunately due to the delays in full building occupancy we struggled to meet our projected targets. In addition, due to transport contracts savings targets we had to take a hit in delivery of our outreach services which saw a big decline in our outreach issues. However, given the challenging situation for libraries across the country and 30% decline in issues across London in the last year, we have still achieved a small growth which is a positive achievement.</p>	Phil Porter	CLr Miller
Total number of instances of participation with Brent Museum and Archive service	New for 2016/17	13,746	12,382	18,743	14,696	59,567	24,900	Bigger is Better	Green	-	-		Phil Porter	CLr Miller
Number of online interactions	New for 2016/17	787,599	882,272	796,630	852,055	3,318,556	2,430,000	Bigger is Better	Green	-	-		Phil Porter	CLr Miller

Building community resilience and promoting citizenship

Partnership Working

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
CCE 21 - Number of people attending Brent Connects forums	693	205	229	209	203	846	-	Contextual			-	Brent Connects Forums have not seen a considerable rise in attendance from Brent residents & stakeholders. A review of community engagement activities is due to commence in June 2017, Brent Connects Forums are included and will include a review of: remit, attendance, influence & impact, resource - both staff and financial and identify recommendations for improvement.	Peter Gadsdon	Cllr McLennan
Number of people registered as volunteer	531	315	275	226	262	1,078	-	Contextual		Employment & Skills	-	The volunteer contract monitoring falls outside of the Council performance framework. Contract is Jun 2016 - May 2017. 763 represents the actual quarterly monitoring figures (Q2-Q4) and 1078 represents the Council monitoring framework (Apr 16 - Mar 17). The project is on target to register 1000 volunteers 2016-2017.	Peter Gadsdon	Cllr McLennan
PAR 01 - Income to benefit the borough secured by local voluntary groups, with CVS support	£1,509,639	£567,412	£622,875	£210,000	£404,712	£1,804,999	-	Contextual		Demand Management	-	A significant amount of external funding has been generated and exceeded against the target of £640k per annum.	Peter Gadsdon	Cllr McLennan
PAR 04 - Number of local voluntary sector groups receiving 1-2-1 advice and guidance from CVS	314	63	52	50	55	220	-	Contextual		Demand Management	-		Peter Gadsdon	Cllr McLennan

Working with partners to find new ways or providing services that are more finely tailored to individual, community and local needs

Internal Business

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
BCS 01 - Percentage of telephone calls answered by BCS	82%	86%	85.86%	85.44%	77.08%	84.05%	90%	Bigger is Better	Red	Demand Management	-	The recorded drop in performance is largely due to a technical error with reporting functionality in one system. This isn't impacting on customers. Using data from the last unaffected period would give an overall result for this quarter of 85.2%, which although an estimation gives a better picture from a customer perspective. Of the five teams identified as being below target last quarter (Adult's Social Care, Council Tax, Benefits, FSC, Registration and Nationality), all remain below target during Q4. Answer Rates for Benefits, Council Tax and the Finance Service Centre have improved despite increased service pressures during Q4. Adult's performance remains largely unchanged this quarter. With demand expected to reduce, improvements in answer rates are anticipated for Q1. Performance for Registration and Nationality has again decreased. An improvement plan is in place and the team will be actively seeking more effective ways of managing demand over the coming months.	Althea Loderick	Cllr McLennan
BCS 03 - Average customer waiting time in local offices (mins)	23	23	21	25	25	23.5	30	Smaller is Better	Green	Demand Management	-		Althea Loderick	Cllr McLennan
RB 01 - Average days taken to process new benefit claims and change events	8.3	7.07	6.64	8.96	5.9	7.14	7	Smaller is Better	Green	Demand Management	-		Althea Loderick	Cllr McLennan

Working with partners to find new ways or providing services that are more finely tailored to individual, community and local needs

Internal Business continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
BCS 11 - Percentage of telephone calls answered through the council's ACD system	83%	84%	85%	85%	84%	84.5%	90%	Bigger is Better	Red	-	-	Overall Performance has decreased by 1% when compared with Q3. Twelve teams were identified as performing below target last quarter. Six of these teams were identified as hotspots due to a negative direction of travel. Four of the six have seen increases in performance but remain below the 90% target: Housing Needs, Benefits, Finance Service Centre and the Hospital Discharge Team. Registrars remain identified as a hotspot this month. An Improvement Plan is in place. The Housing Resource Centre form part of Housing Needs who collectively have improved. Plans are being developed to reduce telephone and face to face demand through the new Digital Strategy. Children's Services are also identified as a hotspot this month. Both teams will be notified of their status: Children's Services - 76%, Registrars (including Barnet) - 58% Plans are being developed through the new Digital Strategy to increase usage of on line/ digital channels to reduce demand for telephone, face to face and postal channels.	Althea Loderick	Clr McLennan
CMP 02 - Percentage of stage 1 complaints responded to within timescale (Corporate)	88% (Combined)	94%	84%	92%	88%	90%	100%	Bigger is Better	Red	-	-	Number of cases continues to decline and whilst timeliness reached 92% in Q3 16/17, there has been a drop in performance for Q4 16/17 despite closing fewer cases. We believe performance has been impacted by capacity issues with officers taking leave during quarter 4 before year end. Overall, the number of cases responded to is down by 21% (41 cases) compared to Q4 15/16.	Peter Gadsdon	Clr McLennan
CMP 02 - Percentage of stage 1 complaints responded to within timescale (Statutory)	88% (Combined)	95%	97%	92%	87%	93%	100%	Bigger is Better	Red	-	-	There was a dip in caseloads for both ASC and CYP. ASC maintained a strong performance for Q4 with 94% of cases responded to in time. CYP had a significant drop in number of cases closed, however the performance also dipped to 79% of cases closed in time for Q4.	Peter Gadsdon	Clr McLennan
CMP 04 - Percentage of stage 2 complaints responded to within timescale (Corporate)	New for 2016/17	81%	85%	85%	88%	85%	100%	Bigger is Better	Red	-	-	Timeliness of response has hovered in the 80% mark during 2016/17. More emphasis has been put on managing caseloads and timescales through effective use of iCasework which we believe will be reflected in Q1 2017/18 report. Performance continues to be impacted for various reasons including spikes in caseloads and supplementary activities, delays in getting additional information from BHP or other departments.	Peter Gadsdon	Clr McLennan
CMP 04 - Percentage of stage 2 complaints responded to within timescale (Statutory)	New for 2016/17	50%	71%	50%	55%	57%	100%	Bigger is Better	Red	-	-	Caseloads for both ASC and CYP were the highest number closed in a quarter with 9 cases total. ASC related cases achieved their best performance with 100% (5 cases) closed in time. CYP had 4 cases due but did not achieve any in time. There are several reasons behind this and the complaints team is working closely with senior managers within CYP to improve performance. It should also be noted that due to the complexity and nature of statutory complaints, they usually take longer to investigate.	Peter Gadsdon	Clr McLennan
Total number of stage 1 complaints upheld / partially upheld	398	126	120	81	77	404	-	Contextual			-		Peter Gadsdon	Clr McLennan
Total number of stage 1 complaints not upheld	379	119	111	100	109	439	-	Contextual			-		Peter Gadsdon	Clr McLennan
Total number of decisions made by the ombudsman on complaints investigated	104	16	21	16	25	78	-	Contextual			-		Peter Gadsdon	Clr McLennan
Total number of complaints upheld by the ombudsman	26	5	5	3	7	20	-	Contextual			-		Peter Gadsdon	Clr McLennan

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Working with partners to find new ways or providing services that are more finely tailored to individual, community and local needs

Internal Business continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
FOI 02 - Percentage of FOI responded to within 20 working days	93%	96%	98%	95%	95%	96%	100%	Bigger is Better	Amber			Performance was maintained on FOI requests at 95% in Q4 from Q3, despite some disruption and staff turnover in the Christmas and new period. Overall, the Council has recorded a record out-turn for FOI performance at 96% for 16/17, up from the previous record of 93% set in 15/16. During March 2017 the Information Commissioner increased the expected performance percentage for Public Authorities to 90% from 85%. The Commissioner reserves the right to take action against Authorities who do not meet this standard. Brent has performed above both the old and new standards for 2 successive years.	Peter Gadsdon	Cllr McLennan
Percentage of members enquiries responded to within 10 days	96%	94%	96%	95%	97%	96%	100%	Bigger is Better	Amber		-	Volumes have remained high with 771 enquiries in Q4, the most for any individual quarter this year. Timeliness in Q4 was slightly higher than previous quarters	Peter Gadsdon	Cllr Butt
Number of SARs (Subject Access Requests) responded to within the statutory 40 days	74%	87%	90%	85%	82%	86%	90%	Bigger is Better	Amber		-	Performance was affected this quarter by the amount of time taken to redact large quantities of information and reduced resources in January. The resourcing shortfall has been addressed and should be resolved from April onwards.	Peter Gadsdon	Cllr McLennan

Corporate Health

Internal Business

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Percentages of invoices paid on time	77%	80%	78%	80%	78%	79%	95%	Bigger is Better	Red			<p>The Procure to Pay training provided to approximately 300 Senior and Cost Centre Managers hasn't led to the improvements expected. Further training is to be provided to Oracle Requisitioners; as these are the most relevant user group to some common rectifiable system issues, it is anticipated that their training will lead to an improved performance.</p> <p>More fundamental interventions are being progressed through the Oracle Improvement Project. Other options are being evaluated and will be reported to CMT for discussion.</p> <p>Actions to improve performance include :</p> <ul style="list-style-type: none"> - Implementation of a new interface solution to Oracle that will reduce rejections and error and thus reduce the time taken to make payments. - A review of procure to pay processes to further streamline these - Evaluation of auto receipting for low value purchase orders - as this is relatively low risk and can greatly improve speed of payment. - Increasing use of Post Office pay out to process small value payments to one off suppliers - removing the need to set up suppliers on Oracle (which is a common cause of delay) - Investigation of E Invoicing which could eliminate many of the problems experienced with invoices on hold - the evaluation will determine whether there is a strong business case for this and an appraisal of the various solutions that could be implemented. 	Althea Loderick	Clr Miller
Percentage of Council Tax collected	95.80%	30.52%	56.60%	82.18%	95.74%	95.74%	96.20%	Bigger is Better	Amber	Business & Housing / Raising Income	96.41% London 2015/16 (CLG)	In year CT collection short of 96.2 target due to higher than expected credits (payments) moving from 16/17 into 17/18. In addition, Capita suffered from a shortfall in management resource for the first 9 months of the year as well as a correspondence backlog for the majority of the year. Management resource has now been addressed and additional 4 staff in the process of being recruited.	Althea Loderick	Clr Miller
RB 03 - Non-Domestic Business Rates (NDR)	98.32%	28.82%	58.21%	84.60%	98.74%	98.74%	98.32%	Bigger is Better	Green	Business & Housing / Raising Income	96.85% London 2015/16 (LGA)		Althea Loderick	Clr Miller
RB 04 - Value of CT/HB overpayments recovered	£7,170,549	£2,270,000	£4,445,267	£6,686,972	£9,121,039	£9,121,039	£10,000,000	Bigger is Better	Red	Raising Income		The target was based on recruitment to full staffing complement; unfortunately it was not possible to fill all vacant posts and in particular the first phase of recruitment obtained fewer officers than hoped for, resulting in a timing issue before officers were placed in post and trained, impacting on the recovery profile. The team is now fully staffed and thus recovery is anticipated to rise to circa £11M to £12M in 2017/18.	Althea Loderick	Clr Miller

Corporate Health

Internal Business continued

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
RB 05 - Value of Council Tax arrears recovered	£3,011,339	£247,116	£777,187	£1,739,738	£1,739,738	£2,079,573	£3,011,339	Bigger is Better	Red	Raising Income		Arrears collection well down on target due to higher than anticipated value of credits transferred into 2017/18 at 31 March 2017, lack of resources (Capita), large number of properties removed from Banding List which resulted in payments being refunded/transferred and large number of transfers done in April 2016. Capita recruiting additional staff in order to improve arrears collection for 2017/18	Althea Loderick	Cllr Miller
RN 04 - Registration and Nationality external income achieved to date	£777,000	£191,235	£224,754	£208,877	£192,657	£805,063	£1,081,250	Bigger is Better	Red	Raising Income		Year to date achieved has been £805K, our previous years outturn was £777K. This has meant our income has increased from last year, but not in line with the budgetary target. The service has lost income due to reductions of Nationality and Citizenship applications. The target income set in 2014 was just before the enforcement of the Immigration Act 2014 restricting marriages and the ability to apply for citizenship as the English language requirements became more complex. Staffing levels in Brent reduced by 3 staff to provide coverage for our shared service agreement with Barnet. This meant we did not have the opportunity to maximise service operational diaries. We have now agreed a business case for 2 extra staff, self-financing posts to maximise income opportunities for the unit. Our Head of Service retired in December 2016. The Service Operational Managers post was vacant for 4 months but this post has now been filled through a secondment from another London Borough and this has greatly increased management capacity. The R & N team is a small team of 14 covering a full 7 day operation, any leave and sickness has a huge impact on a busy face to face delivery which covers 9 mandatory functions. New services have been introduced in the last year the European Passport Return Service, Assisted Applications and Brent Premium Service to external law firms. These have the potential to be developed further and build upon the income generated. With additional management capacity now in place and additional officer capacity being implemented- income is forecast to increase by circa £50K this year net of the cost of additional staff. A unit wide restructure of BCS is planned for the latter part of 2016/17 and this will address the residual budget pressure arising from unachievable budgeted income.	Althea Loderick	Cllr Miller
Number of deaths registered within 5 days (excluding those referred to the Coroner) (%)	71.07%	92.14%	92%	91%	80%	88.79%	90%	Bigger is Better	Amber			80% of deaths have been registered within 5 days, total number of deaths was 659 in quarter 4, of which 135 were registered outside 5 days. 84 instances were due to some or full coroner's involvement and 51 were attributable to other factors such as customers requests and availability of appointments. We are encouraging customers who are issued with green certificates for urgent burials to return for an appointment within 5 days.	Althea Loderick	Cllr Miller
PP 27 - Revenue income secured from commercial portfolio	£83,000	n/a	£898,783	£523,876	£903,000	£2,325,659	-	Contextual		Raising Income		Annual forecast of £2,200,000 has been met.	Althea Loderick	Cllr Butt


Corporate Health

Digital Services

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
Digital Services: System availability - Email Service	New for 2016/17	99.99%	99.56%	99.56%	100%	99.78%	99%	Bigger is Better	Green	-	-		Althea Loderick	Clr Miller
Digital Services: System availability - Remote Access Service	New for 2016/17	99.84%	99.57%	99.57%	99.99%	99.74%	99%	Bigger is Better	Green	-	-		Althea Loderick	Clr Miller
Digital Services: System availability - Desktop Service	New for 2016/17	100%	99.57%	100%	100%	99.89%	99%	Bigger is Better	Green	-	-		Althea Loderick	Clr Miller
Digital Services: Percentage of calls resolved within SLA timescales	New for 2016/17	77.41%	74.36%	75.61%	81.80%	78.94%	80%	Bigger is Better	Amber	-	-	Pleased to note that the SLA performance is improving month on month.	Althea Loderick	Clr Miller
Digital Services: Net Promoter Score	New for 2016/17	60.61	62.81	61.96	67.80	66.20	20	Bigger is Better	Green	-	-		Althea Loderick	Clr Miller

Workforce

Performance Indicator	15/16 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	2020 Priority	Benchmark (Source)	Commentary and Actions	Owner	Lead Member
HR 12 a - Average days sickness (Previous 12 months)	5.89	6.17	5.95	5.80	6.1	6.1	-	Contextual		-	8.0 London 2015/16 (LG Inform)		Althea Loderick	Clr McLennan

 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from: Director of Performance, Policy and Partnerships</p>
For Action	Wards Affected: All
Local Advice and Guidance Services Brent Advice Partnership – Advice Small Grants	

1.0 Summary

- 1.1 The procurement and award of Brent's Local Advice and Guidance Service contracts were considered by Cabinet on 16 November 2015 and 8 February 2016. One of the contracts awarded to Brent Citizen's Advice Bureau was the Brent Advice Partnership contract. This contract included the administration of a small advice grants programme of £242,000 per year to include recommending to Officers the award of small advice grants of up to £10,000 using delegated powers. A recommendation from Brent Advice Partnership's Advice Fund Grant's Panel has now been received to award a grant to Mencap Brent in the sum of £19,657.77 and as a result Cabinet approval is sought to permit such an award.

2.0 Recommendations

Members are asked to:

- 2.1 Note the making of Round 3 Brent Advice Partnership's Advice Fund grants using delegated powers as set out in Figure 1 at paragraph 3.7.
- 2.2 Approve the making of a Brent Advice Partnership's Advice Fund grant of £19,657.77 to Brent Mencap for the period of 1 year for the reasons detailed in paragraphs 3.09 – 3.14. The grant will provide an advice service to assist Brent residents aged 18-65 who have been assessed as having a learning disability but whom are not currently eligible for support from Brent Adult Social Care. This includes people living with family carers, in their own tenancies or in supported housing. Some may present with multiple, complex issues such as debt, hate crime and depression which often only emerge once a simpler issue such as getting a Freedom pass has been resolved or another form filled in.

3.0 Detail

- 3.1 On 16 November 2015, Cabinet approved inviting tenders for local advice and guidance services. One of the contracts to be procured was for the operation of the Brent Advice Partnership (BAP), a borough

wide advice partnership, including the provision of a digital information and advice gateway. In addition, however, the BAP contract included provision for administration of an advice small grants programme

- 3.2 On 8 February 2016, Cabinet approved the award of the BAP contract to Brent Citizen's Advice Bureau.
- 3.3 In order to ensure the efficient administration of the Brent Advice Fund grants programme, previous reports detailed that grant applications would be assessed by a BAP panel and any grants up to £10k would be awarded pursuant to officer delegated powers (see generally section 9 of the table at paragraph 2.5 of Part 4 of Brent's Constitution).

Brent Advice Fund Grants

- 3.5 The online application form for Brent Advice Fund grants and guidance notes are available at:

<http://brentadvicefund.grantsupporter.com/>.

Two programmes are available to applicants, namely:

- Capacity Grants of up to £3k, for bidders seeking to improve their organisation's suitability in delivering advice services by funding items such as advice quality marks and capital IT equipment
- Advice Grants of up to £10k, for bidders seeking to deliver advice services and who already have the "set-up" to begin/resume advice delivery. Organisations can apply for over £10K in exceptional circumstances. Priority areas for the advice grants are updated for each round of grants based on the data around advice needs from the main advice contract from the previous quarter.

- 3.6 There are 4 rounds of advice grants per year. This report refers to Round 3. The closing date for Round 3 of the Brent Advice Fund was 12 January 2017. All applicants must be signed up to the BAPs membership agreement. The applications were considered by The Brent Advice Fund Panel which is made up of a Citizens Advice Brent Trustee, the CEO of CVS Brent and the Partnerships & Engagement Manager, Brent Council. A total of £26,000 was recommended for award to 5 applicants (£6,000 seeking Capacity Grants and £20,000 seeking Advice Grants). In addition, the Panel recommended for award an application from Brent Mencap for £19,657.77 which is subject to Cabinet approval via this report.
- 3.7 Details of the Brent Advice Fund grants approved by the Brent Advice Fund Grants Panel in Round 3 and awarded pursuant to delegated powers and are outlined in Figure 1 below:
- 3.8 In January 2017, Cabinet approved funding for Advice4renters of £18,500 for an advice project to set up two volunteer teams assisting the Housing Advice Centre. Frontline volunteers will assist clients online and with general enquiries; additionally volunteer casework assistants work with in-house solicitors and advisers to progress cases. The training and experience provided ensures that within a few months, volunteers are ready to move on to formal training or employment, a Client Support Coordinator was required to provide consistent casework assistance when needed and to undertake training and supervision of both volunteer teams, thereby saving specialist solicitors/advisers valuable time which could be spent on assisting a higher number of clients.

Figure 1 Brent Advice Fund Grants 2016 – 2017: Rounds 1-3

Organisation	Grant Summary ROUND 1 (Summer)	Total Grant Approved	Capacity / Advice
Advice4Renters	To set up two volunteer teams assisting our Housing Advice Centre, our frontline volunteers assist clients online and with general enquiries; our volunteer casework assistants work with our solicitors and advisers to progress cases. The training and experience we provide means that after a few months, volunteers are ready to move on to formal training or employment, so we need a Client Support Coordinator to provide consistent casework assistance when needed and to undertake training and supervision of both volunteer teams, thereby saving specialist solicitors/advisers valuable time which can be spent on assisting more clients.	£18,500.00	A
1VoiceCommunity	To achieve Quality Standards to provide SEND impartial, information advice and support to families with SEND CYP in Brent and to prepare the organisation to manage a future Advice project.	£3,000.00	C
BHCAC	This project is about building beneficiaries' resilience through welfare reforms. The Project will help beneficiaries make informed choices, secure their welfare entitlements to enable them to remain in control of their own lives and prevent problems arising in the first place or recurring.	£10,000.00	A
Energy Solutions	Our project aims to strengthen the organisation's capacity to provide advice on utility debts to Brent residents by obtaining the Advice Quality Standard (AQS). Achieving this standard will ensure residents are receiving good quality advice that is in line with current legislation and best practice and strengthen the organisation's ability to attract future funding to ensure we can continue to offer our services to local people.	£3,000.00	C
Help Somalia Fdn	"Advice4Life" will provide remedial advice and 1-1 support to resolve people's debts and enable increased income to pay for essentials [shelter, food and clothing] plus proactive support enabling beneficiaries to better manage their finances and households avoiding future financial issues – more than 500 people will benefit over the next year.	£10,000.00	A
Hornstars SC	The project is to have an advice surgery two days a week in which those from marginalised communities particularly from the Horn of Africa will visit the centre to receive advice and guidance with regards to welfare benefits. The aim would be to advice 10 people per week and target of 100 people for the year, building in the clients would be coming back for more support and in which case they can be sign posted to other advice agencies in Brent who can support them with their other needs.	£9,920.00	A
Royal Assn for Deaf	Our project will support Deaf residents with IAG, regarding Welfare Benefits (and other topics). All staff are fluent in BSL. We will also provide Deaf Awareness training to local voluntary organisations.	£8442.33	A
SAAFI	To ensure for the continuation of our advice, information and information services by employing an advice	£7,800.00	A

	worker and applying to become accredited AQS.		
Salisbury World	We aim to achieve AQS to improve the quality, monitoring and evaluation of our services, with a view to increasing our capacity. Our project is about empowering refugees and new migrants to access accurate information and make informed decisions, becoming active, fulfilled members of their local communities.	£3,000.00	C
Sufra	To improve the quality of life of 360 vulnerable residents who are in need welfare advice and assistance. This will be achieved through one-to-one advocacy and assistance tailored to each individual.	£3,000.00	C
Total		£76,662.33	

Organisation	Grant Summary ROUND 2 (Autumn)	Total Grant Approved	Capacity / Advice
1VoiceCommunity	To achieve AQS Accreditation to provide SEND impartial, information advice and support to families with SEND CYP in Brent	£3,000.00	C
Home of Africa Refugee Welfare Group	AQS and general modernisation HARWG, with updated processes, insurance, equipment and access updated case management. We will use a sessional worker to assist us with implementing the changes to improve our working practices.	£3,000.00	C
Total		£6,000.00	

Organisation	Grant Summary ROUND 3 (Winter)	Total Grant Approved	Capacity / Advice
Asian People's Disability Alliance	To put our current advice provision on a better resourced, more formal and systemic basis and to enhance our ability to make a difference to the lives of and be a source of support to elderly and disabled Asian residents.	£3,000.00	C
Ashford Place	Reduce numbers of people in crisis and suffering from poverty and homelessness in Brent, through high quality welfare and benefits advice in community and faith venues throughout the borough	£10,000.00	A
Global Skills Centre	This project is to build the capacity of GSC to gain AQS Accreditation and to equip our volunteers to help vulnerable people (particularly older people and/or those with disability) and anyone else who needs welfare benefits and employment advice.	£3,000.00	C
Safe Start Foundation	SafeStart Foundation (SSF) wishes to access funds to secure AQS accreditation to demonstrate quality advice provision and part fund an older people's advice project, with a focus on cancer related support.	£10,000.00	A

Brent Mencap	To assist Brent residents aged 18-65 who have been assessed as having a learning disability but whom are not currently eligible for support from Brent Adult Social Care. This includes people living with family carers, in their own tenancies or in supported housing. Some may present with multiple, complex issues such as debt, hate crime and depression which often only emerge once a simpler issue such as getting a Freedom pass has been resolved or another form filled in.	£19,657.77	A
Total		£45,657.77 with cabinet approval £26,000.00 without cabinet approval	

3.09 A bid requesting £19,657.77 was submitted by Brent Mencap and was approved by the Brent Advice Fund Grants Panel. Brent Mencap is providing £11,193 match funding to deliver the project.

3.10 This grant is to fund the delivery of personalised, specialist accessible advice, information and non-digital support across a range of areas:

- welfare benefits,
- employment, volunteering or education services
- housing,
- universal services such as transport, health and well-being services, leisure options, aids and adaptations
- money, budgeting and low level debt advice
- personal safety and hate crime reporting
- Non digital support

3.11 It will assist Brent residents aged 18-65 who have been assessed as having a learning disability but whom are not currently eligible for support from Brent Adult Social Care. This includes people living with family carers, in their own tenancies or in supported housing. Some may present with multiple, complex issues such as debt, hate crime and depression which often only emerge once a simpler issue such as getting a Freedom pass has been resolved or another form filled in.

3.12 The service will include; a telephone triage, drop-in, assisted digital support, form-filling and advice to service users. The grant will also fund the accreditation of the service to seek future charitable funding and sustainability of the project. The grant will enable Mencap to build on the work carried out by the BAS4IL project and the current initiative is based on feedback from BAS4IL service users.

3.13 The outputs of the funding are detailed below:

Activity description	Output Measure 1	Output Measure 2
Telephone advice	1 session per week x 44 weeks	4 client queries responded to
Drop-in & assisted digital support	1 session per week x 44 weeks	6 clients triage assisted
Complex advice & casework	5 appointments per week x 44 weeks	5 clients advised weekly

3.14 The outcomes of the funding are detailed below:

i) People with a learning disability and other Disabled people are more aware about housing, employment, health and leisure options available to them

ii) People with a learning disability and other Disabled people feel more confident as their benefits, debt, housing or related issues are resolved

iii) People with a learning disability and other Disabled people are more aware of web based information and resources and feel more confident using web based information and digital forms

3.15 In view of the above, Officers would recommend making a grant of £19,657.77 to Brent Mencap to set up and deliver this advisory service.

4.0 Financial Implications

4.1 The Voluntary Sector Initiative Fund – Advice Small Grants budget allocation for 2016/17 is £242,000.

4.2 The recommendations made in this report can be implemented within the available budget. £108,622.33 has been approved previously. If this grant of £19,657.77 is approved that would leave £113,679.90 for round 4 in April 2017.

5.0 Legal Implications

5.1 Under S1 of the Localism Act 2011 the Council has a general power of competence to do anything which an individual may do unless it is expressly prohibited.

5.2 The giving of grants to voluntary organisations is a discretionary power which must be exercised reasonably taking into account all relevant considerations and ignoring irrelevant considerations.

5.5 “Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have ‘due regard’ to the need to eliminate discrimination and other conduct prohibited under the Act and advance equality of opportunity and foster good relations between those who share a “protected characteristic” and those who do not. This is the public sector equality duty. The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.”

5.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Council, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. Members are referred to Section 6 below.

6.0 Diversity Implications

6.1 An Equality Analysis, also known as an Equality Impact Assessment was undertaken as part of the process of the approval of Brent’s Local Advice and Guidance Service contracts. This report refers to the purely procedural matter of approving grants recommended by the Brent Advice Fund Grants Panel which exceed £10,000 and therefore there are no diversity implications arising from it, other than the relevant legal implications mentioned above.

7.0 Background Documents


None

8.0 Appendices

None

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PETER GADSDON
Director of Performance, Policy and Partnerships

 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p style="text-align: center;">Report from the Director of Performance, Policy and Partnerships</p>
For Action	
Digital Strategy and Outline Business Case	

1 Summary

- 1.1 The purpose of this report is for Cabinet to agree the draft Digital Strategy and the Outline Business Case for establishing a programme of activity to enable the Council and the Borough to digitise, improving service to our customers whilst securing important cost savings. In addition, the report seeks Cabinet approval to invest in the Microsoft 365 customer and applications platform as well as approval to procure a CRM Developer.

2 Recommendations

- 2.1 Cabinet approves the Digital Strategy as set out in Schedule 1.
- 2.2 Cabinet approves the Outline Business Case as set out in Schedule 2 with the funding identified to establish the programme.
- 2.3 Cabinet approves the procurement of Microsoft Dynamics 365 licences.
- 2.4 Cabinet delegates to the Director of Performance, Policy and Partnerships, in consultation with the Deputy Leader, authority to award a contract or vary an existing Council contract for the procurement of Microsoft Dynamics 365 licences.
- 2.5 Cabinet notes the intention to prioritise the deployment of CRM for Housing Operations to enable the Housing Operations Transformation Programme to be delivered by June 2018.
- 2.6 Cabinet delegates authority to award the contract for the CRM Developer to the Director of Performance, Policy and Partnerships in consultation with the Deputy Leader.

3 Detail

- 3.1 **Brent 2020** sets out the overall ambition for the Council to serve its citizens and the digitisation of services is key to delivering this vision. The draft OBC is designed to deliver the following objectives, which underpin the digital strategy:

Deliver a faster, better service to citizens and businesses through enabling technology and business process change.

Enhance customer experience and create a modern and relevant organisation, by enabling technology that is used elsewhere, every day, by many residents.

Deliver services to customers more efficiently, in a more joined-up way, using data more effectively to make critical business decisions.

Create a sense of energy and momentum, using innovative thinking such as the 'Internet of Things', to bring new, more radical ways to delivering Council services.

Build the concept of a Digital Place, to support digital inclusion, community engagement and growing the digital skills, business and investment to make the borough prosper and be successful in the new economy.

- 3.2 In 2020, the residents and businesses of Brent will:

Be using smart phones and tablets securely to book, access and pay for all Council services, at a time and place of their choosing and will be able to track progress online.

Be asked to provide information once electronically, the information will be stored safely and used by the Council when assessing eligibility across its functions.

Benefit from new assistive technologies that support them to live more independently, whilst at the same time reducing demand for council services.

Be able to fully access and engage with housing management services to get quicker responses and track the progress of issues.

Be able to access a network of community hubs operating, through the voluntary sector, with a virtual digital interface supported by a localised face-to-face offer for the most vulnerable.

Experience the benefit of seamless, joined up customer services through streamlined mid and back office functions in the Council and with its partners.

Have access to a digital Gateway for business that enables them to access funding sources, find cost effective premises, back office support, and ensure they comply with regulations and planning requirements.

- 3.3 The attached draft Digital Strategy at Schedule 1 sets out how the implementation of a digital council and digital place approach will support the delivery of our Brent 2020 priorities.
- 3.4 The attached draft Outline Business Case (OBC) at Schedule 2 sets out the potential costs and initial savings for the proposed programme, alongside some priority projects and technology investments.

- 3.5 Costs and savings set out in the OBC have been derived from internal consultation with service areas, external technology cost information from third parties and drawing on benchmarks and indicators of costs and savings from other London boroughs undertaking similar programmes.
- 3.6 In consultation with Council colleagues, the appetite for taking on such a programme appears high, although there is a recognition of capacity needed to drive and support change. This reflected in the OBC.
- 3.7 The overall investment required is estimated to be £5.6m over the programme period (assuming a programme that runs from July 2017 through to March 2020). Based on work carried out on the OBC to date, cumulative savings are forecast at £3.7m net of costs, after Year 5 (2021/22) with payback within three years and an estimated recurring saving of £2.6m after 21/22 (based upon both new and enabling savings).
- 3.8 An assessment of phase 1 projects to be included in the digital programme has been undertaken and the proposed programme will support services across the Council to deliver agreed savings within the medium term financial plan. These are referred to as enabling savings within the OBC.
- 3.9 Work with services will be undertaken in 2017/18 to determine where the new CRM technology stack can drive improved customer experience and better outcomes whilst delivering new savings. The new projects will be added to the programme as they are defined with new savings feeding into the medium term financial planning process.
- 3.10 The work undertaken to develop the Digital Strategy and OBC has been aligned with the Housing Management transformation programme. In this case, the assessment of savings is also based on implementing the Microsoft Dynamics CRM system to enhance tenant case management, estates management and customer engagement from June 2017.
- 3.11 Housing Operations (currently delivered by BHP) has an urgent need to deploy a CRM system to address some longstanding gaps in its IT infrastructure, which are having a direct impact on the customer experience. A Transformation Programme has been underway since January 2017 to implement a new operating model to take this forward. If a decision is taken to select MS Dynamics 365 as the corporate CRM, it is proposed that this project is fast tracked for Housing Operations by procuring MS Dynamics 365 licences through either a mini-competition under a suitable framework or alternatively through varying one of the Council's existing contracts to include such requirement where this is legally permissible and is considered advantageous. Additionally it is proposed to conduct a framework procurement for a CRM development partner. The initial deployment of MS Dynamics 365 will then be in Housing so that the above business objectives can be met within planned timescales. In order to ensure the project is implemented as quickly as possible, delegated authority is sought to award the CRM development contract. For the same reason delegated authority is sought to award the contract for MS Dynamics 365 licences where procured through a framework or else to vary one of the Council's existing contracts to include the procurement of licences.
- 3.12 The timescale for delivering the corporate programme is assumed to be from July 2017 to March 2020 with the Housing element by June 2018.

4 Governance

- 4.1 The digital programme is part of the overall Brent 2020 programme and will be overseen by the Digital Board, reporting regularly on delivery to the Brent 2020 Programme Board and on to Policy Coordination Group.

5 Appraisal

5.1 An assessment of costs and savings has been undertaken for this outline business case based upon the following:

- **Cost of the programme and the proposed digital services resources** – The programme is assumed to be temporary to March 2020. Initial costs for programme support and technical resource to implement the programme are included in the OBC. The change resources have been kept to a minimum within the OBC with this support primarily being provided by the Transformation Team in the Chief Executive's department, working closely with the Service Improvement team in Customer Services. As the programme picks up pace, it may be necessary to bring in more resource at key stages.
- **Cost of technology enablement** such as Dynamics licence and support, integration, technology implementation support and data analytics/data security tools.
- **Savings and income** – based upon the assumptions for headcount, third party savings, new revenue streams and cost avoidance/demand management.

5.2 The table below summarises the cost benefit analysis across the above areas over the programme period.

Digital Programme - Cost Benefit Analysis						
Investment	17/18	18/19	19/20	20/21	21/22	Total
Programme Resources	£192	£769	£769	£0	£0	£1,730
Technology Enablement	£1,950	£1,350	£550	£0	£0	£3,850
TOTAL COSTS	£2,142	£2,119	£1,319	£0	£0	£5,580
Savings/Income	17/18	18/19	19/20	20/21	21/22	Total
Digital Savings (New)	£0	£30	£330	£330	£330	£1,020
Digital Savings (Enabling)	£0	£1,832	£2,222	£2,022	£2,272	£8,348
TOTAL SAVINGS/INCOME	£0	£1,862	£2,552	£2,352	£2,602	£9,368
Annual Profile	£(2,142)	£(257)	£1,234	£2,352	£2,602	£3,788

5.3 The cost of the proposed early implementation of Microsoft Dynamics CRM, prioritising Housing Operations, is covered within the overall housing transformation budget.

6 Financial Implications

- 6.1 The £5.6m investment referred to in paragraph 5.2 will be funded by the capital programme where it is currently proposed that the expenditure will be financed through borrowing. As part of the financial benefits relate to the ring fenced Housing Revenue Account, it is anticipated that the HRA will make a proportionate contribution to the financing costs in relation to proposed borrowing.
- 6.2 The full year enabling savings of £2.3m from 2021/22 have already been accounted for in existing service area budgets. The investment in the digital strategy will support and enable services in delivering their savings and therefore no substantial further savings are assumed in the business case. The £0.3m of new savings relates to the rationalisation of systems and their licensing costs as the CRM is built to replace existing applications.

7 Legal Implications

- 7.1 A range of contracts for systems and support will be required to deliver the Digital Programme. Where such contracts have an estimated value over the term of the contract in excess of £500k, Cabinet approval to tender and award will be required.
- 7.2 Officers are proposing to procure the Microsoft Dynamics 365 platform either through the use of a framework agreement or through varying an existing Council contract. Additionally, Officers are proposing to commission and procure a CRM Developer through a framework agreement.
- 7.3 The estimated value of the proposed call off Contract for a CRM Developer is higher than the EU threshold for Services and the award of the contract is therefore governed by the Public Procurement Regulations 2015 (the "Procurement Regulations"). The procurement is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. The estimated value of the proposed call off Contract for the Microsoft Dynamics 365 licences is higher than the EU threshold for Supplies and the award of the contract is similarly governed by the Procurement Regulations. The procurement of such licences is subject to the Council's own Standing Orders in respect of Medium Value contracts and Financial Regulations.
- 7.4 The intention is to use an appropriate framework to procure the CRM Developer, which is also one of the options for the procurement of Microsoft Dynamics 365 licences. The Procurement Regulations allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process. Call offs under the framework need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework and utilising the terms and conditions set out in the framework.
- 7.5 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Chief Officer and provided that the Chief Legal Officer has advised that participation in the framework is legally permissible. The Chief Legal Officer will therefore need to review any proposed framework and confirm that participation in the Framework is legally permissible.
- 7.6 The award of the proposed call off contract for a CRM developer is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. This ordinarily requires Officers to report back to Cabinet once the tendering process is

undertaken seeking authority to award. For the reasons detailed in paragraph 3.11, delegated authority is however sought to award the contract.

- 7.7 Should it be considered advantageous to vary one of the Council's existing contracts to include the procurement of Microsoft Dynamics 365 licences, this may only be done where legally permissible in accordance with the Procurement Regulations. Officers powers to vary contracts is limited and delegated authority is therefore sought to permit such variation where considered advantageous and legally permissible.

8 Equality Implications

- 8.1 The proposals in this report have been subject to screening and officers believe that there are no equality implications but this will be kept under review. There are likely to be considerations about accessibility of digital services for all customer groups.

9 Staffing/Accommodation Implications (if appropriate)

- 9.1 The proposed Digital Programme team will be a temporary resource, including specialist technical staff led by a Head of Digital Programme and supported by two programme management roles. Other resource to support the programme will come from the Transformation Team within Performance, Policy & Partnerships, which is currently being put in place.
- 9.2 The team will work closely with colleagues in Digital Services and Customer Services, as well as with colleagues from across the Council on specific initiatives. Staff resource from within services will also be required to develop and deliver projects in their areas.
- 9.3 It is proposed that the programme team report via the Transformation Team within the Chief Executive's Department.

Background Papers

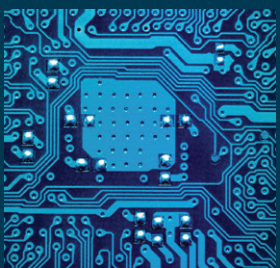
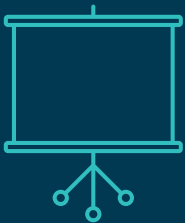
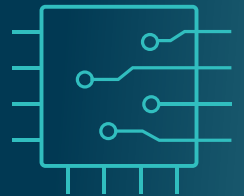
1. Brent's Digital Strategy (attached)
2. Digital Programme Business Case (attached)
3. Financial Model for Digital OBC (available)
4. Digital Council Report – Jan-17
5. Digital Economy Position Paper – Jan-17
6. Brent 2020 Vision

PETER GADSDON

Director of Performance Policy & Partnerships

Digital Strategy

2017-2020



Foreword

As the introduction of new technologies continues to change the way we interact with each other and the world around us, the publication of this Digital Strategy is a defining moment for Brent as we forge a bold path on our journey to becoming a digital borough.

This will be a borough that embraces the opportunities presented by digital innovation to improve lives and deliver local priorities more efficiently. It will be a place where the council works with residents, partners, communities and businesses to jointly progress an ambitious programme of digital transformation whilst ensuring that all of Brent benefits and no one is left behind.

The last 20 years have been both frenetic and exciting. We have seen advancements in technology that no one could have predicted, which have impacted the lives of local people in ways and to degrees as diverse as Brent's population.

For many of our residents, using digital technology in everyday lives has already become second nature. We have listened to these residents and want to make it as easy for them to access services and transact with the council as it is to shop or order a taxi online. For those who are less digitally confident, or who lack access, we will provide the support and tools they need to thrive.

We will use data more effectively to redesign service models around the user, eliminating duplication and working with partners to boost innovation and deliver more seamless and joined-up offers, which harness the latest technology to prevent and respond to need in ways that were not previously possible.

We have engaged with local small and medium enterprises and in response will be developing a digital infrastructure that supports high speed broadband and public Wi-Fi in our high streets and business districts. This will be key in encouraging economic growth across Brent and will be the driving force for connecting and uniting all of us, making our communities stronger.

This Digital Strategy sets out how, in this ever-developing landscape of technology and innovation, we will embrace these exciting changes by putting them at the heart of our Brent 2020 vision and making the most of our new digital infrastructure to ensure that Brent Council is an ambitious leader now and in the future; working smarter and delivering better services for all.

Cllr Margaret McLennan

Deputy Leader, London Borough of Brent



Introduction

The digital revolution has touched the lives of people worldwide and has forever transformed the way we live, work and do business. Technology has helped connect people and bring them closer together; improved access to information and services; and created vast opportunities for innovation and businesses growth. But the speed of change has left some of the most vulnerable members of society digitally isolated and has seen many traditional businesses and skill-sets become obsolete.

This pace of change will continue to accelerate, presenting countless more challenges and opportunities. The Council will work to ensure local residents, partners and businesses are able to thrive in the digital future, and play active roles in shaping Brent into a digital borough where technology is used to improve the lives and life chances of everyone.

Brent's ambitions in transforming into a digital borough will be realised through achieving the dual and interdependent aims of becoming a digital place and a digital council:

As a **DIGITAL PLACE** we will have borough-wide digital infrastructure providing instantaneous connectivity. We will have a training and education framework that nurtures digital skills and expertise, with clear pathways into high-value contemporary employment. We will have an environment that emboldens a culture of digital entrepreneurship and innovation, attracts new businesses and supports the evolution of existing ones. Crucially it will be a place shaped by the strengths of Brent's local neighbourhoods and destinations, harnessing digital to amplify and promote their unique qualities.

As a **DIGITAL COUNCIL** we will provide a digital offer in line with modern expectations. Our services and information will be more accessible and personalised, helping residents to make better informed choices. We will provide more efficient and value for money services, with leadership that empowers our workforce to use technology to work smarter across traditional structures and in new partnerships. We will help to connect people with each other and their communities and enable more residents to have their voices heard in influencing decision making. And we will provide resources and support to ensure all residents are digitally included.



Brent 2020

The Brent 2020 vision sets out a change programme to deliver the best outcomes for Brent in anticipation of a new funding model linked closely to economic growth and the potential for devolved responsibilities for services that can impact this area. It focusses on five priorities around which we will align our resources: demand management, raising income, regeneration, employment and skills and business and housing growth.

The key characteristics of a thriving digital place and a successful digital council can be achieved by imbedding digital within these priorities. This digital strategy sets out our vision for how technology will be a catalyst for delivering each 2020 priority and how we as a council will work with and support local residents, partners and businesses on our journey to becoming a digital borough.



Demand Management

Helping people to help themselves

Brent residents have already demonstrated an appetite for accessing Council services via digital channels including MyAccount, the Cleaner Brent app and an increasing range of online forms. This channel shift has helped to manage demand and deliver considerable savings; with more to come by digitising further services, improving the online user experience and minimising back-office interventions in the transaction process. But most significantly there is massive untapped potential for digital solutions to help prevent, reduce or delay demand for relational council services such as social care. These are areas where the complex needs of residents cannot be met through standard transactions, but where digital can play a key role in tackling the root causes of demand.



example 1

Adult social care is the single largest expenditure for Brent Council. In the context of an aging population continuing to drive demand, an innovative approach is needed to sustain a high quality relational service within projected budgets.

To address this challenge, digital will enable earlier intervention through new analytics tools that collate data from across the council and health partners; identifying those at risk and supporting coordinated, targeted assistance before their need becomes severe. Digital solutions and apps will help residents to manage their own conditions and allow them to choose how, when and with who they share their health history; promoting more personalised and efficient services system-wide. Most importantly, digital will be key in connecting people with friends, family, volunteers and neighbourhood-based support, creating more resilient communities and local networks that reduce dependency on council services.

In 20 | 20

Brent residents will experience the benefit of seamless, joined up customer services through streamlined mid and back office functions in the Council and with its partners

OUR DIGITAL OBJECTIVES FOR DEMAND MANAGEMENT ARE TO:

- 1. **Design more effective and preventative service models using advanced data analytics and business intelligence.** This includes combining data from a range of sources to understand whole systems and end-to-end journeys. It involves gleaning new insights and designing more efficient, responsive and personalised service models that can be iterated and improved on a frequent basis and promote self-help, self-care, prevention and pathways to partner organisations. It will support further channel shift and ensure that Officer expertise is targeted at the necessary points in the customer journey, freeing up officer time for higher value relational work.
- 2. **Make online the first choice for interacting with all council services.** This means providing a faster, better and enhanced customer experience through a slick, easy to use customer platform that works effectively across all devices and acts as digital front door for core council services – informing, assisting, segmenting and channelling users according to the complexity of their need. Key to this transformation is following user experience (UX) and user interface (UI) design principles,



6 in TEN adults use a smartphone to go online both at home and elsewhere ³

to ensure that the end user is included at the concept stage and is always at the forefront of our thinking on what constitutes ‘good’ in the new digital landscape. This improved offer will grow customer confidence in receiving the same outcome

as non-digital channels, which will reduce demand for officer time as more customers choose and are able to access services using their preferred device. It is also essential in supporting the closure of higher cost non-digital channels as online will increasingly become the only way to access a range of council services.

In 2020

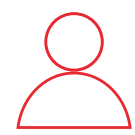
Brent residents will be using smart phones and tablets securely to book, access and pay for all council services at a time and place of their choosing and will be able to track progress online

example 2

Brent Council is working with IBM and partners including schools and the police to build a predictive model that would potentially allow children most at risk of child sexual exploitation and child exploitation to be identified in advance. This project depends on combining a range of data from external partners and individual Brent services, as well as using unstructured information (text) from reports, to understand the strongest indicators.

Once this model has been developed and tested, IBM and Brent aim to generate regular reports and alerts for staff that come into regular contact with children, helping them to intervene as early as possible.

61%



of Brent households have created a MyAccount

³ Adults’ media use and attitudes report, 2016. Ofcom.

3. **Ensure all residents have access to the resources and support they need to confidently access online information and services.** This will include increased access to free Wi-Fi, self-serve terminals, computers and other devices at locations across the borough, as well as targeted help for residents in becoming digitally enabled and more resilient by attaining the social and financial benefits of participating online. Assistance will be provided through a network of community hubs, delivered in partnership with the voluntary sector to ensure inclusion for the most vulnerable residents.

In 2020
Brent residents will be able to access a network of community hubs operating, through the voluntary sector, with a virtual digital interface supported by a localised face-to-face offer for the most vulnerable

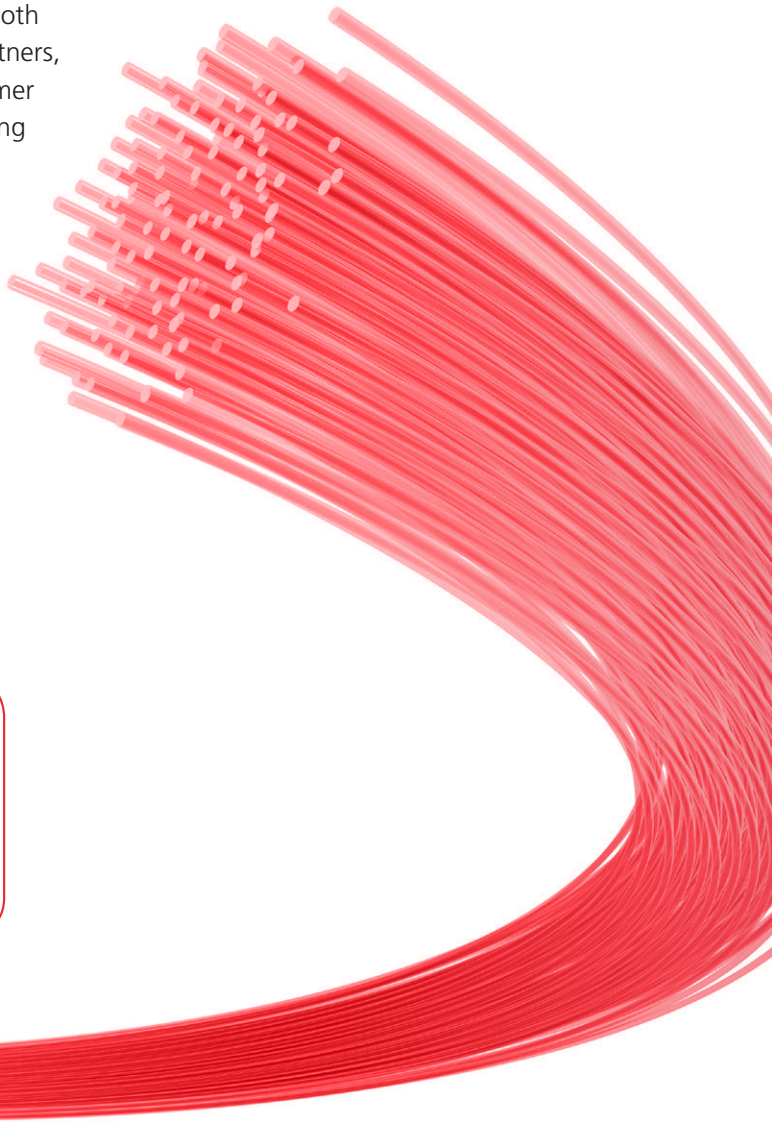
4. **Integrate channels, applications and workflows to enable seamless end-to-end transactions across a wider range of services, increase automation and maximise the first touch capability of council officers.**

In 2020
Brent residents will be able to fully access and engage with housing management services to get quicker responses and track the progress of issues

This is essential in raising the quality of our digital offer in line with modern expectations, improving business processes and eliminating unnecessary officer case handling and re-keying. More effective data sharing and verification methods, both internally and with partners, will improve the customer experience by minimising

evidence requirements and supporting faster, more consistent and automated assessments and decisions for council services including housing, social care and benefits. This will reduce failure demand and enable more customers to independently complete full transactions and do business with the council at times of their choosing. Again, the end user will have a critical role to play in ensuring these channels, applications and workflows work in a way that suits their needs.

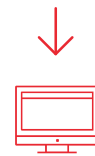
In 2020
Brent residents will be asked to provide information once electronically, the information will be stored safely and used by the council when assessing eligibility across its functions



- 5. **Enable digital communities that connect people with each other and local organisations.** Our digital communities, supported by a network of community hubs, will help build resilience, create choice and reduce demand on needs-led council services. The centrepiece workstream of this objective will be a digital marketplace – a platform, developed with community partners, which provides a safe and secure environment for suppliers and residents to transact (including spending personal budgets) and acts as a portal for accessing information, local partner services and community participation opportunities.
- 6. **Trial radical approaches and develop innovative solutions for new models of service delivery.** As new and disruptive business models emerge, we will anticipate and embrace opportunities for applying new technologies in improving the lives of local people and realising efficiencies. This will include capitalising on the Internet of Things (IoT) by using sensors and monitors to promote self-care and help vulnerable residents live more confidently and independently in their own homes for longer. By introducing drones into housing services we will perform quicker and cheaper inspections of high rise aerials, cables and roof gutters, eliminating the need for scaffolding and improving response times for issues reported by residents. We will also actively explore advancements in robotics, machine learning and artificial intelligence for application in improved service delivery.

In 2020

Brent residents will benefit from new assistive technologies that support them to live more independently, whilst at the same time reducing demand for council services



Since 2014 the use of computers to go online has **DECREASED** from 81% to

71%.

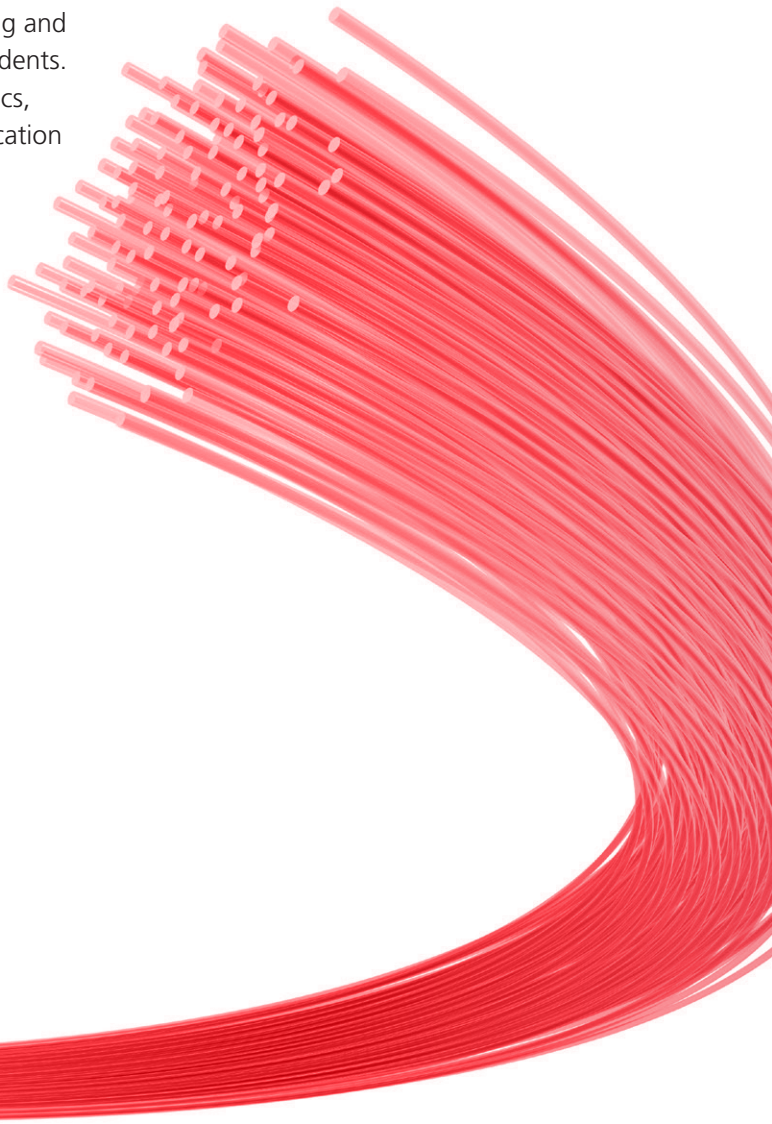


At the same time use of smartphones has **INCREASED** from 61% to

65%

and tablets from 39% to

45%⁴



Raising Income

Reducing budgets and uncertain new models of funding mean local authorities need to be intelligent in using their limited income raising powers to help subsidise core services. Digital provides many exciting opportunities for developing new revenue streams, maximising existing ones and enabling cashable savings.

example

In the last two years Brent has entered into an agreement with the Local Government Association (LGA) for the provision of ICT services and ongoing support, and has established a shared service for delivery of ICT services with the London Borough of Lewisham.

These separate arrangements have already generated significant revenue and savings as well as successfully marketing Brent's ICT expertise to establish a strong position from which to capitalise on future opportunities. The scalability of the shared services model supports Brent's plans to extend arrangements to other local authority partners and develop vital new income streams to safeguard delivery of core council services.



OUR DIGITAL OBJECTIVES FOR RAISING INCOME ARE TO:

1. **Monetise our infrastructure through a range of digital commercial opportunities.** This includes benefiting from the increasing demand from telecommunications companies for stronger 4G and future 5G networks by renting space for their small cell solutions on Brent owned buildings and street furniture. Similarly there are opportunities to generate income streams through leasing bandwidth capacity in our new digital CCTV system. There is also significant scope for generating advertising, sponsorship and other revenues through emerging digital platforms and, as more staff use digital tools to work from home and in the community, further office space in council buildings available to rent.

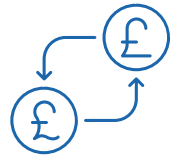
2. **Pursue and implement new service provision partnerships.** This includes more instances of shared service arrangements for Brent ICT, new shared service arrangements where digital will enable traditional services to be joined up or delivered remotely, and capitalising where private sector businesses and other organisations will pay for Brent expertise.
3. **Rationalise the Brent application estate and progress further rationalisation opportunities presented by commonalties across an expanding shared services network.** Significant efficiency and cashable savings will be made through reducing support and licencing costs by consolidating and streamlining applications both internally and in partnerships.
4. **Encourage more payments through seamless transactions and smart debt recovery.** By improving our online transaction capabilities it will be easier for residents and businesses to arrange direct debits and make payments for fees, charges and services. This will also involve supporting with new Civic Enterprise initiatives to introduce smarter ways of requesting and accepting payments (and tracking receipts) in line with the changing expectations of customers.

Through a digitally joined-up approach to debt recovery we will know more about council debt and will utilise improved verification processes to develop personalised and innovative approaches to recovery. This process will provide a better understanding of the data we hold and may also present opportunities to repackage and market it where appropriate.

5. **Develop and use real-time management information that combines holistic spend and service pressure data.** Greater and timelier intelligence will increase understanding of key services and processes in relation to cost and enable us to more accurately forecast and realise operational and supply chain efficiencies.
6. **Develop a strong position to access innovation funding.** This includes horizon scanning across areas including entrepreneurships, digital infrastructure, investment start-ups, digital enablement, data protection and smart cities/communities, and understanding how the various streams could be implemented and joined-up for highest impact within our digital vision.

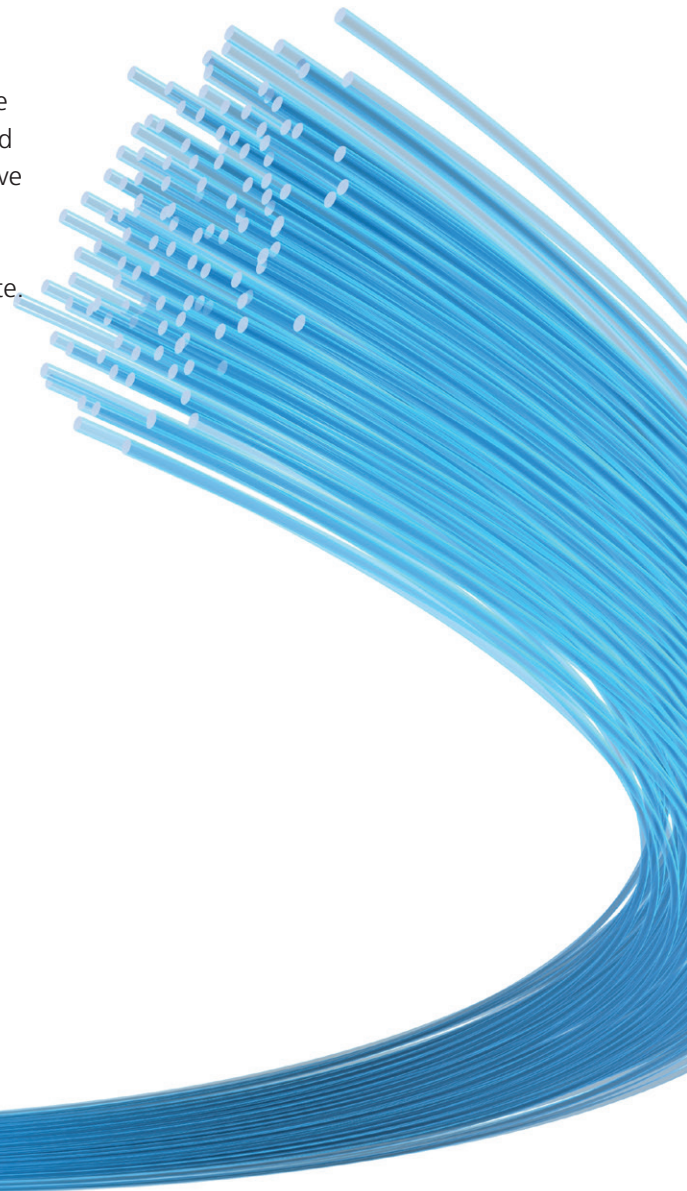
All Brent Officers have been issued smartphones and can access home working. This means we can raise over

£400K
per year by letting out the 8th floor of the Civic Centre.



Brent's IT shared service agreement with Lewisham generates over

£1m
per year.



Business and Housing Growth

By 2020 local authorities will be reliant on business rates as the primary source of funding for services. This means that we must develop an offer that helps our existing businesses prosper in the digital place and makes Brent a desirable location for new and established businesses from across the digital spectrum, growing our business rates base and providing new employment opportunities.

example

In December 2016 Brent completed phase two of its digitally integrated high street plan for Wembley High Road. This year long project involved engaging and working with 20 SMEs to develop a bespoke, joined-up website and social media presence, with content specifically celebrating its diverse heritage, food, retail and leisure offer.

The 20 SMEs participated in a series of digital skills workshops, and benefited from further one-to-one mentoring to ensure the skills and tools provided were suitable for their business, were integrated into their day to day operations, and could be used regularly and sustainably - with all participants confirming they would continue to use these skills following completion of the project.

Recommendations to replicate the successes of this model across Brent's town centres are now being progressed, with a key aim of ensuring more local businesses gain the essential digital competencies required to adapt and prosper in the digital place.



OUR DIGITAL OBJECTIVES FOR BUSINESS AND HOUSING GROWTH ARE TO:

- 1. Ensure local SMEs have the support they need to thrive in the digital place.** Approximately three quarters of Brent's current businesses are SMEs, with many having no online presence. We will work with these businesses to understand their digital needs and how opportunities in online trading, marketing and digital efficiencies could benefit them. Working with partners in education and the private sector we will develop a support framework to ensure local SMEs can access the suite of digital skills their business needs to compete and succeed in the changing world.
- 2. Become a digital enterprise friendly borough.** Linking with our regeneration objectives, this includes providing the best conditions for digital businesses to collaborate and evolve together, including establishing information sharing agreements and joint workspaces. We will become a workspace and incubator champion, using a place-based approach to encourage clustering of businesses and organisations, create exciting new partnerships and build interconnected digital business communities.
- 3. Create an Incentive Framework to stimulate growth.** This will articulate what we will do to make it easy for new digital businesses to locate, invest and grow in each of Brent's digitally themed destination areas. It will promote our next generation infrastructure and will include a digital gateway for businesses, which enables them to access funding sources, find cost effective premises and back office support and ensure they comply with regulations and planning requirements - providing a clear and attractive offer to prospective digital start-ups and SMEs.
- 4. Become a hotbed for trialling and developing new and innovative ideas and business opportunities.** Brent is committed to developing new service models using IoT technology and exploring the application of robotics, machine learning and artificial intelligence in improved service delivery; and will ensure that the infrastructure these solutions depend on is in place. Businesses are invited to capitalise on these resources and open data to innovate and exploit commercial opportunities. This will include tenders from the council inviting bids to work in partnership on radical pilot initiatives including the use of sensors, monitors and drones in local government spheres such as wellbeing, transport and environment.

*"The most digital small businesses are twice as likely to report an increase in turnover than the least digital."*⁸

In 2020

Local businesses will have access to a digital gateway that enables them to access funding sources, find cost effective premises, back office support, and ensure they comply with regulations and planning requirements.



Local businesses have told us:
*"There is a considerable lack of free Wi-Fi, which is hampering the activities of local small and medium-sized enterprises."*⁹

⁸ UK Business Digital Index 2016. ⁹ Small and Medium-Sized Enterprises in Brent, A Scrutiny Task Group Report, May 2017.

Employment and Skills

From digitally excluded and vulnerable residents to computing graduates and tech entrepreneurs; we will ensure the right information, services and conditions are in place for all stakeholders to confidently interact with the digital council and thrive in the digital place.

example

The digital revolution has long since displaced many mid-skill jobs that were characterised by routine, repetitive tasks. Basic IT skills are now a requirement for most employment opportunities and, as digital technologies advance and become further imbedded across all industries, computerisation is forecast to replace nearly half of today's jobs over the next two decades.

In terms of digital inclusion, Brent residents compare well with majority of other London boroughs but there remain pockets of exclusion in some of our most deprived areas. Brent also has a significantly higher proportion of workers in the least skilled jobs bracket - 24% compared to 14% in London as a whole – making it more vulnerable to the next wave of digital displacement.

To address these concerns, we will work in partnership with local organisations, businesses and all levels of education, to develop a collaborative system that creates the right skills, opportunities and pathways to support local people in accessing contemporary employment in the rapidly changing landscape.



OUR DIGITAL OBJECTIVES FOR EMPLOYMENT AND SKILLS ARE TO:

- 1. Ensure full digital literacy across the borough.** There is an existing offer of basic IT skills and a range of digital inclusion themed activity delivered by partners in the community and voluntary, social housing, education and private sectors - as well as core Brent Start courses and further opportunities to negotiate additional offers from partners as social value outputs. Using digital solutions this loose borough-wide network will be joined-up, developed and better coordinated for greatest impact.
- 2. Upskill at-risk workers.** This involves a proactive approach to identifying and engaging with unskilled workers in industries placed at risk by the digital revolution and helping them move to proficiency levels that give them choices within the digital labour market.
- 3. Build new partnerships with key businesses and industries.** These relationships will be essential for developing access routes into digital employment for apprentices, mature hires and graduates, and will ensure key private partners have a greater stake in a local digital ecosystem of education, local government and business.
- 4. Enable the creation of an agile, highly skilled and digitally included future workforce.** This will require providing local young people with sufficient opportunities to gain digital skills early and at all points in their educational journey. Increased engagement with young people and direct actions such as coding clubs and community hackathons will help grow their appetite for digital innovation and nurture the entrepreneurs of tomorrow. Crucially this will include working with education, business and industry to establish clear and accessible pathways through the system and into digital employment for people of all ages. Workforce progression will be supported by the Apprenticeship Levy as a tool to boost investment by employers in workforce development for the future, taking into consideration areas of growth such as digital skills or digital apprenticeships, which can be applied to a range of roles such as digital marketing, IT, creative industries or manufacturing.
- 5. Develop and build a creative education quarter in partnership with a higher education establishment.** The campus will have a science, technology, engineering and mathematics (STEM) focus and enable a vibrant university community with access to state of the art facilities, including a digital hub. As an influential council partner it will help shape the offer of local secondary schools aspiring to become part of its pipeline and can be promoted as the key step for local young people in their journey to gaining the skills that help them flourish in the digital place. It will support innovation and future business start-ups and provide a strong incentive for high value digital employers considering Brent as a location for their business.

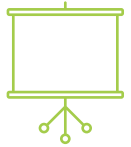
43%

of tech businesses say they face challenges finding digitally skilled workers⁶

Last year we ran

444

free 'IT for beginners' classes across six Brent libraries



"The digital sector is creating jobs more than twice as fast as the rest of the economy."⁵



The advertised salary for digital roles is

36%

higher than the national average⁷

Regeneration

New offices, facilities and marketplaces have been the most visible signs of regeneration in recent years at sites across the borough including Wembley, Old Oak and Park Royal, South Kilburn, Willesden and Harlesden. Moving forward we will use digital as a catalyst to improve the economic, social and environmental conditions in the borough by building the infrastructure that will connect Brent and enable our local neighbourhoods to develop into dynamic and attractive destinations in which to live, work and do business.

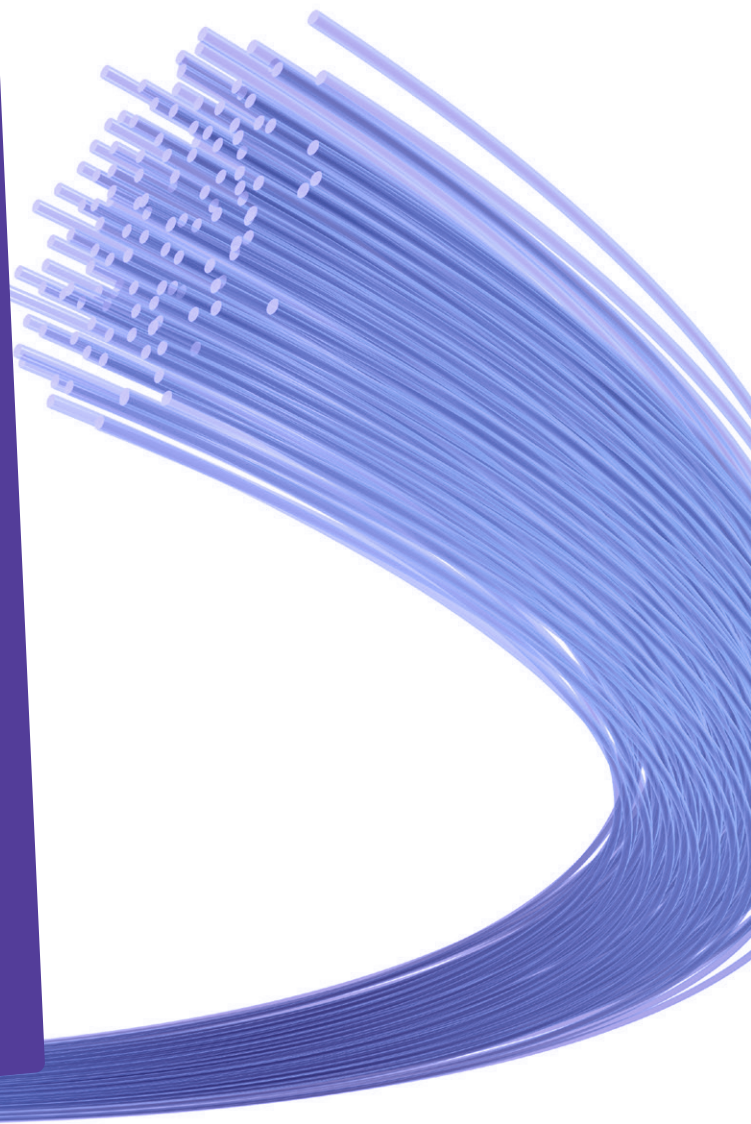


example

Brent is celebrated for its cultural diversity and unique town centres and neighbourhoods. From iconic Wembley, to vibrant Harlesden and trendy Kilburn, no two places are the same and each is characterised by different institutions, businesses, communities and priorities.

Using data sensors on street furniture and new Internet of Things (IoT) infrastructure we will capture and communicate information in real-time to develop shared insight and faster responses to local priorities such as sports and entertainment events, traffic, parking, footfall, waste management and lighting. This technology will enable more interaction between people and the places they live and work, increasing their stake in the community through new ways of connecting with and influencing the environment.

This same infrastructure, highlighted alongside the distinctive assets of each local place, will be used to market Brent as a borough of multiple digital destinations, attracting investment and enabling regeneration to be shaped by Brent's diverse strengths.



OUR DIGITAL OBJECTIVES FOR REGENERATION ARE TO:

- 1. Futureproof Brent's digital infrastructure.** This will include delivering ubiquitous public Wi-Fi and mobile access, secure cloud technologies, smart grid linked sensors, 5G networks and fibre connections for ultrafast broadband. This will be achieved by imbedding digital requirements within our planning and regeneration strategies, agreeing new private partnerships and focussed council investment in key areas.
- 2. Become a 'smart borough'.** This means using digital to coordinate and manage our assets through increased connectivity and sharing of data and information. To achieve this we will ensure the provision of an open data platform and a targeted and joined-up approach to developing a smart grid of connectivity across the borough. This model will enable the council, residents, partners and businesses to access and use data to develop proactive solutions to social issues including planning, transport, energy, health and community safety, as well as opening up unlimited new commercial opportunities as a test bed for developers.
- 3. Develop local areas into themed digital destinations.** Our modern digital infrastructure will enable us to present a compelling investment case to the information and knowledge based community. Linking with wider plans, we will work with stakeholders to develop areas and neighbourhoods around specific digital themes, implementing a place based marketing approach linking to their traditional strengths and unique qualities, and encouraging cross-sector partnerships, clustering and an integrated business community.
- 4. Increase community connectivity and coordination.** This means using technology to put people in touch with and make more effective contributions to their local community. It includes working with and building the capacity of community partners to co-design and co-produce peer-to-peer platforms for sharing skills and expertise; identifying and responding to need at a neighbourhood level and coordinating community and voluntary group initiatives for the highest impact.
- 5. Increase participation in civic life.** This involves creating modern pathways and more effective methods for residents and other stakeholders to engage with the council, have their voices heard and influence policy and decision making. It will include harnessing social media and emerging digital technologies to reach all of Brent's diverse communities, understanding key issues and providing the skills and forums to jointly develop solutions.

Local businesses have told us:

*"One of the main problems small and medium-sized enterprises (SMEs) face is broadband 'not spots' – where access to high-speed broadband is limited."*¹



In recent years over **80%** of UK digital tech clusters have seen growth in digital jobs and advertised digital salaries²



¹ Small and Medium-Sized Enterprises in Brent, A Study by Task Force Report, May 2017.

² Tech Nation 2016 report, Nesta and Tech City UK. (% is based on the profiles of 27 key digital tech clusters across the UK).

Governance Arrangements

Delivery of this digital strategy will be overseen by the Brent Digital Board and championed by the Deputy Leader of the council. The Brent Digital Board is chaired by the Director of Performance, Policy and Partnerships – the digital lead for the Corporate Management Team – and its membership includes the Strategic Director of Resources. The board will drive and support the ambitious programme of change and will be responsible for:

- Identifying, prioritising and coordinating digital work packages
- Acting as the gateway that formally assesses and approves digital work packages
- Aligning and deploying resources, skills and expertise for most effective delivery of digital work packages
- Ensuring membership of the board is representative and has the appropriate skills and authority
- Supporting the Senior Information Risk Owner (SIRO) in fostering an organisational culture that values, protects and uses information for the benefit of its customers
- Linking closely with other Brent 2020 strategic boards - the Commissioning and Procurement Board, Business Development Board and Civic Enterprise Board - to ensure strategic oversight and alignment of priorities

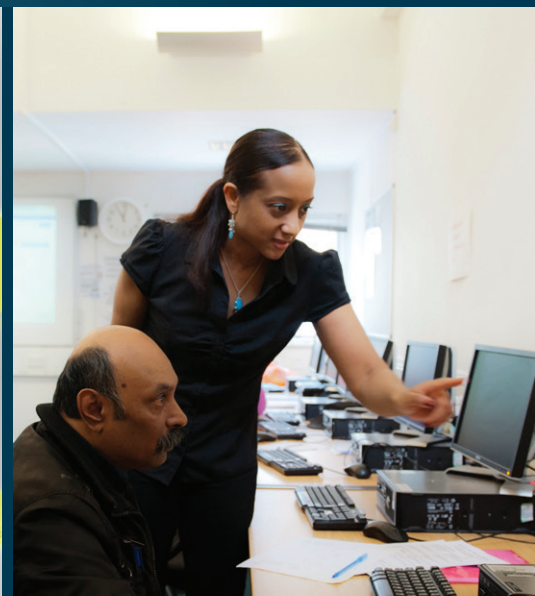
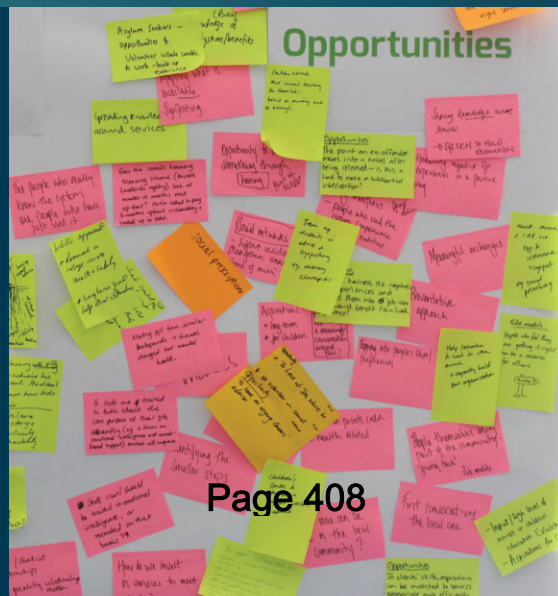


Key Commitments

We recognise that the scale of transformation outlined in this strategy represents an unprecedented culture shift for the council, residents, partners and businesses. It will change the relationship between the council and stakeholders and have far reaching influence over future service models, the customer experience and the role of the council and its workforce.

To support this sustained programme of change, delivery of this digital strategy is underpinned by the following key commitments:

- We will work with residents, partners and businesses to co-design and co-deliver transformation, ensuring that Brent's evolution as a digital borough is shaped by the energy, ideas and requirements of local people and key stakeholders.
- We will imbed our digital vision within our policies and strategies including HR, Planning, Regeneration, Employment and Skills, ICT and Engagement.
- We will deliver robust information security measures to protect resident and stakeholder data from misuse and cyber threats, and we will safeguard their privacy through increasingly secure and modern information governance and data sharing arrangements both internally and with partners.
- We will invest in our workforce to ensure they have the resources and agile skills they need to innovate, collaborate and excel in the digital workplace. This will include imbedding a culture of change across the organisation, moving away from a traditional 'service and department' approach to working in flexible, multi-disciplinary teams that use methodology aligned with the Local Government Digital Service Standard to iterate continuous service improvements in response to user needs.





Outline Business Case for Digital Programme

June 2017

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1 Introduction

1.2 Purpose

This document provides the outline business case for establishing a programme of activity to deliver a digital strategy for Brent which will enable the Council and the Borough to become more digital, improving services to our customers whilst securing cost savings.

1.3 Background

This business case sets out a programme of work designed to deliver the draft digital strategy. It sets out the potential costs and initial savings for the proposed programme, alongside some priority projects and technology investments.

Costs and savings are derived from internal consultation with service areas, external technology costs from third parties and drawing upon benchmarks and indicators of costs and savings from other London boroughs undertaking similar programmes.

A financial model is available which provides detail of the costs, including programme and technology enablement, and initial savings from project delivery to show the return on investment. In addition to this work with services will be undertaking in 2017/18 to determine where the new CRM technology stack can drive improved customer experience and better outcomes whilst delivering new savings. The new projects will be added to the programme as they are defined with new savings feeding into the medium term financial planning process.

1.4 Objectives

This business case is designed to deliver the following objectives:

- Deliver a faster, better service to citizens and businesses through enabling technology and business process change.
- Enhance customer experience and create a modern and relevant organisation, by enabling technology that is used elsewhere, every day, by many residents.
- Deliver services to customers more efficiently, in a more joined-up way, using data more effectively to make critical business decisions.
- Create a sense of energy and momentum, using innovative thinking such as the 'Internet of Things', to bring new, more radical ways to delivering Council services.
- Build the concept of a Digital Place, to support digital inclusion, community engagement and growing the digital skills, business and investment to make the borough prosper and be successful in the new economy.

In 2020, the residents and businesses of Brent will:

- Be using smart phones and tablets securely to book, access and pay for all Council services, at a time and place of their choosing and will be able to track progress online.
- Be asked to provide information once electronically, the information will be stored safely and used by the Council when assessing eligibility across its functions.
- Benefit from new assistive technologies that support them to live more independently, whilst at the same time reducing demand for council services.
- Be able to fully access and engage with housing management services to get quicker responses and track the progress of issues.

- Be able to access a network of community hubs operating, through the voluntary sector, with a virtual digital interface supported by a localised face-to-face offer for the most vulnerable.
- Experience the benefit of seamless, joined up customer services through streamlined mid and back office functions in the Council and with its partners.
- Have access to a digital Gateway for business that enables them to access funding sources, find cost effective premises, back office support, and ensure they comply with regulations and planning requirements.

1.5 Approach

Overseen by the Digital Board, work to develop this outline business case has been based on face to face engagement with services, meetings with external stakeholders, assessment of documentation and data and development of options.

The work undertaken to develop the Digital Strategy and OBC is aligned with the Housing Transformation Programme. In this case, an assessment of savings is based upon implementing Microsoft Dynamics CRM to enhance tenant case management, estates management and customer engagement from June 2017.

2 Strategic Case

2.1 Brent 2020

The Brent 2020 vision sets out a change programme to deliver the best outcomes for Brent, in anticipation of a new funding model linked closely to economic growth and the potential for devolved responsibilities for services. It focusses on five priorities: demand management, raising income, regeneration, employment and skills and business and housing growth.

The key characteristics of a successful digital council and a thriving digital place can be achieved by imbedding digital within these priorities. A Digital Board was set up as part of the Brent 2020 programme to develop a digital strategy setting out how digital transformation can support delivery of the 2020 priorities. This draft digital strategy sets out our vision for how technology will be a catalyst for delivering each 2020 priority and how we as a Council will work with and support local residents, partners and businesses on our journey to becoming a digital borough.

2.2 Alignment to the Council's Digital Strategy

The draft Digital Strategy sets out Brent's ambitions for transforming into a digital borough which will be realised through achieving the dual and interdependent aims of becoming a digital council and a digital place. The strategy is focussed on:

- **Technology Enablement** – further developing customer engagement through investing in technology that better integrates and automates customer transactions through self-service and by harnessing new technology such as the Internet of Things (IoT) and the capabilities of platform solutions such as Microsoft Dynamics 365.
- **Service Redesign** – creating a more digital council by thinking more radically about how technology enablement can create simpler, cheaper and better services to customers, reducing demand by developing new service delivery models and business processes design principles.

- **Customer Experience** – building upon work to date to create an enhanced customer experience through the ‘digital front door’, extending My Account and accelerating the pace of channel shift and end to end process integration. This includes innovating in new technology (the Internet of Things “IoT”).
- **Data Analytics** – further extending the Client Index data analytics capability to create richer data, a single view of the customer, and the ability to drive decision-making, enable early service intervention to reduce demand and long terms costs on the Council.
- **Digital Place** – using technology enablement, such as digital infrastructure, monitors and sensors/IoT devices and supporting digital enterprise, skills and inclusion to create a vibrant digital enabled borough, destination for investment and future workforce to meet the challenges of the emerging digital economy.

2.3 Development of Digital Programme

Two pieces of work were commissioned between October 2016 and January 2017 which have informed work to develop the digital strategy and business case, overseen by the Digital Board:

Digital Place:

This report provided a position paper for the London Borough of Brent setting out how it could support the digital economy as part of its emerging Digital Strategy.

It considered at how the Council could co-ordinate, plan and invest in enablers such as digital infrastructure, future workforce skills, assets and finance for stimulating investment and digital enterprise to create the infrastructure to support economic growth, employment and prosperity for Brent residents.

Digital Council:

This review assessed the strategy, approach and opportunities open to the Council to drive forward its digital ambition to become a more digital Council, create a modern digital platform and build on its success to date.

3 Economic Case

3.1 Investment required

Investment in a programme of change and technology enablement is needed to deliver the digital strategy and create a digital borough where technology is used to improve the lives and life chances of everyone.

The overall investment required is estimated at £5.6m over the programme period (assuming a programme that runs from July 2017 through to March 2020). Based on work carried out on the OBC to date, cumulative savings are forecast at £3.7m net of costs, after Year 5 (2021/22) with payback within three years and an estimated recurring saving of £2.6m after 21/22 (based upon both new and enabling savings).

Investment is required to:

- **Establish the programme** – with sufficient governance and coordination so that it can work with services to define, resource and deliver key change projects and follow through efficiency and benefits realisation. The programme can also act as a conduit to test new innovations in service delivery, such as IoT devices and systems that can contribute to demand management.
- **Create a digital programme team** - to support a council-wide programme, initially focusing upon priority projects identified to date.
- **Implement a digital platform** – having looked at options as part of the Digital Council work, the best and most optimal fit for the Council to implement is a Dynamics 365 platform (see Annex E). This creates opportunities through activity analysis and ‘bundling’ of common processes to drive significant savings, create a data rich environment and ‘single view’, reduce the number of business applications and drive greater integration and automation of systems.

3.2 Emerging opportunities

An assessment of potential projects to be included in the digital programme has been undertaken and this offers range of opportunities across the Council.

Projects identified form the basis of savings forecasts and fall into two categories:

- Projects that **enable** and contribute towards existing savings targets, and therefore help give greater confidence in securing savings by having a clearly defined and supported project (Phase 1); and
- Projects that potentially deliver **new** savings over the forecast period or offer new ways to achieve savings targets (phase 2).

The projects deliver benefits through savings, new income or through protecting income streams or reducing demand. Savings are based upon headcount or 3rd party savings.

An assessment of phase 1 projects to be included in the digital programme has been undertaken and the proposed programme will support services across the Council to deliver agreed savings within the medium term financial plan. These are referred to as enabling savings within the OBC.

Work with services will be undertaken in 2017/18 to determine where the new CRM technology stack can drive improved customer experience and better outcomes whilst delivering new savings. The new projects will be added to the programme (Phase 2) as they are defined with new savings feeding into the medium term financial planning process.

3.3 Capacity and skills required

To deliver the digital programme and the technology roadmap four workstreams are required:

- **Technology Enablement** – investment in CRM, digital technology for service integration, automation and application rationalisation
- **Customer Experience** – increase the pace of digital channel shift and use Microsoft Dynamics deployment for process simplification, common assessment hubs and case & workflow management
- **Digital Council** – service redesign projects that help digitize services and, improve customer deliver and reduce demand
- **Digital Place** – Borough wider digital projects that support inclusion, local skills and business and drive further civic enterprise

To support this, skills and capacity is needed to establish, coordinate and deliver the digital programme. This will include programme leads, digital service design, CRM and eForms development, business analysis, business change and technology solution/architects. These specialists will work closely with all service areas and other key teams including the new transformation team, performance team, customer services service improvement team and IT shared services.

3.4 Critical Success Factors

Some of the critical success factors in delivering this programme are set out in the table below.

Success factor	Description
Customer Experience	Designing and building service around the customer and delivery as Digital by Design and choice
Innovation	Openness to new ways of working and emerging technology the ability to 'break the rules' and bring new and more radical ways of working and service delivery to the table
Technology Enablement	Integrated technology enabled to manage demand, automate, integrate and rationalize systems and create common platforms for service delivery
Decision-Making	Effectively using data and insight in making key corporate and service decisions
Agile Workforce	Creating an agile, digitally skilled and solution-focused workforce culture

3.5 Future Opportunities

As the Digital Programme is implemented new projects may be bought into the programme that become Council priorities.

The Digital programme will be Council focused but over time opportunities to exploit the benefits of shared services between Brent, the LGA, Lewisham and Southwark will be explored, such as collaborate projects, rationalising IT applications and a more to more common standards and processes may help drive further savings and efficiencies.

New opportunities may also emerge for the Council to further extend its civic enterprise strategies and looking to monetise new services.

4 Commercial Case

4.1 Budget Context

The Council faces challenging financial targets in order to maintain a balanced budget. Further savings need to be found for 2019/20 and contingency savings plans are being developed in the event that targets for savings from procurement are not met. Demand for social care services continues to rise, and vulnerable residents require support as they struggle with housing costs and the consequences of benefits reforms.

At the same time residents' expectations of the quality of front-line services continues to rise and back office services that support our activities are already stretched, having been subject to substantial cuts in the last two years. The digital programme will assist with addressing the joint challenges of the need to continue to make savings with the increasing expectations of customers for a high quality service.

4.2 Other Authorities

Other authorities have embarked on similar digital programmes, drawing down investment to do this, recruiting specialist resources and investing in technology enablement, in many cases opting for a Dynamics 365 customer platform, as below.

Council	Investment/ Forecast Savings
Lewisham Council	<ul style="list-style-type: none"> Costs – initial investment £5m to build CRM platform and another £4m approved, drawn down later depending upon savings Target savings of £7m – about £2m from front office council-wide end to end process redesign re-design and shift and £5m from others 'digital council' areas
Enfield Council	<ul style="list-style-type: none"> Cost - £17m over 3 years (£11m tech incl. staff), £4m External Advisors, implemented new platform and Dynamics 365, AI and data platform Savings Forecast - £5m recurring Year 3 Customer Accounts - 230k active residents/customers
Waltham Forest Council	<ul style="list-style-type: none"> Programme Cost - £6m Savings Forecast - £5m recurring Year 3 40k Customer Accounts from 120k households Embarking on a Phase 2 digital Programme with new spend and save targets to create an integrated applications and data platform
Croydon Council	<ul style="list-style-type: none"> Cost - £5m, implemented new platform and Dynamics 365 Savings Forecast - £6.3m recurring Year 2 Customer Accounts - 140k My accounts, 50k weekly transactions Development of portal and approach led to 'digital council of the year 2016'
Coventry	<ul style="list-style-type: none"> Digital SWITCH programme built around Firmstep platform and digital by choice, digital city programme Saving of £3m+ on improved digital platform and channel shift across Council

4.3 Developing the Digital Programme

A series of initial projects have been developed which will underpin the delivery of the digital programme:

- A technology road map, setting out the full technology eco-system, and governed via the Shared Service. Brent will need to assess the level of technology integration it wants with its various shared service partners and what technology will be only applicable to Brent. This work is ongoing.
- In assessing the future technology needs of the Council an **investment in Microsoft Dynamics 365** is recommended. Annex A sets out the three options and we conclude that Dynamics offers the best route for the council. (more information in the Digital Council Report, Jan-17).

- This platform delivers potentially significant mid/back office savings and enables end-to-end process integration and automation. It enhances Brent's data insight – the single view of the customer – making transactions easier, cheaper and reduces service demand through self-help. This is a similar direction being taken by other London Boroughs and therefore opens up collaboration opportunities across other councils to create a modern, apps-driven customer and service platform.
- The programme will aim to reduce the number of IT systems applications and planning work for this is ongoing. Initial analysis show a minimum of £330K can be delivered through this work stream. Microsoft Dynamics will significantly help this process removing smaller applications through more common assessments and workflows. Over time there will be opportunities to further reduce cost through sharing applications across shared services partners at Lewisham and Southwark and work is nearing completion on an applications road map for the three boroughs.
- The 'digital front door' – the customer authentication and single sign-on alongside My Account is currently provided by Agilisys (contracted until 2019). Microsoft Dynamics 365 can work alongside this, however other emerging customer/my account portals exist that can accelerate channel shift, digital adoption and cost savings. The programme will consider these options going forward.

5 Financial Case

5.1 Delivering savings

Projects have been identified which will deliver the objectives of the digital strategy as well as providing savings which will repay the cost of initial investment. These fall into two categories:

- Projects that enable and contribute towards existing savings targets, and therefore help give greater confidence in securing savings by having a clearly defined and supported project; and
- Projects that potentially deliver new savings over the forecast period or offer new ways to achieve savings targets

The projects deliver benefits through savings, new income or through protecting income streams or reducing demand. Savings are based upon headcount or third party savings. The most significant areas of savings opportunities are:

- Saving achieved through the investment and deployment of a customer digital and workflow platform (i.e. Microsoft Dynamics 365) that enables similar processes around the Council to be streamlined and automated and uses a single view of the customer, enhancing data insight, and saving time and cost by reducing the number of applications and manual processes (e.g. ID scanning, verification, complaints, common requests, multiple spreadsheets and standalone applications)
- Cost avoidance savings, either in the immediate term by less or earlier interventions through the intelligent use of data, or future cost avoidance by better managing demand
- Civic Enterprise through new income streams and monetization
- Savings achieved through channel shift and redesign of the end-to-end process, for example digital self-service that automates or integrates services and removes or minimizes human effort in the mid/back office

The programme also enables to opportunity for the Council to innovate and test emerging IoT technology such as machine learning, Artificial Intelligence (AI), the deployment of sensors, monitors and drone technology and this may drive further savings opportunities.

5.2 Investment Model

An assessment of costs and savings has been undertaken for this outline business case based upon the following:

- **Cost of the programme and the proposed digital programme resources** –The programme will be temporary to 2019/20, approximately 2.5 years.
- **Cost of technology enablement** such as Dynamics licenses and support, integration, technology implementation support and data and security tools.
- **Savings and income** – based upon the assumptions for headcount, 3rd party savings, new revenue streams and cost avoidance/demand management.
- **Savings** defined as **New** (i.e. not in current budget savings or plans) or **Enabling** (i.e. Parts of known budget savings and these projects give a further level of confidence to delivery)

The following table summarises the cost benefit analysis over the programme period.

Digital Programme - Cost Benefit Analysis						
Investment	17/18	18/19	19/20	20/21	21/22	Total
Programme Resources	£192	£769	£769	£0	£0	£1,730
Technology Enablement	£1,950	£1,350	£550	£0	£0	£3,850
TOTAL COSTS	£2,142	£2,119	£1,319	£0	£0	£5,580
Savings/Income	17/18	18/19	19/20	20/21	21/22	Total
Digital Savings (New)	£0	£30	£330	£330	£330	£1,020
Digital Savings (Enabling)	£0	£1,832	£2,222	£2,022	£2,272	£8,348
TOTAL SAVINGS/INCOME	£0	£1,862	£2,552	£2,352	£2,602	£9,368
Annual Profile	£(2,142)	£(257)	£1,234	£2,352	£2,602	£3,788

The overall investment required is estimated at £5.6m over the programme period (assuming a programme that runs from July 2017 through to March 2020). Based on work carried out on the OBC to date, cumulative savings are forecast at £3.7m net of costs, after Year 5 (2021/22) with payback within three years and an estimated recurring saving of £2.6m after 21/22 (based upon both new and enabling savings).

6 Management Case

6.1 Digital Programme Development

Subject to agreement of the business case, the programme will commence from July 2017 with programme mobilisation and Phase 1 projects.

The Programme, based upon the current tranche of projects, is estimated to be completed by March 2020.

6.2 Key Milestones

A number of key decision points will be required to move the programme forward:

- July 17 – Establishment of Programme and Digital Programme Team
- July 17 – Commence license discussion for Microsoft Dynamics 365
- July 17 – Scope and procure Dynamics implementation change partner (in place for BHP)
- July 17 – Scoping of early project and commence delivery of projects
- Oct 17 – Complete review of My Account and authentication technical solution and incorporate as a project in the programme
- Oct 17 – Revise Technology Roadmap including Applications Consolidation Plan
- Oct 17 - Produce savings plan for roll out of Microsoft Dynamics 365
- Oct 17 – Commence discovery and roll-out of Microsoft Dynamics 365

Annex A – Options for the Digital Platform

Option	Pros	Cons
Option 1 - Optimize Agilisys Single Sign-on system and integration path	<ul style="list-style-type: none"> • 3 integrations achieved • 56,000 My Accounts • 10 more integrations planned • The as-is position 	<ul style="list-style-type: none"> • Pace of digital adoption low with Agilisys unable to move this forward quickly enough • Potentially an expensive solution if fully deployed • Moves away from a CRM platform so less likely to achieve application rationalization • Not used by other Shared Services partners (or intended to be)
Option 2 - Build a new platform using Firmstep	<ul style="list-style-type: none"> • Existing use of eForms and some integrations have been achieved • Widespread deployment at Waltham Forest and Coventry to roll out a broader platform • Is a cheaper license option, and staff can be trained to create form though integration can be equally expensive 	<ul style="list-style-type: none"> • Very low capacity to develop and deploy eForms • No eForm strategy to develop or gateway control development • Firmstep development capability low nationally and Firmstep itself is seen as offering poor customer support and professional services • Limited customer data insight • Seen as a low cost, low quality solution and not favoured by Lewisham so less likely to be of common interest

Option	Pros	Cons
Option 3 - Utilize Dynamics 365 platform	<ul style="list-style-type: none"> • 15+ councils are now adopting Dynamics technology across London. • Brent can use configured business process and transactions from others to undertake a fairly quick initial implementation • Opportunity to develop such an approach with Lewisham Council and built on their expertise and process 	<ul style="list-style-type: none"> • Brent will need to plan a transition to move away from its existing commitments to Agilisys • Brent will also need to eventually move away from the use of Firmstep eForms as alternative platforms don't need to use this technology (plus they are ready built) • Portal can be used in isolation but true value comes from integrating with line of business applications and the adoption of a CRM platform

	<p>configurations to extend the platform</p> <ul style="list-style-type: none">• Croydon offer a potential opportunity to quickly deploy in Brent• Enfield and others may also offer such an option	
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Annex B - Estimated Costs - Resources

Ref	Description	FTE	Description	Work Area
1	Head of Digital Programme	1.0	Programme & Project Delivery	Programme
2	Workstream Lead - Technology & Customer	1.0	Programme & Project Delivery	Programme
3	Workstream Lead - Digital Enablement	1.0	Programme & Project Delivery	Programme
4	Digital Designer/UX	1.0	eForms and Workflow design	Digital Dev
5	Digital Developer	1.0	Digital Platform, eForms Development	Digital Dev
6	Digital Developer	1.0	Digital Platform, eForms Development	Digital Dev
7	CRM Developer	1.0	CRM Developer	Digital Dev
8	CRM Developer	1.0	CRM Developer	Digital Dev
9	IoT Developer	1.0	IoT research & design	Digital Dev
10	Technical Solutions Lead	1.0	IT solutions design	Tech Support
11	Technical Architect	1.0	IT solutions design	Tech Support
12	Technical Architect	1.0	IT solutions design	Tech Support

Total	11.0
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Note:

1. Assumes additional project and change management is drawn from existing corporate resources or from within services

2. Assumes posts are temp until Q2 - 2019/20

3. The change resources built into the OBC have been kept to a minimum with this support being primarily provided by the Change Team in the Chief Executive's Department working closely with the Service Improvement team in Customer Services. As the programme picks up pace, it may be necessary to bring in more resource at key stages.

Annex C – IT Investment Costs

Ref	Description	£0,000s Annual	One-Off Costs	2017/18 Allocation	2018/19 Allocation	2019/20 Allocation	Total
1	Portal (My Account) & Development Support	£100	£100	£200	£100	£100	£400
2	CRM Platform & Licences	£300		£300	£300	£300	£900
3	Dynamics 365 Implementation	£100	£1,000	£600	£600	£100	£1,300
4	Integration/API Costs, Apps Rationalisation	£-	£200	£100	£100	£-	£200
5	Digital Programme Enablement Support	£-	£200	£400	£200	£-	£600
6	Data Analytics & Insight Platform and IoT	£50	£100	£150	£50	£50	£250
7	Website Redesign/Digital Hub to Business		£200	£200	£-	£-	£200
Total £0,000s		£550	£1,800	£1,950	£1,350	£550	£3,850

Notes

1. Portal assumes retention of Agilisys for current integrations and SSO/My Account and a decision to migrate if necessary to a new SSO and My Account solution, maintaining the CT, Revs, Rents integrations until contract close in 2019
2. CRM Licences based implementation over the programme. Also assumes a blend of lower level 'team' licences, case management licences and a few enterprise licences
3. Assumes cost of partner to plan, design configure and roll-out CRM modules and ultimately handover to internal team with an ongoing support agreement. This also assumes a contribution to costs from BHP - not included in these figures
4. Assumes cost of new integrations/APIs and investment in applications to enable application rationalisation and consolidation. Includes cost of new scanners
5. Assumes 3rd party digital programme and technology enablement support for integration and application rationalisation work.
6. Assumes 3rd party support to further build out the Council's data analytics capability and support IoT pilots
7. Cost to design and refresh new website and build digital business portal

Annex D – Projects and Estimated Savings

Phase	Ref	Directorate	Project	Description	New	Enabling	Lead role	Max. Annual Savings	Cumulative Net Savings - 5yrs (£000's)
1	1	Resources	Supporting redesign of Brent Customer Service offer	Digital design to support redesign of frontline customer service and acceleration of channel shift to increase resident self-service. Customer service redesign and implementation of new digital platform including Dynamics, to include ID check and improved self-scanners. Rationalisation of applications and business processes. Common assessment hubs		Yes	Customer Services	£1,000	£4,000
1	2	Resources	Application Rationalisation	Rationalisation and consolidation projects to reduce the number of system applications in Brent and consolidation others where practical across the shared service partners	Yes		Programme	£300	£900
1	3	Resources	Optimize Oracle business support change and processes	Strengthen change management programme to fully implement benefits of Oracle before re-platforming in 2018 to avoid further risks		Yes	Resources	TBC	TBC
1	4	Chief Exec's	Automate Performance Management System, Client Index Enhancement/MDM	The Council has relied on In-Phase and spreadsheets for performance reporting. Given new MI requirements it should now decommission this software and look to engineer an integrated approach using Power BI – which will increasingly be the tool of choice for Brent and support an improvement in access to BI and decision making	Yes		Programme	£30	£90
1	5	Community Well-Being	Homelessness Reduction	New digital offer, demand management and management of vulnerable people		Yes	Programme	£432	£1,688

Phase	Ref	Directorate	Project	Description	New	Enabling	Lead role	Max. Annual Savings	Cumulative Net Savings - 5yrs (£000's)
1	6	Regeneration	Brent Digital 'Canopy' to monetise digital infrastructure/Internet of Things (IoT)	Single integrated project to bring together all borough facing digital infrastructure and IoT into a common connected approach to avoid duplication, non-standardisation and to monetise where possible. Includes fibre, CCTV, smart cells, wireless on rooftops and street furniture, LED CMS, LTE and 5G. Aim for a joined up plan with target results in mind – i.e. business, residents, visitors, single commercial model.		NA	Programme	Investment in Infrastructure	Investment in Infrastructure
1	7	CYP	Early Help	Building on the Design Council supported project. Harness technology to help deliver greater insight into child and family need, risk and vulnerability to enable the right response at an early stage, in order to avoid intensive intervention and high cost placements.		Yes	Programme	£500	£1,000
1	8	CYP	Digital Offer to Foster Carers	Development and deployment of digital engagement and support processes and self help information, to drive greater in-house Foster Carer recruitment and retention.		Yes	Programme	£500	£2,000
1	9	Regeneration	Digital Offer to business	Development of a digital offer to business that unites all key support information and guidance to business in the borough to help start-ups and SMEs grow and expand. This could be done in the form of a 'Growth Hub' specifically aimed at enterprise, possible linked into the wider London Hub.. This could be a potential data rich area that can lend itself to aligning to the MDM data analysis tool in Brent	NA	N/A	Programme	Investment in web portal	Investment in web portal

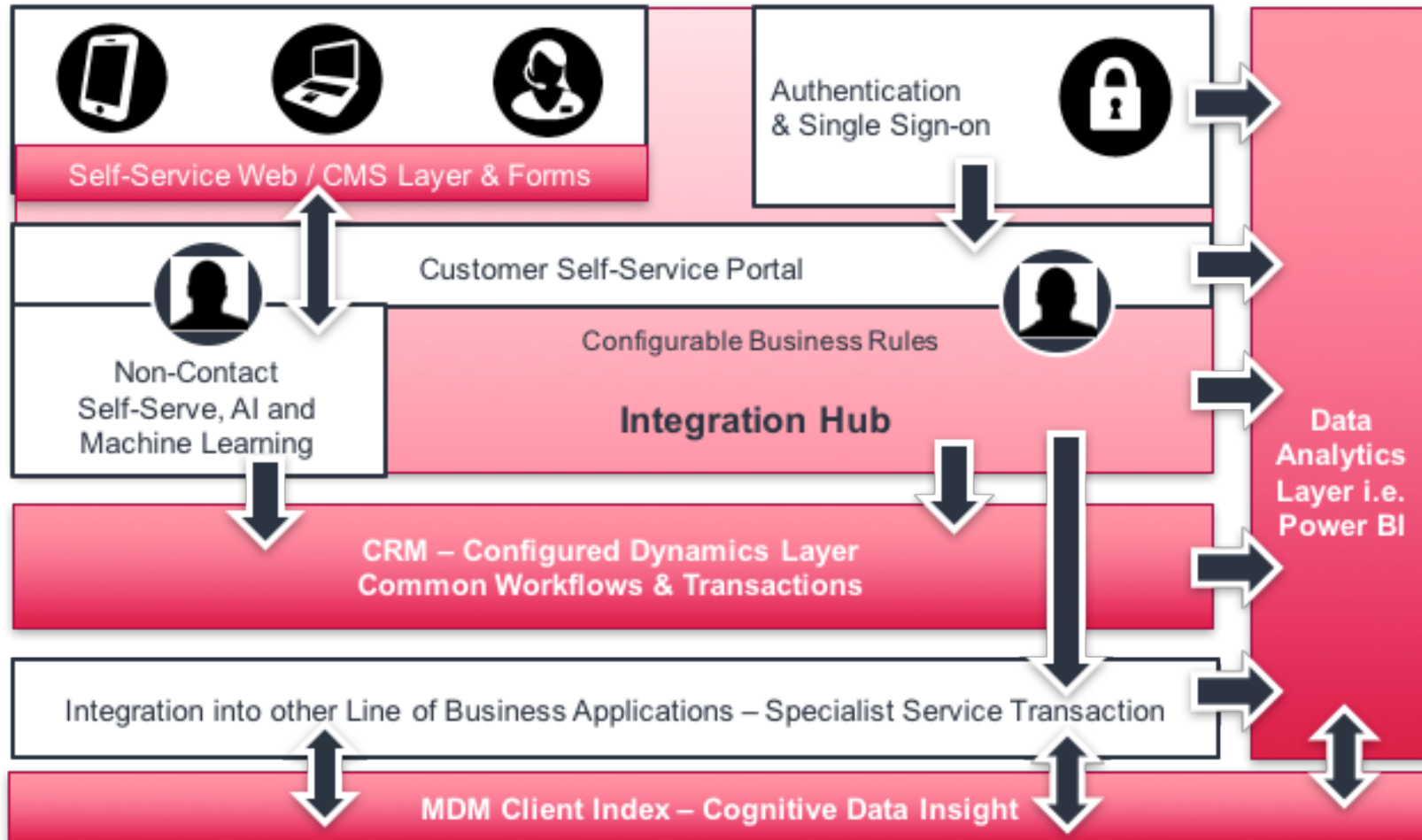
Phase	Ref	Directorate	Project	Description	New	Enabling	Lead role	Max. Annual Savings	Cumulative Net Savings - 5yrs (£000's)
1	10	Community Wellbeing	Telecare, potentially extended to tele-health	Ongoing feasibility pilot to test best approach to telecare in the home – sensors and devices, etc. Business cases developed around London suggest significant savings can be made on targets packages of care and by resource planning for areas such as night cover. Extended pilot to full project and business case based upon feasibility work		Yes	Programme	£340	£1,360
1	11	Resources	Payment systems review	Conduct a full business process review project, building on work to date to find about how it works and implement the best solution. Need to map financial payment systems the capita payments system doesn't work properly and there are various processes across the council.	Yes		Programme	TBC	TBC
2	12	Resources	Machine Learning & Other IoT pilots	Machine learning offers a new customer help channel platforms like virtual personal assistants and chat-bots over traditional apps and websites - "conversation as a platform" Pilot machine learning in customer services for frequent information requests – i.e. waste collection, opening times etc.	Yes		Programme	TBC	TBC
2	13	Council-wide	Extension of channel shift/My account usage	Acceleration of Channel Shift through the further development and adoption of digital online process/e-forms development	Yes		Programme	TBC	TBC
2	14	Regeneration	Digitisation and increased Building Control Monetisation	Increase monetisation of building control through digital enablement and creating a more commercial structure, defining service offering, model solutions, partnering and brokerage arrangements and better service branding.	Yes		Programme	TBC	TBC

Phase	Ref	Directorate	Project	Description	New	Enabling	Lead role	Max. Annual Savings	Cumulative Net Savings - 5yrs (£000's)
2	15	CYP	Schools Admission - Parent Digital Journey	Process improvements for online services to parents for schools admission including in-year admissions through the automation of in-year applications, self service reports and simplification of report writing		Yes	Programme	TBC	TBC
2	16	Regeneration	Parking Service Digital Redesign	Complete service of parking service, using digital enablement for availability & booking, enforcement, payments, car usage/demand patterns and potential monetising the service by offering it to health, housing and other potential partners	Yes		Programme	TBC	TBC
2	17	Regeneration	Borough wide Digital Skills Development	Explore Potential for HE/FE digital skills pilot partnership for young people. Potential partnership to proactive support digital skills development for young people and engage them in areas of innovation. This could include starting up coding clubs and running community hackathons. Potentially Wembley is a good area to focus with the likelihood of the Digital Campus being set up	N/A	N/A	Programme	Investment	Investment
2	20	Community Well-Being	Assessment self-service – better design, customer journey & pilot	A negotiated pilot with Mosaic to introduce a partial self service can potentially drive efficiency savings and free up social workers for higher value work. A proof of concept pilot here can built the business case for full roll out of a self service solution	Yes		Programme	TBC	TBC


Phase	Ref	Directorate	Project	Description	New	Enabling	Lead role	Max. Annual Savings	Cumulative Net Savings - 5yrs (£000's)
2	21	Community Well-Being	Development of Community Marketplace	Investment in the creation of a community marketplace – sustainable outside council funding can act a platform for service supply, volunteers, local products and services. This could be potential developed with a commercial partner and community partners. A possible proof of concept pilot.	Yes		Programme	TBC	TBC
2	22	Community Well-Being	Disabled Related Adaptations	Rethink the way in which we delivered adaptations for those residents in Brent that needed to either be able to remain living independently in their homes or prevent a deterioration of an existing medical condition	Yes		Programme	TBC	TBC
2	23	Regeneration	Planning	Digital support for re-design of planning service including increased connectivity for staff when working in the field and developing current work on use of GPS.	Yes		Programme	TBC	TBC

Annex E – The Proposed Digital Platform

“The Digital Platform”



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 Brent	<p style="text-align: center;">Cabinet 19 June 2017</p> <p>Report from Director of Policy, Performance and Partnerships</p>
<p style="text-align: center;">Wards affected: ALL</p>	
<p>Recommendations from Community and Wellbeing Scrutiny Committee: Brent Safeguarding Adults Board</p>	

1.0 Summary

- 1.1 This report has the recommendation for Cabinet agreed by the Community and Wellbeing Scrutiny Committee after discussion of the annual report for 2015-16 of the Brent Safeguarding Adults Board.

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 received the annual report of the Brent Safeguarding Adults Board for 2015-16, which was presented by the Independent Chair, Professor Michael Preston-Shoot.
- 3.2 Also attending the scrutiny committee meeting was the Strategic Director Community Wellbeing, and Cabinet Member for Community Wellbeing.
- 3.3 The Board's annual report set out the safeguarding activity which had been carried out by the Board's partners across the social care, health and criminal justice sectors in Brent. The analysis was divided into the four sections: prevalence of abuse; multi-agency response to safeguarding risks; strategic priorities; and learning from case reviews to improve practice. Committee members had a wide-ranging discussion with the Independent Chair, Strategic Director and Cabinet Member about the themes in the report and put a number of questions to the Independent Chair about the 2015/16 annual report.

- 3.4 Members enquired about levels of commitment from statutory partners, the opportunities for local community and voluntary organisations to get involved in the work of the Board and the overall safeguarding performance across the partnership. The Independent Chair said that overall levels of commitment of Board members had been high and an executive had been set up to drive the work of the Board and oversee the work of the sub-groups. There was also discussion of the public raising concerns and publicising the Board's activities, and engagement with community care and care providers.
- 3.5 During the wider discussion a committee member asked if the Council could request mandatory engagement from Brent's contractors and whether such an obligation could be added to potential new commissioning contracts. There was a discussion of this issue and Professor Preston-Shoot confirmed that this had been possible as it provided clarity in terms of responsibilities. On the basis of the discussion, members of the Community and Wellbeing Scrutiny Committee agreed a recommendation on this subject for Cabinet, which is set out in Appendix A.

Background Papers

Brent Safeguarding Adults Board Annual Report 2015/16, report to Community and Wellbeing Scrutiny Committee, 29 March 2017

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APPENDIX A

1. Brent Council's contracts with housing and social care providers be designed to encourage engagement with Brent Safeguarding Adults Board and attendance by the Contractors at the Board's relevant meetings.

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