



## Executive

**Monday, 15 March 2010 at 7.00 pm**

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Lead Member Councillors:

#### Portfolio

Lorber (Chair)	Leader of the Council
Blackman (Vice-Chair)	Deputy Leader of the Council
Allie	Lead Member for Housing and Customer Services
D Brown	Lead Member for Highways and Transportation
Colwill	Lead Member for Adults, Health and Social Care
Detre	Lead Member for Regeneration and Economic Development
Matthews	Lead Member for Crime Prevention and Public Safety
Sneddon	Lead Member for HR and Diversity and Local Democracy and Consultation
Van Colle	Lead Member for Environment, Planning and Culture
Wharton	Lead Member for Children and Families

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
<b>1</b>	
<b>Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>2</b>	1 - 12
<b>Minutes of the previous meeting</b>	
<b>3</b>	
<b>Matters arising (if any)</b>	
<b>4</b>	
<b>Deputations (if any)</b>	

## Environment and Culture Reports

<b>5</b>	<b>Environment and Culture Capital Spend 2010/11: Highways Major Works programme</b>	13 - 30
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This report makes recommendations to members detailing the prioritised programme for major footway upgrade projects, carriageway resurfacing schemes, improvements to grass verge areas and accessibility, renewal of marginal highway land, public realm improvements on primary routes, new street signage, gulley maintenance, concrete roads, carriageway resurfacing – short sections, footway upgrades – short sections, the maintenance of road channels and footway boundaries to facilitate street cleaning, and highway improvements in the Park Royal area. The Executive are asked to approve the expenditure for the 2010/11 capital works programme.

*(Appendices circulated separately)*

*Appendices 6, 6a and 7 are available for inspection the Council's website.*

**Ward Affected:**  
All Wards

**Lead Member:** Councillor D Brown  
**Contact Officer:** Richard Saunders, Director of Environment and Culture  
Tel: 020 8937 5002  
richard.saunders@brent.gov.uk

## Children and Families Reports

<b>6</b>	<b>Determination of proposals to discontinue Grove Park Special School and alter Hay Lane Special School</b>	31 - 52
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This report seeks the Executive's determination of the statutory proposals (published on 31 December 2009) to discontinue Grove Park Special School and alter Hay Lane Special School (see Appendix A). The representation period ended on 12 February 2010. The net effect of determining these proposals as recommended is to discontinue Grove Park Special School and to expand Hay Lane Special School so that all the children registered at Grove Park Special School can move to Hay Lane Special School.  
*(Appendices circulated separately)*

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Wharton  
**Contact Officer:** John Christie, Director of  
Children and Families  
Tel: 020 8937 3130 john.christie@brent.gov.uk

**7 Authority to tender works contract for a new build Intergenerational Children's Centre at Kingsbury High School 53 - 58**

This report concerns the procurement process for the new build Kingsbury Intergenerational Children's Centre. This report requests approval to continue the procurement process and to invite tenders in respect of the works as required by Contract Standing Orders 88 and 89

**Ward Affected:**  
Fryent  
Queensbury

**Lead Member:** Councillor Wharton  
**Contact Officer:** John Christie, Director of  
Children and Families  
Tel: 020 8937 3130 john.christie@brent.gov.uk

**8 Commissioning of the specialist Child and Adolescent Mental Health Service (CAMHS) in Brent 2010-11 59 - 64**

The Children and Families department are seeking exemption from the full tender requirements and seeking approval from the Executive to commission CNWL to deliver this service on a one year contract from 1 April 2010 to 31 March 2011. By recommissioning the existing provider, it is hoped that there will be minimal disruption to delivery for 2010-11.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Wharton  
**Contact Officer:** John Christie, Director of  
Children and Families  
Tel: 020 8937 3130 john.christie@brent.gov.uk

**9 Building Schools for the Future ( BSF ) - procurement of a Joint Local Education Partnership (LEP) with Barnet and Enfield Councils**

This report asks the Executive to endorse the commitment made by the Chief Executive and Leader to enter into a joint procurement with Enfield and Barnet Councils. It is important to note that the inclusion of the right to withdraw in the MOU protects Brent's interests. Regular reviews will be carried to ensure Brent's position is protected and all requirements are

being fully met.

NB *This report is to follow and will be circulated separately in advance of the meeting.*

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Wharton  
**Contact Officer:** John Christie, Director of  
Children and Families  
Tel: 020 8937 3130 john.christie@brent.gov.uk

## Housing and Community Care Reports

### 10 Supply and Demand and Temporary Accommodation 65 - 88

This report seeks Members' approval of the lettings projections for 20010/11, and provides Members with an updated supply and demand analysis for housing, including lettings performance in 2009/10 and progress against Temporary Accommodation reduction targets.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Allie  
**Contact Officer:** Martin Cheeseman, Director of  
Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

### 11 Authority to proceed with refurbishment of 8 St Gabriel's Road and 170 Walm Lane NW2 89 - 94

This report asks the Executive for authority to proceed with the refurbishment and modernisation of two Council owned properties at 8 St Gabriel's Road NW2 and 170A Walm Lane NW2. This project is one of the work streams contained in Adult Social Care's Transformation Golden Project.

**Ward Affected:**  
Mapesbury

**Lead Member:** Councillor Allie  
**Contact Officer:** Martin Cheeseman, Director of  
Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

### 12 Disposal of HRA freehold blocks/buildings (where leasehold interest of all the individual dwellings have been sold) 95 - 104

This report addresses those freehold buildings owned by the Council where the long-leasehold interest for individual dwellings that comprise the freehold has been sold, in the main through Right to Buy. The Council's managing agent, Brent Housing Partnership (BHP) has concerns that the risks to the Council and the net costs of managing these properties far outweigh the benefits of ownership through the ground rent. BHP is recommending to the Council that they should

consider freehold disposals

**Ward Affected:** All Wards  
**Lead Member:** Councillor Allie  
**Contact Officer:** Martin Cheeseman, Director of Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

**13 Authority to exempt from tendering a contract to provide a supported housing service at Livingstone House, 105 Melville Road** 105 - 110

This report asks the Executive to agree that a proposed contract for supported housing services at Livingstone House 105 Melville Road NW10 8UB be exempted from the tendering requirements ordinarily required by the Council's Contract Standing Orders, for good operational and financial reasons as set out in the report.

**Ward Affected:** Stonebridge  
**Lead Member:** Councillor Allie  
**Contact Officer:** Martin Cheeseman, Director of Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

**14 Local authorities new building programme** 111 - 120

Brent Council has received a funding allocation of £2.047 million to develop 21 new affordable homes on the St. Raphael's Estate under the Homes and Communities Agency Local Authority New Build programme. This report advises Members of steps being taken to progress the programme and specifically requests the Executive to grant delegated authority to the Director of Housing and Community Care to sign a Grant Agreement with the Homes and Community Agency and to grant delegated authority to the Director of Finance and Corporate Resources to prudentially borrow £1.689 million to be serviced by the rental income from the properties.

***Appendix also referred to below***

**Ward Affected:** Stonebridge  
**Lead Member:** Councillor Allie  
**Contact Officer:** Martin Cheeseman, Director of Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

**15 Housing and social care non HRA PFI authority to award phase 2 of contract** 121 - 136

The Housing and Social Care PFI was developed to provide social housing and replacement residential facilities for people with learning

disabilities with the aid of a government grant. Approval is now sought for the next phase of the contract.

**Appendix also referred to below**

**Ward Affected:** All Wards  
**Lead Member:** Councillor Allie  
**Contact Officer:** Martin Cheeseman, Director of Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

**16 Housing and Community Care Social Care: partnership arrangements with NHA organisations under S75 Health Act 2010/11** 137 - 140

This report recommends an extension to the Council's existing partnership agreement with Central and North West London Mental Health NHS Foundation Trust for up to 9 months from 1 April 2010.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Colwill  
**Contact Officer:** Martin Cheeseman, Director of Housing and Community Care  
Tel: 020 8937 2341  
martin.cheeseman@brent.gov.uk

### Central Reports

**17 Pupil safety on the journey to and from school** 141 - 168

This report sets out the findings and recommendations of the Children and Families Overview and Scrutiny task group investigation into how to improve pupil safety as they travel to and from school. This work will contribute to the administration's priority to improve services for youth in the borough.

**Ward Affected:** All Wards  
**Lead Member**  
**Contact Officer:** Phil Newby, Director of Policy and Regeneration  
Tel: 020 8937 1032 phil.newby@brent.gov.uk

**18 Climate change task group** 169 - 192

This report sets out the findings and recommendations of the Overview and Scrutiny task group investigation into climate change in Brent, focussing on a review of the council's Carbon Management Strategy and Implementation Plan (CMS&IP).

**Ward Affected:** All Wards  
**Lead Member**  
**Contact Officer:** Phil Newby, Director of Policy and Regeneration

**19 Performance and Finance Review Quarter 3** 193 -  
208

This report summarises Brent Council's spending, activity and performance in Quarter 3, 2009/10 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary.  
*(Appendices circulated separately)*

**Ward Affected:** All Wards  
**Lead Member:** Councillor Lorber  
**Contact Officer:** Phil Newby, Director of Policy and Regeneration  
Tel: 020 8937 1032 phil.newby@brent.gov.uk

**20 Authority to tender contract for insurance of leaseholder 'right to buy' properties** 209 -  
216

This report seeks authority under Contract Standing Orders 88 and 89 to invite tenders for a single provider framework agreement for the provision of building insurance for private dwellings sold by the Council to tenants under the Right to Buy scheme. The framework agreement will commence on 1 August 2010 and will be for a period of 3 years.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Blackman  
**Contact Officer:** Duncan McLeod, Director of Finance and Corporate Resources  
Tel: 020 8937 1424  
duncan.mcleod@brent.gov.uk

**21 Disposal of 79a and 79b Tubbs Road** 217 -  
224

This report seeks Executive's consent to the disposal of the above property on the terms detailed in this report.

***Appendix also referred to below***

**Ward Affected:** Kensal Green  
**Lead Member:** Councillor Blackman  
**Contact Officer:** Duncan McLeod, Director of Finance and Corporate Resources  
Tel: 020 8937 1424  
duncan.mcleod@brent.gov.uk

**22 Authority to agree a extension to the Council's existing contracts for office supplies** 225 - 228

This report requests authority to agree a further three month extension to the Council's existing contracts with Office Depot (UK) Ltd and The Paper Company for the provision of office supplies. This report details briefly the procedure followed the London Contracts and Supply Group in procuring a framework agreement for the provision of office supplies and explains why a three month extension of existing arrangements is sought.

***Appendix also referred to below***

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Blackman  
**Contact Officer:** Graham Ellis, Director of  
Business Transformation  
Tel: 020 8937 1089 graham.ellis@brent.gov.uk

**23 Reference of item considered by Forward Plan Select Committee (if any)** 229 - 230

Forward Plan Select Committee – 9 February 2010  
**- Willesden Junction Station Councillor Call for Action request**

**24 Any Other Urgent Business**

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

**25 Exclusion of Press and Public**

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

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

**Appendices** to reports referred to above:

- Local authorities new building programme
- Housing and social care non HRA PFI authority to award phase 2 of contract
- Disposal of 79a and 79b Tubbs Road
- Authority to agree a extension to the Council's existing contracts for office supplies



## Report from the Director of Housing and Community Care:

### Termination of Middlesex House and Lancelot Road non HRA PFI authority to award phase 2 of contract

Date of the next meeting: **Monday, 12 April 2010**



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.
  - Catering facilities can be found on the first floor near the Grand Hall.
  - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday, 15 February 2010 at 7.00 pm

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice-Chair) and Councillors Allie, Colwill, Detre, Matthews, Sneddon, Van Colle and Wharton

APOLOGIES: Councillors D Brown

ALSO PRESENT: Councillors HB Patel

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

RESOLVED:-

that the minutes of the previous meeting held on 18 January 2010 be approved as an accurate record of the meeting.

#### 2. **Matters arising**

None.

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

Councillor Detre declared a personal interest in the reports relating to South Kilburn as a member of the South Kilburn Neighbourhood Partnership Board. In relation to the budget report the personal interests of other members relating to membership of school governing bodies were noted to be as declared previously.

#### 4. **Petition - Closure of BACES, Harlesden**

Before the Executive for consideration were the terms of a petition from the students of BACES (Brent Adult Community Education Service) opposing the closure of the Harlesden BACES Centre on Craven Park Road and its relocation to the new Harlesden Library centre. Ms Palmer presented the petition on behalf of the students and outlined concerns which included the loss of on-site crèche and canteen facilities and a reduced curriculum. She felt that the move would result in a decrease in student attendance at a time when they should be supported in their efforts to improve life chances and set examples to their children. She referred to the relatively high levels of deprivation in the Harlesden area and the importance of adult education in helping students to alleviate social problems and become valuable members of society.

Mr Mikely, a student and resident of the borough for many years, supported the views expressed earlier in the meeting by Ms Palmer. Having attended the centre over a number of years, Mr Mikely had witnessed many students successfully

obtaining certificates and moving into higher education and employment. Mr Mikely, as a member of HEART (Harlesden Environmental Action Residents Team) spoke of the work he and others had done in cooperation with partners to improve the local environment and he saw the BACES centre as a spring board for teaching and learning. Mr Mikely put that the current teaching accommodation was barely sufficient to meet needs and that in the new centre some classes may have to close. Mr Mikely also felt that increasing the number of people able to speak English reduced the need for interpreters, the savings from which could be reinvested for educational purposes. He also referred to the centre's contribution in encouraging people away from crime and becoming economically active. He urged the Executive to make the move to the Harlesden Library premises a temporary one and in the meantime to improve the facilities at the Craven Park Road site.

Councillor Wharton (Lead Member, Children and Families) in response to the petitioners assured that the council valued the education provided at the BACES centre. He emphasised that the provision would not be ceasing but moving to newly refurbished and better equipped premises. It would also be next to the library and so able to offer complementary services. He accepted that there would be not be a dedicated crèche on site however advised that there were currently spaces at the nearby Stonebridge Centre.

Other members assured that they took a keen interest in the Harlesden area and welcomed the new £2m library facility due to open shortly which demonstrated the council's commitment to Harlesden. The Director of Children and Families contributed that the decision to relocate BACES to the new facility had been taken some time ago, and while there were no crèche or canteen facilities on site, capacity was being increased with larger sized rooms and enhanced IT provision. He added that use and provision would be monitored. The Executive welcomed the investment in the new Harlesden Library and hoped for a new service of which the council would be proud.

## **5. Order of business**

The Executive resolved to take earlier in the meeting, those items for which members of the public were present.

## **6. Deputation - review of fees and charges**

Mr Baig addressed the Executive and spoke in support of residents in temporary accommodation who had received correspondence in the year advising of the council's intention to no longer meet the costs of storing personal possessions held since 2006. This was a change from the previous undertaking. Mr Baig put that many of the families affected were vulnerable, had emotional and/or medical problems and this was now an additional burden which would not be means tested. He felt that many would have little choice but to dispose of their belongings as they were not able to find permanent accommodation. Mr Baig stated that he was very disappointed with the proposals and would be taking the matter further.

## **7. Review of fees and charges 2010/11**

Councillor Blackman (Lead Member, Resources) introduced the report from the Director of Finance and Corporate Resources which set out the proposed fees and

charges for council services in 2010/11. He outlined the overall approach which was to continue to maximise income but to freeze fees for adult and social care, education, services for the vulnerable and sports facilities. An exception was for specific fees and charges and changes to the policy for charging for removals and storage which up until 2006 was free when the decision was taken to introduce charges for new service users. It was felt that four years was a considerable time to have belongings in storage and so the proposal was to now bring these residents in line with the current arrangements. Councillor Blackman expressed sympathy for those residents affected, assured that transitional arrangements would be in place but felt it was appropriate for the council to now seek to cover costs.

The Director of Housing and Community Care stated that residents had been consulted but the previous situation was inequitable and it was now appropriate to regularise the position. He reiterated that the new arrangements would not take effect until the new financial year and that transitional arrangements would be in place. Other members, while expressing sympathy, concurred that to have belongings in storage for years free of cost was no longer viable and that it was now time to address the situation and to help current residents to adjust to the new arrangements.

RESOLVED:-

- (i) that approval be given to the proposed fees and charges set out in Appendix A to the report from the Director of Finance and Corporate Resources to apply from 1 April 2010 (unless otherwise stated);
- (ii) that approval be given to changes to the Removals and Storage Charging Policy as set out in Appendix B of the report from the Director of Finance and Corporate Resources.

**8. Introduction of Early Years Single Funding Formula and changes to the allocation and funding of Early Years Full Time Places in maintained and private, voluntary and independent (PVI) sectors**

The report from the Director of Children and Families advised of the requirement to introduce an early years single funding formula (EYSFF) across the maintained and private, voluntary and independent sectors that underpin the delivery of the extended free entitlement to early year's provision. Brent had made significant progress in developing the EYSFF and Executive were being asked to approve implementation from April 2010 in line with a large number of London councils. Councillor Wharton (Lead Member, Children and Families) advised that in December the Schools Forum initially asked the council to delay implementation till April 2011. However, having had more time to consider the December Ministerial statement, as well as the advantages of not delaying implementation, the January the Schools Forum recommended the Council to implement the SFF from April 2010. An application for pilot status had been submitted and a decision was awaited. Councillor Wharton also advised that the opportunity was being taken to review how full time early years' places were allocated and funded and move to only offering these places to needy and vulnerable children. This would not take effect until September 2011 subject to consultation. A further report would be presented to the Executive later in 2010.

RESOLVED:-

- (i) that the Early Years' Single Funding Formula and implementation from April 2010 be agreed in accordance with the recommendation of the January Schools Forum;
- (ii) that the application made in January to DCSF for pathfinder status be noted;
- (iii) that parents be consulted on the proposed allocation of full time early years' places based on need as set out in Section 6 from September 2011; a further report to be presented to the Executive following the consultation later in 2010.

#### 9. **Building Schools for the Future project initiation document**

Councillor Wharton was pleased to confirm that Brent Council was accepted by Partnerships for Schools onto the Building Schools for the Future programme in December 2009 and to introduce the project initiation document. The Council's BSF programme would deliver around £300m of capital funding from the Government over three phases. Brent Council's BSF programme consisted of 23 secondary schools including special schools and Pupil Referral Units. The plan was to either replace or re-model all 23 schools. The first phase would deliver around £80m of capital funding. A local education partnership (LEP) was now required and discussions were taking place with Enfield and Barnet to establish whether a joint venture was possible as this would be more cost effective and efficient. Councillor Wharton drew attention to the funding gap referred to in the Director's report and emphasised that arrangements would need to be in place to ensure that the council's commercial interests in any joint venture were protected.

The Director of Children and Families stated that meetings regarding the LEP were taking place later in the week and initial discussions were encouraging. A further report would be presented to the next meeting of the Executive. The Interim Borough Solicitor stressed that every effort would be made to find a solution that was be satisfactory to all parties and which also protected the borough's welfare.

RESOLVED:-

- (i) that the Transforming Learning in Brent – BSF Project Initiation Document be approved;
- (ii) that the anticipated funding gap as set out in paragraph 4.4 of the report from the Director of Children and Families be noted together with the planned strategy to resolve the gap.

#### 10. **Crest Boys and Girls Academies**

The report from the Director of Children and Families updated the Executive on the progress in establishing the Crest Boys' Academy and The Crest Girls' Academy in new accommodation and sought approval to proceed with the submission of the Outline Business Case for the construction of new buildings to Partnerships for Schools and the Department of Children and Families . It also informed Executive of the approach to engaging the overall project manager and the technical advisors.

Councillor Wharton (Lead Member, Children and Families) referred to the meeting of the Executive in July 2009 where, after an extensive debate, the decision was taken to proceed with the scheme to rebuild John Kelly Boys' and Girls' Technology Colleges on the existing site. A feasibility study had showed that the rebuild could take place on the existing site, without the need to purchase adjacent land, leaving more open space than currently available. Moreover, the first phase could be built without the need for demolition, reducing the need for temporary buildings the cost of which it was hoped would be met from government funding.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:-

- (i) that the Director of Finance and the Director of Children and Families be authorised to submit the Outline Business Case to Partnerships for Schools in the form set out in Appendix 1 to the report from the Director of Children and Families with the detailed content completed by the Director of Children and Families, subject to the FAM allocation being increased to meet the Council's estimate of costs as set out in Appendix 5 or the Director of Finance being satisfied that any costs over and above the FAM allocation can be met from an existing capital budget and upon approval to commence procurement via the PfS National Framework;
- (ii) that the Section 151 Officer be authorised to complete and issue the letter confirming the affordability of the scheme, subject to the FAM allocation being increased or the Director of Finance being satisfied as set out in paragraph 2.1 template attached as Appendix 4 to the Director's report;
- (iii) that the local authority's commitment to the project as set out in Appendix 2 to the Director's report be confirmed and approved given to the signing of the Memorandum of Understanding in the form set out in Appendix 3 or with such amendments as the Director of Children and Families, in consultation with the Borough Solicitor, considers to be appropriate.

## 11. **Carbon Reduction Commitment**

Councillor Van Colle (Lead Member, Environment, Planning and Culture) introduced the report which set out the terms of the Carbon Reduction Commitment Energy Efficiency Scheme, a mandatory carbon emission trading scheme starting from April 2010. Michael Read (Assistant Director, Policy and Regeneration) set out the processes required, explained the implications for its implementation and highlighted the actions the Council was taking to reduce CO<sub>2</sub> emissions from its operations. He highlighted the importance of accurate record keeping to avoid penalties and the financial implications should the council be at the lower end of the carbon reduction commitment performance league table in the first year. Michael

Read added that a council project group would be looking into the feasibility of installing automatic meter readers for council offices and schools.

Councillor Van Colle expressed the wish for the council to lead by example but expressed concern at the financial implications and the complexity of the arrangements for which it would be difficult to budget, noting that the final regulations had not yet been published. Councillor Lorber (Lead Member, Corporate Strategy and Policy Coordination) stated that the council in accepting the scheme, would be thinking creatively of ways of reducing CO<sub>2</sub> emissions.

RESOLVED:-

- (i) that the introduction and implications of implementing the government Carbon Reduction Commitment Energy Efficiency Scheme be noted;
- (ii) that approval be given to the Director of Finance and Corporate Resources having responsibility as Lead Officer for implementing Carbon Reduction Commitment for the Council;
- (iii) that the Carbon Management Steering Group develop a framework for penalising departments including schools that have not reduced their CO<sub>2</sub> emissions;
- (iv) that it be noted that the outcome of the review of the bronze project 'Review of energy supply and costs' will determine whether to install automatic meter readers for council offices and schools;
- (v) that it be noted that the requirement for an annual budget of approximately £43K plus lost interest on the cash flow from 2011/12 and note the implications of losing approximately £43K in the first year as a penalty for being at the lower end of the Carbon Reduction Commitment Performance League Table;
- (vi) that it be noted that for each subsequent year from 2012 the penalty increases by 10% each year should the Council remain at the lower end of the Performance League table;
- (vii) that it be noted that as final regulations are yet to be published, any detail referred to is subject to change.

**12. South Kilburn Regeneration - disposal of sites known as Albert Road and Carlton Vale roundabout**

The joint report from the Directors of Housing and Community Care and Policy and Regeneration summarised the procurement process undertaken by the council to dispose of two sites within the South Kilburn Regeneration area, known as Albert Road and Carlton Vale Roundabout and sought authority to dispose of these sites to London and Quadrant Housing Association. Also on the agenda for members that evening was an update report on the South Kilburn Regeneration project.



The Director of Housing and Community Care advised that there had been a good response to the competitive tendering exercise and staff within the regeneration and housing teams had worked hard to get the schemes through the planning process. Councillor Lorber (Chair, Lead Member, Corporate Strategy and Policy Coordination) added that this route had been pursued as central government funding under New Deal for Communities had not materialised. He was also pleased to note that the housing development now had had maximum height of up to 12 storeys. Councillor Detre (Lead Member, Regeneration and Economic Development) added that the process for the development of 500 homes had commenced and that the roundabout site scheme had been sensitively designed to be in keeping with the locality. The Director of Housing and Community Care confirmed that discussions were still taking place over the rent policy and Councillor Van Colle sought and received assurances that high standards of sustainability in terms of recycling and heating would apply.

Members paid tribute to staff involved for their efforts in bringing the initiative to this stage.

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

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

RESOLVED:-

- (i) that agreement be given to enter into a development agreement in respect of land at Albert Road, South Kilburn (known as Zone 11a) as shown edged red in the plan at Appendix 1 to the report from the Directors of Housing and Community Care and Policy and Regeneration, with London and Quadrant Housing Association, such agreement to provide for the acquisition of the land for the sum set out in Appendix 5 and to contain such other terms as are approved by the Director of Housing and Community Care in consultation with the Borough Solicitor;
- (ii) that agreement be given to enter into a development agreement in respect of land at Carlton Vale Roundabout, South Kilburn (known as Zone 3c) as shown edged red in the plan at Appendix 2, with London and Quadrant Housing Association, such agreement to provide for the acquisition of the land for the sum set out in Appendix 5 and to contain such other terms as are approved by the Director of Housing and Community Care in consultation with the Borough Solicitor;
- (iii) that the sum of £2,978,000 from the proceeds of the sale should be transferred to South Kilburn Neighbourhood Trust;
- (iv) that agreement be given to the remaining sum set out in Appendix 5 to the report from the Directors of Housing and Community Care and Policy and Regeneration from the proceeds of the sales be re-invested into the regeneration of South Kilburn, including for the purposes of bringing forward

further development sites within the regeneration area in line with priorities set out in paragraphs 4.4 of the Director's report;

- (v) that the rent assumptions for both sites as set out in paragraphs 3.11 and 3.12 of the Directors' report be noted.

**13. South Kilburn Regeneration - dealing with housing issues (voids)**

Councillor Allie (Lead Member, Housing and Customer Services) introduced the report which aimed to update members on the progress made for the South Kilburn Regeneration programme in relation to the use of voids during the regeneration programme.

RESOLVED:-

that authority to find a solution for the use of voids using the criteria in paragraph 3.30 of the Director's report be delegated to the Director of Housing and Community Care, seeking all relevant consents if so required.

**14. Housing Revenue Account Budget 2010-11 for rent increase proposal for council dwellings for 2010-11**

Councillor Allie (Lead Member, Housing and Customer Services) presented to members the Revised (Probable) HRA Budget for 2009-10 and the Draft HRA Budget for 2010/2011. Members were required to consider these budget estimates and the associated options, taking account of the requirement to set a Housing Revenue Account (HRA) budget that does not show a deficit. Councillor Allie announced an average overall rent increase (excluding service charges) of £0.87 per week with an average overall decrease on the non HRA Brent Stonebridge dwellings. He noted that council housing finance reforms were expected to see an end to the HRA regime and he hoped that its replacement would be more equitable.

RESOLVED:-

- (i) that approval be given to the Revised (Probable) Budget for 2009/2010 (Appendix, 1 Table 1 of the report from the Director of Housing and Community Care);
- (ii) that the draft Budget for 2010-11 be noted, in the light of officers' advice contained in the report;
- (iii) that approval be given to the growth of £150k in 2010-11 and a further £150k in 2011-12, and the proposal for funding that growth, as set out in paragraph 3.39 of the Director's report;
- (iv) that approval be given to the savings/budget reductions as set out in paragraph 3.44 of the Director's report;
- (v) that approval be given to an average overall rent increase (excluding service charges) of £0.87 per week, which is an average overall increase of 1.09%. This to be applied on an individual basis to each property based on the

Government's rent convergence guidelines as detailed in paragraphs 3.22 to 3.26. This will raise an additional £419k rent income;

- (vi) that approval be given to increase HRA Council Dwelling service charges by 1.23% raising an additional £35k;
- (vii) that approval be given to an average overall rent decrease of £0.54p per dwelling per week on the Brent Stonebridge Dwellings, which is an average overall rent decrease of 0.5% as set out in paragraph 3.58 of the Director's report. This would reduce the annual rent income by £9k;
- (viii) that approval be given to decrease the service charges on the Brent Stonebridge Dwellings by an average of 37.8% or an average of £3.21 per dwelling per week as set out in paragraph 3.61 of the Director's report. This would reduce the annual service charge income by £55k;
- (ix) that authority be delegated to the Director of Housing and Community Care to agree the ALMO management fee after negotiations with that organisation on the basis it is funded from agreed overall financial resources for the financial year 2010/11.

#### **15. Removals and storage**

The report from the Director of Housing and Community Care related to furniture removals and storage services in respect of the personal property of homeless households and those who have been evicted from Council property and have left personal goods behind. The report requested authority to award a contract for furniture removals and storage services to commence on 1 April 2010 as required by Contract Standing Orders 88 and 89. This report summarised the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommended to which contractor the contract should be awarded.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

that approval be given to award the Contract for Furniture Removals and Storage Services to Crown Promotions and Removals Limited, the contract to run from 1 April 2010 until 31 March 2012, with an option to extend the contract for up to a further two years.

#### **16. Budget 2010/11 and Council Tax**

The Executive had before them the 2010/11 Budget and Council Tax report from the Director of Finance and Corporate Resources which set out proposals for the 2010/11 revenue and capital budgets. Councillor Blackman (Deputy Leader, Lead

Member, Resources) in introducing the report began by thanking the Budget Panel for their work and also the Director of Finance and Corporate Resources and his team. Councillor Blackman stated that the budget was complicated with the improvement and efficiency agenda being the main driving force and expected to yield savings. He considered the budget to be prudent and expected it to give rise to savings in excess of those outlined in the report. Councillor Blackman stated that the council would be investing in key areas such as child protection, adult social care, recycling, sports, youth, libraries and CCTV. The anticipated reduction in government grant had been taken into account and the council would also support concessionary fares notwithstanding the reduction of government funding. Despite difficulties, a balanced budget had been achieved with a freeze in council tax levels. The council was also able to largely deliver on its corporate strategy. Councillor Blackman was pleased to note that the Budget Panel, in considering the report, had not put forward any serious challenges and he felt that this was a budget of which the council could be proud. Councillor Lorber (Leader, Lead Member, Policy Strategy and Policy Coordination) added that the council was now considered to be on a sound footing and was determined to provide service improvement, eliminate waste and invest in services wherever possible.

Members, in considering the report, welcomed the budget proposals and the 0% council tax rise achieved in the face of difficulties many of which were beyond the council's control. They commended officers for their efforts in planning for the future. The Director of Finance and Corporate Resources announced that the Greater London Authority had confirmed a freeze in the GLA council tax precept which would be reflected in the report to Full Council, together with information on levies also recently received.

RESOLVED:-

- (i) This budget continues the Administration's sound financial policies. It delivers efficiencies to fund frontline service improvements and a 0% increase in Council Tax. Brent currently has the fourth lowest council tax out of the 20 outer London boroughs. This budget has been produced despite the backdrop of the worst economic conditions for more than a generation, combined with Central Government breaking funding pledges on concessionary fares, which has required the Council to find £1.5m to protect the full scheme for all residents;
- (ii) We have also developed a planned and innovative response to address the Government's cuts in resources. The Improvement and Efficiency Strategy is aimed at fundamental service transformation to raise the quality of frontline services, while at the same time taking costs out of the organisation to meet the challenges in the medium term;
- (iii) We have provided over £9m of growth to fund our priorities. This includes:
  - £2.3m for Child Protection Services;
  - £1m on Adult Social Care;
  - £60k on recycling;
  - £250k on supporting the redevelopment of Brent's secondary schools;
  - £800k on sport and youth activities;
  - £245k on combating climate change and carbon reduction;

£500k on Temporary Accommodation;  
£100k on extra library books;  
£68k for additional CCTV.

- (vi) We note that the Council has won £85m of additional funding for secondary schools through Building Schools for the Future, and £23m for Primary Schools to help modernise our schools and allow us to use them as wider community facilities;
- (v) The Executive notes the comments and recommendations of the Budget Panel and thanks them for their informed input into the overall process;
- (vi) The Executive notes the report and agrees to forward it as amended by:
  - Decisions of the Schools Forum on 8<sup>th</sup> February 2010 and any consequent changes due to these; and
  - any other changes to the budget figures from updated information;to Full Council on 1<sup>st</sup> March 2010 who are asked to agree recommendations 2.1 to 2.38;
- (vi) That it be noted that this report will be amended by the Director of Finance and Corporate Resources prior to the council budget setting meeting to reflect changes per paragraph 6.

**17. Authority to award the contract for the provision of Occupational Health services**

Councillor Sneddon (Lead Member, Human Resources and Diversity, Local Democracy and Consultation) introduced the report which requested approval to award the contract for the provision of occupational health services to Connaught Compliance Services Limited as part of a Framework Agreement with the West London Alliance (WLA). He reminded the Executive of the decision taken in May 2009 to enter into a joint procurement arrangement and there was an expectation of making savings while still providing a good service.

RESOLVED:

that approval be given to the award of the contract for the provision of occupational health services to Connaught Compliance Services Limited for a term of three years commencing on 1 April 2010, with an option to extend for a further two year period.

**18. Authority to participate in a collaborative procurement for the provision of services for the administration of the Local Government Pension Scheme**

The report from the Director of Business Transformation requested approval to participate in a collaborative procurement with the London Borough of Hammersmith and Fulham to set up a Framework Agreement for the provision of services for the administration of the Local Government Pension Scheme as required by Contract Standing Order 85.

RESOLVED:-

- (i) that approval be given to the Council participating in a collaborative procurement exercise leading to the establishment of a framework agreement by the London Borough of Hammersmith and Fulham for the provision of services for the administration of the Local Government Pension Scheme;
- (ii) that approval be given to the collaborative procurement exercise described in paragraphs 3.5 – 3.10 being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 85(c) and 84(a) on the basis that there are good financial and operational reasons as set out in the report from the Director of Business Transformation.

**19. Reference of items considered by Select Committees**

- (i) *Overview and Scrutiny Committee – 8 December 2009: Update on the Voluntary and Community Sector Strategy 2010-2015*

The Executive noted and agreed the suggestion from the Scrutiny Committee that consideration be given to ways of improving communication with the voluntary and community sector.

- (ii) *Children and Families Overview and Scrutiny Committee – 15 December 2010: Allocation and funding of nursery places*


The Executive noted that matter had been dealt with earlier in the meeting.

**20. Any Other Urgent Business**

None.

The meeting ended at 8.45 pm

P LORBER  
Chair

	<p style="text-align: center;"><b>Executive 15 March 2010</b></p> <p style="text-align: center;"><b>Report from the Director of Environment and Culture</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>Environment and Culture Capital Spend 2010/11: Highway Major Works Programme</b></p>	

Forward Plan Ref: E&C-09/10-33

## **1.0 SUMMARY**

- 1.1 This report makes recommendations to members detailing the prioritised programme for major footway upgrade projects, carriageway resurfacing schemes, improvements to grass verge areas and accessibility, renewal of marginal highway land, public realm improvements on primary routes, new street signage, gulley maintenance, concrete roads, carriageway resurfacing – short sections, footway upgrades – short sections, the maintenance of road channels and footway boundaries to facilitate street cleaning, and highway improvements in the Park Royal area. The Executive are asked to approve the expenditure of the £4,000k capital budget allocation for the 2010/11 capital works programme, which has been included in the Budget Setting report submitted to the meeting of the Executive on 15<sup>th</sup> February 2010 and subject to Full Council approval on 1<sup>st</sup> March 2010.
- 1.2 This report also details for information, the Principal (A) Road programme for 2010/11, which utilises the £622k maintenance element of funding allocated by Transport for London (TfL), for improvements on the basis of the results of a London wide condition survey.
- 1.3 This report does not include details of various other schemes funded by the £4,225k TfL allocation for 2010/11; these have been covered under a separate report to Highways committee on 19<sup>th</sup> January 2010. These schemes require extensive consultation with stakeholders and therefore schemes may change, be altered or abandoned; consequentially this report also identifies a capital allocation of £100k (2.5% of the £4m) to be used as a contingency.

## 2.0 RECOMMENDATIONS

2.1 The Executive agrees to utilise the main highways capital programme of £4,000k as follows:

### Footways

	% budget	amount (£ 000's)
▪ Major footway upgrade	35	1,400
▪ Footway upgrades – short sections	2.5	100
▪ Renewal of marginal highway land	1.25	50
▪ Public realm improvements on primary routes	2.5	100
▪ Improvement to grass verges and accessibility	1.9	75
▪ New street signs	1.25	50
<b>total</b>	<b>44.4</b>	<b>1,775</b>

### Carriageways

▪ Major carriageway resurfacing of non-principal unclassified (borough road) network	32.5	1,300
▪ Major carriageway resurfacing of non-principal classified (B & C) network (CAA NI169)	7.5	300
▪ Gulley replacement/maintenance	1.9	75
▪ Concrete roads	1.9	75
▪ Carriageway resurfacing – short sections (including amendments for moving traffic contraventions)	6.8	275
<b>total</b>	<b>50.6</b>	<b>2,025</b>

### Miscellaneous

▪ Maintenance of road channels and footway boundaries to facilitate street cleaning	1.25	50
▪ Highway improvements in Park Royal (match funding to be provided by PRP)	1.25	50
▪ Contingencies for TfL funded schemes	2.5	100
<b>total</b>	<b>5</b>	<b>200</b>

2.2 The Executive approve the schemes and reserve schemes, as listed in Appendices 1 - 3.



### **3.0 DETAIL**

#### **3.1 Highways Priorities**

- 3.1.1 The findings of a specialist independent condition survey contractor were used to help determine the carriageways and footways in residential streets that are being recommended for an upgrade. The streets included in the most recent condition survey, were nominated by the team of area highway engineers, who are responsible for undertaking responsive and routine safety inspections. For the purposes of this particular survey, only residential streets were included.

Our Principal Classified (A) roads and non-Principal classified (B & C) roads are the subject of separate condition surveys.

Through their day-to-day involvement, this team of area based engineers have a detailed and intimate knowledge of the condition of the carriageways and footways throughout the borough. In arriving at their nominations, they took into account those streets whose condition is known to be of concern, as identified on the periodic routine safety inspections or evidenced by communications received from MPs, Members, residents and other stakeholders, or the subject of accident claims.

- 3.1.2 In 2006, to ascertain the overall condition of the highways network a 100% visual survey was carried out by DCL Yotta Ltd, an independent specialist company in accordance with the United Kingdom Pavement Management System (UKPMS) visual survey manual. For subsequent years, further condition surveys were commissioned and surveys were carried out of streets identified in accordance with 3.1.1.above. The last condition survey was completed in late 2009, enabling officers to update the database and prioritise streets on the basis of their condition score.
- 3.1.3 The recent weather conditions will not have affected our survey work as the effects of the snow and ice has a universal impact on the road network. Recent verification by senior engineers in February 2010s confirms this and therefore we are satisfied with the current prioritisation of footways and carriageways. However, the effect of the severe weather conditions will undoubtedly have an impact on our levels of intervention and a subsequent demand on the revenue budget.
- 3.1.4 Each section of carriageway or footway that was visually surveyed is given a defectiveness rating score. This reflects the incidence of certain defect types; the higher the score, the greater the incidence of these defects. Senior engineering officers then carried out a follow - up inspection of the streets within the top tier of the carriageway and footway defectiveness rating lists. This enabled them to allocate, where applicable, weighting scores to take account of factors outside the scope of the condition survey e.g. structural and safety implications; level of pedestrian and vehicular usage; proximity to schools; future utility works. Streets nominated by Members as part of the annual consultation process have also been considered. The level of available funding, determines how many streets

within the top tier of these two priority lists, can be upgraded. Attached, appendices 1 and 2 contain details of the streets which have been selected as a result of this process.

### 3.2 **Unclassified (U) roads**

3.2.1 The condition of our residential unclassified (U) borough roads was up to 2007/2008, one of the national performance indicators (BV224b) that highway authorities had to report on to central government. Although it has not been retained in the new set of National Indicators, it has been decided that it will be retained as a local indicator (LI). Our scores for the last 4 years, showing the percentage of the network that may require maintenance, was as follows:

Year	*Score
2005/2006	27%
2006/2007	18%
2007/2008	20%
2008/2009	23%

\* % of the network where maintenance should be considered.

3.2.2 There is a 5% tolerance in visual surveys and although there has been a slight decrease in the overall condition index, the network is in a steady state.  
To enhance our prospects of maintaining a good LI score, and to mitigate the affects of winter conditions on roads in poor condition that are more susceptible to damage, it is the considered view of senior highway officers that the level of funding is increased from last years £1,120k allocation, to improve this network.

3.2.3 For this reason, it is recommended that £1,300k, approximately 32.5% of this year's overall budget, be assigned to improving the unclassified road network.

### 3.3 **Principal classified (A) roads**

3.3.1 Our principal (A) roads are machine surveyed as part of an annual London wide condition survey commissioned by Transport for London (TfL). The council bids every year for funding from TfL for the upgrade of sections of this network where condition surveys have indicated that structural maintenance may be required. Brent has been allocated £622k by TfL for 2010/11, for improvements to specific sections of the principal road network, details of which are listed in Appendix 3. Historically, none of our capital or revenue budget provision, has been spent in supplementing funds received from TfL for resurfacing, as priority has been accorded to the non-principal road network for which TfL funding is not available.

3.3.2 The condition of our principal road network has been retained as one of the set of UK National Indicators (NI 168) that all highway authorities have to report on. This NI shows the percentage of the network where maintenance may be required. Our scores for the last 4 years are as follows:

Year	*Score
2005/2006	16%
2006/2007	21%
2007/2008	8%
2008/2009	8%

\* % of the network where maintenance should be considered.

3.3.3 The results of the last London-wide condition survey of this network will be used to bid for funding from TfL for 2011/12. No funding allocation from the Councils

major works programme is specifically allocated to improve the overall condition of this network for 2010/11, however the Council have a duty to carry out responsive maintenance repairs utilising revenue budgets and some funding from the short-sections may be used if necessary to improve the surface at junctions, to enable line marking work and the enforcement of moving traffic contraventions, which will increase revenue through fixed penalty notices (see section 3.14).

### 3.4 Non-principal classified (B&C) roads

3.4.1 The non-principal classified network comprises our B and C roads. These roads form a very important part of the network, as they link unclassified (residential) roads to the principal (A road) network. Classified roads generally carry a much higher volume of traffic than residential or other unclassified roads. Attached (appendix 7) is a map showing the roads which comprise our principal, non-principal classified and non-principal unclassified networks.

3.4.2 As with the principal road network, Brent's B and C roads are machine surveyed annually. Their condition is also the subject of reporting as part of the set of National Indicators (NI 169). Our scores for the last 4 years are as follows:

Year	*Score
2005/2006	15%
2006/2007	21%
2007/2008	10%
2008/2009	9%

\* % of the network where maintenance should be considered.

3.4.3 To maintain an ongoing improvement in the condition of this network, and help enhance our prospects of maintaining a good NI score, it is the considered view of senior highway officers that a proportion of the carriageway resurfacing budget, continue to be targeted to improving this network.

3.4.4 For this reason, it is recommended that £300k, approximately 7.5% of this year's overall budget, be assigned to improving sections of this network

that were identified in Appendix 2 from the latest condition survey. Further sites to be identified from the results of a SCANNER machine survey which are due in April /May 2010.

### 3.5 Footways

3.5.1 Up until 2007/2008, highway authorities had to provide (BVPI 187) information on the condition of the high usage footways comprising prestige areas in towns and cities, busy urban shopping areas, and main and medium use linkage routes, (Category 1a, 1 & 2 footways). In essence, this network constituted only a very small proportion of the borough's total footway network, as it was not necessary to report on the condition of the footways in our residential streets, (Category 3 & 4 footways) which comprise the vast majority of our total footway network.

3.5.2 Although the mandatory requirement to report on BVI 187 from 2008/2009 has been abolished, it will now form part of our set of local performance indicators.

For information, the BVPI 187 scores for the last 3 years for which data is available, are as follows:

Year	*Score
2005/2006	23%
2006/2007	14%
2007/2008	17%
2008/2009	20%

\* % of the network where maintenance should be considered.

3.5.3 The scores in 3.5.2 above represent the percentage of the category 1a,1 and 2 network where condition surveys have indicated that maintenance is called for, but do not represent the condition of the vast majority of the network.

In recent years, a higher percentage of the major works programme has been targeted on improving carriageways. However, with the increase in requests for footway repairs and pressure on the responsive maintenance budgets, last year increased funding was allocated for improving footways. This year, due to the effect of the winter weather on the road network and the lesser effect these conditions have had on the boroughs footways, it is the opinion of senior engineers highway engineers that the allocation is slightly reduced from the previous years £1,580k.

3.5.4 For this reason, it is recommended that £1,400k, approximately 35% of this year's overall budget, be assigned to improving the condition of footways on the unclassified road network.

### 3.6 Highway Asset Management Plan

3.6.1 Officers have developed the Councils Highway Asset Management Plan (HAMP), and further work will be carried out in the near future to include

the impact of climate change, sustainability, skid resistance (see 3.7 below) and utility work. Asset management is a strategic approach that identifies the optimal allocation of resources for the management, operation and preservation and enhancement of the highway infrastructure to meet the needs of current and future stakeholders.

Customer Service, Safety, Serviceability, and Sustainable Preservation of the infrastructure, all of these aspects are brought together, in the (HAMP) which sets out objectives and targets for delivery, procedures for efficient management of the asset lifecycle, and a programme of improvements, for all parts of the highways network. The HAMP focuses on the management of core highway infrastructure assets and the identification of ways in which the management of those assets can be improved. The plan has been developed by 'asset owners' in both StreetCare and Transportation and covers all elements of the highway infrastructure managed by the Council; from roads and footways through to street lighting, trees and verges, ensuring that a safe, usable and sustainable network is provided for all. Transportation have invested £50k Department for Transport funding awarded for progress in development of the HAMP in Symology Insight software. This includes not only the asset management modules, but those for responsive maintenance, and this should result in improvements to both the use of asset data, but also efficiencies.

- 3.6.2 One intention of the plan will be the creation of service levels , which will include a threshold for footway condition. This will facilitate the creation of a local performance indicator showing the condition of our residential footways indicating those in need of upgrade.
- 3.6.3 The Government has asked the Chartered Institute for Public Finance and Accountancy (CIPFA) to implement their recommended changes in local authority accounting for highway assets. Although CIPFA have been asked to take a 'prepare and decide' approach which allows some flexibility in timing if necessary, it is expected that local authorities will be required to state its accounts on the new basis from 2011/12.
- 3.6.4 The Audit Commission has announced that asset management will feature in the Key Lines of Enquiry to be followed in the new Comprehensive Area Assessment (CAA). Audit teams will consider whether "the organisation has a strategic approach to asset management based on an analysis of need to deliver strategic priorities, service needs and intended outcomes".
- 3.6.5 Officers in Transportation and Corporate Finance have joined the IPF Highway Asset Management Planning Network. The Highway Asset Management Financial Information Group (HAMFIG) will develop the new code of guidance and future reporting requirements for International Financial Reporting Standards (IFRS). Brent have already prepared a whole replacement cost (WRC) valuation as required for 2009/10 and should be well placed for submitting a Depreciated Replacement Cost valuation calculated on condition, considering impairment and depreciation in accordance with financial reporting standards.

### 3.7 **Skid resistance**

- 3.7.1 In 2008 TfL commissioned WDM Limited Consultants to carryout a Sideway-force Coefficient Routine Investigation Machine (SCRIM®) survey on London's Principal (A) road network and assist the boroughs in developing consistent skid resistance policies. The results from SCRIM® surveys identify those locations where the skid resistance is below investigatory levels and this may contribute to the risk of traffic accidents on wet roads.
- 3.7.2 Highway engineers have analysed the results of the 2008/9 and 2009/10 surveys to consider the cause of accidents and consider engineering measures to mitigate risk.
- 3.7.3 Of these sites, 12 require low cost measures such as the installation of 'slippery road ahead' signage to warn motorists, the cost of which can be met from existing revenue budgets.
- 3.7.4 Road surfacing measures are required for 7 sites, and these will be the subject of future bids to TfL for principal road resurfacing. Some of these sites may be subject to other TfL funded road safety schemes.
- 3.7.5 Officers in Transportation are developing a boroughs skid resistance policy for consideration at a future Highways Committee.

### 3.8 **Other issues**

- 3.8.1 The rate of improvement and consequent National and Local indicator scores will also be affected by the rate of deterioration which is a variable and will depend on usage, residual life, environmental conditions and the level of maintenance. The recent improvements on the control of utility companies, including the quality of their reinstatements, should also help to improve the overall condition of the network.
- 3.8.2 Consideration of future developments, regeneration funding or planned utility work is given to avoid any abortive works. Therefore, schemes that have been prioritised may be deferred until later in the financial year or to next financial year. Where this is the case, the next prioritised reserve scheme will take the place of the scheme postponed, which will then become a priority for the next financial year.
- 3.8.3 Schemes that are not completed within 2010/11 will be included in next years highways major works programme.
- 3.8.4 Appendix 4 details major footway upgrade and carriageway resurfacing work that has been carried out in the borough for 2006/7, 2007/8, 2008/9 and 2009/10. Appendix 5 is a key to the abbreviations used for borough wards in appendices 1-4. Appendix 6 is a borough map identifying the major schemes for 2010/11 within each ward. Appendix 7 is a borough map identifying the principal road and non-principal classified road networks. Appendices 8 – 20 are the capital scheme approval forms required for each work category listed in 2.1 above.

### 3.9 **Carriageway resurfacing – short sections**

- 3.9.1 There are shorter sections of carriageway in some streets on the Unclassified or non-principal (B&C) road network that have deteriorated and are in need of resurfacing. These are often shorter sections in streets that have not been prioritised from the results of the independent condition survey, due to their overall condition score.
- 3.9.2 Such areas are high cost in terms of lifecycle costs and the need to carry out periodic maintenance. Due to cost, often the renewal of these areas cannot be funded through the responsive highway maintenance budgets, which are already under some considerable pressure.
- 3.9.3 The recent winter weather conditions have affected the condition of our roads, particularly those that are heavily used and are nearing the end of their design life. These may deteriorate more rapidly due to the ingress of water and the effect of freezing, and it may therefore be the case that maintenance patch repairs are uneconomical.
- 3.9.4 The report to this Executive titled; Enforcement of Moving Traffic and Parking Contraventions by Means of CCTV Cameras planned for April 2010 will detail the need for surveys to take place to ensure that line marking and signage conform to regulations. Line markings can only be laid on road surfaces that are in fairly good condition and until these surveys have been completed, the extent of repairs or the requirement of the resurfacing of junctions will not be known.
- 3.9.5 For these reasons, £275k has been allocated to resurfacing various smaller sections of carriageway throughout the Borough where there are ongoing maintenance requirements, and these sites shall be identified by engineering staff. It will also be used, if necessary, to supplement the capital allocation identified for improving sites that will be subject to the enforcement of moving traffic contraventions. Enforcement will reduce congestion and improve road safety.
- 3.10 **Footway upgrades – short sections**
- 3.10.1 There are sections of footway that are subject to repetitive damage in some streets that have not been prioritised from the results of the independent condition survey, due to their overall condition score.
- 3.10.2 Such areas are high cost in terms of lifecycle costs and the need to carry out periodic maintenance. Often the renewal of these areas cannot be funded through the responsive highway maintenance budgets, as they are already under considerable pressure, due to their cost.
- 3.10.3 Various smaller footway sections throughout the Borough that need strengthening due to ongoing maintenance requirements shall be identified by engineering staff, and programmed for upgrade using more durable materials utilising this £100k allocation.
- 3.11 **Concrete Roads**

- 3.11.1 The non-principal unclassified network has a small proportion of concrete finished carriageways, which were constructed some 50 years ago. Many of these roads were overlaid with bituminous macadam, over 30 years ago. At this present time, many of these treated roads are suffering from areas of the bituminous macadam wearing course 'plucking out', thereby exposing sections of the old concrete road construction.
- 3.11.2 These areas although aesthetically unpleasing, often do not meet the current council criteria for repair. Additionally, this will also result in them not appearing in the top tier of the defectiveness rating list that is produced following each annual condition survey.
- 3.11.3 However, long term exposure of the concrete will ultimately result in a combination of frost and rain eroding the concrete slabs and joints. This could result in a costly road reconstruction programme in the future.
- 3.11.4 In recent years, a small proportion of the overall capital budget has been allocated to resealing those concrete roads adjudged to be in the greatest need of attention, in order to arrest the current decline in condition (see appendix 2). If this level of expenditure is maintained in the short term, approximately 95% of the concrete roads in the borough which are currently subject to some degree of surface deterioration will be resurfaced within the next 2 years, thereby preventing costly future reconstruction works.
- 3.11.5 For 2010/11, a budget of £75k has been allocated to continue the concrete road resurfacing programme.

### 3.12 **Improvements to Grass Verge Areas & Accessibility**

- 3.12.1 The Executive approved the report titled 'Highways Grass Verges in Narrow Streets' on 23<sup>rd</sup> January 2003. There are a number of narrow streets in the borough where parking fully on the carriageway can cause obstructions and where footway parking dispensation has been granted. In some narrow streets many existing grass verges are not sufficiently sustainable. The report sought approval to hard pave such verges in order to facilitate a footway parking scheme, where the verges are not sustainable.

There are also other streets in the Borough that are narrow and would benefit from minor kerb re-alignment works to improve accessibility.

- 3.12.2 Since 2004/5 funding has been allocated to addressing these local issues, and approximately 10 to 12 schemes have been implemented each year. This year £75k has been allocated to continue the programme of strengthening, and/ or protection of soft verges, and improving accessibility.
- 3.12.3 Streets that have grass verges that are repeatedly damaged due to vehicular encroachment were identified by officers in Transportation and StreetCare, who considered reports from councillors, members of the public, consultative forums, and staff inspections.



3.12.4 Staff in transportation surveyed all the sites identified and prioritised each to determine this year's programme.

3.12.5 Appendix 1 details the locations identified to date, the remainder of the budget will be utilised on improvements to additional sites identified throughout the year. These will be prioritised by officers in Transportation and StreetCare.

### 3.13 **Highways Marginal Land**

3.13.1 "Highways Marginal Land" is defined as land that is part of the highway but not footway, carriageway or grass verge. Typically it is treated as an amenity having grass, trees and shrubs. For many years this land has been rather neglected and many of these sites present problems of:

- fly tipping items such as furniture and fridges
- significant quantities of litter
- sharps, i.e. needles and other drugs related paraphernalia and dog fouling
- overgrown shrubs providing opportunities for crime and contributing to the fear of crime
- hard elements in disrepair
- bare earth where shrubs that have died are not replaced and a poor standard of horticultural maintenance.

3.13.2 This neglect has a negative effect on the street scene and adjacent business and residential property. Therefore it is recommended that action is taken to tackle some of the worst sites.

3.13.3 Officers have examined many of these sites and consider that priority for action should be those sites that have several of the following features:

- dangerous element (sharps, dog fouling and overgrown planting)
- established fly tip sites
- total number of people affected, both residents and passers by
- joined up working possibilities
- quantifiable negative effects
- damage to hard elements and structures such as raised plant beds
- quality of soft landscaping and maintenance
- additional funding available, possibly from non-Council sources.

3.13.4 Using these criteria officers from Landscape Team, StreetCare, Environmental Health and Highways will identify and prioritise sites to link up with EnviroCrime initiatives and / or highways footway and carriageway schemes.

3.13.5 For 2010/11 a capital allocation of £50k has been allocated to continue to target improvements in these areas.

### 3.14 **Gully Replacement / Repair Programme**

- 3.14.1 There are approximately 25,000 gullies in the borough and the number of gullies is increasing every year, due to new developments.
- 3.14.2 The majority of the gullies were installed during the 1920's – 1930's, and are now coming to end of their life cycle.
- 3.14.3 At present there are 60 to 70 gullies which need repair or replacement. An average cost to repair an existing gully is approximately £750, and to replace it with a completely new one is in the region of £1,450.
- 3.14.4 When Highways and Emergency Operations carry out routine gully cleaning, approximately 5-8 gullies per month are found to be defective.
- 3.14.5 With careful monitoring, the principal engineer (land drainage) can repair / replace approximately 75 gullies with a budget of £75k.
- 3.14.6 Additional gullies can also be installed to alleviate surface water flooding problems caused by heavy precipitation, instances of which are increasing due to climate change.

### 3.15 **Highway Signage**

- 3.15.1 In 2004/2005 the highways team completed a survey of all the street name plates within the borough to create a database, prioritise those in need of replacement, and also managed a renewal programme using traditionally styled recycled polycarbonate street name plates. This not only improved the public realm, but assisted the emergency services and helped reduced congestion. Primary routes were given priority, followed by residential streets.
- 3.15.2 In 2005/6, 2006/7, 2007/8, 2008/9 and 2009/10 funding was allocated to continue the programme, and the street name plate renewal scheme is now substantially complete.
- 3.15.3 Funding has also been used to continue to survey and renew directional and regulatory signage on the principal road network and other primary distributor roads throughout the borough. This initiative will be managed by the Traffic team in Transportation, and will include the rationalisation of signage to reduce street clutter.
- 3.15.4 Consideration will be given to all other highways schemes, including traffic schemes, programmed over the coming financial year that will involve the removal of signage, in order to avoid abortive work.
- 3.15.6 Areas have been prioritised that would visibly benefit from signage renewal, improving both road safety and the street scene.
- 3.15.7 The 2010/11 programme will utilise £50k of funding to continue to improve the boroughs directional and regulatory signs.
- 3.15.8 With the Council taking over the enforcement of moving traffic contraventions, the funding will also help ensure the compliance of banned

right turns, weight restrictions and school keep clear signage, with traffic regulations.

### 3.16 **Public Realm Improvements on Primary Routes**

3.16.1 Officers in Transportation are finalising the Councils public realm design guide which will be presented to Members for their consideration and approval. This document will set out

the principals of good design practice and the approach to be adopted in designing improvement schemes. It will also detail materials and street furniture types to be used.

3.16.2 In recent years improvement schemes have included the use of painted street furniture such as bollards and pedestrian guard railings which will, over time, require repainting. Street furniture which may be slightly damaged or require repainting would not be usually be repaired under the responsive maintenance budget which is targeted to carrying out repairs for public safety, and would only be renewed or repainted if the street is prioritised for footway upgrade or in conjunction with a TfL funded improvement scheme.

3.16.3 Therefore, a budget of £100k has been allocated to public realm improvements on primary routes to extend the useful life of the street furniture and aesthetically improve the street scene.

3.16.4 Typically, this would include the rationalisation / renewal or repainting of street furniture and localised repairs of the carriageway or footway on primary distributor routes, but the funding would also be used where appropriate for other measures to enhance the street scene.

### 3.17 **Maintenance of road channels / footway boundaries to facilitate street cleaning**

3.17.1 The StreetCare intensive ward cleaning initiative may be hindered by localised areas of highway that are in poor condition.

3.17.2 This sum of money will be used to carry out minor repairs, mainly to the back edges of footways and road channels in poor condition or where the surface has started to erode or deteriorate, and where this is a particular impediment to proper street cleaning.

3.17.3 The repair of these areas will improve street cleaning and therefore the results of the ENCAMS survey which supports the best value CAA processes.

3.17.3 The Highways team will work in partnership with StreetCare and programme these repairs utilising the budget allocation of £50k.

### 3.18 **Highway improvements in Park Royal**

- 3.18.1 Park Royal is one of the largest industrial areas in London, the Country, and a major area of employment within the borough.
- 3.18.2 Park Royal Partnership (PRP) is a business membership organisation totally committed to the promotion and development of Park Royal, which provides a valuable source of employment for many of the boroughs residents.
- 3.18.3 In 2008/9, and 2009/10 PRP match funded £70k and £50k respectively towards highway improvement work in the area to improve accessibility and help attract new businesses into the area.
- 3.18.5 Officers in Transportation continue to work with PRP to identify and agree areas that require improvement, and explore funding opportunities.
- 3.18.6 Although, 100% match funding is no longer feasible, 35% match funding is achievable through European funding for improvement work carried out within the calendar year.
- 3.18.7 Therefore, a capital budget of £50k has been allocated to these improvements which should enable us to carry out work to the value of £135k within the calendar year, over the 2009/10 and 2010/11 fiscal years.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Executive notes that a capital sum of £4,000k is to be used as identified in 2.1 to upgrade footways (borough and principal roads), resurfacing carriageways (borough roads), footway improvements to grass verge sites and accessibility, renewal of highway marginal land, new street signage, gully replacement and maintenance, concrete road treatments, public realm improvements on primary routes, short sections of carriageway resurfacing and footway upgrade, the maintenance of road channels and footway boundaries to facilitate street cleaning, and match funding for improvements in the Park Royal area.
- 4.2 The Executive notes that £622k is available for Principal Road resurfacing schemes from the local transport capital expenditure settlement 2010/11. These schemes are listed in appendix 3, and are prioritised from a London-side survey commissioned by Transport for London (TfL). The schemes are all funded by TfL.
- 4.3 With the exception of principal road resurfacing, the cost of the schemes will be accommodated within the capital budget allocations.
- 4.4 The work will be delivered utilising the highways term contracts. These are framework agreements whereby three contractors have been appointed to each of the six term contracts. The contracts commenced on 1<sup>st</sup> August 2008, for a three year period with an option to extend for a further year, following approval of the award of contracts by Executive on 27<sup>th</sup> May 2008.

- 4.5 The prices in the contracts are subject only to annual retail price index (RPI) increases thereafter on the anniversary of the start date, rather than significantly higher ROADCON industry index. Due to the current economic downturn, we are not anticipating any significant increase in the rates charged, and these rates may actually be slightly reduced. Therefore, this should have little impact on the number of schemes we will be able to complete utilising the capital budgets.
- 4.6 Contractors have performed satisfactorily and the current work programme will be successfully completed with final outturns forecast to meet budget targets for 2009/10. The term contracts are also utilised in delivering various TfL funded highway improvement schemes.
- 4.7 We do not anticipate any resource implications in utilising the existing term contracts to deliver the 2009/10 highways major work programme.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The Highways Act 1980 places a duty on the council to maintain the public highway under section 41. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain it. There is also a general power under section 62 to improve highways.
- 5.2 Any contracts let for the provision of works must be let in accordance with the Council's contract standing orders contained in part 3 of the constitution.

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 The proposals in this report have been subject to screening and officers believe there are no diversity implications, which require partial or full assessment. The works proposed under the highways main programme do not have different outcomes for people in terms of race, gender, age, sexuality or belief. However, the design criteria used in all highway work does take note of the special requirements of various disabilities.
- 6.2 These will take the form of levels and grades associated with wheelchair users, for example road crossing points, and for partially sighted / blind persons at crossing facilities. The highway standards employed are nationally recognised by such bodies as the Department for Transport. This programme of works continues the upgrade of disabled crossing facilities at junctions which were not constructed to modern day standards. All new junctions are designed to be compliant at the time of construction.
- 6.3 Strengthened areas of footway are far less susceptible to damage and will therefore aid the movement of pedestrians that may find it difficult to walk on uneven pavements.

## **7.0 STAFFING / ACCOMMODATION IMPLICATIONS**

- 7.1 Existing staff within the Transportation Service Unit (Highway Engineering Team) will manage all schemes with the exception of the following:

- Highways marginal land schemes will be managed by The Planning Service Landscape Team, in consultation with Transportation, StreetCare and the Parks Service.
- Sign renewal schemes will be managed by the Highways Engineering Team, Transportation, in consultation with the Traffic Team, and Highways Operations (StreetCare).
- Gulley maintenance will be managed by the Transportation, Civil Engineering team, in consultation with Highways Operations (StreetCare).
- Maintenance of road channels and footway boundaries schemes will be managed by the Highway Engineering Team in consultation with StreetCare.
- Public realm improvement schemes will be managed by the Highway Engineering Team in consultation with StreetCare and Planning.

7.2 There are no TUPE implications associated with the recommendations contained in this report.

## **8.0 ENVIRONMENTAL IMPLICATIONS**

8.1 The proposed footway and carriageway upgrades are designed to enhance the street scene. They also assist in restricting claims made against this Authority by improving both pedestrian and vehicular safety, thereby contributing to a safer environment for all highway users. Footway renewal work includes the consideration of pedestrian crossing points, and the provision of dropped kerbs and tactile paving will improve the highway network infrastructure for people with disabilities.

8.2 Where feasible, existing materials such as kerbstones and paving stones are incorporated into the design detail when footways are upgraded. Materials that are not suitable for re-use are disposed of at tips where they are graded and recycled as hardcore fill. Road planings arising from carriageway resurfacing are either provided free of charge to Parks Services or to residents to maintain their private alleyways in partnership with the Envirocrime alley gating initiative. This material has similar properties to quarry stone, stabilises when compacted and is therefore suitable for regulating and maintaining alleyways and providing 'hard standing' surfaces.

8.3 Subject to suitability, availability and cost, recycled material may be specified for use in footway upgrade schemes.

8.4 Where existing grass verges are too narrow or suffer from frequent repetitive damage from vehicles or where narrow carriageway widths impede access, and are often damaged by vehicular override they are not sustainable and therefore do not make a positive contribution to the street scene. The ability to provide areas of formalised footway parking, improve accessibility and protect sustainable grass verge areas would not only enhance the street scene but help reduce vehicle accidents and maintain access for servicing and emergency vehicles, in many situations.

## **9.0 BACKGROUND INFORMATION**


**Details of Documents:**

- 9.1 Relay/Resurface, Residents/Councillor, Letters/Questionnaires– File RR/1  
Footway Priority Lists  
Carriageway Priority Lists  
Highway Engineers Recommendations  
Accident Report Data
- 9.2 Any person wishing to inspect the above papers should contact Sandor Fazekas, Transportation Unit, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ,  
Telephone: 020 8937 5113.

**Richard Saunders**  
**Director of Environment & Culture**

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	<p style="text-align: center;"><b>Executive</b> 15 March 2010</p> <p style="text-align: center;"><b>Report from the Director of Children and Families</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p style="text-align: center;"><b>Determination of proposals to discontinue Grove Park Special School and alter Hay Lane Special School</b></p>	

Forward Plan Ref: C&F-09/10-021

## 1 Summary

- 1.1 This report seeks the Executive's determination of the statutory proposals (published on 31 December 2009) to discontinue Grove Park Special School and alter Hay Lane Special School (see Appendix A). The representation period ended on 12 February 2010. The net effect of determining these proposals as recommended is to discontinue Grove Park Special School and to expand Hay Lane Special School so that all the children registered at Grove Park Special School can move to Hay Lane Special School.
- 1.2 The London Borough of Brent (the Local Authority or LA) has proposed to discontinue Grove Park Special School, London, NW9 0JY on 31 August 2010 and to expand Hay Lane Special School from 1 September 2010 so that it has sufficient places and is suitable to admit all pupils registered at Grove Park as at 31 August 2010. Thus every pupil registered at either school on 31 August 2010 who but for these proposals would have continued their education at either Hay Lane or Grove Park Special School is guaranteed a place at the enlarged Hay Lane Special School, Grove Park, London, NW9 0JY.
- 1.3 The Local Authority proposes to increase the number of pupils at Hay Lane Special School from its current 120 places to 235 places in two stages. The first to 210 places will be implemented on 1 September 2010. The second will occur when the rebuilding of the school is completed. That is expected to be by the Summer of 2013.
- 1.4 This report seeks Executive approval to:
- 1.4.1 discontinue Grove Park Special School on 31 August 2010.
  - 1.4.2 alter Hay Lane Special School, expanding its places from 120 places to 235 places in two stages as described above and broaden the type of educational needs for which Hay Lane School is organised to enable all pupils of Grove Park Special School to attend that school.
- 1.5 These proposals are related. If either proposal is not agreed the other falls.

## **2 Recommendations**

The Executive are requested to:

- 2.1 Approve the statutory proposal published on 31 December 2009 to discontinue Grove Park Special School with effect from 31 August 2010;

### **and**

- 2.2 Approve the statutory proposal published on 31 December 2009 to alter to Hay Lane Special School so that it

- 2.2.1 provides 210 places from 1 September 2010;
- 2.2.2 meets the range of needs set out in paragraph 3.2.11
- 2.2.3 can admit all pupils who would, but for these proposals, have continued their education at Grove Park Special School on and after 1 September 2010: and
- 2.2.4 provides 235 places dependent on the completion of the rebuilding of the school, which is expected to be completed by the Summer of 2013. A decision on the rebuilding of the resultant expanded Hay Lane School is anticipated in April 2010.

## **3 Detail**

### **3.1 Background**

- 3.1.1 Hay Lane and Grove Park are two all age community special schools located on adjacent sites off Stag Lane in Kingsbury. The schools cater for a wide range of special educational needs including profound and multiple learning difficulties, severe learning difficulties, autism with associated learning and behavioural difficulties and physical disabilities. The range and complexity of needs of children attending the two schools are increasing and there is an increasing overlap in the type of needs that the two schools serve.
- 3.1.2 Both schools are for boys and girls, aged mainly between 3 and 19 years. Grove Park Special School offers 90 places and Hay Lane Special School offers 120 places. A total of 203 (108 boys and 95 girls) pupils are currently on roll at the two schools. All the pupils have special educational needs (SEN). 86 of the 203 pupils have very complex needs.
- 3.1.3 Both schools are facing major suitability and condition problems. The educational environment the schools provide is becoming ever more unsuitable as the range and complexity of children's needs increases. Given the current state of the buildings it is becoming increasingly difficult for the Council to meet its statutory obligations towards these children.
- 3.1.4 Access to the buildings is limited causing congestion in the school driveways and adjacent roads twice every school day as some 200 pupils are transported to and collected from the sites by a range of vehicles (mini buses, cars, taxis, etc.).
- 3.1.5 The distinction between the two schools is blurring as the degree of collaboration between them and the overlap in the needs of their pupils grows. The schools are now governed by a single governing body in a hard federation formed on 1 September 2009. This has promoted joint planning and joint working. Similarly the skills among staff are increasingly relevant to both school communities. Those skills and teaching facilities could be deployed to the greater benefit of all pupils if the organisation as two schools were changed. Therefore the LA believes that forming one school is the right way forward in its drive to raise standards. These ideas are explored more fully in the

background papers and in Appendix A (Consultation on Proposal to Reorganise as One School).

- 3.1.6 The Local Authority consulted between 10 July 2009 and 13 November 2009 on the various options for reorganising the two schools. Following wide consultation with stakeholders the Council's preferred option, namely to close one of the schools and to expand the other won support. The Council therefore issued the necessary statutory notices on 31 December 2009. The Executive is now recommended to determine those proposals

In tandem with this proposal to reorganise the schools is a proposal to rebuild the resultant school so that it meets current educational standards for special needs children and meets modern safety and environmental standards. A financial investment appraisal and initial study shows that refurbishing and extending the existing buildings on the current site is not practical. Details about this proposal to rebuild the school and to the associated decant of pupils during the construction phase is being submitted to the April Executive following the decisions made by the Executive on 29 May 2009. It is also important to note that managing the rebuild period with two separate schools is simply not possible to the degree to which the two schools would need to share accommodation, staff and resources to make it work.

### **3.2 The Proposal for Reorganisation of Grove Park and Hay Lane Special Schools**

- 3.2.1 The Local Authority simultaneously published two related statutory notices on 31 December 2009 to:
- a) Discontinue Grove Park Special School on 31 August 2010
  - b) Alter Hay Lane Special School by
    - i) increasing the number of places from 120 to 210 places from 1 September 2010;
    - ii) broadening the type of educational needs for which the school is organised to make it suitable for all pupils currently educated at Grove Park School also from 1 September 2010; and
    - iii) increasing the number of places to 235 from a date determined by when the building works to rebuild the school are completed which is expected to be by the Summer 2013.
- 3.2.2 The proposed closure of Grove Park Special School is conditional upon the Council's agreement to expanding Hay Lane Special School from 120 to 210 places from 1 September 2010.
- 3.2.3 Pressure on special school places – both primary and secondary is increasing. In particular the demographic trends suggest that the increase will be most marked among children with Autistic Spectrum Disorder and profound and multiple learning difficulties. Hay Lane Special School would be a suitable placement for such children if its premises were suitable and it had sufficient places. Its expansion would further enable Brent resident children to be educated in Brent and therefore within their community.
- 3.2.4 The numbers of children requiring placement at Grove Park and Hay Lane Special Schools in the future is projected to rise to 235 (an increase of approximately 15% from the baseline figure).
- 3.2.5 Once the rebuild is completed Hay Lane Special School will be able to offer 235 places of which about 50 will be for pupils over 16 years of age. The additional primary and secondary places will allow the Local Authority to meet its statutory obligations to these children and enable them to be placed at this school rather than out of borough. Increasing capacity in this way may lead to savings in out-Borough placement and transport budgets.

- 3.2.6 Increasingly pupils with physical and sensory difficulties but without cognitive difficulties are being provided for in mainstream schools and the future roll of the school is likely to reflect that shift. The Council's School Access Initiative (SAI), Primary Capital Programme (PCP) and Building Schools for the Future (BSF) programme is supporting this process.
- 3.2.7 In addition to the improved and more efficient learning environment there are significant educational benefits associated with the scheme. Rebuilding the schools will provide additional classroom space and an educational environment better suited to the needs of students with multiple learning difficulties and disabilities. There will be much needed improvement to specialist facilities and outside areas. It will address the current inefficiencies in the use of space and greatly improve access arrangements. It will transform the educational opportunities available to some of the most vulnerable children and young people in Brent and drive up standards.
- 3.2.8 The enlarged school will continue to be maintained by the Local Authority and to provide for both boys and girls aged mainly between 3 and 19 years all of whom will have special educational needs.
- 3.2.9 The expanded Hay Lane Special School will be suitable for all pupils who currently attend either Hay Lane or Grove Park Special Schools. Every pupil registered at either school on 31 August 2010 who but for these proposals would have continued their education at either Hay Lane or Grove Park Special School is guaranteed a place at the enlarged Hay Lane Special School. This is expected to be approximately 205 pupils. Consequently no pupils currently on roll at Grove Park will be displaced by the proposed closure of Grove Park Special School or alterations proposed for Hay Lane Special School because a suitable place will be available for all such pupils at Hay Lane Special School from 1 September 2010 if these proposals are agreed.
- 3.2.10 The Local Authority will remain the admitting authority for the school. Admission arrangements for the enlarged school will be the same as for the current two schools namely that the school will admit all pupils whose statement of special educational needs names the school. The number of pupils admitted at any time will, as now, be governed by the pupil's statement of special educational needs and the total numbers for which the school is designed. A fixed number or relevant year group is not proposed. The roll of years 7 upwards will be greater than the earlier years because children aged 11 transfer to Grove Park and Hay Lane Special Schools from Manor Special School which is for primary aged children only. This arrangement will continue.
- 3.2.11 Once expanded, Hay Lane Special School will make provision for the following learning difficulties and disabilities:  
Severe Learning Difficulty, Profound and Multiple Learning Difficulty, Autistic Spectrum Disorder and Physical Disability with associated learning difficulties. In addition to their physical and or learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), challenging behaviours and or significant medical needs.
- 3.2.12 Because Grove Park and Hay Lane Special Schools occupy adjacent sites and because Hay Lane Special School will continue to occupy the same site from September 2010 when these changes are planned to take effect, the distance and journey times for pupils will not change. Consequently travel arrangements to and from home will not be altered by these proposals. During the rebuilding stage there are likely to be minor adjustments to these arrangements for those children attending on a different nearby site which is expected to be at Kingsbury High School.

3.2.13 To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the Local Authority has conducted the SEN improvement test that has identified benefits, such as, the expanded Hay Lane Special School's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility, suitability and condition problems with the existing school buildings will be overcome by the new buildings which will be fully accessible; there will be improved access to suitable accommodation; improved access to specialist staff and more pupils with substantial needs will be able to attend school within the Borough facilitating support to them and their families.

### **3.3 Statutory Process**

3.3.1 All applicable statutory requirements to consult in relation to these proposals have been complied with.

#### **Consultation**

3.3.2 Having undertaken preliminary investigations and informal consultations with stakeholders, the Local Authority organised the first, consultative stage of the statutory process required when changing the organisation of schools. That consultation commenced on 10 July 2009 and closed on 9 October 2009. As a result of representations made by staff and their trade unions during the consultation period further meetings were held on 6 November and it was agreed to take any further representations from those groups up until Friday 13 November 2009.

3.3.3 Questionnaires were used to capture the views and feedback of the stakeholders. The Local Authority completed the consultation with all interested parties on its proposals including parents and staff at the Special Schools, all schools in Brent, neighbouring boroughs, Trade Unions, DCSF, NHS, Ward Councillors and relevant voluntary organisations.

3.3.4 Approximately 500 questionnaires were distributed. At the close of business on 13 November 2009, a total of 44 responses (approx. 8.8%) had been received. However some of these such as that from the trade unions and governors represented the collective view of a substantial number of people. So the response rate is higher than the raw numbers suggest.

3.3.5 There was a majority of respondents in favour of Brent's proposal to merge Grove Park and Hay Lane Schools.

3.3.6 The Governors of the federation expressed support for the Council's proposal.

3.3.7 The response from the Teachers' Panel following the meeting on 6 November 2009 was supportive of the proposal for the two schools becoming one by expanding one school and closing the other. In their view a merged new build will provide a new building fit for purpose and meet health and safety requirements. In particular their support was conditional on the plans to rebuild the schools going ahead.

3.3.8 24 (55%) out of 44 respondents were in favour of the two schools becoming one. Of which, 14 were in favour of expanding one school and closing the other; and 7 respondents had voted for closing both the schools and opening a new school. The advantages and disadvantages of these two routes are set out in Appendix A (Consultation on Proposal to Reorganise as One School).

3.3.9 19 (43%) out of 44 respondents were against the two schools becoming one. 62% of the responding parents selected this option.

3.3.10 In total 10 out of the 44 responses selected a start date of 1 September 2010. An alternative date was not suggested by others; the majority did not respond to this question.

3.3.11 The report on this consultation is attached under Appendix A (Response to the consultation on proposal to Reorganise as One School).

### **Statutory Proposal**

3.3.12 Given the support for the Council's proposals at the Consultation Stage, the Local Authority published simultaneously two related statutory notices on 31 December 2009 to:

- a) Discontinue Grove Park Special School on 31 August 2010
- b) Alter Hay Lane Special School by
  - i) increasing the number of places from 120 to 210 places from 1 September 2010;
  - ii) broadening the type of educational needs for which the school is organised to make it suitable for all pupils currently educated at Grove Park School also from 1 September 2010; and
  - iii) increasing the number of places to 235 from a date determined by when the building works to rebuild the school are completed which is expected to be by the Summer 2013.

3.3.13 A copy of the statutory proposals is attached in Appendix A, which includes a copy of the statutory notices.

3.3.14 The statutory notices were followed by a 6 week statutory period (Representation stage) up to 12 February 2010, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for people and organisations to express their views about the proposals and ensures that they will be taken into account by the Brent Executive when the proposals are determined.

3.3.15 The statutory proposal documents for Grove Park and Hay Lane Special Schools were also sent to the following consultees:

Grove Park Special School (parents, staff and Governors)	Hay Lane Special School (parents, staff and Governors)
Special Schools in Brent	Brent Council
Local Councillors	Brent local MPs
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	London West Learning and Skills Council
London Borough of Hillingdon	Secretary of State, SOU
NHS Brent	Grove Park student council
Trade Unions	Hay Lane student council
Westminster Diocesan Education Service	Brent Council Officers
London Diocesan Board for Schools	

### **Response received during the Representation Stage:**

3.3.16 Six responses have been received during the representation stage. Copies are available from the Children and Families Service. They are summarised below with the view of the Local Authority beneath each Representation:

- 3.3.17 **London Borough of Barnet** confirmed that it does not have any objections to the proposals; **London Borough of Harrow** has welcomed the proposals and their contribution to the provision in the area.
- 3.3.18 **Gemini Swimming Scheme for Disabled People** have expressed concerns about the availability of the swimming pool to their members during the reorganisation and rebuilding of the two Special schools.
- 3.3.18.1 **Local Authority's view on Gemini Swimming Scheme's response:** There are no plans to reduce community use of the pool facilities at the school. Use of school premises is under the control of the Governors but throughout the discussions over the merger and redevelopment of the school the Governors and LA have expressed the wish to maximise community use of the premises and that has been reflected in the brief to architects.
- 3.3.18.2 The pool is already a facility shared by the two schools and used extensively by community groups. It is likely that during the construction phase between 2011 and 2013 no pool will be available to the school or community. The Council will keep the pool in use for as long as is possible.
- 3.3.19 **A letter from a parent** expressing a preference for the two schools to remain separated.
- 3.3.19.1 **Local Authority's view on a Parent's letter:** It is clear that this parent is receiving a good service from Hay Lane: The parent wrote: "...we found after five years of experience with Hay Lane School managements...that their method was very good for their group of ages 12-18...". The parent is pleased with the outcomes to date. Naturally the parent would rather that the child's education was not affected by the uncertainties generated by organisational change. The LA on the other hand has to take a long term view and the interest of all the children into account. The arguments for and against reorganising the schools are set out in full in Appendix A (Consultation on Proposal to Reorganise as One School).
- 3.3.19.2 The parent also makes suggestions about a suitable organisation for the management structure if the schools do merge. That is a matter for the Governors of the school and those comments will be forwarded to them.
- 3.3.20 **A letter from a resident of Kingsbury** expressing concerns about the insufficient health provision in the area and the plan of the Local Authority to acquire the parcel of undeveloped land adjacent to these two schools could compromise the parking provision for the elderly.
- 3.3.20.1 **Local Authority's view on a Resident's letter:** Dialogue is taking place with NHS Brent. The comments by the residents will be taken into account when redeveloping the schools. However it should be made clear that there are no and never have been any plans to acquire land permanently in such a way that would prevent NHS Brent in partnership with local GPs from developing a health facility on or nearby the parcel of land referred to.
- 3.3.21 **A letter from a former head teacher of Grove Park Special School** expressing concerns that Brent would send all physically disabled pupils that had normal cognitive functioning to a mainstreaming school and that the merged schools with their very broad admission criteria would not meet the needs of the pupils. She also thought that more information should have been given about where the pupils will be educated in the interim period while the school buildings are replaced. She asked to speak to officers about her concerns and this was arranged for and held on 10 February 2010. Whilst she left feeling some reassurance she clearly wished her representations to be known and she has not withdrawn them following that meeting.

- 3.3.21.1 **Local Authority's view on the Letter from Former Head Teacher:** It was explained that Brent has no blanket policy of sending all physically disabled pupils that had normal cognitive functioning to a mainstreaming school. As is always the case each pupil's needs are identified, the provision needed to meet those needs ascertained and then and only then, consideration given to placement. That placement proposal must of course be able to make the provision specified. In some cases that will require a specialist setting and in other cases that provision can be delivered in a mainstream school.
- 3.3.21.2 What is true is that as skill levels and physical adaptations in mainstream schools increases a mainstream placement becomes a real option for a broader group of children and in general that is what parents want and what the Council's duties under the DDA requires it to make available. It is also true that we expect that gradually the numbers of pupils with complex physical and mental impairments will increase so that the balance of the enlarged Hay Lane School's population will shift in that direction.
- 3.3.21.3 All pupils currently at Grove Park are guaranteed a place in the enlarged Hay Lane School so in the short term there will be no change in the school's combined populations and no pupil will be displaced by these proposals.
- 3.3.21.4 This respondent also believes that the single school "will not meet the needs of the pupils". The LA takes a different view. There is no reason why the same staff teaching and caring for the same pupils in the same classrooms (in the short term and in the long term much better ones) will no longer meet the children's needs simply because there is one head teacher rather than two.
- 3.3.21.5 Details about interim arrangements for the pupils, staff and the facilities during the construction period of the replacement buildings have not been fully resolved as yet. It is likely that the interim arrangements will be hosted by Kingsbury High School.
- 3.3.22 The Local Authority has not received any other representations on the statutory proposals by the end of the due date of the representation period i.e. 12 February 2010.

### 3.4 Next Steps

- 3.4.1 The milestones following a decision to implement these proposals are set out in the timetable:

Milestone	Date
Grove Park Special School Closes	31 August 2010
Hay Lane Special School Expands to 210 places	1 September 2010
Executive Decision on the rebuilding of the resultant expanded Hay Lane School	April 2010
Design completion	Autumn 2010
Construction starts	April 2011
Occupation	Summer 2013
Hay Lane expands to 235 places	September 2013 or earlier if building works allow



## **3.5 Risk and Risk Management**

3.5.1 A risk register is being maintained for this project. This is a means of recording the identified risks, their severity, and the actions steps to be. The top three risks and the management strategy are summarised below:

3.5.1.1 Risk 1 That there is significant opposition to the proposal

Strategy: To discuss and inform stakeholders through documents and meetings of the benefits of the proposals as well as the disadvantages (see Appendix A - Consultation on Proposal to Reorganise as One School), to win support for the proposals from the majority.

3.5.1.2 Risk 2: That the Council delays the decision.

Strategy: Remind Members of the consequences of delaying their decision (such as increased uncertainty for parent and children, delay in reorganising staff, delays to the building programme).

If there is no decision by 12 April, pass the decision to the school's adjudicator as is required by regulations.

Although there are limits to the extent of the co-operation possible in a federation (the two schools would be inspected by Ofsted separately and the governors would have to account for expenditure against two budgets) the federation would continue for as long as the two schools wished that to be the case or until the adjudicator made his or her decision.

3.5.1.3 Risk 3 That with no rebuild the premises become unsafe or unusable

Strategy: To divert capital resources from other programmes to carry out major repairs and replacements to redress that position.

## **4 Financial Implications**

4.1 This reorganisation proposal does not increase financial demands on the Council. There are also long term financial benefits and better value for money from both revenue and capital expenditure

4.2 By closing Grove Park, the deficit in the Hay Lane budget will stay with the Hay lane school and not fall to the Council's resources. It will be for the Governors of that school to institute a recovery plan agreed with the LA.

4.3 The schools' funding formula will produce revenue savings. It may not be possible to secure all of these during the rebuilding period when the school is working on more than one site but will be available in the medium term.

4.4 The increase in places will enable more children with complex needs to be educated in-Borough. This is significantly less expensive than placing such children in specialist (often private) provision where either inter-authority payments or fees become due and substantial transport costs have to be met.

4.5 Other financial issues relate to the rebuilding project which is the subject of a separate report to the next meeting of this Committee which will set out the capital implications of rebuilding the school. That is expected to show that the project can be managed within the resources available as reported to the Executive in May last year.

## **5 Legal implications**

- 5.1 The procedures for the closure of Grove Park Special School and the expansion of Hay Lane Special School are as required by The Education and Inspections Act 2006 and the School Organisation Regulations 2007 as amended. The Local Education Authority is entitled to discontinue Grove Park Special School pursuant to powers granted by section 15 and schedule 2 paragraph 19 of The Education and Inspections Act 2006 and in accordance with The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 as amended. The Local Education Authority is entitled to make prescribed alterations to Hay Lane Special School pursuant to powers granted by section 19 and schedule 2 paragraph 19 of The Education and Inspections Act 2006 and in accordance with schedules 2 and 4 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended.
- 5.2 The proposals should be decided within 2 months (and if not, the proposals must be referred to the schools adjudicator). The Local Authority must forward the proposals within one week from the end of the 2 month period.
- 5.3 If these proposals are agreed then that federation will come to a natural end on 31 August 2010. A new Governing Body will be established on 1 September 2010 for Hay Lane Special School in its expanded form in accordance with relevant statutory regulations. It is intended that the enlarged school will be renamed at the date these proposals are implemented.
- 5.4 **Decision Making:**
- 5.4.1 It is the view of the Local Authority that both the Grove Park Special School and Hay Lane Special School proposals are related. It considers therefore that the proposals should be determined by the Local Authority at the same time.
- 5.4.2 The Authority has the power to consider and determine proposals made under section 15 of The education and Inspections Act 2006 pursuant to schedule 2 paragraph 8 of the Act.
- 5.4.3 The Authority has the power under section 21 of The Education and Inspections Act 2006 to consider proposals made under section 19 with related proposals published under section 19 or any other enactment. A conditional approval cannot be given where a proposal is decided under paragraph 19 of schedule 2 to the Education and Inspections Act 2006. However, the expansion from 210 to 235 places is subject to the completion of the building works.
- 5.4.4 The proposals should be decided within 2 months of the end of the representation period namely on or before 12 April 2010 in accordance with paragraph 31 of The School Organisation Regulations 2007 as amended otherwise the proposals must be referred to the schools adjudicator for determination.
- 5.4.5 The Brent Executive acting on behalf of the Brent Local Authority is the decision maker.
- 5.4.6 Consideration must be given to the views of those affected by the proposals or who have an interest in them including pupils families of pupils staff other schools and colleges local residents diocesan bodies and other providers local authorities relevant providers where proposals effect 14-19 provision primary care trusts NHS foundation trusts. This includes statutory objections and comments submitted during the representation period. Particular consideration should be given to representations from those stakeholders likely to be most directly affected by the proposals.

- 5.4.7 Any proposals relating to the reorganisation of special needs provision must include details of how the proposed alternative arrangements are likely to lead to improvements in the standard quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans published by the Authority together with all relevant documentation the Authority has submitted should comply with the paragraphs 4.60 to 4.63 of the Guidance Expanding a Mainstream School. (The Special Educational Needs Improvement test).
- 5.4.8 The Authority must have complied with the statutory processes to date with regard to the proposals for discontinuing Grove Park Special School and alterations to Hay Lane Special School.
- 5.4.9 The following bodies may appeal against an LA decision:
- 5.4.9.1 The local Church of England diocese;
- 5.4.9.2 The Bishop of the local Roman Catholic diocese;
- 5.4.9.3 The Learning and Skills Council where the school provides education for pupils aged 14 and over.
- 5.4.9.4 the governing body of the community school that is proposed for expansion.
- 5.4.10 Any appeals must be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA must then send the proposals, and the comments and objections received, to the schools adjudicator within 1 week of the receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals should be sent to the schools adjudicator.
- 5.4.11 Whilst such appeals are technically possible they are considered highly unlikely given that the proposals do not affect faith schools and neither diocese responded to either stage of the consultation. There is no change to the provision for post 16 youngsters and the governors of Hay Lane School support the proposals
- 5.4.12 The Executive is aware, though it is important to repeat, that in reaching a decision on a statutory proposal the decision maker i.e. the Executive in this case, must have regard to the DCSF guidance. Excerpts from the guidance for a) Closing a Maintained Mainstream School, b) Supplementary Guidance on Closing a Maintained Special School and c) Expanding a Maintained Mainstream School or Adding a Sixth Form are attached (Appendix B) which set the nature of the decision making role that it is undertaking and the factors that it must take into account when determining a statutory proposal of this kind. A full set of guidance forms part of the background papers and is available from the Council's Asset Management Service, Children & Families or at [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg).
- 5.4.13 Before considering the proposals itself the decision maker must consider:
- whether any key information is missing.
  - whether the published notices comply with the statutory requirements.
  - whether the statutory consultations have been carried out prior to the publication of the notices.
  - whether the proposals are 'related' to other published proposals and should therefore be considered together.
- 5.4.14 The Council's legal officer advises on a) to d) that:
- Executive should decide this.
  - the published notices meet the requirements.

- c) the required statutory consultations have been carried out.
- d) Both the Grove Park and Hay Lane proposals are related.

5.4.15 The Executive would need to have regard to guidance issued by the Secretary of State for making a decision on both the proposals. The relevant excerpts from the guidance documents are attached in Appendix B:

- 5.4.15.1 Closing a Maintained Mainstream School (paras 4.16 to 4.62);
- 5.4.15.2 Supplementary Guidance on Closing a Maintained Special School;
- 5.4.15.3 Expanding a Maintained Mainstream School or Adding a Sixth Form (paras 4.16 to 4.72).

5.4.16 The specific factors set out in the DCSF guidance documents that apply to the proposals that the Executive would need to consider in reaching its decision relate to:

5.4.16.1 Closing a Maintained Mainstream School

- a) Related Proposals (paras 4.11 to 4.14)
- b) Standards (paras 4.19 to 4.22)
- c) Need for Places (para 4.33)
- d) Travel and Accessibility for All (para 4.39 to 4.40)
- e) Special Educational Needs (SEN) Provision (paras 4.55 to 4.61)
- f) Views of Interested Parties (para 4.62)

5.4.16.2 Expanding a Maintained Mainstream School or Adding a Sixth Form

- a) Related Proposals (paras 4.11 to 4.14)
- b) Standards (paras 4.19 to 4.21)
- c) Need for Places (para 4.28 to 4.30)
- d) Travel and Accessibility for All (para 4.35 to 4.36)
- e) Special Educational Needs (SEN) Provision (paras 4.65 to 4.71)
- f) Views of Interested Parties (para 4.72)

5.4.16.3 Supplementary Guidance

The Authority when exercising its statutory duty in ensuring there are sufficient school places in its area should also have regard to the need for securing special educational provision. Copies of the published proposals should be sent to the relevant Primary Care Trust NHS Trust or NHS Foundation Trust and any local education authorities which place children at the school the registered parents of every pupil registered at the school and each local education authority who maintain a statement of special educational needs under part 4 of the Education Act 1996 in respect of a registered pupil at the school. A copy of the Authority's decision must be sent to the relevant Primary Care Trust and NHS Foundation Trust responsible for hospital or other provision in the area.

5.4.16.4 A common view from both the guides is represented below. Where the paragraph or factors are different in each of the two guides, this has been indicated.

**5.4.16.5 Related Proposals**

5.4.16.5.1 Para 4.11 Generally, proposals should be regarded as "related" if they are included on the same notice (unless the notice makes it clear that the proposals are not "related"). Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as "related". Proposals for a school competition should be considered together with proposals for any school closure where there is a clear link.

- 5.4.16.5.2 Para 4.12 Where proposals are “related”, the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

These proposals are related. If either proposal is not agreed the other must also fall. If Hay Lane is not expanded to at least 210 in September 2010 Grove Park cannot be closed as at 31 August 2010.

The Executive are requested to:

Approve the proposal to discontinue Grove Park Special School with effect from 31 August 2010.

Approve the alterations to Hay Lane Special School so that the Council:

- a) Discontinues Grove Park Special School on 31 August 2010
- b) Alters Hay Lane Special School by
  - i) increasing the number of places from 120 to 210 places from 1 September 2010;
  - ii) broadening the type of educational needs for which the school is organised to make it suitable for all pupils currently educated at Grove Park School also from 1 September 2010; and
  - iii) increasing the number of places to 235 from a date determined by when the building works to rebuild the school are completed which is expected to be by the Summer 2013.

#### **5.4.16.6 Standards**

- 5.4.16.6.1 Para 4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils’ and parents’ needs and wishes.

The distinction between the two schools is blurring as the degree of collaboration between them and the overlap in the needs of their pupils grows. Similarly the skills among staff are increasingly relevant to both school communities. Those skills and teaching facilities could be deployed to the greater benefit of all pupils if the organisation as two schools were changed. Staff organised under one leadership team and one governing body promotes joint planning and joint working. Therefore the LA believes that forming one school is the right way forward in its drive to raise standards.

- 5.4.16.6.2 Para 4.20 Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Closing Grove Park is necessary to form one school. How that will raise standards are detailed in the paragraph above.

The forming of one school also makes possible the proposal to rebuild the resultant school so that it meets current educational standards for special needs children and other environmental standards. There are significant educational benefits associated with the scheme. Rebuilding the schools will provide additional classroom space and an educational environment better suited to the needs of students with multiple learning difficulties and disabilities. There will be much needed improvement to specialist facilities and outside areas. It will address the current inefficiencies in the use of space and greatly improve access arrangements. It will transform the educational opportunities available to some of the most vulnerable children and young people in Brent and thus drive up standards.

- 5.4.16.6.3 Para 4.21 Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test.

Every pupil registered at either school on 31 August 2010 who but for these proposals would have continued their education at either Hay Lane or Grove Park Special School is

guaranteed a place at the enlarged Hay Lane Special School, Grove Park, London, NW9 0JY. Consequently no pupils will be displaced by the proposed closure of Grove Park Special School or alterations proposed for Hay Lane Special School because a suitable place will be available for all such pupils at Hay Lane Special School from September 2010 if these proposals are agreed.

To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the Local Authority has also conducted the SEN improvement test that has identified benefits, such as, the expanded Hay Lane Special School's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility, suitability and condition problems with the existing school buildings will be overcome by the new buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

- 5.4.16.6.4 Para 4.22 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker should again normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards. (Closing a Maintained Mainstream School only)

The above Para does not apply to these proposals. Which of the two schools was nominated for closure is largely technical and relates to the deficit at Hay Lane. In practice the same children will continue to travel to the current site and buildings and be taught by largely the same staff in September as they are now. The difference is only that the site and premises and staff will all be under one banner: Hay Lane rather than two.

#### **5.4.16.7 Need for Places**

- 5.4.16.7.1 Para 4.33 The Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker should consider the quality and popularity with parents of the schools in which spare capacity exists and any evidence of parents' aspirations for those schools. (Closing a Maintained Mainstream School only)
- 5.4.16.7.2 Para 4.28 In considering proposals, the Decision Maker should consider the supporting evidence presented for the increase, and take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places. (Expanding a Maintained Mainstream School)
- 5.4.16.7.3 Para 4.29 Where the school has a religious character, or follows a particular philosophy, the Decision Maker should be satisfied that there is satisfactory evidence of sufficient demand for places for the school to be sustainable. (Expanding a Maintained Mainstream School)
- 5.4.16.7.4 Para 4.30 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption should be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created. (Expanding a Maintained Mainstream School)

A total of 203 (108 boys and 95 girls) pupils are currently on roll at the two schools. All the pupils have special educational needs (SEN). 86 of the 203 pupils have very complex needs.

The numbers of children requiring placement at Grove Park & Hay Lane Special Schools in the future is projected to rise to 235 (an increase of approximately 15% from the baseline figure). The local authority has a statutory obligation to provide school places for any pupil resident in the borough if they request one.

Under the proposals, the expansion of Hay Lane Special School will take place in two stages. The first stage will be from 1 September 2010 when the school will be enlarged to 210 places. Brent Council further plans to rebuild the Hay Lane Special School on the current sites of Hay Lane and Grove Park Special Schools. Once the new buildings are available (projected to be summer 2013) the second stage of the expansion can be implemented and Hay Lane Special School will offer 235 places of which about 50 will be for pupils over 16 years of age. The additional places will allow the Local Authority to place children at the school that might otherwise have been placed out of borough.

#### **5.4.16.8 Travel and Accessibility for All**

- 5.4.16.8.1 Para 4.39 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups. (para 4.35 - Expanding a Maintained Mainstream School).

The travel arrangements for pupils are not changed significantly for pupils at either Hay Lane or Grove Park. They are also just as likely to have the school named in their statement as before these proposals were made. However the eventual expansion of provision will enable more Brent pupils to be educated in borough in general nearer to where they live.

- 5.4.16.8.2 Para 4.40 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school. (para 4.36 - Expanding a Maintained Mainstream School).

Because Grove Park and Hay Lane Special Schools occupy adjacent sites and because Hay Lane Special School will continue to occupy the same site from September 2010 when these changes are planned to take effect, the distance and journey times for pupils will not change. Consequently travel arrangements to and from home will not be altered by these proposals. During the rebuilding stage there are likely to be minor adjustments to these arrangements for those children attending on a different nearby site which is expected to be at Kingsbury High School.

#### **5.4.16.9 Special Educational Needs (SEN) Provision**

- 5.4.16.9.1 Para 4.55 (para 4.65 - Expanding a Maintained Mainstream School) When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- take account of parental preferences for particular styles of provision or education settings;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of local authority day and residential special provision;

- are consistent with the LA's Children and Young People's Plan;
- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

Admission arrangements for the enlarged school will be the same as for the current two schools namely that the school will admit all pupils whose statement of special educational needs names the school. Each pupil's needs will be identified, the provision needed to meet those needs ascertained and then and only then, consideration given to placement. That placement proposal must of course be able to make the provision specified. In some cases that will require a specialist setting and in other cases that provision can be delivered in a mainstream school.

- 5.4.16.9.2 Para 4.56 (para 4.66 - Expanding a Maintained Mainstream School) Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

Having undertaken these preliminary investigations and informal consultations with stakeholders, the Local Authority organised the first, consultative stage of the statutory process required when changing the organisation of schools. Given the support for the Council's proposals at the Consultation Stage, the Local Authority published two related statutory notices simultaneously on 31 December 2009.

The expanded Hay Lane Special School will be suitable for all pupils who currently attend either Hay Lane or Grove Park Special Schools. Rebuilding the schools will provide additional classroom space and an educational environment better suited to the needs of students with multiple learning difficulties and disabilities. There will be much needed improvement to specialist facilities and outside areas.

#### **5.4.16.10 The Special Educational Needs Improvement Test**

- 5.4.16.10.1 Para 4.57 (para 4.67 - Expanding a Maintained Mainstream School) When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in the paragraphs below (4.58 to 4.61) have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.



To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the Local Authority has conducted the SEN improvement test that has identified benefits, such as, the expanded Hay Lane Special School's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility, suitability and condition problems with the existing school buildings will be overcome by the new buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

#### **5.4.16.11 Key Factors**

5.4.16.11.1 Para 4.58 (para 4.68 - Expanding a Maintained Mainstream School) When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
- improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- improved access to suitable accommodation; and
- improved supply of suitable places.

LAs should also:

- obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
- clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
- specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

5.4.16.11.2 Para 4.59 (para 4.69 - Expanding a Maintained Mainstream School) There is no BESD school closure here It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement must be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

Every pupil registered at either school on 31 August 2010 who but for these proposals would have continued their education at either Hay Lane or Grove Park Special School is

guaranteed a place at the enlarged Hay Lane Special School, Grove Park, London, NW9 0JY.

- 5.4.16.11.3 Para 4.60 (para – 4.70 Expanding a Maintained Mainstream School) The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

The above Para does not apply to the proposals.

- 5.4.16.11.4 Para 4.61 (para 4.71 - Expanding a Maintained Mainstream School) Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

All applicable statutory requirements to consult in relation to these proposals have been complied with. Having undertaken these preliminary investigations and informal consultations with stakeholders, the Local Authority organised the first, consultative stage of the statutory process required when changing the organisation of schools. Given the support for the Council's proposals at the Consultation Stage, the Local Authority published two related statutory notices simultaneously on 31 December 2009. This was followed by a six week Representation period which ended on 12 February 2009.

The enlarged school will continue to provide for both boys and girls aged mainly between 3 and 19 years all of whom will have special educational needs. The proposed increase in places will enable the Local Authority to meet the predicted increase in the number of children requiring this type of special educational provision over the medium term. Increasing capacity will lead to significant savings in out-Borough placement and transport budgets.

#### **5.4.16.12 Views of Interested Parties**

- 5.4.16.12.1 Para 4.62 (para 4.72 - Expanding a Maintained Mainstream School) The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

All applicable statutory requirements to consult in relation to these proposals have been complied with. The Local Authority has considered all the concerns expressed by the interested parties summarised in the above sections. Brent Council also has to consider the long term needs and balance any short term pain for those directly affected by the transition against the long term advantage to all. Overall, the reorganisation of the two schools and subsequent rebuilding will lead to significant benefits for the pupils, staff and the community.

5.5 Executive, as decision maker, can:

- Reject the proposal
- Approve the proposal
- Approve the proposal with modifications (e.g. change the implementation date)

- Approve the proposals subject to them meeting a specific condition.

5.5.1 For school closures the following conditions can be set:

5.5.1.1 the making of any agreement under section 482(1) of the 1996 Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;

5.5.1.2 the agreement to any change to admission arrangements specified in the approval, relating to another school;

5.5.1.3 where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

5.5.2 None of these conditions are relevant to these proposals and no conditional decision is requested

5.5.3 For school alteration the following conditions can be set:

5.5.3.1 the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;

5.5.3.2 the acquisition of the site required for the implementation of the proposals;

5.5.3.3 the acquisition of playing fields required for the implementation of the proposals;

5.5.3.4 the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);

5.5.3.5 the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;

5.5.3.6 the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;

5.5.3.7 the agreement to any change to admission arrangements specified in the approval, relating to another school;

5.5.3.8 the making of any scheme relating to any charity connected with the school;

5.5.3.9 the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation; the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body act;

5.5.3.10 the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;

5.5.3.11 where the proposals depend upon any of the events specified in paragraphs (a) to (k) occurring by a specified date for any other school or proposed school, the occurrence of such and event; and

5.5.3.12 where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007( 1) the occurrence of such an event.

5.6 The Executive must set a date by which the condition should be met but will be able to modify the date if the Local Authority confirms, before the date expires, that the condition will be met later than originally thought.

5.7 Executive must give its reasons for the decision indicating the main factors/criteria for the decision.

5.8 In general, the above conditions are not relevant to these proposals. However expanding the school to 235 places from the 210 established in September 2010 is conditional upon the completion of building works. A prerequisite for that will be planning permission and the availability of funding. As such it may be prudent to make the approval of the expansion to 235 from 210 conditional on the completion of the rebuilding of the school, which is expected to be completed by the Summer of 2013.

## **6 Diversity Implications**

6.1 An equality impact assessment was carried in May 2009 which showed that there are no adverse diversity implications. There are no other implications for the immediate purpose of this report.

6.2 However, from 1 September 2010 the two schools will become one providing excellence in education for all. That means raising standards through innovation and investment in new facilities. It will act as a learning and development hub for the entire community. Once the rebuilding works have been completed this group of vulnerable young people will be able to enjoy equivalent benefits to those being enjoyed by their able bodied peers in mainstream schools as the Building Schools for the Future programme is rolled out.

6.3 The new buildings will reflect current thinking on the best way to educate children with severe and profound learning difficulties, autistic spectrum disorders physical, sensory and medical conditions.

## **7 Staffing Issues**

7.1 As a Federation it is for the Governors to decide whether to organise the staff as a single staff or continue with separate staff groups in each of the two schools. If these proposals are determined as recommended, that choice will disappear with effect from 1 September 2010. From that date there would be one head teacher, one senior leadership team and one governing body.

7.2 The Governors of the Federation have determined that from September 2010 there will be only one head teacher and are working on a shadow structure to organise the staff into one team. The intention is that this staffing structure is also appropriate for the reorganised school.

7.3 As is required by the agreements regarding organisational change in schools that the LA has with the teaching and support staff trade unions, a consultative advisory group has been convened. This provides the necessary consultative framework for discussing with the staff representatives the arrangements for managing organisational change among support staff and teachers. It will also provide the forum for consultation on the shadow structure once that is drafted.

## **8 Appendix & Attachments**

8.1 The following documents have been under Appendix A & B:

## 8.2 Appendix A:

- 8.2.1 Statutory Proposal Grove Park Special School
- 8.2.2 Statutory Proposal Hay Lane Special School
- 8.2.3 Appendices to the above statutory proposals
- 8.2.4 Appendix 1 - One School Consultation Final Report
- 8.2.5 Appendix 2 - One School Consultation Document
- 8.2.6 Appendix 3 - Supporting evidence of the need for additional places
- 8.2.7 Appendix 4 - Vision
- 8.2.8 Statutory Notice Grove Park Special School
- 8.2.9 Statutory Notice Hay Lane Special School

- 8.3 **Appendix B:** Excerpts from the guidance for a) Closing a Maintained Mainstream School, b) Supplementary Guidance on Closing a Maintained Special School and c) Expanding a Maintained Mainstream School or Adding a Sixth Form.

## 9 Background Papers

### Statutory Proposal Files

DCSF guidance on reorganisation of schools Closing a Maintained Mainstream School – Factor to be considered by Decision Makers, Expanding a Maintained Mainstream School or Adding a Sixth Form and Supplementary Guidance on Closing a Maintained Special School (complete guidance document available from Asset Management Service or at [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg)).

Executive report of May 2009 Redevelopment of SEN Provision at the Hay Lane and Grove Park School Sites

Any person wishing to inspect the papers in connection with the above proposals should contact the originating officer at:

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	<p style="text-align: center;"><b>Executive</b> 15 March 2010</p> <p style="text-align: center;"><b>Report from the Director of Children and Families</b></p>
<p style="text-align: right;">Wards Affected: Queensbury, Fryent</p>	
<p style="text-align: center;"><b>Authority to tender works contract for a new build intergenerational children's centre at Kingsbury High School</b></p>	

C&F-09/10-020

## **1.0 Summary**

- 1.1 This report concerns the procurement process for the new build Kingsbury Intergenerational Children's Centre. This report requests approval to continue the procurement process and to invite tenders in respect of the works as required by Contract Standing Orders 88 and 89.
- 1.2 The initial estimated cost of the work was below £1 million and procurement was addressed as a medium value contract. A revised estimate prior to inviting tenders now estimates the cost of the work at above £1 million; therefore a high value contract. Authority to tender is therefore requested post pre-qualification stage.

## **2.0 Recommendations**

- 2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.6 of the report.
- 2.2 The Executive to give approval to Officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.

## **3.0 Detail**

- 3.1 The Executive approved the development of a new build Intergenerational Children's Centre at Kingsbury High School in

January 2009 as part of the phase 3 Children's Centre capital programme. In May 2009, additional funding was granted to the project from DCSF for co-located integrated service teams. This increased the accommodation required in the building.

- 3.2 The centre will house a range of services for children, young people and families. For the youngest children it will offer Sure Start Children's Centre services including drop-in activity sessions, training for parents with sessional childcare, access to information and advice for example through Citizens Advice Bureau and health support including healthy eating and links to community midwifery and health visitors. For older children and young people the centre will be used for a variety of Extended Services activities for the Kingsbury locality, for example after school activities, holiday clubs and study support. These activities may be in conjunction with the Youth Service and/or other providers. The new Intergenerational Children's Centre will include parents and the wider community as part of the intergenerational work. The centre will be part of a campus of facilities which includes the Kingsbury Resource Centre providing daytime activities for older people. There are opportunities to work with the Resource Centre to provide for example, family learning. The centre will also be the base for the Kingsbury Locality Integrated Service Team comprised of social workers and early intervention practitioners. This team will provide preventative support to children and families with additional needs and will use this centre both as an office base and as a place to meet families in the locality. The Kingsbury Intergenerational Children's Centre will have specific services on offer but will be a valuable resource for the whole community and will develop to meet local needs.
- 3.3 The cost for this project (including the co-located team) was initially estimated at £857,000. This was a desk based estimate based on the anticipated accommodation required by stakeholders. Due to the funding timescales the first stage of the procurement process was started alongside the design development stage.
- 3.4 Advertisements for expressions of interest were placed in the Wembley Observer and Construction News on 16<sup>th</sup> July 2009 and 31 pre-qualification questionnaires were returned by the closing date on 6<sup>th</sup> August 2009. A tender shortlist was subsequently drawn up following assessment by Health, Safety and Licensing, Finance and Corporate Resources and Children and Families (on the advice of the council's technical consultants).
- 3.5 The revised pre-tender estimated cost for the project is £1,500,000. This increase compared to the original estimate is not unusual given the extent of development work undertaken in the period. The brief for the centre was developed through stakeholder engagement and clarification on the services to be provided from the centre. This led to an increase in accommodation required compared to the expectation at the time of the original estimate. The aspirations for the specification of the building have increased to reflect the statement this building will



make as the borough's first intergenerational centre. In addition the proposed scheme includes elements of work to the external area that were not previously known to be required. Alongside this legitimate increase in scope, the rates used to estimate the cost have been increased to reflect recent tender returns on other children's centre projects. This ensures that the pre-tender estimate reflects current local market conditions. There is sufficient funding from grant sources to cover this increase. The project will continue to be reviewed robustly against cost plans and programme throughout its life.

- 3.6 As the works are now a high value contract, the Executive is asked to authorise the continuation of the original procurement process and to authorise Officers to invite tenders based on the criteria below. The advertisement for the contract is still valid as the broad description of the work is the same. Any elements of the pre-qualification evaluation that may be affected by the revised estimated value (such as the assessment of financial standing) will be re-evaluated to ensure the accuracy of the shortlist.
- 3.7 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response	
(i)	The nature of the service.	A Works contract for the construction of new build centre and associated external works.	
(ii)	The estimated value	£1,500,000	
(iii)	The contract term.	From 18 <sup>th</sup> June 2010 (award of contract) for a predicted term of 30 weeks.	
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	Two stage tender procedure.	
v)	The procurement timetable.	<b>Indicative dates are:</b> Adverts placed  Expressions of interest returned  Shortlist drawn up in accordance with the Council's approved criteria	16 <sup>th</sup> July 2009  6 <sup>th</sup> August 2009  17 <sup>th</sup> December 2009

		<p>Invite to tender</p> <p>Deadline for tender submissions</p> <p>Panel evaluation and interviews</p> <p>Panel decision</p> <p>Report recommending Contract award circulated internally for comment</p> <p>Executive approval</p> <p>Contract start date</p>	<p>17<sup>th</sup> March 2010</p> <p>16<sup>th</sup> April 2010</p> <p>19<sup>th</sup> – 30<sup>th</sup> April 2010</p> <p>30<sup>th</sup> April 2010</p> <p>4<sup>th</sup> May 2010</p> <p>14<sup>th</sup> June 2010 (meeting date to be confirmed)</p> <p>18<sup>th</sup> June 2010</p>
(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 pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The panel will evaluate the tenders to identify the Most Economically Advantageous Tender using the following evaluation criteria:</p> <ul style="list-style-type: none"> <li>• Price (50% weighting)</li> <li>• Programme/Approach to reducing construction period (25% weighting)</li> <li>• Quality (including understanding and approach to community projects) (15% weighting)</li> <li>• Innovation (5% weighting)</li> <li>• Sustainability/Approach to British Research Establishment Environmental Assessment Method ("BREEAM") (5% weighting)</li> </ul>	
(vii)	Any business risks associated with entering the contract.	All capital funding for this project is in time-limited external grant funding; the last of which must be spent by August 2011. Delay to this timetable will increase the risk that all capital funds will be spent on time.	
(viii)	The Council's Best Value duties.	The competitive tendering process will assist the council in achieving best value.	
(ix)	Any staffing implications, including TUPE and pensions.	None	
(x)	The relevant	See paragraphs 4 and 6 below.	

	financial, legal and other considerations.	
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3.8 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

#### **4.0 Financial Implications**

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.

4.2 The estimated value of this works contract is £1,500,000.

4.3 It is anticipated that the cost of this contract will be funded entirely from external capital grant funding received from Department for Children, Schools and Families: Sure Start, Extended Services and Co-location. Sure Start grant must be spent by March 2011 and Extended Services and Co-location by August 2011. The Extended Services funding is carried forward from 2008/09.

4.4 Members should note that if the grant deadlines detailed in paragraph 4.3 above are not met any unspent funds will become repayable to the allocating body. Further, if unspent funds are repaid, then the Council will be required to bear the risk on any remaining contract costs to complete the project, for which there is no budget provision.

#### **5.0 Staffing Implications**

5.1 None for the immediate purpose of this report.

#### **6.0 Legal Implications**

6.1 The estimated value of this contract is below the Public Contracts Regulations 2006 threshold for Works (of £3,927,260) and the contract is therefore not subject to its full application.

6.2 The original estimated value of the contract led Officers to treat the contract as a Medium Value Contract under the council's Standing Orders. As detailed in paragraph 3.4, Officers have subsequently re-valued the contract and its estimated value is now £1.5m. As such, the contract value now falls above the council's Standing Order threshold for High Value Contracts (of £1m).

6.3 As the contract is now classed as a High Value Contract, it is considered that application of council Standing Orders for such contracts should now be applied to the procurement process given that it has only recently commenced and tenders have not yet been sought. As a result, it is considered appropriate to seek Executive approval to

invite tenders and evaluate them in accordance with approved evaluation criteria.

- 6.4 As a two stage tender process had previously been adopted by Officers to procure the contract, there are no material changes required to the planned procurement process as a result of the reclassification of the contract as a high Value Contract.
- 6.5 Whilst a tender shortlist has already been drawn up by Officers, in view of the revision in the contract value, Officers will undertake a re-assessment of relevant elements of the pre-qualification questionnaire, (such as financial standing) to ensure the accuracy of the shortlist,
- 6.6 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

## **7.0 Diversity Implications**

- 7.1 The proposals in this report have been subject to screening and Officers believe that there are no diversity implications for the immediate purposes of this report. An Impact Needs/Requirement Assessment is being drafted on the intergenerational centre centre to ensure it adequately reflects the current service proposal.

## **8.0 Background Papers**

- 8.1 Executive Report – 19<sup>th</sup> January 2009 - Review of Phase 2 Children’s Centres and Development of Phase 3 Children’s Centres

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**John Christie**  
**Director of Children and Families**



**Executive**  
15 March 2010

## **Report from the Director of Children and Families**

Wards affected:  
ALL

### **Commissioning of the specialist Child and Adolescent Mental Health Service (CAMHS) in Brent 2010-11**

Forward Plan Ref: C&F-09/10-018

#### **1.0 Summary**

- 1.1 The Child and Adolescent Mental Health Service (hereafter referred to as CAMHS) is a jointly funded statutory service commissioned by NHS Brent and Brent Council. This specialist Mental Health service, which includes provision for social care, learning disabilities and adolescent care, is commissioned to supplement the core CAMHS service provided by NHS Brent.
- 1.2 The service is currently delivered by Central and North West London NHS Foundation Trust (hereafter referred to as CNWL) at a total cost of £1,006,504.31 per year (total Council and NHS funding). The current contract is due to expire on 31 March 2010. For delivery to continue, this High Value service is required to undergo a full tender in order to comply with the Council's Standing Orders, unless the Executive grant an exemption from tendering.
- 1.3 The Joint Commissioning Board, a sub group of the Brent Children's Partnership, are assessing the current use of resources for specialist CAMHS, on behalf of NHS Brent and Brent Council. This is with a view to potential reconfiguration to achieve priorities and address gaps. It is anticipated that this review of CAMHS will support a reconfigured service to be commissioned jointly with NHS Brent from 1 April 2011.
- 1.4 The Children and Families department are seeking exemption from the full tender requirements and seeking approval from the Executive to commission CNWL to deliver this service on a one year contract from 1 April 2010 to 31

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Executive  
15 March 2010

March 2011. By recommissioning the existing provider, it is hoped that there will be minimal disruption to delivery for 2010-11.

## **2.0 Recommendations**

The Executive are requested to:

- 2.1 Approve an exemption from the usual tendering requirements of Contract Standing Orders in relation to the joint Council and NHS Child and Adolescent Mental Health Service, on the basis that there are good operational reasons for doing so as set out in section 3 of the report.
- 2.2 Award a contract jointly with Brent Primary Care Trust for the joint Council and NHS Children and Adolescent Mental Health Service to the current provider, Central and North West London NHS Foundation Trust, for the period 1 April 2010 to 31 March 2011.

## **3.0 Detail**

- 3.1 The current contract with CNWL for the delivery of specialist CAMHS is due to expire on 31 March 2010 and a new service configuration is being explored for April 2011 onwards. This forms part of the wider review of Mental Health services in Brent, which encompasses services currently commissioned by both Brent Council and NHS Brent. The scope of the review includes children, younger and older adults, people with learning disabilities and drug and alcohol services. The aim of the review as it relates to child and adolescent mental health services is to assess the potential for greater integration with Local Authority Children's services as well as deliver early intervention services at a locality level within current resource levels. Therefore the review could result in a decision to continue the existing service with a new specification, or introduce significant changes to the way that Mental Health services are provided in the borough. The review is ambitious in its timescales and is scheduled for completion of meetings by June 2010, and implementation in the 2011-12 financial year onwards.
- 3.2 The current and proposed contract with CNWL relates to the delivery of appropriate, accessible and comprehensive specialist CAMHS for children and young people up to the age of 18, in particular those known to social care and those with disabilities. Services are provided on the basis of a personalised needs led assessment in order that interventions are appropriate to the individual. Clinical interventions are in the form of both specialist 1:1 support and group work. Assessment and treatment are provided by child and adolescent psychiatrists, clinical psychologists, nurses, child psychotherapists, family therapists, play therapists and occupational therapists. The service is delivered in multidisciplinary assessment clinics, schools, Children and Families Social Care offices, community settings and homes. Over the last year, the service has supported an average caseload of 400 children and young people per quarter.

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Executive  
15 March 2010

- 3.3 In view of the service review described in paragraph 3.1, this report recommends that this one year contract should not be subject to a tender process for the following reasons and be recommissioned with the current provider:
- It is highly unlikely that a new provider could be operational from April 2010, as there is not sufficient lead in time to establish a new service.
  - Even if it were possible to establish a new service to start from April 2010, CAMHS involves working alongside some of the most vulnerable children and young people within Brent. The establishment of a new service provider in April 2010, and potentially again in April 2011, could prove disruptive for these users.
  - Service users and professionals are aware of where and how to access these current services.
  - If a new provider was sought, it would require months of publicity to promote the new service so that both users and professionals are aware of the revised arrangements.
  - The commissioners are confident in the standard of service delivered by CNWL. CNWL are an experienced provider who have met their service delivery targets throughout 2009-10.
  - The recommissioning will give sufficient time to participate in the mental health review process, undertake an assessment of the market to determine whether there are other providers with the capability and capacity to provide this service and develop a comprehensive specification that addresses emerging priorities and gaps using existing resources.
- 3.4 Therefore this report recommends an exemption from the tendering requirements of Contract Standing Orders to enable CNWL to be commissioned to deliver the existing service for a further year.
- 3.5 CNWL currently provide tier 4 or highlight specialist CAMHS services to the eight PCTs belonging to the North West Sector CAMHS Consortium. The consortium is made up of eight boroughs in the north and west of London, including Brent. CNWL deliver core and targeted CAMHS services on behalf of NHS Brent as well as the provision of specialist CAMHS to five other boroughs in the sector. In line with current arrangements, CNWL will continue to be performance managed through a service level agreement with rigorous, quarterly monitoring arrangements.
- 3.6 A report recommending the recommissioning of this service for one year from 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011 to fully assess the options for reconfiguration arising from the review discussed in 3.1 was presented to Brent Children's Partnership Joint Commissioning Board. The recommendation was approved by the Board at its meeting on 9<sup>th</sup> February 2010. The Joint Commissioning

Board is a sub group of Brent's local Children's Trust and is chaired by the Director of Strategic Commissioning of NHS Brent.

#### **4.0 Financial Implications**

- 4.1 There are no financial implications from this report. The report relates to the service to be provided in 2010/11. The funding has already been identified and will be drawn from a joint budget with NHS Brent and the Local Authority. The Local Authority contribution is £674,556 and the NHS Brent contribution is £331,948.
- 4.2 Any High Value CAMHS contracts beyond April 2011 will be subject to further reports to the Executive.

#### **5.0 Legal Implications**

- 5.1 The Council is under an obligation to secure that there are mental health services in place for children in accordance with its general duties to safeguard and promote the welfare of children within their area who are in need, under section 17 of the Children Act 1989.
- 5.2 All contracts for services exceeding £500,000 in value are classified as High Value contracts under Contract Standing Orders. Here the Council element of the service is £674,556 for 2010/11. Such a contract is required by Contract Standing Orders to be tendered. Where any contract is proposed not to be tendered, then only the Executive can approve this under Standing Order 84, on the conditions that there are good operational and / or financial reasons for doing so. Here the operational reasons are set out in paragraph 3.3 of this report, and Members need to be satisfied that the reasons are sufficient to justify an exemption from the usual tendering requirements of Contract Standing Orders.
- 5.3 In addition, Members can only grant an exemption from tendering where there is no breach of the European public procurement requirements. Mental health services are Part B services under the relevant regulations, and so the contract is subject only to partial application of the regime. Most importantly there is no requirement to advertise and tender a Part B contract in accordance with the regulations. However as a Part B service it will still require notification of the contract award to the EU Publications Office.

#### **6.0 Diversity Implications**

- 6.1 This contract relates to the delivery of specialist CAMHS for children and young people known to social care services, those with learning disabilities and young people aged up to their 18<sup>th</sup> birthday with mental health problems and disorders. The presence of mental health problems is a known risk factor which can result in vulnerability and associated behaviours.



- 6.2 The aim of this provision is to enable practitioners in the Children and Families department, and other agencies such as schools and GPs, to access a range of flexible and responsive therapeutic services for vulnerable children and young people who present with family breakdown, social crisis, neglect, absent parenting and or socially unacceptable behaviour and including those with learning disabilities and associated mental health problems. Current service users are representative of the ethnic and cultural diversity in Brent.
- 6.3 The service will ensure that children and young people with mental health problems and disorders have access to timely, integrated, high quality, multidisciplinary mental health services to ensure effective assessment, treatment and support, for them and their families. Provision is delivered on the basis of a personalised needs led assessment of individual children and young people in order that interventions are appropriate and targeted to those most in need.
- 6.4 The failure to approve the award of this contract could lead to the withdrawal of services from some of the most vulnerable children and young people in Brent. Those most at risk include young people known to social services and children and young people with learning disabilities.

## **7.0 Staffing Implications**

- 7.1 This service is currently provided by an external provider and there are no implications for Council Officer staff arising from continuation of the contract.


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	<p><b>Executive</b> <b>15 March 2010</b></p> <p><b>Report from the Director of Housing and Community Care</b></p>
<p>Wards Affected: ALL</p>	
<p><b>Supply and Demand and Temporary Accommodation</b></p>	

Forward Plan ref: H&CC-09/10-31

## Summary

1.1 This report seeks Members' approval of the lettings projections for 2010/11, and provides Members with an updated supply and demand analysis for housing, including lettings performance in 2009/10 and progress against Temporary Accommodation reduction targets.

## 2.0 Recommendations

2.1 That Members note the updated supply and demand analysis for housing, including lettings performance in 2009/10, as given in Appendix A.

2.2 That Members approve the lettings projections for 2010/11, as detailed in paragraph 3.11 and in Appendix E.

## 3.0 Detail

### 3.1 Supply & Demand Projection

3.1.1 A summary of the Supply and Demand projection for social housing is provided in the table below, with a full version provided in Appendix A.

	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
DEMAND FROM ALL GROUPS	22363	23391	20899	18538	16284	14519
PERMANENT SUPPLY (RSL's & Brent)	1009	950	857	825	860	870
ALL LETTINGS (Incl Private Sector)	1087	1040	1232	1296	1469	1520
UNMET DEMAND (After Lettings)	21276	22351	19830	17409	15066	13152
ALL TEMPORARY ACCOMMODATION	3907	3651	3121	2513	2238	1973

3.1.2 This model brings together information regarding the demand for housing from the homeless, Council tenants seeking a transfer and applicants to the Housing Register. This demand is mapped against expected supply levels.

3.1.3 As the table shows, the level of unmet demand in the Borough is expected to reduce from around 17,410 to 13,150 households over the next three years. The projected reduction in demand is due to a number of factors including a reduction in homeless approaches and the Council continuing to make best use of the private rented sector as a supply of accommodation for those in housing need.

#### 3.1.4 Impact of the Recession

A key risk for the service is the potential impact of the current economic situation. There has already been a reduction in the rate of new development in the borough, by both Housing Associations and private developers. In addition, a more uncertain employment market will affect the ability of households to meet existing mortgage commitments, enter into new arrangements, or take up shared ownership opportunities. These could all result in increased homelessness, as could a reduction in available properties in the private rented sector should buy-to-let landlords get into difficulties.

3.1.5 To date, there has not been an increase in homeless applications due to these factors. Brent has a healthy private rented sector market, and our continued success in prevention of homelessness has meant that there has been no adverse impact. However, it may be that there is an impact in the future – this is an area that we will continue to monitor closely.

### 3.2 **Housing Register and Transfer Demand**

3.2.1 Appendix B provides a breakdown of live applications on the Housing Register and Transfer list by demand group and the number of bedrooms needed.

3.2.2 Total demand on these lists is currently around 21,000 households. The Council carries out periodic and targeted reviews of applications on the Housing Register. However, a comprehensive review of the Housing Register began in late 2009 which has so far evaluated 33% of households.

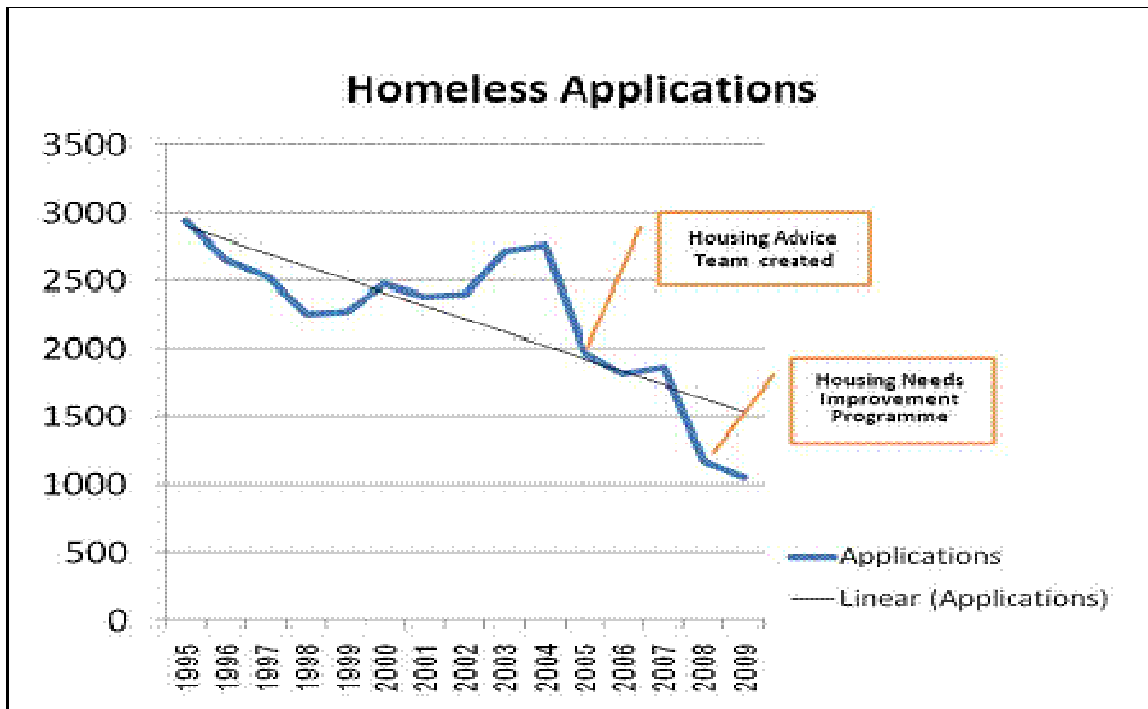
This has led to a reduction of more than 3,000 households on the Housing Register- these were households who had either moved away or had resolved their housing situation and no longer wished to be assisted by the Council.

This review of the Housing Register will be completed by the end of 2009/10. We expect this to result in a more accurate assessment of housing demand in the borough, with updated information on households being held.

- 3.2.3 Given the imbalance between housing supply and demand, many households face a lengthy wait for housing assistance and some will never be rehoused.

### 3.3 Homeless Applications and Decisions

- 3.3.1 The line graph below shows homeless applications received by financial year up to the end of January 2010.



- 3.3.2 As it shows, the Council had been receiving between 2,000 and 2,500 homeless applications per year, and the trend was broadly upwards until 2005/06, when an in-house housing advice function was first introduced. The team has played a key role in the prevention of homelessness. This pro-active approach has had a significant impact in terms of reducing the number of households applying as homeless. This in turn has had an impact on the number of homeless households being accommodated in temporary accommodation.

- 3.3.3 Some of the focus of work in 2009/10 included ensuring that the organisational, structural and procedural changes already implemented were working well. A number of specific areas have been addressed this year, including further work on tackling youth homelessness in partnership with Children and Families; strengthening our partnership approach to tackling rough sleeping; and implementing significant improvements to various IT systems.
- 3.3.4 As a result of the service improvement work and successful homeless prevention measures mentioned above, there was a 36% reduction in homeless applications and a 46% reduction in the number of cases accepted as homeless in 2008/09 compared to 2007/08. The trend has continued in the current financial year with the third quarter of 2009/10 having the lowest number of homeless applications for over fifteen years.
- 3.3.5 There are about 930 homeless approaches to date; this is a reduction of around 100 applications compared to the previous financial year. There are also just under 270 acceptances to date, this is currently 35% lower than the same period the previous year, we expect to accept less than 360 applications by year-end which would be the lowest number recorded. It should be noted that Brent is one of the highest performing boroughs in London in terms of overall management of homelessness.
- 3.3.6 **Young People and Homelessness**  
Previous reports have informed Members that the Government announced its intention to end the use of hotel accommodation for homeless 16/17 year olds by April 2010, except in emergencies and then for no longer than six weeks.
- 3.3.7 The Council is actively working to reduce levels of homelessness amongst this group. Initiatives in place include -
- A Supporting People led strategic review of services for young people has been completed. The Council's Department of Housing and Community Care (H & CC) and Children and Families (C & F) were actively involved in this process. Tendering has commenced and new services will be in place by January 2011.
  - The schools road shows programme (to raise awareness among young people regarding housing needs issues) has been reviewed and a number of recommendations have been made. The service continues and young volunteers will assist with this programme.
  - An extensive review of Housing's use of mediation has been completed. This looked at the effectiveness of the current service, outcomes, and options for future service delivery. At present, Relate is used for all housing needs mediation, however as a result of this review we have started to use a more specialist service for young people.
- 3.3.8 The Southwark judgment made in May 2009 (G v Southwark)<sup>1</sup> spells out the need for social care authorities to carry out assessments under section

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<sup>1</sup> "R (on the Application of G) v Southwark LBC [2009] All ER (D) 178 May"

20 of the Children Act before housing authorities should carry out a homelessness assessment under part 7 of the Homelessness Order. It also clarifies the distinction between general duties under section 17 and specific duties under section 20 of the Children Act with section 20 taking priority. It is clear in stating that social care authorities cannot meet section 20 duties by simply referring young people to the housing authority but can ask for the housing authority's assistance to discharge the duty.

3.3.9 However, section 20 places a huge emphasis on homelessness prevention and reconnection of young people to their families. There is also emphasis on seeking the views of the young person about whether they wish to be looked after under section 20 or whether they just want support under section 17.

3.3.10 The Housing Resource Centre (HRC) has been assisting C&F to accommodate young people who are identified as 'in need' under section 17 of the Children Act and in many cases hostels provide the support needed to maintain a good level of health and development. However, some use is being made of hotel accommodation on an emergency basis. This is being monitored closely.

3.3.11 H & CC have also been working with C&F to progress the delivery of a co-located service for 16 & 17 year olds in housing need. High level discussions between both services have taken place and there has recently been an agreement to provide a joint service from Cottrell House. This is aimed at homelessness prevention, a pilot should go live during February 2010.

### 3.4 Temporary Accommodation

#### 3.4.1 Temporary Accommodation Numbers and Reduction Plan

Since the government published its five year strategy, "Sustainable Communities: Homes for All", in January 2005, (which included a commitment to reduce the overall numbers in temporary accommodation by 50% by 2010), Brent has steadily reduced the use of temporary accommodation.

	Baseline figure	Current figure	Target Figures	
Date	01/01/05	31/12/09	31/12/10	31/12/11
No in TA	4,466	3,213	3,223	2,233
Cumulative Reduction	-	1,253	1,243	1,493
<b>%age Reduction</b>	-	<b>28.1%</b>	<b>28%</b>	<b>33%</b>

3.4.2 Members will note that as at the end of December 2004, when 4,466 Brent households were in temporary accommodation, there has been an overall reduction of 28% - a drop of 1,253 households.

3.4.3 It should also be noted that as at the end of quarter 2 (the last quarter for which comparative stats are currently available), Brent had achieved

the 7th highest numeric reduction in London, and across the country as a whole.

- 3.4.4 The work that the Council does in relation to homeless prevention is wide-ranging and varied. As previous paragraphs have explained, this pro-active approach has had a significant impact on the number of homeless households being accommodated in temporary accommodation. The successful conversion of some specific TA schemes to settled accommodation this financial year has also contributed to the overall reduction in the use of temporary accommodation.
- 3.4.5 Meeting the end of the year target for 2009/10 requires a further reduction of 92 households. Officers forecast that the additional reduction required to meet the target of 30% is possible, and are working towards achieving this.
- 3.4.6 The TA Reduction Plan was reviewed by officers during 2009, and revised to reflect the fact that a separate target for Temporary Accommodation reduction was agreed as part of the Council's Local Area Agreement for 2008/11. This is the target that we are now working to reach or exceed. It is worth noting that we have already exceeded our December 2010 LAA target.
- 3.4.7 Local Area Agreement (LAA) 2008/11 and the Settled Homes Initiative (SHI) proposal  
Brent has incorporated a Settled Homes Initiative in its LAA for 2008/11. This would reduce temporary accommodation usage by more than 50% by December 2011.
- 3.4.8 As a result, of these proposals, Brent negotiated amended targets for TA reduction which extended to the end of 2011 and were signed off by the department of Communities and Local Government (CLG). These targets are slightly different from the 2010 target – one to be achieved if the Settled Homes Initiative is agreed, and one if it is not agreed.
- 3.4.9 Since the start of 2009/10 officers have been reviewing progress against the action plan and the LAA target. Based on these figures, we expect to have reduced TA usage by 40% by the end of December 2010. This is a reduction of 1,803 households in total. Whilst this would be just under 400 households short of the CLG 50% target, it would exceed our LAA (without the SHI) target by 558 households, or 13%.
- 3.4.10 The initial Settled Homes Initiative (SHI) proposals were received favourably by the CLG, who were broadly supportive and were keen to see the proposals developed further. However, more recent discussions with the CLG indicate that, whilst they recognise the innovation, creativity and logic behind the proposals which are aimed at making best use of public funds, it is unlikely that they will be progressed further at present.
- 3.4.11 The CLG viewed our Settled Homes proposal positively and undertook to work with us and Department for Works and Pensions (DWP) to bring the



scheme forward. However, following the recession CLG and DWP have been significantly more risk averse and have indicated that they do not see the project proceeding in the current climate. They have also pointed to a more wider ranging reform of Housing Benefit that Government are engaged with. Therefore, although the scheme has not been officially closed, there seems little prospect that it will proceed in the near future.

#### 3.4.12 Hotel Numbers

The number of households in hotels has been stable this financial year at around 140 being accommodated at any one time. However, we have been carrying out a planned programme of handbacks for other types of emergency accommodation for homeless households, particularly those placed out of borough.

3.4.13 Planning for the decant of Gordon House (currently used as hostel accommodation) has started due to the commencement of regeneration work in South Kilburn. We are working towards moving all households by 31/03/10.

### 3.5 **Temporary Accommodation Conversion Schemes**

3.5.1 Our original TA Reduction plan relied heavily on the Council being able to convert tenancies in self-contained temporary accommodation into settled accommodation at the end of existing leases. These properties are owned by private landlords and managed by Housing Associations under our HALS scheme.

3.5.2 Progress on this scheme was much slower than originally expected. Discussions in 2006 and 2007 with the Housing Associations indicated a reluctance to agree to a scheme whereby a lease ends with the tenant still in residence, as there were concerns about the contractual requirement to return the property to the landlord with vacant possession, as well as issues in relation to how rents would be set. However, the Housing Associations have been having these discussions with a number of boroughs and have gradually been moving towards being in a position to operate such a scheme, particularly as their temporary accommodation property portfolios have started to decrease.

3.5.3 More recently we have therefore been in renewed discussions with our main Housing Associations regarding these schemes. Some of our Housing Association partners are already giving us properties to make direct lettings to (without accepting a homeless duty) under a Housing Association Leasing Direct (HALD) scheme. We have made around 20 lettings to date through this scheme. In addition, flexibility around conversions has been built into the new HALS contracts which came into place in February 2010.

### **3.6 Conversion of Specific TA Schemes to Settled Accommodation**

- 3.6.1 The Council has been able to convert some of its existing temporary accommodation schemes to assured tenancies, using grant secured from the Homes and Communities Agency (HCA).
- 3.6.2 The Council has converted 110 temporary accommodation properties to permanent accommodation during 2009/10. As part of the conversion process, officers carried out detailed assessment with the household in each property. This was to determine whether the property was suitable for the household, and to explain the process of conversion. The household is then granted an assured tenancy by the relevant Housing Association and the Council discharges its homeless duty to them. Where the property is not suitable for the household currently in situ, the council has offered alternative accommodation and nominated a permanent let to another household.
- 3.6.3 Grant funding has been secured from the HCA to convert the Middlesex House Scheme which comprises 84 temporary accommodation units to permanent affordable housing. In addition, 39 units at Goodmans Court which are occupied by Stadium HA tenants on an assured tenancy, will be restructured financially as part of the conversion of the Middlesex House scheme. This is in order to preserve the use of these properties as affordable housing on a permanent basis. A separate report on the conversion of the Middlesex House and Goodmans Court scheme is being presented at this Executive meeting.

### **3.7 Direct Lettings in the Private Rented Sector**

- 3.7.1 Section 3.1.5 above highlighted the importance of making best use of the private rented sector when exploring housing options with potentially homeless households. However in addition to this, our plans to reduce TA reduction also include an expectation that we will achieve a significant number of lettings per year through securing qualifying offers for homeless households in the private rented sector. If an offer is accepted the council discharges its homeless duty to the household.
- 3.7.2 Brent already does a high number of qualifying offers per year – in 2008/09 we did around 80. Existing staff resources have been targeted to support this work which increased the number of qualifying offers achieved between July and September 2009 to 34 compared to 20 in the three months between April and June 2009 of this year. It is worth noting that as at January 2010, a total of around 125 qualifying offers has been achieved. This has also contributed to the overall good performance of TA reduction.

### **3.8 Brent Housing Partnerships Temporary to Settled Housing Scheme**

Further to the report presented to Executive on 18 January on the ALMO Settled Homes Initiative, officers can report that work is progressing to finalise the loan arrangements to that Brent Housing Partnership can

procuring the first tranche of properties, which comprises up to 50 properties, over the next few months.

### 3.9 Housing and Social Care Private Finance Initiative

Construction of the first phase of properties under Council's Housing and Social Care PFI scheme is progressing well. The 15 units for people with learning disabilities on Tudor Gardens are complete and are due to be occupied with effect from 31<sup>st</sup> March 2010. Work is progressing on the 57 PFI housing units on Empire Way which is due to complete later this year. In addition, works have commenced on four of the other sites to deliver 76 PFI units. It is anticipated that construction programme to deliver the remaining three sites, which will deliver 81 properties will commence over the next few weeks. A report on the delivery of the second phase of properties, comprising 169 properties is being presented on the same agenda as this Executive meeting.

### 3.10 Permanent Lettings against Projections 2009/10

3.10.1 At the time of writing, lettings figures for performance up to the end of January 2010 are available. The table below summarises actual lettings performance to the end of January 2010 against the projections set at the beginning of the financial year.

Lettings Variance from Targets - Apr-Jan To Month = 10

		Full Year Actuals 2008/09	Targets 2009/10	Pro Rata Target	Actuals 2009/10	Var	% Var
<b>Target Group</b>	Homeless	489	450	375	342	-33	-9%
	Register	325	194	162	234	72	45%
	Transfer	173	213	178	190	13	7%
	<b>Total</b>	<b>987</b>	<b>857</b>	<b>714</b>	<b>766</b>	<b>52</b>	<b>7%</b>
<b>Lettings Source</b>	Council	430	500	417	309	-108	-26%
	RSL	557	357	298	457	160	54%
	<b>Total</b>	<b>987</b>	<b>857</b>	<b>714</b>	<b>766</b>	<b>52</b>	<b>7%</b>

3.10.2 Overall, lettings are currently 7% above pro rata projections. This is partially as a result of some slippage in the 2008/09 programme. Based on these figures, officers forecast that overall lettings to all demand groups will be above the original projection made. Decants due to the Granville New Homes were all achieved and the TA conversions have contributed to the good performance so far.

3.10.3 It is worth noting that lettings to date have been above target for some of the different demand groups. For example, we have made good use of

transfers through moving under-occupiers, thereby freeing up larger properties for households and supporting a reasonable percentage of all households in need. Medical quotas for Housing Register and Transfers have been met to help clients in this category. Single people or couples referred from a number of voluntary organisations have also been helped to move on.

3.10.4 A detailed analysis of lettings performance to the end of December 2009, including a breakdown by bedsize and category, is provided in Appendices C and D.

### 3.11 Lettings Projections 2010/11

3.11.1 From an analysis of the trend in local authority and Housing Association lettings, it is anticipated that there will be 825 lettings made in 2010/11.

3.11.2 For the Housing Association lettings, there is a decrease of just ten properties compared to 2009/10. This is as a result of a drop in new build development due to delays in some of the schemes as mentioned in 3.1.4. Relets have been projected at almost the same level as 2010/11 until 2012/13. However, new build supply has been projected to decrease in between 2010/11 and 2012/13. The split between between new build and relets is around 45% to 55%. Officers will continue to monitor this given the current market conditions.

3.11.3 The table below summarises the distribution of these lettings across the different bedroom categories.

**BRENT AND HOUSING ASSOCIATION - Projected Lettings 2010/11**

	BSR	1 BED	2 BED	3BED	4 BED+	Total
Brent	42	180	164	67	25	478
RSL	25	130	125	50	17	347
<b>Total</b>	<b>67</b>	<b>310</b>	<b>289</b>	<b>117</b>	<b>42</b>	<b>825</b>

Note: Housing Associations were previously referred to as Registered Social Landlords (RSLs)

In addition, officers expect to build on progress so far this year and make over 350 lettings directly into the private rented sector, this includes qualifying offers and direct lettings to prevent homelessness. This will allow the Council to discharge its housing duty towards homeless clients.

3.11.4 As in previous years, projected lettings will only be able to meet a small proportion of the total housing need in the Borough. In 2010/11, we will be able to provide lettings to less than 5% of current applicants on the Housing Register and Transfer List.

3.11.5 Members will recall that, in previous years, a detailed set of lettings targets for each demand group has been agreed. However, the implementation of Locata (choice based allocation scheme) gives officers less control over

lettings and gives choice to applicants on the Housing Register about where to live.

3.11.6 The different demand groups reflect priorities as set out in the allocations scheme, and officers therefore consider it appropriate to provide a detailed set of projections based on these demand groups. In addition, specific quotas have been set for a small number of high priority groups, for example, Children in Need, Adults Social Care, and Former Service Tenants.

3.11.7 As projected lettings can only meet a small proportion of the housing need in the borough, it is therefore important that prioritisation of lettings is considered in line with the allocations scheme. Members are therefore asked to approve the lettings projections set out in Appendix E. This lettings scheme is similar to 2009/10 and supports a number of policy, strategic objectives and new initiatives, including the following:

- **22 lettings are projected to deal with urgent management transfers for council tenants.** This gives the flexibility to move Council tenants where there is a need, due to exceptional circumstances.
- **63 lettings** are projected to deal with transfers required due to major works and to take account of the South Kilburn Regeneration and the Barham Park Estate Regeneration Scheme decant programme.
- **8 lettings are projected for the Intra-Estate transfer scheme.** This figure includes transfers to deal with very occasional incidents of anti social behaviour. For the good management of an area/estate it is occasionally necessary to move a household to a similar property within the same area.
- **66 lettings are projected for the Underoccupation Scheme.** Brent has had an effective and well developed under-occupation scheme in place for a number of years. This allows tenants who are under-occupying properties to move to a property more suitable to their current needs much quicker. This in turn frees up a larger property earlier than might be otherwise expected for an overcrowded household. Tackling overcrowding is a key part of the government's agenda and having an under-occupation scheme is one way in which some of these households' problems can be addressed. The scheme makes a significant contribution to the available pool of larger properties available for letting. Therefore the Council is aiming to increase lettings to this group by 10% for 2010/11.

3.11.8 As part of the work to reduce overcrowding, the target to move overcrowded Council tenants has also been increased by 10% and there will be particular focus on those tenants who are severely overcrowded (two bedrooms short against their requirement).

3.11.9 Around 47% of the available lettings are targeted to the homeless in order to support our Temporary Accommodation plans. Even though good progress has been made so far regarding the Temporary Accommodation reduction plan, the borough still has a high number of homeless households in temporary accommodation. This figure is less than previous years because our numbers in TA are reducing. However, it is important that we continue to prioritise those households in TA.

3.11.10 Emerging Households Scheme Update

This is a homeless prevention initiative, aimed at reducing homelessness through family exclusions, but also relieves overcrowding. Under the scheme, households are awarded additional, time limited priority on the Housing Register. The households have to meet a number of criteria, including being threatened with homelessness, would be in priority need as defined under Part VII of the homelessness legislation, and be overcrowded by at least one bedroom in their current accommodation, taking into account all those living in the property.

3.11.11 Children Leaving Care

Twenty five lettings from the Housing Register are targeted for Children Leaving Care, to assist the Children and Families department in rehousing young adults. In 2008/09, this target was reverted back to 30. This has now been reduced further by five in 2010/11 as the backlog of placements of children leaving care has now been addressed. However this area will continue to be monitored closely.

3.11.12 Adults Social Care

Twenty lettings from the Housing Register are targeted for Adults Social care, particularly for adults leaving residential care placements. A specific quota of ten properties has been incorporated to give Mental health clients access to much needed properties, and provide housing solutions for this vulnerable client group.

3.12 Tackling Overcrowding

3.12.1 Members will recall that Brent, in addition to the other 37 Pathfinder local authorities, was awarded some funding by the CLG in 2009/10 to tackle overcrowding. This funding was to be used for developing strategies to tackle overcrowding; including partnership working with planners, Housing Associations and developers, a more proactive approach especially within housing options, and further innovative measures. An action plan was drafted in January 2009 and a specialist advisor from CLG has visited Brent to discuss plans.

3.12.2 Considerable progress has been made to identify the level of the problem and to take co-ordinated action to deal with overcrowding. The following paragraphs highlight a range of initiatives and projects that are being planned for the future to reduce overcrowding.

3.12.3 Under-occupation Initiatives- A drop-in event was held for under-occupiers in August 2009. Around 50 under-occupying council tenants attended this session, and were able to discuss their individual circumstances and housing expectations with officers from the project team. Representatives from Brent Housing Partnership and Seaside and Country Homes were also present. Follow-up work is continuing with these households, with officers maintaining close and regular contact with them, and placing bids on their behalf for some cases. As at the end of December 2009, 27 lettings had been made to underoccupying households. The target for 2009/10 is 61 lettings to this demand group, a 10% increase on the previous year.

3.12.4 Housing Options

We are continuing to work with overcrowded households to explore all housing options, including the private rented sector. We will soon be carrying out a series of joint visits with our ALMO to overcrowded households in council tenancies, to discuss their situation, housing expectations and their options. In addition, we hope to start offering advice on mitigating solutions (space saving furniture, best use of space, etc).

3.12.5 A proposal for funding for 2010/11 is also being put together. This is likely to be dependent on and determined by, the levels of overcrowding in each authority, outputs and outcomes to date and future action plans.

3.13 Rough Sleepers

3.13.1 The low levels of rough sleeping in Brent have been achieved by working with our partners Cricklewood Homeless Concern (CHC) who have been funded to provide a rough sleeping outreach service. The last formal rough sleeper count carried out in November 2009 identified three rough sleepers in comparison to four identified in March 2008. The outreach service identifies clients who are rough sleeping on the street and in disused buildings, parks or hidden sites and on an annual basis approximately 200 rough sleepers are assisted.

3.13.2 In the past year, we have seen an increase in rough sleeping amongst migrants who have no recourse to public funds. It is therefore much more difficult to support this group. As part of a West London Alliance initiative, the council has lead on commissioning a service delivered by Thames Reach, which is aimed at reconnecting rough sleepers to their home countries or resettling them in the UK through assistance with finding employment and accommodation. The project was set up in September 2009 and since then has been successful at reconnecting 15 people to their home countries and is currently supporting another 20 people who are either rough sleeping or squatting.

3.13.3 In November 2008, Communities & Local Government (CLG) issued the Government's Strategy for eliminating rough sleeping by 2012 entitled 'No one left out'. The strategy sets out fifteen clear actions which Local Authorities should be implementing to achieve this aim. The Council has also been asked to join the London Delivery Board which was established

by the Mayor's Office and Communities and Local Government a year ago with the aim of implementing the strategy across all London boroughs.

3.13.4 A borough wide steering group has been set up and an operations group comprising of council, fire, police and health services and the voluntary sector. An action plan has been agreed aimed at minimising rough sleeping but also reducing crime, anti-social behaviour and life risk and improving health and the environment. This group recognises that the problems are wider than just sleeping rough, and there is work being carried out around squatting also.

### 3.14 Affordable Housing Delivery Targets

3.14.1 The Mayor has retained the overall target of 50,000 new affordable homes over three years and has recently announced new borough-level targets for the delivery of new affordable homes. For Brent, the Mayor expects 1,600 affordable homes to be delivered between 2008 and 2011. This target is a gross figure and includes new build accommodation, as well as Open Market Homebuy and conversion of existing temporary accommodation units to permanent housing. The target is subject to an annual review to take into account the Council's capacity, the current economic climate, availability of funding and investment. In return for agreement on the targets, the Mayor's draft strategy proposes a new settlement with London authorities that would provide greater local autonomy on the type, location and mix of housing to be provided. In general, the Mayor's strategy supports decision making on the housing mix to be based on appraisal of individual schemes, taking into account a range of factors including deliverability.

3.14.2 The Council also has a separate Local Area Agreement target (NI155) which requires it to deliver 1,374 homes over the same three-year period. This target was negotiated directly with the Department of Communities and Local Government and Government Office for London. This is intended to remain separate from the Affordable Housing Targets that have been agreed with the Mayor of London<sup>2</sup>. The Council has undertaken a refresh exercise to consider the impact of the downturn in the economic climate on its ability to deliver the LAA target for the delivery of affordable homes. The original target was proposed by the council on the basis of delivering 50% of the Council's London Plan net conventional supply target over the three-year period. As no affordable housing demolitions were forecasted during the three-year monitoring period the council's assumption was that the net position reflected the gross position. However, as the affordable housing targets did not include unconventional supply, an allowance was required to be made for Open Market Homebuy and temporary to permanent conversions. Given this, the council has updated the LAA target to deliver 1,552 affordable homes between 2008/09 and 2010/11 which is now comparable to the affordable housing targets negotiated with the Mayor

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<sup>2</sup> The Mayoral Affordable Housing Targets has confirmed agreement that these targets will not replace the Council's Local Area Agreement Targets.



(see table below). The Government for London are to confirm whether this revised target will be accepted.

**Affordable Housing Supply 2008-2011**

	2008/09	2009/10	2010/11	Total Supply 2008-11
New Build Rented Units	133	173	82	388
New Build Intermediate Rent and Sale Units	256	252	53	561
TA Conversions to Permanent	275	110	70	455
ALMO SHI	0	10	40	50
PFI Units	0	15	83	98
	664	560	328	1552

3.14.3 Officers anticipate a further 271 affordable units could be completed by the end of 2010/11. 126 units (76 rented units and 50 intermediate) of these completions are expected from the development of the Atlip Road site which is being delivered by London and Quadrant. Current forecasts indicate the scheme will be completed by January 2011. A further 145 intermediate units are to be delivered by Stadium HA on the Central Middlesex Hospital site in Park Royal. These are currently forecast to complete in March 2011. The completion of the units will mean that the Council will have delivered over 1,800 homes over the three-year monitoring target.

**4.0 Financial Implications**

4.1 The total agreed revised budget for expenditure on Temporary Accommodation for 2009/10 is £3,792K. This figure includes a Housing Benefit subsidy loss budget of £500,000. Officers are currently forecasting a break-even position for 2009/10.

4.2 The total agreed budget for expenditure on Temporary Accommodation for 2010/11 is £4,239K. This figure includes a savings target of £80K on increasing charges for furniture storage for homeless households and extending such charges to those that were previously exempt. These proposals were approved at the February Executive as part of the Fees and Charges report.

4.3 From 2010/11 the Department of Work and Pensions (DWP) plans to base housing benefit subsidy for some temporary accommodation schemes on Local Housing Allowance (LHA) rates. The current arrangements would be replaced by a mechanism where the authority receives LHA minus 10%, plus a £40 per week management fee. The benefits funding regime for Housing Association Leasing Schemes (HALS) is expected to remain unchanged until 2012/13.

4.4 Based on previous forecasts, officers had expected there to be a shortfall of around £869k against the Temporary Accommodation budget for 2010/11.

However, officers have reviewed the earlier forecast in detail and have revised the expected shortfall. This assumes an ongoing reduction in demand in line with prevention and TA Reduction Strategy, increased access to private sector units and the reduction of higher cost units following DWP changes.

4.5 Officers now expect there to be a shortfall of around £686k against the Temporary Accommodation budget for 2010/11, a reduction of £183K compared to the original growth estimate of £869K.

A provision of £500k has been agreed and included in the 2010/11 budget figures for the changes mentioned above to enable action to be taken to limit the impact in 2010/11.

4.6 The Rent Service has recently notified the Council of the need to carry out a review of the North West London Broad Rental Market Area. There is a possibility that the review could result in changes which could reduce housing benefit subsidy and also affect our ability to help families, who would otherwise become homeless, to secure private rented properties. The council has previously raised its concerns about the impact of Broad Rental Market Areas (BRMA) on segmented boroughs such as Brent with rents affected by proximity to central London in the south of the borough and lower rents in the north of the borough. The council will resist changes to the current arrangements which adversely affect the borough. However, there is no separate provision in the 2010/11 budget should changes be implemented and this therefore may be a budget risk in 2010/11.

## **5.0 Legal Implications**

5.1 The primary legislation that governs the allocation of new secure tenancies is set out in Part VI of the Housing Act 1996 "the 1996 Act", as amended by the 2002 Act. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable preference" is given to certain categories of applicants (which are set out in section 167 of the 1996 Act as amended by the 2002 Act and includes homeless households and persons living in overcrowded conditions), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act which is not in accordance with the Council's own allocation policy will be "ultra vires" and deemed to be unlawful. Allocation of temporary accommodation is not governed by Part VII of the 1996 Act.

5.2 Brent has adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in

the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.

- 5.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.
- 5.4 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) if the homeless person accepts a qualifying offer of an assured shorthold tenancy with the Council's approval and is advised in writing in advance that he is under no obligation to accept the offer of accommodation.
- 5.5 The duty under section 193 of the Housing Act 1996 will cease to exist if (I) the applicant ceases to be eligible for assistance; (II) the applicant ceases to occupy the accommodation as his/her only or principal home, or (III) the applicant becomes homeless intentionally from the temporary accommodation provided.
- 5.6 From 2 March 2009, local authorities can discharge their homelessness duty under section 193 of the Housing Act 1996 by making an offer of an Assured Shorthold Tenancy from a private landlord to homeless applicants with "restricted" persons in their households, as long as it is made with the approval of the local authority and the tenancy is offered with a fixed term of at least 12 months. This is on the basis that the homeless applicant would not have been owed a homelessness duty by the Council under section 193 of the Housing Act 1996 but for the presence of the "restricted" person in the homeless applicant's household. A "restricted" person is a person who is not eligible for housing assistance, is subject to immigration control and who does not have leave to enter or remain or whose right to enter or remain is subject to a condition that that he must not have recourse to public funds. Since 2 March 2009, "restricted" persons who are part of a homeless applicant's household can confer priority need, which is one of the criteria for qualifying for homelessness assistance.
- 5.7 On 14 November 2006, Ruth Kelly MP, the then Secretary of State for Communities and Local Government, announced that by 2010, hotel accommodation will no longer be used to accommodate homeless 16 and 17 year olds, except in emergencies.

5.8 Fair and Flexible: Statutory Guidance on Social Housing Allocations for Local Authorities in England was issued by the CLG in December 2009 following the decision of the House of Lords in the case of R v Newham LBC<sup>3</sup>. We are presently in consultation with Brent Legal Services to see the impact on Brent's Allocation Scheme.

## **6.0 Diversity Implications**

6.1 The most recent census data shows that Brent has the second highest ethnic minority population in London. The lettings targets, which are set annually, could potentially have a disproportionate impact on a particular ethnic group or groups. It is important therefore that this area continues to be closely monitored. Previous impact assessments have not demonstrated any adverse impact as a result of the letting process.

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

None specific.

### **Background Papers**

#### Executive

Supply and Demand (01/10)

Homelessness Strategy Update (07/08)

#### **Contact Officers**

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#### **Martin Cheeseman**

**Director of Housing & Community Care**

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<sup>3</sup> on the Application of Ahmad) v Newham LBC [2009] WLR (D) 78.

## Appendix A – Supply & Demand Model

### SUPPLY AND DEMAND PROJECTION

	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
<b>DEMAND</b>						
Transfers	2005	1861	1800	1473	1184	918
Register (Non-homeless)	15553	17287	15248	13723	12351	11116
<b>Homeless Applications</b>	1876	1140	1110	1100	1100	1100
Acceptance Rate	49%	45%	40%	39%	39%	39%
Homeless Acceptances	920	513	360	360	350	350
Fall Out Rate	-197	-177	-160	-139	-115	-104
Total New Demand	723	336	200	221	235	246
Families in T.A. Brought Forward	4082	3907	3651	3121	2513	2238
Net Homeless Demand	4805	4243	3851	3342	2748	2484
<b>DEMAND FROM ALL GROUPS</b>	22363	23391	20899	18538	16284	14519
<b>PERMANENT SUPPLY</b>						
Brent lets	489	456	500	478	500	510
Housing Association	520	494	357	347	360	360
<b>PERMANENT SUPPLY (RSL's &amp; Brent)</b>	1009	950	857	825	860	870
Chalkhill Decants	0	0	0	0	0	0
Transfers	184	181	163	157	164	166
Register (Non-homeless)	281	294	265	255	266	269
Homeless	544	475	450	433	452	457
<b>ALL PERMANENT LETTINGS</b>	1009	950	857	825	860	870
Direct Lettings in the Private Sector	71	80	150	215	250	375
Out of Borough Lettings	5	8	20	25	30	35
Conversion of TA to Settled Accom	2	2	20	43	56	65
Temp to Permanent Scheme (Sub-Regional)	0	0	0	0	0	0
Settled Homes Initiative (BHP)	0	0	10	138	138	0
Conversion of specific TA Schemes to settled accommodation	0	80	170	25	0	0
Other (LCHO; intermediate renting)	0	5	5	5	15	20
<b>ALL LETTINGS (Incl Private Sector)</b>	1087	1040	1232	1276	1349	1365
<b>RESIDUAL DEMAND</b>						
Transfers	1821	1680	1637	1316	1020	753
Register (Non-homeless)	15179	16913	14983	13468	12085	10847
Homeless (In T.A.)	4276	3758	3211	2626	1961	1553
<b>UNMET DEMAND (After Lettings)</b>	21276	22351	19830	17409	15066	13152
<b>T.A. BREAKDOWN</b>						
AST / HALS / PSL	2619	2736	2487	1898	1663	1493
B&B, incl. annexes	229	119	130	130	120	100
PLA	244	168	20	0	0	0
ALS	198	165	100	78	65	50
BDL	414	417	375	360	325	270
Hostel	73	64	55	47	35	30
Emergency RSL Hostel	30	30	30	30	30	30
Mother & Baby	100	0	0	0	0	0
<b>ALL TEMPORARY ACCOMMODATION</b>	3907	3651	3121	2513	2238	1973

## Appendix B – Current Housing Demand – by list and bedrooms needed

		0	1	2	3	4	5	6	7	8	Sum:
HOUREG	Adult Social Care	3		1		1					5
	CHILDREN LEAVING CARE	38	1	4							43
	CHURCH END QUOTA (APPROVED)	1									1
	CONTRIBUTION TO MOBILITY	1		5	2						8
	EMERGING HOUSEHOLDS			4							4
	FORMER SERVICE TENANT		1	1	1						3
	HOUSING REGISTER (APPROVED)	31	7	91	239	115	19	3			505
	HOUSING REGISTER (NON APPROVED)	6931	822	5352	2907	756	143	27	2	1	16941
	MEDICAL A (HOU REG)	40	29	47	32	21	4				173
	OUT OF BOROUGH APPLICANTS	588	71	318	154	39	3	1	1		1175
	PROBATION SERVICE QUOTA	6									6
	ROUGH SLEEPERS	1									1
	SOCIAL SERVICES (HOU REG)	3		1	5	4	1				14
	STONEBRIDGE HAT			2	1	1					4
	SUCCESSION (UNDEROCCUPATION)	22		5	1						28
	VOLUNTARY ORGANISATION QUOTA	56	1	1							58
HOUREG	Sum:	7721	932	5832	3342	937	170	31	3	1	18969

TRNLIST	#1000 UNDER OCCUPATION	97	19	18							134
	DECANT	13	1	16	7	1	1				39
	INTRA-ESTATE TRANSFER	6	1	7	5						19
	MANAGEMENT TRANSFER	23	1	17	29	12	6				88
	MEDICAL A (TRANSFER)	20	8	11	12	1	2				54
	TENANCY SEPARATION	2									2
	TRANSFER LIST (APPROVED)	450	53	479	472	139	23	1			1617
TRNLIST	Sum:	611	83	548	525	153	32	1			1953

	Sum:	8332	1015	6380	3867	1090	202	32	3	1	20922
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## Appendix C - Lettings Performance 2009/10 (April – January)

### BRENT LETS

	TOTAL	BSR	1 BED	2 BED	3BED	4 BED+
	ACT	ACT	ACT	ACT	ACT	ACT
<b>HOUSING REGISTER</b>						
HOUSING REGISTER (HMLSS)	116	12	26	46	17	15
EMERGING HOUSEHOLDS SCHEME	0	0	0	0	0	0
CHILDREN LEAVING CARE (HMLSS)	8	2	6	0	0	0
MEDICAL 25 (HOMELESS)	10	3	0	2	4	1
<b>SUB-TOTAL</b>	<b>134</b>	<b>17</b>	<b>32</b>	<b>48</b>	<b>21</b>	<b>16</b>
HOUSING REGISTER (OTHER)	52	16	17	19	0	0
MEDICAL 25 (REGISTER)	5	0	0	4	1	0
VOLUNTARY ORGANISATIONS	21	1	19	1	0	0
CONTRIBUTION TO MOBILITY	13	1	5	4	3	0
SOCIAL SERVICES/CHILDREN IN NEED	0	0	0	0	0	0
ADULT SOCIAL CARE	1	1	0	0	0	0
STONEBRIDGE HAT	0	0	0	0	0	0
PROBATION SERVICE	1	0	1	0	0	0
FORMER SERVICE TENANTS	1	0	1	0	0	0
<b>SUB-TOTAL</b>	<b>94</b>					
<b>TRANSFERS</b>						
DECANTS	28	1	9	10	7	1
TRANSFER LIST	14	0	4	8	2	0
MEDICAL 25 (TRANSFERS)	4	0	1	1	2	0
MANAGEMENT TRANSFER	12	0	3	5	3	1
INTRA-ESTATE TRANSFER	0	0	0	0	0	0
£1000 UNDER OCCUPATION	23	0	22	1	0	0
<b>SUB-TOTAL</b>	<b>81</b>	<b>1</b>	<b>39</b>	<b>25</b>	<b>14</b>	<b>2</b>
<b>TOTAL</b>	<b>309</b>	<b>18</b>	<b>71</b>	<b>73</b>	<b>35</b>	<b>18</b>

### HOUSING ASSOCIATION LETS

	TOTAL	BSR	1 BED	2 BED	3BED	4 BED+
	ACT	ACT	ACT	ACT	ACT	ACT
<b>HOUSING REGISTER</b>						
HOUSING REGISTER (HMLSS)	180	1	35	111	25	8
EMERGING HOUSEHOLDS SCHEME	3	0	0	3	0	0
CHILDREN LEAVING CARE (HMLSS)	16	0	13	3	0	0
MEDICAL 25 (HOMELESS)	9	0	3	3	2	1
<b>SUB-TOTAL</b>	<b>208</b>	<b>1</b>	<b>51</b>	<b>120</b>	<b>27</b>	<b>9</b>
HOUSING REGISTER (OTHER)	85	13	48	24	0	0
MEDICAL 25 (WAITING LIST)	14	0	5	8	1	0
VOLUNTARY ORGANISATIONS	29	3	26	0	0	0
CONTRIBUTION TO MOBILITY	5	0	0	2	1	2
SOCIAL SERVICES/CHILDREN IN NEED	4	0	0	2	1	1
ADULT SOCIAL CARE	2	0	2	0	0	0
STONEBRIDGE HAT	0	0	0	0	0	0
PROBATION SERVICE	1	0	1	0	0	0
FORMER SERVICE TENANTS	0	0	0	0	0	0
<b>SUB-TOTAL</b>	<b>140</b>	<b>16</b>	<b>82</b>	<b>36</b>	<b>3</b>	<b>3</b>
<b>TRANSFERS</b>						
DECANTS	5	0	2	2	0	1
TRANSFER LIST	83	0	25	32	18	8
MEDICAL 25 (TRANSFERS)	4	1	1	0	2	0
MANAGEMENT TRANSFER	10	0	2	1	5	2
INTRA-ESTATE TRANSFER	2	0	0	2	0	0
£1000 UNDER OCCUPATION	5	0	3	2	0	0
<b>SUB-TOTAL</b>	<b>109</b>	<b>1</b>	<b>33</b>	<b>39</b>	<b>25</b>	<b>11</b>
<b>TOTAL</b>	<b>457</b>	<b>18</b>	<b>166</b>	<b>195</b>	<b>55</b>	<b>23</b>

## Appendix D – Lettings Performance 2009/10 (April – January)

### BRENT AND HOUSING ASSOCIATION

Note: The monthly targets are calculated on a pro rata basis. Rounding errors may result on the 'TAR' and 'VAR' columns.

	TARGET	PRO RATA	TOTALS		BSR				1 BED				2 BED				3BED				4 BED+			
	P.A.	TAR	ACT	VAR	TAR	PR	ACT	VAR	TAR	PR	ACT	VAR	TAR	PR	ACT	VAR	TAR	PR	ACT	VAR	TAR	PR	ACT	VAR
<b>HOUSING REGISTER</b>																								
HOUSING REGISTER (HMLSS)	405	338	296	-42	10	8	13	5	140	117	61	-56	170	142	157	15	65	54	42	-12	20	17	23	6
EMERGING HOUSEHOLDS SCHEME	10	8	3	-5	0	0	0	0	0	0	0	0	8	7	3	-4	2	2	0	-2	0	0	0	0
CHILDREN LEAVING CARE (HMLESS)	30	25	24	-1	5	4	2	-2	23	19	19	0	2	2	3	1	0	0	0	0	0	0	0	0
MEDICAL 25 (HMLESS)	5	4	19	15	2	2	3	1	1	1	3	2	1	1	5	4	1	1	6	5	0	0	2	2
															0									
<b>SUB-TOTAL</b>	<b>450</b>	<b>375</b>	<b>342</b>	<b>-33</b>	<b>17</b>	<b>14</b>	<b>18</b>	<b>4</b>	<b>164</b>	<b>137</b>	<b>83</b>	<b>-54</b>	<b>181</b>	<b>152</b>	<b>168</b>	<b>16</b>	<b>68</b>	<b>57</b>	<b>48</b>	<b>-9</b>	<b>20</b>	<b>17</b>	<b>25</b>	<b>8</b>
HOUSING REGISTER (OTHER)	65	54	137	83	14	12	29	17	40	33	65	32	8	7	43	36	2	2	0	-2	1	1	0	-1
MEDICAL 25 (REGISTER)	5	4	19	15	0	0	3	3	3	3	8	6	1	1	17	16	1	1	8	7	0	0	2	2
VOLUNTARY ORGANISATIONS	60	50	50	0	15	13	4	-9	45	38	45	8	0	0	1	1	0	0	0	0	0	0	0	0
CONTRIBUTION TO MOBILITY	35	29	18	-11	1	1	1	0	17	14	5	-9	14	12	6	-6	2	2	4	2	1	1	2	1
SOCIAL SERVICES/CHILDREN IN NEED	7	6	4	-2	0	0	0	0	1	1	0	-1	2	2	2	0	3	3	1	-2	1	1	1	0
ADULT SOCIAL CARE	10	8	3	-5	0	0	1	1	8	7	2	-5	2	2	0	-2	0	0	0	0	0	0	0	0
STONEBRIDGE HAT	2	2	0	-2	0	0	0	0	0	0	0	0	1	1	0	-1	1	1	0	-1	0	0	0	0
PROBATION SERVICE	8	7	2	-5	4	3	0	-3	4	3	2	-1	0	0	0	0	0	0	0	0	0	0	0	0
FORMER SERVICE TENANTS	2	2	1	-1	0	0	0	0	1	1	1	0	1	1	0	-1	0	0	0	0	0	0	0	0
<b>SUB-TOTAL</b>	<b>194</b>	<b>162</b>	<b>234</b>	<b>72</b>	<b>34</b>	<b>29</b>	<b>38</b>	<b>9</b>	<b>119</b>	<b>99</b>	<b>128</b>	<b>29</b>	<b>29</b>	<b>26</b>	<b>69</b>	<b>43</b>	<b>9</b>	<b>9</b>	<b>13</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>2</b>
<b>TRANSFERS</b>																								
DECANTS	40	33	33	0	0	0	1	1	20	17	11	-6	10	8	12	4	7	6	7	1	3	3	2	-1
TRANSFER SCHEME	65	54	97	43	0	0	0	0	20	17	29	12	22	18	40	22	18	15	20	5	5	4	8	4
MEDICAL 25 (TRANSFERS)	5	4	8	4	0	0	1	1	2	2	2	0	2	2	1	-1	1	1	4	3	0	0	0	0
MANAGEMENT TRANSFER	35	29	22	-7	0	0	0	0	3	3	5	3	12	10	6	-4	15	13	8	-5	5	4	3	-1
INTRA-ESTATE TRANSFER	8	7	2	-5	0	0	0	0	2	2	0	-2	4	3	2	-1	2	2	0	-2	0	0	0	0
£1000 UNDER OCCUPATION	61	51	28	-23	1	1	0	-1	50	42	25	-17	8	7	3	-4	2	2	0	-2	0	0	0	0
<b>SUB-TOTAL</b>	<b>214</b>	<b>178</b>	<b>190</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>97</b>	<b>81</b>	<b>72</b>	<b>-9</b>	<b>58</b>	<b>48</b>	<b>64</b>	<b>16</b>	<b>45</b>	<b>39</b>	<b>39</b>	<b>0</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>2</b>
<b>TOTAL</b>	<b>858</b>	<b>715</b>	<b>766</b>	<b>51</b>	<b>52</b>	<b>44</b>	<b>58</b>	<b>14</b>	<b>380</b>	<b>317</b>	<b>283</b>	<b>-34</b>	<b>268</b>	<b>226</b>	<b>301</b>	<b>75</b>	<b>122</b>	<b>105</b>	<b>100</b>	<b>-5</b>	<b>36</b>	<b>31</b>	<b>43</b>	<b>12</b>



Appendix E – Lettings Projections 2010/11

**BRENT AND HOUSING ASSOCIATION - Projected Lettings 2010/11**

	BSR	1 BED	2 BED	3BED	4 BED+	Total
Brent	37	173	161	65	23	460
RSL	30	137	128	52	19	365
<b>Total</b>	<b>67</b>	<b>310</b>	<b>289</b>	<b>117</b>	<b>42</b>	<b>825</b>

	BSR	1 BED	2 BED	3BED	4 BED+	TOTAL
<b>HOUSING REGISTER (HOMELESS)</b>						
HOUSING REGISTER (HMLSS)	10	75	170	60	20	335
EMERGING HOUSEHOLDS SCHEME	0	0	8	2	0	10
CHILDREN LEAVING CARE	5	18	2	0	0	25
MEDICAL 25 (HMLSS)	2	5	3	3	2	15
<b>SUB-TOTAL</b>	<b>17</b>	<b>98</b>	<b>183</b>	<b>65</b>	<b>22</b>	<b>385</b>
<b>HOUSING REGISTER</b>						
HOUSING REGISTER (OTHER)	25	35	20	1	1	82
MEDICAL 25 (REGISTER)	1	3	5	4	1	14
VOLUNTARY ORGANISATIONS	15	45	0	0	0	60
CONTRIBUTION TO MOBILITY	1	12	12	3	2	30
CHILDREN IN NEED	0	0	2	3	1	6
ADULTS SOCIAL CARE	2	17	1	0	0	20
PROBATION SERVICE	2	4	0	0	0	6
FORMER SERVICE TENANTS	0	0	1	1	0	2
<b>SUB-TOTAL</b>	<b>46</b>	<b>116</b>	<b>41</b>	<b>12</b>	<b>5</b>	<b>220</b>
<b>TRANSFERS</b>						
DECANTS	3	25	20	10	5	63
TRANSFER SCHEME	0	15	20	15	5	55
MEDICAL 25 (TRANSFERS)	0	2	2	2	0	6
MANAGEMENT TRANSFER	0	2	10	7	3	22
INTRA-ESTATE TRANSFER	0	2	3	2	1	8
£4000 UNDER OCCUPATION	1	50	10	4	1	66
<b>SUB-TOTAL</b>	<b>4</b>	<b>96</b>	<b>65</b>	<b>40</b>	<b>15</b>	<b>220</b>
<b>TOTAL</b>	<b>67</b>	<b>310</b>	<b>289</b>	<b>117</b>	<b>42</b>	<b>825</b>

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**Executive**  
15 March 2010

## **Report from the Director of Housing and Community Care**

Wards affected:  
Mapesbury

### **Authority to proceed with refurbishment of 8 St Gabriel's Road and 170A Walm Lane NW2**

Forward Plan Ref: H&CC-09/10-21

#### **1.0 Summary**

- 1.1 This report asks the Executive for authority to proceed with the refurbishment and modernisation of two Council owned properties at 8 St Gabriel's Road NW2 and 170A Walm Lane NW2. This project is one of the work streams contained in Adult Social Care's Transformation Gold Project.

#### **2.0 Recommendations**

This report asks the Executive to:

- 2.1 Approve the refurbishment and modernisation of two Council owned properties at 8 St Gabriel's Road NW2 and 170 Walm Lane NW2 for the delivery of services and accommodation to service users with mental health needs.
- 2.2 Approve the use of the Adult Social Care Single Capital Pot for 2009/10 and 2010/11 for the works and professional fees required to refurbish the properties described in paragraph 2.1.

#### **3.0 Detail**

- 3.1 The two properties 8 St Gabriel's Rd and 170A Walm Lane are owned by the Council and were originally developed to provide assisted living for people with severe and enduring mental health problems who would otherwise be inappropriately accommodated in residential care.

Meeting  
Date

Version no. 3  
Date

- 3.2 8 St Gabriel's Rd and 170A Walm Lane were closed in September 2006 as a result of an in-depth service review, which identified the need for these accommodation based services to be reconfigured to better meet the requirements of service users with severe and enduring mental illness. Parallel to the internal service review, various reports identified the negative economic and social costs of the Borough's reliance on spot purchased placements as a result of a lack of appropriate internal provision. Feasibility studies have been carried out on both properties. These have resulted in proposals to remodel 8 St Gabriel's Road from a 5 bedroom shared house into 4 self contained units to provide 24 hour high support to service users, and to remodel the 3 bedded flat at 170A Walm Lane, into either 2 disability adapted flats or a large 2 bedroom disability adapted flat.
- 3.3 The remodelled service will enable the Council to provide a high support alternative to residential care placements, that are focused on ensuring that service users will be assessed for suitability through a planned assessment process that will focus on individual needs and promoting choice and control to gain independent living skills and move to lower support and lower cost service as part of a planned process rehabilitation and recovery.
- 3.4 It is proposed that by remodelling and modernising the buildings and services to provide the type of accommodation service users require to meet their needs, the Borough will reduce spot purchased placements and thus decrease the level of revenue funding required year on year for such placements. This proposal will also provide improved and more personalised services that will increase service users' recovery and satisfaction with the accommodation and support they receive. It is further proposed that combining the remodelling of St Gabriel's with that of 170A Walm Lane will result in additional savings without a significant increase in running costs, or loss of capital receipt to the Council.
- 3.5 The properties were on the Council's asset disposal list, however the Council's Capital Board, at its meeting of 2<sup>nd</sup> October 2009 approved a business case, on an invest to save basis, to retain the properties and remodel them. 8 St Gabriel's Rd is in a deteriorating condition, and would require further capital investment before being sold if it were to achieve best price in today's market. The business case identified year on year revenue savings to the Council's Adult Placement budget, that could be achieved through remodelling and re-using the buildings to better meet the Council and individual service user's needs.
- 3.6 Both buildings have planning permission for this client group and have been used for mental health services for some years. If these properties are not brought back into use there is a risk of further deterioration to the buildings. The Council will also need to access alternative properties and / or services in order to fulfil its statutory duties to this client group. This is likely to incur costs which would be at least the equivalent of any capital receipt received by the sale of these two properties. In addition the Council will continue to incur placement costs until such replacement units are secured.

- 3.7 If the properties are sold the forecast capital receipt has been estimated at £500k. If a sale were pursued the derived capital receipts would support the overall capital programme expenditure unless earmarked by the Executive against the costs of providing alternative properties for provision of the service. It would be unlikely however that, if a suitable alternative property could be located, planning approval for a change of use to enable the Council to develop a new mental health service would be achieved, due to likely local resident's opposition to such a proposal.
- 3.8 The proposal to remodel the buildings requires a capital investment of approximately £600k (for both services, including fees). The required Capital funding of £600k for the refurbishment has been secured through the Adult Social Care Single Capital Pot (SCP) allocation for 2009/10 and 2010/11.
- 3.9 We expect the remodelled service to generate a net saving of between £124k and £202k per year (see paragraph 4.1) in revenue savings to the Adult Social Care Placements budget, once the costs of running the remodelled service are taken into account
- 3.10 These running costs are set out below:

<b>Costs of new service</b>	<b>Yr 1 £</b>	<b>Yr 2 £</b>	<b>Yr 3 £</b>
St Gabriels Rd	221k,	202k	202k
Walm Lane	39k	34k	34k
<b>TOTAL</b>	<b>260k</b>	<b>236k</b>	<b>236k</b>

<b>Cost of current service</b>	<b>Yr 1 £</b>	<b>Yr 2 £</b>	<b>Yr 3 £</b>
Placement budget	263k	263k	263k
Rent and service charges	97k	97k	97k
<b>TOTAL</b>	<b>360k</b>	<b>360k</b>	<b>360k</b>

<b>Net Savings</b>	<b>Yr 1 £</b>	<b>Yr 2 £</b>	<b>Yr 3 £</b>
	<b>100k</b>	<b>124k</b>	<b>124k</b>

These figures demonstrate that a net saving of £100k can be achieved in the first year and that thereafter year on year net savings of £124k will accrue to the Council's Adult Social Care Placements budget.

- 3.11 The ongoing revenue expenditure needed to run the new services is set out in the table below at paragraph 3.12. For the first year additional expenditure will be incurred in recruiting the staff team and equipping each unit of accommodation. From year two the expenditure will be £236k.

3.12 The remodelled service will also result in substantial improvements in the Council's building stock, and assist in providing modern services in modern buildings that are fit for purpose and meet need. We have a number of people placed inappropriately in residential care who could achieve greater independence and an improvement in their mental health with the provision of such a service.

Item	Yr 1	Yr 2	Yr 3
Recruitment Cost	£14k	0	0
Support service costs: 5 staff (based on mid point of pay scale & on costs) 1 senior manager (PO1) 4 support workers (scale 6)	£158k	£158k	£158k
Non Pay includes building maintenance and management st Gabriels & for Walm Lane	£36k	£36k	£36K
utilities/running costs	£34k	£34k	£34k
One off setting up costs	£8k	£8k	£8k
	£10k		
<b>Total</b>	<b>£260k</b>	<b>£236k</b>	<b>£236k</b>

Property Management will be carried out by a Council appointed support service provider.

#### 4.0 Financial Implications

4.1 The average cost of placements in residential care for this client group is £825 per week per user, but can be as much as £1200 per week, for people with disabilities the average weekly cost of residential placements is £880 per week. For the 6 individuals to be placed in the remodelled services the average annual cost of a current placement (based on £825 per week for mental health and £880 per week for disabilities) is £263k. Providing the required support through the remodelled service would cost £236k (after the first year), £97k of these costs are levied as rent and service charges and lead to an overall saving of £124k as illustrated in 3.9 above to the Adult Social care Placement Budget. If individuals in higher cost placements are supported by the remodelled service the savings could potentially be £202k per year (based on placement costs of £1,200 per week for 4 service users).

4.2 It is proposed that the savings made by bringing these two buildings back into use will save the Council between £124k and £202k per year while providing a much improved asset and a higher quality service to local residents, that is in line with the Council's strategic objectives of personalisation, choice and independence. The estimated saving of between £124 and £202k per annum

will contribute towards the Adult Social Care savings target agreed in the budget process.

- 4.3 The estimated cost of the proposed remodelling of St Gabriel's is £325,000 and that of remodelling 170A Walm Lane is approximately £171,000 with fees added the total cost of the works has been estimated at £600,000. Funding for these works is available from the Social Care Single Capital Pot, and remodelling will lead to year on year revenue savings to the Council as set out in section 3 and 4.1& 4.2 above. The Council would also still retain the asset of both buildings and these will have been refurbished to meet modern standards and as flats could realise a greater capital receipt, if sold in the future, than as a single family dwelling.
- 4.4 The required capital expenditure can be funded through the Adult Social Care Single Capital Pot which has been allocated at £311,000 and £310,000 in 2009/10 and 2010/11 respectively. This Single Capital Pot is included within the Council's capital programme for Adult Social Care (for 2009/10 and 2010/11) and is not currently allocated to any specific projects. In order to reflect the proposed scheme timescale, laid down in paragraph 4.5 below, it will be necessary to re-phase the £311,000 funding for 2009/10 to 2010/11, which is allowed within the criteria of the grant allocation.
- 4.5 If the proposal to remodel and the request for capital is agreed as set out in this report the timescale for achieving the remodelling would be as follows:

Executive Decision finalised	April 2010
Planning for change of use from Shared to self-contained for St Gabriel's and for external ramp to Walm Lane	April 2010 – Aug 2010
Tender for Contractors to carry out work	Aug 2010 – Oct 2010
Start on site	November 2010
Completion of works:	
St Gabriels (20 weeks)	May 2011
Walm Lane (12 weeks)	March 2011

The on going revenue requirements would therefore commence in March 2011 at the earliest.

## 5.0 Legal Implications

- 5.1 This report is requesting Executive approval in relation to a scheme to refurbish two properties which will then be used to accommodate service users with mental health needs. This matter requires Executive approval because the proposed capital funding is not currently allocated to this scheme within the Adult Social Care capital programme. This is in line with Financial Regulation 3.1.7 which requires that "Until approval of the Executive is

granted there is no authority to incur expenditure on capital schemes other than those costs involved in preparing the scheme and its estimate”.

- 5.2 Following this Executive approval, this scheme will need to be designed. If architects or a project manager / contract administrator are required then this can be done through the Council’s Property Services framework or through a quotation process, depending on value. A works contract will then need to be tendered in accordance with Contract Standing Orders. The tendering of this works contract does not require specific Executive approval under Standing Order 88, because for works contracts this is only required for contracts exceeding £1m in value. The works contract will also be below the EU threshold for works, so there is no need to comply with the European public procurement regime.

## **6.0 Diversity Implications**

- 6.1 The refurbished service will provide improved quality of service for people with mental health needs and an additional 1 or 2 fully disabled access units to meet the needs of people with physical disabilities in Brent. An Equalities Impact Assessment will be carried out in relation to this new service.
- 6.2 The new services will be required to have in place equality policies and action plans and to provide fair access to the service to all members of Brent’s diverse communities who meet the eligibility criteria. The new services at 8 St Gabriel’s and 170A Walm Lane will require providers to deliver services which are culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible and recruiting a local workforce which reflects the communities of Brent.

## **Background Papers**

Feasibility Report 170A Walm Lane NW2  
Feasibility Report 8 St Gabriels Rd NW2  
Capital Board Report – Business Case for the Remodelling of 8 St Gabriel’s Rd and 170 Walm Lane NW2 (2<sup>nd</sup> October 2009)


## **Contact Officers**

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MARTIN CHEESEMAN  
Director of Housing and Community Care



	<p style="text-align: center;"><b>Executive</b> 15 March 2010</p> <p style="text-align: center;"><b>Report from the Director of Housing and Community Care</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>Disposal of HRA freehold blocks/buildings (where the long-leasehold interest of all the individual dwellings has been sold)</b></p>	

Forward Plan Ref: H&CC-09/10-10

## 1.0 Summary

- 1.1 This report addresses those freehold buildings owned by the Council where the long-leasehold interest for individual dwellings that comprise the freehold has been sold, in the main through Right to Buy. In most instances these dwellings are street properties that have been converted into flats. The Council's Housing Revenue Account receives an income stream for these dwellings through the ground rent and recovers a proportion of management costs through service charges.
- 1.2 The Council's managing agent, Brent Housing Partnership (BHP) has concerns that the risks to the Council and the net costs of managing these properties far outweigh the benefits of ownership through the ground rent.
- 1.3 It is becoming apparent that the obligations on landlords and indeed their managing agents for health and safety matters is becoming extremely onerous and thus BHP is recommending to the Council that they should consider freehold disposals.

## 2.0 Recommendations

- 2.1 That Members agree to dispose of the freehold of buildings that are accounted for in the Council's statutory Housing Revenue Account (HRA) where 100% of the long-leasehold interest of the flats in those buildings have been disposed of, as set out in Appendix 1 to this report.

- 2.2 That Members agree that the net capital receipt from the disposal be allocated within the Housing Revenue Account (HRA) to fund Health and Safety works for dwellings in the HRA.
- 2.3 That the Head of Property and Asset Management and the Director of Housing and Community Care, be delegated authority to approve future disposals of the freehold interest of buildings accounted for in the HRA, once the leasehold interest of 100% of those particular blocks has been disposed of.
- 2.4 That the Head of Property and Asset Management and the Director of Housing and Community Care (in consultation with the Lead Member for Housing) are authorised to initially offer the freehold interest of the properties set out in Appendix 1 to the existing leaseholders who are occupying housing accommodation in those properties and such disposals are dependent upon the best price that can be reasonably obtained.
- 2.5 If no disposal is made to existing leaseholders as set out in paragraph 2,4, then the Head of Property and Asset Management and the Director of Housing and Community Care are delegated authority to make arrangements for the disposal of such properties and to obtain the best price that can be reasonably obtained, subject to consent from the Secretary of State for those disposals.
- 2.6 The Director of Housing and Community Care is delegated the authority to apply to the Secretary of State under section 32 of the Housing Act 1985 to dispose of the freehold interest of the properties set out in Appendix 1 when it is necessary to do so.

### **3.0 Detail**

- 3.1 BHP currently manages approximately 194 blocks/converted houses where all the dwellings have been sold on long-lease. The Council maintains a freehold interest in these properties and thus receives a ground rent and recovers a proportion of the costs associated with the management.
- 3.2 As freeholder the Council remains liable for Health and Safety matters. Health and Safety is becoming an increasingly onerous obligation for landlords and their managing agents and it is the view of BHP, the Council's managing agent that the risks associated from retaining the freehold title to these buildings far outweigh the income received by way of ground rent. These properties are generally street properties that have been converted into flats. The communal areas are generally very small and in the main the only charges levied via service charges are buildings insurance and communal electricity. Often gaining access to these small communal areas is difficult and time consuming. Furthermore whilst the Council remains responsible for major works and recovers costs through billing the leaseholders there is no guarantee that all the costs can be recovered and any residual costs falls upon the HRA and are thus borne by council tenants.

- 3.3 A formal valuation of these properties have not been carried out but indicative sample values have been obtained that indicate freehold titles to these blocks average around £1,500 per unit and therefore the entire portfolio currently comprising buildings sold on long lease is likely to be about £300K. Although individual blocks may offer scope for income generation and/or development opportunity and an assessment of potential future value will be undertaken prior to each disposal. There is a standard methodology for valuing leases that takes into account the discounted rental income from the remaining years of the lease and the current open market value of the dwellings. Ultimately a true market value would best be determined at auction, and as the leases are local authority ones there are no obligations on the Council as landlord to offer the freehold interest of those properties to leaseholders. However it is considered correct and proper for Brent as a local authority and also 'best practice' to regardless initially offer the freehold interest to existing leaseholders.
- 3.4 Ultimately those leaseholders who acquire their freehold titles would take on the responsibility for the upkeep, insurance and management of the building and thus the Council would no longer have any responsibility for the building.

#### Health and Safety Implications

- 3.5 Members will be aware of the very significant increase and awareness of the Health and Safety/Fire Safety regulations which are becoming increasingly onerous for the landlord/managing agents. Responsible officers and corporate bodies, and in this instance includes both the Council and BHP are becoming at risk, if serious and material failures and/or omissions are identified that could result in criminal proceedings. Whilst BHP will take all reasonable precautions/actions to avoid such situations occurring, there nevertheless exist the conclusions that the rewards of holding leases through the ground rent are insufficient in commercial terms to justify maintaining freehold ownership.
- 3.6 This is particularly significant as Brent Housing Partnership has recently reviewed the existing measures in place to address Fire Safety following the fire at Larkanal House, in Camberwell and is currently introducing further measures and undertaking works to reduce the risk of Fire in view of the recent corporate manslaughter legislation. Moreover BHP, in line with most other managing agents/social landlords is reviewing their operational structures to ensure that Health and Safety is addressed appropriately. These resources are best directed towards those areas where BHP has a continuing statutory obligation on behalf of the Council and should divest itself of responsibilities through freehold disposals where appropriate.
- 3.7 It is likely over the next few years that Health and Safety implications for these small blocks will result in the possibility of major works being undertaken. The administrative costs are such that the full cost of these works is unlikely to be recovered and thus costs being borne by the HRA. It is also likely, from experience, that the recovery of these costs will be burdensome and will also involve defending a number of applications to the Leasehold Valuation Tribunal (LVT) regarding the extent of these costs.

### Best Value

- 3.8 The consideration of the use and possible disposal of the property discussed in this report will assist in BHP's and the Council's aim of providing best value in the use of its assets.
- 3.9 As set out in the Legal Implications in section 5 below, in the event where it is proposed that the freehold interest of the blocks are not disposed to all the leaseholders occupying housing accommodation in these blocks, it will be necessary to obtain the consent of the Secretary of State under section 32 of the Housing Act 1985 to dispose of the freehold interest of the properties in a manner which is not covered by the General Housing Consents 2005.

## **4.0 Financial Implications**

- 4.1 The Local Authority (Capital Finance and Accounting) (England) Regulations 2003 states that capital receipts a local authority derives from the disposal of an interest in other housing land (non Right to Buy) must be "pooled" at a rate of 50%. However, the regulations also state that a local authority can treat such receipts as reduced by an amount up to the value of its available capital allowance at the time the specified amount is calculated. For the purposes of these regulations the Capital Allowance is a provision that reflects the authority's past and current forecast investment in regeneration schemes and the provision of Affordable Housing. Currently the council is maintaining a capital allowance significantly in excess of the forecast capital receipt and there will be no requirement to pool any of the derived income if Members elect to dispose of the Freehold of blocks and Buildings as set out in this report.
- 4.2 The disposal is estimated to generate a useable capital receipt of £300k. The Council will incur disposal costs which will include legal, valuation and auction fees and it is suggested that £100K is an appropriate estimate of these costs. It is anticipated that these costs will be able to be offset against the disposal receipt thus ensuring that these costs will not be borne directly by the HRA. The disposal is therefore likely to generate a net capital receipt in the region of £200K.
- 4.3 The estimated revenue from these leases in 2009/10 is £80K and it is estimated that £60K of this is insurance premiums and the majority of the residual is ground rent and block repairs. BHP Officers have confirmed that they will be able to identify budget reductions associated with this activity and therefore there will be no net impact on the HRA budget in this or future years.
- 4.4 A Management Fee of 15% can only be levied on non-insurance services provided.

## **5.0 Legal Implications**

- 5.1. Where the Council holds a block of flats for housing purposes it cannot dispose of the freehold or any other reversionary interest save in accordance with:
  - 5.1.1 a statutory collective enfranchisement claim by qualifying leaseholders in accordance with the Leasehold Reform, Housing and Urban Development Act 1993; or
  - 5.1.2 a consent issued by the Secretary of State for Communities and Local Government under Section 32-34 of Housing Act 1985.
- 5.2 There is a General Consent issued in March 2005 under the Housing Act 1985 which sets out different categories of disposals which are deemed to have the Secretary of State's consent.
- 5.3 It may however be necessary to obtain a Special Consent to the disposal of blocks of flats depending on the proposed manner and terms of disposal.
- 5.4 A disposal of the reversionary interest of a block of flats for best consideration to all of the leaseholders occupying housing accommodation jointly as individuals or to the leaseholders' wholly owned company would have deemed consent under the General Housing Consents 2005, under Category F relating to section 32 of the Housing Act 1985. This means that if the leasehold interest of a flat is owned by a company, the Council would need Special Consent from the Secretary of State. A Special Consent would also be required if one or more leaseholders do not live at the flats in the block/converted house as they would not be occupying the flats as housing accommodation.
- 5.5 Any other method of disposal would require a Special Consent. This would include a sale at less than best consideration to all of the leaseholders.
- 5.6 If one or more leaseholder did not wish to join in the purchase or the Council proposed to dispose of a block of flats on the open market by auction or otherwise, the Council is required to consult with all leaseholders on its proposals and submit an application to the Secretary of State for Special Consent together with the consultation documentation.
- 5.7 It is not possible to indicate how the Department for Communities and Local Government ("DCLG") would respond to a request for a Special consent in respect of a block of flats as there is no guidance available from the DCLG in its circulars.
- 5.8 Section 123 of the Local Government Act 1972 requires a Local Authority to secure the best consideration reasonably obtainable when it disposes of land (other than on a lease of 7 years or less) unless it has the benefit of an

express or general consent of the Secretary of State Surplus property is usually advertised on the open market to secure compliance with this provision with the acceptance of the best price or by disposal at auction.

5.9 In the event that the Council did decide to dispose of blocks of flats on the open market, subject to consent from the Secretary of State, the right of first refusal which leaseholders have under the Landlord and Tenant Act 1987 where their landlords are in the private sector do not apply in circumstances where they are leaseholders of Local Authorities.

5.10 If leaseholders who purchased their flats under the Right to Buy after 2005 wish to dispose of their flats within the first 10 years a local authority landlord has the statutory right of first refusal to buy or nominate housing associations to buy flats. However the Council will no longer have this right of first refusal if they cease to be the freehold owner of a block of flats.

## **6.0 Diversity Implications**

There are no direct implications although the additional income for repairs and improvements will benefit all residents living in Council housing stock.

## **7.0 Staffing/Accommodation Implications**

There are no staffing/accommodation implications.

## **8.0 Background Information**

None

### **Any person wishing to inspect the above papers should contact:**

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**Martin Cheeseman**  
**Director of Housing and Community Care**

## APPENDIX 1

Full Leasehold Ownership 22/2/2010	
UPRN	Combined Address
001000041	BLOCK 41-47 (ODD) - ABOYNE ROAD ABOYNE ROAD NEASDEN LONDON NW10 0EU
001500100	BLOCK 100A-100B - ACTON LANE ACTON LANE HARLESDEN LONDON NW10 8TU
002100016	BLOCK 16A-16B - ALBERT TERRACE ALBERT TERRACE MILTON AVENUE STONEBRIDGE NW10 8PN
002100024	BLOCK 24A-24B - ALBERT TERRACE ALBERT TERRACE MILTON AVENUE STONEBRIDGE NW10 8PN
003600015	BLOCK 15-15A - ALLINGTON ROAD ALLINGTON ROAD NORTH KENSINGTON LONDON W10 4AY
005100015	BLOCK 15A-15B - ANCONA ROAD ANCONA ROAD HARLESDEN LONDON NW10 5YD
0532B4001	BLOCK 1-6 - ANEURIN BEVAN COURT ANEURIN BEVAN COURT COLES GREEN ROAD CRICKLEWOOD NW2 6EE
005600085	BLOCK 85A-85B - ANSON ROAD ANSON ROAD CRICKLEWOOD LONDON NW2 4AB
006000013	BLOCK 13-16 - ARNOLD CLOSE ARNOLD CLOSE KENTON HARROW MIDDLESEX HA3 9TN
015300008	BLOCK 8A-8B - BAKER ROAD BAKER ROAD HARLESDEN LONDON NW10 8UA
015300034	BLOCK 34A-34B - BAKER ROAD BAKER ROAD HARLESDEN LONDON NW10 8UA
017200162	BLOCK 162A-162B - BATHURST GARDENS BATHURST GARDENS WILLESDEN LONDON NW10 5HX
018900008	BLOCK 8A-8B - BERENS ROAD BERENS ROAD KENSAL GREEN LONDON NW10 5DT
019000117	BLOCK 117-119 BERESFORD AVENUE BERESFORD AVENUE WEMBLEY MIDDLESEX HA0 1PA
019000125	BLOCK 125-127 BERESFORD AVENUE BERESFORD AVENUE WEMBLEY MIDDLESEX HA0 1PA
020300078	BLOCK 78 & 80 - BIRCHEN GROVE BIRCHEN GROVE KINGSBURY LONDON NW9 8SA
020300082	BLOCK 82 & 84 - BIRCHEN GROVE BIRCHEN GROVE KINGSBURY LONDON NW9 8SA
020900067	BLOCK 67A-67B - BLENHEIM GARDENS BLENHEIM GARDENS CRICKLEWOOD LONDON NW2 4NR
022500109	BLOCK 109-109A - BRAEMAR AVENUE BRAEMAR AVENUE NEASDEN LONDON NW10 0DT
023100021	BLOCK 21A-21B - BRAMSHILL ROAD BRAMSHILL ROAD HARLESDEN LONDON NW10 8AE
024900061	BLOCK 61-63 (ODD) - BRIDGE ROAD BRIDGE ROAD NEASDEN LONDON NW10 9DG
024900081	BLOCK 81-83 (ODD) - BRIDGE ROAD BRIDGE ROAD NEASDEN LONDON NW10 9DG
024900089	BLOCK 89-91 (ODD) - BRIDGE ROAD BRIDGE ROAD NEASDEN LONDON NW10 9DG
024900093	BLOCK 93-95 (ODD) - BRIDGE ROAD BRIDGE ROAD NEASDEN LONDON NW10 9DG
024900097	BLOCK 97-99 (ODD) - BRIDGE ROAD BRIDGE ROAD NEASDEN LONDON NW10 9DG
024900117	BLOCK 117-119 (ODD) - BRIDGE ROAD BRIDGE ROAD NEASDEN LONDON NW10 9DG
026400060	BLOCK 60A-60C - BRONDESBURY ROAD BRONDESBURY ROAD KILBURN LONDON NW6 6BS
026500004	BLOCK 4A-4C - BRONDESBURY VILLAS BRONDESBURY VILLAS KILBURN LONDON NW6 6AA
026500124	BLOCK 124A-124C - BRONDESBURY VILLAS BRONDESBURY VILLAS KILBURN LONDON NW6 6AE
027800085	BLOCK 85A-85B - BUCHANAN GARDENS BUCHANAN GARDENS WILLESDEN LONDON NW10 5AB
027900102	BLOCK 102-104 BUCK LANE (EVEN) BUCK LANE KINGSBURY LONDON NW9 0AD
028300002	BLOCK 2A-2B - BUCKLEY ROAD BUCKLEY ROAD KILBURN LONDON NW6 7NE
029500027	BLOCK 27A-27C - BURTON ROAD BURTON ROAD KILBURN LONDON NW6 7LL
040400039	BLOCK 39A-39B - CALLCOTT ROAD CALLCOTT ROAD KILBURN LONDON NW6 7EE
045500216	BLOCK 216A-216B - CHAMBERLAYNE ROAD CHAMBERLAYNE ROAD WILLESDEN LONDON NW10 3LB
045800015	BLOCK 15A-15B - CHANDOS ROAD CHANDOS ROAD CRICKLEWOOD LONDON NW2 4LS
045800044	BLOCK 44A-44B - CHANDOS ROAD CHANDOS ROAD CRICKLEWOOD LONDON NW2 4LU
046400139	BLOCK 139A-139B - CHAPTER ROAD CHAPTER ROAD WILLESDEN LONDON NW2 5LH
046900022	BLOCK 22A-22B - CHARTERIS ROAD CHARTERIS ROAD KILBURN LONDON NW6 7ET
047300028	BLOCK 28A-28C - CHATSWORTH ROAD CHATSWORTH ROAD CRICKLEWOOD LONDON NW2 4BS
048100029	BLOCK 29A-29B - CHEVENING ROAD CHEVENING ROAD KILBURN LONDON NW6 6DB
048100057	BLOCK 57A-57B - CHEVENING ROAD CHEVENING ROAD KILBURN LONDON NW6 6DB
048300045	BLOCK 45A-45C - CHICHELE ROAD CHICHELE ROAD CRICKLEWOOD LONDON NW2 3AN
0485A0025	BLOCK 25-30 - CHICHESTER HOUSE CHICHESTER HOUSE CHICHESTER ROAD KILBURN NW6 5QP
052600001	BLOCK 1A-1B - CLIFTON ROAD CLIFTON ROAD HARLESDEN LONDON NW10 4RB
056900053	BLOCK 53A-53B - CRANHURST ROAD CRANHURST ROAD CRICKLEWOOD LONDON NW2 4LL
056900062	BLOCK 62A-62B - CRANHURST ROAD CRANHURST ROAD CRICKLEWOOD LONDON NW2 4LP
070700016	BLOCK 16A-16B - DARTMOUTH ROAD DARTMOUTH ROAD CRICKLEWOOD LONDON NW2 4EX
070700033	BLOCK 33A-33B - DARTMOUTH ROAD DARTMOUTH ROAD CRICKLEWOOD LONDON NW2 4ET
070700149	BLOCK 149A-149C - DARTMOUTH ROAD DARTMOUTH ROAD CRICKLEWOOD LONDON NW2 4EN
071400048	BLOCK 48-48A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5QH
071400061	BLOCK 61-61A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5NL
071400068	BLOCK 68-68A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5QJ
071400070	BLOCK 70-70A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5QJ
071400071	BLOCK 71-71A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5NN
071400072	BLOCK 72-72A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5QJ
071400103	BLOCK 103-103A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5NJ
071400105	BLOCK 105-105A - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5NJ
071400118	BLOCK 118A-118B - DEACON ROAD DEACON ROAD WILLESDEN LONDON NW2 5QJ
076400056	BLOCK 56-62 (EVEN) - DRAYTON ROAD DRAYTON ROAD HARLESDEN LONDON NW10 4EL
076400069	BLOCK 69-69A - DRAYTON ROAD DRAYTON ROAD HARLESDEN LONDON NW10 4DG

100300020 BLOCK 20A-20B - EARLSMEAD ROAD EARLSMEAD ROAD KENSAL GREEN LONDON NW10 5QB  
102400047 BLOCK 47A-47B - ELM ROAD ELM ROAD WEMBLEY MIDDLESEX HA9 7JA  
132600093 BLOCK 93A-93B - FORTUNEGATE ROAD FORTUNEGATE ROAD HARLESDEN LONDON NW10 9RH  
152200021 BLOCK 21A-21B - GLENGALL ROAD GLENGALL ROAD KILBURN LONDON NW6 7EL  
156201BL BLOCK 1-4 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
156205BL BLOCK 5-10 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
1562011BL BLOCK 11-16 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
1562017BL BLOCK 17-25 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
1562026BL BLOCK 26-31 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
1562038BL BLOCK 38-39 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
1562040BL BLOCK 40-41 GLOUCESTER CLOSE GLOUCESTER CLOSE STONEBRIDGE LONDON NW10 8EG  
154100026 BLOCK 26A-26B - GRANGE ROAD GRANGE ROAD WILLESDEN LONDON NW10 2QU  
156300008 BLOCK 8-8A - GROSVENOR GARDENS GROSVENOR GARDENS CRICKLEWOOD LONDON NW2 4QP  
170500008 BLOCK 8A-8B - HANOVER ROAD HANOVER ROAD WILLESDEN LONDON NW10 3DS  
170700060 BLOCK 60A-60B - HARLESDEN GARDENS HARLESDEN GARDENS HARLESDEN LONDON NW10 4EX  
170700065 BLOCK 65A-65B - HARLESDEN GARDENS HARLESDEN GARDENS HARLESDEN LONDON NW10 4HB  
171400290 BLOCK 290-290B - HARROW ROAD HARROW ROAD WEMBLEY MIDDLESEX HA9 6LJ  
171600034 BLOCK 34-34A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JB  
171600038 BLOCK 38-38A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JB  
171600040 BLOCK 40-40A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JB  
171600048 BLOCK 48-48A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JB  
171600050 BLOCK 50-50A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JB  
171600052 BLOCK 52-52A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JB  
171600056 BLOCK 56-56A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JF  
171600060 BLOCK 60-60A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JF  
171600062 BLOCK 62-62A - HARROWDENE ROAD HARROWDENE ROAD WEMBLEY MIDDLESEX HA0 2JF  
171900008 BLOCK 8A-8C - HARVIST ROAD HARVIST ROAD KILBURN LONDON NW6 6SD  
174900178 BLOCK 178A-178B - HIGH STREET HIGH STREET HARLESDEN LONDON NW10 4ST  
1758017BL BLOCK 17-23 HIGHMEAD CRESCENT (ODD) HIGHMEAD CRESCENT WEMBLEY MIDDLESEX HA0 4EE  
1758065BL BLOCK 65-71 HIGHMEAD CRESCENT (ODD) HIGHMEAD CRESCENT WEMBLEY MIDDLESEX HA0 4ED  
176000003 BLOCK 3A-3B - HILEY ROAD HILEY ROAD KENSAL GREEN LONDON NW10 5PT  
176000005 BLOCK 5A-5B - HILEY ROAD HILEY ROAD KENSAL GREEN LONDON NW10 5PT  
1769029BL BLOCK 29-35 HILLFIELD AVENUE (ODD) HILLFIELD AVENUE WEMBLEY MIDDLESEX HA0 4JP  
1769066BL BLOCK 66-72 HILLFIELD AVENUE (EVEN) HILLFIELD AVENUE WEMBLEY MIDDLESEX HA0 4JW  
177100119 BLOCK 119-119A - HILLSIDE HILLSIDE STONEBRIDGE LONDON NW10 8LJ  
177800028 BLOCK 28A-28B - HOLLAND ROAD HOLLAND ROAD WILLESDEN LONDON NW10 5AU  
177800125 BLOCK 125-125A - HOLLAND ROAD HOLLAND ROAD WILLESDEN LONDON NW10 5AT  
179700030 BLOCK 30A-30B - HOWARD ROAD HOWARD ROAD CRICKLEWOOD LONDON NW2 6DR  
200500028 BLOCK 28A-28B - INMAN ROAD INMAN ROAD HARLESDEN LONDON NW10 9JT  
200800121 BLOCK 121-121A - IVY ROAD IVY ROAD CRICKLEWOOD LONDON NW2 6XL  
210100003 BLOCK 3A-3B - JAMES AVENUE JAMES AVENUE CRICKLEWOOD LONDON NW2 4AJ  
210400073 BLOCK 73-76 - JOHN PERRIN PLACE JOHN PERRIN PLACE KENTON HARROW MIDDLESEX HA3 9UR  
235700153 BLOCK 153-153A - KILBURN LANE KILBURN LANE NORTH KENSINGTON LONDON W10 4AX  
235700175 BLOCK 175-175A - KILBURN LANE KILBURN LANE NORTH KENSINGTON LONDON W10 4AX  
233500353 BLOCK 353 - 359 (ODD) KINGSBURY ROAD KINGSBURY ROAD KINGSBURY LONDON NW9 9PE  
254600009 BLOCK 9-15 (ODD) - LIDDING ROAD LIDDING ROAD KENTON HARROW MIDDLESEX HA3 0YF  
25700062E BLOCK 62-68 LONGLEY AVENUE LONGLEY AVENUE MIDDLESEX HA0 1NQ  
257100005 BLOCK 56-56A LONGSTONE AVENUE LONGSTONE AVENUE HARLESDEN LONDON NW10 3UL  
257900027 BLOCK 27A-27B - LUSHINGTON ROAD LUSHINGTON ROAD WILLESDEN LONDON NW10 5UX  
3328C402f BLOCK 28-34 (EVEN) - MACMILLAN HOUSE MACMILLAN HOUSE OMAN AVENUE CRICKLEWOOD NW2 6BE  
274500118 BLOCK 118A-118B - MELROSE AVENUE MELROSE AVENUE CRICKLEWOOD LONDON NW2 4JX  
274500194 BLOCK 194A-194B - MELROSE AVENUE MELROSE AVENUE CRICKLEWOOD LONDON NW2 4JY  
274500204 BLOCK 204A-204B - MELROSE AVENUE MELROSE AVENUE CRICKLEWOOD LONDON NW2 4JY  
275900017 BLOCK 17A-17B - MILMAN ROAD MILMAN ROAD KILBURN LONDON NW6 6EJ  
276300078 BLOCK 78A-78B - MINET AVENUE MINET AVENUE HARLESDEN LONDON NW10 8AP  
277900050 BLOCK 50A-50B - MORDAUNT ROAD MORDAUNT ROAD STONEBRIDGE LONDON NW10 8NY  
304800434 BLOCK 434-436 (EVEN) NEASDEN LANE NORTH NEASDEN LONDON NW10 0BT  
30170027E BLOCK 27-27A NEWTON ROAD NEWTON ROAD CRICKLEWOOD LONDON NW2 6PS  
301800046 BLOCK 46A-46B - NICOLL ROAD NICOLL ROAD HARLESDEN LONDON NW10 9AB  
331900005 BLOCK 5-5A - ODESSA ROAD ODESSA ROAD HARLESDEN LONDON NW10 5YJ  
334200071 BLOCK 71A-71B - OXGATE GARDENS OXGATE GARDENS CRICKLEWOOD LONDON NW2 6EA  
350700016 BLOCK 16A-16B - PALERMO ROAD PALERMO ROAD HARLESDEN LONDON NW10 5YP  
350700026 BLOCK 26A-26B - PALERMO ROAD PALERMO ROAD HARLESDEN LONDON NW10 5YP  
355600001 BLOCK 1-4 - PIPERS GREEN PIPERS GREEN KINGSBURY LONDON NW9 8UH  
355600019 BLOCK 19-22 - PIPERS GREEN PIPERS GREEN KINGSBURY LONDON NW9 8UH  
356300089 BLOCK 89-91 (ODD) - POUND LANE POUND LANE WILLESDEN LONDON NW10 2HU



356300093 BLOCK 93-95 (ODD) - POUND LANE POUND LANE WILLESDEN LONDON NW10 2HU  
356300110 BLOCK 100 -102 POUND LANE (EVEN) POUND LANE WILLESDEN LONDON NW10 2HY  
357600034 BLOCK 34A-34C - PRINCESS ROAD PRINCESS ROAD KILBURN LONDON NW6 5QU  
357600041 BLOCK 41A-41B - PRINCESS ROAD PRINCESS ROAD KILBURN LONDON NW6 5QT  
357600063 BLOCK 63A-63B - PRINCESS ROAD PRINCESS ROAD KILBURN LONDON NW6 5QT  
357600082 BLOCK 82A-82B - PRINCESS ROAD PRINCESS ROAD KILBURN LONDON NW6 5QX  
358300045 BLOCK 45-45A - PRIORY PARK ROAD PRIORY PARK ROAD KILBURN LONDON NW6 7UP  
403400065 BLOCK 65A-65B - RIFFEL ROAD RIFFEL ROAD CRICKLEWOOD LONDON NW2 4PG  
403800041 BLOCK 41-47 (ODD) - ROBIN GROVE ROBIN GROVE KENTON HARROW MIDDLESEX HA3 9TP  
403800057 BLOCK 57-59 (ODD) - ROBIN GROVE ROBIN GROVE KENTON HARROW MIDDLESEX HA3 9TP  
405500108 BLOCK 108A-108B - ROUNDWOOD ROAD ROUNDWOOD ROAD HARLESDEN LONDON NW10 9UN  
453500040 BLOCK 40-40A - SANDRINGHAM ROAD SANDRINGHAM ROAD WILLESDEN LONDON NW2 5ER  
454300017 BLOCK 17-19 (ODD) - SELBIE AVENUE SELBIE AVENUE WILLESDEN LONDON NW10 2UT  
454400073 BLOCK 73A-73B - SELLONS AVENUE SELLONS AVENUE HARLESDEN LONDON NW10 4HJ  
454800017 BLOCK 17-17B - SEVERN WAY SEVERN WAY WILLESDEN LONDON NW10 2UU  
454800019 BLOCK 19-19B - SEVERN WAY SEVERN WAY WILLESDEN LONDON NW10 2UU  
455700011 BLOCK 11A-11B - SHELDON ROAD SHELDON ROAD CRICKLEWOOD LONDON NW2 3AL  
456600039 BLOCK 39A-39C - SHOOT UP HILL SHOOT UP HILL CRICKLEWOOD LONDON NW2 3QA  
457200001 BLOCK 1-1A - SLOUGH LANE SLOUGH LANE KINGSBURY LONDON NW9 8QN  
459600006 BLOCK 6A-6B - STANLEY GARDENS STANLEY GARDENS CRICKLEWOOD LONDON NW2 4QJ  
459600008 BLOCK 8A-8B - STANLEY GARDENS STANLEY GARDENS CRICKLEWOOD LONDON NW2 4QJ  
450100003 BLOCK 3A-3B - ST ALBANS ROAD ST ALBANS ROAD HARLESDEN LONDON NW10 6RD  
451100089 BLOCK 89-89A - ST GABRIELS ROAD ST GABRIELS ROAD CRICKLEWOOD LONDON NW2 4DU  
451500011 BLOCK 11A-11B - ST JOHNS AVENUE ST JOHNS AVENUE HARLESDEN LONDON NW10 4ED  
452400004 BLOCK 4A-4B - ST MARYS ROAD ST MARYS ROAD HARLESDEN LONDON NW10 4AP  
463400020 BLOCK 20A-20B - SUMMERFIELD AVENUE SUMMERFIELD AVENUE KILBURN LONDON NW6 6JU  
491300019 BLOCK 19A-19B - TEIGNMOUTH ROAD TEIGNMOUTH ROAD CRICKLEWOOD LONDON NW2 4HR  
491300048 BLOCK 48A-48B - TEIGNMOUTH ROAD TEIGNMOUTH ROAD CRICKLEWOOD LONDON NW2 4DX  
491300059 BLOCK 59A-59C - TEIGNMOUTH ROAD TEIGNMOUTH ROAD CRICKLEWOOD LONDON NW2 4EB  
007900044 BLOCK 44A -44B THE AVENUE THE AVENUE BRONDESBURY LONDON NW6 7NP  
007900052 BLOCK 52A -52B THE AVENUE THE AVENUE BRONDESBURY LONDON NW6 7NP  
008000064 BLOCK 64-64A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000072 BLOCK 72-72A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000088 BLOCK 88-88A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000090 BLOCK 90-90A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000092 BLOCK 92-92A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000094 BLOCK 94-94A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000096 BLOCK 96-96A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000100 BLOCK 100-100A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000102 BLOCK 102-102A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
008000104 BLOCK 104-104A - THE AVENUE THE AVENUE WEMBLEY MIDDLESEX HA9 9QL  
270300194 BLOCK 194-200 - THE MALL THE MALL KENTON HARROW MIDDLESEX HA3 9TT  
494500007 BLOCK 7A-7B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RA  
494500008 BLOCK 8A-8B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RE  
494500029 BLOCK 29A-29B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RA  
494500030 BLOCK 30A-30B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RE  
494500056 BLOCK 56A-56B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RE  
494500072 BLOCK 72A-72B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RE  
494500076 BLOCK 76A-76B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4RE  
494500082 BLOCK 82A - 82B TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4SB  
494500083 BLOCK 83A-83B TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4QX  
494500085 BLOCK 85A-85B - TUBBS ROAD TUBBS ROAD HARLESDEN LONDON NW10 4QX  
495700042 BLOCK 42-44 (EVEN) - TWYBRIDGE WAY TWYBRIDGE WAY STONEBRIDGE LONDON NW10 0ST  
53030022E BLOCK 22 - 24 VALLEY GARDENS VALLEY GARDENS WEMBLEY MIDDLESEX HA0 4EA  
532100065 BLOCK 65-65A - VINCENT GARDENS VINCENT GARDENS NEASDEN LONDON NW2 7RJ  
550400161 BLOCK 161A-161C - WALM LANE WALM LANE CRICKLEWOOD LONDON NW2 3AY  
551000003 BLOCK 3A-3B - WARFIELD ROAD WARFIELD ROAD KENSAL GREEN LONDON NW10 5LA  
553000022 BLOCK 22A-22B - WENDOVER ROAD WENDOVER ROAD HARLESDEN LONDON NW10 4RT  
553000038 BLOCK 38A-38B - WENDOVER ROAD WENDOVER ROAD HARLESDEN LONDON NW10 4RT  
2335A4001 BLOCK 1-3 - WESTCROFT COURT WESTCROFT COURT KINGSBURY ROAD KINGSBURY NW9 9PG  
2335A4004 BLOCK 4-6 - WESTCROFT COURT WESTCROFT COURT KINGSBURY ROAD KINGSBURY NW9 9PG  
562100266 BLOCK 266A-266D - WILLESDEN LANE WILLESDEN LANE CRICKLEWOOD LONDON NW2 5RB  
556100022 BLOCK 22A-22C - WINCHESTER AVENUE WINCHESTER AVENUE KILBURN LONDON NW6 7TU  
559400087 BLOCK 87-87B - WROTTSLEY ROAD WROTTSLEY ROAD HARLESDEN LONDON NW10 5UD

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**Executive  
15 March 2010**

**Report from the Director of  
Housing and Community Care**

Wards affected:  
Stonebridge

**Authority to exempt from tendering a contract to provide a supported housing service at Livingstone House  
105 Melville Road NW10 8UB**

Forward Plan Ref: H&CC-09/10-36

## Summary

- 1.1 This report asks the Executive to agree that a proposed contract for supported housing services at Livingstone House 105 Melville Road NW10 8UB be exempted from the tendering requirements ordinarily required by the Council's Contract Standing Orders, for good operational and financial reasons as set out in the report.

## 2.0 Recommendations

This report asks the Executive to:

- 2.1 Agree that a contract for a housing support service for single homeless people at Livingstone House 105 Melville Road NW10 be exempt from the tendering requirements ordinarily required by Contract Standing Orders for good operational and financial reasons as set out in section 3 of the report.
- 2.2 Agree that a 3 year contract for housing support services for hostel residents at Livingstone House 105 Melville Road NW10 be awarded to the existing provider English Churches Housing Group from 1<sup>st</sup> June 2010, with the option of a further two year extension, on the basis that the Council receives 100% referral and nomination rights to the service and accommodation units at the hostel.

## Detail

- 3.1 The Supporting People (SP) Programme is a national programme to commission the provision of housing related support services for vulnerable people to help gain, increase or maintain their independence. Supporting People funds the provision of “floating support services” (support to service users in their own home) and “accommodation based services” (support tied to accommodation). Services assist people in maintaining their accommodation, such as help in ensuring bills are paid, assistance with shopping, reading letters, budgeting, making sure benefits are maintained.
- 3.2 The SP Programme commenced in April 2003. The Programme in Brent was valued at £13.7 million in 2004/5 and has reduced to £12.8 million for 2007/8
- 3.3 The hostel for single homeless people at Livingstone House is a 92 unit hostel owned and managed by English Churches Housing Group (ECHG), a Registered Social Landlord. ECHG thus both own the facility and provide the housing support services from it.
- 3.4 In December 2006 the Executive agreed to issue ECHG with a one year Supporting People steady state contract for housing support services with an option to extend the contract for a further two years. The contract was extended for a further year using the delegated powers of the Director of Housing and Community Care until 30<sup>th</sup> November 2010.
- 3.5 The Supporting People team has in October 2009 carried out a strategic review of single homeless provision. This review has concluded that the hostel at Livingstone House could be a key resource for the Council in tackling single homelessness, reducing rough sleeping and providing accommodation and support for single homeless people in the borough. It will be one of the few services that can provide 24 hour on site staff support and one of only two large hostel services in Brent. It is very much in Brent’s interests if this hostel can be secured for service users in Brent.
- 3.6 The hostel provides accommodation for 84 individuals (including 4 disabled accessible units), and 8 units to young females aged 16/17 years. Additional facilities include meeting rooms and training facilities for service users to develop independent living skills and resources to support individuals to improve their employment prospects. These additional facilities are also open to the local community.
- 3.7 ECHG have been the provider of these types of services at Livingstone House since the beginning of the Supporting People programme and as such have been subject to the Quality Assessment Framework (QAF) as defined by the CLG Supporting People grant conditions.
- 3.8 Livingstone House has undertaken the QAF annually and has consistently scored the maximum rating of ‘A’ across all objectives- the only RSL to have done so. This demonstrates that the service provided is not only strategically relevant for Council but also of the highest quality.

- 3.9 For some time the Council and ECHG have been in discussion, subject to Executive approval, about the ability of the Council to place service users at the hostel, and also to fund housing support services at the hostel. The building and the support service to be provided have been configured with the Council's strategic needs in mind. ECHG have always been clear that they wanted to run all the services at the building themselves, rather than allow third party providers to come in and run some of the services. As it is their building, they are entitled to make this decision.
- 3.10 As a result of the discussions, the Supporting People team has negotiated (subject to Executive approval) 100% referral rights for the Council at the Livingstone House hostel, through negotiations with ECHG, in return for Council funding for housing support services for residents. Referral rights mean that the Council nominates residents for the hostel who are assessed as needing a supported housing service, so by virtue of being referred for the service a service user is also being nominated to take up accommodation at the hostel. The 84 units of accommodation plus the further 8 young female units of supported housing as represented by the hostel is a key housing resource for the Council and there is a need to ensure that the Council retains strong influence over the service and the individuals placed there. Not least because in the absence of referral rights for Brent, ECHG will accommodate vulnerable individuals at Livingstone House referred by all authorities. Such service users would not have a Brent connection but would acquire one by virtue of residence at Livingstone House, and the Council would then acquire a duty to provide social care support if needed. In addition the absence of nomination rights for Brent would deprive vulnerable local residents of access to this innovative service and the improved facilities it will offer.
- 3.11 As owners of the building ECHG are not obliged to provide referral rights to the Council. There are strong operational reasons for wishing to fund ECHG to provide housing support services, because of the 100% referral and nomination rights that Brent will secure in return as a result of the negotiations referred to in paragraph 3.10 above.
- 3.12 As the owner/operator of the Livingstone House hostel ECHG are unique in being able to offer this hostel at this location. Accordingly there is no realistic market to be tested by seeking alternative suppliers who can provide accommodation-based housing support services within a building offering 84 units (including 4 which are fully disabled accessible) plus 8 young female units of supported accommodation on one site, with 24 hour on site staff support and facilities referred to in paragraph 3.6 above.
- 3.12 A three year contract with the option of extending this for a further two years is recommended as this is consistent with the customary standard length of contracts for this type of service. This will enable the service to operate for two full years after the initial lead in period of a year, which is again customary for these types of services. It will also enable the service to demonstrate its continued value to the Council and outcomes achieved by the service users.

## **4.0 Financial Implications**

- 4.1 The Council funded the original 92 (84 plus 8 young people) units of housing support service through a contract with ECHG for £972k per annum. The contract proposed for the continuation of the 92 unit service is for £795k year one and £775k year two and onwards. This represents a saving to the Council of £177k for year one and £218k for each year thereafter. Over a 3 year contract this represents a saving to the Council of £613k.
- 4.2 Current weekly unit costs are £203.23 which will reduce to £166.15 in year one, further reducing year two and onwards to £157.52. This represents good value for money for the authority.
- 4.3 In addition the Council will save on the procurement costs of tendering for the service. These are estimated to be in the region of £15,000 - £20,000.
- 4.4 The Executive agreed in November 2009 that exemption from tendering be given to the Supporting People service Pound Lane, which is a similar hostel in Brent for single homeless people.
- 4.5 There are no other financial implications arising from the recommendations contained in this report, although it should be noted that the accommodation charges made by ECHG to the service users will be met by Council-administered housing benefit.

## **5.0 Legal Implications**

- 5.1 The report recommends that the Supporting People Service provided at Livingstone House should be exempt from the normal requirements of tendering set out in Contract Standing Orders.
- 5.2 The Executive may grant an exemption from tendering requirements under Contract Standing Order 84. The Executive therefore needs to consider whether the grounds identified in section 3 of this report constitute good operational and financial reasons for not tendering.
- 5.3 In considering the recommendations in this report Members also need to be satisfied that the proposed course of action will deliver best value for the Council. The significant savings that will be achieved when compared with the contract price paid by the Council for the previous service represents good value for money, as identified in paragraph 4.1 above.
- 5.4 These services are Part B services under the Public Contracts Regulations 2006 (the EU Regulations) and are thus exempt from the full tendering requirements of the EU Regulations. However award of a Part B contract is subject to over-riding obligations of fairness and transparency and there is certainly EU case law to suggest that even part B contracts should be subject to some form of advertised process. However this is subject to an analysis of the nature of the service and whether there is likely to be cross-Europe interest. This is unlikely with most social services contracts, and so the risk of a challenge is considered low. In any event, the EU Regulations contain a

general exemption to advertising which is considered to be likely to apply in the circumstances described in this Report. Regulation 14 (ii) provides that a local authority may undertake a negotiated procedure (which is really what has taken place here as per paragraph 3.10 above) without the publication of a contract notice where “for reasons connected with the protection of exclusive rights, the public contract may be awarded only to a particular economic operator.” In this case, the “exclusive rights” are the referral and nomination rights connected with Livingstone House which only ECHG can grant.

- 5.5 The Council will need to enter into both a referral and nomination agreement with ECHG as well as a contract for ECHG to provide housing support services. The latter will be based on the Council’s standard supporting people contract.

## **6.0 Diversity Implications**

- 6.1 The new contract will require providers of housing support services to deliver services which are culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible and recruiting a local workforce which reflects the communities of Brent.
- 6.2 In providing a range of training, employment, leisure and social activities the service will be open to all members of the surrounding community. Partnering arrangements with local community groups and specialist providers will be encouraged as part of the contract terms for the service.

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

- 7.1 There are no staffing implications or accommodation implications for the Council.

### **Background Papers**

Executive report 9th October 2006 Title: Supporting People Contracts  
Executive report 16<sup>th</sup> November 2009: Authority to exempt from tendering a Contract to provide a supported housing service at 115 Pound Lane NW 10  
Executive report 18<sup>th</sup> January 2010: Authority to Tender Contracts for Supporting People Funded Services for Single Homeless People

### **Contact Officers**

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Director of Housing and Community Care

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**Executive**  
15 March 2010

## **Report from the Director of Housing and Community Care**

Wards Affected:  
Stonebridge

### **Authority to proceed with Local Authority New Build Programme**

Financial model and Risk Plan are not for publication as this contains the following categories of exempt information as specified in the Local Government Act 1972, namely:

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

Appendices 1 and 2 of this report are not for publication

Forward Plan Ref: H&CC-15/03-10

#### **1.0 Summary**

- 1.1 Brent Council has received a funding allocation of £2.047 million to develop 21 new affordable homes on the St. Raphael's Estate under the Homes and Communities Agency Local Authority New Build programme. This report advises Members of steps being taken to progress the programme and specifically requests the Executive to grant delegated authority to the Director of Housing & Community Care to sign a Grant Agreement with the Homes and Community Agency and to grant delegated authority to the Director of Finance and Corporate Resources to prudentially borrow £1.689 million to be serviced by the rental income from the properties.
- 1.2 St. Raphael's Estate forms part of the wider regeneration strategy for the North Circular Road, The vision document 'A new image for the north circular' set out the Council's ambitions to improve the physical environment for communities along the North Circular Road and counter the negative impacts of the road. This project aims to address the objective to improve the physical environment for residents on the St. Raphael's Estate through access to

quality and appropriately sized family housing, and estate layout, play space, landscaping and environmental improvements.

## **2.0 Recommendations**

- 2.1 The Executive to grant delegated authority to the Director of Housing and Community Care, in consultation with the Borough Solicitor and the Director of Finance and Corporate Resources, to enter into to a Grant Agreement with the Homes and Communities Agency in respect of the aforesaid funding allocation of £2.047 million for the development of 21 new affordable homes on the St. Raphael's Estate under the Homes and Communities Agency Local Authority New Build programme.
- 2.2 The Executive to note the appointment of architects, quantity surveyor and project managers to progress the planning phase of the programme.
- 2.3 The Executive to note Officers' intention to procure building contract to develop the sites under a permissible framework agreement and to report back to the Executive seeking approval to award such contract.
- 2.4 The Executive to give approval to the Director of Housing and Community Care, in consultation with the Lead Member for Housing, to submit further bids to the Homes and Communities Agency for schemes to be developed under the Local Authority New Build programme without prior Executive approval provided that Executive approval will be required before completing each scheme and/or entering into any Grant Agreement or other agreement for any such schemes.
- 2.5 The Executive to grant delegated authority to the Director of Finance and Corporate Resources to prudentially borrow £1.689 million to be serviced by the rental income from the properties referred to in paragraph 2.1 over a 30-35 year period, with the discretion to increase this sum by 10% to cover build cost and other contingencies.

## **3.0 Local Authority New Build**

- 3.1 In the April 2009 Budget, the Chancellor announced £100 million for Local Authorities to deliver up to 900 new council homes under the Local Authority New Build programme (LANB). A further £360 million was allocated to the programme through the Housing Pledge in June 2009. The available funding provides Social Housing Grant (SHG), with Local Authorities matching the funding with a similar figure of prudential borrowing serviced by the rental income from the properties. Following Communities and Local Government consultation on the Housing Revenue Account (HRA) and in accordance with the HCA guidance on the LANB New Build programme, rental income from homes built through this programme have been automatically awarded an exclusion from the current HRA subsidy system.
- 3.2 In October 2009, the Council's Housing & Community Care Department ("Housing & Community Care") submitted a Pre-Qualification Questionnaire (PQQ) to the Homes and Communities Agency (HCA) for the Council to

become a partner eligible to bid for HCA funding under the National Affordable Housing Programme 2008-11 and the relevant sub-set: the LANB. Housing Community Care concurrently bid for £2.047 million under Round 2 of the HCA LANB, with the Council to secure a further £1.689 million through prudential borrowing against the rental income stream, to build twenty one family houses on the St. Raphael's Estate. In January 2010 the HCA announced that 73 Councils across England and Wales were successful in securing £122.6 million of SHG under LANB and that Brent Council was successful in their funding bid.

All the proposed houses will need to meet Lifetime Homes Standards and high sustainability and energy efficiency standards to Code for Sustainable Homes Level Four. 10% of the new homes will be required to meet wheelchair standards.

- 3.3 Start on site is programmed for 31<sup>st</sup> October 2010 and, with a twelve month build programme, practical completion 31<sup>st</sup> October 2011. The Council will need to enter into a Grant Agreement with the HCA in order to drawdown the first tranche (60%) of the SHG funding at start on site, with the second tranche (40%) of the SHG funding drawn down at practical completion. Housing & Community Care appointed ICE Jones and Mike Kirk Consulting to project manage the programme on 10<sup>th</sup> February 2010 and Rick Mather and Assael as architects on 15<sup>th</sup> February 2010. Cost consultants are scheduled to be appointed on 19<sup>th</sup> March 2010.
- 3.5 The Council will grant secure tenancies for the new homes at HCA target rents to support the necessary prudential borrowing and to reflect the fact that the tenants will benefit from living in new build properties built to a high standard, notwithstanding that the relatively low property values in the St Raphael's area will be reflected in the HCA target rents charged.
- 3.6 The project is to be lead by Housing & Community Care, within the context of the North Circular Road Regeneration Programme, with a cross-departmental client team incorporating representatives from the Policy & Regeneration Unit and Planning Service. The project will be overseen by a board established by the Major Projects Group for strategic decisions.

#### **4.0 Planning & Community Engagement Strategy**

- 4.1 The St. Raphael's Estate is Council-owned, located on HRA land and offers a number of opportunities for infill development. As well as providing new larger family affordable houses which will help to address overcrowding problems on the estate, this scheme can also help address the lack of a defined boundary between the estate and the public open space and will improve security and incorporate parking, environmental and landscaping improvements to the estate.
- 4.2 The development must also be viewed within the context of the wider regeneration ambitions for the North Circular Road (NCR). Specifically, the Planning Service has indicated that initiative should help to secure the benefits of the redevelopment of housing directly adjacent to the NCR that is

most affected by noise and air pollution; for example by directly or indirectly providing decant accommodation to kickstart the programme and thereby assist in responding to the poor and worsening living conditions along the NCR and improving the public realm along the road edge.

- 4.3 Community engagement with residents on the St. Raphael's estate and wider area is due to start in the summer. The Council are currently in discussions with Brent Housing Partnership regarding community engagement strategy. Options include setting up a Resident Steering Group to ensure residents views are fully taken on board. Meetings would be held through to start on site to ensure local issues are understood and residents are fully involved. Newsletters would also be produced to ensure all estate residents are aware of the progress of the proposals and have the opportunity to make their views known and feedback on the proposals.

## **5.0 Risk**

- 5.1 Failure to secure planning permission is identified as a key risk to this project with consequential delay and impacts on the Council's ability to start on site, drawdown the first tranche of the funding allocation and maintain the Council's reputation with the Homes and Communities Agency as a credible partner who is able to deliver. The key mitigation to this risk is early and continued engagement with the Planning Service, scheduling of survey work to ensure early identification of any site constraints and issues, and engagement with local residents to start in the summer.
- 5.2 Failure to properly communicate and engage with residents on the estate and the wider area in order to ensure local residents views and expectations are considered throughout planning and construction phases of the project, could generate sufficient local opposition to the scheme as to undermine political support for the proposals.
- 5.3 A fuller assessment of the risks of this project and measures to mitigate is attached [cf. Appendix 1 – Risk Plan]

## **6.1 Procurement of a Build Contract**

- 6.1 The New Build programme requires construction to start on site by 31<sup>st</sup> October 2010. Officers have considered procuring the build contract by way of a formal tender in accordance with Contract Standing Orders but have concluded that this may fail to achieve the start on site date of 31<sup>st</sup> October and that this is more likely to be achieved by calling off the build contract from a framework agreement. Not only do Officers consider that calling off from a framework agreement would result in a reduced procurement timescale, it is also considered that it would lead to a reduction in Council resources required for the procurement as well as achieving best value for the Council through a mini competition under the framework agreement.
- 6.2 Officers are currently considering calling off under an HCA Framework Agreement but are also reviewing other framework agreements to establish which is likely to offer best value to the Council. Once the most appropriate

framework agreement has been identified, approvals from relevant Officers under Contracts Standing Order 86 (d) as to its use will be obtained.

- 6.3 Following the identification of the preferred contractor under the framework agreement, Officers will report back to the Executive seeking approval to award the build contract.

## **7.0 Grant Agreement**

- 7.1 The Grant Agreement is an agreement which the HCA enters into with RSLs, ALMOs, local authorities and other housing providers when paying grants under its powers under section 27A of the Housing Act 1996. The Grant Agreement is in a standard format but there are some differences in its content depending on the scheme agreed by the HCA to provide funding pursuant to its powers under section 27A of the Housing Act 1996. The Council will be required to sign the Grant Agreement in order to drawdown the SHG funding start on site and practical completion allocation tranches.

- 7.2 The Executive has given authority to the Council and Brent Housing Partnership to enter into grant agreements relating to the National Affordable Housing Programme in respect of two housing schemes. Firstly, for the Aldbury Avenue housing scheme where the Executive gave authority in November 2008 for BHP to enter into a grant agreement with the HCA and for the Council to provide a performance guarantee with the HCA regarding the Aldbury Avenue scheme. Secondly, for the Settled Homes Initiative where the Executive gave authority in January 2010 for BHP to enter into a grant agreement with the HCA and for the Council to give a loan to BHP under its Prudential Borrowing powers to enable BHP to purchase residential properties and use them for temporary accommodation for homeless households which would later be converted to permanent accommodation.

- 7.3 The key difference between the Local Authority New Build scheme is that the Council will own the land so there will be no land disposals or acquisitions involved. There will be no Rent Charges granted to the HCA, unless the Council subsequently disposes of the new build properties. The Council does not need to give the HCA a performance guarantee. Also, the Council will be the landlord of these new properties, meaning there will in due course be additional Council properties in the Council's housing stock.

- 7.4 The legal documentation includes the Grant Agreement, the scheme details, the Conditions Precedent (i.e. the conditions required for the HCA's payment of the first tranche and second tranches of the Grant respectively), the Council's warranties, the project documents, race equality requirements, an employment and training opportunities statement and the Deed of Covenant between the HCA and the Council.

- 7.5 The Grant Agreement requires the Council to provide the HCA with a quarterly report for monitoring and reporting purposes regarding this housing scheme which include progress, significant developments, health and safety issues, reasons for and actions to mitigate any delays, any breach of any term or warranty of the Grant Agreement, matters which would entitle the HCA to

terminate the Grant Agreement in whole or in part, and changes to the Council's financial standing (i.e. the Council is given a direction by the Secretary of State under section 15 of the Local Government Act 1999 regarding the exercising of its functions) which the HCA considers to have a material and adverse affect on the Council's ability to discharge its obligations under the Grant Agreement.

- 7.6 In the event that the Council default on the Grant Agreement and the HCA terminates the Agreement in its entirety, the Council will have to:
- 7.6.1 on demand from the HCA pay all costs and expenses properly and reasonably incurred by the HCA in respect of entry into this Agreement and all actions taken by the HCA in respect of this Agreement up to the date of termination; and
- 7.6.2 repay to the HCA within ten (10) Business Days of the HCA's demand an amount equivalent to that of any Grant Tranche already paid together with interest at 2% above the base rate from time to time of the Royal Bank of Scotland plc such interest to run from the date upon which the relevant Grant Tranche was paid to the Council's conveyancer until the date upon which the HCA receives the repayment of the relevant Grant Tranche.
- 7.7 The Executive is asked to delegate authority to the Director of Housing and Community Care to enter into a Grant Agreement with the Homes and Communities Agency in respect of the aforesaid funding allocation of £2.047 million for the development of 21 new affordable homes on the St. Raphael's Estate under the Homes and Communities Agency Local Authority New Build programme. The Executive is also asked to agree that the Council may, on approval from the Director of Housing and Community Care, submit further bids to the Homes and Communities Agency for schemes to be developed under the Local Authority New Build programme without prior Executive approval provided that Executive approval will be required before completing each scheme and/or entering into any Grant Agreement or other agreement for any such schemes.
- 7.8 A copy of the HCA Grant Agreement is not attached to this report but it can be located on the following web-link:  
[http://www.homesandcommunities.co.uk/public/documents/Local\\_Authority\\_Agreement\\_Round\\_2.pdf](http://www.homesandcommunities.co.uk/public/documents/Local_Authority_Agreement_Round_2.pdf)

## **8.0 Financial Implications**

- 8.1 The overall scheme cost is currently estimated at £3.736 million in line with the attached Financial Model [Appendix 2 – Financial Model] submitted to the HCA with the bid. The project is to be funded by a £2.047 million SHG and £1.689 million of prudential borrowing to be serviced by rental income from the proposed properties over a 30 year period, with the discretion to increase the prudential borrowing to £1.689 million + 10% to cover build cost, legal and other contingencies by extending the capitalisation period to up to 35 years.

- 8.2 As the scheme is grant funded under the National Affordable Housing Programme, in accordance with the HCA guidance on the LANB New Build programme, the scheme has been automatically awarded an exclusion from the HRA subsidy system. This means that the full rental income for the properties will be retained by the Council. Additionally the Council will be able to retain the full capital receipt on any future sale of the properties, providing the receipts are used for affordable housing or regeneration projects.
- 8.3 Members should note that the expenditure and funding streams for this scheme have been included in the Housing General Fund Capital Programme, profiled over 2010/11 and 2011/12 as £1.868m in each year, which has been reported to Executive on 15th February 2010 within the Budget Setting Report and to Full Council on 1st March 2010.
- 8.4 With Executive approval, under Standing Orders 88 and 90, the Council will enter into a build contract to the value of approximately £3.09 million.
- 8.5 To date just over £20,000 has been spent on external resources to assist in drawing up the HCA PQQ and bid, which has been funded by the Affordable Housing Development Unit (AHDU). The necessary architectural, surveying, consultancy, legal and other fees to achieve start on site are estimated at approximately £200,000 to be funded from the Housing & Community Care budget. Once planning permission, build contract and HCA Grant Agreement milestones are achieved the first SHG tranche of £1.23 million can be drawdown and the upfront costs recovered.
- 8.6 Failure to achieve planning permission and the abortion of the project at that stage would equate to estimated abortive costs of £170,000, which would be met from the Housing & Community Care budget.

## **9.0 Legal Implications**

### **Procurement Issues**

- 9.1 As detailed at Section 6, there is an intention to procure the build contract by calling off from a framework agreement. Contract Standing Order 86(d)(ii) provides that it is permissible to call off from an existing framework agreement that was not established by the Council provided it is recommended by the relevant Chief Officer, the Borough Solicitor confirms that participation is legally permissible and that the Director of Finance and Corporate resources agrees to the participation.
- 9.2 Given the value of the build contract is estimated to be £3.1 million, it is above the Council's Standing Order threshold for High Value Works Contracts (of £1 million). The award of the build contract is thus subject to the Council's Standing Orders and Financial Regulations in respect of High Value Contracts and Executive approval is required for the award.
- 9.3 The values of the consultancy contracts referred to in paragraph 3.4 are such that they are all classed as Low Value Contracts and as such have been

procured in accordance with the Council's Standing Orders and Financial Regulations for Low Value Contracts

### **Council's Prudential Borrowing Powers**

- 9.4 Reference has been made to the council using its prudential borrowing powers as these powers will need to be exercised. The power that the Council would use if it follows this option is section 1 of the Local Government Act 2003. The 2003 Act provides that a local authority may borrow money for any purpose relevant to its functions under any enactment, or for the purposes of the prudent management of its financial affairs subject to the borrowing limit determined by the authority and the Secretary of State. The decision as to whether to go forward with prudential borrowing will need to take this into account, as well as ensuring that the HRA or the General Fund is able to repay the loan. If the Council is unable to service and pay off its borrowing, this would have a significant impact on the council and could affect not only the council's finances but BHP's ability to perform the council's housing management functions in respect of the council's housing stock.
- 9.5 It should be noted that the Council has a fiduciary duty to its council tax payers and Members must consider the borrowing arrangements comply with normal and prudent commercial practices.
- 9.6 The Council must ensure that the reasons for undertaking the Prudential Borrowing fall within the council's community strategy.

### **Grant Agreement with the HCA and Housing Issues**

- 9.7 The Council will grant secure tenancies in respect of these properties. This means that these properties will be used as permanent accommodation rather than temporary accommodation.
- 9.8 The Council will be prohibited by the HCA from increasing the rent more than once in any 12 month consecutive period, except for the first 12 months of the tenancy. Also, the Council must not increase the rent by more than RPI plus 0.5% per annum, subject to any changes in Government policy relating to affordable housing for rent. In relation to service charges, the Council must not increase the service charges more than once in any 12 month consecutive period (save for the first 12 months of the tenancy) and must not increase the service charge more than RPI plus 0.5% per annum.
- 9.9 The Council must set its rents at target rents set by the HCA and the rents must not exceed the targets set by the HCA relating to affordable housing for rent in line with the Government's rent re-structuring policy.
- 9.10 It is envisaged that Brent Housing Partnership (BHP) will manage the 21 new dwellings. These dwellings are not covered by the current BHP Management Agreement or the Secretary of State's consent under section 27 of the Housing Act 1985 which was granted in 2002 to allow the Council to set up BHP and to allow BHP to manage the Council's housing stock. When these dwellings are built, it will be necessary to apply to the Secretary of State for



Communities and Local Government pursuant to section 27 of the Housing Act 1985 for these new Council dwellings to be managed by BHP. The BHP Management Agreement expires on 30<sup>th</sup> September 2012 and the Council will need to make a decision as to whether the BHP Management Agreement will be extended after 2012. It should be stressed that the Council will own these dwellings.

- 9.11 Tenants of these 21 new dwellings will have the Right to Buy subject to the necessary qualifying criteria as set out in the Housing Act 1985. The HCA has advised that where a disposal of a new dwelling occurs pursuant to the Right to Buy, the Council can retain a proportion of the receipts but they will be required to repay the agreed grant for the dwelling to the HCA and a share in the uplift of the market value of the dwelling. The HCA has confirmed that it requires all of these new dwellings under the Local Authority New Build Scheme to be affordable rented housing.
- 9.12 As the scheme is grant funded under the National Affordable Housing Programme it has been automatically awarded an exclusion from the HRA subsidy system. This means that the full rental income for the properties will be retained by the Council. Additionally the Council will be able to retain the full capital receipt on any future sale of the properties, providing the receipts are used for affordable housing or regeneration projects. An application under section 80B of the Local Government and Housing Act 1989 is therefore not necessary in this case. It should be noted that these new build properties will be held within the Council's Housing Revenue Account for accounting purposes but will be excluded from the Housing Revenue Account Subsidy System.
- 9.13 The Council cannot dispose of these new dwellings without the consent of the HCA, which will not unreasonably withhold such consent (unless it is an excepted disposal as defined in the Grant Agreement).
- 9.14 In addition to the Grant Agreement, the Council will enter into a Deed of Covenant with the HCA. One of the covenants on the part of the Council is to ensure that if it disposes of the new dwellings with the HCA's consent, it procures that any purchaser will enter into a Rent Charge with the HCA pursuant to section 2(4) of the Rent Charges Act 1977. Unlike the other schemes involved with the HCA, the Council (or BHP) will not need to grant a Rent Charge to the HCA as part of the Grant Agreement arrangements in respect of these new dwellings.
- 9.15 Where there is a material and adverse breach of the Agreement, the HCA can serve a notice on the Council and if within 30 working days, the breaches are not remedied or the Council has not given an undertaking to the HCA to HCA's satisfaction to remedy the breaches within a reasonable period, the HCA can terminate part or whole of the Grant Agreement. There are circumstances where the HCA can terminate part or the whole of the Grant Agreement forthwith and without liability to the Council and those circumstances include the Council failing to satisfy the Conditions Precedent agreed with the HCA in required of this housing scheme, the Council disposing of the dwellings without or in breach of the consent granted by the

HCA, the Council failing to satisfy the First Tranche and Second Tranche Conditions precedent for payment of the grant monies, the HCA becoming aware of any material and adverse change in any of the information provided to it which the HCA reasonably considers to impair the Council's ability to deliver this housing scheme in accordance with the terms of the Grant Agreement, and also the HCA becoming aware of any material inaccuracy in any certificate or confirmation given by or on behalf of the Council pursuant to the Grant Agreement or legal opinion given by the Council regarding the Scheme. In the event of the termination of the Grant Agreement by the HCA, the consequences for the Council are set out in paragraph 7.6 above.

## **10.0 Diversity Implications**

- 10.1 The Council will require all the new homes be delivered to Lifetime Homes standards to maintain the future accessibility of properties.
- 10.2 The Council will require 10% of the new homes be delivered to meet wheelchair standards.

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

- 11.1 Most of the project plan will be delivered by external contractors. The Local Authority New Build programme will have management and administration repercussions for the Affordable Housing Development Unit, however these will form part of the unit Service Operation Plan and no extra staffing is anticipated to be required.

## **Background Papers**


- Appendix 1: Risk Plan [**below the line**]
- Appendix 2: Financial Model [**below the line**]

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Martin Cheeseman  
Director of Housing and Community Care

	<p style="text-align: center;"><b>Executive</b> 15 March 2010</p> <p style="text-align: center;"><b>Report from the Director of Housing and Community Care</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>Housing and Social Care Non HRA PFI Project – authority to award Phase 2 of contract</b></p>	

Forward Plan ref: H&CC -09/10- 37

Appendix 2 is not for publication as this contains the following categories of exempt information as specified in the Local Government Act 1972, namely:

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

and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **1.0 SUMMARY**

- 1.1 The Housing and Social Care PFI was developed to provide social housing and replacement residential facilities for people with learning disabilities with the aid of a government grant. The Council appointed Brent Co-efficient (BCE), which is now a wholly owned subsidiary of Hyde Housing Association, as preferred bidder in October 2006 and provided delegated authority to the Director of Housing and Community Care in October 2007 and July 2008 to agree the PFI Project Agreement.
- 1.2 Financial close was reached on Phase 1 of the the project in December 2008 and this included the provision of 195 housing units and 20 units for people with learning disabilities. Since December 2008, there have been negotiations on the provision of further housing units as part of Phase 2 of the scheme. Changes to interest rates and bank margins since December 2008 have required measures to be taken, as part of these negotiations, to ensure Phase 2 of the scheme remains affordable. One of these measures is a reduction in the number of planned units for Phase 2 from 185 reported previously to 169, reducing total units for both phases of the scheme from 400 to 384.

- 1.3 Negotiations are now complete and financial close on Phase 2 is scheduled for 31<sup>st</sup> March 2010. The Phase 2 contract is an extension of Phase 1 and most of the documentation remains the same as Phase 1. However, new requirements from the banks have meant that arrangements for paying off residual debt at the end of the contract period have had to be changed, as have the arrangements for compensation on early termination of the contract.
- 1.4 The full background to, and details of, the scheme were included in reports to the Executive on 8<sup>th</sup> October 2007 and 14<sup>th</sup> July 2008. Copies of these earlier reports are available should members wish to refer to them.

## **2.0 RECOMMENDATIONS**

The Executive is asked to:

- 2.1 Note the progress on delivery of Phase 1 of the scheme in paragraphs 3.3 to 3.5.
- 2.2 Agree to the revised total of 165 units at Phase 2 of the scheme – taking total units for Phase 1 and Phase 2 to 384 – as set out in paragraph 4.6 of the report.
- 2.3 Delegate authority to the Director of Housing and Community Care, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor, to agree the variation to the PFI Project Agreement and all other related documents including those which shall be entered into by the Council with any of Brent Co-Efficient's funders or subcontractors, in order to enable financial close on Phase 2 of the project.
- 2.4 Authorise the Borough Solicitor, or authorised delegate on her behalf, to execute all of the legal agreements, contracts and other documents on behalf of the Council in relation to Phase 2 of this project (and such other legal agreements and documentation which may be necessary to give full effect to the variation to the PFI Contract), subject to her receiving confirmation of credit approval from the Department for Communities and Local Government or, executing such contracts and other documentation with a pre-condition that they shall only come into full effect upon the issuing of such PFI credit approval by the CLG.
- 2.5 Agree that the Director of Finance and Corporate Resources can issue, on behalf of the Council, such certificate or certificates under the Local Government (Contracts) Act 1997 in respect of:
  - a. the Deed of Amendment to give effect to the variations to the PFI Project Agreement;
  - b. the Direct Agreement Amendment Deed to give effect to the variations to the Direct Agreement entered into between the Council, the funders and Brent Co-Efficient; and
  - c. the Residual Value Amendment Deed to give effect to the revised Residual Value Deed to be entered into between the Council, Hyde Housing Association and the funders.

- 2.6 Agree that the Director of Finance and Corporate Resources will be fully indemnified by the Council in the event of any claim against him arising from the provision of any Certificate he may issue in accordance with recommendations/decisions in 2.5 above.

### **3.0 BACKGROUND**

- 3.1 The Executive received reports in October 2007 and July 2008 on the Housing and Social Care PFI. These detailed the background to the scheme and sought delegated authority for the Director of Housing and Community Care to reach final agreement on the scheme.
- 3.2 The scheme included 380 social housing units and 20 learning disability units. The social housing units included properties at market rents and affordable rents with a gradual transfer from market rent to affordable rent during the 20 year contract period and nomination rights in perpetuity to a minimum of 158 affordable housing units. The Council would be entitled to more than 158 nomination rights if the value of the properties at the end of the contract period exceeded the amount of debt on the properties. The 20 learning disability units are being built under licence on land transferred to the Council as part of the scheme. Facilities management of the units is provided as part of the contract.
- 3.3 The need to identify suitable sites for the scheme meant that it had to be in two phases. Phase 1, which reached financial close in December 2008, included the delivery of 195 social housing units and 20 units for people with learning disabilities. Phase 2 was intended to deliver a further 185 units, taking the total to 400. It had originally been intended that financial close on Phase 2 would be reached 12 months after financial close of Phase 1.
- 3.4 The scheme was one of only a relatively small number of PFI schemes to reach financial close in 2008 and its innovative nature led to it being awarded best 'Housing or Regeneration Project' at the national Public Private Finance awards in May 2009.
- 3.5 Units for Phase 1 of the scheme are in the process of being delivered. The 15 units for people with learning disabilities on Tudor Gardens are complete and are due to be occupied with effect from 31<sup>st</sup> March 2010. Work is progressing on the 57 PFI housing units on Empire Way which is due to complete later this year. In addition, works have commenced on four of the other sites to deliver 76 PFI units. It is anticipated that the construction programme to deliver the remaining three sites will commence over the next few weeks. The timetable for delivery of Phase 1 units is set out in Table 1.
- 3.6 Phase 2 of the scheme is now close to being finalised. Sites have been identified and schemes developed which would provide a total of 169 units, 16 short of the original target of 185. All but one of the sites have planning permission. The final site – The Mall in Kenton – is due to be considered at Planning Committee on 17th March. Revisions required to Phase 2 of the PFI scheme as a result of changes in the financial markets have been negotiated. Subject to members' approval of the revisions, and decisions of the Planning Committee on The Mall, the scheme is on target for financial close at the end of March. Details of Phase 2 are described in Section 4 of this report.

**Table 1 Phase 1 sites, including expected date of completion**

Site	Number of units	Expected date of completion
Tudor Gardens (learning disability units)	15	10/03/10
Empire Way	57	30/09/10 – 01/11/10
167 Willesden Lane (including 5 learning disability units)	11	31/07/10
Winchelsea Road	31	01/02/11
9 Willesden Lane	13	28/02/11
Melrose House	21	30/06/11
Barnhill Cottages	15	21/06/11
Fawood Avenue	45	01/07/11-29/08/11
191 Willesden Lane	7	01/11/11
<b>Total Phase 1 units</b>	<b>215</b>	

**4.0 Phase 2 proposals***Sites*

- 4.1 Phase 2 proposals include provision of up to 169 housing units on five sites as set out in Table 2.

**Table 2 Phase 2 sites, including expected date of completion**

Site	Number of units	Expected date of completion
Perrin Road	9	31/07/11
Campbell House	7	31/10/11
Fawood Avenue	21	31/10/11
Brook Avenue	44	29/02/12
The Mall	88	31/05/12
<b>Total Phase 2 units</b>	<b>169</b>	

- 4.2 All sites are owned by Hyde Housing Association, apart from The Mall for which the sale to Hyde by the current owner has been agreed subject to planning permission being granted.

*Affordability*

- 4.3 The ripple effect of the banking crisis has affected affordability of Phase 2 of the scheme. There are three main factors that have contributed to reducing affordability, as follows:

- a. Bank margins (which are the amount banks charge above long term interest rates to reflect risk) have gone up. They were under 1% when BCE was originally appointed as preferred bidder, had reached about 1.5% when financial close was reached on Phase 1 in December 2008, and are now in excess of 2%.
  - b. Long term interest rates have gone up. These were at a historic low of under 4% when financial close was reached for Phase 1 (offsetting to some extent the impact of higher margins) but more recently have fluctuated within a 4% to 4.5% band.
  - c. Banks' willingness to take on risk has reduced. This has affected the scheme in two main ways, as follows: (1) the banks are not willing to fund as high a proportion of the debt as they were prepared to when Phase 1 closed; (2) the banks are now requiring some of the debt to be paid back over the contract period whereas for Phase 1 they were willing to provide an interest only loan on the basis that the value of the properties at the end of the contract period would be sufficient to repay the debt.
- 4.4 In order to address these changes, measures have been taken to review other costs – in particular construction costs for Phase 2 have been reviewed to reflect changes in construction prices as a result of recession - with the balance of the affordability gap being addressed by a reduction in the number of units (from 400 to 384). In addition, Hyde Housing Association have increased the level of their own financial resources being used to fund the scheme to offset the reduced proportion of funding provided by the banks.
- 4.5 The result is that the scheme is now affordable. Details of the Council's contribution to the scheme following these changes are included in the financial implications section of this report.

#### *Outputs*

- 4.6 The outputs from the combined Phase 1 and 2 are now 384 units in total. The table below sets out changes since the position reported to the Executive in July 2008. Total units have been reduced from 400 to 384. The number of units for people with learning disabilities – 20 – remains as before. In addition the Council will retain guaranteed nomination rights in perpetuity to a minimum of 158 affordable housing units at the end of the contract period, which is in line with what was approved when the scheme included 400 units in total. There is a gradual transfer of properties at market rents to properties at affordable rents. The number of properties at affordable rents at the end of the project has now been aligned with the number of affordable housing units to which the Council has guaranteed nomination rights in perpetuity. This has helped secure affordability of Phase 2, ensure that the Council has a financial contingency (see financial implications), and will mean that the Council is guaranteed to maintain properties that are at affordable rents at the end of the contract in perpetuity.

**Table 3 Change in proposed outputs from the project since July 2008 (assuming a Phase 2 variation)**

	Number of units:			
	July 2008 position		Current Position	
	Start of contract	Expiry of contract	Start of contract	Expiry of contract
Social housing unit at affordable rents (includes 15 semi-independent care units)	130	183	125	158*
Social housing units for homeless people at market rents	250	197	239	206
Registered care home places	15	15	15	15
Respite beds	5	5	5	5
<b>Total</b>	<b>400</b>	<b>400</b>	<b>384</b>	<b>384</b>

\*Subject to the terms of the Residual Value Deed.

### *Approvals*

- 4.7 In addition to Council approval, approvals are needed from the banks, the Hyde Board, and the government.
- 4.8 The banks that funded Phase 1 of the project, Barclays and Nord LB (a German Bank), will be funding Phase 2 of the project. The final funding decisions are subject to agreement by the banks' credit committees. The banks are however supportive of the project and it is expected that they will receive credit committee approval for the funding.
- 4.9 The Hyde Board approved the scheme at their meeting on Thursday 4<sup>th</sup> March 2010 based on the project arrangements set out in this report.
- 4.10 The government has approved £37m of PFI credits for this scheme. £21.2m has been allocated to Phase 1 and will start to be paid from the date that the Tudor Gardens service commences, which is expected to be 31<sup>st</sup> March 2010. The other £15.8m will be paid once financial close on Phase 2 has been reached. The original PFI credit approval was based on a total of 400 units being delivered with a pro-rata reduction if the number was below 400. However, Council officers met officials from the Homes and Communities Agency on 20 November 2009 to explain the changes proposed to the scheme financing requirements and the consequential change to outputs. Following this meeting, the HCA notified the Council that that they would agree to apply the existing level of PFI credits if there was a reduction of up to 20 units from the originally agreed 400 units. This approval is subject to financial close being reached on Phase 2 and the Council continuing to receive guaranteed nomination



rights to a minimum of 158 units at the end of the contract. A copy of this letter is attached in Appendix A.

*Risks*

- 4.11 The main risks associated with Phase 2 and means of addressing them are set out in Table 4:

**Table 4 – Key Project Risks**

<b>Risk</b>	<b>Means of addressing it</b>
1. Planning approval is not granted on The Mall. If planning approval is not granted, this would lead to delay in Phase 2 of the PFI scheme which could lead to additional costs and the overall scheme becoming unaffordable.	The proposed scheme has been designed following detailed consultation with the Planning Department. Additionally, there has been a series of consultation exercises held with residents. The plans incorporate recommendations and address comments that have been raised by planning officers under the pre-planning consultation process. Planning officers consider that the proposed scheme complies with planning policy requirements and are making a recommendation for planning permission to be granted. The Planning Committee was briefed in 2007 on the PFI scheme and is aware of the wider benefits it brings to meeting housing need in the borough.
2. Other approvals – eg the banks, government – are not granted leading to the scheme having to be abandoned.	All parties involved in the scheme have been kept fully aware of developments and remain supportive. There are currently no indications that any of the other parties will not approve Phase 2.
3. Movements in interest rates make the scheme unaffordable.	This risk is primarily Hyde's since the financial model used for Phase 2 adjusts the Hyde return on their investment should other elements of the model change. If however there were to be a large upward movement in interest rates, this might make the return to Hyde insufficient to justify the investment in which case Phase 2 could not go ahead as currently agreed and may have to be renegotiated.

Risk	Means of addressing it
<p>4. Legal challenge to granting of planning applications would mean work would have to stop on site until the issue had been resolved. This would lead to delay and additional costs which the Council would have to meet.</p>	<p>The risk of successful legal challenge is low so long as the Council has followed correct planning procedures. Any legal challenge would be confined to The Mall and Brook Avenue because planning permission for all other sites was granted more than three months ago. The Council has agreed to take on this risk to enable the scheme to proceed prior to expiry of the period for legal challenge. Neither Brook Avenue nor The Mall are scheduled to start on site until after the 3 month legal challenge period together with the standard time for a challenge being heard expires. There would be costs to the Council if a legal challenge succeeded.</p>
<p>5. Rents assumed in the model cannot be sustained. The rents assumed in the model are based on social housing target rents (permanent units) and assumed market rents (temporary units). There is little risk with the rents for permanent units but sustainability of rents for the temporary units depends on them being assessed as being at an acceptable level for housing benefit subsidy purposes.</p>	<p>As part of Phase 2 negotiations, market rents for temporary units included in the PFI model have been changed from an average rent applied to all property sizes to a differential rent based on property size. The rents are linked to the costs of the scheme and do not include any element of profit for the Council. This is a reasonable basis for setting the rents but there is an element of risk if government policy on application of housing benefit subsidy to this kind of scheme changes. In that case, there is the opportunity for the Council to review the speed at which units change from temporary to permanent or the balance of temporary units between the north and the south of the borough.</p>

4.12 There is one commercially sensitive risk that is set out in Appendix B.

*Phase 3*

4.13 Previous reports referred to the possibility of Phase 3 of the scheme if additional PFI credits were available. Council and BCE discussions have focused on achieving financial close of Phase 2 in difficult funding conditions. In addition, there have been no further discussions with HCA about the possibility of funding a Phase 3 although reduced resources available to them as a result of public spending reductions makes that more unlikely than before. Officers will continue to explore the possibility of a Phase 3 and report back to members should funding opportunities be available.

## 5.0 FINANCIAL IMPLICATIONS

5.1 This section of the report addresses financial implications of the scheme.

### *Funding of the scheme*

- 5.2 The total estimated unitary charge to the Council varies from year to year depending on the number of properties and the profile of costs incurred by BCE. It averages £4.6m per annum (in cash terms) over the 19 years over which payments are made. £3.4m per annum of these costs are met from the conversion of £37m of PFI credits into an annual revenue grant. The balance of £1.2m per annum is met from the Council's budget contingency of £150k per annum and has been retained by the Council to fund client costs (including legal and technical as well as housing's own client function), impact of change notices, adaptations which had been agreed as a pass through cost, and rent risk.
- 5.3 Table 5 below shows the Council's budgeted contribution up to 2013/14. From 2014/15 onwards the Council's contribution increases by 2.5% per annum until contract completion in December 2028. The budgeted contribution is sufficient to meet the Council's contribution to the unitary charge and fund the Council's contingency.

**Table 5 Council contribution to Phase 1 and 2 of the scheme**

	2009/10 £'000	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000
2010/11 budget and medium term financial plan	576	1,003	1,159	1,188	1,218

### *Accounting treatment*

- 5.4 At the time of financial close of phase 1, the accounting treatment indicated that the PFI properties would not be on the Councils balance sheet. Local authorities are now obliged to account for PFI projects using international accounting standards. Officers have asked BDO, the Council financial advisers on this project, to advise on the accounting treatment and whether the scheme will remain off the council's balance sheet. Their preliminary view is that nomination rights to the housing units will not be considered on balance sheet but the care home units will be on balance sheet. There is also now a requirement to report to government on the National Accounts balance sheet treatment. Subject to the Homes and Communities Agency being satisfied with the proposed treatment, and therefore PFI grant not being affected, the accounting treatment should not affect the affordability of the project.

### *Costs incurred by the Council on Phase 2*

- 5.5 The Council has to employ professional advisers and meet other costs associated with delivery of Phase 2 of the scheme. These are estimated to amount to £231k in 2009/10 and can be funded from the 2009/10 budget provision for the PFI. In addition, the Council has incurred £160k staffing costs and other clienting costs in 2009/10 in respect of managing the delivery of contract during the construction phases which have been funded within existing budgets.

## 6.0 LEGAL IMPLICATIONS

6.1 Financial Close in respect of Phase 1 of the non HRA PFI contract was reached on 19 December and this resulted in the release by the Communities and Local Government Department of confirmation of the formal issue of PFI credits for the total amount of £37 million subject to the following (amongst other) conditions:

- payment of full subsidy generated by credits of £37 million will be triggered by the first Phase 1 units becoming operational provided the Phase 2 variations to bring the total number of units up to 400 have been signed by the Council and the Contractor by the date that the PFI grant claim form is submitted to the department;
- if no variations are agreed the credits to the scheme will be reduced to £21.2 million;
- if agreed variations do not bring the total number of units up to 400, the credits will be calculated according to a specific formula identified in the PFI credit letter. This formula seeks to pro-rata the additional £15.8 million credits to the number of units constructed under a Phase 2 variation.

6.2 The report at paragraph 4.10 confirms that CLG (through the Homes and Communities Agency who are charged with the responsibility of facilitating housing PFI arrangements) has confirmed that the full amount of additional PFI credits (£15.8 million) will be available despite the fact that the number of units identified in the proposed Phase 2 of the PFI project are less than initially anticipated when the PFI credit approval was obtained. It is clearly important for the Council to receive formal confirmation of this by way of letter from CLG.

### *Procurement*

6.3 The PFI Contract entered into between the Council and Brent Co-Efficient provides a contractual mechanism to vary the contract to incorporate the changes proposed to facilitate the introduction of the Phase 2 units into the project. The Council is entitled to vary the contract to give effect to the Phase 2 element of the project without subjecting the variation to a new procurement process under the European Union procurement regime as the Phase 2 variation is an extension of an opportunity in the Official Journal of the European Union. The OJEU notice advertised the proposed contract for the construction of (as initially anticipated) 500 units and thus the proposed variation to incorporate Phase 2 is not in excess of the opportunity that was advertised to the market. Despite this, Brent Co-Efficient's funders are concerned about the potential risk (albeit small) that awarding a variation of the existing contract might give rise to a challenge from an aggrieved contractor and in particular for the variation to be declared ineffective under the new Public Contracts (Amendment) Regulations 2009. These Regulations introduce the remedy of "ineffectiveness", which effectively obliges a court to order that a contract is ineffective in the event that a contracting authority has directly awarded a contract to a contractor without first advertising in the OJEU. This extends to variations of existing contracts where a variation could be said to be a material difference to the existing contract, thereby creating a new contract for the purpose of the EU procurement regulations.

- 6.4 The remedy of "ineffectiveness" can be claimed by an aggrieved contractor up to six months after the contract (or the variation/amendment) has been entered into. This can mean that the status of a variation is at risk for a long period of time. Therefore, the Public Contracts (Amendments) Regulations 2009 provide that a contracting authority, i.e. in this case the Council, can lodge a voluntary transparency notice in the OJEU in order to reduce the time limits that an aggrieved contractor can challenge the variation of the existing contract.
- 6.5 By publishing a voluntary transparency notice in the OJEU, announcing its intention to award the variation directly to Brent Co-Efficient and explaining why it believes that a lack of prior publicity was justified and provided that the Council waits at least ten calendar days from the publication of that voluntary transparency notice before entering into the Contract, a third party will not be able to claim that the contract is ineffective.
- 6.6 In those circumstances the Council proposes to issue a voluntary transparency notice and wait the ten days standstill period before giving effect to the Phase 2 variation.
- 6.7 Additionally the Public Contracts (Amendment) Regulations 2009 (in particular 47M) introduce the ability for parties to a contract which is declared ineffective by the court to agree provisions to regulate their mutual rights and obligations in the event that a declaration of ineffectiveness is made. To that end the funders for Brent Co-Efficient have also requested that a so called "Procurement Deed" be entered into which would set out the consequences for the Council and Brent Co-Efficient in the event that a declaration of ineffectiveness is made. The Procurement Deed will provide that in the event that a court declares the Phase 2 variation ineffective then the Council and Brent Co-Efficient agree that compensation payable in circumstances where the Council voluntarily terminates or is in default of the agreement shall apply. The terms of the Procurement Deed are not yet finally agreed.

#### *Residual Value*

- 6.8 The treatment of residual value in the properties and in particular how the residual value of the temporary and permanent dwellings would impact on the Council and Brent Co-Efficient (and Hyde Housing Association as Landlord in particular) was a unique feature of the Phase 1 PFI Contract. The Council and Hyde and Brent Co-Efficient entered into a Residual Value Deed at the close of the Phase 1 PFI Contract which, amongst other things, sought to capture the residual value of the dwellings which remain in the ownership of Hyde at the expiry of the contract.
- 6.9 At the end of the 20 year contract period the Council will retain the freehold ownership of the 15 registered care home places and have a 999 year lease on the 5 learning disability respite units (see Table 1 on Page 4). The Council also have nomination rights in perpetuity to all permanent units provided as part of the scheme, subject to the provisions of the Residual Value Deed. At expiry the permanent and temporary units will be valued by an independent valuer on the basis of the existing use value for social housing in respect of the permanent units and market value for the temporary units. In calculating the value the valuer will apply a 2% discount on temporary units to be sold on the open market to reflect the costs of disposal and 10% on permanent

units. The 10% on permanent units is used to meet the cost of refinancing. If the value of the properties (the Residual Value Sum) is greater than the Residual Value Sum (ie in other words, the Senior Debt Outstanding) then there will be a conversion of temporary units into permanent units of accommodation to enable greater, in perpetuity, nomination rights to the Council. If the value is less than the Residual Value Sum then an assessment will be made on the number of permanent units (in addition to the temporary units) which would need to be sold to cover the Residual Value sum. It has been agreed that the Council will have a minimum of 158 units permanent units upon which it will have nomination rights to at the expiry of the contract.

- 6.10 On early termination a similar valuation exercise is undertaken in accordance with the terms of the Residual Value Deed. It is worth highlighting that no properties can be disposed of during the contract term whilst the Council continues to pay a Unitary Charge. Where the Residual Value of the properties exceeds the Residual Value Sum the balance is used to convert additional properties into permanent units at affordable rents upon which the Council retains in perpetuity nomination rights over. In cases where termination results from contractor default, Hyde Housing Association must make up any shortfall between the Residual Value of the properties and the Residual Value Sum.
- 6.11 The parties have agreed commercially that the Council will retain nomination rights to the minimum number of 158 units, in line with the requirements of the Homes and Communities Agency. However, the Residual Value Deed variation itself has not yet been agreed and will have to be in place prior to financial close of Phase 2.

#### *Contract Act Certificates*

- 6.12 When Phase 1 of the PFI project was entered into by the Council the Director of Finance and Corporate Resources issued certificates under the Local Government (Contracts) Act 1997 in respect of the Project Agreement, the Direct Agreement entered into between the Council and the Brent Co-Efficient funders and the Residual Value Deed. The effect of a Contract Act Certificate is to provide comfort to the other party to the contract (and its funders) that even if the contract is declared void or ultra vires then a certificate issued under the Local Government (Contracts) Act 1997 will have the effect of rendering such contract intra vires. It is necessary for the Council as is recommended in paragraph 2.5 of the report that the Director of Finance and Corporate Resources certify the agreements referred to paragraph 2.5 of the report.

## **7.0 LEGAL POWERS**

- 7.1 The Council has a number of powers which enable it to procure the accommodation and services envisaged within this variation to the existing contract namely:
- Part VII of the Housing Act 1996 places various duties on a local housing authority to secure that accommodation is available for persons who are homeless or threatened with homelessness including, Section 188: requiring the local authority shall secure that accommodation is available for a persons occupation if it believes that the applicant maybe homeless, eligible for assistance and have a priority need and section 193 where, unless the local

authority can refer the applicant to another local housing authority it shall secure that accommodation is available for occupation by an applicant where it is satisfied that an applicant is homeless, eligible for assistance and has a priority need and is not satisfied that he become homeless intentionally;

- Section 21 of the National Assistance Act 1948 provides that a local authority may with the approval of the Secretary of State and to such extent as he may direct, make arrangements for providing residential accommodation to persons aged 18 or over who by reasons of age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them;
- Section 2 of the Local Government Act 2000 provides that every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objects- (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; and (c) the promotion or improvement of the environmental well-being of their area. The power may be exercised in relation to or for the benefit of: (a) the whole or any part of the local authority's area, or (b) all or any persons resident or present in a local authority's area. This power includes the power for the local authority to amongst other things provide staff, goods, services or accommodation to any person. The power to promote well-being does not enable a local authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in the enactment nor does it enable a local authority to raise money. Before exercising the power a local authority must have regard to the guidance that has been issued by the Secretary of State about the exercise of that power.
- Section 1 of the Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers power on the local authority to enter into a contract with another person for the provision or making available of assets or services, or both, (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority. Members are also reminded that in exercising the well being power in section 2 of the Local Government Act 2000 that regard must be had to the provisions of the Council's community strategy and the authority must show that there is sufficient nexus between the strategy's aims and the intended outcomes of the contract to be entered into.

## **8.0 DIVERSITY IMPLICATIONS**

- 8.1 Bidders' policies and procedures in respect of diversity issues formed an element of the evaluation methodology that was applied in determining appointment of the preferred bidder. Furthermore, policies, procedures and practices of the preferred bidder have been checked to ensure that all tenants are treated with respect and dignity. An Impact Needs and Requirement Assessment (INRA) has been completed for this scheme.

## **9.0 STAFFING/ACCOMMODATION IMPLICATIONS**

9.1 There are no staffing/accommodation issues arising from this report.

## **10.0 BACKGROUND PAPERS**

Background papers are available from Manjul Shah, Head of Affordable Housing, 7<sup>th</sup> Floor Mahatma Gandhi House, 34 Wembley Hill Road, Wembley, Middlesex HA9 8AD.

## **11.0 Contact Officers**

Director of Housing & Community Care – Martin Cheeseman

Assistant Director of Housing – Maggie Rafalowicz

Director of Finance & Corporate Resources – Duncan McLeod

MARTIN CHEESEMAN

Director of Housing and Community Care



**LETTER FROM HOMES AND COMMUNITIES AGENCY CONFIRMING PFI CREDITS FOR  
PHASE 2**

**From Steve Trueman, Chief Operating Officer at HCA, to Maggie Rafalowicz,  
Assistant Director of Housing at Brent Council, dated 27<sup>th</sup> November 2009**

**Brent Non - HRA Housing and Social Care PFI Scheme**

Thank you for meeting last Friday, it was helpful to hear about the work that is ongoing to reach an affordable and deliverable 2<sup>nd</sup> Phase for the above scheme. I undertook to come back to you on some broad principles following our discussions. I appreciate that there is some way to go before all of the discussions with your PFI Operator are concluded and a demonstrably affordable position reached and I would want to keep the HCA position under review until that point.

The HCA is agreeable to a small re-scoping of the overall original scheme outputs whilst retaining the existing total level of PFI credits, as part of the solution to achieving an affordable scheme in the current funding market conditions. Your paper of 23 October 2009 indicates a reduction of 20 units, 5% of the original total, and this level of change is acceptable. We would however want to be re-assured that in the final analysis, unaffordability is as a direct result of terms offered by funders and not due to some other reason.

We discussed the 'floor' in the number of guaranteed properties in the context of the above overall reduction in outputs and you indicated that there was some desire on the part of Hyde to see a pro-rata reduction of the floor to say around 151 properties. The original floor was key to the acceptability of this deal for CLG/HCA and the agency would find it difficult to accept any reduction in the number of properties guaranteed at the end of the scheme. We recommend you push back strongly on this point.

We discussed the timing of the close of Phase 2 and we note that you are still planning for Phase 2 close to coincide with Phase 1 service commencement - at 31 March 2010. However, should there be a delay to Phase 2 close, we will need to allocate Phase 1 credits at service commencement, with Phase 2 credits to follow at close of the second Phase. CLG will in any case need to re-issue the PFI credit letter at the point at which a final affordable position has been reached.

We agreed that Ellie would look at the documentation requirements pre close of Phase 2 and she will get back to you on this.

You were going to let us have regular updates on progress and aim to provide an updated paper in December.

Yours sincerely





**Executive  
15 March 2010**

**Report from the Director of  
Housing and Community Care**

Wards affected:  
ALL

**Extensions to Section 75 Partnership Agreement in respect  
of Brent Mental Health Service**

Forward Plan Ref: H&CC-09/10-28

**1 SUMMARY**

- 1.1 This report recommends an extension to the Council's existing partnership agreement with Central and North West London Mental Health NHS Foundation Trust for up to 9 months from 1 April 2010.
- 1.2 This report also sets out the work in progress to put in place a new agreement within the next year for the services involved under recent legislation in line with the previous Executive decision 18 March 2008. A dedicated project is in place to deliver the recommendations for a new long term agreement within the next 6 months for consideration by the Trust Board and the Council Executive.

**2.0 Recommendations:**

- 2.1 That the Executive approve the temporary extension of the existing partnership agreement with the Central and North West London Mental Health Foundation NHS Trust for a period of up to 9 months from 1 April 2010.
- 2.2 That the Executive delegates authority to the Director of Housing and Community Care, in consultation with the Director of Finance and Corporate Resources to resolve any outstanding issues with Central and North West London Mental Health Foundation NHS Trust prior to entering into the extension period detailed in paragraph 2.1.
- 2.3 That the Executive note progress in the fundamental review of the partnership arrangements with Central and North West London Mental

Health Foundation NHS Trust and the intention of the Director of Housing and Community Care to report on the proposed replacement partnership agreement by 31 September 2010.

### **3.0 Detail**

- 3.1. Brent Mental Health Service (“BMHS”) was established in April 2001, bringing together the mental health services previously provided by Brent Council and Central and North West London Mental Health NHS Trust under a formal partnership agreement. The Council’s current partnership agreement with Central and North West London Mental Health Foundation NHS Trust (“CNWL”) commenced in February 2004. Since that time it has been extended for one year in March 2007 and then for a two year period in March 2008. The current partnership arrangement expires on 31 March 2010.
- 3.2. As reported to the Executive in March 2008, there has been a need to fundamentally review partnership arrangements with CNWL with a view to developing further integration through the use of the flexibilities permitted by s75 National Health Service Act 2006. There now needs to be a long term agreement put in place. Offices have established since September 2009 a project to examine options for a future agreement. The preparations for a new agreement are in progress, including work on estates and property, staffing, and governance. A clear timescale for completion of this work is in place with reports and recommendations for the CNWL Trust Board and this Executive due for completion by July 2010.
- 3.3. The current partnership agreement is for the delivery of mental health services for adults over 18 years of age. There is an established model of integrated management by CNWL of the Brent Mental Health Service with Council employees operating in the Community Mental Health Teams for adults, and one for older people (social workers), and the Community Networks supplying day and support services.
- 3.4. The main objectives for a new agreement would be: a secure long term framework for improving the service; securing efficient and effective management through further integration of the service delivery; securing appropriate governance for the professional staff, and the delegation of statutory duties by the Council to the CNWL. Most councils have similar agreements with NHS Trusts in place for integrated adult mental health services and for the councils to exercise a mainly commissioning role with the retention of the purchasing of services budget responsibilities.
- 3.5. Progress in discussions with CNWL has been positive and the staff employed by the Council and working within these services are being consulted upon the options under consideration.

- 3.6. At the time of the last extension to the agreement in 2008, the mental health services to older people were considered suitable for consideration within the proposed new agreement. Since then the Council and the CNWL have put in place a Community Mental Health Team for older people with 3 full time social care posts in the integrated unit. It is proposed that this service will be included in the new agreement as it is viewed as a key element in an overall service without age discrimination that needs to be achieved.
- 3.7 Performance under the existing agreement has been good overall. The CNWL has achieved high numbers of people on direct payments in the last two years, the redesign of day services geared to person centred outcomes, and is making good progress towards the reduction of those in residential placements. Therefore the development of the integrated model of service under a new agreement is in the Council's interests and supports the Transforming Adult Social Care agenda.
- 3.8 Whilst there has been good progress in preparing for a new partnership agreement with CNWL, these discussions are not likely to be concluded until July. As the existing partnership arrangement expires on 31 March 2010, there is a need to extend the existing arrangements pending obtaining Executive approval to enter into a further partnership agreement. Approval is sought to extend the exiting arrangements for up to a further 9 months. Whilst it is considered that any the new partnership agreement is likely to be able to commence within this period, an extension of up to 9 months is sought in case any unexpected difficulties are encountered. Delegated authority is also sought to enable the Director of Housing and Community Care to resolve any outstanding issues with CNWL prior to entering into any extension.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Mental Health funding is pooled with the Council contributing £457,673 and NHS Brent £1,067,903 in 2009. These figures will be adjusted for 2010 in line with the previous agreement.
- 4.2 The new agreement will be subject to separate financial agreement, but will have to reflect the current financial situation that all local authorities are currently subjected to.
- 4.3 Any new agreement would also be conditional on all outstanding financial liabilities of CNWLFT to the council being honoured.

#### **5.0 LEGAL IMPLICATION**

- 5.1 The National Health Services Act 2006 ("NHS Act") requires local authorities and NHS bodies to work together to improve health and

social care and Section 75 of the NHS Act provides for flexible funding and working arrangements to be established to facilitate this.

- 5.2 The Mental Health Partnership Agreement entered into by the Council provides that the agreement will subsist until 31 March 2007 unless determined earlier or extended by agreement between the parties. As detailed in paragraph 3.1, the partnership agreement has been extended through renewals, to expire on 31 March 2010.
- 5.3 Standing Order 85 deals with partnership arrangements and provides that any Partnership Arrangement which includes delegation of powers shall be approved by the Executive. As the partnership agreement with CNWL involves the delegation of powers to CNWL, there is a requirement for the Executive to approve any extension.
- 5.4 As there are ongoing discussions with CNWL as the any changes in the partnership agreement during the extension period, authority is sought to delegate powers to the Director of Housing and Community Care to resolve outstanding issues. Regulation 6.1 requires the Director of Finance and Corporate Resources approval to partnership arrangement and therefore the Director of Housing and Community Care will liaise with him prior to extending the partnership agreement.

### **Background Papers**

References:

Putting People First: DH policy December 2007

### **Contact Officers**

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**Martin Cheeseman**  
**Director of Housing and Community Care**



**Executive  
15 March 2010**

**Report from the Director of  
Policy and Regeneration**

Wards affected:  
ALL

**Pupil safety on the journey to and from school**

Forward Plan Ref: PRU-09/10-19

## **1.0 Summary**

- 1.1 This report sets out the findings and recommendations of the Children and Families Overview and Scrutiny task group investigation into how to improve pupil safety as they travel to and from school. This work will contribute to the administration's priority to improve services for youth in the borough.

## **2.0 Recommendations**

- 2.1 The Executive are asked to note the recommendations and the service department response.
- 2.2 That members of the task group be thanked for their work.

## **3.0 Detail**

- 3.1 On the 12 February 2008 the Children and Families Overview Committee agreed to set up a task group to consider concerns amongst young people about their personal safety on the journey to and from school. The task group began its work in October 2008 and met on five occasions. It included the following members:

Councillor Mary Arnold  
Councillor Kanta Mistry (Chair)  
Councillor C J Patel

The aims of the task group were to:

- Review existing partnerships in place to tackle safety on the journey to and from school
- Look at ways to support and encourage schools to implement initiatives to improve safety on the journey to and from school
- Look at good practice from other local authorities on ways to improve safety on the journey to and from school for pupils

### **Findings of the Task Group**

- 3.2 This review is borne out of concerns among a significant number of young people about personal safety as they travel on public transport to and from school. A wealth of data from surveys and crime statistics highlight that robberies, bullying and anti-social behaviour are prevalent at the end of the school day in areas where young people congregate.
- 3.3 The task group found that there has been some attempt to tackle this issue. In 2006, the council, as part of a neighbourhood working initiative ran a project with a secondary school in Dollis Hill where dedicated youth workers were employed to travel with pupils on school buses. As part of the scheme a monthly courtesy ward was presented to pupils rewarding good behaviour. Overall this project was found to significantly reduce crime and anti-social behaviour. The safety in and around schools working group has recently secured funding from Transport for London to run a pilot school escort project across schools in Brent. However there are concerns about the long term sustainability of this type of work.
- 3.4 Brent has a well established Safer Schools Partnership. Police officers run a number of projects to promote safer school journeys including providing property marking and running a 'keep your stuff safe' lesson during personal, health and social education (PHSE) at the school. Transport for London has developed a number of initiatives to promote good behaviour on buses amongst pupils. However all this work needs to be promoted to secure greater participation in Brent schools.
- 3.5 A number of witnesses highlighted that overcrowding on the 245 bus perpetuates problems around school safety. This bus route stops outside a number of schools and often becomes overcrowded at the end of the school day, which can lead to bullying and anti-social behaviour amongst young people.
- 3.6 Immense pressure on school curriculums means that there is difficulty in encouraging schools to prioritise this issue. The task group have identified way that this work can be embedded into existing agendas through including behaviour on the school journey in home-school agreements.
- 3.7 Stereotyping of young people in the mass media contributes to negative perceptions of young people and is causing a gulf between older and younger generations.



**4.0 After considering all the evidence the task group developed the following recommendations:**

**Recommendation One**

That the membership of the Safety and Security in and around Schools working group is reviewed to ensure that all relevant partners are represented

**Recommendation Two**

That the Children and Families Overview and Scrutiny Committee review current activity to engage persistent young offenders in the borough.

**Recommendation Three**

That the council develop intergenerational projects to build a greater understanding and mutual respect between young and older people.

**Recommendation Four**

That a web resource is developed by the Children and Families Department for schools which provides information on resources available to tackle bullying in the community, which should also include Brent's anti-bullying guidance on the home to school journey and the work of the Safer Schools Partnerships.

**Recommendation Five**

That primary schools are encouraged to participate in Transport for London citizenship programmes

**Recommendation Six**

That Safer Schools Officers help schools to develop a travel plan incorporating crime and safety issues

**Recommendation Seven**

That recognising achievement should be part of all school escort projects, as a way of encouraging school pupils to act responsibly.

**Recommendation Eight**

That Transport for London increase the 245 bus service at peak times

**Recommendation Nine**

That the Children and Families Department spread good practice on the provisions within the Education Act to promote safety outside of schools

**Recommendation Ten**

That the Children and Families Department encourage schools to include the journey to and from school in their home-school agreements.

## 5.0 Service Department Response

Recommendation	Service Response	Officer Responsible
<p>1. That the membership of the Safety and Security in and around Schools working group is reviewed to ensure that all relevant partners are represented</p>	<p>The membership of this group will be reviewed.</p>	<p>N Rush and Inspector Mark Hambleton of Brent Police.</p>
<p>2. That the Children and Families Overview and Scrutiny Committee review current activity to engage persistent young offenders in the borough.</p>	<p>The children and Families Department has recently began a task group on youth offending and will include services for persistent young offenders in the review</p>	<p>Stella Akintan</p>
<p>3. That the council develop intergenerational projects to build a greater understanding and mutual respect between young and older people.</p>	<p>The council are currently planning a Phase 3 intergenerational children's centre in Kingsbury. The Centre will provide the full core offer including sign posting to early education and childcare, family support and outreach to parents and child and family health services. The children's centre will be co located alongside an existing day centre for the elderly and joint planning is currently underway between children's and adult services to ensure intergenerational services are planned and delivered particularly maximising on the skills and knowledge of the recently retired group of older people. The learning from the Kingsbury model will be used to develop intergenerational forums in each of the 5 Brent localities.</p>	<p>K Pau</p>
<p>4. That a web resource is</p>	<ul style="list-style-type: none"> <li>• Information on resources to tackle</li> </ul>	<p>A. Felsenstein</p>

<p>developed by the Children and Families Department for schools which provides information on resources available to tackle bullying in the community, which should also include Brent's anti-bullying guidance on the home to school journey and the work of the Safer Schools Partnerships</p>	<p>bullying in the community and anti-bullying guidance to be put on Local Safeguarding Children Board (LSCB) website</p> <ul style="list-style-type: none"> <li>• Work with E-Safety Officer to ensure that there is information for parents, practitioners and the community on the website</li> </ul>	
<p>5. That primary schools are encouraged to participate in Transport for London citizenship programmes</p>	<ul style="list-style-type: none"> <li>• LA to register with Transport for London Citizenship programme, highlight its strengths and then encourage primary schools to participate</li> </ul>	<p>A. Felsenstein</p>
<p>6. That Safer Schools Officers help schools to develop a travel plan incorporating crime and safety issues</p>	<ul style="list-style-type: none"> <li>• Agreed in principle. Safer School Officers should liaise with Deborah Bonner, senior travel plan officer in Environment &amp; Culture</li> </ul>	<p>R. Boxer</p>
<p>7. That recognising achievement should be part of all school escort projects, as a way of encouraging school pupils to act responsibly.</p>	<ul style="list-style-type: none"> <li>• Agreed that this should be incorporated into all projects.</li> </ul>	<p>R. Boxer</p>
<p>8. That Transport for London increase the 245 bus service at peak times</p>	<p>Transport for London has stated the following; "In relation to the action on increasing the capacity of Route 245, at the beginning of this term we introduced an additional journey to route 245 in the morning peak towards Golders Green. Data suggests that this has resolved the capacity issue and TfL has not received complaints about the route this academic year" These findings will also be reviewed by the Public Transport Liaison Committee</p>	<p>Jim Lawman</p>

9. That the Children and Families Department spread good practice on the provisions within the Education Act to promote safety outside of schools	The key provisions of the Education and Inspections Act, 2006 in relation to promoting safety outside of schools to be highlighted to schools through letter to headteachers and reminder on the schools extranet	A. Felsenstein
10. That the Children and Families Department encourage schools to include the journey to and from school in their home-school agreements.	Schools to be encouraged through letter to headteachers, information to be put on the schools extranet and network meetings of senior and middle school leaders	A. Felsenstein

## 6.0 Legal Implications

- 6.1 Section 89 Education and Inspections Act 2006 defines the responsibilities of the head teacher for establishing and maintaining a behaviour policy for the school that promotes self-discipline, respect for others and proper regard for authority.
- 6.2 *S 89 (5) Education and Inspections Act 2006* enables the head teacher to determine (to such an extent as is reasonable) measures to regulate the behaviour of pupils when they are not on school premises or under the control or charge of a member of the school staff. This would, for example, allow rules governing behaviour on the journey to and from school and during work experience placements.
- 6.3 The Local Authority has a duty for making arrangements for safeguarding and promoting the welfare of children by virtue of s11 Children Act 2004.
- 6.4 The Crime and Disorder Act 1998 promotes the practice of partnership working to reduce crime and disorder and places a statutory duty on police and local authorities to develop and implement a strategy to tackle problems in their area. In doing so, the responsible authorities are required to work in partnership with a range of other local public, private, community and voluntary groups and with the community itself.

## 7.0 Financial Implications

- 7.1 The cost of implementing the recommendations within the task group report can be met from existing budgets, where these relate directly to the council.

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PHIL NEWBY

Director of Policy and Regeneration



## **Pupil safety on the journey to and from school**

Membership:  
Councillor Mary Arnold  
Councillor Kanta Mistry (Chair)  
Councillor Chandubhai Patel

## Contents Page

Foreword by Chair of the task group, Councillor Kanta Mistry	3
Executive Summary	4
Recommendations	6
Introduction	7
Membership and Methodology	8
Background	8
National Policy Context	10
Local Policy Context	11
<b>Key Findings of the task group: Tackling bullying, anti-social behaviour and crime</b>	<b>12</b>
School escort project	15
Transport for London Project	17
<b>Public Transport</b>	<b>18</b>
Overcrowding on buses	19
Relationships between pupils and bus drivers	19
Use of CCTV on buses	20
<b>The role of Schools</b>	<b>20</b>
Home-school Agreements	20
Statutory Powers for Schools	21
<b>Conclusion</b>	<b>21</b>



*Foreword by Councillor Kanta Mistry*

Brent is a young borough, a quarter of our population are under 19 year old compared with the London average of one fifth. We are proud that our young people have achieved the 8<sup>th</sup> highest levels in London for 5 or more A\*-C grades at GCSE including English and Maths. We also have a thriving youth parliament and well attended consultation group Brent Youth Matters Two.

It is therefore of great concern that some young people in the borough do not feel safe on school journeys. We know from crime statistics and feedback from young people themselves that school journeys can be blighted by robbery, bullying and anti-social behaviour. This has a negative impact on pupils as well as those nearby. Working in a school myself, I have witnessed some of these issues first hand.

That is why I welcomed the opportunity to chair this task group. I believe that the council and its partners can make a difference. In speaking to pupils, the police, council officers, local Bus companies and safer transport officers, we have found that good work is already happening to tackle this issue and we have identified and recommended ways that by working together, services can be improved even further.

I would like to thank my colleagues Councillor Mary Arnold and Councillor Chandubhai Patel who participated in the review as well as all the witnesses who attended our task group meetings to give evidence. A special thanks also goes to the school council at Wembley High Technology College, and representatives from Transport for London, First and Metrolink bus companies whose positive contribution helped to shape our findings.

As a member of the Children and Families Overview and Scrutiny Committee I will also have a role in ensuring that the recommendations set out within this review, once agreed by our Executive, are implemented over the next six to twelve months.

## Executive Summary

This review is borne out of concerns among a significant number of young people about personal safety as they travel on public transport to and from school. A wealth of data from surveys and crime statistics highlight that robberies, bullying and anti-social behaviour are prevalent at the end of the school day in areas where young people congregate.

The aims of the task group were to:

- Review existing partnerships in place to tackle safety on the journey to and from school
- Look at ways to support and encourage schools to implement initiatives to improve safety on the journey to and from schools
- Look at good practice from other local authorities on ways to improve safety on the journey to and from school.

The task group has consulted as widely as possible and carried out the following activities:

- Met with the Community Safety Officer, Brent Council
- Visited the School Council, Wembley High Technology College,
- Met with the Behaviour and Attendance Consultant, Brent Council
- Met with the Transportation Team, Brent Council
- Met with Safer Schools Officers
- Met with Safer Transport Officers
- Met with representatives from Transport for London, Metroline and First, Bus Companies.
- Undertook a desktop review of good practice from other local authorities

The task group found that Brent Council has been proactive in tackling pupil safety on the journey to and from school. In 2006, the council, as part of a neighbourhood working initiative ran a project with a secondary school in Dollis Hill where dedicated youth workers were employed to travel with pupils on school buses. As part of the scheme a monthly courtesy ward was presented to pupils rewarding good behaviour. Overall this project was found to significantly reduce crime and anti-social behaviour.

Brent Children's Partnership which is Brent's Children's Trust has prioritised this issue and set up a 'Safety and Security in and around Schools working group'. The working group provides a multi-agency response to this issue and includes representation from the Police, Brent Head Teachers Association, Transport for London, the youth service and community safety teams at the council. The group



has recently secured funding from Transport for London to run a pilot school escort project across schools in Brent.

Brent has a well established Safer Schools Partnership. There are eight Safer Schools Officers in the borough which is one police officer for every two secondary schools. The officers run a number of projects to promote safer school journeys including providing property marking and running a 'keep your stuff safe' lesson during personal, health and social education (PHSE) at the school. They also run training sessions for schools such as critical incident training which would help them to deal with a major incident should it arise.

The task group also found that Transport for London have developed a number of initiatives to promote good behaviour on buses amongst pupils. The London Transport Museum runs a safety and citizenship programme for year six pupils to prepare them for independent travel before they move to secondary school. This is an important project because it helps to instil acceptable standards within young people before the problem occurs.

During the course of the review the task group found that there are specific concerns around:

- Overcrowding on the 245 bus
- Perceptions of young people especially when travelling on buses
- Pressure on schools and difficulty in prioritising this issue

As a result of their investigation the task group developed a range of recommendations aimed at the council, the police and Transport for London.

## Recommendations

1. That the membership of the Safety and Security in and around Schools membership is reviewed to ensure that all relevant partners are represented
2. That the Children and Families Overview and Scrutiny Committee review current activity to engage persistent young offenders in the borough.
3. That the council develop intergenerational projects to build a greater understanding and mutual respect between young and older people.
4. That a web resource is developed by the Children and Families Department for schools which provides information on resources available to tackle bullying in the community, which should also include Brent's anti-bullying guidance on the home to school journey and the work of the Safer Schools Partnerships.
5. That primary schools are encouraged to participate in Transport for London citizenship programmes
6. That Safer Schools Officers help schools to develop a travel plan incorporating crime and safety issues
7. That recognising achievement should be part of all school escort projects, as a way of encouraging school pupils to act responsibly.
8. That Transport for London increase the 245 bus service at peak times
9. That the Children and Families Department spread good practice on the provisions within the Education Act to promote safety outside of schools
10. That the Children and Families Department encourage schools to include the journey to and from school in their home-school agreements.

## Introduction

For the majority of pupils in Brent; the journey to and from secondary school is safe and uneventful. However, the work of this task group is borne out of the concerns among a significant number of young people about personal safety as they travel on public transport to and from school. A wealth of data from surveys and crime statistics highlight that robberies, bullying and anti-social behaviour are prevalent at the end of the school day in areas where young people congregate.

Young people of the 21<sup>st</sup> century often carry accessories such as iPods, computer games and mobile phones worth hundreds of pounds. The theft of these items is lucrative and often relatively easy to carry out. Unfortunately this activity is on the rise and both the victim and the perpetrator will be a school pupil.

As a result, the fear of crime among young people has soared. Adults are also increasingly afraid of young people. This fear is fuelled by negative portrayals of young people in the media as criminals, antisocial and involved with gun and knife crime. A survey by Catch 22<sup>1</sup> found that 64% of adults over estimate the numbers of young people involved in crime and are less likely to associate them with doing good work in the community.

The aim of this task group is to consider the Brent response to this London wide problem. The issues raised in this review do not sit neatly within one policy area. They require a partnership approach between schools, the council, the police, transport providers and young people to find solutions.

We are aware that the council is taking this seriously and has provided a co-ordinated response. Our aim is to ensure that the resources are being used effectively, are having an impact and that all the relevant partners are involved. Most importantly, we want to see that our efforts are resulting safer journeys for young people and other passengers.

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<sup>1</sup> Research commissioned by Catch22 on behalf of The Philip Lawrence Awards, August 2009.

## **Membership**

The members of the task group were:

- Councillor Arnold
- Councillor Mistry (Chair)
- Councillor C.J Patel

## **Methodology**

The aims of the task group were to:

- Review existing partnerships in place to tackle safety on the journey to and from school
- Look at ways to support and encourage schools to implement initiatives to improve safety on the journey to and from schools
- Look at good practice from other local authorities on ways to improve safety on the journey to and from school for pupils

The task group has consulted as widely as possible and carried out the following activities:

- Met with the Community Safety Officer, Brent Council
- Visited the School Council, Wembley High Technology College,
- Met with the Behaviour and Attendance Consultant, Brent Council
- Met with the Transportation Team, Brent Council
- Met with Safer Schools Officers
- Met with Safer Transport Officers
- Met with representatives from Transport for London, Metroline and First, Bus Companies.
- Undertook a desktop review of good practice from other local authorities

## **Background**

Feedback from forums such as the Brent Youth Parliament and the responses captured in the TellUs2 and TellUs3 Ofsted surveys indicate that school pupils across the borough have concerns regarding their personal safety on the journey to and from school.<sup>2</sup>

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<sup>2</sup> *The TellUs surveys elicit the views of pupils in years 6,8 and 10.* Responses indicating that young people felt 'A bit/very unsafe' going to and from school and on public transport in Brent were 5% and 7% higher than the national average respectively. Feedback was similar in the TellUs3 Ofsted survey which demonstrated that pupils feeling a bit/very unsafe' going to and from school and on public transport in Brent was 5% higher than the national average.

This is supported by crime data compiled by the council's community safety team at the council which demonstrates that there are clear links between youth robbery, school locations, terms dates, travel times, routes and transport hubs.

The problem is exacerbated by large numbers of school children congregating in transport hubs and high streets adjoining their schools while waiting for buses after school. Often these sites become the location of bullying, anti-social and criminal behaviour which in turn raises the fear of crime in not only other students present, but also in members of the public who are travelling and shopping in the area.

This is not just a problem in Brent, a scrutiny review on Young People Policing and crime, by the Metropolitan Police Authority entitled *Seen and Heard*<sup>3</sup> which sought views on young people's experiences as victims, witnesses and perpetrators of crime in the capital, highlighted similar issues across London.

Findings from the review indicated that one of the most common locations for youth crime was outside school and that young people were most likely either to be victimised or to commit a crime in the hours after school or college, between 3pm – 5pm or late at night.

Discussions with young people on personal safety highlighted that many felt that they had to take a number of steps to ensure that they could travel on public transport. Young People talked about avoiding the top decks of buses; avoiding particular bus routes at particular times of the day; and even making decisions about which was the safest bus stop to begin or end a journey at.

The *Seen and Heard* report also highlights that territorialism is a major contributory factor to young people decisions about areas that they consider safe to travel to within London. Young people stated that in some areas, particularly where gang activity was rampant, if they entered a different postcode area they were vulnerable and at risk of attack. There is also territorialism between schools. This can result in tensions arising and fights between young people from different schools.

The Director of Kids Company<sup>4</sup> provided an explanation as to why some young people had such strong loyalties to their areas. She explained that young people who were cut off from mainstream civic culture due to economic and social deprivation and those who lacked strong supportive family connections created their own alternative cultures, resulting in a disproportionate value being placed on one's area.

The report also unearthed evidence of a 'no snitching' phenomenon amongst young people. The pervasive view is that crime should not be reported to the police as they wouldn't be able to protect them or their families from any repercussions.

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<sup>3</sup> *Seen and Heard: Young People, Policing and Crime*, A Metropolitan Police Authority Report 2008.

<sup>4</sup> Extract taken from *Seen and Heard* MPA report, 2008

Crimestoppers (2002)<sup>5</sup> national survey of crime amongst under 16's found that 51% of the 1,064 young people that took part in the survey, had not reported being a victim of crime to the police.

### **National Policy Context**

The work within this review cuts across the interconnected areas of bullying, youth crime and anti-social behaviour but much of this focus of this work is how it relates to bullying in the community. This is a relatively new policy area as most work on bullying focuses on the school environment.

The Every Child Matters<sup>6</sup> Agenda provides a framework for all matters that relate to children and young people up to the age of 19. It outlines five clear outcomes for children:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

Tackling bullying is explicitly mentioned within two Every Child Matters outcomes:

#### Outcome 2: Stay Safe

1. Aim: Children and young people need to be safe from bullying and discrimination

#### Outcome 4: Make a Positive Contribution

2. Aim: Children and young people are helped to develop positive relationships and choose not to bully or discriminate

The Department for Children Schools and Families<sup>7</sup> issued guidance this year for local authorities and other partners on how to reduce bullying in the community. This guidance specifically addresses the journey to and from school. The guidance states that "Local authorities have a duty to safeguard and promote the welfare of children. Tackling bullying is a key part of fulfilling this duty."

Furthermore, the guidance states that Children's Trusts and their relevant partners should consider tackling bullying as part of their wider role in safeguarding children and young people. Local Authorities are also encouraged to provide information about where young people can turn to for help if they are bullied in the community.

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<sup>5</sup> *Crimestoppers Youth Survey 2002* London

<sup>6</sup> Every Child Matters was enshrined in the Children's Act 2004 and set out new ways of managing children's services with an emphasis on partnerships and collaborative working

<sup>7</sup> *Safe from Bullying: Guidance for local authorities and other strategic leaders on reducing bullying in the community, 2009.*

The framework for preventing bullying in the community is supported by a range of other initiatives:

- In 2002 the government launched Safer Schools Partnerships, marking a new approach to the way the police are involved in schools. The scheme encourages pupils and the police to build good relationships, with a police officer attached to the school. The partnerships develop a range of projects tailored to the needs of the local school these include engagement with parents to address behavioural issues, working with young people at risk, assist in the reduction of truancy rates and exclusion, and tackle offending and anti-social behaviour to create a safer working environment and safer communities.
- Safer Transport Teams (STT's) were set up in 2007 to improve safety in outer London's transport network. STT's patrol the boroughs bus networks, provide extra visibility and reassurance to passengers. They also tackle crime and anti-social behaviour on buses and trams and work with the British Transport Police to improve safety at train and tube stations.
- The Education and Inspections Act 2006 provides statutory powers for schools to discipline pupils who behave badly on the way to and from school, for instance when travelling on buses and trains.

## **Local Policy Context**

Brent Council has been proactive in tackling pupil safety on the journey to and from school. In 2006, the council, as part of a neighbourhood working initiative ran a project with a secondary school in Dollis Hill where dedicated youth workers were employed, to travel with pupils on school buses. As part of the scheme a monthly courtesy award was presented to pupils rewarding good behaviour. Overall this project was found to significantly reduce crime and anti-social behaviour.

Brent Children's Partnership <sup>8</sup>, which is Brent's Children's Trust has prioritised this issue and set up a 'Safety and Security in and around Schools working group'. The working group provides a multi-agency response to this issue and includes representation from the Police, Brent Head Teachers Association, Transport for London, the youth service and community safety teams at the council.

A number of actions and projects have been developed by the group such as looking at crime statistics to ensure that additional resources are deployed to the sites with the highest levels of criminal activity.

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<sup>8</sup> Brent Children's Partnership has recently changed its name and was previously called the Children and Young People's Partnership Board

They are also looking at ways to encourage schools to include crime and safety issues within school travel plans. A school travel plan puts forward a package of measures to improve safety and reduce car use, backed by a partnership involving the school, education and transport officers from the local authority, the police and the health authority. Sustainability is a strong theme within travel plans and the working group would like crime and safety issues to be included because it will be an opportunity to tackle safety issues and concerns in a joined up consistent and structured manner.

The working group were recently successful in obtaining funding from Transport for London (TfL) to pilot a safer school travel plan and bus escort project. This will be built on the methods used within the Dollis Hill school escorts project. This facilitates school journeys either with existing school or agency staff or by working with safer transport teams. All schools who participate in the pilot will be required to have a travel plan which incorporates crime and safety issues.

Brent has a well established Safer Schools Partnership. There are eight Safer Schools Officers in the borough which is one police officer for every two secondary schools. The officers run a number of projects to promote safer school journeys including providing property marking and running a 'keep your stuff safe' lesson during personal, health and social education (PHSE) at the school. They also run training sessions for schools such as critical incident training which would help them to deal with a major incident should it arise.

## **Key findings of the task group**

Tackling bullying, anti-social behaviour and crime

The task group wanted to understand the nature of bullying, anti-social behaviour and crime that takes place in schools and on the journey, how it impacts on young people and the community as well as the measures in place to tackle it.

*Views from young people on bullying, anti-social behaviour and crime*

The first group of witnesses that we spoke to were the school council at Wembley High Technology College. We were pleased to find that the pupils did not report a major issue in relation to their personal safety when travelling to and from school, although we are aware that this was not representative of pupils experience across Brent schools.

One pupil reported that they thought that they were going to be mugged by a crowd of youths but were able to make their way back to school and phone their parents. Other pupils had witnessed incidences take place on the bus where they felt that another young person was being bullied, they were too afraid to intervene themselves and also felt that the bus drivers were unhelpful.



Pupils were aware about the dangers of carrying high value items to school and one reported that they had been shown a DVD at school on personal safety and had found it useful.

### *Role of Brent Police in tackling bullying, anti-social behaviour and crime*

We met with senior Police Officers from the Safer Neighbourhood Team to gain an understanding of their work to address bullying in the community. We were informed that crime on the journey to and from school is a priority for the police and extra resources had been dedicated to tackling it.

Officers informed us that all crime is down in Brent. Robbery amongst young people is a reflection of the modern times where expensive accessories are common amongst school pupils; this would not have been the case even a decade ago. Many schools have banned pupils from bring mobile phones to school but this has done little to tackle the problem.

In Brent, there are no crime hotspots in the immediate area around schools; this is because teachers and safer schools police officers patrol outside the gates at the end of the school day. This visible presence regulates pupil's behaviour. Much of the crime committed by school pupils is displaced to the nearest transport hubs and shops.

Officers reported that the majority of young people engaged in anti-social behaviour, bullying and crime are known to the police, resources are concentrated on those young people who are on the fringes of criminal activity but can still be influenced by positive interventions.

To address some of the challenges posed by antisocial behaviour on the journey to and from school, safer schools officers have developed a range of initiatives. The main strategy has been reducing pupil's vulnerability to becoming victims of crime. Projects have been developed by the Brent Community Safety Partnership and delivered by the Safer Schools Officers. Pupils are advised on property marking and keeping expensive belongings out of sight.

Recently a successful project was held with year 8 pupils where they were invited to watch training of police dogs and horses. This showed a different side to the work of the police and helped to break down barriers between the police and young people. Similarly, police officers ran some role play workshops on 'stop and search' this helped to give young people a better understanding of the issues and difficult decisions that police need to make in relation to this controversial procedure.

Officers informed us that the introduction of safer schools partnerships has had a positive influence in Brent. Two years ago there were four safer schools officers and relations between the police and schools were poor. Now there is a dedicated sergeant as well as one officer between two schools. Officers are in the schools every day dealing with issues as they arise. Activities could include talking at an

assembly on rail safety, robbery and knife crime. They also work with pupils who have been victims of crime, as well as those identified as at risk of falling into crime.

However, raising the profile of and tackling crime and safety issues in schools remains a challenging area. Safer Schools Partnerships are a new approach and there are varying rates of success. Some schools have embraced the initiative and are keen to work with officers to develop projects, while others are more reluctant. Overall schools can be difficult to engage. Even if the head teacher is keen and willing to participate, officers felt that sometimes this is not articulated further down the hierarchy.

Officers also told us that there is no standard policy on bullying and robbery and the lines are often blurred. An incident can take place in a school and be defined as bullying, the same act can take place on the street and be defined as robbery. Schools are keen to protect their reputation and are more likely to deal with incidents such as pupils stealing money from each other in school without outside intervention. The police are keen to work within the disciplinary process within the school but it is important that schools develop a clear policy on this in order to send out consistent messages to young people.

We were concerned when the police informed us that a hardcore group of a small number of young people are repeat offenders and committing a disproportionate amount of the crime. Finite resources will mean that the police will focus on the larger group of young people who are at risk of falling into crime but can be influenced. Whilst we recognise the constraints that the police are working in, we also felt that as councillors we needed to probe into the support available to this hardcore group who were in danger of continuing criminal activity into adulthood. In such cases, anti-social behaviour and bullying can spill over into the more serious gang activity and knife crime. In the long term this leads to a much greater financial and social burden on the council. As this did not strictly fit within the remit of this review we would like the Children and Families Overview and Scrutiny Committee to consider this issue either as a task group or as an agenda item.

#### *Work within Brent Council to tackle crime, anti-social behaviour and bullying*

The task group met with the council's Secondary Behaviour and Attendance Consultant, who leads on developing and supporting anti-bullying policies. He has reviewed secondary school policies and found that only two schools made specific reference to bullying on the journey to and from school in their behaviour code.

He reported that schools had not approached him regarding bullying outside of school. The council's work to tackle bullying has focused on general bullying in school, bullying around race, religion and culture, bullying based on special educational needs, cyberbullying and homophobic bullying. Support is also given to schools to train peer mentors, work with anti-bullying councils, tackle bullying through the curriculum, for example, the SEAL (social and emotional aspects of learning) and celebrate National Anti-Bullying Week. It was reported that behaviour outside school is taken very seriously by head teachers as similar behaviour could erupt in the school and affect its image.

We discussed ways in which this could be embedded within the school curriculum and it was agreed that a good way forward would be to provide information for schools on where resources could be found should they require it. There also needs to be collaborative approach between the council's transportation, community safety and children and families teams to address the issues.

The Secondary Behaviour and Attendance Consultant reported that he is currently updating Brent's anti-bullying guidance and in light of discussions with the task group he will include guidance on the journey to and from school.

We also met with the council's Community Safety Officer who is co-ordinating the work of the safety and security in and around schools working group. She reported that a survey by Brent's Safer Transport Team highlighted that 80% of people felt unsafe when travelling with school pupils. Anecdotal evidence from talking to young people in youth groups also highlights that a significant number tend to adopt a fatalistic attitude and expect that they will be robbed at some point.

The Community Safety Officer outlined that because of the partnership approach of the working group there is a quick response if criminal activity increases within a particular area. It means that using the latest crime evidence resources are deployed quickly.

### *School Escort Project*

In Brent, a number of teams including; community safety, safer schools officers, Safer transport teams and travel plan officers are leading on developing the escort project funded by Transport for London. This project involves escorts travelling on the buses and acting as a visible presence at transport hubs at the end of the school day. The escorts will act as a support to vulnerable students, encourage good citizenship, deter criminal and antisocial behaviour and promote better behaviour on the public transport system.

The criteria for the funding means that the schools participating in the pilot project must have a travel plan. This is an opportunity to work with the school to ensure that crime and safety measures are incorporated into the plans. The scheme means that acceptable behaviour standards are explained to pupils during assembly. There will be a 'three strikes and you are out' policy operating on oyster cards. Pupils who continually misbehave on buses will lose their oyster cards. It was emphasised that this measure will not be implemented in a heavy handed way and pupils will receive plenty of warnings before extreme sanctions are applied.

Travel Plan officers highlighted some of the emerging challenges with the implementation of this project. There have been problems in finding suitable escorts to travel on the buses. Teachers are preferable because they know the pupils and will be able to identify culprits as well as command respect. It was also difficult to engage schools in the project however four schools have been included in the first round.

The schools were selected for the project because they are facing a range of issues including anti-social behaviour, conflicts between pupils of neighbouring schools, disturbances at nearby transport hubs, incidences on buses. All schools have reported a decrease in incidences since the project began.

Travel Plan officers informed us that we need to understand the far reaching implications of problems on school journey's. Concerned parents could begin to drive their children to school, which would impact upon the council's sustainability agenda. If young people have their oyster card withdrawn this could lead them to playing truant from school. Problems on buses can mean that pupils are late for school.

We also asked travel plans officers about other forms of sustainable travel to school such as cycling, we were informed that schools do provide sessions to teach young people how to cycle but are more reluctant to promote cycling to school as they cannot guarantee safety.

Overall there was widespread support for the school escort project and recognition that where this had been piloted it led to a reduction in offences.

We met with officers from the Safer Transport Teams who informed us that although they are aware that their presence does make a difference and deter young people from unacceptable behaviour, officers are not aware of what sanctions are in place if they report issues to teachers.

We would like to see a greater role for the Safer Schools Officers in helping schools to develop school travel plans. The Community Safety Officer informed us that Safer Schools Officers are well placed to support schools in developing travel plans. Currently 80% of schools in Brent have a plan or are in process of developing one. Those that don't may be facing difficulty because they are resource intensive and take a considerable amount of time to complete.

However safer schools officers with their expertise on transport issues can help them to complete these which will support a number of agendas including sustainability issues and school safety. The safety and security around schools working group is currently in discussion with safer schools teams to pursue this approach and we would like to endorse this idea.

The emerging evidence from the schools escort and travel plan project suggests that if this pilot is successful is rolled out across the council it will address a number of problems. When speaking with the school council at Wembley High we felt that the pupils were not aware of what was expected of them. More needed to be done to raise awareness of acceptable standard of behaviour on buses. This is an important aspect of the school escorts pilot and acceptable standards of behaviour are spelt out to young people during assembly and sanctions for bad behaviour will be in place. Travel Plan officers also informed us that the Dollis Hill escort project highlighted that drivers are more willing to stop for large crowds of pupils when they know an escort will be travelling with them.

We were also informed that experience from the Dollis Hill school escort project highlighted that it is important that the school escort project is council led. This work is only successful if there is a partnership approach and that the escorts are either teachers or youth workers who know the pupils. It has proved to be less successful if the escort does not know the pupils and therefore not able to report issues and concerns to the school.

### *Transport for London Projects*

TfL have developed a number of initiatives to promote good behaviour on buses amongst pupils. The London Transport Museum runs a safety and citizenship programme for year six pupils to prepare them for independent travel before they move to secondary school. This is an important project because it helps to instil acceptable standards within young people before the problem occurs. We would like all primary schools in Brent to participate in this programme.

Transport for London has recently produced public transport guidance<sup>9</sup> to raise awareness about safe and responsible use of public transport to promote sustainable travel options amongst school communities. The section on supporting good behaviour on public transport features some good practice ideas about safe school journeys. It also includes a case study from the Dollis Hill school escorts project. TfL informed us that this document will be promoted across London.

The task group want to emphasise the importance of recognising achievement as well as challenging bad behaviour amongst pupils. We support the community award scheme as part of the Dollis Hill school escort project and believe that this should be an integral part of future school escort projects.

The task group welcomed the variety of interventions from safer schools police officers, TfL and the council to address this issue. We were concerned that the relevant parts of the council are not engaged in this work and working together. We believe that the officers who work directly with schools within the children and families department and transportation teams should be involved. Therefore we believe that the membership of the Safety and Security in and around Schools working group needs to be reviewed to ensure that all the relevant partners are represented.

The task group would also like to see projects that help to strengthen communities so that different generations of people are not afraid or sceptical of each other. During discussions with pupils at Wembley High, the school council felt that society needed to be more tolerant towards young people and it shouldn't be assumed that a group of young people talking and laughing constitutes gang related activity or anti-social behaviour.

We believe that the council should implement some intergenerational projects. This involves developing projects where young and older people provide support to and learn from one another. This work helps to reconnect generations through mutually

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<sup>9</sup> Transport for London: Tickets Please – Public Transport Guidance

beneficial activities which help to build more cohesive communities. The Age Concern project below is a good example of this type of work:

### **Age Concern Enfield's Trans-IT computer project**

This began as a pilot between Age Concern Enfield and a local secondary school. The project involves a weekly programme of one-to-one tuition delivered by young volunteers. It has not only helped older people to learn IT skills and improve their sense of wellbeing but has served to dispel negative perceptions between generations and help build lasting friendships. After a successful first year the value of its work has been recognised by local neighbourhood police and the project has expanded to involve more local schools in the area.

**Source:** National Youth Agency Website

### **Recommendations:**

1. That the membership of the Safety and Security in and around Schools membership is reviewed to ensure that all relevant partners are represented
2. That the Children and Families Overview and Scrutiny Committee review current activity to engage persistent young offenders in the borough.
3. That the council develop intergenerational projects to build a greater understanding and mutual respect between young and older people.
4. That a web resource is developed by the Children and Families Department for schools which provides information on resources available to tackle bullying in the community. This should include Brent's anti-bullying guidance on the home to school journey and the work of the Safer Schools Partnerships.
5. That primary schools are encouraged to participate in Transport for London citizenship programmes
6. That Safer Schools Officers help schools to develop a travel plan incorporating crime and safety issues
7. That recognising achievement should be part of all school escort projects, as a way of encouraging school pupils to act responsibly

*Public Transport*

A key line of enquiry within this review is the role of transport providers and particularly bus operators. We were particularly keen to look at partnership working at the local level. To ascertain the extent to which transport providers were articulating acceptable standards of behaviour to young people as well as working with schools to tackle this issue. We sought views from council transportation officers and safer transport team officers. We also held a roundtable discussion with Transport for London (TfL), Metroline and First bus groups who provided evidence on the work that they are doing to tackle this important issue.

### *Overcrowding on buses*

During our meeting with the school council at Wembley High, pupils expressed concern about the 245 bus. Pupils said the overcrowding on the bus was a major contributor to the problem of pupils being disruptive. Pupils are aware that they are often seen as a nuisance to other passengers, this was caused by lots of pupils trying to get on the bus at the same time. This has a knock on effect on other passengers and can make their journey unpleasant.

The pupils asserted that if buses were more regular groups would be dispersed more quickly which would help to alleviate the problem. In easing congestion pupils would be more likely to operate in an orderly manner thus making a more pleasant journey for all.

TfL reported that bus use has increased by 50% since 2000. New routes and increased services have attracted more passengers. The network is designed to be full at peak times so some overcrowding will be inevitable. If TfL are told about an additional service need then they will commission a survey to look into it.

We raised our concerns about the 245 bus with the Deputy Director Community Safety Enforcement and Policing and informed us that their Bus Performance Team were already aware of the issues and were looking into it. We believe that dealing with the issues around this bus service will help to alleviate the problems and we would like to impress upon the council to continue to pursue this issue with TfL.

### *Relationships between pupils and bus drivers*

The school council reported that bus drivers sometimes drive past when they see a large crowd of pupils. Overall pupils felt that they had poor relationships with both the driver and other passengers. They found that adults are often unfriendly and uncooperative towards them. The student council emphasised that good behaviour is a two way process and as much as they are expected to be polite, this should be reciprocated.

TfL, Metroline and First also recognised that the relationship between drivers and pupils can be an issue. Anecdotal evidence suggests that some drivers are reluctant to get involved in disputes and put themselves at risk. TfL representatives pointed

out that they are not expected to do the work of the police but to work in partnership with them to tackle issues and prevent them from escalating.

### *Use of CCTV on buses*

TfL and the local bus companies also contribute to reducing crime and antisocial behaviour. We were informed by travel plan officers that there needs to be strong links between the police, bus companies in using CCTV to deter young people from crime. We were told that some young people believe that CCTV on buses does not work and therefore does not deter people or provide reassurance. We raised our concerns during the round table discussion.

We were informed that CCTV is in operation on all London Buses, it was reported that the quality of the information is improving and is held for ten days. CCTV is passed over to the police upon request. CCTV has been useful as both a deterrent to potential crime and in identifying assailants. It is also important in the work of Metroline buses in tackling criminal damage.

It was reported that any damage to Metroline buses is reported to the police and if it involves a school group then the CCTV evidence is taken to the school. We were given an example of an occasion where the company had CCTV footage of pupils committing criminal damage. The school allowed the bus company to come into the school and show the footage during assembly. This helped to build up a relationship between the drivers and the pupils and eliminated the problem. We were informed that other activities of this nature are available through TfL's Safety and Citizenship programme for schools.

### **Recommendation:**

8. That Transport for London increase the 245 bus service at peak times

### **The role of schools**

A re-occurring theme that emerged during our discussions was that schools are very keen to protect their reputation and can be reluctant to engage in initiatives that give the impression that they are experiencing a particular problem, such as bullying and anti-social behaviour from pupils at the end of the school day.

We are also aware that schools are faced with a number of competing priorities, and there is immense pressure on curriculums to accommodate both the national requirements and new initiatives. In this context encouraging schools to take on another priority issue seemed futile. We were also informed by our witnesses that schools are unlikely to take this on as a priority so more work needs to be done to raise the profile of this work with head teachers and school governors.

### *Home School Agreements*



We were informed by the Travel Plan officers that all schools are required by the School Standards and Framework Act 1998 to develop a home school agreement, which must be monitored by the governing body. This is a statement explaining the school's aims and values and its responsibilities towards its pupils and parents. It also clearly sets out what the school expects of its pupils. It is based on the idea that pupils do better when parents and the school work in partnership to support pupil learning.

This mechanism is an important way to ensure that parents, pupils and the school are all engaged in monitoring pupils' behaviour on school journeys. We recommend that schools should be encouraged to include school journeys in the home-school agreement.

### Statutory powers for schools

During the course of our review we had several discussions about the use of the Education Act 2006, which provides statutory powers for schools to discipline pupils who behave badly on the way to and from school, for instance when travelling on buses and trains. We were informed that no guidance has been issued to support the legislation and the provisions within the Act are not widely implemented within schools. Therefore we recommend that good practice around the use of this legislation is included in the web resource for schools.

### **Recommendation**

9. That the Children and Families Department spread good practice on the provisions within the Education Act to promote safety outside of schools
10. That the Children and Families Department encourage schools to include the journey to and from school in their home-school agreements.


### **Conclusion**

We have found that Brent is taking appropriate steps to tackle bullying in the community, and indeed has been at the forefront of spearheading good practice projects. However, more needs to be done to raise awareness of existing projects to schools and encourage them to participate.

There needs to be a focus on repairing and strengthening our communities. We are concerned about the growing divide between the young and older generations, where a healthy respect for elders and affection for the young has dissolved into a relationship of disdain and fear. Instituting preventative measures, such as school escorts on buses is not enough to solve these issues; they need to be tackled at their root and mutual respect rebuilt. Intergeneration projects are an important way to achieve this.

Given the pressure that schools are facing, we are keen to see this work embedded within existing agendas such as safer schools partnerships, home-school agreements and school travel plans.

We also welcome the Brent Youth Parliament Campaign *Break the Stereotype, fix the impression* which seeks to challenge negative portrayals of young people.

	<p style="text-align: center;"><b>Executive</b> <b>15 March 2010</b></p> <p style="text-align: center;"><b>Report from the Director of Policy and Regeneration</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>Climate Change Task Group</b></p>	

Forward Plan Ref: PRU-09/10-15

## **1.0 Summary**

- 1.1 This report sets out the findings and recommendations of the Overview and Scrutiny task group investigation into climate change in Brent, focussing on a review of the council's Carbon Management Strategy and Implementation Plan (CMS&IP).

## **2.0 Recommendations**

- 2.1 The Executive are asked to note the recommendations and the service department response.
- 2.2 That members of the task group be thanked for their work.

## **3.0 Detail**

- 3.1 At its meeting on 10 October 2007 the Overview and Scrutiny committee commissioned a review to consider climate change in Brent. The task group included the following members:

Councillor John Detre (who stepped down from the task group on appointment to the Executive)  
Councillor Derek Jackson  
Councillor Harshadbhai Patel (Chair)  
Councillor Harbhajan Singh

The aims of the task group were to:

- Monitor the implementation of the CMS&IP and review individual projects to investigate progress with work and challenging poor performance.
- Identify and examine other opportunities for the council to reduce its co2 emissions further to consider if more ambitious targets could be achieved in a cost effective manner.

### **Findings of the Task Group**

- 3.2 Climate change has been deemed the biggest environmental threat facing the modern world and Brent council is taking firm action to deal with this challenge. In 2001 Brent signed up to the Nottingham declaration on climate change, sustainability is a strong theme running through the council's corporate strategy. The council also recently agreed its first Climate Change Strategy.
- 3.3 During the course of this review, the councils plans to tackle climate change has been moving at a fast pace. Brent has agreed its first borough wide climate change strategy and developed a more appropriate way of measuring carbon emissions through setting a new baseline using more accurate data. In this respect, this work became a review of Brent's approach to carbon management. Many of the early emerging findings of the task group have already been included in the Climate Change Strategy such as developing sustainable schools forums and working with local builders to raise awareness about sustainability measures.
- 3.4 Overall the task group found that the council has made some headway in tackling climate change, however conflicting priorities and lack of resources has affected progress. In concluding the review the task group were concerned about the progress of our approach to reducing our carbon emissions but were cautiously optimistic about the range of measures in place to take this work forward.

### **4.0 After considering all the evidence the task group developed the following recommendations:**

#### **Recommendation One**

Brent to develop its own sustainability targets within the Building Schools for the Future Programme (when selected) to ensure that they are ambitious and fit within our local circumstances.

#### **Recommendation Two**

Use Mosaic to develop a targeted approach to communicating with residents on climate change issues.

#### **Recommendation Three**

A stronger role for climate change awareness within Area Forums

#### **Recommendation Four**

Develop a role for a councillor to become a climate change champion

#### **Recommendation Five**

Provide training for members to become Climate Change Champions

#### **Recommendation Six**

That each report presented to the council's Executive contains a paragraph outlining its environmental impact, in order to mainstream climate change mitigation in service delivery

### **5.0 Service Department Response**

Recommendation	Service Response	Officer Responsible
develop its own sustainability within the Building Schools for the Programme (when selected) to that they are ambitious and fit our local circumstances	The BSF team in conjunction with the Environmental Projects and Policy Team will develop sustainability targets for BSF	BSF Project Director
Use Mosaic to develop a targeted approach to communicating with residents on climate change issues.	The GIS team and PRU will assist in using MOSAIC and a new project using social media to engage communities in climate change issues.	Jeff Bartley
A stronger role for climate change awareness within Area Forums	The Environmental Projects and Policy Team will work with all Area Forums to increase awareness.	Jeff Bartley
Develop a role for a councillor to become a climate change champion	The Environmental Projects and Policy Team will work with councillors to become climate change champions.	The Environmental Projects and Policy Team
Provide training for members to become Climate Change Champions.	The Environmental Projects and Policy Team will provide training for members.	The Environmental Projects and Policy Team
"That each report presented to the council's Executive contains a paragraph outlining its environmental impact, in order to mainstream climate change mitigation in service delivery".	The Director of Policy and Regeneration is reviewing the template for the Executive meeting reports.	Director of Policy and Regeneration

### **6.0 Legal Implications**

The Council has power under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the environmental well-being of its area. In exercising this power the Council is required to have regard to its Community Strategy. Furthermore the Council has the power under section 111 of the Local Government Act 1972 to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.

6.2 Brent's Community Strategy 2006-10 includes the statement under, 'Our Vision', 'Brent will be a prosperous and lively borough full of opportunity and welcoming to all, a place that will thrive for generations to come, whose future will be determined by local people'. One of its themes is to be, 'A Green Place' and included under this theme is an aspiration to, '... minimise our contribution to climate change.' It is therefore considered that the Community Strategy supports the exercise of the Council's powers under section 2 of the Local Government Act 2000.

6.3 The Government has a duty under the Climate Change Act 2008 to reduce carbon emissions in the U.K. by 80% by 2050 (as compared to 1990). Under section 62 of the Act the Secretary of State may direct a reporting authority (which would include a local authority) to prepare a report containing any of the following—

(a) an assessment of the current and predicted impact of climate change in relation to the authority's functions;

(b) a statement of the authority's proposals and policies for adapting to climate change in the exercise of its functions and the time-scales for introducing those proposals and policies;

(c) an assessment of the progress made by the authority towards implementing the proposals and policies set out in its previous reports.

Under section 61 the secretary of State may issue guidance to reporting authorities about—

(a) assessing the current and predicted impact of climate change in relation to the authorities' functions,

(b) preparing proposals and policies for adapting to climate change in the exercise of their functions, and

(c) co-operating with other reporting authorities for that purpose

## **7.0 Financial Implications**

7.1 The task group's recommendations have been reviewed, and apart from recommendation 5 relating to training for Members can be implemented within existing workplans and budgets.

7.2 A number of providers undertake specialised training for Councillors. This could cost up to £5k, depending on the extent of the package supplied. No specific budget provision exists for this, but it could be considered within the priorities for overall Member Training.

### **Contact Officers:**

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London Borough of Brent

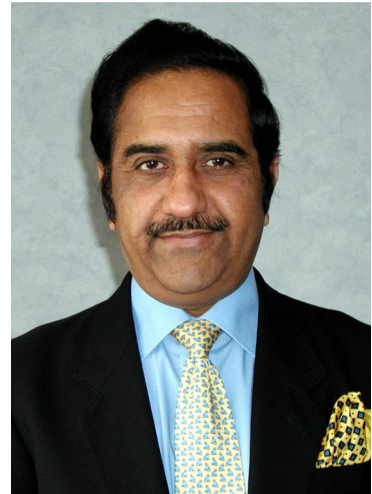
# Climate Change Task Group Report

Membership:  
Councillor D Jackson  
Councillor HB Patel (Chairman)  
Councillor H Singh

## **Contents Page**

Foreword by Councillor Harshadbhai Patel.....	3
Executive Summary.....	4
Recommendations.....	6
Introduction.....	7
Membership and Methodology.....	8
Policy Context.....	8
Brent Council Context.....	10
Key findings of the group.....	11
Energy efficiency in council office buildings.....	11
Contribution of the information technology unit.....	13
Energy management in schools buildings.....	13
Planning.....	15
Raising awareness of climate change and sustainability issues amongst Brent residents.....	16
Climate change strategy .....	17
Evaluation of the Carbon Management Strategy and Implementation Plan.....	18
Conclusion.....	20





*Foreword by Councillor Harshadbhai Patel*

I was very pleased to be given the opportunity to chair this task group on climate change. It is an issue that I am passionate about and one that I believe we all need to take responsibility for.

As a council it is important that we are at the forefront of tackling this issue, that we set a good example for local businesses and residents to follow. That is the essence of the work of this task group which has been set up to review the council's work in reducing carbon emissions in council owned buildings.

We have found that there is a genuine desire within the council to address this environmental threat. We have agreed a new climate change strategy and have adopted Local Area Agreement targets on adapting to and mitigating climate change.

However more needs to be done and we hope that through the recommendations that we have put forward and when the projects in the new climate change strategy come to fruition, Brent will be renowned as one of the greenest boroughs in London.

I would like to thank my colleagues; Councillors Jackson and Singh and all the witnesses who attended the task group to give evidence. I would also like to thank Stella Akintan for her guidance and support.

## **Executive Summary**

Climate change has been deemed the biggest environmental threat facing the modern world. Brent council is taking firm action to deal with this challenge. In 2001 Brent signed up to the Nottingham declaration on climate change, sustainability is a strong theme running through the council's corporate strategy. The council also has a Carbon Management Strategy and Implementation Plan (CMS&IP) and recently agreed its first Climate Change Strategy.

The purpose of the task group is to review the projects within the CMS&IP. This was agreed by the Executive in June 2007. It outlines how Brent Council will achieve its Corporate Strategy commitment to reduce the council's emissions of carbon dioxide by 20% by 2011. The CMS&IP contains 37 projects that need to be delivered by different services from across the council. It is solely focussed on the management of emissions of greenhouse gasses, specifically carbon dioxide and in particular how these can be reduced by each of the council services.

During the course of this review, the council's plans to tackle climate change have been moving at a fast pace. Brent has agreed its first climate change strategy and developed a more appropriate way of measuring emissions through setting a new baseline using more accurate data.

In this respect, this work becomes a review of our approach to carbon management thus far, highlighting lessons learned as we take the agenda forward. Many of the early emerging findings of the task group have already been included in the Climate Change Strategy, such as developing sustainable schools forums and working with local builders to raise awareness about sustainability measures.

The task group reviewed the projects within the CMS&IP under the following themes:

- Energy efficiency in council office buildings
- Contribution of Information Technology Unit
- Energy management in school buildings
- Planning
- Raising Awareness of climate change and sustainability amongst Brent residents

Overall the task group found that the council has made some headway in tackling climate change, however conflicting priorities and lack of resources has hampered progress. In concluding the review the task group were concerned about the progress of our approach to reducing our carbon emissions but were cautiously optimistic about the range of measures in place to take this work forward including:

- Outcomes from the Climate Change Strategy are yet to be realised as many of the projects are at the early implementation stages
- The councils new Improvement and Efficiency Strategy which identified carbon management as a priority project.
- Funding has been identified to pay for an assistant to the council's energy manager who will advise and provide support on energy matters to individual schools to support them in reducing their emissions.

The task group has developed a number of recommendations which will also strengthen our approach to reducing carbon emissions and support our aims to be the community leader on sustainability issues.

## Recommendations

1. Brent to develop its own sustainability targets within the Building Schools for the Future Programme (when selected) to ensure that they are ambitious and fit within our local circumstances.
2. Use Mosaic to develop a targeted approach to communicating with residents on climate change issues.
3. A stronger role for climate change awareness within Area Forums
4. Develop a role for a councillor to become a climate change champion
5. Provide training for members to become Climate Change Champions.
6. That each report presented to the council's Executive contains a paragraph outlining its environmental impact, in order to mainstream climate change mitigation in service delivery

## **Introduction**

The purpose of this overview and scrutiny task group is to review the council's approach to carbon management to determine if we are challenging ourselves to reduce our emissions as far as possible. It is hoped that an energy efficient and sustainable approach will be embedded across the council in everyday work and activities.

The need to prioritise this agenda was highlighted by the Department for Energy and Climate Change:

“Climate change is the greatest environmental threat facing the world today. Rising global temperatures will bring changes in weather patterns, rising sea levels and increased frequency and intensity of extreme weather. The effects will be felt in the UK and internationally there may be severe problems for people in regions that are particularly vulnerable.”

Brent began its most ambitious attempt to tackle this in 2007 with the agreement of the Carbon Management Strategy and Implementation Plan 2006-2011 (CMS&IP). It contained 37 projects, with the aim of reducing the councils CO<sub>2</sub> emissions by 20% by 2011.

The task group set out to review the projects within the CMS&IP to consider if more stringent measures need to be set. During the course of this review, the councils plans to tackle climate change have been moving at a fast pace. Brent has agreed its first Climate Change Strategy and developed a more appropriate way of measuring emissions through setting a new baseline using more accurate data.

In this respect, this work becomes a review of our approach to carbon management thus far, highlighting lessons learned as we take this agenda forward. Many of the early emerging findings of the task group have already been included in the Climate Change Strategy such as developing sustainable schools forums and working with local builders to raise awareness about sustainability measures. This review will determine if our work to date has put us in a good position to create a more sustainable borough and if we can meet the ambitious challenges set out in our own Climate Change Strategy.

Also, in meeting this challenge ourselves, we will be well placed to influence local people and businesses. The role of the local authority was well articulated by the LGA Climate Change Commission who state that:

“ Local government is uniquely placed to tackle climate change – it has a democratic mandate for action, enjoys close proximity to citizens through the services it delivers and has a strategic role convening and leading other public and private voluntary sector partners, and working with regional bodies”<sup>1</sup>

### **Membership of the Task Group:**

The membership of the task group was as follows:

- Councillor Derek Jackson
- Councillor Harshadbhai Patel (Chair)
- Councillor Harbhajan Singh

The task group was initially chaired by Councillor John Detre who was appointed to the Executive during the course of the review. This exempted him from working on an overview and scrutiny task group. The Environmental Projects and Policy Manager also attended the task group meetings to advise the members.

### **Methodology**

The aims of the task group were to:

- Monitor the implementation of the CMS&IP and review individual projects to investigate progress with work and challenging poor performance.
- Identify and examine other opportunities for the council to reduce its co2 emissions further to consider if more ambitious targets could be achieved in a cost effective manner.

The task group carried out the following activities:

- Met with the Deputy Head of Asset Management, Brent Council
- Met with Network Manager in the Information Technology Unit, Brent Council
- Met with Head of Asset Management within the Children and Families Department, Brent Council
- Met with Director of Planning, Brent Council
- Visited Welsh Harp Education Centre
- Met with the Director for Energy Solutions
- Met with the consultants who developed the climate change strategy
- Visited Wembley Primary School
- Visited Howe Dell Primary School, Hertfordshire

### **Policy context**

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<sup>1</sup> LGA Climate Change Commission 2007

There is generally a scientific and political consensus about the threat of climate change and that it is caused mainly by human activity. It is a topic that remains high on the public agenda and all the major political parties in the UK have identified this as a key policy area. Action to tackle climate change falls within two broad areas. Mitigation which deals with measures to reduce carbon emissions while adaptation works to prepare for its effects such as the likelihood of increased flooding, and hot weather.

Policies to tackle climate change flows from the international through to the local level. The United Kingdom, which has the eighth highest carbon emissions in the world, has signed up to the Kyoto Protocol in 1997, an agreement involving 37 industrialised countries and the European community to reduce Green House Gas (GHG) emissions. The UK has committed to reduce greenhouse gas by 12.5% below 1990 levels by 2008- 2012. Mostly recently discussions have taken place in Copenhagen between national governments to agree a new set of national targets.

The government has recently created the Department for Energy and Climate Change which works to support the development of climate change strategy and policy across government. The UK is the first government in the world to bring in legally binding legislation with the Climate Change Act 2008. The Act commits the UK to reduce its carbon emissions by 34% by 2020 and 80% by 2050.

The Climate Change Act works towards a number of policy objectives including carbon emissions reduction, security of supply, and competitive energy markets. The biggest implication for councils is the carbon reduction commitment. The carbon reduction commitment will be a mandatory cap-and-trade scheme. From April 2010, large organisations such as upper tier local authorities, hospitals, private companies will be given a quota of carbon allowances that will decrease every year. These will be sold at a yearly fixed price and traded. If an organisation misses its target it will need to buy permits to make up the difference. If the target is exceeded it can sell.

The national framework for carbon reduction started in April 2009. This looks at three performance areas: reducing the amount of energy consumed in heating, lighting transport and any other business activities, reducing entire per capita carbon emissions in their area, including industry, domestic, schools and transport and making adaptations to mitigate the effects of climate change. Many councils have included indicators in their Local Area Agreement including Brent.

The Greater London Authority provides leadership for London on Climate Change issues. London is responsible for eight per cent of the UK's total emissions. Given London's forecast economic and population growth, this will increase to 15 per cent by 2025.

A key document for London Boroughs in relation to energy is the *Mayor's Energy Strategy*. This sets a challenging target for London to significantly reduce its carbon dioxide emissions by 20 per cent (relative to 1990 levels) by the year 2010, and by 60 per cent (relative to 2000 levels) by 2050. Meeting this CO<sub>2</sub> target will require ambitious ongoing reductions of 4 per cent per annum.

The Mayor has set a target for every London Borough to establish at least one zero

carbon development in their area by 2010. In terms of renewable energy, the Strategy establishes an aim to generate at least 665GWh of electricity and 280GWh of heat from up to 40,000 renewable energy schemes by 2010. In addition, the Mayor has asked for every London Borough to establish at least one showcase renewable energy development. *Action Today to Protect Tomorrow (2007)*, the Mayor's Climate Change Action Plan sets out a path for London to tackle this challenge and to deliver London's CO<sub>2</sub> targets. In order to comply with wider legislative targets a limit to the total amount of CO<sub>2</sub> produced between now and 2025 of 600 million tonnes has been proposed.

In August 2008 the Mayor of London published the draft London Climate Change Adaptation Strategy. This document sets out the key risks to London posed by climate change and suggests the priority adaptation measures for addressing and reducing these risks. The draft was used for consultation with the London Assembly and the functional bodies. Following this, a revised draft was published this year for public consultation. The draft Strategy sets out a vision for adaptation that will rely to a large extent on London Boroughs as strategic partners of the GLA in achieving adaptation on the ground. For example, the citywide 'urban greening programme' is suggested as a way to provide green spaces in all boroughs that can be used by residents to improve health and stay cool during heat waves, as well as to improve management of intense rainfall and air quality.

### **The Brent Council context**

In 2001, the council signed up to the Nottingham Declaration on climate change, this committed the council to developing a climate change strategy, and implementing a reduction of local GHG targets.

The Leader of the Council Councillor Paul Lorber has stated that he wants Brent Council to be one of the greenest in the UK. This is reflected in the Corporate Strategy which states that we aim to make Brent Council an exemplar of environmental practice and performance on sustainability issues. Specific actions include:

- 20 per cent reduction in carbon emissions from council buildings by 2011
- Recycling facilities in place in all offices by April 2008
- Implement the council's green travel plan
- 30 per cent of waste reused or recycled by 2010
- Include plastic recyclable items within the doorstep recyclable collection service
- 100 per cent schools and colleges with facilities to recycle their waste
- Explore options for further recycling and composting sites across the borough

Sustainability is one of the administrations four key priorities.

Through the local area agreement, the council has set targets to address climate change specifically:

N185 – CO<sub>2</sub> reduction from council operations



N188 – Planning to adapt to climate change

The Environmental Policy and Projects Team leads on work to embed sustainability across the council. Key projects include:

### **Developing the Carbon Management Strategy and Implementation Plan (CMS&IP)**

This was agreed by the Executive in June 2007. It outlines how Brent Council will achieve its Corporate Strategy commitment to reduce the council's emissions of carbon dioxide by 20% by 2011. The CMS&IP contains 37 projects that need to be delivered by different services from across the council. It is solely focussed on the management of emissions of green house gasses, specifically carbon dioxide and in particular how these can be reduced by each of the council's services. The CMS&IP is guided by a steering group consisting of members from each of the 37 projects.

**Energy Audit in council buildings** - The audit aims to determine the number of staff who switch off their PCs and monitors each evening and when they are not in use. The team inform staff when they are auditing their area and a small incentive is given to those who have turned off their equipment.

**Sustainability Forum** – The Brent Sustainability Forum was launched in November 2007, it aims to raise the understanding and profile of sustainability in Brent at all levels. The Forum meets every quarter to develop projects, review how these are progressing, hold workshops and seminars on diverse issues such as Climate Change, Sustainable Transport, Funding and Volunteering for environmental projects.

The Finance and Corporate Resources team leads on energy management within council owned buildings.

### **Key findings of the task group**

The original proposals within the CMS&IP committed the council to a target of reducing CO<sub>2</sub> by 20% from the 2005/6 baseline of 60,619 tonnes, achieving a total carbon dioxide saving of at least 12,123 tonnes by April 2011. This reduction would provide a potential financial saving to the council of £3 million.

The strategy contained 37 projects these are set out at **Appendix A**

The CMS&IP is an opportunity to develop a culture within the council where climate change is embedded within everyday work. The council must ensure that it can meet the demands within recent legislation which requires councils to reduce emissions by 80% by 2050. The main focus of the work of the task group was to meet with officers from across the council who were delivering projects within the CMS&IP and to challenge how they are being delivered and suggest how they can be improved. The task group reviewed projects under the following themes:

- Energy efficiency in council office buildings
- Contribution of Information Technology Unit

- Energy management in school buildings
- Planning
- Raising Awareness of climate change and sustainability amongst Brent residents

### *Energy efficiency in council office buildings*

The CMS&IP contained a number of projects to improve energy efficiency in council offices. This not only saves money but improves working conditions which can increase staff production and efficiency. It also helps to position the council as a local leader on climate change issues.

The council has a wide sphere of influence in managing energy efficiency, it includes reducing emissions within council offices, school buildings and office stock. Savings can be made in lighting, heating, ventilation, air conditioning and office equipment.

Data within the CMS&IP demonstrated that council buildings accounts for 42% of total carbon emissions and reducing this can make a significant contribution to meeting the overall target. The task group met with the relevant lead officers to determine if the projects were likely to be met and if more ambitious targets could be realised.

The Deputy Head of Property and Asset Management is leading on two projects in the CMS&IP and met with the task group to give an overview of this work. He said that the council is making headway in reducing CO<sub>2</sub> emissions. Waste recycling in council buildings began around three years ago and is now in place in most offices. Formal guidelines on office temperatures have been revised and agreed by the Corporate Management Team. The council has employed an energy manager who will provide strategic direction for energy management across the council and will lead on projects to reduce energy in the local area. This initial investment is likely to provide long term savings for the council.

This has certainly been the case in the London Borough of Hounslow who spends £7.5 million each year on energy for all its premises borough-wide. The council has recently employed an energy manager to work with the Environment Strategy Unit on reducing energy and costs through the Carbon Management Programme. The Hounslow energy manager will lead on making savings in school buildings through looking at the way school budgets are devolved. Some schools are in a consortium, while others are buying energy independently. This means some are paying less for energy while using more.

The Deputy Head of Property and Asset Management reported that to improve energy management in Brent we need to invest in staff training and awareness. The council needs a dedicated training programme to upgrade management skills on energy management to support people in being more proactive. A 15% reduction in CO<sub>2</sub> emissions is likely to be realised through this measure alone. It was further reported that there is a lot of work happening in the council in relation to climate change but it is not joined up or co-ordinated.

The task group welcomed the employment of the energy manager. With rising fuel costs and the duties on councils to reduce its carbon emissions it is essential that this area benefits from dedicated professional support. The introduction of the carbon management scheme from 2010 means that councils that do not have an accurate picture of their carbon use could be penalised unfairly.

Brent council was awarded £300,000 from the Salix Fund, which provides capital funding to public bodies embarking on carbon reduction and energy efficient projects which was match funded by £300,000 from the council providing a total of £600,000 for energy saving projects. All savings generated by the projects are re-directed back into the fund.

The Deputy Head of Property and Asset Management reported that initially it was difficult to identify projects for the fund. Early projects included loft insulation and lighting projects in schools. Efforts have been made to develop innovative projects such as the Children and Families Department are running a project encouraging gifted and talented children to get involved in sustainability projects.

Energy Solutions is a not-for-profit organisation that provide advice to the council on reducing carbon emissions has been employed to promote the Salix Fund among schools. As a result of their interventions take up has increased.

#### *Contribution of Information Technology Unit*

The task group also met with the Network Manager in the Information Technology Unit who had implemented a range of projects within the CMS&IP. The 'switch off policy' is new software which automatically switches staff computers off at the end of the day. The project has been fully implemented with 99% of computers enabled with this software; this project has exceeded the targets set out in the CMS&IP. The same is true of a project to reduce the number of servers and move to a new data centre. These projects highlight that concerted effort to reduce carbon emissions can produce innovation among staff and 'quick wins' that have far reaching impacts.

#### *Energy management in school buildings*

The Head of Asset Management within the Children and Families Department provided evidence to the task group regarding energy management in school buildings. He reported that there are about 75 school buildings in the borough. They are all in need of repairs, especially to the fabric of the buildings such as roofing and water systems. In total, the repairs amount to over one million pounds of non essential works, for which there is no dedicated budget.

He told the task group that Introducing sustainability measures when carrying out repairs can be a problem. Often sustainability measures are found to be more expensive and cannot take priority within tight budgets. However the Head of Asset Management agreed that more work could be done by developers to research sustainability measures to determine if a more cost effective solution could be found.

Schools tend to be large energy users and currently account for 28% of council emissions.

The Building Schools for the Future (BSF) programme, is a major opportunity for the council. It will see nearly every state secondary school in England rebuilt or remodelled. It will enable local authorities to move from patch and mend spending on schools to rebuild and renewal, with a more strategic approach to funding, design, procurement and management of buildings.

BSF is being delivered in a number of waves covering the whole of England. In the early stages of the programme, local authorities have been prioritised according to greatest need. Brent has a severe shortage of school places is currently submitting an application to receive priority status in the programme.

BSF is intended to guarantee a minimum level of environmental performance for school building designs, without specifying particular solutions. The Department for Children, Schools and Families requires all BSF projects to achieve a minimum BREEAM<sup>2</sup> rating of “very good”. Partnership for Schools is responsible for ensuring that all BSF schools comply with this requirement. It is also likely that local planning policies will require specific measures to demonstrate sustainability

The task group were pleased that in the medium to long term, Building Schools for the Future will mean that Brent schools will be more energy efficient and sustainable. However there are concerns about whether a very good BREEAM rating is ambitious enough for Brent, as this is a general standard and does not take into account local circumstances. The London Borough of Camden developed their own sustainability standards alongside the basic requirements set out by BSF. This included more ambitious measures based on their local circumstances. This briefing was sent to architects when bidding for BSF who had to state how they would meet Camden’s sustainability requirements within their tender. The council now enjoys far more ambitious sustainability targets within the BSF programme. The task group will recommend that Brent adopt a similar approach.

The task group visited Wembley and Howe Dell Primary Schools to see how sustainability measures had been implemented in school buildings. Wembley primary school is a new building and a good example of how sustainability measures can be realised. The building reuses rainwater, uses locally sourced materials and maximises the use of natural light. The members were informed that the building had achieved a 6% saving in energy use through its sustainability measures. Overall this school provides a model of sustainability which can be applied when designing similar buildings within the borough.

Howe Dell School is an exemplar model of sustainability nationally. This building is the first in the world that combines so many energy saving measures and has

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<sup>2</sup> The Building Research Establishment Environmental Assessment Method (BREEAM) is a comprehensive way of measuring how sustainable a building is, how much energy it uses and its impact on the environment.

attracted visits from around the globe. The building includes locally sourced materials, reuse of rainwater, a wind turbine and ground source heat pumps. The project management team and architects informed the task group that it is much cheaper to include sustainability measures if they are included early on in the project planning stages.

**Recommendation:** Brent to develop its own sustainability targets within the Building Schools for the Future Programme (when selected) to ensure that they are ambitious and fit within our local circumstances.

### *Planning*

The task group found that planning requirements can play a significant role in increasing energy efficiency in buildings. Therefore the Director of Planning was invited to give evidence about how they are addressing sustainability issues across the borough.

The Director of Planning reported that the council can use planning in a positive way to tackle climate change. Sustainability policy is developed at the national and regional level which is then reflected in the councils own local policies. The London Plan produced by the Mayor provides detailed advice on implementing sustainable measures. At the local level the Local Development Framework, is Brent's own vision for sustainability which compliments the guidance set out in the London Plan.

The planning service has already produced some major successes for sustainability. The Wembley development includes an efficient recycling system in which materials are recycled and reused on the Wembley site. The project also includes a combined heat and power micro generation facility. Larger developments such as Wembley are guided by a sustainability checklist and negotiations take place between planners and developers about where further improvements can be achieved.

Smaller developments are more problematic. Many such projects which could include a small house extension may only have to comply with building regulations but do not require planning permission. This means that the council has less control. Inspections are carried out but lack of resources makes enforcement difficult. As a result, 50% of notices served are not adhered to.

Brent has many old properties which generate an inefficient use of energy. As a way to combat this, the planning team try to promote good practice around energy efficiency, more work needs to be done to promote this amongst local builders. The planning team has produced a leaflet providing guidance for builders.

This also corresponded with the findings of the LGA Climate Change Commission who reported that "Delivery of Article 4 of the EU Directive on energy performance of buildings in the UK is mainly through revised Building Regulations (April 2006).

However there is evidence that building control is not enforcing the relevant parts of the regulations and irresponsible builders have been able to get away with flouting minimum energy and emission standards. Surveys have shown that one in two new houses currently fail to meet the current Part L standards".<sup>3</sup>

The task group had concerns about lack of regulation for small projects which account for considerable carbon dioxide emissions. This concern was conveyed to the Environmental Projects and Policy Team and has been addressed in the climate change strategy

### *Raising Awareness of climate change and sustainability amongst Brent Residents*

Raising awareness of everyday actions that people can take to reduce its impact is an important step in tackling this problem.

Energy Solutions was set up by the council ten years ago. It is a not for profit organisation which provides free advice to all Brent residents on reducing fuel bills. They also led on the fuel poverty strategy for the borough. The members visited the Welsh Harp Education Centre and Energy Solutions to look at some examples of how climate change issues are promoted across the borough

Welsh Harp Education Centre consists of 15 acres of mature trees, an adventure playground and nature trail. The centre provides one day programmes for school groups on courses linked to science and geography subjects in the national curriculum. The course looks at the topics of rocks and soils. The facilitator will try to include climate change issues within the teaching such as the importance of recycling and looking after natural resources.

The task group believes that this is an important facility for the borough which is currently under resourced. Members were informed that there are plans to promote the centre to other boroughs during the quieter months. This will provide much needed revenue.

The Director for energy solutions reported to the task group that in a diverse community like Brent it is difficult to get out important messages around climate change. For example a leaflet was produced highlighting the services provided by Energy Solutions and sent to 80,000 households, there were only three responses. More work needs to be done to ensure that important messages are conveyed to the general public, for example how to make simple straight forward savings that will have a lasting impact. People are interested in the things that will affect their life and climate change will have a big impact on everyone.

The task group feels that there needs to be more targeted work highlighting the effects of climate change to our diverse communities. Members noted that many residents in Brent are from nations that are most likely to feel the impact of climate

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<sup>3</sup> LGA Climate Change Commission , 2007.

changes with relatives still in these countries. If these groups are more aware of how climate change affects them personally it is more likely to influence them to change their behaviour.

Mosaic software is a market segmentation tool, which profiles the types of people that live in an area and their likely habits. The council already uses this software to understand the types of customers within the borough. The task group believe that it can be an effective tool to target residents on specific issues to generate carbon savings. The Energy Saving Trust highlighted that this as an effective way of raising awareness about climate change issues amongst local people.

The task group also believe that Area Forums are an important platform to highlight to residents important issues in the borough and climate change issues should feature regularly on the agenda.

**Recommendation** –use Mosaic to develop a targeted approach to marketing residents on climate change issues.

**Recommendation** – Develop a stronger role for climate change issues within Area Forums

### **Climate Change Strategy**

A borough wide Climate Change Strategy was agreed in June this year. It is an important step in taking forward this agenda. The strategy includes actions for the whole borough including; the council, residents, community groups, private and public sector partners.

The strategy is designed to:

- Cut GHG emissions to minimise future climate change
- Adapt to the impacts of climate change to reduce the negative effect on people, businesses and the community.

The strategy seeks to influence the everyday actions of all people across the borough, through raising awareness of the threats of climate change and providing practical solutions to counter its effects. The work will be driven forward with strong leadership through a climate change steering group with membership from a wide range of organisations from across the borough. .

The strategy was presented to the task group in draft stage giving them the opportunity to comment. Overall, members were pleased with the aspirations set out in the proposed strategy as it has the potential to improve sustainable living across the borough. The task group were informed that the borough wide approach set out in the strategy was among the first in London. Members welcomed this significant development and congratulated officers for their innovative approach.

However members felt that it was too general and needed to include specific actions outlining what residents and partners could do. Officers agreed that the task group had raised an important point and agreed to highlight the councils regulatory and procurement role, which could provide a variety of carrots and sticks in promoting sustainability. For example the council has a variety of powers that it could use in building control, transport and planning and can use its powers to require contractors to reduce emissions when commissioning services.

Officers pointed out to the task group that the strategy aimed to set the general direction for tackling climate change in Brent, this would be underpinned by a rolling action plan. Concerns were raised about the consultation process as it had been largely carried out through the website, which would exclude a number of residents. The task group wanted there to be a variety of ways to engage with the public to raise awareness of the issues as this a key plank in the success of the work.

The task group were informed that staff climate change champions had been appointed. They would receive basic training in how to cut emissions which they could use within their own communities by being a point of contact on these issues. The task group felt that councillors would be well placed to fulfil this role as they spend a considerable amount of time with residents either through knocking on doors or attending community events.

Again, a member champion who specifically works on climate change issues can have a key role in lobbying for extra resources for projects as well as raising the profile of the issues across the borough. For example; a similar role has been developed in the London Borough of Camden. A councillor is nominated as an 'Eco Champion'. Their role is to work across the borough to raise awareness of climate change issues. They chair the sustainability task force and meet quarterly with residents and local partners and officers to discuss issues.

**Recommendation:** Develop a role for a councillor to become a climate change champion

**Recommendation:** Provide training for members to become climate change Champions.

### **Evaluation of the Carbon Management Strategy and Implementation Plan**

Members considered a number of reports within the CMS& IP many of which had made excellent strides in achieving their targets. However a full progress report on the CMS& IP found that only two council departments Finance and Corporate Resources and Housing and Community Care had cut their emissions. Overall there has only been a decrease of 4.6% in CO<sub>2</sub> emissions from the baseline year. This is because schools make up the bulk of the energy consumption and have increased their consumption by 27% due to increasing emissions from school buildings due to longer opening hours with the extended schools project and increased use of



information technology. The following tables set out our overall performance in reducing emissions between 2005-2008:

CMS&IP cumulative CO<sub>2</sub> percentage change 2005-2008

Year	CO <sub>2</sub> emissions (tonnes)	Annual % change on baseline 2005/06
2005/6	60,619	
2006/7	56197.7	-7.3%                      7.2
2007/8		+2.8%
Total % reduction on baseline year		-4.6%

Schools cumulative CO<sub>2</sub> percentage change 2005-2008

	Year	CO <sub>2</sub> emissions (tonnes)	Difference co2 (tonnes)	% change	% change on baseline
All schools	2005-2006	12690			
	2006-2007	13826	1136	9	
	2007-2008	16077	2251	16	27

Recent reports by the Environmental Policy and Projects Team highlighted that the council is not in line to meet the 20% reduction in CO<sub>2</sub> by 2011. If current trends continue we will also face difficulty in meeting the Local Area Agreement target of a 3% CO<sub>2</sub> reduction by 2010 or a 6% reduction by 2010/2011.

Lack of resources and conflicting priorities have been identified as reasons. The original CMS&IP contained various projects with an estimated required investment of £1.56million with only £574k of this was secured. Early evidence from the CMS&IP projects indicated that we did not have the required skills in place to deliver the plan and this skill base has been built up during the course of the work, for example in employing an energy manager.

Consultants from the Carbon Trust were commissioned to carry out a review of the CMS&IP. The review identified the need to realign Brent's approach to energy management in relation to changes in legislation and policies such as introduction of

national performance indicators and the carbon reduction commitment as well as Brent's climate change strategy. It was recommended that the council move away from the 2005/6 baseline set a new carbon baseline, and a revised set of targets based on more reliable and accurate data. The fundamental difference between this approach and the N1 185 baseline is that housing stock is excluded and all large housing contracts are included.


The Carbon Trust also proposes that each directorate sets its own carbon targets. Officers will seek to design a scheme which will replicate the carbon reduction scheme. This internal scheme may also include rewards and penalties. Performance will be monitored against the targets as part of the councils performance management system.

In concluding this review the task group were concerned about progress of the CMS&IP but cautiously optimistic about the range of measures in place to take this work forward including:

- Outcomes from the climate change strategy are yet to be realised as many of the projects are at the early implementation stages
- The councils new Improvement and Efficiency Strategy which identified carbon management as a priority project.
- To try and support schools in reducing their emissions funding has been identified to pay for an assistant to the council's energy manager who will advise and provide support on energy matters to individual schools.

#### Conclusion

Creating a sustainable borough involves an organisational culture change, in which climate change is seen as a priority and an efficiency saving measure. It also involves political will and leadership from the highest level. During the course of this review we have seen some innovation and commitment to realise this agenda however we need to do even more to deal with the challenges that the threat of climate change will pose. The council faces not only the environmental and social effects of climate change there will also be significant financial penalties if we do not reduce our carbon emissions by the required amount.

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p><b>Executive</b> <b>15 March 2010</b></p> <p><b>Report from the Directors of</b> <b>Finance and Corporate Resources</b> <b>and Policy and Regeneration</b></p>
<p>Wards affected: ALL</p>	
<p><b>Performance and Finance Review Quarter 3, 2009/10</b></p>	

Forward Plan Ref: PRU-09/10-14

## **1. Summary**

- 1.1 This report summarises Brent Council's spending, activity and performance in Quarter 3, 2009/10 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary.

## **2.0 Recommendations**

The Committee is asked to:

- 2.1 Note the council's spending, activity and performance in the third quarter of 2009/10.
- 2.2 Require that all directors ensure that spending is kept within budget and underperformance tackled, and that measures are taken, in consultation with relevant portfolio holders, to achieve this.

## **3.0 Background**

- 3.1 The success of the council is ultimately measured by the delivery of the priorities within the Corporate Strategy and its jointly agreed outcomes in the Local Area Agreement. That is principally determined by the council's overall strategic planning framework and reviewed through the annual report to

Council in November on progress against the Corporate Strategy and the Annual Review published in late summer. Regular Performance and Finance Review reports allow members to ensure that council finances and performance remain on track to help achieve these priorities.

3.2 This approach to monitoring and reporting reflects other changes in the council's approach in recent years, including strengthening the link between the Corporate Strategy and the Medium Term Financial Strategy, active performance monitoring and management, a greater focus on outcomes as part of capital programme monitoring, and bringing together financial and performance monitoring of partnership activity through the Local Area Agreement. It provides more clarity about the relationship between spending, performance and activity – and provides a basis for assessing the potential impact of future decisions.

3.3 Appendices included in this report are as follows:

Appendix A	General Fund services – Financial, activity and performance monitoring information for each of the council's main service areas:
- A1	- A Great Place
- A2	- A Borough of Opportunity
- A3	- One Community
Appendix B	Capital programme
- B1	- Children and Families
- B2	- Environment and Culture
- B3	- Housing and Community Care
- B4	- Corporate Centre
Appendix C	Housing Revenue Account
Appendix D	Local Area Agreement
- D1	Local Area Agreement
- D2	Local Area Agreement (continued)
Appendix E	Budget Summary
Appendix F	Vital Signs – high and medium risk performance

3.4 Supplementary documentation circulated to members includes a Vital Signs report providing detailed explanation of high and medium risk performance and an activity monitoring report.

#### **4.0 Corporate context**

4.1 The long term objectives for Brent were agreed by the council in the Corporate Strategy which sets out the main aims of making Brent a great place, a borough of opportunity and one community. The themes reflect the broad approach in our inter-agency Community Strategy for 2006-10 and also the results of local polling about residents' concerns. These aims need to be achieved within the context of a reduction in real terms in government grant, members' ambitions to keep council tax increases low, and significant budget pressures resulting from the current economic climate, demographic

pressures, the increasing costs of waste disposal and increased cost of continuing care.

4.2 Continuous improvement has been at the centre of the council's approach to service development and financial planning, and we have demonstrably raised the effectiveness, relevance and quality of our public services. Despite these real and sustained improvements, the organisation has recognised the need to go beyond reliance on silo-based or incremental approaches to secure future changes in performance and efficiency. Brent is undertaking an ambitious change programme set out in the new Improvement and Efficiency Strategy. The change programme is structured around three themes:

- *Making the 'One Council' approach a reality*  
Development of the organisational infrastructure and establishment of a Business Transformation department to integrate critical support functions
- *Raising performance and maximising efficiency*  
Service reviews run by cross-council teams to develop and implement more customer-focused and effective service delivery models
- *Delivering on major projects*  
Delivering large capital schemes notably the Civic Centre, the expansion programme for schools, regeneration of Wembley and South Kilburn and the North Circular Road project

4.3 The impact of recession and recent heightened public concern about child protection means that the council has had to reassess its priorities, although its fundamental approach remains the same. A lot of what we already do supports people who might be most affected by recession by helping them find work, adult and community education, other employment and training initiatives, preventing homelessness and providing accommodation when people become homeless, ensuring people receive the state benefits to which they are entitled, and supporting those with social care needs. We also have a programme in place to transform our children's social care service which has improved from an 'adequate' (2 out of 4) service that overspent, to a 'good' service (3 out of 4) that lives within its budget. The 2009/10 budget includes additional measures aimed at helping combat the impact of recession and strengthen our child protection structures and these are areas that are a particular focus of attention through the Performance and Finance Review process in 2009/10.

## **5.0 Overall financial position**

### General Fund Revenue budget

5.1 A summary of the 2009/10 budget position is included in Appendix E.

5.2 The table below shows a forecast net overspend on service area budgets of £2.188m and an underspend of £3.564m on central items giving an overall forecast of £1.376m underspend. This is an improvement of £1.593m on

quarter 2 where the forecast net overspend was £217k. The main reasons for this are an improvement of £2.614m in central budgets - primarily in capital financing charges. This has been offset by a deterioration of £1.021m in the position on service area budgets. This is principally due to a worsening of £550k in the Children and Families forecast because of additional placement costs and added IT spend and an increase of £498k in the overspend on Environment and Culture mainly due to reduced parking income and the effects of the bad weather. The result is that, on the basis of forecasts at the end of quarter 3, general fund balances at 31<sup>st</sup> March 2010 would be £8.908m, £1.376m more than budgeted balances of £7.532m.

- 5.3 Reports to quarter 1 and 2 identified a number of underlying budget pressures that had emerged in the latter part of the last financial year and caused overspends in 2008/09 which were still impacting upon budgets in 2009/10. These pressures were the cost of children's placements and the cost of children with disabilities both in Children and Families and the loss of income in Environment and Culture mainly from parking and land charges. Service areas have already taken urgent action to limit the effect of these overspends principally through a number of one off savings. The Budget Report to the Executive on 15<sup>th</sup> February details growth proposals in the above areas to address these underlying budget pressures.

	<b>Latest Budget £'000</b>	<b>Forecast £'000</b>	<b>Variance £'000</b>
Children and Families	59,261	60,211	950
Environment and Culture	48,362	49,510	1,148
Housing & Community Care:			
o Housing	14,136	14,136	0
o Adult social care	87,550	87,550	90
Finance & Corporate Resources / Central Units / Business Transformation	25,774	25,774	0
<b>Service Area Total</b>	<b>235,083</b>	<b>237,271</b>	<b>2,188</b>
Central items	43,585	40,116	(3,469)
Area Based Grants	(16,310)	(16,405)	(95)
<b>Total council budget</b>	<b>262,358</b>	<b>260,982</b>	<b>1,376</b>
<b>Application of balances</b>	<b>(522)</b>	<b>854</b>	<b>(1,376)</b>
<b>Total after application of balances</b>	<b>261,836</b>	<b>261,836</b>	<b>0</b>

- 5.4 The main issues in individual services areas are as follows:

- Children and Families. One of the major risk areas to the budget are the cost of children's placements for children in care and costs associated with children with disabilities. The children's placement budget anticipated at the start of the year a reduction in the number of looked after children and a greater proportion of those children being placed with Brent foster carers. However, the number of placements with Brent carers fell from 90 to 79 between the first and second quarters. The third quarter has seen little change in the total number of looked after children at 349 only one less than the second quarter. Since the first quarter, work has been undertaken to identify savings to minimise the

overspending. This allowed the forecast outturn to come down to £400k at the end of the second quarter. There were for example one-off savings from unaccompanied asylum seekers grant; Building Schools for the Future and better use of the Sure Start grant. In addition service managers have identified in year savings most of which were the result of a vacancy freeze and a reduction in some smaller budgets. Although the numbers of looked after children have remained stable, a number of high cost cases including 4 children being held in secure accommodation are now included in the figures. These additional placements together with higher than expected IT costs mean the forecast outturn is projected to rise by £550k to £950k by the end of the year. In addition to the factors raised above there are risks associated with a House of Lords judgement (the Southwark judgement) last year on homeless 16 and 17 year olds , who are now classified as children in need.

- Environment and Culture. The most significant issue in Environment and Culture remains the effect of the recession on the level of income across the service area. The third quarter has seen the forecast overspend rise by £498k to £1.148m. This is primarily due to a deterioration in parking income with the deficit rising to £1.3m. The number of PCNs issued in November and December has dropped sharply and there was a significant fall in on street meter income in December. The poor weather at the beginning of the year is also likely to have an impact on January's figures. The bad weather has also had an effect on Transportation with higher than expected winter maintenance costs and an increase in the expected costs of repairing potholes and patching costs. most significant issue in Environment and Culture remains the effect of the recession on the level of income across the service area.
- Housing and Community Care The forecast for the third quarter has improved by £27k with an overspend of £90k now forecast for Adult Social Care. Significant pressures continue to impact on the budget. These include the increasing demand for care services, and delayed hospital discharges. These cost pressures are being offset from savings linked to the transformation programme.
- Finance & Corporate Resources/Central Units/Business Transformation

Benefit payments have increased significantly since 2008/09 with a 17% increase in caseload and a substantial rise in rent levels linked to the introduction of Local Housing Allowances (LHA). Although most of these costs are recovered by government subsidy there are subsidy penalties relating to non-recoverable claimant overpayments. It is now projected that the costs of overpayments will increase by around £750k. The corporate units are still expected to breakeven overall as a result of compensating savings from service units.

- 5.5 The budget pressures identified above continue to be reviewed by Service Directors and there is ongoing work to ensure that actions are taken to limit or improve the deficit situation without affecting front-line service delivery.

- 5.6 The forecast for central items now includes an underspend of £3.564m, an improvement of £2.614m on the 950k forecast in quarter 2. This is primarily due to an improvement of £2.477m in the costs of capital financing as a result of debt restructuring. Detailed analysis of central items is included in chapter 4 of the Budget Report to the Executive on 15<sup>th</sup> February.

#### Housing Revenue Account

- 5.7 The Housing Revenue Account (HRA) is a ring-fenced account containing the income and expenditure relating to the Council's Landlord duties for more than 9,200 freehold dwellings and leasehold properties.
- 5.8 The HRA forecast outturn for 2009/10 indicates a surplus of £2.0m, which is £1.6m more than that provided for in the original budget due to a higher surplus brought forward from 2008/09.

#### Schools Budget

- 5.9 The ring-fenced Schools Budget is split into two parts. The first part delivers delegated funding to schools - school budget shares. The second part is termed central items expenditure and covers local authority retained elements to support activities such as pupil referral units and payments to non maintained nurseries.
- 5.10 The central items budget for 2009/10 is £21m and the latest forecasts indicate there will be an over spend of just over £1m. This is mainly due to the cost of SEN statements and out of borough placements. The Council reserve for the schools budget central items currently stands at £700k and would be taken into a £300k deficit if the current forecasts prove accurate. As a consequence the Dedicated Schools Grant would need to be top sliced by £300k next year to recover the deficit. There should be no consequences for the general fund. Work is continuing to refine the estimates in this budget.

#### Capital programme

- 5.11 Financial monitoring information for the Capital Programme is included in Appendix B.
- 5.12 There have been a number of changes to the forecast outturn position for 2009/10 since the Quarter 2 Performance and Finance review report to the Executive in December 2009. The following paragraphs detail those changes to the forecast outturn position not previously reported.

#### Business Transformation

- 5.13 An underspend of £80k has been identified on the Customer Services Strategy scheme. This is a self funded scheme and as such does not release resource to be used elsewhere in the programme.



- 5.14 Slippage of £1.613m has been indentified on the Civic Centre scheme from 2009/10 to 2010/11 as a result of the development of more detailed cashflow statements.

#### Children and Families

- 5.15 Total slippage of £11.562m has been identified in the capital programme from 2009/10 to 2010/11 as follows:

- Devolved Formula Capital - £4.523m
- Other ICT Ringfenced Grant - £119k
- Surestart Grant - £1.713m
- Extended Schools Grant – 1.046m
- Co-Location Grant - £500k
- My Place Grant – Roundwood Youth Centre - £1.184m
- Ark Academy - £2.477m

This bulk of this slippage has arisen due to a number of factors, primarily:

- allocations previously forecast prior to detailed schemes of works being drawn up for multi funding stream projects, were for high levels of initial investment on land purchases etc but further scheme development has meant that Council contributions will not be required until the latter stages of the works, eg Ark Academy.
- grant monies have been allocated in year and appropriate forecasts of profiled spend have not previously been available, eg Co-location Grant, My Place Grant.
- a significant amount of grant monies are passed direct to the schools and as a result the Council cannot control the utilisation of these monies, eg Devolved Formula Capital.

- 5.16 Forecast spend of the schools taking up the Schools Loan Scheme has been identified at £469k.

- 5.17 There has been significant re-allocation and re-phasing of Primary Capital Programme, Building Schools for the Future and Additional Primary Places grant funded works across the medium term plan as Strategies and Prioritised Schemes are developed under these initiatives. As such expenditure in 2009/10 has increased by £2.195m with this movement being reflected in resources resulting in a nil impact to the Capital Programme overall. This is also being reflected in the development of the 10 year Capital Programme within Children and Families.

## Environment and Culture

- 5.18 Adjusted forecasts for the Estate and Stadium Access corridors have been developed as the land claim process continues. A net reduction of £581k in expenditure is reflected in earmarked resources with a nil impact to the programme overall.
- 5.19 Forecast expenditure on S106 agreement funded works has been significantly updated and reprofiled to reflect the delays being met through agreements not triggering and developers not bringing forward schemes as a result of the downturn in the economy. A total of £8.136m has been reprofiled from 2009/10 to later in the medium term plan. Resources have been adjusted to reflect this movement resulting in a nil impact to the capital programme overall.

## Housing and Community Care: Housing and Customer Services

- 5.20 Slippage of £1m has been identified on the Private Sector Renewal Support Grant and Disabled Facilities Grant works.
- 5.21 Triggered S106 agreement monies of £502k have been brought forward from future years to meet identified needs on the South Kilburn Regeneration Area works.

## Corporate

- 5.22 Total slippage of £955k has been identified in the capital programme from 2009/10 to 2010/11 as follows:
- Total Priority 1 Backlog Repairs - £622k
  - Project Management - £306k
  - Asbestos Surveys - £7k
  - Inspections of Non-Housing Properties - £20k
- 5.23 Total underspends of £130k have been identified in the capital programme as follows:
- Project Management - £94k
  - Inspections of Non-Housing Property - £6k
  - Security Measures at Muniport Sites - £30k

Of these identified underspends £24k has been taken against an identified overspend at Dollis Hill Day Centre and the balance has been taken into the resourcing of the overall Capital Programme as part of the Revised Budget Setting process which has resulted in a balanced forecast position for 2009/10.

- 5.24 The sum of £177k has been transferred back, from the total £6.454k passed to Business Transformation for the Civic Centre scheme in Quarter 2, in order to meet the final costs arising from the Brent House acquisition.
- 5.25 There will be no use of the residual £419k Secretary of State Direction for Capitalisation of Equal Pay.
- 5.26 Forecast Levels of Slippage in Year have been increased by £876k in 2009/10 to reflect the reduction in forecast capital receipts for the year resulting from recessionary impact.





#### Prudential Indicators

- 5.27 Prudential indicators were introduced as part of the prudential borrowing regime introduced as part of the Local Government Act 2003. The arrangements are aimed at ensuring authorities exercise their borrowing powers responsibly, with capital expenditure plans that are affordable, external borrowing that is prudent and sustainable, and treasury management decisions taken in accordance with good professional practice. Prudential limits are set as part of the budget process, monitored during the year, and actual performance reported at outturn. Section 12 of the Budget Setting Report submitted to Executive on 15<sup>th</sup> February 2010 gives full details of the current position on the Council's Prudential indicators.

### **6.0 Overall performance position**

#### Corporate and Community Strategies

- 6.1 Overall the council has made some progress towards delivering the key objectives in the Corporate and Community Strategies in Quarter 3 with the majority of Vital Signs indicators performing broadly in line with target. These indicators are considered critical to the success of the council. 53% are currently on target (green star) or just below target (blue circle) and 25% are well below target (red triangle). However, the percentage of low risk indicators has dropped 6% since last quarter indicating that performance is worsening at the top of the scale. High risk indicators have decreased by 9% mainly because so many have not been reported on in time.

Overall Council Performance				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 3 PIs	35%	18%	25%	22%





### Local Area Agreement Update

- 6.2 The Local Area Agreement for 2008-2011 was refreshed between January and March of 2008/09. The Local Area Agreement is currently made up of 29 targets, seven of which are local indicators and 5 of which are annually reported. March 2008/09 was the final year in which the 12 stretch targets were reported. This is the first Local Area Agreement report under the new Comprehensive Area Assessment regime (CAA). The CAA replaces the Comprehensive Performance Assessment that came to an end in 2008/09.

### Performance by theme

- 6.3 The following section of the report provides a summary of the performance against each theme and highlight in detail priority projects in the LAA which are below target.

- ***A Great Place***

A Great Place				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 3 PIs	47%	12%	35%	6%

- 6.4 Key risks for the council in this theme include: pressures on budgets as a result of the state of the economy, increasing levels of gun and knife crime in the borough, progress of the waste contract to provide improvements in recycling and the progress of partnership working on graffiti. Low risk indicators have remained stable and there is some improvement with the level of residual waste in Brent moving from high risk to low risk status. Transformation is in place to look at aspects of the waste contract. This report sets out the measures that have been put in place to respond to any poor progress towards the corporate objectives. Further explanation of the rest of the key indicators for the council is included in the Vital Signs appendix (F).





Please note that there is still no timely data being reported by the Crown Prosecution Service.

## 6.5 LAA Priorities:

- 6.5.1 **\*1 Crime prevention, 18 to 25 age group** *NI016 Serious acquisitive crime.* This quarter saw performance worsen in comparison to last quarter, however the high risk level has reduced to medium. Despite not meeting targets, there are positive initiatives in place such as neighbourhood watch which successfully bid £21k to tackle burglary. Programmes have been rolled out in priority areas. There are other initiatives in place focussed on being safe targeted at young people, elderly, vulnerable and residents in Brent.
- 6.5.2 **\*2 Anti social behaviour** *NI024 Satisfaction with the way police and local council dealt with ASB.* As a result of case officer leaving, high volume of cases, and focussing on key locations the target was not met. To address these issues a case officer will be recruited and there will be a re-distribution of cases. Though there were challenges meeting the target, the first nuisance closure took place in Harlesden which had affected many residents in the area.
- 6.5.3 **\*3 Violent crime** *NI015 serious violent crime rate.* Trends for the three months (October- December) show mixed performance where in October performance against target was high risk and by December performance was on track. However, the overall picture for quarter 3 shows that the target was not achieved.
- 6.5.4 **\*5 Reducing accidental fires** *Local indicator – the number of accidental fires in residential properties.* Performance against target was achieved this quarter. However there was an increase in the number of accidental fires (53) in comparison to last quarter (44). Community initiatives are in place to ensure that safety information is distributed to Brent residents. Some of these are specifically targeted towards the vulnerable and those with language barriers.
- 6.5.5 **\*7 Recycling and composting** *NI192 Percentage of household waste sent for reuse, recycling, composting or anaerobic digestion.* Target was just missed this quarter, waste service are optimistic next quarter's target will be achieved.
- 6.5.6 **\*11 Access to employment for social housing tenants** *NI152 Working age people on out of work benefits.* Due to the current economic downturn, it was agreed as part of the LAA refresh process that no formal target will be set for this indicator in the medium term. The Department of Work and Pension are currently replacing the Incapacity Benefit Allowance with Employment Support Allowance and will issue further guidance on when to reinstate the measure in due course.
- 6.5.7 **\*18 Sports participation** *Local indicator – the number of visits by young people (under 17) taking part in sport and physical activities at council owned sports centres (not part of a school, club or term time 'learn to swim' course).* Performance was below target this quarter due to seasonal variation whereby

young people use council owned facilities during school holidays and summer months.

- **A Borough of Opportunity**

A Borough of Opportunity				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 3 PIs	20%	40%	13%	27%

6.6 Key risks for the council in this theme include: the timeliness of social care assessments and supporting vulnerable adults into independent living. Performance has declined this quarter with low risk indicators decreasing by almost half (20% this quarter compared with 38% previously) and medium risk indicators nearly doubling (40% this quarter compared with 23% previously). High risk indicators have decreased by 19%, mainly due to non-reporting of data this quarter. This report sets out the measures that have been put in place to respond to any poor progress towards the corporate objectives. Further explanation of the rest of the key indicators for the council is included in the Vital Signs appendix (G).

Please note that two adult social care indicators were unavailable at the time of reporting, as was drug treatment data (see appendix G).

6.7 LAA Priorities:

6.7.1 **\*12 Improving access to employment for those with mental health needs**

*NI150 Adults in contact with secondary mental health services in employment.* Even in the current economic climate, this indicator continues to make steady progress where target was achieved. As reported in the previous quarter, it is still challenging to find employment for the 25-49 age group. The recession has affected the lowest paid jobs in Brent which is the category that most Job Seekers Allowance claimants fall into.

6.7.2 **\*13 Income maximisation-** *Annual amount of additional benefit in payment as a result of advice and assistance provided by relevant services in the borough.* Targets are yet to be set for this indicator as the new Income Maximisation team has just been established.





6.7.3 **\*34 Increasing self-directed support** *NI130 Social care clients receiving self-directed support per 100,000 population.* Performance for this indicator was a medium risk. Though the target has not been achieved, there has been a large number of new Direct Payments made to people with mental health needs. The self-directed support (SDS) pilot was implemented on November 2009/10 across all client groups. It is expected that this should lead to more people being in receipt of SDS by the end of the financial year. The assistant

director is leading on the implementation of the wider pilot with weekly reporting on progress.

6.7.4 **\*35 Brent carers NI135 Carers receiving needs assessment or review and a specific carers service, or advice and information.** Target was not achieved this quarter but the risk level has reduced to a medium risk whereas it was previously a high risk. Carers workshop on Self Directed Support for people with mental health issues has been scheduled to take place in February. Plans are under consideration to recruit carer assessors to improve the level and consistency of carer assessments.

6.7.5 **\*37 Reducing delayed discharges and increasing admission avoidance NI131 Delayed transfers of care.** This indicator shows good performance which has been consistent since last quarter.

- **One Community**

One Community				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 3 PIs	39%	13%	24%	24%

6.8 Key risks for the council in this theme include: pressures on budgets as a result of the recession, expected impact of the recession on the number of houses built in the borough and housing needs, the limited numbers of school places versus demand and the continued need for more local foster carer placements. Low risk indicators have decreased by 2% this quarter with medium and high risk indicators decreasing by 7% and 6% respectively. However, this is due to the non-reporting of data or the lack of targets provided this quarter which has increased to 24% (from 9% previously). High risk is mainly seen in Special Educational Needs assessments, providing local foster placements and the timeliness of processing new claims. Work is underway to plan for improving school provision in the borough in future and the transformation programmes in children's and adult's social care are addressing key risks identified here. Further explanation of the rest of the key indicators for the council is included in the Vital Signs appendix (G).

Please note that all human resources indicators were unavailable at the time of reporting, along with young offenders in employment and training. Some revenues and benefits indicators were missing targets (see appendix G).

6.9 LAA Priorities:

6.9.1 **\*21 Reduction in households living in temporary accommodation NI156 Number of households living in temporary accommodation.** Performance to date for 2009/10 is medium risk. There has been a downward trend in the number of homeless applications due to pro-active work being undertaken to

prevent homelessness. This quarter shows significant progress with a reduction of over 300 households in temporary accommodation in comparison to quarter two which was 176. There has been a particular focus on finding solutions for households already in temporary accommodation in quarter 3.

- 6.9.2 **\*22 Increasing Affordable Homes** *NI 155 Number of affordable homes delivered (gross)*. The slow down in the current housing market has proved challenging in achieving this target. Some of the development schemes have been put on hold as a result which means the delivery of affordable homes could be impacted in the long term. However there are some housing schemes which are due for completion shortly such as the W04 schemes.
- 6.9.3 **\*25 Youth crime prevention** *NI111 First time entrants to the youth justice system (YJS) aged 10-17*. Performance against target shows a significant reduction in the number of young people entering the youth justice system 40 in comparison to quarter one and two which were 64 and 67 respectively.
- 6.9.4 **\*26 Child Obesity** *CF/VS09.3 Number of families attending the 10-week MEND programme (child obesity)*. This indicator shows that performance against target was met which is an improvement from last quarter. Measures in place to improve performance were: increased awareness of the MEND programme and further development of the MEND strategy to identify successful methods to maximise the current pool of recruits into the MEND programme.
- 6.9.5 **\*27 Improving Outcomes for LAC** *NI 63 Stability of Placements of Looked After Children: Length of Placement*. In the current year 2009/10, the trends for this indicator show that performance has not been achieved to date. Some of the actions being taken to address poor performance are: continued development of the Care Planning Service which provides targeted support to children in care. Emergency planning meetings have been introduced which take place prior to requests for transfer of placement being made.
- 6.9.6 **\*38 Volunteering** *Local indicator - The number of new volunteering opportunities created*. This quarter's performance was met. There are various events scheduled to promote volunteering in the current year as well as next year. These events include the West London Volunteering Conference and Volunteers' Week.

#### Comprehensive Area Agreement (CAA)

- 7.0 A new set of national indicators has been put in place to support the new CAA regime which began on 1<sup>st</sup> April 2009.

### **8.0 Financial implications**

- 8.1 These are set out in the body of the report.



## **9.0 Legal implications**

9.1 The capital programme is agreed by Full Council as part of the annual budget process. Changes to, or departures from, the budget during the year other than by Full Council itself can only be agreed in accordance with the scheme of Transfers and Virements contained in the Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the budget set out in March 2009 and are not covered by the Scheme of Transfers and Virements will therefore need to be referred to Full Council.

9.2 The Director of Finance and Corporate Resources is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in the report.

## **10.0 Diversity implications**

10.1 This report has been subject to screening by officers and there are no direct diversity implications.

## **11.0 Background documents**

11.1 Corporate Strategy 2006/10  
Community Strategy 2006/10  
Local Area Agreement 2008/11  
Budget Report 2008/09  
Best Value Performance Plan 2008/09

## **12.0 Contact officers**


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Director of Policy and Regeneration

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	<p style="text-align: center;"><b>Executive</b> 15 March 2010</p> <p style="text-align: center;"><b>Report from the Director of Finance and Corporate Resources</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>Authority to tender contract for insurance of leaseholder “right to buy” properties</b></p>	

Forward Plan Ref: F&CR-09/10-22

## **1.0 Summary**

- 1.1 This report seeks authority under Contract Standing Orders 88 and 89 to invite tenders for a single provider framework agreement for the provision of building insurance for private dwellings sold by the Council to tenants under the Right to Buy scheme.
- 1.2 The framework agreement will commence on 1 August 2010 and will be for a period of 3 years.

## **2.0 Recommendations**

- 2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders for a framework for the provision of insurance for private dwellings sold by the Council to tenants pursuant to the Right to Buy scheme as set out in paragraph 3.4 of the report.
- 2.2 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.

## **3.0 Detail**

- 3.1 Private dwellings (consisting of flats and maisonettes) sold under lease by the Council under the Right to Buy scheme require leaseholders to pay a share of the costs in the form of service charges. These charges are for maintaining the structure and shared parts of the block as well as our costs for providing services, to include buildings insurance. Under each lease the Council has to maintain buildings insurance. The cover is for usual householder's buildings

insurance covering the usual perils to include fire and subsidence. The current policy has a small deductible on claims relating to water damage and a £1000 deductible on subsidence claims. The deductible is paid by the leaseholder in the event of a claim. Currently, the insurance policy covers 3462 flats, and the current method of charging premiums is on the number of bedrooms. In the event of the property being sold the cover carries on as the lease provides that the freeholder (the Council) arranges cover. During the proposed three year term, insurance will be provided for further properties sold to tenants under the Right to Buy scheme. The framework to be tendered is to be specifically for buildings insurance for properties sold under the Right to Buy scheme and will not include insurance for other Council properties including those in the same building as insured properties. The Council remains the freeholder and as such is responsible for the exterior of the buildings where the properties are located. Contents insurance is arranged separately by the householder.

- 3.2 The current contract was awarded to Aspen in 2007 (with the Executive's approval which was granted on the 14<sup>th</sup> June 2007) and will expire on the 31<sup>st</sup> July 2010. The new arrangement will provide buildings insurance cover in respect of individual properties as of the date when the existing cover for the property comes up for renewal.
- 3.3 Whilst it is anticipated that the framework will be made available to other London Borough Councils who are members of the West London Alliance (see paragraph 6.4 below), evaluation of the submitted compliant tender responses will be undertaken by officers of Brent Council.
- 3.4 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the service.	A single supplier framework agreement for provision of buildings insurance for "Right to Buy" properties.  It is anticipated that the framework will be made available to other London Borough Councils who are members of the West London Alliance (see paragraph 6.4 below). Brent Council will call off the framework as soon as it is awarded, to allow provision of insurance to commence from 1 August 2010.
(ii)	The estimated value.	£1,620,000 (£540,000 per year) for 3 years, being the anticipated value of the cover placed by Brent Council under the framework agreement
(iii)	The contract term.	Commencing on 1 August 2010, 2010 for 3 years

Ref.	Requirement	Response	
(iv)	The tender procedure to be adopted	<p>The services are Part A services under the Public Contract Regulations 2006 (The Classic Directive). Formal tendering using the Restrictive Procedure as set out in the Regulations will be adopted.</p> <p>Additionally in order to attract local providers, this contract will be advertised on the Council's website.</p>	
v)	The procurement timetable.	<p><b>Indicative dates are:</b></p> <p>Adverts placed</p> <p>Expressions of interest returned</p> <p>Shortlist drawn up in accordance with the Council's approved criteria</p> <p>Invite to tender</p> <p>Deadline for tender submissions</p> <p>Panel evaluation and interviews</p> <p>Panel decision</p> <p>Report recommending Contract award circulated internally for comment</p> <p>Executive approval</p> <p>Mandatory minimum 10 calendar day standstill period if Part A service contract— notification issued to all tenderers and additional debriefing of unsuccessful</p>	<p>16 th March 2010.</p> <p>16<sup>th</sup> April 2010.</p> <p>28<sup>th</sup> April 2010.</p> <p>29<sup>th</sup> April 2010.</p> <p>8th June 2010.</p> <p>14th June 2010.</p> <p>18<sup>th</sup> h June, 2010.</p> <p>21st June 2010.</p> <p>July, 2010.</p> <p>July, 2010.</p>

Ref.	Requirement	Response	
		tenderers	
		Contract start date	1st August 2010
(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 pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. Thereafter once candidates have been selected for tender, full documentation will be sent and thereafter the panel will evaluate the tenders against the following criteria:</p> <p><b>50 % price</b> <b>50% quality</b></p> <p>Quality consisting of:</p> <ul style="list-style-type: none"> <li>- Ability to meet the specification (30%)</li> <li>- Customer Care to incorporate claims handling (10%)</li> <li>- Service Levels (10%)</li> </ul>	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract.	
(viii)	The Council's Best Value duties.	The Procurement process will ensure Best Value and compliance are achieved.	
(ix)	Any staffing implications, including TUPE and pensions.	The service is currently provided by an external provider and there are no implications for existing Council staff.	
(x)	The relevant financial, legal and other considerations.	See sections 4 and 6 below. Members are also asked to note that officers will remain mindful of the need for consultation as identified in sections 6.6, 6.7 and 6.8 below and in particular the timeframes identified in those sections. There remains the possibility that as a result of the Council's obligations regarding stakeholder observations, the commencement of the framework arrangements occurs after 1 August 2010. If this is the case, officers will consider an extension of the existing contract in light of the Council's standing orders.	

3.5 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

#### **4.0 Financial Implications**

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.

4.2 The estimated value of this contract is £1,620,000 for the duration of the three year contract.

4.3 It is anticipated that the cost of this contract will be funded through leaseholder's service charges, thus having no other financial implications for the Council.

4.4 it is not proposed to charge participating Councils for their use of the framework and there are no other financial considerations.

#### **5.0 Staffing Implications**

5.1 These services are currently provided by an external provider engaged by the Council and there are no implications for Council staff arising from retendering the services by way of the proposed framework.

#### **6.0 Legal Implications**

6.1 The Council's power to purchase insurance is primarily under section 111 of the Local Government Act 1972 as being ancillary or incidental to its main functions (although there are some specific express powers to insure). As identified in previous reports, the Council would be in a position of unacceptable risk if it did not have adequate insurance. It is also under an obligation to insure under the terms of each Right to Buy lease.

6.2 The anticipated value of the Council's call-off contract over its lifetime (£1.62 million) is higher than the EU Procurement Regulations threshold for services. Insurance services are classified as Part A services and so the tendering and award of the framework is governed by the Public Procurement regime as set out in the Public Contracts Regulations 2006. Given the anticipated value of the framework, the procurement and award of the framework is also subject to the Council's own Standing Orders in respect of High Value contracts and the Council's Financial Regulations and accordingly the approval of the Executive is required to invite tenders and to the pre tender considerations set out at paragraph 3.4.

6.3 The proposed framework will be procured and tendered in accordance with the authority's Contract Standing Orders which require a formal tendering process with advertising of the proposed contract.

- 6.4 The contract is being procured as a single supplier framework agreement as it is anticipated that the Council will invite other members of the West London Alliance ( comprising the London Boroughs of Brent, Ealing, Hammersmith & Fulham, Harrow, Hillingdon Hounslow and Royal Borough of Kensington and Chelsea) to use the framework as “participating authorities”. It is not proposed to levy a charge to other local authorities using the framework, and officers will ensure that the OJEU notice in respect of the framework is drafted to contemplate the use of the framework by these local authorities. Legal Services will be instructed to prepare the terms and conditions under which other local authorities may use the framework, with a view to protecting the Council’s interests.
- 6.5 In order to provide the insurance services the Council requires, it is expected that the Council will enter into a call-off contract under the framework on the commencement date of the framework (1 August 2010) for a period of three years, in order to provide the insurance cover described in section 3 of this report. It is not expected that further call-off contracts will be required, although the nature of a framework is such that there will be a mechanism for further call-offs by the Council should the need arise.
- 6.6 With regard to leaseholder consultation requirements relating to service charges, the consultation requirements are set out in regulation 5(2) and Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003 (S.I. 2003/1987) governing long term agreements in excess of twelve months where public notice is required. These provisions take effect in these circumstances because the contract for the insurance of these leasehold Right to Buy properties is for a term of more than twelve months and the expected contribution from each leaseholder is likely to be more than £100.00 per annum. If the consultation requirements are not followed, the maximum that could be recovered in service charges in respect of the insurance contract would only be £100.00 per annum per leaseholder. If the consultation requirements are complied with, the Council and Brent Housing Partnership (BHP), as the Council’s managing agent, will be able to recover the costs of the insurance contract from the leaseholders of the Right to Buy properties.
- 6.7 The consultation requirements as set out in Schedule 2 of the above-mentioned 2003 Regulations involve a two stage process. The first stage is for BHP, on behalf of the Council, to serve a notice of its intention in writing to enter into an agreement regarding the provision of insurance for the Right to Buy properties on the leaseholders and any recognized tenants’/residents’ association. The notice must state that the reason why the landlord is not inviting recipients of the notice to nominate persons from whom the Council should try to obtain an estimate for the contract is that public notice for the tender for the contract will be given. The notice must also state a description of the “relevant matters” relating to the contract or specify a venue and time where the “relevant matters” can be inspected. The notice must also state the Council’s reasons for considering it necessary to enter into an insurance contract and invite the making, in writing, of observations relating to the proposed contract and specify the address to which such observations may



be sent, that they must be delivered within the “relevant period”, which is 30 days beginning with the date of the notice, and the date on which the “relevant period” ends. Where observations are made by those persons and organizations which receive such a notice, the Council must have regard to those observations . These requirements are set out in paragraph 1 of Schedule 2 of the above-mentioned 2003 Regulations. This notice was served on February 1 to BHP.

6.8 The second stage of the consultation process involves the preparation of a proposal on behalf of the Council regarding entering into the insurance contract relating to the Right to Buy properties and serving a notice on the leaseholders and resident(s) association(s) giving notice in writing of the Council’s proposal. The proposal needs to give details of the proposal relating to the proposed insurance contract including the parties to the proposed contract, the duration of the contract, and other details as set out in paragraph 4 of Schedule 2 of the above-mentioned 2003 Regulations. The notice must set out the proposal in writing and invite the making, in writing, of observations relating to the proposal and specify the address to which such observations may be sent, that they must be delivered within the “relevant period”, which is 30 days beginning with the date of the notice, and the date on which the “relevant period” ends. Where observations are made by those persons and organizations which receive such a notice, the Council must have regard to those observations. Where observations are made by those persons and organizations which receive such a notice, the Council must have regard to those observations. Also, within 21 days of receipt of the observations, BHP (on behalf of the Council) must state its response to the observations must by notice in writing to the persons by whom the observations were made. Ideally, this notice would be served after the Panel Decision and before the Executive meeting which decides to award the contract so as to allow the Executive to consider the observations when making a decision as to which company should be awarded the insurance contract. In the circumstances however, where the existing contract is due to expire on 31 July 2010, officers consider that an appropriate course of action would be for the executive to approve the award of the framework agreement in July 2010 (as per item (v) in the table appearing at paragraph 3.4) following tender evaluation with the award to be subject to the proviso that the framework agreement will not be entered into unless the Director of Finance and Corporate Resources is satisfied that no concerns raised by leaseholders require the award decision to be reviewed by the Executive. Members are asked to note that this is the process which was adopted in awarding the existing contract to Aspen by the executive on 14 June 2007.

6.9 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the framework and recommending award.

## **7.0 Diversity Implications**

7.1 Officers have screened the proposals in this report, and believe that there are no diversity implications

## **8.0 Other implications**

8.1 None

## **9.0 Background Papers**

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

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Richard Walsh, Insurance Manager, Procurement and Risk Management Unit, Room 5, Brent Town Hall Annex, Forty Lane, Wembley HA9 9HD.

Tel: 0208 937 1163

E-mail: Richard.Walsh@brent.gov.uk

**DUNCAN McLEOD**  
**Director of Finance and Corporate Resources**

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and a banner, surrounded by the words 'BRENT' and 'COUNCIL' in a circular arrangement.</p>	<p><b>Executive</b> <b>15<sup>th</sup> March 2010</b></p> <p><b>Report from the Director of Finance and Corporate Resources and the Director of Housing and Community Care</b></p>
<p>Ward Affected: Kensal Green</p>	
<p><b>Disposal of 79a and 79b Tubbs Road, NW10</b></p>	

Forward Plan Ref: F&CR-09/10-24

\*Appendix 2 is **Not for publication ('below the line')** This part of the report is not for publication as it contains the following category of exempt information as specified in the Local Government Act 1972 namely information relating to the financial and business affairs of any particular person (including the authority holding that information)

The report has the following attachments:

- 
- Appendix 1 –location plan
- Appendix 2 -confidential**

## **1.0 SUMMARY**

- 1.1 This report seeks Executive's consent to the disposal of the above property on the terms detailed in this report.

## **2.0 RECOMMENDATIONS**

- 2.1 The Executive authorise the Head of Property and Asset Management to acquire and then dispose of the property in line with the following options:

- (i) to a Housing Association that has been nominated by the Director of Housing and Community Care
- (ii) to Brent Housing Partnership as part of the ALMO Settled Homes Initiative
- (iii) or in the event that disposal under options (i) or (ii) cannot be achieved; by way of public auction

- 2.2. The Executive delegates authority to the Head of Property and Asset Management to determine the final terms of the disposal, provided that the consideration obtained should be the best that can, in his opinion, reasonably be obtained and the other terms shall be such as he considers to be in the best interests of the Council.

### **3.0 DETAIL**

- 3.1 The Council originally held a leasehold interest in this house, for 99 years which expired on 29<sup>th</sup> September 2008. The house has, at some point, been divided into 2 no. two bedroom flats. Utilising the Leasehold Reform Act 1967, the Council has enfranchised the above lease. This acquisition was approved by Executive on 6 April 2009. A site plan of the subject property is attached as Appendix 1

Thus in accordance with the Act the Council is now in the process of acquiring the freehold interest from the Landlord. The purchase sum reflects the imposition of the Act and takes account of assumptions which must be made during the acquisition process. The Leasehold Reform Act 1967 also provides for the purchaser of the freehold to pay the Landlords reasonable surveyors and legal fees.

- 3.2 The Council has previously used the Leasehold Enfranchisement Act to acquire the following properties in recent years (As shown in Appendix Two).

This strategy has enabled the Council to retain 58 Palermo Road within the HRA as a social housing unit as well as realise a profit on the two other properties which have been sold. The alternative would have been to accept the termination of these leases and upon expiry return them to the freehold owner with vacant possession. This would then entail the Council in finding alternative accommodation for any persons occupying the premises on a social rented basis as well as expose the Council to potentially substantial dilapidations claims.

- 3.3. Previously the Council has effectively ring-fenced the funds accruing from these particular disposals to fund other acquisitions. However the Council also took the decision to retain one of these units as a social housing property. Therefore the fund specifically available from previous enfranchisements is circa £86,000. Thus an acquisition of this property will leave a deficit of £48,000 which will be offset on the subsequent sale of the property
- 3.4 The Council's Head of Affordable Housing Development has advised that LHA-ASRA, which is a housing association with a local presence, has expressed an interest to acquire the property. LHA-ASRA has received a funding allocation to deliver an affordable housing scheme in the borough. Unfortunately, construction on this scheme has been delayed as the developer constructing the site has gone into administration. The Homes and Communities Agency (HCA) has agreed for LHA-ASRA to purchase some properties on the open

market using part of the social housing grant allocation made in respect of the aborted development. The HCA would require the properties to be acquired by the financial year. Given this, officers are recommending priority for the disposal of the property is given to LHA-ASRA if they are able to secure the social housing grant to partly fund the acquisition and are able to achieve completion on the sale by 31 March 2010. The disposal to LHA-ASRA will enable both properties to be retained with the borough's overall affordable housing stock.

- 3.5 The Head of Property and Asset Management will determine the final terms of disposal, which would as a minimum require LHA ASRA to acquire the property at Open Market Value. Officers are currently confirming whether LHA-ASRA accept the terms of disposal and are able to secure the HCA grant funding to Council's timescales for disposal can be achieved.
- 3.6 If ASRA are unable to agree terms, it is recommended that the property is disposed to Brent Housing Partnership (BHP) which has expressed an interest to acquire these properties at Open Market Value as part to the ALMO Settled Homes Initiative. Members will note that a report on the delivery of the ALMO Settled Homes Initiative was presented to the Executive Meeting held on 18 January 2010. The Executive approved an £8m prudential loan to be granted to BHP in order to fund the acquisition costs of delivering tranche 1 of Settled Homes Initiatives, comprising up to 50 properties. The negotiations on the loan terms are currently being finalised and given this, BHP is in a position to acquire these properties under their Settled Homes Initiative if LHA-ASRA are unable to proceed with the purchase. If the loan terms are not settled by the 31 March 2010, BHP could meet the acquisition costs from their existing reserves.
- 3.7 However, in the event that the property cannot be acquired by a LHA-ASRA or BHP, then officers will inform other housing association partners that the property is being disposed at auction on 12 May 2010.
- 3.8 The Council is currently awaiting receipt of draft transfer documents from the current owner of the property to enable it progress the acquisition of the freehold in readiness for the disposal.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The subsequent sale of this property is unlikely to take place in the 2009/10 Financial Year and therefore proceeds will not become available to offset the deficit of £48k arising on Enfranchisement sales until 2010/11. There is no provision within the 2009/10 accounts for this deficit. However, capital receipts derived from the sale of corporate properties combined with probable levels of slippage in the programme should nullify the impact of this deficit at year end until the sale completes. Members should note that a sale of at least one of the properties will be required if the general fund is not to subsidise an element of the initial purchase of the properties.

- 4.2 As per previous reports the Executive is asked to note that any net receipts from enfranchisement will be subject of a future report emphasising that housing stock is being reduced by the process and will need to be replaced with a view to using the receipts to (1) increase the number of homes over and above the amount that need to be replaced or (2) to acquire larger family homes where there is a shortage of supply.
- 4.3 Provision shall be made from the sale proceeds for the disposal costs, including legal costs, reimbursement of Landlord's costs of enfranchisement paid by Council on purchase, auction costs if necessary, and the administrative costs of Property and Asset Management
- 4.4 The sale will be negotiated on the basis that the best consideration for the asset will be achieved or placed in a public auction.
- 4.5 There is a risk that should these properties be put to auction and the Council's reserve price is not reached the consequential delay will result in a negative impact on cash-flow. However, this should be compensated by the capital receipt when received.
- 4.6 Members should note that the Local Authority (Capital Finance and Accounting) (England) Regulations 2003 states that capital receipts a local authority derives from the disposal of an interest in other housing land (non Right to Buy) must be "pooled" at a rate of 50%. However, the regulations also state that a local authority can treat such receipts as reduced by an amount up to the value of its available Capital Allowance at the time the specified amount is calculated. For the purposes of these regulations the Capital Allowance is a provision that reflects the authority's past and current forecast investment in regeneration schemes and the provision of affordable housing. Currently the council is maintaining a capital allowance significantly in excess of the forecast capital receipt and there will be no requirement to pool any of the derived income if Members elect to dispose of one or both of the flats.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable.
- 5.2 The land comprised in the disposal site is held by the Council for housing purposes consent is required from the Secretary of State for the disposal. However, in the event of a sale to an RSL the proposed terms of sale will be consistent with and within the scope of the General Consent 2005 issued by the Secretary of State under Section 32-34 of the Housing Act 1985

- 5.3 In the event that the property is to be sold at a public auction conditions have to state that the disposal is conditional upon the Secretary of State giving consent to the disposal of the dwelling.
- 5.4 A deemed consent will automatically apply if the successful bidder is an individual or individuals who have not previously purchased a vacant dwelling from the Council in the current financial year.
- 5.5 However a successful bidder at an auction may be an organisation which would not fall within the categories of purchaser which are covered by a deemed consent and therefore completion could not take place until the Secretary of State's consent has been obtained.

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 The property is currently vacant, and therefore no diversity implications are considered to apply to the disposal process. Although, of course the creation of new accommodation available for social housing will contribute toward the provision of stock available to the Council's housing waiting list.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

- 7.1 As the property is currently vacant there are no staffing or accommodation implications at this time.

## **8.0 BACKGROUND PAPERS**

- 8.1 Property Files of the Head of Property and Asset Management, Finance and Corporate Resources Department.

### **9.1 Contact Officers**

- 9.1 James Young, Deputy Head of Property & Asset Management, Room 1A, Town Hall Annexe, Forty Lane, Wembley HA9 9HD.
- 9.2 Dipal Patel, Surveyor, Property & Asset Management, Room 1A, Town Hall Annexe, Forty Lane, Wembley HA9 9HD.

Any person wishing to inspect the above papers should contact the above officers on tel: 020 8937 1398 or 020 8937 1318.

Duncan McLeod  
Director of Finance and Corporate  
Resources

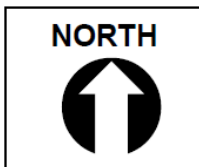
MARTIN CHEESEMAN  
Director of Housing and  
Community Care

**Appendix 1**

**EXECUTIVE COMMITTEE**  
**79 Tubbs Road, London NW10 4QX.**



Premises shown cross hatched black.  
Plan for information purposes only.  
**PREPARED BY PROPERTY & ASSET MANAGEMENT**  
"Unlocking the Potential"




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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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	<p><b>Executive</b> <b>15 March 2010</b></p> <p><b>Report from the Director of Business Transformation</b></p>
Wards affected: ALL	
<p><b>Authority to agree a extension to the Council's existing contracts for office supplies</b></p>	

Forward Plan Ref: F&CR-09/10-23

**Appendix 1 is not for publication**

**1.0 Summary**

- 1.1 This report requests authority to agree a further three month extension to the Council's existing contracts with Office Depot (UK) Ltd and The Paper Company for the provision of office supplies.
- 1.2 This report details briefly the procedure followed the London Contracts and Supply Group in procuring a framework agreement for the provision of office supplies and explains why a three month extension of existing arrangements is sought.

**2.0 Recommendations**

- 2.1 The Executive agrees that there are good operational reasons for not tendering contracts for the provision of office supplies and approves a three month extension of existing contracts with Office Depot (UK) Ltd and The Paper Company.

**3.0 Background**

- 3.1 The Council, as a member of the London Contracts and Supply Group ("LCSG") has since 1<sup>st</sup> September 2005 purchased office supplies by way of call off contracts from a framework agreement set up by LCSG
- 3.2 The LCSG framework agreement expired on 31 August 2009. Prior to its expiry, the London Borough of Camden ("LBC") on behalf of the LCSG commenced a tendering process for a replacement office supplies framework. On 2 February 2009 it published a Contract Notice in the Official Journal of the European Union ("OJEU") seeking expressions of interests for a new framework agreement. Unfortunately the LBC subsequently withdrew from managing the tendering exercise due to a loss of procurement resources and the London Borough of Havering ("LBH") took over the process on behalf of the LCSG. As it was required to commence the tendering procedure for the framework afresh, the Council was informed by LBH that the LCSG framework agreement would not be in place until 1 April 2010.

- 3.3 Given the LCSG framework expired on 31 August 2009 with a new LCSG framework not available until 1 April 2010, the Council entered into correspondence with the Office of Government Commerce (“OGC”) regarding the use of an OGC Buying Solutions framework which was being established for the provision of office supplies. Officers were originally informed that the framework would commence on 1 September 2009, thus enabling the Council to purchase office supplies under it immediately the LCSG framework expired.
- 3.4 On 24 August the OGC contacted the Council and informed Officers that the OGC Buying Solutions framework would not in fact be available to use from 1 September. The OGC indicated that it had been decided to extend the period in which tenderers could challenge the procurement process until 7 September 2009. No indication was given as to exactly when the framework would commence.
- 3.5 As the OGC framework would not be available for use by the Council on the termination of the LCSG framework on 31 August 2009 and given the very limited notice available to the Council to arrange for the alternative provision of office supplies, Officers did not have time to seek Executive approval and instead sought Chief Executive approval for the exercise of delegated powers in cases of extreme urgency namely, an exemption from the requirements of Standing Order 86(b) (the requirement to seek at least three written quotes for a low value contract) and the award of two month contracts to its pre-existing suppliers, Office Depot UK Ltd and The Paper Company, from 1 September 2009. Chief Executive approval to enter these low value contracts was subsequently given.
- 3.6 On 9 September 2009 the Council was once again contacted and informed by the OGC that after an internal review they had reluctantly decided to withdraw from the award of the framework agreement. Given that the procurement process for the award of the OGC framework had stalled, Officers took steps to try to identify measures to meet the Council’s requirement for office supplies for the period from 1 November 2009 to 31 March 2010. Due to the lack of commercial alternatives and in order to receive continuing services and avoid the risk of operational problems, maverick spending outside a Council-wide contract, additional costs and damage to the council-wide Oracle AEP programme, Officers sought and obtained Chief Executive approval for the exercise of delegated powers in cases of extreme urgency namely, that there were good operational reasons for not tendering contracts for the provision of office supplies and for the extension of its existing office supply contracts for five months, to expire on 31 March 2009. As in the circumstances detailed in paragraph 3.5, there was not sufficient time to obtain Executive approval and for that reason Officers sought Chief Executive approval for the exercise of delegated powers in cases of extreme urgency.
- 3.7 During the five month extension period, LBH have been proceeding with the procurement of a new LCSG framework for office supplies. Officers were informed by Havering that the framework was to be awarded in February 2010, to commence on 1 April 2010. During this period there has also been progress in letting the OGC framework for office supplies and Officers had extensive discussions with the OGC where full details of the framework were provided. Following this meeting, Officers concluded that it was more likely that the LCSG framework would better meet the Council’s needs.

- 3.8 On 25 February however, Officers were advised by Havering that an error had been identified in the evaluation of quality scores for one of the suppliers and as this had been carried into the procurement auction, it meant that the outcome of the auction may not be correct. As a result, Havering indicated that they would be re-opening the auction with the error corrected. Whilst Havering indicated that the re-opened auction is likely to occur on 2 March 2010, it is unlikely that the framework will be let with Officers having sufficient time to check the framework offers best value to the Council prior to the expiry of current contractual arrangements on 31 March 2010.
- 3.9 As detailed in paragraph 3.6, the Council has previously identified that there are a lack of commercial alternatives for the supply of office supplies available to the Council. Whilst the OGC framework has now been let, with a “go live” date of 28 January 2010, suppliers are still working on imputing pricing information on the OGC database and therefore core pricing information is not yet available. Also, the OGC framework would require the Council to run a mini competition to appoint a contractor and it is doubtful whether the Council has sufficient time to do this prior to the expiry of its existing contracts. In addition to issues regarding the OGC framework, there remains the concern that switching suppliers at short notice and for a limited duration (until the re-letting of the LCSG framework) will lead to operational problems in the supply of office stationary. Any operational problems are likely to lead to stockpiling of stationary by Departments and an increased holding of supplies. Changing suppliers may also risk maverick spending outside a Council-wide contract, something that it has taken 3 years to set up. Moving from current arrangements is also likely to lead to additional costs and damage to the council-wide Oracle AEP programme. The Office Depot (UK) Ltd contract in particular is a cornerstone of the Oracle e-Procurement pilot project. Acceleration of this project has been identified as a key contributing factor to hitting the One Council report recommendations. The loss of the contract will severely impact on that project. For these reasons it is considered that a three month extension of the Council’s existing contracts with Office Depot (UK) Ltd and The Paper Company to cover the period 1 April 2010 through to 30 June 2010 is appropriate notwithstanding the Legal Implications identified.
- 3.10 Officers have informally discussed the possibility of extending the contract arrangements with Office Depot (UK) Ltd and The Paper Company and in principle they are prepared to extend the existing contracts for three months on existing terms.
- 3.11 Officers consider that extending the existing contract represents value for money. At the time the existing contract was awarded, the contract was considered value for money based on prices offered and service. The situation has not changed since then. Officers therefore recommend that the existing contracts with Office Depot (UK) Ltd and The Paper Company be extended for a further period of three months.

#### **4.0 Financial Implications**

- 4.1 The estimated value of the 3 month extension to existing contractual arrangements is £81k based on average monthly spend of £27k on office supplies.
- 4.2 As it is intended that existing terms and pricing will apply to any extended contractual period, there is sufficient budgetary provision for any extension.
- 4.3 Given the original contractual arrangement was procured competitively with a number of other local authorities, it is considered that the Council is more likely to

obtain best value by extending existing arrangements than seeing quotes for a short contract to last until the further LCSG framework is let.

## **5.0 Legal Implications**

- 5.1 The Council's existing contractual arrangements in connection with the provision of office supplies commenced in September 2005 under the former LCSG framework agreement and have already been extended on two separate occasions, initially for a period of two months from 1 September 2009 following the expiry of the LCSG framework and thereafter for a period of 5 months from 1 November 2009 to expire on 31 March 2010.
- 5.2 Each extension of contractual arrangements has been pursuant to Chief Executive approval for the exercise of delegated powers in cases of extreme urgency namely an exemption from Standing Order 86 (b) (the requirement to seek at least three written quotes for low value contracts).
- 5.3 A further extension of existing contractual arrangements with Office Depot (UK) Ltd and The Paper Company is sought for a period of three months. The estimated value of such contracts for Standing Orders purposes means that they are classed as low value contracts. In accordance with Contract Standing Order 84 (a), a further exemption from the requirement to seek at least three written quotes for low value contracts is sought for "good operational and/or financial reasons". Paragraph 3.9 details why Officers consider appropriate grounds exist for this exemption from tendering.
- 5.4 The contractual arrangements for the provision of office supplies are classed as supplies contracts for the purposes of the Public Contract Regulations 2006 ("EU Regulations"). Further information regarding EU Regulations is in Appendix 1.

## **6.0 Staffing Implications**

- 6.1 As the current contract is being delivered by an external contractor, there are no TUPE implications for Council staff.

### **Contact Officers**

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Email [simon.britton@brent.gov.uk](mailto:simon.britton@brent.gov.uk)

Rajeashwri Soni-Alagh, Service Manager, Business Transformation, Chesterfield House, Telephone 020 8937 3900, Email [raj.soni-alagh@brent.gov.uk](mailto:raj.soni-alagh@brent.gov.uk)

**Graham Ellis**  
**Director of Business Transformation**



## LONDON BOROUGH OF BRENT

### DRAFT EXTRACT OF MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 9 February 2010 at 7.30 pm

PRESENT: Councillor Jones (Chair), Councillor Castle (Vice Chair) and Councillors Clues and Thomas

Also Present: Councillors Dunwell, John and Powney and Sneddon (Lead Member for Human Resources and Diversity and Local Democracy and Consultation)

Apologies were received from: Councillors Mistry

#### 1. **Willesden Junction Station Councillor Call for Action Request**

Councillor Powney who had requested the councillor call for action, was invited to address the Committee. He referred Members to his main concerns in the report, which included:-

- The poor and dangerous state of Station Approach
- Underuse of Hythe Road public footpath
- Poor management of land around the station leading to environmental health issues and lack of visual amenity.
- Poor maintenance of Harrow Road footpath
- Poor signage

Councillor Powney explained that the reasons for the poor state of Willesden Junction Station and the area around it could partly be attributable to the site occupying land under three London boroughs - Brent, Ealing and Hammersmith and Fulham, and because of a lack of clarity as to who owned particular areas of the site. This included Station Approach, which Councillor Powney understood was likely to be owned by Network Rail, however no response from the company had been received despite repeated requests. He suggested that the London Borough of Hammersmith and Fulham (LBHF) be approached with a view to setting up a joint task group to look into this matter further and that other organisations such as Network Rail, London Overground and Transport for London (TfL) be requested to attend a meeting and provide an explanation of the poor state of the area and agree what action needed to be taken.

During discussion, Councillor Thomas commented that the issue could be pursued through both this Committee and LBHF's Overview and Scrutiny Committee and he asked whether funding issues were precluding Neighbourhood Working from taking action. Councillor Clues felt there was some value in taking joint action with

LBHF, however he did not think it was necessary to be pursued through the Overview and Scrutiny Committees.

The Chair commented that she understood that LBHF did not operate task groups, however she agreed that it would be useful for LBHF to be involved. Members then agreed to her suggestion that ways of working with LBHF be considered to pursue this issue, that Environmental Services approach Network Rail to ascertain if they own Station Approach and that Neighbourhood Working be asked to investigate the possibility of taking action.

RESOLVED:-

- (i) that the Executive agree that ways of working with the London Borough of Hammersmith and Fulham to take action to improve the area in and around Willesden Junction Station be considered;
- (ii) that the Executive agree that Environmental Services be requested to approach Network Rail to ascertain whether Network Rail own Station Approach; and
- (iii) that the Executive agree that the Neighbourhood Working Team be asked to consider taking action to assist in improving the area in and around Willesden Junction Station.