



## Cabinet

**Monday 15 January 2018 at 6.00 pm**

**Board Rooms 3, 4 & 5 - Brent Civic Centre**

### Membership:

#### Lead Member Councillors:

#### Portfolio

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

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

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

## **Notes for Members - Declarations of Interest:**

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

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

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

### **\*Disclosable Pecuniary Interests:**

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

### **\*\*Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

# Agenda

Introductions, if appropriate.

Item	Page
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interest</b>	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.	
<b>3 Minutes of the Previous Meeting</b>	1 - 12
To approve the minutes of the previous meeting held on 11 December 2017 as a correct record.	
<b>4 Matters Arising (if any)</b>	
To consider any matters arising from the minutes of the previous meeting.	
<b>5 Petitions (if any)</b>	
To discuss any petitions from members of the public, in accordance with Standing Order 66.	
<b>6 Reference of item considered by Scrutiny Committees (if any)</b>	13 - 16
To consider any reference reports from any of the Council's three Scrutiny Committees.	
<b>Resources reports</b>	
<b>7 2017/18 Mid-Year Treasury Report</b>	17 - 28
The Council's Treasury Management Strategy is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year. Cabinet is asked to note the 2017/18 mid-year Treasury report, which has already been reviewed by the Audit Committee and is to be forwarded to the Council.	

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Archa Campbell, Head of Finance  
Tel: 020 8937 4722  
archa.campbell@brent.gov.uk

**8 Bobby Moore Bridge Dressing/Advertising Lease, Olympic Way, Wembley 29 - 36**

The previous four year lease to Wembley City Estate Management expired on 30 August 2017; this lease was outside the security of tenure provisions of the 1954 Act except Sections 24 to 28 (inclusive) and therefore there is no contractual right for the tenant to renew its lease. The purpose of this report is to renew contracts and increase income from the Bobby Moore Bridge dressing/advertising rights.

**Ward Affected:**  
Tokyngton

**Lead Member:** Leader (Councillor Muhammed Butt)  
**Contact Officer:** James Young, Commercial Portfolio Manager  
Tel: 020 8937 1398  
james.young@brent.gov.uk

**9 Council Loans Framework for in-borough Capital Projects 37 - 44**

This report seeks authority to establish a capital advances lending framework. Under this framework, loans will be available to part-finance the delivery of in-borough capital schemes that produce outcomes in line with the Council's aims and objectives.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Paul Gulley, Head of Finance  
Tel: 020 8937 1428  
Paul.Gulley@brent.gov.uk

**10 Pan London Energy Project (LEP) Water Framework 45 - 50**

The Water market in England was deregulated in April 2017. To comply with the Public Contracts Regulations 2015, the London Borough of Brent will require a contract for a Water Retailer. In this newly deregulated market, the most economically advantageous approach is to collaborate with other authorities. On behalf of local and other public sector authorities, The London Energy Project (LEP), with Haringey Council acting as the Lead Authority, will co-ordinate a mini-competition through the Crown Commercial Services (CCS) Framework for Water, Wastewater and Ancillary Services, accessed by call-off from YPO.



**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Keith Airey, Interim Senior Category Manager  
Tel: 020 8937 2859  
Keith.Airey@brent.gov.uk

## **11 Merchant Acquiring Services and Equipment**

51 - 56

The current Merchant Acquiring Services and Equipment contract is due to expire on 31 March 2018 and a new contract needs to be established. In simple terms, this contract provides chip and PIN terminals to take credit and debit card payments, and provides the service that transfers payments from the companies who issue credit and debit cards to the Council's bank account.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Keith Airey, Interim Senior Category Manager  
Tel: 020 8937 2859  
Keith.Airey@brent.gov.uk

## **12 Review of the Shared Procurement Service**

57 - 66

With the recent resignation of the Harrow Divisional Director of Procurement and Contracts it is now an opportune time to review whether or not Brent continues to see benefit in the shared procurement service or whether it believes it will be more beneficial to dissolve the shared service and make alternative arrangements i.e. bring the function back in house. This report details the advantages and disadvantages of both options and makes a recommendation to bring the function back in house.

**Ward Affected:**  
All Wards

**Lead Member:** Leader (Councillor Muhammed Butt)  
**Contact Officer:** Debra Norman, Chief Legal Officer  
Tel: 020 8937 1578  
debra.norman@brent.gov.uk

### **Chief Executive's reports**

## **13 The Use of Food Banks in Brent Scrutiny Task Group Report**

67 - 108

This report set out the findings and recommendations of the recent task group into the use of food banks in Brent. The task group made the decision to look at this area due to the significant rise in food bank usage nationally and lack of a detailed picture of food bank usage across Brent.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Mark Cairns, Policy and Scrutiny Manager  
Tel: 020 8937 1219 mark.cairns@brent.gov.uk

### Children and Young People reports

- 14 Approval for Commissioning a Block Contract for Semi-independent Living for Looked After Children aged 16+ and Care Leavers aged 18+** 109 - 120

This report makes recommendations for a preferred delivery model for Semi-Independent Living Services for Looked After Children aged 16+ and Care Leavers aged 18+. This report seeks Cabinet approval to invite tenders for a block contract for three years with the option to extend for two years through a mini competition under the approved West London Alliance Semi-Independent List.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Children and Young People (Councillor Mili Patel)  
**Contact Officer:** Brian Grady, Operational Director, Safeguarding, Partnerships & Strategy  
Tel: 0208 937 4173  
Brian.Grady@brent.gov.uk

### Regeneration and Environment reports

- 15 Wembley Housing Zone Update and Appointment of Architecturally Led Multidisciplinary Design Team** 121 - 134

This report provides an update on the Wembley Housing Zone programme, following on from the June 2017 Cabinet report.

**Ward Affected:**  
Wembley Central

**Lead Member:** Lead Member for Regeneration, Growth, Employment and Skills (Councillor Shama Tatler)  
**Contact Officer:** Maire Grogan, Principal Regeneration Officer (Housing Zones)  
Tel: 020 8937 3390  
Maire.Grogan@brent.gov.uk

- 16 Air Quality Improvement Measures: Electric Vehicle Charging Infrastructure** 135 - 160

This report seeks to inform and obtain approval from Cabinet for Brent's involvement in two projects that will provide new charging infrastructure for electric vehicles in Brent: The Rapid Charging Infrastructure Project and a project to deliver on-street residential charge points in lamp columns. Both projects require entry into supplier contracts. The report will also provide an update on progress with Source London infrastructure

installation.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Environment  
(Councillor Eleanor Southwood)  
**Contact Officer:** Grace Eminton, Transport  
Planner  
Tel: 0208 937 5245  
grace.eminton@brent.gov.uk

**17 Update and approval of decisions to enable the disposal and redevelopment of 1-8 Neville Close, 1-64 Winterleys and 113-128 Carlton House and 1-71 Blake Court in pursuance of the Regeneration of South Kilburn** 161 - 280

This report seeks approval to authorise the Strategic Director of Regeneration and Environment to seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House (as shown edged red Appendix 1) and 1-71 Blake Court (as shown within the SK Masterplan area at Appendix 2) for the purpose of Ground 10A of Schedule 2; and also seeks approval to authorise the final Allocation Policy for secure tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

**Ward Affected:**  
Kilburn

**Lead Member:** Lead Member for Regeneration,  
Growth, Employment and Skills (Councillor  
Shama Tatler)  
**Contact Officer:** Marie Frederick, Senior Project  
Manager, Estate Regeneration  
Tel: 020 8937 1621  
Marie.Frederick@brent.gov.uk

**18 Residential Extensions and Alterations Supplementary Planning (SPD2) Adoption** 281 - 312

This paper outlines the consultation responses received between 6 July and 17 August 2017 on the draft Residential Extensions and Alterations Supplementary Planning Document (SPD 2). The consultation responses received have resulted in some minor amendments, with revised text and additional drawings now providing clearer guidance.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Regeneration,  
Growth, Employment and Skills (Councillor  
Shama Tatler)  
**Contact Officer:** Joris van der Starre, Principal  
Urban Design Officer  
Tel: 020 8937 2303  
Joris.vanderStarre@brent.gov.uk

This report informs how dockless cycle hire could be beneficial for Brent with regards to encouraging cycling and walking, as set out in the Brent Long Term Transport Strategy 2015 – 2035 and the Brent Cycle Strategy 2016 – 2021. It also sets out a proposal on how to introduce dockless cycle hire in the borough.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Environment  
(Councillor Eleanor Southwood)

**Contact Officer:** Rachel Best, Transportation  
Planning Manager

Tel: 020 8937 5289

rachel.best@brent.gov.uk

## 20 Exclusion of Press and Public

The following items are not for publication as they relate to the following category of exempt information as specified under Part 1, Schedule 12A of the Local Government Act 1972, namely Paragraph 3 “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”:

- Agenda Item 8
  - Bobby Moore Bridge Dressing/Advertising Lease, Olympic Way, Wembley – **Appendix 2**
- Agenda Item 15
  - Wembley Housing Zone Update and Appointment of Architecturally Led Multidisciplinary Design Team – **Appendix 3**

## 21 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting. Any decisions taken urgently under this heading must comply with the provisions outlined in paragraphs 12 and 39 of the Council’s Access to Information Rules (part 2 of the Constitution).

**Date of the next meeting: Monday 12 February 2018**



Please remember to set your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.



## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 11 December 2017 at 6.00 pm

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

1. **Apologies for Absence**

An apology for absence was received from Councillor M Patel (Lead Member for Children and Young People). Councillor Butt conveyed apologies for absence from Carolyn Downs, the Council's Chief Executive.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Minutes of the Previous Meeting**

RESOLVED:-

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

4. **Matters Arising (if any)**

None.

5. **Petitions (if any)**

None.

6. **Performance Report, Q2 (July - Sept.) 2017/18**

Councillor Margaret McLennan, Deputy Leader of the Council, introduced the report and supporting performance scorecard (Appendix A) to set out the position on the Council's performance in the second quarter of 2017/18.

Councillor McLennan stated that the content and format of the report and scorecard have been revised to focus primarily on the Brent 2020 priorities and then on the Borough Plan priorities. She stated that the purpose of this report is to provide Cabinet with a corporate overview of performance information linked to the Brent 2020 and Borough Plan priorities, to support informed decision-making and to manage performance effectively.

She reminded Cabinet that the Brent 2020 vision provides a strategic picture of where the Council would like to be by 2020 and how it intends to get there. The Brent 2020 vision is designed to complement the Borough Plan over the next five years. Its five themed priorities are as follows:

- Employment and Skills – to respond to the increase in the working age population and lift people out of poverty and welfare dependency.
- Regeneration - to improve the economic, social and environmental conditions in the borough.
- Business and Housing Growth - to maximise the tax base to support the delivery of core services.
- Demand Management - to manage the pressure on needs led budgets such as children's social care, adult social care and homelessness.
- Raising Income - to support the delivery of core services.

Councillor McLennan stated that the Corporate Performance Scorecard (Appendix A) sets out the suite of key performance indicators (KPIs) being monitored corporately. Commentary is mandatory in line with the current performance framework and is included in the scorecard.

**RESOLVED** that:

6.1 The performance information contained in the report be noted; and

6.2 The current and future strategic risks associated with the information provided be considered.

## **7. First Wave Housing Ltd - Services Agreement**

Councillor Muhammed Butt, Leader of the Council, stated that the report sets out the proposal to enter into a Services Agreement between the Council and First Wave Housing Ltd, which requires Cabinet consent.

Councillor Butt stated that Housing Management services have now been brought in-house, but the Council has retained First Wave Housing Ltd (formerly Brent Housing Partnership Ltd) as an arms-length organisation with Registered Provider status.

He stated that the Council has been asked by First Wave Housing Ltd to provide it with services as detailed in the report. A medium-term (four-year) Services Agreement is considered appropriate by both First Wave and Council Officers. The Services Agreement will require the Council to procure and directly deliver a number of services and provide a number of functions in return for a fee and reimbursement of costs incurred directly on behalf of First Wave Housing Ltd.

**RESOLVED** that:

7.1 The Council's entry into a four-year Services Agreement with First Wave Housing Ltd to provide a range of support services be approved; and

- 7.2 Any future variation to the Services Agreement is delegated to the Chief Finance Officer in conjunction with the Leader.

## 8. **Budget Strategy and Financing Update**

Councillor Margaret McLennan, Deputy Leader of the Council, stated that the purpose of this report is to set out the Council's budget proposals for 2018/19. The report, she stated, therefore includes other key activities in relation to setting the 2018/19 budget, including dealing with any surplus on the Council's collection fund and updating the position on the proposed London business rates pilot pool. The report also provides a general update on the overall financial position, including an assessment of the Chancellor of the Exchequer's Autumn Budget on 22 November 2017.

Councillor McLennan informed Cabinet that, subject to the results of consultation and scrutiny, it is envisaged that the budget proposals set out in this report would then form the basis of the budget to be agreed at the Full Council meeting of February 2018. For the avoidance of doubt, all of the proposals included in this report were set out for Council in February 2017, together with the results of the consultation carried out leading up to that.

Councillor McLennan stated that no new budget proposals are recommended by way of this report and the position for 2018/19 is still broadly in line with that estimated in February 2017 and updated since.

Agreeing the proposals in this report, all of which were consulted on and agreed in February 2017 will enable the council to set a balanced budget in 2018/19, in accordance with the statutory obligations.

The report also asks Cabinet to take decisions necessary to enable the council to participate in the London Business Rates Pool should this be in the council's interests.

### **RESOLVED** that:

- 8.1 The overall financial position be noted;
- 8.2 The budget proposals for 2018/19 that were previously agreed at the Council meeting of 27 February 2017, as set out in Appendix A, be endorsed;
- 8.3 The technical assumptions underpinning the budget as set out throughout the report, be endorsed;
- 8.4 The results of the extensive consultation on the budget proposals and a council tax increase of 3.99% that was carried out between November 2016 and January 2017 with local residents, businesses and other stakeholders, be noted;
- 8.5 The approach to consultation between December 2017 and January 2018, as set out in section 4 of the report, be noted;

8.6 The estimated Collection Fund balance relating to Council Tax for 2018/19 as a surplus of £1.856m (Brent's share being £1.503m) and note the current estimated balance relating to NNDR for 2018/19 as zero (no surplus or deficit), be agreed;

8.7

- i. Participation in the London Business Rates Pilot Pool for one year with effect from 1 April 2018, in principle, be agreed;
- ii. The decision whether to agree the Designation Order to be issued by the Secretary of State designating the Council as an authority within the London Business Rates Pilot Pool pursuant to 34(7)(1) of Schedule 7B Local Government Finance Act 1988, be delegated to the Chief Finance Officer;
- iii. The Chief Finance Officer be authorised to enter into such Memorandum of Understanding with the participating authorities as may be necessary to implement and/or regulate the pool;
- iv. The authority's administrative functions as a billing authority pursuant to the Non-Domestic Rating (Rates Retention) Regulations 2013 be delegated to the City of London Corporation ("COLC") acting as the Lead Authority, subject to agreement of the Designation Order by the Chief Finance Officer;
- v. The Leader of the Council be agreed to represent the authority in relation to consultations regarding the London Business Rates Pilot Pool as may be undertaken by the Lead Authority pursuant to the Memorandum of Understanding and that he will respond to the consultations;
- vi. It be noted that the Lead Authority may sub-contract certain ancillary administrative functions within the Pool to the GLA as it considers expedient; and
- vii. The Chief Finance Officer, in consultation with the Leader of the Council, be delegated authority to agree the operational details of the pooling arrangements with the participating authorities.

## 9. **Shared Registration and Nationality Service with Barnet**

Councillor Tom Miller, Cabinet Member for Stronger Communities, informed Cabinet that Brent has been providing Barnet's Registration and Nationality Service under the terms of an Inter Authority Agreement (IAA) since 22nd April 2014. The IAA is for an initial term of five years, with an option to extend for a further 2 years subject to agreement by both parties.

Councillor Miller stated that the IAA also provides an opportunity for both parties to review the arrangement after 3.5 years of operation and to determine whether the arrangement should continue. In the event that either party wished to cease the arrangement, at least six months' prior notice would be required. Accordingly, both parties agreed to jointly review the IAA during 2016/17 to determine whether it should continue and if so, to identify and agree changes to the IAA.

**RESOLVED** that:



- 9.1 The termination of the Inter Authority Agreement with Barnet Council for the provision of a shared Registration and Nationality Service be agreed, by giving notice as required under the Inter Authority Agreement of not less than six months but not more than nine months;
- 9.2 The Strategic Director Resources be delegated authority to agree the precise terms of the exit arrangements applicable to the ending of the Inter Authority Agreement including any continued provision of Information Technology Support relating to the Barnet Registration and Nationality Service;
- 9.3 The financial implications arising from the recommendation to terminate the agreement, as set out within Section 4 of the report (Financial Implications), be noted; and
- 9.4 The potential requirement for the council to enter into a bulk transfer arrangement for pension purposes as set out within paragraph 5.4.2 of the report, be noted.

## **10. Acquisition of land at 136 Honeypot Lane**

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, introduced the report seeking Cabinet approval for the acquisition of land at 136 Honeypot Lane as a site for NAIL (New Accommodation for Independent Living) Extra Care housing. Councillor Hirani stated that, as part of terms of sale, the vendor requires that the exchange of contracts takes place before Christmas.

**RESOLVED** that:

- 10.1 Provisions be made to meet future Extra Care housing needs in the borough through investment in land which is suitable to meet local needs, and in a location that promotes the wellbeing of customers; and
- 10.2 The purchase of the land at 136 Honeypot Lane at the price disclosed in the confidential Appendix 2, subject to the Strategic Director of Resources being satisfied that appropriate due diligence checks have been carried out, be agreed.

## **11. London Housing Strategy – Consultation Response**

Councillor Harbi Farah, Cabinet Member for Housing and Welfare Reform, introduced the report advising Cabinet of the Council's response to the Mayor's draft London Housing Strategy. Councillor Farah explained that the reporting deadlines and the deadline of 7 December for submission of responses mean that it has not been possible to present a report to Cabinet prior to this meeting, but that the draft response has been considered internally and has taken on board discussion at those meetings.

Given the importance of the London Housing Strategy in driving future housing policy in London and the need for the Council's own strategies to demonstrate general conformity with it, it is important that Cabinet should be aware of the draft proposals and the issues identified in the response. The final strategy will be published in spring 2018.

**RESOLVED** that:

11.1 The response be noted.

**12. Authority to Award a Contract for a Mental Health Supported Living Scheme**

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, stated that, in accordance with Contract Standing Orders 88, this report seeks Cabinet authority to award a care and support contract for a Mental Health Supported Living Scheme at 115 Pound Lane.

He stated that the site at Pound Lane has an Annex that has 14 self-contained studio flats where the Council would like to deliver a supported Living scheme. This report summarises the rationale for this request and the impact on the wider community as well as the financial implication on the London Borough of Brent.

**RESOLVED** that:

12.1 An exemption from the procurement requirements of Contract Standing Order 95 in respect of a contract for Care and Support for a Mental Health Supported Living Scheme at 115 Pound Lane, be agreed;

12.2 The award of a contract for Care and Support for a Mental Health Supported Living Scheme at 115 Pound Lane to Look Ahead Care and Support for an initial term of up to 3 years 9 months with the ability to extend such term by 1 further year, be approved; and

12.3 The anticipated contract start date was noted as being February 2018.

**13. Authority To Award Contracts For Care and Support for Learning Disability Supported Living Accommodation**

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, stated that this report requests authority to award 2 contracts each for a period of 3+1+1 years as required by Contract Standing Order No 88. These contracts are for care and support services within supported living accommodation at 7 Kinch Grove and 63 Manor Drive and 54 Beechcroft Gardens.

Councillor Hirani stated that these care and support services will be provided to people aged 18+ who have learning disabilities and an assessed need for care and support as defined by The Care Act 2014. They will deliver enablement focused support which will support individuals to have increased choice, control and independence in line with the Council's strategic objectives for accommodation based care.

He stated that this report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

**RESOLVED** that:

- 13.1 A contract for 24 hour care and support at Kinch Grove be awarded to Voyage Care for a period of 3 years with options to extend for 2 further periods of 1 year (3+1+1); and
- 13.2 A contract for 24 hour care and support at 63 Manor Drive and 54 Beechcroft Gardens be awarded to Dimensions (UK) Ltd for a period of 3 years with options to extend for 2 further periods of 1 year (3+1+1).

**14. Authority to Award Contract for CCTV Supplies and Services**

Councillor Tom Miller, Cabinet Member for Stronger Communities, stated that this report requests authority to award contracts as required by Contract Standing Order 88.

Councillor Miller stated that this report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends that Members award the contract for Upgrade of CCTV Equipment - Supplies and Services to Tyco Fire and Integrated Solutions (UK) Ltd. The Contract is for a period of two years with a possible one year extension for a maximum sum of £2.3m dependant on the specific CCTV equipment required on individual sites during installation.

**RESOLVED** that:

- 14.1 The contract for Upgrade of CCTV Equipment - Supplies and Services be awarded to Tyco Fire and Integrated Solutions (UK) Ltd. for a period of two years with a possible one year extension for a maximum sum of £2.3m dependant on the specific CCTV equipment required on individual sites during installation.

**15. Parking Services Contract**

Councillor Eleanor Southwood, Cabinet Member for Environment, introduced the report which identifies a preferred option for the future procurement of the Council's Parking Services Contract.

Councillor Southwood stated that three procurement options have been considered for this contract, whose first five year term expires in July 2018:

- re-tendering the contract;
- establishing a new in-house team; or
- extending the Serco contract by up to five years.

Councillor Southwood stated that the report sets out why the latter option is recommended: to facilitate service improvements, efficiencies and savings; and minimise service and financial risks. The extension period will also provide an opportunity to test new approaches to enforcement and ways of working; and provide space to develop a preferred strategic option for the council in respect of the future delivery of parking and other environmental services.

**RESOLVED** that:

- 15.1 It be agreed to exercise the option to extend the Parking Services Contract by four years and nine months to 31 March 2023, for the reasons set out in Section 5 of the report.

**16. Authority to Award Contract for Arboricultural Services**

Councillor Eleanor Southwood, Cabinet Member for Environment, introduced the report requesting authority to award a contract as required by Contract Standing Order No 88. Councillor Southwood stated that this report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

**RESOLVED** that:

- 16.1 The Arboricultural Services Contract to be awarded to Gristwood and Toms Ltd for a period of five (5) years from 1<sup>st</sup> April 2018, with an option to extend for up to two (2) additional years.

**17. Tree Management Policy**

Councillor Eleanor Southwood, Cabinet Member for Environment, stated that the Council is committed to managing the Borough's tree stock successfully. She stated that the revised Tree Management Policy has been developed to consider the benefits and importance of maintaining the Council's trees. It aims to raise the profile, value and appreciation of trees in the borough, to improve understanding of tree issues, manage expectations and to meet the challenge of adapting to climate change in the coming decades.

Councillor Southwood stated that the policy also recommends a risk management-based approach to mitigate against insurance claims arising from damage to property and/or personal injury caused by trees.

The report also draws together all relevant services to provide a single comprehensive policy covering the management of trees that fall within service areas of: Street Trees; Parks & Cemeteries; Planning; Highways & Infrastructure; and Housing Management.

**RESOLVED** that:

- 17.1 The Council's revised Tree Management Policy, set out in full as the Appendix to the report, be approved.

**18. Quietway – Phase 2: Wembley Park to Harrow Weald**

Councillor Eleanor Southwood, Cabinet Member for Environment, introduced the report on the proposed phase 2 Quietway cycle route from Wembley Park to Harrow Weald. This includes two spurs: one to Wembley Central station; and the second along Churchill Avenue to Kenton Road. The programme is at an early stage with only an indicative route, passing through the central and northern parts of the borough.

**RESOLVED** that:

- 18.1 The route of the proposed Quietway through Brent be agreed, and it be noted that the scheme is to be continued to detailed design and consultation; and
- 18.2 The Head of Highways and Infrastructure in consultation with the Lead Member for Environment, be authorised to undertake any necessary statutory and non-statutory consultation and consider any objections or representations regarding the proposed Quietway route and interventions. If there are no objections or representations, or the Head of Highways and Infrastructure in consultation with the Lead Member for Environment considers the objections or representations are groundless or insignificant, the Head of Highways and Infrastructure in consultation with the Lead Member for Environment be authorised to deliver the scheme. Otherwise, the Head of Highways and Infrastructure in consultation with the Lead Member for Environment be authorised to refer objections or representations to the Cabinet for further consideration.

**19. Decision to delegate authority for the award of contracts for three named schemes within the South Kilburn Regeneration Programme**

Councillor Shama Tatler, Cabinet Member for Regeneration, Growth, Employment and Skills, introduced the report stating that the regeneration of South Kilburn is a fifteen year programme which is approximately half way through. It aims to transform the area into a sustainable and mixed neighbourhood and create a real sense of place and belonging. The programme will deliver around 2,400 new homes of which 1,200 will be made available for social rent for existing South Kilburn, secure council tenants. To date 1073 new homes have been delivered with 60% (639) new homes having been made available for existing secure tenants of South Kilburn.

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

Councillor Tatler stated that the South Kilburn Masterplan review took place in 2016, and that the community is at the heart of the decision making process. She outlined that the Council had taken an inclusive and participatory approach to consultation and engaged with residents and stakeholders of South Kilburn with extensive local consultation from July through to December, which directly fed into the drafting of a revised South Kilburn Supplementary Planning Document 2017 (SPD). The SPD was adopted by Cabinet on the 19 June 2017 and will be an important document in determining how this area continues to transform over the next 10-15 years.

Councillor Tatler stated that the South Kilburn Regeneration Programme also includes the delivery of a new larger high quality urban park and an improved public realm, a new local primary school, new health facilities, new retail facilities, an Enterprise Hub and Community Space, improved environmental standards and a South Kilburn District Energy System. The South Kilburn Programme has been

recognised for exemplar design for new build homes as well as landscape projects and has won a number of prestigious awards.

Councillor Tatler thanked Marie Frederick, Senior Project Manager, and Jill Rennie, Senior Project Manager, for their work on this report.

This report seeks approval to authorise the Strategic Director of Regeneration and Environment to appoint multi-disciplinary design teams and a developer partner for the named sites within the South Kilburn Regeneration Programme in order to speed up the design process and also the delivery process. This will help to ensure that the programme timescales as envisaged and as communicated can be achieved.

**RESOLVED** that:

- 19.1 The Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Growth, Employment and Skills be delegated authority to award the contract for a Multi-Disciplinary Design Team to progress with the design process to prepare a detailed planning application for the proposed comprehensive redevelopment of the 1-8 Neville, 1-64 Winterelys, 113-128 Carlton House and Carlton Hall Site;
- 19.2 The Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Growth, Employment and Skills be delegated authority to award the contract for an architecturally led Multi-Disciplinary Design Team to progress the design process to prepare a detailed planning application for the proposed comprehensive redevelopment of the Hereford House and Exeter Court Site; and
- 19.3 The Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Growth, Employment and Skills to be delegated award a contract for a Developer Partner for the Redevelopment of the Chippenham Gardens Site.

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

None.

**21. Exclusion of Press and Public**

None

**22. Any Other Urgent Business**

None.


This being the last Cabinet meeting of 2017, Councillor Muhammed Butt, Leader of the Council, wished all Brent residents, staff and Councillors a Merry Christmas and Happy New Year.

The meeting ended at 6.28 pm

COUNCILLOR MUHAMMED BUTT  
Chair

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	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director  of Policy, Performance and  Partnerships</b>
<b>Recommendations to Cabinet from the Community and  Wellbeing Scrutiny Committee: Children's Oral Health</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Mark Cairns Policy and Scrutiny Manager Email: <a href="mailto:mark.cairns@brent.gov.uk">mark.cairns@brent.gov.uk</a> Tel: 020 8937 1476

## 1.0 Purpose of the Report

- 1.1 To inform the Cabinet of recommendations made by the Community Wellbeing Scrutiny Committee.

## 2.0 Recommendation(s)

- 2.1 To note the recommendations to Cabinet made at Community Wellbeing Scrutiny Committee as set out in Appendix A.

## 3.0 Detail

- 3.1 On 19 July 2017, Community Wellbeing Scrutiny Committee received a report about children's oral health in the borough. The report, which was presented by the Director of Public Health Dr Melanie Smith, outlined that Brent's children have some of the worst oral health outcomes in England with dental extractions remaining the main cause of elective hospital admissions in children. Dr Smith stressed that although there had been some improvement, levels of tooth decay remained unacceptable bearing in mind that it was almost entirely preventable.
- 3.2 The meeting was also attended by Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, Gail Tolley, Strategic Director Children and Young People, Jeremy Wallman, Head of Acute and Specialised Dental Commissioning at NHS England, Kelly Nizzer, Regional Lead London for

Dental, Pharmacy and Ophthalmic Services at NHS England, and Claire Robertson from Public Health England.

- 3.3 As part of the discussion, Dr Smith said that NHS England had awarded a new five-year Community Dental services contract to Whittington Health from 1 April 2017, with funding for oral health promotion staff remaining with NHSE with a section 75 agreement being put in place. This means that Brent Public Health would provide £20,000 for resources. Jeremy Wallman said that this had made Brent the first borough council that fully recognised that oral health promotion resource sat within the contract.
- 3.4 Members asked questions on the overall picture, uptake of dental care, investment and public health prevention, and lessons that could be learned from boroughs tooth decay was low. Dr Smith said that there was a strong correlation between tooth decay and deprivation, with decay being a universal problem in Brent, which meant that there was not an area where oral health was satisfactory. As part of the discussion, Clare Robertson said that failures of prevention had contributed to high levels of disease and noted that the new contract would enable the delivery of an integrated service by several partners. To promote sugar reduction and better tooth brushing, Councillor Hirani said that work had been undertaken with children centres to address not only oral health, but also obesity as there was a correlation. He said that prevention could help combat both issues and said the Slash Sugar campaign had also played a role.
- 3.5 On the basis of the discussion, the Committee Members agreed a number of recommendations for the Council's Cabinet as set out in Appendix A.

#### **4.0 Financial Implications**

- 4.1 There are no financial implications.

#### **5.0 Legal Implications**

- 5.1 There are no legal implications.

#### **6.0 Equality Implications**

- 6.1 There are no equality implications.

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 There has been no consultation; however, stakeholders attended the meeting as set out above.

#### **Report sign off:**

**PETER GADSDON**


Director of Policy, Performance and Partnerships.

## **Appendix A**

### **Recommendations to Cabinet on Children's Oral Health**

1. Promote fluoride varnish as part of the Make Every Contact Count Programme
2. Consider ways to encourage residents to register with a dentist as part of the Brent Landlord Registration Scheme – this could be incorporated into new Council Tax registrations.
3. Re-examine the notion of school visits by dentists, with a pilot on a smaller scale.
4. Collect data about visits at dental practices on a wider scale.
5. Consider a Harlesden-specific recommendation to address the issue of high number of dental admissions in hospital and events taking place between tooth decay and dental update

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	<b>Cabinet</b> 15 January 2018
	<b>Report from the Chief Finance Officer</b>
<b>2017/18 Mid-Year Treasury Report</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Archa Campbell Head of Finance Tel: 0208 937 4722 archa.campbell@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report updates Members on recent treasury activity.

## 2.0 Recommendation(s)

- 2.1 Cabinet is asked to note the 2017/18 mid-year Treasury report, which has already been reviewed by the Audit Committee and is to be forwarded to the Council.

## 3.0 Detail

### Background

- 3.1 The Council's Treasury Management Strategy is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year.
- 3.2 The Code also recommends that Members are informed of Treasury Management activities at least twice a year. This report therefore ensures this

authority is embracing best practice in accordance with CIPFA's recommendations.

- 3.3 Treasury Management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 3.4 In addition to reporting on risk management, the Code requires the Authority to report on any financial instruments entered into to manage treasury risks.

### **Economic Background**

- 3.5 Growth in the UK economy has slowed in 2017 with both the US and Eurozone now growing at around twice that of the UK. The most recent estimate for UK GDP growth is 0.3% for Q2 with the Eurozone and US running at 0.6%. Arlingclose have advised that the outlook for the UK economy remains challenging to predict following the vote to leave the European Union. Mark Carney, Bank of England governor, after the decision to keep interest rates at 0.25%, referred to uncertainty around the Brexit process "*weighing on the decisions of businesses*".
- 3.6 One of the key drivers of the UK economy, consumer spending has weakened as the effects of inflation out pacing wages starts to take hold. The weakness of the pound has been source of inflationary pressure however our treasury advisors noted that it is unlikely to result in the tightening of monetary policy by the Bank of England with a view to minimise the effects of Brexit on economic activity.
- 3.7 Gilt yields have fluctuated in response to domestic and international events in the first half of the year. The movement in rates at which local authorities can borrow from the Public Works Loans Board (PWLB) on maturity loans is shown in the table below:

### **PWLB Rates**

Period	March 2017	August 2017
1 year	1.0%	1.1%
5 year	1.5%	1.4%
10 year	2.1%	2.1%

- 3.8 The interest rate the Council receives on money market funds has fallen since the previous report and 12 month maturities with local authorities have fallen from 0.6% to 0.4%.

## Debt Management

- 3.9 The Authority continues to qualify for borrowing at the 'Certainty Rate' (0.20% below the PWLB standard rate). This is reviewed on an annual basis and has been confirmed as applying until 31 October 2017.
- 3.10 Alternative sources of long term funding to long-dated PWLB borrowing are available, but the Council will continue to adopt a cautious and considered approach to funding from the capital markets. The affordability, simplicity and ease of dealing with the PWLB represents a strong advantage but the Council, due to its prudent policies and strong balance sheet, is in a position to consider alternatives, and will start to do so in order to finance the investment strategy. However, no new long term loans have needed to be raised so far this year as can be seen in the table below:

	Balance on 01/04/2017 £m	Debt repaid* £m	New Borrowing £m	Balance on 31/08/2017 £m
Short Term Borrowing	0	0	0	0
Long Term Borrowing	415	1.6	0	413.4
TOTAL BORROWING	415	1.6	0	413.4
Average Rate %	4.79	2.57		4.81

\* £28.5m of the PWLB loans are referred to as EIP, whereby the Councils pays down the loans in half-yearly equal installments over the lifetime of the loan. The marginal increase in the average interest rate can be attributed to the Council paying back its EIP loans. This is because the EIP loans have a much lower interest average interest rate of 2.57% compared with the rest of the debt, which is 4.98%

- 3.11 Affordability remains an important influence on the Council's borrowing strategy. Moreover, any borrowing undertaken ahead of need would need to be invested in the money markets at rates of interest significantly lower than the cost of borrowing and involve credit risk. If interest rates seemed likely to rise in the short-term then this approach might need to be reviewed.
- 3.12 The use of internal resources in lieu of borrowing has continued to be the most cost effective means of funding capital expenditure. This has lowered overall treasury risk by reducing external debt and temporary investments. However this position will not be sustainable over the medium term and the Council will need to give careful consideration to its future capital programme and how this is financed. Borrowing options and the timing of such borrowing will continue to be assessed in conjunction with the Council's treasury advisor, Arlingclose.
- 3.13 The persistence of low interest rates means that it would be uneconomic to reschedule debt, because early retirement of the loan would incur a heavy penalty, to compensate the PWLB for having to lend the money on at lower rates. For example, the Council's most expensive loan is £3.05m at a rate of

8.875%, to repay it would cost £0.935m, a 30% premium on the value of the loan before the cost of re-financing. In short, the cost of re-financing our loans under the Government's approach means is not economical. This analysis might change if interest rates returned to historically normal levels.

### Investment Activity

- 3.14 The Council gives priority to security and liquidity and aims to achieve a yield commensurate with these principles.

	Balance on 01/04/2017 £m	Investments Made £m	Investments Repaid £m	Balance on 31/08/2017 £m
Short Term Investments	167.3	499.9	492.1	175.1

- 3.15 There was a £7m upward movement in short-term investments. This is due to a natural pattern of growth in cash in the early part of the year as grant income is frontloaded. However, it is far lower than the £42m upward movement last year, as already purchases of properties (NAIL, PRS and HRA) is having a significant impact on our cashflows with over £25m spent to date. The remainder is made up of higher spend across the Capital Programme. £199m was the average amount of cash held in 2016/17.
- 3.16 The council has undertaken a preliminary analysis of its cash flows, examining the pace at which we are reducing our cash reserves, The analysis was based on forecast capital spend, incoming resources and seasonal variations. This resulted in a prediction that the council will need to borrow towards the end of 2018, limiting our ability to use financial products that generate higher financial returns, as they would require longer time horizons. The council is reviewing its borrowing options which may include short term loans, PWLB borrowing or market loans. The council will also consider the advice of our Treasury management advisors, Arlingclose prior to any borrowing decision being made.
- 3.17 Security of capital has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2017/18. New investments were made with the following classes of institutions:
- A- or above rated banks;
  - AAA rated Money Market Funds;
  - Other Local Authorities;
- 3.18 Counterparty credit quality was assessed and monitored with reference to Credit Ratings (the Council's minimum long-term counterparty rating of A- (or equivalent) across rating agencies Fitch, Standard & Poor's and Moody's); credit default swaps; GDP of the country in which the institution operates; the



country's net debt as a percentage of GDP; sovereign support mechanisms; potential support from a well-resourced parent institution; share price. There were two foreign banks on our Lending List, both Swedish (and, therefore, outside the Eurozone), conservatively run and with good ratings and strong financial figures.

- 3.19 All investments in banks and building societies are now undertaken by means of marketable instruments (Certificates of Deposit, CDs). This adds a measure of additional liquidity without sacrificing return, given our maturity limits.

### **Budgeted Income And Outturn**

- 3.20 The Council's external interest budget for the year is £23.3m, and for investment income is £1.4m. The Council is unlikely to achieve the income figure, but this will be compensated for by lower borrowing costs than budgeted. The average cash balances, representing the Council's reserves and working balances, were £191m during the period to 31 August 2017.
- 3.21 The UK Bank Rate increased to 0.50% from 0.25% on 02 November 2017. Short-term money market rates have increased in response to this rise however rates are very low compared to historic rates.

### **Icelandic Bank Investment Update**

- 3.22 £0.2m of the original £10m deposit remains outstanding. It is expected that a further distribution will be made but this depends on the result of litigation currently under way regarding a property investment.

### **LOBOs (Lender Option Borrower Options)**

- 3.23 The Council has a market loan portfolio comprising a total value of £95.5m. Of this, £80.5m are LOBOs with the remaining £15m made up of fixed rate loans. As noted in the previous report, Arlingclose have advised us that some of our other lenders may consider giving up these rights. There was no further changes to the LOBO portfolio since the last update.

### **Compliance**

- 3.24 Officers confirm that they have complied with its Prudential Indicators for 2017/18, which were set in February 2017 as part of the Council's Treasury Management Strategy Statement (TMSS). Details can be found in Appendix 1.
- 3.25 The Committee is asked to note that there was a minor breach of the limits defined in the Treasury Management Strategy. An extra £0.1m was accidentally invested in Blackrock Money Market Fund to take the balance above £10m. The error was promptly discovered and £0.1m was withdrawn from the fund the following day. An investigation into this breach concluded that an error in entry to the Logotech Treasury Management system was the cause. Training has been provided to officers involved in the treasury management process to ensure a recurrence of this issue does not occur again.

## **Summary**

- 3.26 In compliance with the requirements of the CIPFA Code of Practice, this report provides Members with a summary report of the treasury management activity during the first half of 2017/18. As indicated in this report, none of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

### **4.0 Financial Implications**

- 4.1 These are covering in the report.

### **5.0 Legal Implications**

- 5.1 There are no direct legal implications.

### **6.0 Equality Implications**

- 6.1 No direct implications.

### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 None.

### **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 No direct implications.

#### **Report sign off:**

**CONRAD HALL**  
Chief Finance Officer

## Appendix 1

### Capital Financing Requirement

Estimates of the Council's cumulative maximum external borrowing requirement for 2017/18 to 2019/20 are shown in the table below (excluding Private Finance Initiative schemes):

	31/03/2017 Final £m	31/03/2018 Estimate £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m
CFR	581	620	750	900

### Usable Reserves

Estimates of the Council's level of Usable Reserves for 2017/18 to 2019/20 are as follows:

	31/03/2017 Final £m	31/03/2018 Estimate £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m
Usable Reserves	113	90	75	60

### Prudential Indicator Compliance

#### Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Authorised Borrowing Limit. This is a statutory limit which should not be breached. The Council's Authorised Borrowing Limit was set at £900m for 2017/18. The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst case scenario without the additional headroom included within the Authorised Limit. The Operational Boundary for 2017/18 was set at £800m. The Chief Finance Officer confirms that there were no breaches to the Authorised Limit or the Operational Boundary so far this year; borrowing at its peak was £415m.

#### Upper Limits for Fixed Interest Rate and Variable Interest Rate Exposure

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on our portfolio of investments.

	Limits for 2017/18	Maximum during 2017/18
Upper Limit for Fixed Rate Exposure	100%	100%
Upper Limit for Variable Rate Exposure	40%	0%

### **Maturity Structure of Fixed Rate Borrowing**

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates. A breakdown of the maturity structure of fixed rate borrowing is provided in Appendix 2.

Maturity Structure of Fixed Rate Borrowing	Upper Limit %	Lower Limit %	Actual Fixed Rate Borrowing as at 31/08/17 £m	% Fixed Rate Borrowing as at 31/08/17	Compliance with Set Limits?
Under 12 months	40	0	29	7	Yes
12 months and within 24 months	20	0	14	3	Yes
24 months and within 5 years	20	0	65	16	Yes
5 years and within 10 years	60	0	5	1	Yes
10 years and above	100	0	301	73	Yes

### **Net Debt and the CFR**

This is a key indicator of prudence. In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Authority should ensure that the net external borrowing does not exceed the total of the CFR in the preceding year plus the estimates of any additional increases to the CFR for the current and next two financial years.

The Authority had no difficulty meeting this requirement so far in 2017/18, nor are there any difficulties envisaged for future years. This view takes into account current commitments, existing plans and the proposals in the approved budget.

### **Total principal sums invested for periods longer than 364 days**

This indicator allows the Council to manage the risk inherent in investments longer than 364 days.

The limit for 2017/18 was set at £40m.

The Council's practice since the onset of the credit crunch in 2007 has generally been to keep investment maturities to a maximum of 12 months. At 31 August, the last maturity date in the deposits portfolio was 20 August, 2018.

### **Credit Risk**

This indicator has been incorporated to review the Council's approach to credit risk. The Council confirms it considers security, liquidity and yield, in that order, when making investment decisions.

Credit ratings remain an important element of assessing credit risk, but they are not the sole feature in the Authority's assessment of counterparty credit risk. The authority considers the following tools to assess credit risk, with advice and support from our advisers, Arlingclose:

- Published credit ratings of the financial institution and its sovereign;
- Sovereign support mechanisms;
- Credit default swaps (where quoted);
- Share prices (where available);
- Economic fundamentals, such as a country's net debt as a percentage of its GDP;
- Corporate developments, news, articles, markets sentiment and momentum.

The Council can confirm that all investments were made in line with a minimum long term credit rating of A- or equivalent, as set in the 2017/18 TMSS.

### **HRA Limit on Indebtedness**

This purpose of this indicator is for the Council to report on the level of the limit imposed at the time of implementation of self-financing by the Department for Communities and Local Government.

HRA Limit on Indebtedness	31/03/2017 Final £m	31/03/2018 Estimate £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m
HRA CFR	128	157	177	190
HRA Debt Cap (as prescribed by CLG)	199	199	199	199
Difference	60	42	22	9


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## Appendix 2

<b>Year</b>	<b>Actual Fixed Rate Borrowing as at 31/08/17 £m</b>
2017/18	28
2018/19	4
2019/20	36
2020/21	24
2021/22	15
2022/23	1
2023/24	1
2024/25	1
2025/26	1
2026/27	1
2027/28	1
2028/29	1
2029/30	1
2030/31	1
2031/32	1
2032/33	1
2034/35	19
2047/48	52
2049/50	5
2052/53	24
2053/54	12
2054/55	17
2055/56	54
2056/57	71
2057/58	29
2059/60	6
2068/69	5
TOTAL	413

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	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director of Resources</b>
<b>Bobby Moore Bridge Dressing/Advertising Lease, Olympic Way, Wembley</b>	

<b>Wards Affected:</b>	Tokington
<b>Key or Non-Key Decision:</b>	Non-Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	<b>Part Exempt</b> - Appendix 2 of this report is not for publication as it contains the following category of exempt information in paragraph 3 Schedule 12(A) of the Local Government Act 1972 namely: <i>"information relating to the financial or business affairs of any particular person (including the Authority) holding the information"</i>
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
<b>Contact Officers:</b>	Saida Ladha Filming and Advertising Officer Tel: 020 8937 1097 <a href="mailto:Saida.ladha@brent.gov.uk">Saida.ladha@brent.gov.uk</a>  James Young Commercial Portfolio Manager Tel: 020 8937 1398 <a href="mailto:James.young@brent.gov.uk">James.young@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 To renew contracts and increase income from the Bobby Moore Bridge dressing/advertising rights.

## 2.0 Recommendation(s)

- 2.1 To recommend a new lease for Bobby Moore Bridge dressing/advertising is entered into for four years to Wembley City Estate Management.
- 2.2 This lease will be outside the security of tenure provisions of the 1954 Landlord and Tenant Act except Sections 24 to 28 (inclusive) of the 1954 Act be excluded in relation to the tenancy.

### **3.0 Detail**

- 3.1 For a number of years the Council has leased the area of the walls and the Bobby Moore Bridge to allow advertising that benefits from the large footfall primarily on match days and events at the Arena.
- 3.2 The previous four year lease to Wembley City Estate Management expired on 30 August 2017; this lease was outside the security of tenure provisions of the 1954 Act except Sections 24 to 28 (inclusive) and therefore there is no contractual right for the tenant to renew its lease. This is common practice in the property advertising sector.
- 3.3 The Filming and Advertising Team have managed a number of advertising sites for a number of years in the borough. Officers work closely with specialist advertising consultants and in this case have utilised the services of an independent outdoor advertising consultant, Chris Payne from Fortuna. In reviewing the site it was decided to seek bids and four companies were invited to submit proposals;
- 3.4 Wembley City Estate Management submitted the best value bid details of which are set out in the confidential appendix.(Appendix 2).
- 3.5 The Council is able to specify the type of advertising that is acceptable by ensuring all advertising will be in line with the Council's advertising and sponsorship code.

### **4.0 Financial Implications**

- 4.1. Additional income will accrue to the Council as set out in the confidential appendix.

### **5.0 Legal Implications**

- 5.1 This lease will be outside the security of tenure provisions of the 1954 Landlord and Tenant Act except Sections 24 to 28 (inclusive) of the 1954 Act be excluded in relation to the tenancy.

### **6.0 Equality Implications**

- 6.1 Opportunities to bid within a reasonable timescale, were given to all the main outdoor advertising companies, that would be able to manage this unique site in a professional manner as a key gateway to Wembley.

### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 None.

### **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 There are no new property implications or human resources implications.

**Report sign off:**

**ALTHEA LODERICK**

Strategic Director of Resources

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Bobby Moore Bridge with location of two dressing/advertising panels marked as red lines. Internal walls are also included on the condition no damage is done to original tiling.






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

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 <b>Brent</b>	<b>Cabinet</b> 15 January 2018
	<b>Report from the Chief Finance Officer</b>
<b>Council Loans Framework for In-borough Capital Projects</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Paul Gulley Head of Commercial Finance Tel: 020 8937 1428 <a href="mailto:paul.gulley@brent.gov.uk">paul.gulley@brent.gov.uk</a>

## 1.0 Purpose of the Report

1. This report seeks authority to establish a capital advances lending framework. Responsibility for the advance of loans and administration of the loans pool will be delegated to the Chief Finance Officer in consultation with the Deputy Leader of the Council.
2. Under this framework, loans will be available to part-finance the delivery of in-borough capital schemes that produce outcomes in line with the Council's aims and objectives. For the avoidance of doubt, this is about providing an option to provide debt finance to schemes that are already part of the council's approved capital programme.
3. Agreeing this report will therefore provide a structured approach to this aspect of financing in the capital programme, with the proper governance and clarity of decision making required for such transactions and a framework for financial monitoring and control.
4. Agreeing this report will not change the existing framework for adding new schemes to the overall capital programme, each of which would require

Cabinet decisions within the overall budget and policy framework set by Council.

## **2.0 Recommendation(s)**

1. Approve the establishment of framework for the provision of senior loans to:
  - Joint ventures to which the Council is party;
  - Council subsidiaries; and
  - Third party organisations in which the Council has no direct financial interest.subject to conditions (the 'framework') outlined in this report.
2. Delegate the advance of loans to organisations as set out in 2.1, above, to the Chief Finance Officer in consultation with the Deputy Leader of the Council.
3. Approve the list of voluntary loan controls included at Appendix 1.
4. Delegate the daily monitoring and administration of loans to the Council's Chief Finance Officer.
5. Delegate to the Chief Finance Officer authority to procure and award a contract for specialist advice on loans pool management if required.
6. Make available to the South Kilburn (Queen's Park 2) Council proposed Joint Venture with LondonNewcastle a loan facility of up to £40m.

## **3.0 Background**

1. Within Brent, there are currently many private capital projects that are either underway or in the pipeline.
2. Many of these schemes will facilitate the provision of services which are in line with the Council's own objectives and where this is the case Council officers have begun to look at how to improve prospects for delivery.
3. A key factor in the attractiveness of all capital schemes is the availability and cost of capital finance (borrowing) to fund schemes.
4. The ability to attract a suitable financing package can occasionally prove to be problematic for privately funded capital schemes and represents an area where the Council may be able to provide support thereby facilitating the furtherance of Council aims by third parties.

5. Though any scheme satisfying the qualifying criteria may be considered, it is anticipated that Council-offered financing packages will be most suitable to property development projects within Brent.

#### **4.0 Detail**

1. The Council has the ability to borrow funds at preferential rates to fund capital expenditure from the Public Works Loan Board (PWLB). Once borrowed, current capital rules allow these funds to be used to make capital loans (“onward lend/on-lend”) to other organisations (specifically those that do not have access to PWLB loans).
2. In addition to supporting Council objectives, on-lending also has the following potential benefits:
  - a. An early benchmark of the cost of borrowing, allowing developers to more accurately assess their cost-base during the feasibility stage of capital schemes;
  - b. An incidental revenue stream accruing to the Council equivalent to the difference between the interest charged on the loan advanced, and that paid on the PWLB borrowing undertaken (less administrative costs); and
  - c. The possibility of making market loans more attractively priced as they seek to compete with local authority on-lending.
3. It is therefore recommended that the Council make available the facility to act as senior debt provider for in-borough capital schemes that will ultimately deliver outcomes in line with Council objectives.
4. In becoming a provider of capital finance, the Council will be subject to statutory controls that will restrict the scope of products that can be offered. Specifically, the Council:
  - a. Must lend funds at a rate that is competitive with market rates for similar loan products;
  - b. Must not on-lend funds at a rate lower than its own average borrowing rate, even if such rates are subsequently competitive; and
  - c. Must not use the finance product to provide State Aid in other ways, e.g. full or partial discounts on fees or charges incurred for;
    - i. deferred instalment repayments;
    - ii. late payment of instalments; and
    - iii. full or partial premature loan redemption.

unless and until specific legal advice has been obtained which provides for an exception (including *inter alia*, advice on Services of General Economic Interest).

## **5.0 Policy Framework & Support**

1. Prior to establishing the loans framework, officers will competitively commission a firm specialising in loans pool management to advise on the recommended processes and procedures that should be established to best record, administer and account for loans advanced.
2. Working in partnership with Council officers, this firm will also be charged with overseeing the implementation/integration of the required loans pool controls into existing Council business routines.
3. In addition, legal support will be sought in preparing a generic loan agreement template. Minor technical amendments to this may be made by the Chief Finance Officer on a case by case basis, but any amendments that would contravene either the spirit or detail of this report would require further Cabinet authority.
4. Responsibility for the advance of loans to organisations in which the Council has an interest will be delegated to the Chief Finance Officer (CFO) in consultation with the Deputy Leader. Accounting for and recovery of loan balances and repayments will also be the responsibility of the CFO.
5. Authority to approve loans to third parties in which the Council has no direct financial interest will remain with Cabinet, with each proposal to lend the subject of a detailed officer report.

## **6.0 Pending Approvals**

1. The Council has previously agreed to enter into a Joint Venture (JV) with Londonewcastle to progress the redevelopment of a second residential site in Queens Park (QP2).
2. The Council and Londonewcastle through their membership of the JV will invest as equity both land and cash in QP2, and seek to secure a loan facility of up to £40m required to fully finance the scheme.
3. It is recommended that the Council make available to QP2-JV a loan facility in line with the conditions of the Loans Framework outlined in this report. Subsequent authority to negotiate the terms and conditions of that loan arrangement will be delegated to the Chief Finance Officer in consultation with the Deputy Leader, also in line with the conditions of the Loans Framework.

## **7.0 Financial Controls**

1. In undertaking the role of senior debt provider, the Council will be subject to statutory controls which will govern practices, some of which are mentioned above.

2. Notwithstanding paragraph 4.4, it is recommended that the Council implement its own voluntary controls which will take account of Brent's appetite for risk and market exposure.
3. This will assist Council officers in administering the loans facility portfolio within the constraints of the General Fund capital programme.
4. The full recommended list of voluntary controls to be implemented in the first instance is attached at Appendix 1. Key controls include:
  - a. The Council would insist on a legal charge over project assets;
  - b. Limits on the size and term of individual loans; and
  - c. The required credit-worthiness of third party borrowers.
5. It is also recommended that this list of controls is kept under constant review, and potentially tightened or relaxed as further risks or benefits arise or become apparent. Any changes, other than minor technical ones, will require subsequent Cabinet authority.

## **8.0 Financial Implications**

1. To fund capital advances, the Council will primarily borrow from the Public Works Loan Board (PWLb). Interest rates charged on capital advances to the Council are significantly less than what is generally available on the lending markets.
2. To remain compliant with State aid regulations, the rates charged on amounts 'on-lent' must be in line with market rates available for similar projects.
3. As a result, there is an incidental financial benefit to the Council created by the difference in rates at which borrowing is undertaken, and loans are made.
4. The surplus generated will be used to meet the cost of administering the loans pool and ensuring all financial controls specified in this report (and controls approved in future reports) are enforced.

## **9.0 Legal Implications**

1. As detailed in paragraph 7.1, it is proposed that the Council borrows funds primarily from the Public Works Loan Board to on-lend. A council has a general power to borrow under Section 1 of the Local Government Act 2003. A council has a specific power to invest under Section 12 of the Local Government Act 2003 and a specific power to make a loan under Section 24 of the Local Government Act 1988 (housing loans only). A council also has a general power to borrow and to make loans under the General Power of Competence in Section 1 of the Localism Act 2011. This power is not to be relied upon as a specific power to lend or invest but rather to supplement Section 12 of the Local Government Act 2003 or Section 24 of the Local Government Act 1988 when investing or lending.

2. Lending by a council could potentially require authorisation by the Financial Conduct Authority. However, there are a number of potential exemptions under the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 which avoid the requirement for FCA authorisation. The details of the loan help to determine whether there is an exemption and if so which one can be relied upon.
3. As indicated in paragraph 4.4 c, there is a potential for any loan to constitute State Aid. There are a number of approaches and potential exemptions which a council can rely upon when lending. The potential exemptions include the General Block Exemption Regulation and De Minimis. If a council provides a loan on market terms as is proposed, it should not be State Aid because the council is acting in line with the Market Economy Investor Principle. When making loans, the council will need, amongst other things, to carry out prior due diligence to demonstrate that the loan is a prudent use of the council's resources and such that any other lender would have provided a loan on those terms.
4. The Council should take steps to protect its investment or loan, for example by requiring the loan to be secured against the borrower's assets and/or guarantee from a linked party. Not only will this protect the Council should the borrower become insolvent before repaying the loan in full but also assist the Council to show it is acting in line with the Market Economy Investor Principle thus avoiding State Aid issues.

## **10.0 Equality Implications**

1. It is anticipated that the lending arrangements proposed will be highly suited to in-borough housing developments.
2. This would facilitate the delivery of affordable homes in the borough and provide the Council with the opportunity to offer vulnerable and disadvantaged residents permanent accommodation.

## **11.0 Consultation with Ward Members and Stakeholders**

1. No such consultations were required to progress this report.

## **12.0 Human Resources/Property Implications (if appropriate)**

1. None.

**Report sign off:**

**CONRAD HALL**  
Chief Finance Officer


## Appendix 1

### Voluntary Loan Facility Controls

1. For each individual loan facility;
  - a. Approval to lend to organisations in which the Council has an interest delegated to the Chief Finance Officer in consultation with the Deputy Leader
  - b. Approval to lend to third party organisations in which the Council has no interest retained by Cabinet
  - c. The cash value of the facility shall at no point, exceed 75% of total development costs against which it is to be applied
  - d. The Council will, in all instances, secure the loan by principally taking a legal charge over scheme assets and/or (as required to fully secure the loan) obtaining from the borrower some other legally binding form of indemnity
2. Loan facilities to third parties in which the Council has no direct financial interest will not be made available to organisations with:
  - a. A long term credit rating (assessed by any industry-recognised credit-rating agency) below A- ('A minus')
  - b. A head office address based outside the United Kingdom
3. Advances will only be made to fund projects where, in doing so, the Council becomes the project senior lender and repayment of the Council's loan and associated interest accrued takes priority over all other payments to be made from project profits
4. Facilities to typically take the form of a maximum advance drawn down over an agreed period and repaid as a lump sum from project profits
5. Interest to be accrued of the term of the facility and repaid by the borrower along with the capital sum advanced at the first available opportunity

6. Other simple loan agreements (i.e. a lump sum advance with periodic interest payments and loan repayment at maturity) may also be considered
7. Total Council gearing at 31<sup>st</sup> March every year (taking account of the aggregate borrowing required to fully finance all approved loan facilities) is not to exceed a prescribed limit to set by Council as part of the capital strategy. Officers to use best endeavours to ensure this Gearing Ratio is not materially exceeded at any point during each financial year.
8. Total loans pool to fund facilities is capped at £100m
9. No individual loan facility to exceed £50m
10. No borrower (or collection of borrowers within the same business group) to, at any point in time, be granted approved facilities of more than £50m
11. Minimum and maximum loan facility periods (from first drawdown to repayment) of 2 years and 5 years respectively
12. First drawdown against the facility to take place within 12 months of the related agreement being and signed
13. Loan facilities that are, or have the appearance of a 'project finance' agreement (i.e. granting to the borrower an interest repayment holiday until project completion, followed by a premium interest rate thereafter) will not be approved
14. Interest will be rolled up monthly and will not count as loan advance for the purposes of assessing the loans pool performance
15. Lending must be in concert with Council's general aims and made only to in-borough capital projects that already form part of the capital programme
16. A separate loans review report to be included within quarterly capital monitoring reports to Cabinet



	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director of Resources</b>
<b>Pan London Energy Project (LEP) Water Framework</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Keith Airey Interim Senior Category Manager Tel: 020 8937 2859 <a href="mailto:Keith.airey@brent.gov.uk">Keith.airey@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 The Water market in England was deregulated in April 2017. To comply with the Public Contracts Regulations 2015, the London Borough of Brent will require a contract for a Water Retailer. In this newly deregulated market, the most economically advantageous approach is to collaborate with other authorities. On behalf of local and other public sector authorities, The London Energy Project (LEP), with Haringey Council acting as the Lead Authority, will co-ordinate a mini-competition through the Crown Commercial Services (CCS) Framework for Water, Wastewater and Ancillary Services, accessed by call-off from YPO. The intention is to appoint a single water and waste water retailer to meet multi-site authorities' business requirements for back-office and water efficiency products and services, with each authority having a separate contract.
- 1.2 This report is being brought forward to allow for the decision making of the joint procurement with the other local authorities to proceed; and that delegated authority is given the Strategic Director of Resources to award the contract to the preferred bidder for water, following the mini-competition outcome, which will include rigorous evaluation of quality, price, financial standing and terms and conditions.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet approves the collaborative procurement of a single water retailer through the Crown Commercial Services (CCS) Framework for Water, Wastewater and Ancillary Services, such procurement to be led by the London Borough of Haringey.
- 2.2 That Cabinet approves the use of the London Borough of Haringey's Contract Standing Orders and Financial Regulations for the collaborative procurement detailed in 2.1 above.
- 2.3 That Cabinet delegate to the Strategic Director of Resources in consultation with the Deputy Leader, authority to award a call off contract following the collaborative procurement referred to in 2.1 above for a period of two years with an option to extend for a further two years from 1 April 2018.
- 2.4 That Cabinet endorse the use of the London Energy Project (LEP) Team to manage supplier performance and service development to deliver services in line with LEP authorities' collective business requirements post contract award to maximise benefits.

## **3.0 Detail**

- 3.1 From April 2017, business customers in England are able to select who provides retail water and wastewater services to their organisation as a result of water market deregulation. The Public Contracts Regulations 2015 require LEP authorities to compete these services.
- 3.2 Deregulation aims to introduce competition into the marketplace to encourage improvement and innovation to products and services and better value for money for customers. Water suppliers (wholesalers) will sell water and waste water supplies/services to licensed retailers. These elements can be contracted separately or through a single retailer who will package these services to include billing, payment and customer services, along with other products such as water efficiency advice, leak detection, and advanced metering.
- 3.3 The majority of the London Borough of Brent supplies will be classified as non-household and therefore must be competed, the notable exception being the majority of housing supplies. The premises themselves determine eligibility for deregulation based on whether the supply is or should be classified as non-household, identified by council tax or business rates classification, and if a mixed use building, the primary use would be the determining factor, e.g. a housing block with an area rent office would be classed household.
- 3.4 Currently the London Borough of Brent is served by Castle Water Ltd and Affinity for Business Ltd. The exact scope and scale of volume and value across London is unknown at the moment. For the purposes of the options appraisal, average authority expenditure is assumed at £300,000 p.a. x 36

authorities, with a further £20,000 p.a. spent on water efficiency measures, total value circa £11.5m p.a. The assumed value over a 4 year contract term is £1,280,000 per authority or for 36 authorities, £46,000,000.

- 3.5 LEP is a group of 36 authorities (primarily in London), and its principle purpose is to use authorities' combined spending power to minimise risk; reduce procurement, contract operation and back-office costs and achieve better commercial outcomes. The LEP Team managed a pre-market engagement programme with over 60 authority stakeholders, 3 Central Purchasing Bodies (public sector buying organisations) and 5 water retailers to establish what products, services and innovation are available within the retail market, whether these will meet local authority multi-site business requirements, how to best attract market interest and obtain competitive pricing and whether a Pan – LEP water retailer contract will provide authorities with better value and the opportunity to develop and shape this market.
- 3.6 The conclusions are that a single water and waste water retail service provider for all LEP member authorities will deliver better outcomes for everyone, enabling the LEP members to have an authority focussed service specification with clear service level agreements and key performance indicators, improved terms and conditions and the potential for enhancements, such as a dedicated LEP customer services and account management provided by the retailer at no additional cost and enhanced services, such as technology deployment trials; and that through appropriate specification and robust tender evaluation criteria, these outcomes can be delivered through a Central Purchasing Body (CPB) framework mini-competition, with the CPB being able to offer greater resource to the procurement and contract because of the single LEP approach and value.
- 3.7 In order to ensure the contracts for LEP members are procured as efficiently as possible, it is proposed that the London Borough of Haringey acts as the lead authority, procuring under the CCS framework using its Contract Standing Orders and Financial Regulations. Brent Officers would however have input into the procurement process and be on the evaluation panel.
- 3.8 The timescales required for this procurement are restricted given that the contract should be in place by 1<sup>st</sup> April 2018. In the circumstances delegation to the Strategic Director of Resources is recommended.

#### **4.0 Opportunity, Savings and Efficiencies**

- 4.1 There is an opportunity to make significant efficiency gains, through consolidated billing, improved contract and account management. Pro-active water management and reduction and tariff optimisation services could deliver reasonable financial savings.
- 4.2 The most significant opportunity for savings and efficiencies comes through the LEP aggregation. The co-ordinated approach to the market provides the ability to achieve better account management, customer service, contract

conditions and terms, reduced supplier margin and subsequently strategic supplier and contract management through the LEP team. This will not require any resource from Brent, nor will it incur any additional cost.

- 4.3 Compliance with Public Contracts Regulations 2015 is required; Cabinet Office guidance suggest that a competitive process should have been followed by April 2018. Therefore, a competitively tendered LEP contract enables London Borough of Brent to achieve a low-cost/low-resource route to compliance. LEP collective objectives are:

- **Savings** – contain costs and reduce price and contractual risks, approaching the market with a common set of requirements that ensure the business is commercially attractive to improve commercial, social and environmental outcomes.
- **Commercial & Innovative** – establish the most appropriate products, services and delivery models that meet the business requirements of LEP for quality and value – service specifications that are bespoke to authorities without additional costs.
- **Efficiencies** – promote and maintain collaboration and the aggregation of Pan-LEP expenditure to reduce procurement, supplier, contract management and back-office costs and enable efficient use of available resources.
- **Collaboration** – shape the supply market as a customer group, ensuring we take full advantage of the combine expenditure to improve products and services and introduce innovative commercial models and technology deployment; increased focus on efficient operation, continuous improvement and innovation.

## 5.0 Financial Implications

- 5.1 The Council's Contract Standing Orders state that contracts for supplies, services and works exceeding £500k shall be referred to the Cabinet for approval of the award of the contract. The estimated value for a water and waste water retail service contract is £1.2m over four years. (NOTE; this value may increase/decrease as we obtain more accurate financial data).

## 6.0 Legal Implications

- 6.1 From April 2017, pursuant to regulations made under the Water Act 2014, business customers in England are able to select who provides retail water and wastewater services to their organisation as a result of water market deregulation. Given that the Council now has to select retail water and wastewater services, there is a requirement that the selection of a provider is done so in accordance with the Public Contracts Regulations 2015 (PCR 2015).
- 6.2 The estimated value of the Council's proposed contract for retail water and wastewater services is £1.2m over four years and is thus over the relevant threshold for full application of the PCR 2015. The intention is to use a framework agreement to procure the contract which the Council is permitted

to do where such framework itself has been procured in accordance with the PCR 2015.

- 6.3 Given that the estimated value of the Council's proposed contract is £1.2m, it is classified as a High Value contract under the Council's Contract Standing Orders and Financial Regulations.
- 6.4 As detailed in Section 3 of the report, Officers recommend the procurement of retail water and wastewater services by way of a collaborative procurement led by the London Borough of Haringey. Given Haringey are leading on the procurement, it is proposed that their Contract Standing Orders and Financial Regulations are used. Contract Standing Order 85(c)(ii) provides that Cabinet approval is required for the use of another authority's Contract Standing Orders and Financial Regulations, such approval only to be given where there are good operational and / or financial reasons. Members are referred to paragraph 3.7 for such justification.
- 6.5 As the proposed retail water and wastewater services contract is a High Value Contract, Cabinet approval is required for award. For the reasons detailed in paragraph 3.8, delegated approval to the Strategic Director of Resources, in consultation with the Deputy Leader is sought to award the contract.

## **7.0 Equality Implications**

- 7.1 There are no equality implications.

## **8.0 Consultation with Ward Members and Stakeholders**

- 8.1 Consultation with ward Members and Stakeholders not required.


## **9.0 Human Resources/Property Implications (if appropriate)**

- 9.1 There are no Human Resources implications for Council staff/Property implications arising from the Recommendations in this report.

### **Report sign off:**

**ALTHEA LODERICK**  
Strategic Director of Resources

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 <b>Brent</b>	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director of Resources</b>
<b>Merchant Acquiring Services and Equipment</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Ben Ainsworth Head of Finance, Corporate Tel: 020 8937 1731 <a href="mailto:ben.ainsworth@brent.gov.uk">ben.ainsworth@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 The current Merchant Acquiring Services and Equipment contract is due to expire on 31 March 2018 and a new contract needs to be established.
- 1.2 In simple terms, this contract provides chip and PIN terminals to take credit and debit card payments, and provides the service that transfers payments from the companies who issue credit and debit cards to the Council's bank account.
- 1.3 This report is being brought forward for Members to note the use of the Crown Commercial Services (CCS) Framework for Merchant Acquiring Service ref RM 3702 Lot 1 to procure a new contract and to delegate authority to the Strategic Director of Resources in consultation with the Deputy Leader to award the contract to the preferred bidder, following the mini-competition, which will include rigorous evaluation of quality, price, financial standing and terms and conditions.

## **2.0 Recommendation(s)**

- 2.1 Cabinet to note the procurement of Merchant Acquiring Services through mini-competition under the Crown Commercial Services (CCS) Framework for Merchant Acquiring Service on the basis of the pre - tender considerations set out in paragraph 3.5 of the report.
- 2.2 Cabinet to delegate authority to the Strategic Director of Resources to award and enter into the call off contract under the CCS Framework for Merchant Acquiring Services.

## **3.0 Detail**

- 3.1 The Crown Commercial Services (CCS) Framework for Merchant Acquiring Service ref RM 3702 Lot 1 is a multi-supplier lot across all UK public sector bodies to provide services including:
- Merchant Acquiring Services – provides the service that transfers payments from the companies who issue credit and debit cards to the Council's bank account.
  - Merchant Acquiring Equipment – the provision of chip and PIN terminal to take credit and debit card payments.

NOTE: the majority of the requirement for Brent is for the Merchant Acquiring Services.

- 3.2 The Cabinet is requested to delegate award of Contract due to severe time constraints. The new contract must be operational by 1<sup>st</sup> April 2018. If the incumbent supplier does not win the new contract there will need to be a transition programme to a new supplier. All potential suppliers have indicated that a minimum of 8 weeks will be required to transfer and implement the service. There is insufficient time to seek approval to award a contract at the February Cabinet meeting.
- 3.3 The benefits of using the CCS Framework are:
- Faster Procurement – Brent do not need to run a full OJEU procurement; Officers simply need to identify our specific requirements and run a mini – competition.
  - Improved pricing – advantageous pricing across each of the Lots have been secured through the bulk buying power of bringing all public sector business under one agreement. CCS anticipate that the agreement will account for more than 203 million payment transactions, with a value transacted in excess of £23 billion per annum.
  - Ease of use – the framework agreement is simple to use, the approach is intended to substantially reduce the cost and timescales involved in procuring the services.
  - Compliance – the agreement is fully EU compliant in line with EU regulations and recognised as a legitimate route to market. This reduces procurement risk for Brent and reduces bureaucracy in the procurement process.



- 3.4 The CCS Framework came into effect on 1 March 2016 and will expire on 28 February 2020. Any contract awarded under the contract must not last more than 2 years beyond the expiry of the Framework. Officers are proposing to award a contract for 2 + 1 year 11 months. This will allow Brent to take advantage of a new Framework agreement in 2020 if it provides an improved commercial solution, if not the Council can continue with the new contract until 28 February 2022.
- 3.5 A further competition will be run with all three suppliers invited to participate. Running a further competition enables Brent to:
- Specify our exact needs for the supply of services required
  - Specify the type of management information, including KPIs, which will be required to track activity, cost, and performance. These will be incorporated into the call off agreement.
  - Specify the evaluation criteria based on what is important to Brent. The percentage weightings that can be applied to a further competition are 70% Quality/30% Price with a variance of +/- 10%. For the further competition a 60% Quality/40% Price weighting will be used.
- 3.6 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below.

Ref.	Requirement	Response	
(i)	The nature of the Services.	Merchant Acquiring Services and Equipment	
(ii)	The estimated value.	£1,370,000 based on current pricing and volumes	
(iii)	The contract term.	2 years + extension of 1 year 11 months.	
(iv)	The tender procedure to be adopted.	Use of CCS framework for Merchant Acquiring Services	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Invitation to mini-competition	Thursday 21 <sup>st</sup> December 2017
		Deadline for bid submissions	Friday 12 <sup>th</sup> January 2018
		Panel evaluation	Complete Tuesday 16 <sup>th</sup> January 2018
		Report recommending Contract award circulated internally for comment	Wednesday 17 <sup>th</sup> January 2018

Ref.	Requirement	Response																					
		Exercise of delegated approval to award	Friday 19 <sup>th</sup> January 2018																				
		Call in period of 5 days	Wednesday 24 <sup>th</sup> January 2018																				
		Contract Transition Programme	Commence Thursday 25 <sup>th</sup> January 2018																				
		Contract start date	Sunday 1 <sup>st</sup> April 2018																				
(vi)	The evaluation criteria and process.	1. At evaluation stage, the panel will evaluate the bids using a 60% Quality / 40% price weighting. The Quality criteria used will be: <table><tr><th>Item</th><th>Percentage</th></tr><tr><td>Terminal Rental</td><td>5%</td></tr><tr><td>Authorisation Of Changes</td><td>5%</td></tr><tr><td>Fraud Prevention</td><td>10%</td></tr><tr><td>Chargebacks</td><td>10%</td></tr><tr><td>Transition Plan</td><td>10%</td></tr><tr><td>Day – To – Day Queries</td><td>10%</td></tr><tr><td>Management And Electronic Information</td><td>5%</td></tr><tr><td>Value Added</td><td>5%</td></tr><tr><td><b>Total</b></td><td><b>60%</b></td></tr></table>		Item	Percentage	Terminal Rental	5%	Authorisation Of Changes	5%	Fraud Prevention	10%	Chargebacks	10%	Transition Plan	10%	Day – To – Day Queries	10%	Management And Electronic Information	5%	Value Added	5%	<b>Total</b>	<b>60%</b>
Item	Percentage																						
Terminal Rental	5%																						
Authorisation Of Changes	5%																						
Fraud Prevention	10%																						
Chargebacks	10%																						
Transition Plan	10%																						
Day – To – Day Queries	10%																						
Management And Electronic Information	5%																						
Value Added	5%																						
<b>Total</b>	<b>60%</b>																						
(vii)	Any business risks associated with entering the contract.	There are no business risks associated with entering into the proposed contract. However, there is a significant risk of not entering the contract by 1 <sup>st</sup> April 2018 – approx. £55m of annual Council revenue is collected through the Merchant Acquiring Service. If the new contract is not operational by 1 <sup>st</sup> April 2018 the revenue collection will be disrupted.																					
(viii)	The Council's Best Value duties.	The procurement of Merchant Acquiring Services through the CCS Framework will help the Council to meet its Best Value duties.																					
(ix)	Consideration of Public Services (Social Value) Act 2012	Officers had regard to the Public Services (Social Value) Act 2012 in considering how they can also secure wider social, economic and environmental benefits in procuring the service but concluded that in view of the nature of the service, this would not be possible.																					
(x)	Any staffing implications, including TUPE and pensions.	See section 9 below.																					
(xi)	The relevant financial, legal	See sections 5 and 6 below.																					

Ref.	Requirement	Response
	and other considerations.	

#### **4.0 Opportunity, Savings and Efficiencies**

- 4.1 Initial indications from the supplier market indicate there is an opportunity to make some cost savings, although it is not possible to quantify before the further competition is completed.

#### **5.0 Financial Implications**

- 5.1 The current annual value of the contract is £0.35m per annum and is funded within the budget for Central Items.
- 5.2. The cost of the new contract is dependent on the volume of transactions, and the price per transaction. Retendering this contract is expected to reduce the cost of the contract by reducing the price per transaction. Any savings from this will be allocated to the council's corporate procurement savings.
- 5.3 That being said, there is a risk that the total cost over the life of the contract will rise as volumes of card payments grow. This is because the Council is undertaking a digital transformation which will encourage the use of efficient, digital payment methods, whilst reducing usage of inefficient, manual forms of payment such as cheques. Business cases for digital transformation projects will need to consider these costs if the card volumes are expected to increase significantly. However, it is expected that any increase in transaction costs would be offset by savings from reductions in manual processing and reduction of risk associated with these types of transaction.

#### **6.0 Legal Implications**

- 6.1 The estimated value of the Merchant Acquiring Services and Equipment is in excess of the threshold for services under the Public Contracts Regulations 2015 (the EU Regulations) and thus the EU Regulations apply in full to the procurement. The intention is to procure the services under the CCS Merchant Acquiring Services Framework Agreement RM3702. This is a framework that has been established in accordance with the EU Regulations and pursuant to Contract Standing Order 86(e)(ii), the Chief Legal Officer has confirmed that participation in the framework is legally permissible for a call off contract in respect of merchant acquiring services.
- 6.2 The estimated value of the contract is such that it is classified as a High Value Contract under the Council's Contract Standing Orders and Financial Regulations. The Council's Contract Standing Orders state that Cabinet approval is required for the award of High Value Contracts. For the reasons detailed in Section 3, delegated authority to the Director of Resources to award is sought.

## **7.0 Equality Implications**

7.1 There are no equality implications.

## **8.0 Consultation with Ward Members and Stakeholders**

8.1 Consultation with ward members and Stakeholders not required.


## **9.0 Human Resources/Property Implications (if appropriate)**

9.1 There are no Human Resources/Property implications.

**Report sign off:**

**ALTHEA LODERICK**

Strategic Director of Resources.

 <b>Brent</b>	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director of Resources</b>
<b>Procurement Shared Service – Future Options</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officers:</b>	David Woosey Divisional Director Procurement and Contracts (Harrow and Brent) Tel: 020 8937 2127 <a href="mailto:david.woosey@brent.gov.uk">david.woosey@brent.gov.uk</a>  Althea Loderick Strategic Director of Resources Tel: 0208 937 1564 <a href="mailto:althea.loderick@brent.gov.uk">althea.loderick@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1. With the recent resignation of the Harrow Divisional Director of Procurement and Contracts it is now an opportune time to review whether or not Brent continues to see benefit in the shared procurement service or whether it believes it will be more beneficial to dissolve the shared service and make alternative arrangements i.e. bring the function back in house.
- 1.2. This report details the advantages and disadvantages of both options and makes a recommendation to bring the function back in house.

## 2.0 Recommendation(s)

- 2.1. That Cabinet agree the recommendation to end the shared procurement service agreement with the London Borough of Harrow, at the end of the current Financial year, by mutual agreement, and bring the procurement function back in house.
- 2.2. That Cabinet delegate authority to the Strategic Director of Resources in consultation with the Deputy Leader to agree the precise terms of the exit arrangements required to bring the procurement function back in house.

### 3.0 Background

- 3.1. The London Borough of Brent and the London Borough of Harrow entered into a shared Procurement service (the “Shared Service”) in August 2016 whereby Brent delegated the provision of its procurement service to Harrow, with Harrow providing a Procurement service to Brent.
- 3.2. In September 2016 the Brent procurement staff TUPE transferred to Harrow and in October 2017 the BHP procurement staff transferred into the Shared Service.
- 3.3. We are now just over 1 year into the Shared Service and a number of difficulties have been identified. At present Brent requires a level of service that is beyond the resourcing initially envisaged by the parties and available within the funds contributed to the Shared Service following the restructure.
- 3.4. In addition, it has proved difficult to recruit to many posts in the shared structure and continuity has been difficult to maintain. This has put additional pressure on the Shared Service and levels of service and satisfaction are therefore below what some service areas are expecting.
- 3.5. The reasons to enter into a Procurement Shared Service were stated within the June 2016 Cabinet report that approved the original decision to enter into the Inter Authority Agreement as being:

The Procurement Shared Service will enable the LB Brent to deliver on five key areas:

- contribute to the Council’s savings target, in particular enabling the delivery of savings to the procurement service;

*This has been achieved in that both Councils made a saving at the point at which the Shared Service was created. However this should be seen in the context of demand levels.*

- enable the Council to take a strategic view of procurement activity

*Systems and processes have been improved and so the registers and pipeline of work can be better managed. It is acknowledged that further work is needed in this area.*

- provide new approaches to the delivery of Social Value benefits in Brent contracts

*New approaches have been introduced regarding Social Value which represent good practice within the sector, although embedding this in practice has been challenging.*

- enable the potential generation of additional income by selling procurement services, as opportunities to do this currently have been limited due to the size of the current team;

*Additional business has not been secured, given the current service requires further stabilisation.*

- ensure that there is resilience built into Procurement activities whilst maximising the opportunities for collaboration.

*Greater resilience has been provided into a number of major procurements, with oversight, expertise and resource being shared.*

It is believed these reasons are in principle still largely valid for both councils, but experience in practice means it is timely to review the existing arrangements.

- 3.6. We need to consider whether the various challenges to the effectiveness of the procurement service for Brent can best be addressed within a continued relationship with Harrow and through the Shared Service or by dissolving the relationship and bringing the procurement function back in house.

#### **4.0 Potential Benefits of a Shared Service**

- 4.1 There are a number of potential advantages in continuing with the Shared Service

- 4.1.1 A Procurement Shared Service can be the best opportunity to deliver efficiency or procurement savings over and above headcount reduction.

- 4.1.2 As funding pressures continue to increase, more innovative ways to materialise savings whilst maintaining or increasing the service to residents and businesses, need to be identified and delivered.

4. 1.3 Individually the two councils have high procurement expenditure for the purchase of most goods, works and services and collectively we are a significant customer for a number of areas of major spend. The aggregated spend on specific categories opens up greater opportunity to deliver savings, value for money and social value for the councils by increasing the attractiveness of the councils to third parties.

4. 1.4 The combined strength and market presence of both organisations presenting a unified face to the supply market together with the potential for combined procurement skill and knowledge provides greater synergy than both organisations going it alone. For this advantage to be realised, a fully resourced service needs to be in place which hasn't been the case for the last year.

4. 1.5 As the Shared Service develops and can evidence the benefits of working together it may become attractive to other councils to join the "club". This will potentially result in greater cost reduction / service improvement opportunities that otherwise would not be available. To date, opportunities have been limited, recruitment has been difficult and so few growth opportunities have been explored.

4. 1.6 Both Councils are developing commercialisation agendas and the commercial skillset to exploit these can often be found within the procurement discipline. There is therefore the opportunity to identify and leverage the

synergy between the commercialisation opportunities, joint learning and staff skillsets.

- 4. 1.7 With a larger team comes greater opportunity to minimise risk by flexing resource across both organisations to cover short term needs and absence. Unfortunately, due to the lack of resource this hasn't fully materialised and therefore gaps have been covered by more expensive agency staff.
- 4. 1.8 A larger team can bring greater opportunities for staff development and promotion. This will be attractive to many in the procurement field, many of whom are restricted within their own organisation due to the typically small team size in many local authorities. To date however, recruitment and retention have proved difficult in this market and at more junior levels two clients and places of work present a challenge as well as a development opportunity.

## **5.0 Potential Benefits of Bringing the Service In-House**

- 5.1 There are a number of advantages of ending the Shared Service and returning procurement in house. The first and primary one being a greater control of the service and the ability to focus on Brent's priorities. As with any directly controlled function the leadership team would have direct control of the function and be able to shift priorities and resource without having to go through a Shared Service with competing priorities.
- 5.2 As the Shared Service is still in its infancy there are very few interdependencies between the two organisations and separating them would be relatively easy. This would not be the case later on in the arrangement when the service is more joined up.
- 5.3 There is a perception of there being a number of problems with the Shared Service which rightly or wrongly, are attributed to a diluted focus and lack of sovereignty. Bringing the service in house would take this argument away.
- 5.4 Recruitment may be easier focusing solely on Brent where the location and building facilities are more attractive and our IT solution allows more flexible working. Being based at one location is also potentially more attractive to staff at less senior levels.
- 5.5 Much of the potential benefits of a Shared Service are yet to be realised and investment and change will be required to achieve them. It may be advantageous to Brent to make these changes to its own service rather than invest more time in trying to 'fix' the Shared Service.
- 5.6 From a contractual perspective, the inter authority agreement would require both parties to mutually agree to end the relationship and work through an exit strategy. Early engagement with Harrow suggests they would be co-operative and assist Brent in separating and setting up its own in house Procurement function if this was required.

## **6.0 Issues to be Resolved**

- 6.1 Whether the Procurement service remains a shared one or comes back in-house, there are a number of issues to be resolved. For example, the first



year of operation has demonstrated that both the staff and management resource levels in the Shared Service to support Brent need to be increased. This has been a notable issue in regeneration but is also evident in other departments. This is more relevant to Brent because of the much larger regeneration and development programme than at Harrow.

- 6.2 A lack of a dedicated manager based at Brent to manage the team and develop a proactive relationship with stakeholders across the organisation has been part of the problem.
- 6.3 Despite a lengthy recruitment exercise, the ability of the Shared Service to recruit appropriately skilled and experienced staff into a number of vacancies has proved to be challenging. The poor recruitment results are thought to be in the main due to the salaries on offer being circa £5K below the market average together with a very buoyant London jobs market for these individuals.
- 6.4 The regeneration/development area is significantly under resourced. Although the Shared Service has flexed some resource to support this area, this is barely adequate and not sustainable in the longer term. Consideration therefore needs to be given to interim resource to support Capital projects (funded by the Capital Programme) over and above the business as usual resourcing requirement.
- 6.5 There is therefore a requirement for a growth bid to be developed and approved for;
  - 1 x Head of Procurement (or similar) dedicated to Brent
  - A market supplement of approximately £5K to be applied across all non-management grades.

Whilst the full details of the necessary investment need to be developed, should the decision be to continue with the Shared Service it is estimated that Brent would need to contribute an additional £150,000 per year to the Shared Service funding based on its contribution to the cost of a Brent dedicated manager and the need for 15 staff to receive a £5k a year market supplement. Given Brent's salaries were higher than Harrow's, the total cost of the supplement would be less in a stand alone service. Any funding for interim resource to support Capital projects would be agreed on a project by project basis and part of the capital investment bid. In the case of such additional investment being required, Brent would need to consider whether an additional £150,000 combined with the market uplifts and interim resource for capital projects effectively negates the financial business case.

- 6.6 The profile of Procurement is very low and its strategic position needs to be strengthened. This would be helped by having a dedicated procurement manager on site.
- 6.7 If the Shared Service continues, the Shared Service Governance Board needs to take on a stronger role.

It is therefore proposed that the Terms of Reference for the Governance Board are amended to;

- meet on a monthly basis
- resolve issues as they are affecting delivery of the Shared Service
- act as a Champion to procurement across the organisation
- Consider, and if appropriate, approve resource requirements/funding requests
- Consider “Add-on” activities to the scope of the Shared Service and how these are resourced / funded.
- Resolve stakeholder ownership issues.

If however the Shared Service discontinues, some of these functions could be served by the Commissioning and Procurement Board (“CPB”) in Brent whilst others would revert to being within the roles of the Strategic Director and the Operational Director with procurement responsibility

- 6.8 Whether Brent’s Procurement service remains part of a Shared Service or moves in-house, it is proposed that the Strategic Director Resources meets with the Chair of the CPB & board members to agree how to strengthen the governance and oversight of the procurement function and its role in the CPB. It should be remembered that the CPB is about more than procurement - it is equally about the wider commissioning functions - contract monitoring/service design etc. which are not part of Procurement’s business as usual function although it plays a part in it. Issues relating to procurement activity for capital projects will continue to be overseen by the Capital Programme Board.
- 6.9 The expectation from client departments is significantly different within Brent Council and between Brent and Harrow Councils. This varies from a very self supporting approach to one of the procurement team handling significant aspects of the commissioning cycle. Neither of these approaches is wholly effective.
- 6.10 It is therefore proposed that:
- Greater clarity on the scope of the Procurement service is developed.
  - It is made clear that members of the CPB representing the business areas are responsible and accountable for ensuring the Client ownership of the Procurement activity (including the pipeline & Contract register) This has been addressed by the CPB.
  - A defined programme of work with service levels is developed, that is an annual procurement pipeline with timelines agreed at the start of the financial year and any changes being agreed by the CPB.
  - Either the Shared Service or a stand alone service will cease involvement in P2P (supplier set up, PO creation, Oracle Board etc). This is considered transactional activity and outside of the original scope of the Procurement service. This will mean these activities will need to find a home within the wider business.

## **7.0 Ending the Shared Service**

- 7.1 On balance Officers recommend that the Procurement Service is brought back in house. If such recommendation is approved, the main areas that need to be considered are:
- 7.1.1 Principles / Heads of Terms: These will need to be jointly developed. It is however assumed it will be based on the principles;
- Harrow continue to provide the service until the agreed time of separation
  - Brent continues to pay into the Shared Service budget as per current agreement until separation occurs
  - Harrow assist Brent in designing and recruiting a procurement team
  - Both parties work constructively to ensure a smooth handover in the preceding months
- 7.1.2 Cost: Whilst the current Hub structure is affordable within the budget contributions of both authorities there are a number of cost pressures to be considered regarding separation. An increase in Brent's funding into the Shared Service to support more resources is required in any event.
- Brent salaries are approx £5,000 higher than those of Harrow.
  - The addition of Head of Procurement or will add approximately £35,000 to the staff costs depending on the grade of the position etc. (Assumes £65K contribution already being made to the Divisional Director)
  - There will need to be significant Interim support until a full Procurement team can be recruited. This will be approximately £450-£600 (inc fees) per day per Interim post separation.
  - If recruitment agencies are used to recruit into the full time positions there will be a cost pressure in the region of 15-30% of starting salary in 2018/19.
  - Brent would need to purchase its own licence for the Due-North e-tendering system. Current costs are £12,000 per year.
- 7.1.3 Timing: this could be any agreed date so long as sufficient notice is given, but should not be too far in advance. The start of 2018/19 Financial year would seem reasonable.
- 7.1.4 Policy / Process: Brent continues to operate under its pre Shared Service policy and processes and therefore no issues are foreseen in this area regarding separation.
- 7.1.5 Structure and Service Levels: A structure appropriate to a stand alone service will need to be designed and a service level agreed that is deliverable within the limited resource
- 7.1.6 People: It is possible a small number of individuals would TUPE transfer to Brent from the Shared Service. Harrow would assist in the recruitment of the new team. The initial strategy would be to populate the new structure with interims until such time as permanent members of staff can be recruited
- 7.1.7 Systems: Both councils operate on very different systems apart from the "Due-North" e-tendering system. Work is at an advanced stage to merge both

councils' e-tendering activity onto a new single instance of the system. Whilst it is easy to halt this work now and maintain two separate systems it will become more difficult in the future to separate once the new single instance goes live and new tendering activity is conducted via the new system.

- 7.1.8 Reputational damage: To end the Shared Service so early into its life could potentially be seen as a failure by a range of stakeholders and potentially cause some reputational damage although this should be mitigated by getting member level approval for the dissolution.

## **8.0 Financial Implications**

- 8.1 The current cost and budget for the Shared Service is £675k. Should Brent remain in the Shared Service, it is proposed that the budget be increased by £150k in order to deliver the objectives of the Shared Service (see detail in paragraph 6.5). Should Brent leave the Shared Service, the financial implications would need to be developed as the new organisational structure is designed. Initial estimates however envisage that it would be of similar magnitude to remaining in the Shared Service.
- 8.2 Any increase in budget will have to be offset by a saving elsewhere in the department, the Council including greater achievement of procurement savings.

## **9.0 Legal Implications**

- 9.1 Whilst the Inter Authority Agreement does not cover separation this early, both parties may agree to terminate by mutual agreement. It is understood that Harrow would not oppose ending the Shared Service if Brent so desired.
- 9.2 Withdrawing from the Shared Service requires Cabinet approval.
- 9.3 There will be obligations on both councils arising from exit relating to issues such as staffing, handover, the e-tendering system, etc. In the circumstances delegated authority is sought for the Strategic Director of Resources in consultation with the Deputy Leader to agree the precise terms of the exit arrangements required to bring the procurement function back in house.
- 9.4 If agreed, the recommendations within this report would constitute a service provision change and therefore would be subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") as amended. Where there is a potential transfer pursuant to TUPE, there are positive duties to inform and consult with staff on various matters that have to be observed as a matter of law.

## **10.0 Equality Implications**

None.

## **11.0 Consultation with Ward Members and Stakeholders**

None


## **12.0 Human Resources/Property Implications (if appropriate)**

- 12.1 Should the Shared Service be dissolved and returned in house there would be approximately 2 existing Harrow employees that would TUPE Transfer to the Brent establishment. A new structure would also need to be established and recruited into.

### **Report Sign Off:**

***ALTHEA LODERICK***  
Strategic Director of Resources

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	<p align="center"><b>Cabinet</b> 15 January 2018</p>
	<p align="center"><b>Report from the Strategic Director of Performance Policy &amp; Partnerships</b></p>
<p align="center"><b>The Use of Food Banks In Brent Task Group Report</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Mark Cairns Policy & Scrutiny Manager Tel: 020 8937 1476 mark.cairns@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report set out the findings and recommendations of the recent task group into the use of food banks in Brent.

## 2.0 Recommendation(s)

- 2.1 The Cabinet is recommended to note the report at Appendix 1 and the recommendations contained therein.

## 3.0 Detail

- 3.1 The task group made the decision to look at this area due to the significant rise in food bank usage nationally and lack of a detailed picture of food bank usage across Brent. Members were also concerned with the human impact food poverty is having on local communities and wanted to understand the scale and drivers of food poverty and food insecurity.
- 3.2 There are a number of issues which arise with the increased use of food banks. Concern was focused on vulnerable residents such as the elderly, disabled and children, for example the impact of hunger on children and young people's education. The task group also explored why individuals need to use food banks, and ways to tackle stigma associated with this. This included the impact of welfare reform changes from central government, unemployment, rising costs of

living and low pay. There also exists a varying degree of regulation, safe guarding and data collection across different providers.

- 3.3 The task group considers that the impact of welfare changes such as Universal Credit could be far reaching. It is vital therefore that the council and other local public sector partners put in place organisational arrangements that enable Brent to mitigate the impact Universal Credit as far in advance as possible.
- 3.4 The task group has made 36 individual recommendations, grouped into six discovery themes as follows.

#### **Why people use food banks (triggers to financial crisis)**

To ensure that the most financially vulnerable receive the support they need and do not fall through the gaps of the social support system. In response to increased use of food banks in Brent, the task group recommends the following:

1. The council should formally respond to DWP's assessment that delays in benefit payments or disruption are not a contributory factor to food bank use by allocating the time of a council officer to work with front line agencies to collect data that will demonstrate this link once and for all.
2. The Government should begin monitoring and recording food bank referrals centrally with immediate effect. In the meantime, the local DWP and council should take steps to formally record this data.
3. The Government, council and Mayor of London must accelerate efforts that aim to provide jobs at or above the London Living Wage as calculated by the Living Wage Foundation, create avenues for skills and training for the users of food banks. Many are willing to work to improve their family income but often have additional and complex needs.
4. Local DWP offices should make provision to visit food banks to assess the level of hardship these users face with a view to providing assistance with employment, benefits and skills and improving policy and practice.
5. The council's review of the Volunteering Brent contract in 2018 should consider support for a core group of trained volunteers able to accompany and advocate for vulnerable residents to DWP appeals, particularly for ESA cases. There is currently a need for this level of support but no adequate, coordinated provision.

#### **Policy development**

Adequate policies are developed locally and where possible pressure applied to central government policy makers for national policy and guidance.

6. The Government should develop a policy on food banks to acknowledge the increasing role they play in our communities. More and adequate funding should be offered to the food banks to support core service costs immediately while government develops more long term policies and solutions.
7. Given the scale of this problem and likelihood that need will increase, all local public sector organisations should develop an official policy on foodbanks within the next six months, including the council, local NHS and DWP. This policy should formalise best practice in dealing with food banks and their users and



seek joined up, targeted solutions to prevent and address hunger and chronic poverty in the borough. We recommend that the Council bring forward a policy for sign off by cabinet ahead of the extended roll out of Universal Credit.

8. Council services should assist food aid providers to comply with legislation by acquiring food safety qualifications for all staff and volunteers, to ensure guests and users receive food of an adequate standard. The council with CVS Brent should proactively offer and promote formal training on safeguarding, food safety and customer care be offered to food bank volunteers.
9. The council should take a proactive approach in highlighting the negative impacts of universal credit and welfare reforms on Brent residents. We recommend that the Cabinet Member for Housing and Welfare Reform write to the Secretary of State at the DWP outlining the problems caused by UC and other welfare reforms and request for central Government to formally track and monitor food bank usage.
10. We recommend that the Leader of the Council coordinate a response with other affected boroughs on universal credit and the increase in residents seeking emergency food assistance. The Leader should advocate for change in this area via the LGA, LEP, West London Alliance and London Councils and report back in writing to the Scrutiny Committee on progress within the next six months.
11. The council should explore how they can cut costs for foodbanks, for example, by covering the costs of waste and recycling removal, in recognition of the increasing scope and importance of the services that food banks provide to residents in the borough.

### **Working in partnership – public, private and voluntary sector**

To ensure we make the most of the opportunities that working in partnership across the public and private sectors provide, the task group proposes working in partnership where possible across the borough.

12. Developing a sharing network for emergency food aid providers in the borough to support each other in good practice measures and a joint policy framework. This could possibly be supported financially by a consortium funding bid. Encouraging greater collaboration between food aid providers to avoid duplication and service overlap and joint promotion of services to similar target groups. We recommend that the council helps to facilitate the first meeting of this group within the next three months.
13. Ensuring relevant council departments share data and opportunities for collaborative working and referrals (for example, when families are moved into temporary accommodation such as B&Bs with limited cooking facilities, officers should offer publicity material for our Community Kitchen as standard practice).
14. The council to coordinate visits for relevant teams to local food banks in order to better understand the scale and severity of need. At a minimum, these visits should include the housing, social care and benefits teams and include senior managers and directors.

15. The council should proactively use its influence to encourage more local food businesses to work in partnership with emergency food aid providers and reduce food wastage by making donations or providing targeted in-kind assistance. This should include permanent food bank collection stations in supermarkets, and greater opportunities for food bank shopping lists to be offered to shoppers. The Cabinet Member for Employment and Skills should report back in writing on progress within the next 12 months.
16. Council officers with specialist expertise to share knowledge on housing or benefits by delivering training for staff and volunteers of food aid providers (this could be part of the two volunteering days offered by the Council to its employees).
17. Local employers should ensure internal policies are in place, such as advance loans, to support their staff who may experience financial hardship to prevent the need for people in work to use food banks. West London Business (WLB) should initiate these conversations among members as well as the issue being formally raised as an agenda item at the next Brent Business Board. This could also be raised with appropriate pan-London/ national groups such as London First, CIPD and BITC.
18. Park Royal Business Group should host a meeting with the Brent food businesses and food banks to discuss a coordinated response to food bank food donations within the next six months. This meeting should also explore:  
a) whether there is a particular online platform that should be recommended for food donations; and b) whether creative responses can be found to improving cold storage capacity in local food banks and distribution channels.
19. The council should resurrect its project with WLB and CVS Brent in creating a (or preferably identifying an existing) one-stop online platform for businesses to donate to local charities and causes. A proposal for this online platform should be brought forward to Cabinet within the next six months.
20. Brent and its partners should do all they can to ensure adequate spaces are available to food banks as guest numbers surge on a daily basis. The Council's property and regeneration teams should report to the Resources & Public Realm Scrutiny Committee within the next six months on the possibility of extra space for food banks, both in terms of floor space for services and off-site storage.
21. Food banks should offer holiday food parcels to children eligible for free school meals in line with the approach taken by St Laurence's Larder. The Cabinet Member for Children and Families, along with the Strategic Director of Children & Young People and her department, should consider how they can facilitate schools to do the same.
22. The Strategic Director of Children & Young People and her department should discuss with schools opportunities for them to visit local food banks as per best practice led by Brent Trussell Trust Food Bank. The task group heard how this approach has helped to break down stigma and increase understanding of how food banks operate and the services they provide.

23. Brent mental health services should provide a named contact to local food bank managers and seek to develop closer working to tackle the numerous cases of low level and severe mental health issues presenting at food banks.
24. The council should nominate a member as a 'Food Champion' to oversee the implementation of the task group recommendations and provide coordination and political impetus behind driving solutions to food poverty and food bank usage across the borough. The Council should agree the number of hours of officer support the Food Champion is able to receive.

#### **The user experience (Including the referral processes)**

Service users and guest are treated with dignity and respect, by ensuring that referral pathways are regulated in a way that is inclusive and accessible to those who need to use food banks, particularly to those residents with access issues.

25. The council should facilitate a comprehensive mapping of the borough to determine all the local sources of dry food and cooked food available to those in the greatest need, and access routes. This would include food banks, community kitchens, places of worship, the voluntary sector, schools, etc.
26. Local statutory service providers, Brent Clinical Commissioning Group (CCG) and the Children's Trust should make efforts to be aware of the food aid services available and actively propose that more GPs and schools register as referral agencies. Brent CCG and the Children's Trust should report on progress with this recommendation within the next 12 months.
27. The council should profile the work of food aid providers through its communications such as the Brent Magazine or on social media to assist in reaching vulnerable residents unfamiliar with available services.
28. Food banks should follow the example of Sufra food bank in providing a simple guide to food bank users on the range of support available locally on areas such as housing, skills, legal support and employment including relevant contact details.
29. Food banks should work towards formalising case management systems that provide better data collection and enable the development of a tailored action plan for each food bank user to help identify a pathway out of poverty. The council, CCG and local DWP should work with food banks to support the development of these action plans and case management systems.

#### **Future models for food banks and community kitchens in Brent**

In response to the Government's welfare reform agenda, the task group recommends the development of a robust network and future operating model, which considers a holistic approach and the wider community needs. There is a clear need for food banks to work together and rise to this challenge.

30. Organisations operating food banks consider changing the name from food bank which (unfortunately) carries a stigma and is limiting, to another name that reflects the multiple services they provide. This may encourage those people who do not come to the food bank because of the stigma, but have an essential

need, to take advantage of the multiple services that will benefit them and their families.

31. The council and its partners should consider how access to food banks and community kitchens are included in the development of the Brent Community Hub models.

### **General and best practice**

To be a model for best practice by developing ground breaking strategies for working in partnerships with food banks and Community Kitchens.

32. The council should actively challenge the stigma associated with emergency food aid externally through positive media coverage and internally by assisting providers with training and support to offer a welcoming and compassionate service.
33. A joint education campaign should be developed and run by the Council and voluntary sector. This should include the educating guests about the impending roll out of Universal Credit in Brent and should be included in the work of food banks, kitchens, etc.
34. The quality of food used by the food banks should be monitored by food bank staff to make sure they met a legal standard. This will be both voluntarily donated and bought in by the providers.
35. The task group recommends a member development training session for councillors on dealing with residents in severe hardship and how to make food bank referrals.
36. Donations from individuals are also important, and the council should help publicise the types of donations that food banks need, such as the Trussell Trust and Sufra shopping lists.

## **4.0 Financial Implications**

- 4.1 Once Cabinet has determined its policy response to the recommendations in the report then the costs of implementation can be developed.

## **5.0 Legal Implications**

- 5.1 As this report is for noting there are no legal implications directly arising. If Cabinet request a follow up report, any specific legal issues arising will be discussed.

## **6.0 Equality Implications**

- 6.1 As this report is for noting there are no equality implications directly arising. If Cabinet request a follow up report, any specific equality issues arising will be discussed.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 The task group was made up of members of the committee and others, as well as expert advisors from relevant bodies including West London Business and the Child Poverty Action Group. It was also advised by the Trussell Trust. The consultation and views obtained throughout the group's work are detailed in the report.

## **8.0 Human Resources/Property Implications**

- 8.1 Once Cabinet has determined its policy response to the recommendations in the report then the HR and property implications of implementation can be developed.

**Report sign off:**

**PETER GADSDON**

Director of Performance Policy & Partnerships

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# Resources & Public Realm Scrutiny Committee

## The Use of Food Banks in Brent

### Task Group Report November 2017

Cllr Roxanne Mashari (Chair)  
Cllr Rita Conneely  
Cllr Mary Daly  
Cllr Ernest Ezeajughi  
Cllr Aisha Hoda Benn  
Cllr Sandra Kabir  
Cllr Suresh Kansagra

Andrew Dakers  
Sarah Greenwood  
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## 1. THE CHAIR'S FOREWORD

Food bank numbers across the UK have risen dramatically within a short period of time. According to the Trussell Trust, over one million emergency three-day food supplies are distributed by their food banks nationally, but without centralised data gathering it is clear that this is merely the tip of the iceberg. In Brent alone last year an estimated 5,636 people accessed food banks.



Without regulation or direction from central government, a vacuum has appeared in this area of policy that this task group has sought to address.

Many local authorities like Brent find themselves in uncharted territory in relation to food banks. Alongside the absence of guidance for local authorities, the task group feels that there is room for improvement and external oversight with regards to safety, hygiene and safeguarding in many of the food aid providers locally.

The task group could not find any policy framework, or guidance outlining how local authorities should work with or alongside food banks.

This lack of understanding, policy and coordination presents a significant risk to public sector organisations, food banks and food bank users particularly as we approach the wider roll out of universal credit in 2018.

Time and again our task group heard of benefit delays, universal credit design problems, inaccessibility of services and sanctions driving ordinary people to extraordinary levels of desperation and destitution. We must be clear in our collective determination in Brent that our role as public and private sector bodies is to strategically tackle poverty and increase prosperity, not to *create* deprivation and poverty through our own policies. The fact that actions of publically funded bodies are a major driving force behind local food bank numbers is a cause for alarm and shame.

We cannot wait for the government to decide to take action when it comes to food banks, we must take matters into our own hands by demonstrating leadership and initiative to stem the tide of destitution and desperation. It is up to us to make sure that residents are not falling through the gaps of services and that there is a coordinated, preventative and interventionist approach.

This task group has brought to light some of the most talented, hardworking and visionary individuals who help run food banks and provide a unique and vital service that would not otherwise be provided. We have also witnessed heart-wrenching stories of neglect, desperation and abject poverty that have been both shocking and upsetting. What is clear is that this level of need and poverty must not be normalised or accepted.

It is time for all of us to take stock, to not shy away from the scale of the problem and to be nimble enough to respond to the shifting shape of provision for those in destitution, whether we agree with government policy in this area or not.

Our recommendations provide a blueprint for the first few steps in organising a coordinated response to this relatively new phenomenon and we will be holding local leaders to account over the next twelve months in order to translate policy and ideas into action that makes a difference on the ground.

I pay tribute to the Task Group Members: Cllr Ernest Ezeajughi, Cllr Aisha Hoda Benn, Cllr Mary Daly, Cllr Suresh Kansagra, Cllr Sandra Kabir and Cllr Rita Conneely as well as our expert advisors Andrew Dakers, CEO, West London Business, Imran Hussain, Director of Policy Child

Poverty Action Group, and Anjum Klair, Policy Officer, TUC. My thanks also to the Trussell Trust for their advisory role to the task group.

Particular thanks go to the food bank users who spoke to us so openly about their experiences. To the thousands of residents in Brent struggling to put food on the table, we say that we hear your voice, that you are important, that we are on your side and that you have nothing to be ashamed of.

**Cllr Roxanne Mashari, Welsh Harp Ward**

**November 2017**

## 2. TASK GROUP MEMBERSHIP



**Cllr Rita Conneely**



**Cllr Suresh Kansagra**



**Cllr Mary Daly**



**Andrew Dakers,  
CEO, West London  
Business**



**Cllr Ernest  
Ezeajughi**



**Imran Hussain,  
Director of Policy  
Child Poverty  
Action Group  
(CPAG)**



**Cllr Aisha Hoda  
Benn**



**Anjum Klair, Policy  
Officer, The Trades  
Union Congress  
(TUC)**



**Cllr Sandra Kabir**

**Advisor to the task group:** The Trussell Trust London Foodbank Network

### 3. EXECUTIVE SUMMARY

The task group made the decision to look at this area due to the significant rise in food bank usage nationally and lack of a detailed picture of food bank usage across Brent. The task group were also very concerned with the human impact food poverty is having on local communities and wanted to understand the scale and drivers of food poverty and food insecurity.

Food banks have come to represent a last line of defence against hardship. They are playing, and will continue to play, an increasingly significant role in society, and represent a very visible and direct way for members of the public to contribute to the relief of chronic poverty and hardship.

Brent adopted Universal Credit (UC) for new single claimants in March 2015 and will roll out full Universal Credit from August 2018. Food banks in Brent are currently operating at close to full capacity and all are extremely apprehensive about the impact of the full roll out of Universal Credit next year. The task group found evidence that the six week wait after assessment before any benefits are in place under the current Universal Credit structure is already pushing many people into financial crisis and all testimonies have suggested that this situation is set to become much worse with the full roll out.

There are a number of issues which arise with the increased use of food banks. Concern is focused on the vulnerable residents in our communities such as the elderly, disabled and children. Children and young people's education are known to suffer dramatically when they go to school hungry. We are also concerned with the lack of understanding of why individuals need to use food banks and tackling the stigma and stereotyping of individuals who need to rely on food banks.

Behind the numbers and the trends are a section of society who lack the resources to meet their basic needs. These families are in financial crisis and this can be a stressful and worrying time. For example:

- Families have to decide between heating their homes or feeding their children;
- People wake up each day to feelings of stress, uncertainty and insecurity;
- Children struggle to pay attention at school because they feel hungry, and a school lunch may be the only substantial meal of a child's day;
- This can trigger mental health issues or substance misuse; and
- Being hungry is a barrier to acquiring and sustaining employment.

The steady increase in use of food banks seems to directly correlate with the welfare reform changes from central government. Such crises tended to be exacerbated by unemployment, rising costs of living and low pay, which are all contributory factors in people seeking assistance. Food banks feel that they only have the capacity to deal with the logistics of feeding more and more people, with no time to advocate for changes that would eradicate the need for food banks in the first place. Food banks appear to be an organic, grassroots response to the impact of welfare reforms and cuts to public service provision and as such there exists a varying degree of regulation, safe guarding and data collection across different providers.

The panel was particularly struck that a borough that is home to 'London's kitchen' (Park Royal) has food banks running out of food. This brought into focus some of the practical challenges that need to be addressed. Much of Park Royal's food production is fresh food, which can be hard to secure, store and distribute safely without building the capacity of the cold food supply chain around food banks. However, the task group was pleased to discover that the Felix Project collects from Park Royal, distributing to several food aid providers locally. There is perhaps scope for learning from and expansion of this model.

The task group considers that the impact of welfare changes such as Universal Credit could be far reaching. It is vital therefore that the council and other local public sector partners put in place organisational arrangements that enable Brent to mitigate the impact Universal Credit as far in advance as possible.

The task group has made **36** individual recommendations, spread across the four key areas outlined in its Terms of Reference. The recommendations have been grouped into six discovery themes which the task group believes should form the basis of future engagement, partnership working and policy development plans with Brent's Food banks and Community kitchens.

**1. Why people use food banks (triggers to financial distress)**

To ensure that the most financially vulnerable receive the support they need and do not fall through the gaps of the social support system.

**2. Policy development**

Adequate policies are developed locally and where possible pressure applied to central government policy makers for national policy and guidance.

**3. Working in partnership – public, private and voluntary sector**

To ensure we make the most of the opportunities that working in partnership across the public and private provides, the task group proposes working in partnership where possible across all our Brent industries.

**4. The user experience (Including the referral processes)**

Service users and guest are treated with dignity and respect, by ensuring that referral pathways are regulated in a way that is inclusive and accessible to those who need to use food banks.

**5. Future models for food banks and community kitchens in Brent**

In response to the Government's Welfare agenda, the task group recommends the development of a robust network and future operating model, which considers an holistic approach and the wider community needs.

**6. General and best practice**

To be a model for best practice by developing ground breaking strategies for working in partnerships with Food banks and Community Kitchens.

## 4. RECOMMENDATIONS

### **Why people use food banks (triggers to financial crisis)**

To ensure that the most financially vulnerable receive the support they need and do not fall through the gaps of the social support system. In response to increased use of food banks in Brent, the task group recommends the following:

1. The council should formally respond to DWP's assessment that delays in benefit payments or disruption are not a contributory factor to food bank use by allocating the time of a council officer to work with front line agencies to collect data that will demonstrate this link once and for all.
2. The Government should begin monitoring and recording food bank referrals centrally with immediate effect. In the meantime, the local DWP and council should take steps to formally record this data.
3. The Government, council and Mayor of London must accelerate efforts that aim to provide jobs at or above the London Living Wage as calculated by the Living Wage Foundation, create avenues for skills and training for the users of food banks. Many are willing to work to improve their family income but often have additional and complex needs.
4. Local DWP offices should make provision to visit food banks to assess the level of hardship these users face with a view to providing assistance with employment, benefits and skills and improving policy and practice.
5. The council's review of the Volunteering Brent contract in 2018 should consider support for a core group of trained volunteers able to accompany and advocate for vulnerable residents to DWP appeals, particularly for ESA cases. There is currently a need for this level of support but no adequate, coordinated provision.

### **Policy development**

Adequate policies are developed locally and where possible pressure applied to central government policy makers for national policy and guidance.

6. The Government should develop a policy on food banks to acknowledge the increasing role they play in our communities. More and adequate funding should be offered to the food banks to support core service costs immediately while government develops more long term policies and solutions.
7. Given the scale of this problem and likelihood that need will increase, all local public sector organisations should develop an official policy on foodbanks within the next six months, including the council, local NHS and DWP. This policy should formalise best practice in dealing with food banks and their users and seek joined up, targeted solutions to prevent and address hunger and chronic poverty in the borough. We recommend that the Council bring forward a policy for sign off by cabinet ahead of the extended roll out of Universal Credit.
8. Council services should assist food aid providers to comply with legislation by acquiring food safety qualifications for all staff and volunteers, to ensure guests and users receive food of an adequate standard. The council with CVS Brent should proactively offer and promote formal training on safeguarding, food safety and customer care be offered to food bank volunteers.

9. The council should take a proactive approach in highlighting the negative impacts of universal credit and welfare reforms on Brent residents. We recommend that the Cabinet Member for Housing and Welfare Reform write to the Secretary of State at the DWP outlining the problems caused by UC and other welfare reforms and request for central Government to formally track and monitor food bank usage.
10. We recommend that the Leader of the Council coordinate a response with other affected boroughs on universal credit and the increase in residents seeking emergency food assistance. The Leader should advocate for change in this area via the LGA, LEP, West London Alliance and London Councils and report back in writing to the Scrutiny Committee on progress within the next six months.
11. The council should explore how they can cut costs for foodbanks, for example, by covering the costs of waste and recycling removal, in recognition of the increasing scope and importance of the services that food banks provide to residents in the borough.

### **Working in partnership – public, private and voluntary sector**

To ensure we make the most of the opportunities that working in partnership across the public and private sectors provide, the task group proposes working in partnership where possible across the borough.

12. Developing a sharing network for emergency food aid providers in the borough to support each other in good practice measures and a joint policy framework. This could possibly be supported financially by a consortium funding bid. Encouraging greater collaboration between food aid providers to avoid duplication and service overlap and joint promotion of services to similar target groups. We recommend that the council helps to facilitate the first meeting of this group within the next three months.
13. Ensuring relevant council departments share data and opportunities for collaborative working and referrals (for example, when families are moved into temporary accommodation such as B&Bs with limiting cooking facilities, officers should offer publicity material for our Community Kitchen as standard practice).
14. The council to coordinate visits for relevant teams to local food banks in order to better understand the scale and severity of need. At a minimum, these visits should include the housing, social care and benefits teams and include senior managers and directors.
15. The council should proactively use its influence to encourage more local food businesses to work in partnership with emergency food aid providers and reduce food wastage by making donations or providing targeted in-kind assistance. This should include permanent food bank collection stations in supermarkets, and greater opportunities for food bank shopping lists to be offered to shoppers. The Cabinet Member for Employment and Skills should report back in writing on progress within the next 12 months.
16. Council officers with specialist expertise to share knowledge on housing or benefits by delivering training for staff and volunteers of food aid providers (this could be part of the two volunteering days offered by the Council to its employees).
17. Local employers should ensure internal policies are in place, such as advance loans, to support their staff who may experience financial hardship to prevent the need for people in work to use food banks. West London Business (WLB) should initiate these conversations among members as well as the issue being formally raised as an agenda

item at the next Brent Business Board. This could also be raised with appropriate pan-London/ national groups such as London First, CIPD and BITC.

18. Park Royal Business Group should host a meeting with the Brent food businesses and food banks to discuss a coordinated response to food bank food donations within the next six months. This meeting should also explore: a) whether there is a particular online platform that should be recommended for food donations; and b) whether creative responses can be found to improving cold storage capacity in local food banks and distribution channels.
19. The council should resurrect its project with WLB and CVS Brent in creating a (or preferably identifying an existing) one-stop online platform for businesses to donate to local charities and causes. A proposal for this online platform should be brought forward to Cabinet within the next six months.
20. Brent and its partners should do all they can to ensure adequate spaces are available to food banks as guest numbers surge on a daily basis. The Council's property and regeneration teams should report to the Resources & Public Realm Scrutiny Committee within the next six months on the possibility of extra space for food banks, both in terms of floor space for services and off-site storage.
21. Food banks should offer holiday food parcels to children eligible for free school meals in line with the approach taken by St Laurence's Larder. The Cabinet Member for Children and Families, along with the Strategic Director of Children & Young People and her department, should consider how they can facilitate schools to do the same.
22. The Strategic Director of Children & Young People and her department should discuss with schools opportunities for them to visit local food banks as per best practice led by Brent Trussell Trust Food Bank. The task group heard how this approach has helped to break down stigma and increase understanding of how food banks operate and the services they provide.
23. Brent mental health services should provide a named contact to local food bank managers and seek to develop closer working to tackle the numerous cases of low level and severe mental health issues presenting at food banks.
24. The council should nominate a member as a 'Food Champion' to oversee the implementation of the task group recommendations and provide coordination and political impetus behind driving solutions to food poverty and food bank usage across the borough. The Council should agree the number of hours of officer support the Food Champion is able to receive.

### **The user experience (Including the referral processes)**

Service users and guest are treated with dignity and respect, by ensuring that referral pathways are regulated in a way that is inclusive and accessible to those who need to use food banks, particularly to those residents with access issues.

25. The council should facilitate a comprehensive mapping of the borough to determine all the local sources of dry food and cooked food available to those in the greatest need, and access routes. This would include food banks, community kitchens, places of worship, the voluntary sector, schools, etc.
26. Local statutory service providers, Brent Clinical Commissioning Group (CCG) and the Children's Trust should make efforts to be aware of the food aid services available and



actively propose that more GPs and schools register as referral agencies. Brent CCG and the Children's Trust should report on progress with this recommendation within the next 12 months.

27. The council should profile the work of food aid providers through its communications such as the Brent Magazine or on social media to assist in reaching vulnerable residents unfamiliar with available services.
28. Food banks should follow the example of Sufra food bank in providing a simple guide to food bank users on the range of support available locally on areas such as housing, skills, legal support and employment including relevant contact details.
29. Food banks should work towards formalising case management systems that provide better data collection and enable the development of a tailored action plan for each food bank user to help identify a pathway out of poverty. The council, CCG and local DWP should work with food banks to support the development of these action plans and case management systems.

### **Future models for food banks and community kitchens in Brent**

In response to the Government's welfare reform agenda, the task group recommends the development of a robust network and future operating model, which considers a holistic approach and the wider community needs. There is a clear need for food banks to work together and rise to this challenge.

30. Organisations operating food banks consider changing the name from food bank which (unfortunately) carries a stigma and is limiting, to another name that reflects the multiple services they provide. This may encourage those people who do not come to the food bank because of the stigma, but have an essential need, to take advantage of the multiple services that will benefit them and their families.
31. The council and its partners should consider how access to food banks and community kitchens are included in the development of the Brent Community Hub models.

### **General and best practice**

To be a model for best practice by developing ground breaking strategies for working in partnerships with food banks and Community Kitchens.

32. The council should actively challenge the stigma associated with emergency food aid externally through positive media coverage and internally by assisting providers with training and support to offer a welcoming and compassionate service.
33. A joint education campaign should be developed and run by the Council and voluntary sector. This should include the educating guests about the impending roll out of Universal Credit in Brent and should be included in the work of food banks, kitchens, etc.
34. The quality of food used by the food banks should be monitored by food bank staff to make sure they met a legal standard. This will be both voluntarily donated and bought in by the providers.
35. The task group recommends a member development training session for councillors on dealing with residents in severe hardship and how to make food bank referrals.

36. Donations from individuals are also important, and the council should help publicise the types of donations that food banks need, such as the Trussell Trust and Sufra shopping lists.

## 5. INTRODUCTION – SCOPE OF THE TASK GROUP

### **Background**

*Food Poverty: The inability of individuals and households to obtain an adequate and nutritious diet, often because they cannot afford healthy food or there is a lack of shops in their area that are easy to reach.*<sup>1</sup>

*Food Insecurity: The limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways (e.g. without resorting to emergency food supplies, scavenging, stealing or other coping strategies).*<sup>2</sup>

### **Food Banks**

Nationally food banks have been opening at an extraordinary rate in austerity Britain. New research by the Independent Food Aid Network, featured in The Guardian newspaper on the 29th May 2017, revealed that there were at least 672 independently run food banks operating across the UK. When including the Trussell Trust, this figure rises to approximately 2000 food banks operating in the UK, but this does not include informal food parcel distribution by social welfare charities, children's centres, religious organisations, housing associations, hospitals and other groups.

London is often seen as an affluent city, and an engine of wealth-creation for the rest of the UK. However, this perception masks high levels of deprivation and extremes of inequality. More than a quarter of Londoners live below the poverty line, and of these the majority live in families with at least one person in paid work. In the past decade, as wages have fallen in real terms and living costs have risen, the number of people in working poverty has increased by 70%. Almost a fifth of jobs in London pay below the London Living Wage, the amount needed to live a modest but decent life.<sup>3</sup>

Food poverty is part of this darker picture, there are now food banks in almost every community, from the East End of London to the Cotswolds. Food poverty can be defined as the inability to afford, or to have access to, the food needed for a healthy diet.<sup>4</sup> It is also important that people can access food in a way which is dignified and socially acceptable.<sup>5</sup> When people struggle to feed themselves adequately and nutritiously, it undermines health, educational attainment and employment, and ultimately adds to pressure on services. Food insecurity is an alternative term, which in particular illustrates people's uncertainty about being able to provide for themselves and their families.

While there is no official government measurement of food poverty or food insecurity, a range of available data indicates the scale of the problem. 1.2 million food aid packages were given out by Trussell Trust food banks in London during the last financial year and this was the ninth consecutive year in which demand has risen. These figures are often described as the tip of the iceberg given the high number of households in poverty and likely to be experiencing food insecurity. For example, 9% of children in London say they sometimes, or often, go to bed hungry.<sup>6</sup>

### **Food Bank Users - 'Guests'**

Food bank and community kitchen users are referred to as guests, this is to reinforce a fundamental ethos to both users and volunteers. Guests are welcome and treated with dignity and respect.

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<sup>1</sup> Food Standards Agency

<sup>2</sup> The Food Foundation

<sup>3</sup> Trust for London / New Policy Institute (2015) London's Poverty Profile 2015

<sup>4</sup> Department of Health

<sup>5</sup> E. Dowler (2012) The Future of UK Household Security, University of Warwick

<sup>6</sup> Beyond the Food Banks, London Food Poverty Profile, Sustain, 2016

## **Questions**

The review considered the following questions in four key areas:

### **Understanding the drivers and scale of the problem**

- How and why referrals are being made?
- How many referrals are made?
- Where are referrals made?
- How are these being monitored?

### **Policy and practice - are food banks here to stay?**

- What is the local, London and nationwide picture?
- What are the local public sector partners policies (Job Centres, DWP, NHS, Schools, and GP's)?
- What is the role of the Private sector (food donors/suppliers)?

### **The experience of the resident**

- What is the food bank journey experience?
- What support is provided to users/guests?
- What are the sustainable solutions for food banks?

### **Public Perception**

- How are stakeholders being educated on food banks?
- Is there stigma and stereotyping associated with food banks?
- How are the wider community integrated into the work of food banks?
- How do we support our local food banks?

## **Aims**

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

- Gain a clear understanding of the triggers for food bank usage, with specific focus on welfare reform and the DWP. Through the review the task group would look to make recommendations based on evidence with a view to improve processes and reduce delays in welfare payments to reduce the demand for food banks.
- Establish if there is a link between austerity policies and welfare reform; and the increased use of food banks. Through the review the task group would look to make recommendations regarding a lobbying strategy for one or more welfare reforms.
- Gain understanding and transparency of the local and national policies and strategic direction regarding the use of food banks. Through the review the task group would look to make recommendations for government (local, regional and national) to agree a strategy on the need and use of food banks. This may also be done through lobbying.
- Identify any gaps in current working model and together with local partners, make recommendations for a collaborative approach to working with and supporting food banks.
- Establish best practice for local authorities to work in agreement with food banks. Through the review the task group would look to make recommendations where appropriate, that would allow the council and local partners to operate in a way that is conducive to the service that food banks offer.
- The council is in an informed position to make good choices regarding food poverty and its position on welfare reform.

## 6. METHODOLOGY

As part of this review the task group invited relevant partners to contribute through discussion groups, meetings, phone interviews and visits. Primarily, the task group started by collecting information about the current operations of food banks and understanding triggers to food bank usage. This included meetings with many food bank operators and food bank guests/users.

The task group then met with council officers to discuss and understand Brent's profile in relation to food banks, the council's referral processes, policies and data collection.

The task group held themed discussion meetings with referral partners which reflected a key areas of the review. The task group interviewed local business groups and consulted leading figures in the public sector. Given the focus on identifying good practice outside of the borough, the group consulted with the LB Ealing, LB Lewisham, LB Croydon, LB Southwark and LB Barnet.

### Groups of participants

#### **Service Users: Group 1**

- Guest/Service Users:
  - From across all the Brent food banks/Community Kitchens

#### **Partners: Group 2**

- Relevant Council Departments:
  - Welfare and Benefits
  - Brent Housing
  - Children Centre's
- Brent Food Banks:
  - Brent Food Banks - Trussell Trust network
  - Sufra NW London
  - St Laurence Larder
  - Granville Community Kitchen
- Brent partners:
  - Citizens advice Brent
  - NHS/CCG
  - Schools
  - Job Centre Plus
- Private sector (Local):
  - West London Business
  - Tesco
  - Asda
  - Marks & Spencer
  - Park Royal Business Group
  - FSB Brent Business

#### **Partners: Group 3**

- The Trussell Trust

- Independent Food Aid Network
- Sustain: The alliance for better food and farming
- Members of Parliament (MP's)
- Mayor's Office - Food Poverty
- Local Government Association (LGA)
- Department for Communities and Local Government (DCLG)
- Local Authorities:
  - LB Bexley
  - LB Croydon
  - LB Ealing
  - RB Kensington & Chelsea
  - LB Lewisham
  - LB Southwark
  - LB Tower Hamlets
  - LB Wandsworth

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

## 7. POLICY CONTEXT

### 7.1. Brent

#### Local Context – Brent

There are three food banks and a number of community kitchens operating in Brent:

1. Brent Food Bank - The Trussell Trust Network, Neasden (Referral)
2. Sufra NW London Food Bank and Kitchen (independent), Stonebridge (Referral for food bank, walk-in for kitchen)
3. St Laurence Larder (independent – Church), Kilburn (Walk-in)
4. Granville Community Kitchen, South Kilburn (Walk-in).

Individuals can access some food banks via a referral while others offer a walk-in service. A referral can be made by a number of agreed local partners, which include a number of departments within the council such as the Welfare and Benefits team, Housing and Children and Young People Services. When individuals or families are accessing services and it is clear there will be a financial shortfall, officers will make a referral to the food banks. Alternatively those who appear to be in need will be signposted to one of the partners who will assess their need, and make a decision on whether they are eligible to access the food bank. This is done by issuing food vouchers that can then be redeemed at one of the food banks. Organisations or individuals can become official food bank referral agencies by contacting the individual food bank and requesting training and accreditation.

Across the borough there are a number of organisations from both the public and private sectors who interact with the food banks, either via a supporting or service providing capacity. Each partner is working in a silo with one or all of the food banks in Brent. This can lead to duplication and misuse, but more importantly there are missed opportunities to share information, resources, best practice and generally working as a cohesive group.

The data below sets out the local context for Brent in light of available data:

The Trussell Trust are able to produce data using their network but this does not include other food banks, so there is no official method of collecting, collating and reporting data of overall food bank usage in Brent. Between January 2017 and August 2017 the Brent Food Bank redeemed a total of 1,403 vouchers, this was up from 1,043 over the same period in 2016, an increase of 34.5 percent. The greatest number of guests come from Harlesden, Stonebridge and Willesden Green. The largest numbers of guest referrals fulfilled were referred by Brent Community Law Centre, Brent Citizen Advice Bureau (CAB) and the Willesden Probation Trust. There were 13 referrals which came from the Wembley Job Centre Plus.

**Figure 1. Brent Food Bank**

	Jan-Aug 2016	Jan-Aug 2017
<b>Total Number of Vouchers redeemed</b>	1,043	1,403
<b>Total Number of Recipients</b>	1,920	2,288

**Figure 2. Brent Food Bank**

	Jan-Aug 2016	Jan-Aug 2017
<b>Adults</b>	1,312	1,762

<b>Children</b>	608	526
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- Out-of-work benefits claimants, September 2017: There were a total of 4,860 residents in receipt of out-of-work benefits. This is 2.2% of the total resident population which is above the London and national average of 2.0%.<sup>7</sup>
- Gross Weekly Pay, 2016: The average gross weekly pay for Brent residents is £550 a week, this is below the London average of £632 per week but slightly above the national average of £541 per week.<sup>8</sup>

The statistics below are provided by Sufra NW London, another of the four official food banks in Brent. The data has been collected using the Sufra referral form. The task group learned from the Brent Multifaith Forum that there are many other religious organisations providing food parcels in less formal arrangements.

**Figure 3. Sufra NW London**

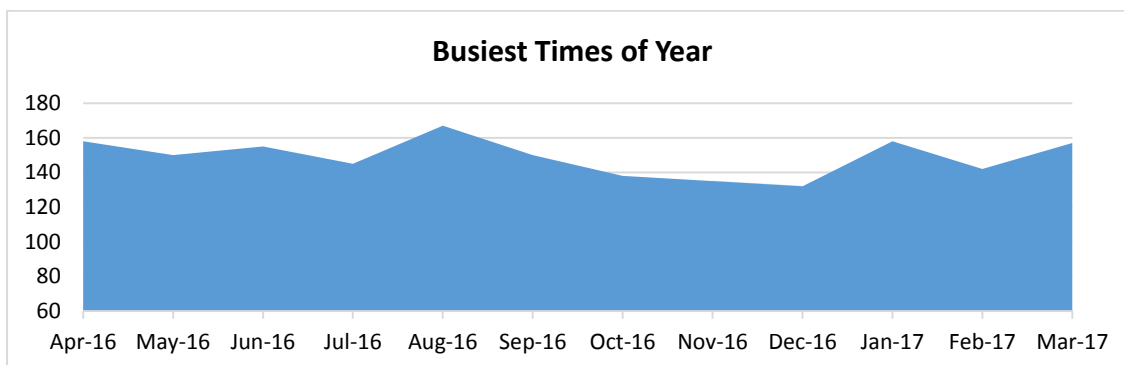
	<b>2015-2016</b>	<b>2016-2017</b>
<b>Total Number of Food Parcels</b>	1,760	1,764
<b>Total Number of Recipients</b>	3,716	3,779

**Figure 4. Sufra NW London**

<b>Reasons for Food Bank Usage - Priority Group April 2016-March 2017*</b>	<b>Number</b>	<b>%</b>
Individuals awaiting payment of benefits	676	42.40%
Individuals not eligible for statutory benefits	172	10.80%
Low-income, working families	168	10.50%
Refugees / Asylum seekers	122	7.70%
Individuals/Family Members with disability or long-term illness	115	7.20%
Individuals whose benefits have been disrupted (including those sanctioned)	106	6.70%
Individuals with a history of drug/alcohol abuse	102	6.40%
Victims of domestic violence, abuse and/or crime	50	3.10%
Ex-Offenders	45	2.80%
Individuals who have not applied for benefits	38	2.40%

*\*Sufra collect data on the number of households who identify with the following statements. This is an OPTIONAL question, and these figures should be considered as the minimum number who fall into each category. Households may fall into more than one priority group.*

**Figure 5. Sufra NW London**

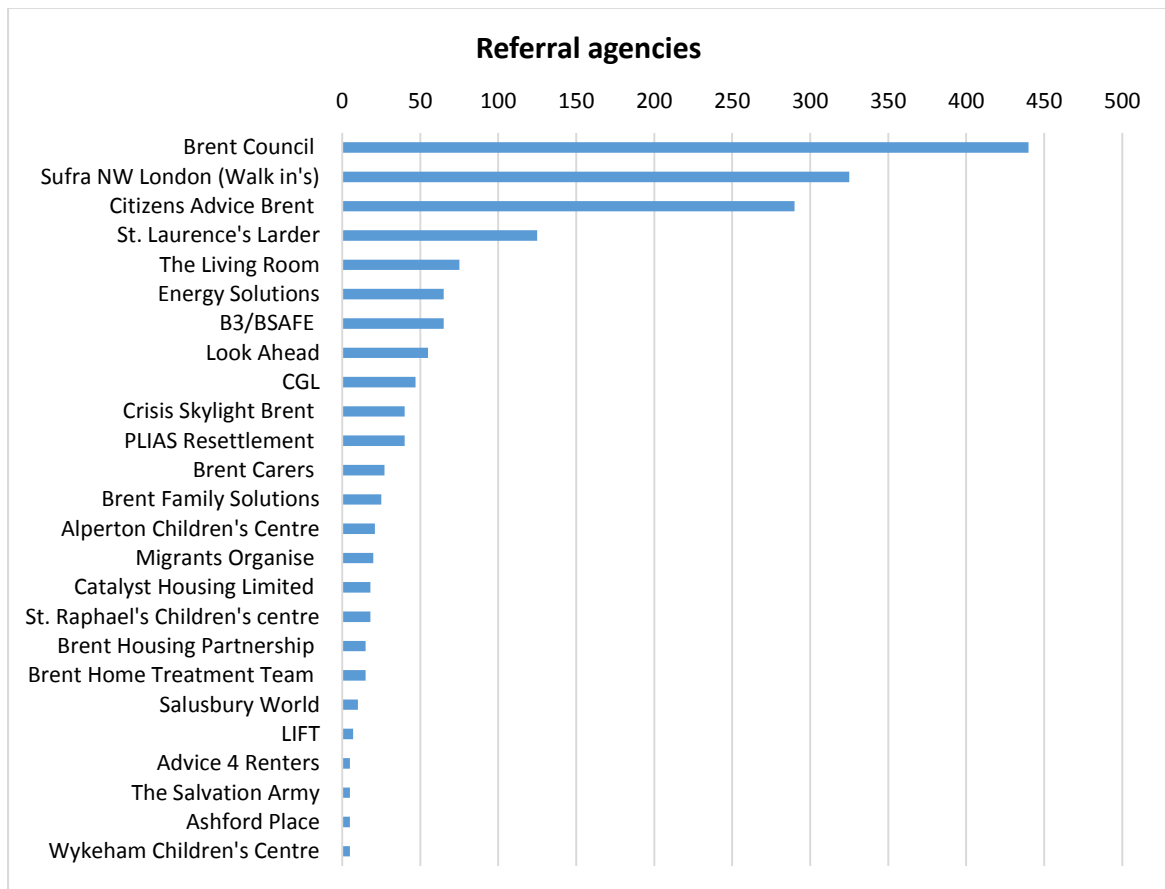


<sup>7</sup> NOMIS May 2017

<sup>8</sup> NOMIS 2015-16



**Figure 6. Sufra NW London**



## 7.2. National Picture

The Food Standards Agency (FSA) produces regulations which impact upon food banks<sup>9</sup>. EU food hygiene law also requires the registration of those operations or activities where food is supplied - whether given away free or sold for some form of monetary or other return – which are deemed to be: ‘undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation’. In England, registration is with the local authority environmental health departments.

There is no other legislation or policy that relate to food banks. The guidance will be reviewed in June 2018 although the FSA welcomes feedback from users at any time.

Nationally, over 2016-2017 the Trussell Trust data reveals that benefit delays and changes remain the biggest cause of referrals to its food banks, accounting for 43 percent of all referrals (26 percent benefit delay, 17 percent benefit change) a slight rise on last year’s 42 percent. Low income has also risen as referral cause from 23 percent to 26 percent.

Main concerns nationally relating to food poverty and food bank usage:

### Welfare sanctions, delays and disputes

The Department of Work and Pensions’ welfare sanctions, delays and disputes are the number one reason why people need to access food banks; this is supported by data from food banks on the reason why people are accessing their services.

### Universal Credit (UC)

The impact of a six week waiting period for a first Universal Credit payment can lead to food bank referrals, debt, mental health issues, rent arrears and eviction. These effects can last even after people receive their Universal Credit payments, as bills and debts pile up. In areas where Universal Credit has been rolled out Trussell Trust food banks saw a 17% increase in referrals.<sup>10</sup>

### Low Income and Wages

A rise in zero hour contracts and falling real wages has led to a growing numbers of people on low incomes turning to food banks. The average yearly wage is £1,200 lower in real terms than it was in 2008<sup>11</sup>. The UK is one of few developed countries where wages have fallen since the 2008 crisis. People are seeing prices go up, but wage packets are not keeping pace.

### No clear national policies

There are also concerns as to the fact that there is no clear direction from central government regarding food banks. Many local authorities like Brent find themselves in uncharted territory in relation to food banks and there are no policies on a local or national level. Alongside no clear guidance for local authorities, there is very little formal guidance or standards for the food banks themselves. However it should be noted that the European Union has recently published guidance.<sup>12</sup>

### Recording and sharing of data

There are organisations such as the Trussell Trust who are able to collect some information, which show a worrying increase in the usage of food banks. However, with no central collection, it is difficult to ascertain the true scale of the problem or how to tackle this issue.

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<sup>9</sup> Food Law Practice Guidance, 3.2.6.2, Registration of Food Establishments - Food Banks

<sup>10</sup> Early Warnings: Universal Credit and Food banks

<sup>11</sup> TUC ONS Annual survey of hours and earnings April 2016

<sup>12</sup> [https://ec.europa.eu/food/sites/food/files/safety/docs/fw\\_eu-actions\\_food-donation\\_eu-guidelines\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fw_eu-actions_food-donation_eu-guidelines_en.pdf)

## 8. KEY FINDINGS

### 8.1 Understanding the drivers and scale of the problem

#### Understanding Drivers

In order to understand food bank usage the task group sought clarification on triggers to food bank usage. The task group made a number of visits to the Brent food banks and community kitchens to learn from food bank operators and users/guests. The task group quickly established that financial hardship was the main driver and for many this was triggered by changes to welfare policies and benefits. Reductions to the amount of benefits, sanctions by JCP and delays in receiving benefit payments were cited as being the main issues.

The task group found the other significant driver to food bank use was low income, even though in employment; wages are very low, meaning that once household bills are paid, there is no money left to buy food. £73 a week on benefits is not enough according to the council's Welfare and Benefits team – 'People are struggling to meet costs on that'.

The task group consulted with the central Department for Work and Pensions Central Analysis Division and was told *"As the DWP does not own a policy on food banks, this work is something we would politely decline involvement in"*. However the regional team were able to engage with the task group and discuss matters on a local level. The council's Welfare and Benefit team noted that local teams lack powers and authority to make any major changes or decisions. They can provide 'a band aid rather than addressing the main problems'

The local Job Centre Plus (JCP), had started to make and track referrals to food banks from April of this year. However, they felt that the statistics that were coming out of the food banks did not match up to their own statistics. The JCP did not feel that there was any correlation between their data and the increase in food bank usage in Brent. JCP felt that there was no method to confirm what users/guests stated as their main reasons for using food banks services was correct. The JCP also felt that users/guests may be confusing the different types of sanctions and benefit reductions, for example with Employment and Support Allowance (ESA), where a medical certificate may have run out and a new one has not been filed with JCP, resulting in all the claimant's benefits being stopped.

Other councils that the task group consulted with stated they their local JCP were also making referrals and were in fact the major referral partner ahead of the council. The task group feel that the local DWP can build on their work in this area and that the central DWP could do more to coordinate a coherent, national approach with formal policies and guidance. In the view of the Welfare and Benefits team, central government changes coming through the pipeline 'will make things harder' as the DWP is 'bureaucratic and centralised and there is no room for discretion'. The team have concerns about DWP's 'ability to administer things', and the 'JCP, however well intentioned, are up against the central system'.

The All-Party Parliamentary Inquiry into Hunger in the United Kingdom, found that more than half of all food bank referrals could be attributed to the benefits system. Other drivers included the additional costs that arrive with each school holiday, low and irregular wages, and disproportionately large utility costs for those in financial hardship.

#### Understanding the Scale of the problem

Understanding the scale of this issue is more difficult to ascertain, mainly due to the disparate and sporadic way data is recorded and shared. The task group heard that due to increased service demand and most emergency service provision being dependent on volunteers, there may not be the resources or capacity to take on adding more responsibilities, such as formal data collection and monitoring. Brent adopted Universal Credit for new single claimants in March 2015

and will roll out full UC from August 2018. Food banks are currently operating at full capacity and all are extremely apprehensive about the impact of the full roll out next year. The six week wait before any benefits are in place will push many people into financial distress.

Demand and users are not uniform amongst food banks. However the implementation of Universal Credit (UC) has particularly affected single people. Those in work on low wages, people with mental health issues, and victims of domestic violence are also key groups making use of food banks. The task group feel that our economy is far too dependent on low-paid, insecure work and our welfare system is becoming increasingly harsh and difficult to navigate. If we are to end reliance on food banks, then we need to tackle low pay and insecure work, benefit payment delays, and ensure that welfare is being used to protect the most vulnerable.

### ***Recommendations***

1. The council should formally respond to DWP's assessment that delays in benefit payments or disruption are not a contributory factor to food bank use by allocating the time of a council officer to work with front line agencies to collect data that will demonstrate this link once and for all.
2. The Government should begin monitoring and recording food bank referrals centrally with immediate effect. In the meantime, the local DWP and council should take steps to formally record this data.
3. The Government, council and Mayor of London must accelerate efforts that aim to provide jobs at or above the London Living Wage as calculated by the Living Wage Foundation, and create avenues for skills and training for the users of food banks. Many are willing to work to improve their family income but often have additional and complex needs.
4. Local DWP offices should make provision to visit food banks to assess the level of hardship these users face with a view to providing assistance with employment, benefits and skills and improving policy and practice.
5. The council's review of the Volunteering Brent contract in 2018 should consider support for a core group of trained volunteers able to accompany and advocate for vulnerable residents to DWP appeals, particularly for ESA cases. There is currently a need for this level of support but no adequate, coordinated provision.

## 8.2 Policy and practice - are food banks here to stay?

### Policy

The task group consulted with many levels of policy makers both locally, regionally, and nationally. The task group was keen to liaise with central government departments and non-government organisations that work to support the most vulnerable people of our society.

Whilst all responded to the task group and appreciated the importance of its work, it was difficult to move forward with reviewing the policy area of this work, as there is little to no policy available. In fact the task group could not find any organisation, including Brent Council with any policy or guidance for working with or alongside food banks. Food banks officially became an addition to our high street and communities in 2004, to date there are no strategies, policies or guidance nationally or otherwise.

The task group consulted with MP's for Brent and MP's with a vested interest in food poverty. Tulip Siddiq, MP for Hampstead and Kilburn, felt that we have seen deep and sustained cuts to welfare, along with stagnating wages and a punitive freeze to public sector pay. At the same time, we have seen a marked increase in the use of food banks. We are the sixth richest economy in the world and yet there are over a million people in the UK using food banks.

Locally, there do seem to be many local arrangements made between food banks and different teams within local authorities and other public sector organisations, established via the referral partner agreements. As not all food banks and specifically community kitchens use referral vouchers, there are varying degrees of formality to their relationships, engagement and support.

### Food and faith

Faith is, in many cases, a major driver and inspiration for food aid provision - for example, the Shirdi Saibaba Temple in Wembley has made a pledge that no one within a 5km radius of the temple should go hungry. As a large proportion of food banks and community kitchens either started in or are run by religious groups, at the beginning of this work the task group were concerned that this might be a barrier for some people who needed to access food in a borough as diverse as Brent. However all of the food banks and community kitchens that the task group engaged with during this review were open to everyone regardless of religious denomination. The task group is clear that there should be no faith-related obligations, questions or interventions with food bank users at any stage of their food bank visit. The task group recognises the positive inspiration that faith brings in offering services to those in destitution and the extensive financial and logistical effort made by local religious institutions and organisations in this regard.

### Regulation

Many food banks and community kitchens operate in informal settings and this raised some questions regarding how these can be regulated and standards of operation made more formal to provide greater assurance regarding the safety and well-being of all food bank users..

Due to the complex needs of many of their users, food bank volunteers would benefit from a basic level of training on food hygiene and safeguarding to help them identify any problems and, where appropriate, refer cases on to relevant support agencies.

### Are food banks here to stay?

When asked if food banks are here to stay some food banks felt that food banks and community kitchens have developed an array of services, some more than others. The services provide progression routes for people in crisis through advice, training and employment support. In this regard, some food banks are 'replacing' many services previously provided by the public sector. The future of the food bank model is one that is fully integrated with existing service providers as part of wider strategy for neighbourhood renewal. The Trussell Trust stated that 'If you didn't have food banks you'd have riots, food banks are like a pressure valve'.

Others felt that whenever there are people suffering there will always be places like food banks who will respond to help those most in need. There was however, broad agreement that food banks should not become normalised and should only be the very last line against chronic food poverty and hunger. Food banks stated that while they wish to continue helping people with what are often hugely complex problems in their lives, a most pressing issue is how to reverse the rapid growth in the numbers of people being pushed towards hunger by problems with the benefits system, large and unexpected demands on the family budget, and low and irregular wages. The Trussell Trust stated 'what we're seeing now is people with nothing' and compared their situations to a 'trap door'.

The council currently makes referrals only to Sufra, due to a relationship that has built up organically over time. While there are benefits to this relationship which it would be beneficial to maintain, it does mean that there is not a strategic, coordinated approach which makes use of, for example, the Trussell Trust and Granville Community Kitchen. A Brent policy on food banks would help achieve this. There is inconsistency in the referral practices of the food banks in Brent. Without insisting on uniformity, it would be beneficial for food banks to establish a degree of coordination and consistency in their referrals. It would also be positive for food banks to increase the numbers of agencies from which they will accept referrals, and the number of official referral routes.

Users and guests felt that the services were a lifeline and without them, their families would be going hungry. It was also felt that this was a place that they could get help with housing issues and problems with their benefits. Many users felt that the food banks and community kitchens are also places where they can socialise and see a friendly face, particularly as the number of council-provided community spaces have decreased due to significant reductions in central government grants.

### The Private Sector

The task group believe that private sector philanthropy could play a more strategic role in assisting food banks to provide for their users. Options include surplus food donated by the numerous food producers in the borough, and other in-kind support (e.g. additional storage space for food banks, and lawyers to provide pro bono legal advice as currently happens at St Laurence's Larder), as well as cash donations. Businesses should be encouraged to do so.

Donations from individuals are also important, and the council should help publicise the types of donations that food banks need, such as the Trussell Trust shopping list. One major retailer told the task group that they donate food (and volunteer) in support of a wide range of food banks across the UK via the *neighbourly.com* social media platform. It is clear that private sector businesses are using online platforms and the council should investigate options for a Brent online portal to make it easier for the private sector to donate.

Marks and Spencer stated that donations are only constrained by the amount of surplus food they generate and whether it can be safely donated. There are no budget restrictions applied to these donations. The task group recognise that this might not be the case for all private sector organisations. When asked what would make it easier for companies to support food banks, specifically on fresh food, the task group were told the ability to maintain an unbroken temperature-controlled supply chain (cold chain) during transportation and storage.

The task group also sought confirmation from local private sector partners that internal policies were in place to support their own staff who may experience financial crisis and need support. Marks and Spencer told the task group that staff are paid above the national living wage. They also qualify for discounts off products (including food) and have access to short-life food at heavily discounted prices. In addition, they also provide access to a colleague Welfare helpline which is confidential upon request and can provide help and assistance across a range welfare concerns.

The Trussell Trust told the task group ‘that for the first time food stocks in London and Brent are running low’. The CEO of West London Business, stated: “One part of London where food banks shouldn’t be running out of food is here in Brent. Park Royal is known as ‘London’s Kitchen’ and it is on our doorstep. However the challenge would seem to be building the cold storage supply chain in/out of food banks so that surplus fresh food can be utilised.”

The Institute of Grocery Distribution (IGD)<sup>13</sup> highlights the following benefits for the private sector in partnering with food banks:

- Donations provide a life line to struggling people and families in need
- Reduction in disposal or reworking costs
- Stops the negative environmental impacts from food disposal and reduces carbon footprint
- Helps to create a positive CSR / communications benefit and can support brand loyalty
- Engages colleagues – it can generate a great sense of community and there are often further engagement opportunities from working directly with the charity e.g. volunteering, team building etc.
- National food banks often provide the security of product traceability controls
- There can be a tax benefit when donating goods<sup>14</sup>
- Can provide a single channel for charitable donations replacing multiple ad-hoc requests

The IDG also highlight the following considerations for private sector organisations in partnering with food banks:

- Do you have clear internal guidance to make it easy for the decision to donate to be made?
- Are you the owner of the product and authorised to donate it?
- Has your company’s ‘reduce to clear’ policy been followed prior to donation?
- Is donating food going to reduce any income you may be generating from animal feed sales?
- Do you want to communicate your actions internally or externally?
- Does the charity partner fit with your Company’s CSR policy or ethics? e.g. what is your position on political groups or religious groups
- Your company should develop an agreement with the organisation receiving food. This might cover:
  - Details of all parties involved
  - Purpose of the agreement
  - A description of the condition of food to be donated
  - Any special requirements you have for storage and transport, for example
  - The conditions of use of products by the recipient
  - Liability: who is responsible for the food and at what point
  - Indemnity: This needs to be agreed and clearly explained.

## **Recommendations**

6. The Government should develop a policy on food banks to acknowledge the increasing role they play in our communities. More and adequate funding should be offered to the food banks to support core service costs immediately while government develops more long term policies and solutions.
7. Given the scale of this problem and likelihood that need will increase, all local public sector organisations should develop an official policy on foodbanks within the next six months, including the council, local NHS and DWP. This policy should formalise best practice in dealing with food banks and their users and seek joined up, targeted solutions to prevent and address hunger and chronic poverty in the borough. We recommend that the Council

<sup>13</sup> <https://www.igd.com/articles/article-viewer/t/food-banks/i/16107>

<sup>14</sup> <http://www.hmrc.gov.uk/businesses/giving/gifts-in-kind.htm>

bring forward a policy for sign off by Cabinet ahead of the extended roll out of Universal Credit.

8. Council services should assist food aid providers to comply with legislation by acquiring food safety qualifications for all staff and volunteers, to ensure guests and users receive food of an adequate standard. The council with CVS Brent should proactively offer and promote formal training on safeguarding, food safety and customer care to food bank volunteers.
9. The council should take a proactive approach in highlighting the negative impacts of universal credit and welfare reforms on Brent residents. We recommend that the Cabinet Member for Housing and Welfare Reform write to the Secretary of State at the DWP outlining the problems caused by UC and other welfare reforms and request for central Government to formally track and monitor food bank usage.
10. We recommend that the Leader of the Council coordinate a response with other affected boroughs on universal credit and the increase in residents seeking emergency food assistance. The Leader should advocate for change in this area via the LGA, LEP, West London Alliance and London Councils and report back in writing to the Scrutiny Committee on progress within the next six months.
11. The council should explore how they can cut costs for foodbanks, for example, by covering the costs of waste and recycling removal, in recognition of the increasing scope and importance of the services that food banks provide to residents in the borough.
12. Developing a sharing network for emergency food aid providers in the borough to support each other in good practice measures and a joint policy framework. This could possibly be supported financially by a consortium funding bid. Encouraging greater collaboration between food aid providers to avoid duplication and service overlap and joint promotion of services to similar target groups. We recommend that the council helps to facilitate the first meeting of this group within the next three months.
13. Ensuring relevant council departments share data and opportunities for collaborative working and referrals (for example, when families are moved into temporary accommodation such as B&Bs with limiting cooking facilities, officers should offer publicity material for our Community Kitchen as standard practice).
14. The council to coordinate visits for relevant teams to local food banks in order to better understand the scale and severity of need. At a minimum, these visits should include the housing, social care and benefits teams and include senior managers and directors.
15. The council should proactively use its influence to encourage more local food businesses to work in partnership with emergency food aid providers and reduce food wastage by making donations or providing targeted in-kind assistance. This should include permanent food bank collection stations in supermarkets, and greater opportunities for food bank shopping lists to be offered to shoppers. The Cabinet Member for Employment and Skills should report back in writing on progress within the next 12 months.
16. Council officers with specialist expertise to share knowledge on housing or benefits by delivering training for staff and volunteers of food aid providers (this could be part of the two volunteering days offered by the Council to its employees).
17. Local employers should ensure internal policies are in place, such as advance loans, to support their staff who may experience financial hardship to prevent the need for people



in work to use food banks. West London Business (WLB) should initiate these conversations among members as well as the issue being formally raised as an agenda item at the next Brent Business Board. This could also be raised with appropriate pan-London/ national groups such as London First, CIPD and BITC.

18. Park Royal Business Group should host a meeting with the Brent food businesses and food banks to discuss a coordinated response to food bank food donations within the next six months. This meeting should also explore: a) whether there is a particular online platform that should be recommended for food donations; and b) whether creative responses can be found to improving cold storage capacity in local food banks and distribution channels.
19. The council should resurrect its project with WLB and CVS Brent in creating a (or preferably identifying an existing) one-stop online platform for businesses to donate to local charities and causes. A proposal for this online platform should be brought forward to Cabinet within the next six months.
20. Brent and its partners should do all they can to ensure adequate spaces are available to food banks as guest numbers surge on a daily basis. The council's property and regeneration teams should report to the Resources & Public Realm Scrutiny Committee within the next six months on the possibility of extra space for food banks, both in terms of floor space for services and off-site storage.
21. Food banks should offer holiday food parcels to children eligible for free school meals in line with the approach taken by St Laurence's Larder. The Cabinet Member for Children and Families, along with the Strategic Director of Children & Young People and her department, should consider how they can facilitate schools to do the same.
22. The Strategic Director of Children & Young People and her department should discuss with schools opportunities for them to visit local food banks as per best practice led by Brent Trussell Trust Food Bank. The task group heard how this approach has helped to break down stigma and increase understanding of how food banks operate and the services they provide.
23. Brent mental health services should provide a named contact to local food bank managers and seek to develop closer working to tackle the numerous cases of low level and severe mental health issues presenting at food banks.
24. The council should nominate a member as a 'Food Champion' to oversee the implementation of the task group recommendations and provide coordination and political impetus behind driving solutions to food poverty and food bank usage across the borough. The Council should agree the number of hours of officer support the Food Champion is able to receive.

### 8.3 The experience of the resident

#### The food bank Journey

The task group were very interested in experiencing the food bank journey, from signposting, and referral, through to going to the food banks and community kitchens for a hot meal. The task group were keen to feel first-hand what the users and the guests experience at food banks. The task group felt that overall, food bank users are treated with respect and attention and this was supported by what users and guests had informed us. Food bank users explained that being treated with compassion and respect helps to alleviate the initial fear of using food bank services.

However some users did state that they have attended food banks where this is not always the case, which supports the task groups earlier recommendations relating to training and working together as a network. Users and guests stated that as regular users they know where most of the food banks and community kitchens are located throughout the borough, however food banks open and close and it would be useful to them and new users if there was a list that they could look to see when and where in the borough they can access a hot meal or food support on any given day.

St Laurence Larder stated that 'People don't need a voucher to enter, this is what people have had all their lives – being turned away'. The task group recommends that food banks adopt best practice in accepting initial approaches by users without a formal referral in order to minimise trauma for anyone approaching a food bank in the borough for the first time.

#### Support Provided

In addition to food assistance, food banks can offer other forms of support, such as a safe and warm place to spend time. Some food banks provide toys for children, an "edible garden", cookery classes and haircuts; sometimes a volunteer will accompany a user when they have been referred to another service. The task group felt this was particularly helpful, and options for Volunteering Brent to offer a similar service should be explored.

All the food banks and community kitchens visited by the task group offer their guest's clothes, St Laurence's Larder also offers guests the use of a shower. St Laurence's Larder and the Trussell Trust also provide a laundry service. St Laurence Larder's offers food packs during the summer holidays for pupils of a neighbouring school who qualify for free school meals, who will not be able to access those meals. The Child Action Poverty Group told the task group that 'by 2021 – 5.1 m children are set to be living in poverty'. The task group feels that all food banks should offer summer holiday food packs on a similar basis to the above; and the council's Children & Young People's Department should consider how it could encourage this to be implemented by schools.

Food bank users/guests expressed how welcoming, engaging and supportive the food bank staff have been, which has allowed them to build trust and strong relationships with their users/guests and local community. The task group believe that it is of the utmost importance that key frontline public services which deal with users and guests build relationships with food banks, so that they can advise them and keep open channels of communication in relation to clients. This would include children and adults social care services, benefits and housing services. This should be part of the council's policy on food banks. Other public services, such as GPs and the DWP, should do the same, so that all of these services are aware that their clients are having to use food banks.

Where individuals are being referred to food banks on multiple occasions (e.g. three) this should be recognised as a cause for concern, and trigger specific focused casework by a range of relevant agencies, such as the DWP, the NHS, adult and children's social care, the council's benefits team, etc. The council currently records the numbers of referrals it makes to food banks, however this is done by different teams and it is not collated and used to inform any decision making.

### Sustainable Solutions

The task group, like many, wish that food banks did not exist; or at least there would be no need for them to exist. The main role for local and central government should be to address the underlying reasons that lead to people being forced to use food banks, by implementing recommendations set out in this report and reports which came before it like the Feeding Britain Inquiry conducted by the All Party Parliamentary Group (APPG) on Hunger, Chaired by the Rt Honourable Frank Fields MP.

In April 2014, the APPG commissioned an inquiry into the extent and causes of hunger in the United Kingdom. The Inquiry received four hundred submissions and took oral evidence from hundreds of food banks in Birkenhead, Cornwall, Salisbury and South Shields. Additional evidence was gathered through a series of hearings in the House of Commons. The Inquiry's report, Feeding Britain: A strategy for zero hunger in England, Wales, Scotland and Northern Ireland, was published in December 2014 (Appendix 1).

The corrosion of the welfare state has meant that food banks have had no choice but to step up to fill in the gap. Food banks have had to evolve from simply supplying food packages to providing additional services and support, such as welfare and housing advice, food training, hot meals, washing facilities, often in very small cramped and unsuitable spaces. The Brent food bank is extremely small, with only space to hold five users/guests at once, however they still try to accommodate those who need it the most and a hold legal advice clinic in a very small staff office, there is no space for any privacy. Both Sufra and St Laurence's Larder are struggling for space with Sufra having to rent an additional space for their food supplies.

Food banks are on our highstreets and in our communities, they are helping our most vulnerable and the experience of users at food banks could be improved if there was more physical space on their premises. Public or private sector organisations could help with this, by making storage space available to food banks. In addition, food banks should plan to try to meet their needs for additional space.

### **Recommendations**

25. The council should facilitate a comprehensive mapping of the borough to determine all the local sources of dry food and cooked food available to those in the greatest need, and access routes. This would include food banks, community kitchens, places of worship, the voluntary sector, schools, etc.
26. Local statutory service providers, Brent Clinical Commissioning Group (CCG) and the Children's Trust should make efforts to be aware of the food aid services available and actively propose that more GP's and schools register as referral agencies. Brent CCG and the Children's Trust should report on progress with this recommendation within the next 12 months.
27. The council should profile the work of food aid providers through its communications such as the Brent Magazine or on social media to assist in reaching vulnerable residents unfamiliar with available services.
28. Food banks should follow the example of Sufra food bank in providing a simple guide to food bank users on the range of support available locally on areas such as housing, skills, legal support and employment including relevant contact details.
29. Food banks should work towards formalising case management systems that provide better data collection and enable the development of a tailored action plan for each food bank user to help identify a pathway out of poverty. The council, CCG and local DWP

should work with food banks to support the development of these action plans and case management systems.

## 8.4 Public Perception

### Educating others on Food banks

The task group feel that food bank usage for many is a secret, and heard anecdotal accounts from users describing their first experiences with food banks. One user described physically trembling before entering, simply because she was scared of what the action signified for her. Others were extremely embarrassed at having found themselves in a situation where they had to accept this level of charity.

The task group found that unless directly impacted by food poverty or hunger, the average person has no idea how food banks operate, there is a lot of incorrect information being circulated and people are fearful. The task group were told stories of being treated in a way that made them feel ashamed by other frontline services with attitudes that made them feel embarrassed and just expected more from the food banks.

### Stigma and Stereotyping

Although research has repeatedly emphasised the link between food bank use and welfare reform over the past five years, policy makers have disagreed nationally that there is connection between the two. Statements from central government dismiss food bank use as a lifestyle choice of those who are unable to budget properly. This has influenced incorrect beliefs about food bank users and has contributed to stigma, shame, and embarrassment for the people who needed to use them. As a result, people have postponed asking for food bank support until they were truly desperate.

### Community Integration

Many of the food banks and community kitchens have worked hard to develop strong links in the community to raise food donations, provide volunteers and make referrals. It is the key to developing services that are truly needed and wanted by the community. This is especially helpful when dealing with the stigma and stereotyping of food bank users/guests, as these are now places of community activities and offer a variety of community services. Even more important is the trust food banks and community kitchens are able to build with the wider community, reaching many vulnerable groups that the council would have no obligation to support.

### Supporting our Local Food Banks and Community Kitchens

Over 90% of the food distributed by food banks and community kitchens is donated by the public and is why food donations are absolutely vital to the ability to give everyone referred to a balanced and nutritious supply of food. Without goodwill, foodbanks and community kitchens would find it difficult to operate. Giving sustenance to those who are desperate is one of the most fundamental of kind acts, and helping each other is where local communities can come together to make a huge difference.

Volunteers are almost as crucial as food donations, without volunteers there would be no one to collect, organise and redistribute the food donations. Volunteers also need to be patient and non-judgemental and communities all over the country including Brent have responded to the call. According to the Trussell Trust, approximately over 40,000 people across the UK volunteered with a foodbank in 2015/16.

The task group feel that more can be done to encourage additional support from our communities not only for food donations, but also volunteering; especially relating to advice for complex benefit, housing and legal issues. Suitable premise and storage spaces as mentioned earlier in the report come at a premium and are stopping some food banks from evolving into spaces which can provide a holistic community services for those who need it.

## ***Recommendations***

30. Organisations operating food banks consider changing the name from food bank which (unfortunately) carries a stigma and is limiting, to another name that reflects the multiple services they provide. This may encourage those people who do not come to the food bank because of the stigma, but have an essential need, to take advantage of the multiple services that will benefit them and their families.
31. The council and its partners should consider how access to food banks and community kitchens are included in the development of the Brent Community Hub models.
32. The council should actively challenge the stigma associated with emergency food aid externally through positive media coverage and internally by assisting providers with training and support to offer a welcoming and compassionate service.
33. A joint education campaign should be developed and run by the Council and voluntary sector. This should include educating guests about the impending roll out of Universal Credit in Brent and should be included in the work of food banks, kitchens, etc.
34. The quality of food used by the food banks should be monitored by food bank staff to make sure it meets a legal standard. This will be both voluntarily donated and bought in by the providers.
35. The task group recommends a member development training session for councillors on dealing with residents in severe hardship and how to make food bank referrals.
36. Donations from individuals are also important, and the council should help publicise the types of donations that food banks need, such as the Trussell Trust and Sufra shopping lists.

## 9. CONCLUSION

Food banks and community kitchens offer a vital service to the most vulnerable people that is not available anywhere else. Whether we think they should be in operation or not, they are currently needed to feed people who have fallen through the gaps in our social services and we all have a responsibility to ensure people are not going hungry.

The next steps for food banks, local government and their stakeholders are in not only raising awareness to the hidden secret of food poverty in twenty firstcentury London, but also in convincing central government policy makers to take action to mitigate this unfolding crisis.

We need to provide robust evidence on: the key drivers of food bank use; and, crucially, what works to prevent people being persistently vulnerable to hunger and reliant on food banks.

The task group believes that this report provides a range of important recommendations which, when implemented, will lead to improved outcomes for the borough.

We look forward to seeing these changes in action.

## 10. PARTICIPANTS, REFERENCES AND APPENDICES

### Participants


Food Banks and Community Kitchen's	Brent Food Bank – The Trussell Trust
	Granville Community Kitchen
	St Laurence Larder
	Sufra NW London
	Tavistock Hall Food Bank
London Borough of Brent:	Welfare and Benefits Team
	Housing Team
	Granville Children's Centre
	Public Health Brent
Members of Parliament (MP's)	Frank Fields, MP and co-chair of All-Party Parliamentary Inquiry into Hunger in the UK
	Tulip Siddiq, MP for Hampstead and Kilburn
Non-Government Organisations	Independent Food Aid Network UK (IFAN)
	Sustain: The Alliance for Better Food and Farming
	The Prince's Trust
Brent Partners	Brent Job Centre Plus
	The Brent Schools Partnership
Business Groups	Marks and Spencer
Other Local Authorities	LB Bexley
	LB Croydon
	LB Ealing
	RB Kensington & Chelsea
	LB Lewisham
	LB Southwark
	LB Tower Hamlets
	LB Wandsworth

### References:

The task group referred to a number of sources in the course of its work. These include:

1. Feeding Britain: A strategy for zero hunger in England, Wales, Scotland and Northern Ireland (All-Party Parliamentary Inquiry into Hunger in the United Kingdom December 2014)
2. Food Standards Agency
3. The Food Foundation
4. Trust for London / New Policy Institute (2015) London's Poverty Profile 2015
5. Department of Health
6. E. Dowler (2012) The Future of UK Household Security, University of Warwick
7. Beyond the Food Banks, London Food Poverty Profile, Sustain, 2016
8. NOMIS May 2017
9. NOMIS 2015-16
10. Food Law Practice Guidance, 3.2.6.2, Registration of Food Establishments - Food Banks
11. Early Warnings: Universal Credit and Food banks
12. TUC ONS Annual survey of hours and earnings April 2016



 <b>Brent</b>	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director Children and Young People</b>
<b>Approval for Commissioning a Block Contract for Semi-independent Living for Looked After Children aged 16+ and Care Leavers aged 18+</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Tel: 020 8937 4713 <a href="mailto:Brian.grady@brent.gov.uk">Brian.grady@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report makes recommendations for a preferred delivery model for Semi-Independent Living Services for Looked After Children aged 16+ and Care Leavers aged 18+.
- 1.2 This report seeks Cabinet approval to invite tenders for a block contract for three years with the option to extend for two years through a mini competition under the approved West London Alliance Semi-Independent List.

## 2.0 Recommendations

That Members:

- 2.1 Approve the invitation of tenders for a contract for the delivery of Semi-Independent Living Services for Looked After Children aged 16+ and Care Leavers aged 18+ in line with the Proposed Delivery Model detailed in section 7.0 and on the basis of the proposed tender arrangements set out in section 10.1 of this report.
- 2.2 Approve that officers evaluate tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 10.1 of the report.

- 2.3 Delegate authority to award the contract for Semi-Independent Living Services for Looked After Children 16+ and Care Leavers 18+ to the Strategic Director, Children and Young People in consultation with the Lead Member for Children and Young People for the reasons detailed in paragraph 10.1.

### 3.0 **Background**

- 3.1 In accordance with the Children Acts 1989 and 2004, the Children Leaving Care Act 2000 and the Children and Social Work Act 2017, local authorities have a duty to assess and meet the needs of young people aged 16+ who are Looked After and Care Leavers. Wherever the young person lives, local authorities have a duty to maintain contact with care leavers until they are at least 21 (in some instances this is extended to age 25). It is the local authority's responsibility to ensure all Looked After Children and Care Leavers are properly prepared for transition to adulthood in a planned and effective way to achieve the best possible outcomes for the individual young person.
- 3.2 The duties that local authorities have towards their care leavers are set out in the statutory guidance "Planning Transition to Adulthood for Care Leavers". This can include the provision of accommodation. The provision of semi-independent living accompanied by life skills training can be an effective method of assisting a smooth transition to adulthood for Looked After Children aged 16+ and Care Leavers.

### 4.0 **Current Delivery Model**

- 4.1 Block Contract: In 2014 the Council undertook a tendering process for a block contract of 20 beds. Centrepont won this contract at a cost of £379 per bed per week. A variation to the contract in 2016 converted 5 beds to a higher level of support at a cost of £884 per bed per week. The Council has only paid for properties at the point that they became available for use.
- 4.2 Centrepont works in conjunction with its Registered Social Provider, Genesis. Between January 2014 and January 2017, 37 young people have been accommodated at Centrepont of which 87.5% started their desired education or training; 88.9% participated in work or a work like activity and 100% participated in their desired leisure, cultural or faith activities during their stay. In a 2016 survey of these young people, 95% said they were satisfied or very satisfied with Centrepont provision.
- 4.3 Spot Purchasing through WLA: The Council also spot purchases placements in semi-independent provision using The West London Alliance (WLA) Semi-Independent List. In 2014 the WLA Semi-Independent List was developed with the purpose of improving the provision of services in terms of the quality and choice of accommodation for Looked After Children and Care Leavers in an unregulated market. There are 24 providers on the Semi-Independent list.
- 4.4 Spot Purchasing: The Council also spot purchases in the open market (Non-WLA spot purchase) because providers on the WLA Semi-Independent list are not always able to meet the individual needs of Brent children and young people. Brent currently spot purchases from 24 non-WLA providers. As at

October 2017, of the 128 placements of Brent Looked After Children and Care Leavers in semi-independent provision, 108 were spot purchased, at an average cost of £580 p/wk.

## **5.0 Needs Analysis:**

### **5.1 The profile of Brent's LAC population points to increasing demand for semi-independent provision:**

- As at 31<sup>st</sup> March 2017 Brent had 77 LAC aged 13-15, 138 LAC aged 16-18 and 318 care leavers. Based on the current cohort, there is likely to be increasing demand for semi-independent provision over the next few years.
- The number of young people in Brent placed in semi-independent provision has risen from 90 in April 2016 to 128 in April 2017. Some of these are care leavers who require support for longer periods or beyond the age of 21, such as young people without recourse to public funds. It is anticipated that demand from this group of young people will increase.
- Whilst overall numbers are constant, recent trends show an increase in the number of young people entering care in their teenage years. In March 2017 67.4% of the care population in Brent was over 13 years old, with 43.3% aged 16-18 compared to 61% and 33% in March 2015. Of 209 new LAC since April 2016, 59 (28%) were aged 13-15 and 61 (29%) were aged 16-18. There are a number of external factors influencing demand for this service outside of Brent's control, e.g. the number of young people entering the UK as unaccompanied asylum seeking children.

## **6.0 Other Local Authority Operating Models**

### **6.1 In considering Brent's future model of provision, officers have reviewed the models of semi-independent provision operated by neighbouring boroughs. The London Borough of Ealing has a block contract for 83 units, of which 63 units are with the YMCA, including units located in Harrow and Greenford that include mother and baby services, and 20 units with Centrepont. Less than a third of placements commissioned by Ealing are spot purchased. Ealing has indicated that this has reduced costs against their placement budget.**

### **6.2 Hammersmith & Fulham identified a reduction in the costs of their semi-independent provision through increasing the number of block contract arrangements (71 in 2015 compared to 55 in 2013/14). Hammersmith & Fulham awarded Centrepont a block contract for 71 units in 2015 on the basis of the quality and cost of provision, and the added value and impact on outcomes of the wide range of schemes and additional services offered such as sport, health, arts and employment, which would enhance the experience of young people and improve outcomes.**

## **7.0 The Proposed Delivery Model**

- 7.1 Given the profile of Brent's current Looked After population and the anticipated increase in demand for semi-independent placements (section 5.0), and the cost advantages of block contracts over spot purchasing, it is recommended that Brent increase the number of units block purchased. Officers are of the view that the procurement of 60 units for semi-independent accommodation offers the most appropriate and cost effective means of meeting the needs of Looked After Children aged 16+ and Care Leavers aged 18+. Current numbers of young people in semi-independent provision exceed this number, indicating that there is sufficient demand.
- 7.2 The 60 units would predominantly support young people with low to medium needs, but at least 5 units would be high support. The location of units would be refined during the procurement process, but the intention would be for a mix of local beds ensuring that young people could be housed close to family, and out of borough units for young people for whom this would be a safer option.
- 7.3 The provider who wins the contract would be required to evidence a successful and accredited life skills programme to enable Looked After Children and Care Leavers to develop their independent living skills to improve outcomes in their social and working lives when they move to their own tenancy.
- 7.4 The average cost of a spot purchase placement is £580, whereas the indicative price for a block contract 6 bed unit is £458 per week (21% saving) and the indicative price for a larger 20 bed unit is £407 per week (29.5% saving).
- 7.5 Commissioning on this scale will attract large reputable organisations like Centrepont/YMCA, who have skills and expertise in this field. One of the benefits of working with a large reputable organisation would be the opportunity to work with them to access other funding opportunities to support outcomes based services, such as the Life Chances Fund that uses Social Impact Bonds to enable organisations to deliver contracts and services conditional on achieving results. These could enhance support for care leavers.

## **8.0 Outcomes**

- 8.1 The block contract model will contribute to the Local Offer for Care Leavers and is expected to achieve the following outcomes:
- Increasing placement stability for young people;
  - Increasing young people's life skills to enable a successful move on to a council tenancy or other long term housing solution;
  - Reducing the proportion of 16-18 year olds, who are not in education, employment or training (NEET);
  - Increasing the percentage of young people participating in learning, activity and sport through the provider;
  - The Strength and Difficulties Questionnaire (SDQ) is a brief emotional and behavioural screening questionnaire for children and young people. This

would be used quarterly with an expectation of responses that are average or higher on the scoring matrix;

- Enabling the Council to build a strong supplier relationship with focus on meeting the needs of individual young people;
- Providing the Council with tighter influence over the quality of the provision to drive consistency of placement quality.

## **9.0 Procurement Route**

9.1 The planned procurement route is to commission a block contract under the WLA Semi-Independent List. The advantages of this approach are that:

- Individual authorities can choose to run a competition between the providers on the WLA Semi-Independent List and set additional criteria.
- Providers on the WLA Semi-Independent List have already been through a selection criteria based on quality and price evaluated by 6 WLA Boroughs.
- Running a mini competition via the WLA Semi-Independent List would mean Brent working with providers who are reputable and who would have been operating in the market for over three years. This sector is not regulated by Ofsted or any other regulatory body, but providers on the WLA list are subject to robust quality and financial checks

9.2 The proposed model would adopt a phased approach of opening the 60 units, rolling out unit blocks through a planned and co-ordinated schedule. The Looked After Children and Permanency Service would work closely with the Commissioning Team to deliver smooth transition for young people into the new provision. Brent would only pay for the costs of provision once it became available.

## **10.0 Management of Voids**

10.1 The strategy to avoid voids, which risk negating cost savings, will include:

- A cohesive monitoring approach which includes reviewing occupancy, the placements of individual young people and planned moves through weekly meetings. All movements of placements are tracked and co-ordinated so there is a 'visible' tracking process.
- Working with the provider to shape the provision to meet the needs of Brent's Looked After Children and Care Leavers, so that this provision becomes the provider of choice with added value services and opportunities identified to help improve outcomes for individual young people.
- Management of placement changes with tight turn-round times from when a referral is made to a young person moving to the new provision.
- A more targeted approach for young people aged 18+ whose placement at the provision is longer than 6 months to enable them to move to their own tenancy, unless they have no recourse to public funds.

- It is intended that the successful provider who wins the contract will have a nominated person to work with the Council on referrals, who will attend 6 weekly meetings between the provider, lead commissioner and Looked After Children and Permanency Service to track the preparation of young people for independence.

## 11.0 Proposed Tender Arrangements

11.1 The proposed procurement scope and timeline is set out below. This contract is likely to have TUPE considerations and recruitment actions as part of the mobilisation phase and therefore at least two months between contract award and commencement are needed to manage these issues. Delegated authority to award the contract for Semi-Independent Living Services for Looked After Children 16+ and Care Leavers 18+ to the Strategic Director, Children and Young People in consultation with the Lead Member for Children and Young People would allow the winning tenderer and the Authority 2 months for mobilisation and for the new contract to commence on July 1<sup>st</sup> 2018.

Ref.	Requirement	Response
(i)	The nature of the service.	Provision of semi-independent accommodation and support services for vulnerable Looked After young people aged between 16 and 18 years old and Care Leavers over the age of 18 years old some of whom are unaccompanied asylum seekers new in the UK.
(ii)	The estimated value.	Total annual estimated value £4,631,505.86 over 3 years and £7,719,176.43 over 5 years, for a 3 year contract with the option to extend by 2 years.
(iii)	The contract term.	The contract will be for 3 years with the option to extend for up to 2 additional years.
(iv)	The tender procedure to be adopted.	A mini-competition under the WLA Semi-Independent List.
(v)	The procurement timetable.	<b>Indicative dates are:</b>
		Invitation issued to all relevant providers on the relevant lot of the WLA Semi-Independent List via CarePlace (the marketplace portal)
		Deadline for tender submissions
		Tender evaluation
		22 <sup>nd</sup> Jan 2018.
		16 <sup>th</sup> February 2018
		19 <sup>th</sup> February to 5 <sup>th</sup> March 2018

		Report recommending Contract award circulated internally for comment.	19 <sup>th</sup> March to 26 <sup>th</sup> March 2018
		Director approval of Award of Contract	9 <sup>th</sup> to 19 <sup>th</sup> April 2018
		Contract Mobilisation	20 <sup>th</sup> April 2018
		Contract start date	1 <sup>st</sup> July 2018

(vi)	The evaluation criteria and process.	<p>A mini-competition under the WLA Semi-Independent List will operate as follows:</p> <ol style="list-style-type: none"> <li>1. A shortlist will be drawn up by issuing a letter requesting the relevant Lot providers to identify if they meet the Council's requirements, technical capacity and technical expertise.</li> <li>2. The identified providers will be invited to a mini-competition. At tender evaluation stage, a panel of evaluators will score the tenders to identify the Most Economically Advantageous Tender.</li> <li>3. The M.E.A.T (most economically advantageous tender) calculation will be based on: 35% of the points being awarded for Quality/Technical assessment, 55% of the points being awarded for Commercial assessment and 10% of the points being awarded for Social Value. The panel will evaluate the tenders against the following quality criteria: <ul style="list-style-type: none"> <li>• Approach to delivery of outcomes for young people.</li> <li>• Approach to the delivery of services which builds the capacity of local semi-independent block provision.</li> <li>• How the provider is going to support the young people for a short period of time once they have moved to their own tenancy</li> <li>• Areas where units are located</li> </ul> </li> </ol>
(vii)	Any business risks associated with entering the contract.	<p>The Council will be committing to an initial three (3) year contract. This may disadvantage the Council as follows:</p> <ul style="list-style-type: none"> <li>• The awarded provider(s) performance may not meet expectations and the Council will be in contract for the three (3) year duration.</li> <li>• The Council requirement may change.</li> </ul> <p>These risks will be mitigated by having a robust contract management procedure in place.</p>

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11.2 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

(viii)	The Council's Best Value duties.	The adoption of a competitive tendering process will enable the council to achieve best value.
(ix)	Consideration of Public Services (Social Value) Act 2012	See Section 17 below.
(x)	Any staffing implications, including TUPE and pensions.	See Section 16 below.
(xi)	The relevant financial, legal and other considerations.	See Sections 12 and 13 below.

## 12.0 Financial Implications

- 12.1 The block contract for places proposed above has the potential to deliver savings or mitigate existing cost pressures on budgets of up to £240k. This is realised if the weekly price secured is lower than the current unit cost for spot purchases.
- 12.2 The budget for accommodation for semi-independent care is £3.659m based on an estimate of 121 young people requiring accommodation at an estimated weekly cost of £580. The forecast spend in this area is £3.797m in 2017/18 – an over spend of £138k.
- 12.3 The current annual cost of the Centrepont contract is £526k based on 5 beds at £885 per week and 15 beds at £379 per week. Excluding those young people currently accommodated by Centrepont, the average cost of accommodating a looked after child is £643 per week and for a care leaver is £564 per week.
- 12.4 The current weekly cost of the 15 beds at £379 is lower than the indicative new costs of £407 (20 places) or £458 (6 places) per week. This means that the block would need to include more than the existing 20 beds to start mitigating additional costs. The break-even point would be around 31 beds fully occupied before overall costs reduce compared to present.
- 12.5 Assuming all 60 places are fully occupied (including 5 places at existing prices of £885 per week), there could potentially be cost mitigation in excess of £240k (based on the indicative prices of £458 per week).



Number of places fully occupied	Indicative Cost per week (£)	Mitigation / (Increased Cost) (£k)
20	458	(61)
31	458	0
60	458	240

- 12.6 In order to achieve the reward of reduced weekly costs, the Council would need to take on higher levels of risk related to occupancy. The risk associated with occupancy is transferred to the Council with a block contract. If there are unoccupied places, the Council is still responsible for the accommodation costs.
- 12.7 There have been unoccupied places or voids during the current Centrepont contract. There have been an average of 2.5 unfilled places or 13% of places from Aug-16 to Sep-17.
- 12.8 If the current voids rate of 13% is not improved, then there would be no mitigation of costs even with 60 places available.

Number of places purchased	Indicative Cost per week (£)	Void rate	Mitigation / (Increased Cost) (£k)
60	458	13%	(11)
60	458	7%	100
60	458	2%	200
60	458	0%	240

### 13.0 Legal Implications

- 13.1 The estimated value of the contract over its lifetime is higher than the EU threshold for Services and the award of the contracts therefore is governed by the Public Contracts Regulations 2015 (the "EU Regulations").
- 13.2 The services to be procured fall under Schedule 3 of the EU Regulations. The intention is to procure a contract by way of a mini-competition using the West London Alliance Semi-Independent List ("List") by inviting all providers on the relevant Lot of the List to bid. This List was established for procurements falling under Schedule 3 of the EU Regulations and has been in operation since 2016.
- 13.3 The procurement of the contract is subject to the Council's own Standing Orders in respect of High Value Contracts and Financial Regulations. Member approval is required to procure and award High Value Contracts. It will be noted that for the reasons detailed in paragraph 10.1 delegated authority to the Strategic Director of Children and Young People in consultation with the Lead Member for Children and Young People is sought to award the contract.
- 13.4 Following any decision to award, officers intend to observe a minimum 10 calendar day standstill period before the contract is formally awarded. All tenderers will be notified in writing of the Council's decision to award and additional debrief information will be provided to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful

tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

- 13.5 An element of the service to be procured is currently provided by an external contractor and the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) ("TUPE") is likely to apply where there is a service provision change in the service contractor. Further details are contained in Section 15.

## **14.0 Equality Implications**

- 14.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination and other conduct prohibited under the Act, advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.
- 14.2 Young people within Brent and staff working within the Council's Children and Young People Service have a range of protected characteristics that are relevant to the proposals in this report.
- 14.3 A detailed Equality Analysis (EA) of the service redesign proposals has been completed. The EA outlines the potential/likely implications as well as opportunities arising from the proposed changes for services users with protected characteristics and the wider community of young people. It also explains the steps that will be taken to mitigate any potential negative impacts of the changes proposed. It is anticipated that:
- the proposed targeted and needs based delivery model will optimise equality outcomes for children and young people living in Brent and will enhance service provision for young people accessing semi-independent provision in providing support to enable those young people to develop the skills and confidence to live independently.
  - the provision will provide young people with services appropriate to their diverse needs, taking into account cultural difference, ethnicity, faith, disability and sexuality. This is particularly beneficial for unaccompanied asylum seekers who may require additional support.

- vulnerable young people will be enabled to access the same education, training, health and life chances as others so equipping them with the relevant tools and aids to allow them to realise their potential.
- No adverse impacts have been identified for any groups on the grounds of race / gender / disability / faith / sexual orientation / health/ pregnancy and maternity / age / gender reassignment and sex.

14.4 The service specification will be co-produced in partnership with service users, partner organisations and other relevant stakeholders to ensure that it is structured to meet identified needs. The impact of changes on young people with protected characteristics will be monitored by the Council on a regular basis and where any unintended negative consequences are identified, the Council and the commissioned provider/s will implement remedial actions.

## **15.0 Consultation with Ward Members and Stakeholders**

15.1 **Young People:** The Young Person's Your Voice Survey asked Looked After Children and Care Leavers for their views on their accommodation and the provider. It was delivered to 128 young people by email, and shared in face to face visits by Personal Advisors and Social Workers. 100% of Personal Advisors and Social Workers rated the current block contract of semi-independent provision as delivering a very good service. Similarly young people rated the current provider, Centrepont, as the top ranking provider.

15.2 **Ward Members:** As this report affects all wards, consultation with specific ward members has not been conducted.

## **16.0 Human Resources/Property Implications (if appropriate)**

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

16.2 An element of the service to be procured is currently provided by an external contractor. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) ("TUPE") is likely to apply where there is a service provision change in the service contractor. Should TUPE be applicable the Council will act as a conduit of information between the outgoing and incoming providers so as to help ensure a smooth and seamless transition of the services.

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


17.1 The Council has a duty pursuant to the Public Services (Social Value) Act 2012 to consider how the service being procured might improve the economic, social and environmental well-being of its area and how, in conducting the procurement process, the Council might act with a view to securing that improvement, and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract.

- 17.2 The services under the proposed contract have as their primary aim the improvement of the social wellbeing of one of the most vulnerable groups in Brent. In procuring the services and in accordance with the council's Social Value Policy, 10% of the award criteria will be reserved for social value considerations.

**Report sign off:**

**GAIL TOLLEY**

Strategic Director of Children and Young People

	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director  of Regeneration &amp; Environment</b>
<b>Wembley Housing Zone Update and Appointment of  Architecturally Led Multidisciplinary Design Team</b>	

<b>Wards Affected:</b>	Wembley Central
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	<b>Part Exempt</b> - Appendix 3 of this report is not for publication as it contains the following category of exempt information in paragraph 3 Schedule 12(A) of the Local Government Act 1972 namely: <i>"information relating to the financial or business affairs of any particular person (including the Authority) holding the information"</i>
<b>No. of Appendices:</b>	3
<b>Background Papers:</b>	None
<b>Contact Officers:</b>	Maire Grogan Principal Regeneration Officer Email: <a href="mailto:Maire.Grogan@brent.gov.uk">Maire.Grogan@brent.gov.uk</a> Tel: 020 8937 3390  Aktar Choudhury Operational Director, Regeneration Email: <a href="mailto:Aktar.Choudhury@brent.gov.uk">Aktar.Choudhury@brent.gov.uk</a> Tel: 020 8937 1764

## 1.0 Purpose of the Report

- 1.1 This report provides an update on the Wembley Housing Zone programme, following on from the June 2017 Cabinet report.
- 1.2 The proposed Joint Venture with developer HUB as discussed in the June 2017 Cabinet report is not proceeding at this time, therefore Council Officers are now focussing on a smaller programme, including the former Copland school site and Ujima House and land to the rear. HUB will progress proposals for the sites within their interest. Officers do not envisage any reduction in the Wembley Housing Zone outputs from those envisaged under the joint venture proposal.

- 1.3 Officers have commenced work to contract an architecturally led, multidisciplinary design team to undertake designs for sites along Wembley High Road, including the former Copland school site and Ujima House and land to the rear, which is discussed in further detail in this report.
- 1.4 The report seeks approval for delegated authority to Strategic Director Regeneration & Environment in consultation with Lead Member for Regeneration, Growth, Employment and Skills to approve the preferred bidder from the Architecture, Design and Urbanism Panel (ADUP) framework.

## **2.0 Recommendations**

Cabinet is asked to:

- 2.1 Approve the revised method of delivery of the Wembley Housing Zone programme such that the Council lead on design and planning for development on its own land interests as set out in paragraph 3.3;
- 2.2 Note the intention to procure a multidisciplinary design delivery team using the pre-tender considerations detailed in Appendix 1;
- 2.3 Delegate authority to Strategic Director Regeneration & Environment, in consultation with Lead Member for Regeneration, Growth, Employment and Skills, to award a contract for a multidisciplinary design delivery team from the Architecture, Design and Urbanism Panel (ADUP) framework using the evaluation criteria detailed in Appendix 2, for the reasons detailed in paragraph 3.11;
- 2.4 Delegate authority to Strategic Director Regeneration & Environment in consultation with Lead Member for Regeneration, Growth, Employment and Skills to oversee design development, viability testing, consultation and ultimately agree the scheme that is submitted for planning approval;
- 2.5 Approve the release of up to £1m funding (already allocated for Wembley Housing Zones Masterplanning and Planning applications under a Joint Venture) to finance Council-led Masterplanning, Planning applications and supporting services and surveys of sites as discussed in this report.

## **3.0 Detail**

### **Wembley Housing Zone Programme update**

- 3.1 The Council completed on the acquisition of the freehold of Ujima House and long leasehold of the car park to the rear on 27<sup>th</sup> July 2017. The Council will be seeking to acquire the freehold of the land to the rear of Ujima House to allow

for greater residential outputs, subject to further due diligence and financial analysis. A further update will be brought to Cabinet as discussions progress.

- 3.2 The terms of the Borough Intervention Agreement (BIA), the funding agreement with the GLA, are largely agreed. Delegated authority will be sought to enter the BIA from the Strategic Director Resources in conjunction with the Lead Member for Housing, as per the approvals given by Cabinet in July 2016.
- 3.3 The report to Cabinet in June 2017 discussed a proposed Joint Venture with developer HUB, which Cabinet approved in principle as the preferred delivery option. After further discussions between Council Officers and HUB representatives, it has been decided to not proceed with a Joint Venture at this time, primarily for commercial considerations. The Council and HUB will now progress their own design and planning of their respective land interests, although a Joint Venture could be explored when planning applications have been determined and there is greater certainty as to the development that could be delivered.

**Architecture, Design and Urbanism Panel (ADUP) framework**

- 3.4 As indicated in paragraph 3.3, Officers propose to progress the design and planning of the Council's land interest. Officers have commenced work to contract an architecturally led, multidisciplinary design team to undertake the designs for the former Copland site, Ujima House and car park and the land to the rear, culminating in the submission of a planning application for these sites. The design team will also be asked to examine various options for the Wembley Triangle area to determine the feasibility of redeveloping this section of the High Road, and better connecting the town centre to Wembley Park. Details of the pre-tender considerations are attached as Appendix 1.
- 3.5 Officers in the Regeneration team are working closely with Transport colleagues regarding the proposed improvements to key junctions and improved public realm along the High Road, particularly the potential redesign of the Wembley Triangle junction. The proposed design team appointment would be required to work with the consultants appointed by Transport colleagues to ensure a coherent approach to the design, planning, development and public realm improvements along the High Road.
- 3.6 An invite to submit an Expression of Interest (EOI) was issued to Lot 2 – Architecture, Lot 3 – Site Masterplanning and Development Feasibility and Lot 7 – Design Advice and Design Management of the Architecture, Design and Urbanism Panel (ADUP) framework on 19th October 2017. The evaluation criteria were as follows:

<b>Criteria</b>	<b>Weighting</b>
<b>Vision and design approach</b> The architect should set out their understanding of the sites, both as stand-alone sites and in the wider context, and vision for the area. Sketches may be included to illustrate the proposed design approach, including an analysis of the site and design principles, but no design work should be undertaken	50%
<b>Experience</b> Details of three of your most recent and relevant projects should be included, at least two of which must be completed projects. Information provided should include a summary of the project, its relevance to this project, client name, images and photographs, budget and lessons learned	30%
<b>Expertise required</b> A statement outlining initial thoughts on the expertise required to deliver this project should be provided, in accordance with the supporting documentation provided	20%
<b>Total</b>	<b>100%</b>

- 3.8 A panel of Council Officers evaluated the 11 EOI submissions and 5 were shortlisted to progress to the Invitation to Tender (ITT) stage. The ITT was issued on 4<sup>th</sup> December 2017.
- 3.9 The Recommendation is to appoint the highest scoring bidder in line with the evaluation criteria of the ITT and scoring matrix within Appendix 2.
- 3.10 The appointment and contract for the design team would be on a RIBA stage by stage basis to manage the risks associated with the delivery of the particular sites within the Wembley Housing Zone.
- 3.11 Delegated authority is sought to award the contract due to the existing ADUP framework expiring on 28<sup>th</sup> February 2018, and the procurement requirement that the highest scoring bidder must be in contract with the Council prior to the framework expiring. Responses from the ITT stage are due by 19<sup>th</sup> January 2018, therefore there is insufficient time to bring another paper to Cabinet for approval to award prior to the ADUP framework expiry date.



- 3.12 The contract is anticipated to be signed on 26<sup>th</sup> February 2018. The appointed team will develop the concept proposals for the sites in the first 10 weeks and consultation on the proposals is expected circa 12 weeks after contract signing.

### **Delivery route**

- 3.13 Analysis of the optimum delivery route will be ongoing throughout the design and planning process, and a further report brought to Cabinet post planning resolution to approve the preferred way forward for the development phase. Delivery routes to be explored include:
- Disposal of the sites with a development agreement, with the benefit of planning permission
  - Joint Venture with developer partner
  - LB Brent self-development

### **Cost Estimate**

- 3.14 Cabinet in June 2017 approved £1.615m funding to continue the Council's work in Wembley and Alperton Housing Zones into 2018 and 2019. This report noted that, should a Joint Venture (JV) not be formed, up to £1m of this funding could be offset against the cost of a separate development of Council-owned sites.
- 3.15 As the Council now intends to lead Masterplanning and progress planning on its own sites within the town centre, Officers recommend that the £1m of funding set aside for Masterplanning and Planning applications of the Wembley Housing Zone sites under a JV is now directed to Council-led Masterplanning, Planning applications and supporting activities for sites within the Wembley Housing Zone. This would be budgeted and contracted as discussed in this report and in Appendix 3. The remaining £0.615m will be used to continue the Council's work in both Wembley and Alperton Housing Zones.
- 3.16 It is anticipated that the cost of this procurement can reasonably be met from within what remains unspent of the original allocation (£1.615m). The balance of the unspent approved funding will be utilised to fund further development stages of this scheme and to continue the Council's work in both Wembley and Alperton Housing Zones.

## **4.0 Financial Implications**

- 4.1 The cost of the procurement, an estimate of which is included in the confidential Appendix 3, can reasonably be met by what remains of the original funding allocation for Wembley Housing Zones JV.

## **5.0 Legal Implications**

- 5.1 Cabinet in June 2017 approved a preferred delivery option of forming a Joint Venture Vehicle with the developer or vehicle managed by the developer. For

the reason detailed in paragraph 3.3, the proposal is now for each party to progress their own design and planning of their respective interests and Cabinet approval is required for this revised approach. The revised approach requires the council to procure its own design team to progress the design and planning.

- 5.2 As detailed in paragraph 3.6, the decision has been made to use the ADUP framework to procure the contract for the design team. The ADUP framework has been established by the Greater London Authority and Transport for London and procured pursuant to the Public Contracts Regulations 2015. In accordance with Contract Standing Order 86 (e), Chief Legal Officer approval has been obtained to confirm that use of the frameworks is legally permissible and a mini-competition is being operated in accordance with framework rules.
- 5.3 The estimated value of the contract for the design team may be in excess of £500k. As such the award of the contract is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. As the ADUP framework is being used to procure, no formal approval to operate a mini-competition under the framework is required but Cabinet approval is required for the award of any contract. For the reasons detailed in paragraph 3.10, Cabinet approval is sought for delegated authority to award the contract.

## **6.0 Equality Implications**

- 6.1 The public sector equality duty requires public bodies to pay due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 The Equality Act 2010 and the Public Sector Equality Duty (outlined above) cover the following nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 6.3 As with all other schemes that are part of the Council's wider regeneration programme, full consideration must be given to individuals and groups with protected characteristics, particularly people with disabilities and / or other types of vulnerabilities due to age (both older adults and young people), childcare and/or caring responsibilities and infrastructure, socio-economic status (lone parents and large families). Due regard must also be paid to black, Asian and minority ethnic and religious groups (e.g. community ties and wider community infrastructure, needs of large families, etc.).

6.4 There is a need to ensure that the Council's Equality Analysis in relation to the Wembley Housing Zone regeneration programme and impacts on residents (including leaseholders) with protected characteristics is kept up to date, and that reports to members provide sufficient information to demonstrate adequate consideration of the impacts on all protected groups.

6.5 There are no direct equalities implications identified at this stage.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 The Lead Member for Regeneration, Growth, Employment and Skills and the Ward Councillors have been advised of the revised method of delivery in the Wembley Housing Zone programme.

7.2 Should Cabinet approve the revised way forward, the Lead Member, Ward Councillors and other stakeholders will be involved in the consultation process as designs for the sites along the High Road are being worked up.

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 Analysis of the optimum delivery route will be ongoing throughout the design and planning process, and a further paper will be brought to Cabinet at this time to approve the agreed way forward with the development phase.

### **Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration &  
Environment

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### Appendix One – pre-tender considerations

Ref.	Requirement	Response	
(i)	The nature of the Services.	Contract for a multidisciplinary design delivery team to undertake the designs for the former Copland site, Ujima House and car park and the land to the rear, culminating in the submission of a planning application for these sites. The design team will also be asked to examine various options for the Wembley Triangle area to determine the feasibility of redeveloping this section of the High Road, and better connecting the town centre to Wembley Park.	
(ii)	The estimated value.	The estimated value of the contract may be in excess of £500k.	
(iii)	The contract term.	The contract is expected to last approximately 12 months. This may be extended should the Council decide to self-develop the sites.	
(iv)	The tender procedure to be adopted.	Mini-competition under Lot 2 – Architecture, Lot 3 – Site Masterplanning and Development Feasibility and Lot 7 – Design Advice and Design Management of the Architecture, Design and Urbanism Panel (ADUP) framework	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Expressions of Interest issued	19.10.17
		Expressions of interest returned	8.11.17
		Shortlist drawn up	17.11.17
		Invite to tender	4.12.17
		Deadline for tender submissions	19.01.18
		Panel evaluation and shortlist for interview	24.01.18
		Interviews and contract decision	29.01.18
		Chief Officer approval	09.02.18

Ref.	Requirement	Response	
		Call in period of 5 days	16.02.18
		Contract Mobilisation	23.02.18
		Contract signed	26.02.18
(vi)	The evaluation criteria and process.	1. At Expression of Interest stage shortlists were drawn up as detailed in paragraph 3.6 of the Report. 2. At tender evaluation stage, the panel will evaluate the tenders against the criteria detailed in Appendix 2.	
(vii)	Any business risks associated with entering the contract.	Financial Services and Legal Services have been consulted concerning this contract and have not identified any new risks associated with entering into this contract (sections 4 and 5 of the report).	
(viii)	The Council's Best Value duties.	The procurement of the contract through the framework will assist the Council to achieve best value.	
(ix)	Consideration of Public Services (Social Value) Act 2012	As detailed in Appendix 2, Social Value will be one of the evaluation criteria, attracting a weighting of 10%.	
(x)	Any staffing implications, including TUPE and pensions.	There are no implications for Council staff arising from the recommendations in this report.	
(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 of the report.	

## **Appendix Two – Invitation to Tender (ITT) evaluation criteria and scoring matrix**

- 1.1 Five practices have been shortlisted from the EOI stage and have been asked to address the criteria below for the ITT stage.

<b>Criteria</b>		<b>Area Weighting</b>
<b>QUALITY</b>		Overall Weighting: 60%
1	Professional team, technical expertise and project management	23%
2	Design concept	15%
3	Consultation approach	12%
4	Social value	10%
<b>PRICE</b>		Overall Weighting: 40%
5	Price	40%
<b>TOTAL</b>		100%

- 1.2 The Scoring System is explained below. If a score of 0 is awarded to any one or more question or less than 3 in two or more questions, this will give grounds for excluding that ITT from any further consideration.

<b>Score</b>	<b>Description</b>
0	The information required is either omitted or fundamentally fails to meet the relevant submission requirements or to address the Authority's requirements. Insufficient evidence to support the proposal to allow the Authority to evaluate. <b>Unacceptable.</b>
1	The information submitted has insufficient evidence to demonstrate that the relevant submission requirements or the 'Authority's requirements can be met. Significant omissions, serious and/or many concerns. <b>Poor.</b>
2	The information submitted has some minor omissions in respect of the relevant submission requirements or the Authority's requirements. The tender satisfies the basic requirements in some respects but is unsatisfactory in other respects and raises some concerns. <b>Fair.</b>
3	The information submitted provides some good evidence to meet the relevant submission requirements or the Authority's requirements and is satisfactory in most respects and there are no major concerns. <b>Good.</b>
4	The information submitted provides good evidence that all the submission requirements or the Authority's requirements can be met. Full and robust response, any concerns are addressed so that the proposal gives confidence. <b>Very Good.</b>

5	The information submitted provides strong evidence that all the submission requirements or the Authority's requirements can be met and the proposal exceeds expectation i.e. exemplary in the industry provides full confidence and no concerns. <b>Outstanding</b>
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- 1.4 The best (lowest) price receives the maximum score available in this section; the remaining bids receive a score pro rata to the best price using the following calculation.

Lowest bid = maximum points

$$\frac{\text{Lowest Bid}}{\text{Tenderers Bid}} \times \text{maximum points available}$$


- 1.5 After all scenarios and variations have been assessed the highest scoring tenderer for the most economically advantageous tender (M.E.A.T) for the Council will be recommended for award of the contract.



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

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 <b>Brent</b>	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director  Regeneration and Environment</b>
<b>Air Quality Improvement Measures: Electric Vehicle  Charging Infrastructure</b>	

<b>Wards Affected:</b>	All Wards
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	3
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Rachel Best Transportation Planning Manager Tel: 0208 937 5249 Email: rachel.best@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1. This report seeks to inform and obtain approval from Cabinet for Brent's involvement in two projects that will provide new charging infrastructure for electric vehicles in Brent: The Rapid Charging Infrastructure Project and a project to deliver on-street residential charge points in lamp columns. Both projects require entry into supplier contracts. The report will also provide an update on progress with Source London infrastructure installation.
- 1.2. The Brent Long Term Transport Strategy 2017 – 2035, Planning Policy Guidance, the London Plan and Brent Development Management Policies all seek improvements in air quality.
- 1.3. Supporting greater use of electric vehicles to contribute to meeting these objectives requires access by owners to a reliable charging infrastructure. This includes charge points in residential streets to allow residents who don't have access to off-street parking to charge an electric vehicle overnight. It also includes access to 'rapid charge points' which, due to their ability to charge an electric vehicle in 30 minutes, support the taxi and private hire trades to use electric vehicles. This charging infrastructure is required in addition to traditional freestanding charge points which the Council is currently installing as part of the Source London network in contract with BluePointLondon Ltd.

## **2.0 Recommendations**

That Cabinet:

- 2.1. Approves Brent Council's continued involvement in the GULCS for the Rapid Charging Infrastructure Project and the project to provide on-street electric vehicle charge points in residential locations;
- 2.2. Approves Brent Council's participation in a collaborative procurement led by Transport for London (TfL) and London Councils using the Crown Commercial Services Traffic Management Technology 2 Framework Agreement in order to select a single supplier to install, manage and maintain electric vehicle charge points in lamp columns in Brent;
- 2.3. Agrees that the collaborative procurement exercise detailed in 2.2 above be exempt from the normal requirements of Brent Council's Contract Standing Orders and Financial Regulations for good operational and/or financial reasons in accordance with the Contract Standing Order 84(a) and 85(c) for the reasons detailed in paragraphs 6.8 and 11.2.3;
- 2.4. Authorises in principle the provision and installation of electric vehicle charge points in lamp columns to serve residents with no access to off-street parking now and in the future (subject to funding);
- 2.5. Authorises the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to undertake any necessary statutory and non-statutory consultations and consider any objections or representations regarding the installation of rapid charge points at on and off-street locations in Brent now and in the future (subject to funding), with consultation results referred to Highways Committee to determine the outcome of the responses;
- 2.6. Notes the intention to commence a procurement using a mini-competition under the TfL Rapid Charge Point Concession Framework for the installation of electric vehicle rapid charge points; and
- 2.7. Delegates authority to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to award contracts following mini-competitions under the frameworks detailed in 2.2 and 2.6 above to the successful bidders of the Rapid Charging Infrastructure Project and the project to provide on-street electric vehicle charge points in residential locations for the reasons detailed in paragraph 11.1.8 and 11.2.6.

## **3.0 Detail**

- 3.1. The public and political awareness of the health impacts of poor air quality is growing rapidly. The majority of Brent is within an Air Quality Management Area due to high levels of Nitrogen Dioxide and Particulate Matter which are known to contribute to poor health. Petrol and diesel vehicles contribute a large proportion of emissions of these pollutants.

- 3.2. The Government published its Air Quality policy plan on 26 July 2017 setting out measures to tackle the UK's illegal levels of Nitrogen Dioxide. The plan includes a commitment to end the sale of vehicles which are fuelled purely on petrol or diesel by 2040. The Mayor of London has also highlighted the urgent need for new measures to tackle poor air quality across London. Electric vehicles, which produce no exhaust emissions to air, are a key part of the solution and are increasingly prevalent in the fleets of vehicle manufacturers.
- 3.3. Brent's Air Quality Action Plan 2017 – 2022 was approved by Cabinet in November 2017. It gives support for the installation of on-street electric vehicle charge points throughout Brent as well as the take-up of electric taxis and commercial vehicles.
- 3.4. Electric vehicles require charge points and for these vehicles to proliferate in Brent, a robust charging network is required. Brent Council entered into a new contract with BluePointLondon Ltd in 2016 to install electric vehicle charge points across the borough as part of the Source London network. At present, proposals for 24 locations with 30 active charge points and associated electric vehicle only parking bays have been developed and consultations have been completed. It is likely that these charge points will be active in Brent in 2018.
- 3.5. Source London charge points are predominantly located at, or close to, destinations where people are expected to make trips to. They are therefore primarily intended to be used as a top-up facility for electric vehicles rather than a primary source of charging. Alternative charging facilities are needed for Brent residents who do not have access to off-street parking so that they can charge their vehicles overnight and close to home. This is particularly important as the majority of electric vehicle owners charge their vehicles at home overnight and in Brent's south-eastern wards, from Harlesden to Kilburn, it is estimated that 81-90%<sup>1</sup> of households do not have access to off-street parking to charge from home. These residents require charge points at the kerbside in residential streets.
- 3.6. Additionally, charging facilities are required for residents who are employed in the taxi and private hire (PHV) trades, and other small businesses. These trades have historically had a limited choice of diesel vehicles to use which have been a significant contributor to poor air quality in London. As a result, the Mayor of London's Taxi and Private Hire Action Plan 2016 requires that from January 2018 and 2020 onwards respectively, all taxis and PHVs licensed for the first time must be zero emission capable (ZEC). In order to recharge quickly during the working day, ZEC taxis and PHVs require rapid charge points that are capable of charging at powers of up to 50kW to deliver an 80% charge in 30 minutes.
- 3.7. Vehicle licensing data shows that at the end of 2016, there were approximately 2,033 electric vehicles registered to addresses in Brent<sup>2</sup>. Of these, 5% were pure electric and 95% were hybrid. Between January and June 2017, the number of electric vehicle registrations increased by 133 and is anticipated to increase steadily over the coming years. This can be

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<sup>1</sup> West London Electric Vehicle Study, WSP Parsons Brinkerhoff (2016)

<sup>2</sup> Society of Motor Manufacturers and Traders, 2014 – 2016 licensing data for Brent postcodes

evidenced through the increased requests from residents for charging facilities. 33 requests from residents have been received to date for charging facilities. Officers will identify the most suitable charging option for each of these locations. This demand demonstrates that there is a need for a range of electric vehicle charging infrastructure to further instigate and support this growth and to enable all vehicles with electric capability to run on electric power.

#### **4.0 London's Go Ultra Low City Scheme**

- 4.1. London Councils, Transport for London and the Greater London Authority were awarded £13m in January 2016 from the Office for Low Emission Vehicles' Go Ultra Low City Scheme (GULCS) to help accelerate the installation of electric vehicle charging infrastructure in London.
- 4.2. London's GULCS programme has four workstreams. One of these, the Rapid Charging Infrastructure Project, will invest £4m of funding into the delivery of 300 rapid charge points by 2020 to support high mileage commercial electric fleets (predominantly taxis and PHVs). Another will deliver 1,150 electric vehicle charge points to support the charging needs of residents without off-street parking.
- 4.3. Brent Council is involved in both of these workstreams through the Rapid Charging Infrastructure Project as detailed in Section 5 below, and a project to deliver on-street residential charge points in lamp columns, as detailed in Section 6 below.

#### **5.0 Rapid Charging Infrastructure Project**

- 5.1. Rapid charge points are capable of charging an electric vehicle at powers of up to 50kW to deliver an 80% charge in 30 minutes. Due to their high power output, rapid charge points are significantly larger than traditional freestanding electric vehicle charge points such as those operated by Source London. Table 1 in Appendix A depicts three common charge point designs with their respective dimensions. Rapid charge points also require additional power supply infrastructure as detailed in Table 2 in Appendix A.
- 5.2. It is proposed that rapid charge points will be installed in Brent using the Rapid Charge Point Concession Framework, set up by TfL. TfL and Brent will identify sites in the borough where rapid charge points could be installed and use GULCS funding to undertake enabling works to prepare sites for installation. Brent will tender sites under a mini-competition using the Rapid Charge Point Concession Framework to a group of pre-selected operators to install, operate and maintain the rapid charge points through a Framework Agreement. Brent will evaluate bids and then enter into a Call Off Contract with the successful bidder(s) for each site which will last for 8-10 years based on the terms and conditions of the Framework Agreement.
- 5.3. Site Agreements, which take the form of licences, will allow charge point operators to trade on street and will define the operator's terms of access to each site. For this purpose, a TfL licence will be used which allows for the

placing, maintenance and operation of apparatus on the highway. The cost of each licence to the operator will be either £100 or will be proportional to the loss of pay and display revenue from the site if the rapid charge point and parking bay replaces one or more pay and display bays.

- 5.4. The appointed operator will become the owner of the charge point and be responsible for the full cost of installation, operation and maintenance. Brent resource to manage the project will involve site selection and contract management.
- 5.5. Appointed charge point operators are required to pay Brent an annual rent for each site and a share of revenue once the site is operational (detailed in Section 10.1). In order to establish a viable business model, operators are able to set their own tariff structure with which to charge users. Typical prices are expected to be in the region of 30p per kWh which equates to around 8p per mile for a 24kWh Nissan Leaf (in comparison to 14p per mile for petrol). However, the Call Off Contract will include a ceiling price on user charges.
- 5.6. Brent has engaged with TfL over the past year to identify an initial set of locations across Brent land which would be capable of hosting rapid charge points. Two rapid charge points will be installed on TfL land in Wembley Park and Queensbury Station car parks by the end of 2017. Initial investigations will take place at five other locations on Brent highway where charge points could be installed on footways (where there is sufficient clearance) or on build outs beside designated electric vehicle only parking bays in 2018. These locations are detailed in Appendix B. Installations would result in additional street furniture though the Council will seek to ensure that charge points are appropriately located and do not harm the streetscape. Charge points would be installed using Permitted Development rights.
- 5.7. Installation of rapid charge points on Brent highway will require designated parking bays enforced with a Traffic Management Order (TMO), subject to consultation with local residents and businesses. There is likely to be some loss of pay and display parking bays though income loss will be minimised as described in Section 10.1. However, there will be no loss of residential parking. Members will be consulted on final charge point locations before consultations are carried out. Additionally, as detailed in Section 11.1, approval of participation in the Framework Agreement in respect of the proposed Call Off Contract is required from the Chief Legal Officer and Chief Officer in addition to authority to award the contract to the selected Framework Agreement contractor.
- 5.8. The approximate value of the Call Off Contract is £850k. This figure uses a mid-case estimate of the operator's turnover (over 10 years) less operational costs over the time periods. This equates to £170k per charge point. The contract value reflects this turnover at five potential sites. However, this total figure may potentially be shared by more than one operator in more than one Call Off Contract. Also, this is a maximum value as some sites may not be viable to progress.

## **6.0 On-street Residential Electric Vehicle Charge Points**

- 6.1. Brent Council has received £150k of GULCS funding as a contribution towards 75% of the capital costs of procuring and installing charge points in residential streets where residents have no access to off-street parking. This funding follows submission of an Expression of Interest for the GULCS in June 2017, endorsed by Councillor Southwood, Lead Member for Environment. The Council's £50k match funding will be sourced from S106 developer contributions in specific wards totalling £34,765.85 and TfL Local Implementation Plan funding. There is also the potential of Neighbourhood CIL funding from Kilburn & Kensal Rise, Harlesden and Wembley Neighbourhoods.
- 6.2. The funding will be spent on the purchase and installation of charge points in lamp columns. Lamp column charge points offer advantages over free-standing units (like Source London charge points) as capital costs are significantly lower and they limit street clutter. Additionally, due to lower costs, three or more charge points can be installed in separate lamp columns on streets where residents have requested a charge point. This wider provision will facilitate a trial introduction of charge points without designated parking bays alongside them. This will avoid the removal of parking spaces in residential roads where there is high parking pressure. Although this approach does not require formal consultation on a TMO, there will be a communication plan to inform and educate residents in the affected streets.
- 6.3. Brent's lamp columns are maintained through a Private Finance Initiative (PFI) contract with PFI Ltd (PFIL) whose street lighting maintenance sub-contractor is Bouygues E&S Infrastructure UK Ltd (Bouygues). This contract requires that all installation and maintenance work on lamp columns is carried out by Brent's lighting contractor to avoid annulling the five year maintenance warranty provided at the end of the contract. The contract expires in December 2018 at which point there will be a new street lighting maintenance contract. The installation of charge points in lamp columns will not interfere with the lighting contract tender process. However, installation requires agreement from PFIL. Installations of charge points will not impact on the current programme to install light emitting diode (LED) lanterns nor have any negative impact on the energy and carbon savings which will be achieved from the LED lanterns.
- 6.4. Not all lamp columns in Brent are suitable for retrofitting, notably those at the back of footways where cables would need to be trailed over the footway, posing a safety risk. Where requests have been received from residents for charging facilities in areas where there are a cluster of streets with back of footway lamp columns, officers may consider installations of small satellite charging bollards at the kerbside which house the charging sockets and connect via underground cable to the lamp column.
- 6.5. Officers are currently investigating different designs of lamp column charge point sockets with technology suppliers. Sockets selected for installation may require residents to purchase smart cables (at an approximate cost of £200 - £400 each) with which to connect their vehicles to the charge points. Smart cables contain the software for measuring energy consumption and billing,



thereby reducing the need for metering technology in the lamp column. This means that although power for the charge points is drawn from the lamp columns, the Council is not charged for energy consumption by electric vehicles.

- 6.6. At present, officers are working to identify streets in which to install charge points in lamp columns based upon current demand. Many of these are likely to be in the Queens Park, Kensal Green and Kilburn wards where the greatest concentration of resident requests have been received. This correlates with data identifying the locations in Brent where there is a lack of off-street parking and high potential for electric vehicle uptake. The Expression of Interest in the GULCS requested funding for 50 charge points. However, should the cost per charge point be less than £3k then all the remaining funding will be used to install additional charge points.
- 6.7. Funding requirements stipulate that orders must be placed with a supplier by 31 July 2018 and funding must be committed by 30 November 2018. Any funding that is not attached to orders by 31 July 2018 will be reallocated to other boroughs.
- 6.8. To progress the installation of charge points with the GULCS funding, officers propose to use a single supplier to install, manage and maintain charge points. This supplier will be selected by London Councils through a procurement process using the Crown Commercial Services (CCS) Framework Traffic Management Technology 2. London Councils have developed a core Specification that has been reviewed by officers. London Councils are using this Specification to run a mini-competition on behalf of various other boroughs in order to select a single supplier. It is considered that this is likely to achieve lower prices for all authorities by achieving economies of scale. Once London Councils have selected the single supplier, Brent Council will be able to enter into an Agreement with the selected supplier if it wishes, using an NEC3 contract as provided for by the Framework. The contract term is three years with an option to extend for a further two years.
- 6.9. Ongoing maintenance of the charge points will be carried out by Brent Council's lighting contractor. To fund this, the Council will either receive an annual sum from the single supplier or may stipulate with the single supplier that charge points are procured at a price that includes maintenance for the term of the NEC3 contract. This is necessary to ensure that Brent has no ongoing costs or responsibilities. The single supplier will therefore dictate user charges to ensure that their costs are covered and revenue is generated for ongoing maintenance where necessary. The Specification will stipulate that user fees are at least 10% below the cost of running a diesel car (at the time of tender). These charges will form part of the evaluation criteria where suppliers offering a greater reduction will score more highly.
- 6.10. At the end of the contract period, it is anticipated that ongoing maintenance and management of the charge points will transition to a TfL-led "GULCS Network" with the same or a different supplier. Should this London-wide delivery partnership not be formed, Brent may need to re-tender the charge points.

## 7.0 Source London Update

- 7.1. Source London is a London-wide network of electric vehicle charge points that are located in residential streets, car parks, supermarkets, shopping centres and at other destination locations. The network provides an easy and convenient means of top-up charging for owners of electric vehicles.
- 7.2. In March 2016, Cabinet gave its approval for Brent Council to enter into a contract with BluepointLondon Ltd, the network operator, to take over and expand the existing Source London network in Brent.
- 7.3. At present, proposals for 24 locations with 30 active charge points and associated electric vehicle only parking bays have been developed and consulted on. The proposed charge point locations are evenly spread in accessible and visible locations across the borough. Consultations closed in September 2017 and subject to no objections and/or delegated authority to determine the outcome of responses, charge points will be installed and activated in 2018. A second batch of charge point locations will be proposed and consulted on during the first half of 2018.
- 7.4. The Source London network will be developed in accordance with demand. Close working between Highways & Infrastructure and BluepointLondon Ltd will identify where existing locations need to be expanded and where new locations need to be included. This demand-led approach is due to the need to balance the requirement of a dedicated bay with the need to manage kerb space for existing residents without electric vehicles. The aspiration, pending demand, is to install 100 charge points by the end of 2018. Officers are continuing to work with BluepointLondon Ltd to identify areas of high demand and potential locations throughout the borough.

## 8.0 Delivery Programme

- 8.1. The table below summarises the current status of the Rapid Charging Infrastructure Project and the on-street residential electric vehicle charging project as described in Sections 5 and 6 above. It also details the Source London project as outlined in Section 7.

Project	Funding stream	Contract	Project status	Expected delivery	
				Phase 1	Phase 2
Source London	BluePointLondon Ltd	BluePointLondon Ltd	Contract signed in 2016, consultations completed autumn 2017	30 charge points in 24 locations in spring 2018	Approx. 100 charge points by end of 2018
Rapid Charging	GULCS	Supplier(s) tbc	Awaiting governance approval	5 charge points in 2018*	

Infrastructure Project					
On-street residential charge points (in lamp columns)	GULCS	Single supplier tbc	Awaiting governance approval	50-60 charge points by July 2018*	50-60 charge points by July 2019*

\* Subject to relevant borough approvals and consultations for the Rapid Charging Infrastructure Project

## 9.0 Conclusion

- 9.1. Emissions from road transport are a significant contributor to poor air quality in Brent. National, regional and Brent policy is to support the uptake of electric vehicles to help address this issue. This requires a robust charging infrastructure which the Source London project is starting to deliver. With internal and Member support, Brent's involvement in two other projects; the Rapid Charging Infrastructure Project and the project to deliver on-street residential charge points in lamp columns, will provide the range of charging infrastructure that is required to enable more residents to use electric vehicles.

## 10.0 Financial Implications

### 10.1 *Rapid Charging Infrastructure Project*

- 10.1.1 There are limited financial implications associated with the Rapid Charging Infrastructure Project for Brent at this time.
- 10.1.2 TfL have committed to using GULCS funding to undertake feasibility studies at each potential rapid charge point location and pay for the design, power upgrade and construction at no cost to Brent. Costs of signing, lining and TMOs are also covered.
- 10.1.3 At present, all of the five proposed rapid charge point locations may require conversion of a pay and display parking bay into an EV-only bay. For the purposes of budget planning, average annual revenue generation from the parking bays in Willesden Green Station, Bridge Road and Neasden Lane from 2015/16 to 2016/17 was approximately<sup>3</sup> £92, £360 and £859 respectively.
- 10.1.4 Brent can recoup lost revenue from pay and display bays if these are converted to EV-only bays through licences (Site Agreements) which contain an annual rent for each site and a share of revenue. Brent is able to stipulate minimum fees in licences. Operators must then bid any value equal to or over that amount. The minimum site fee (annual rent) will be either £100 or will be proportional to the loss of pay and display revenue from the site. For revenue share, the minimum acceptable fee will be 1% as recommended by TfL.

<sup>3</sup> These figures are approximate as they are calculated from total revenue averaged by the number of parking spaces serving each pay and display machine. For Willesden Green Station and Bridge Road, the number of spaces is not definite and vehicle owners may use alternative nearby machines.

10.1.5 Additional income can be gained from advertising on rapid charge point infrastructure.

10.1.6 Once operational, the income from rapid charge points will be reviewed over time and reported to Cabinet. Cabinet will also be updated on the development of the Rapid Charging Infrastructure Project later in 2018 once locations for charge points are confirmed.

## **10.2 On-street residential electric vehicle charge points**

10.2.1 The on-street residential electric vehicle charge point project will cost the Council £200k. This will be part funded through a £150k contribution from London Councils as part of London's GULCS. The remaining £50k will be fully funded through a combination of S106 developer contributions for local transport initiatives in specific wards (totalling £34,765.85) and TfL Local Implementation Plan funding. Neighbourhood CIL will also be sought from Kilburn & Kensal Rise, Harlesden and Wembley Neighbourhoods.

10.2.2 The maximum funding per lamp column charge point is £3k. This funding adheres to TfL / London Councils / Greater London Authority procurement and state aid rules and value for money considerations.

10.2.3 Once complete, there will ongoing revenue costs associated with this scheme. The supplier's ongoing operational costs are not covered by the GULCS funding. These activities (to include back office management and user interface) will be required once the charge points are installed. Ongoing maintenance of charge points by Brent Council's lighting contractor will also require funding. In order for maintenance costs to be covered and be cost neutral to the Council, the Council will either receive an annual sum from the single supplier or may stipulate that charge points are procured at a price that includes maintenance for the term of the NEC3 contract. These costs to the single supplier will be recovered through surcharges to the customer.

10.2.4 It is possible that Brent can generate revenue from the scheme through lamp column dressing whereby lamp columns that contain electric vehicle charge points are identifiable to vehicle owners by a narrow advertising banner. However, in order to ensure that the charging infrastructure has minimal visual impact, the nature of these banners would need to be carefully considered.

## **11.0 Legal Implications**

### **11.1 Rapid Charging Infrastructure Project**

11.1.1 The London Local Authorities and Transport for London Act 2013 is the enabling legislation for the Rapid Charging Infrastructure Project. Section 16 of the Act gives TfL and the boroughs the power to grant a third party licence / lease to construct and operate charge points in both on-street and off-street locations on their property. Furthermore, Section 16 of the Act permits TfL and

the boroughs to request payment from the charge point operators for the permission to install and operate the charge points.

- 11.1.2 Rapid charge points can be installed on-street using Permitted Development rights and a licence agreement with the charge point operator. Charge points can also be installed in car parks on public or private land with Permitted Development rights so long as they are less than 1.6m tall.
- 11.1.3 Officers are proposing to designate parking bays in locations on the highway. Accordingly, the Road Traffic Regulation Act 1984 and the Local Authority Traffic Orders (Procedure) (England and Wales) Regulations 1986 govern the powers to make such an order and then the procedure to be followed in respect of the consultation including.
- 11.1.4 Officers are proposing to call off contracts from the Rapid Charge Point Concession Framework set up by TfL to appoint an operator that will provide and install rapid charge points, and to enter into a Call Off Contract with the successful operator. In accordance with Standing Order 86(e)(ii), the relevant Chief Officer will be required to approve the Framework Agreement including confirmation that there is sufficient budgetary provision for the proposed Call Off Contract and subject to the Chief Legal Officer advising that participation in the Framework Agreement is legally permissible.
- 11.1.5 Each Call Off Contract requires corresponding Site Agreements (licences) which define the terms of access to each site for charge point operators. Site Agreements will be drafted by Brent based on precedent agreements appended to the Framework Agreement.
- 11.1.6 Officers indicate in paragraph 5.8 that the approximate value of the Call Off Contract is £850k. As the estimated value of the services which the Council would call off under the framework agreement during its lifetime is in excess of £500k, it is subject to the requirements of the Council's Contract Standing Orders (CSO) in respect of High Value Contracts.
- 11.1.7 CSO 86(e) provides that any High Value Contract called off under a Framework Agreement may only be awarded on the approval of the Cabinet.
- 11.1.8 Officers are seeking Cabinet authority to delegate power to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to award contract(s) to the successful bidder(s) of the Rapid Charging Infrastructure Project. This delegation is being sought because there is an urgent need for rapid charging infrastructure in Brent and expertise from TfL to assist with the installation of the first phase of rapid charge points will be phased out in 2018. Should it be necessary to return to Cabinet to obtain approval for the award of contract after the tendering exercise has been completed, there is likely to be a delay to this process.

## **11.2 On-street residential electric vehicle charge points**

- 11.2.1 Paragraph 6.8 indicates that London Councils, on behalf of Brent Council and other boroughs, will run a mini-competition and select a single supplier from the suppliers listed in Lot 10 of the Crown Commercial Services Framework

Traffic Management Technology 2 (the CCS Framework). It is proposed that Brent will enter into an agreement with the recommended single supplier which will take the form of an NEC3 contract. The contract term is three years with an option to extend for a further two years.

11.2.2 Officers indicate that the approximate value of the contract is estimated to be in the region of £666k over the 5 year term of the contract. As the estimated value of the services is in excess of £500k, it is subject to the requirements of the Council's Contract Standing Orders (CSO) in respect of High Value Contracts.

11.2.3 CSO 85 provides that any collaborative procurement shall comply with the Council's Standing Orders and Financial Regulations unless in the case of High Value Contract the agreement of the Cabinet is obtained under the CSO No 84(a). As it is proposed that London Councils will operate the procurement of on-street residential electric vehicle charging points on behalf of Brent and other London boroughs using its own procedures, approval is sought for such procurement to be exempt from the normal requirements of Brent Council's Contract Standing Orders and Financial Regulations. Exemption under CSO No 84(a) can be approved by the Cabinet where there are good operational and / or financial reasons, and Members are referred to the reasons set out in paragraph 6.8 of the report.

11.2.4 Whilst it is proposed London Councils will select the preferred provider, it shall not make a decision as to whether the Council shall enter into a Call-Off Contract and this decision will remain with Brent.

11.2.5 CSO 86(e) provides that any High Value Contract called off under a Framework Agreement may only be awarded on the approval of the Cabinet.

11.2.6 Officers are seeking Cabinet authority to delegate power to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, to award the contract for on-street residential electric vehicle charging points to the successful bidder. This delegation is being sought because of current funding terms and conditions which stipulate that orders for charge points must be placed with a supplier by 31 July 2018. There is a risk that returning to Cabinet to obtain approval for the award of contract after the tendering exercise has been completed will result in this deadline not being met which would mean that funding would need to be returned to the London GULCS central pot and reallocated to other boroughs.

11.2.7 As indicated in paragraph 6.3, the Council's lamp columns are maintained through a PFI contract with PFI Ltd (PFIL) whose street lighting maintenance sub-contractor is Bouygues. Any installation of charge points will need to be agreed with PFIL. Confirmation of this is still outstanding. However, it is anticipated that no additional costs will be occurred.

## **12.0 Equality Implications**

12.1. The public sector duty set out in Section 149 of the Equality Act 2010 requires the Council, when exercising its public functions, to have due regard to the

need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 12.2. The air quality improvement measures detailed in Sections 5 and 6 of this report have been assessed by way of an Equality Analysis (EA). A copy of the EA is attached as Appendix C. The final EA will be informed by the feedback from any consultations as part of the Rapid Charging Infrastructure Project.

### **13.0 Consultation with Ward Members and Stakeholders**

- 13.1. The on-street residential electric vehicle charge point scheme will affect many of the borough's wards and so the Lead Member for Environment has been consulted throughout the process. The Lead Member has also been consulted throughout the borough's involvement in the Rapid Charging Infrastructure Project to date.
- 13.2. The Rapid Charging Infrastructure Project will require statutory consultations for the making of Traffic Management Orders at specific locations on the highway where initial feasibility studies show the locations to be viable for the installation of rapid charge points and associated infrastructure. Designated parking bays are required and are subject to consultation with local residents and businesses. Members will also be consulted on final charge point locations before consultations are carried out and final approval is given to TfL for the commencement of preparatory works.

**Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration & Environment

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## APPENDIX A: Rapid charge point design

Table 1: Examples of single 50kW rapid charge points







ABB	APT	Chargemaster
		
Dimensions (D x W x H) 0.76m x 0.52m x 1.9m	Dimensions (D x W x H) 0.78m x 0.62m x 2.0 m	Dimensions (D x W x H) 0.6m x 0.6m x 1.5m

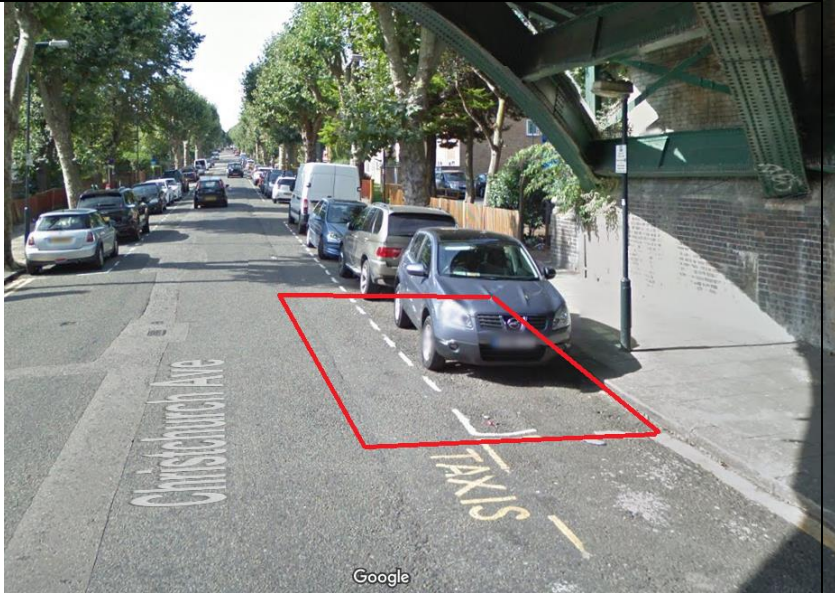

Table 2: Examples of power supply infrastructure

Type 1 feeder pillar (Single charge point)	Type 2 feeder pillar (Two charge points)	Substation (Three+ charge points)
		
Dimensions (D x W x H) 0.38m x 0.8m x 1.12m	Dimensions (D x W x H) 0.5m x 1.25m x 2.25m	Dimensions (D x W x H) 3.0m x 3.0m x 2.4m




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## APPENDIX B: Potential rapid charge point locations in Brent

Table 3: Potential rapid charge point locations in Brent where further investigations will take place, including assessment of existing power capacity and feasibility of charge point installation

Location	Comments	Image
Christchurch Avenue, Kilburn Station	Would require a build out on the carriageway and use of the first pay and display bay at the back of the taxi rank.	
Bridge Road, opposite Wembley Park Station	Conversion of the the last pay and display bay with charge point alongside on the footway.	



250 Neasden Lane	Conversion of a pay and display parking bay outside No. 250 Neasden Lane. This is an ideal location just off the A406.	
29 Station Road, Harlesden, NW10 4UP	Would require conversion of a pay and display parking bay.	
7 Station Terrace, Kensal Rise	Conversion of motorcycle bay and small build out to the right of bay.	

## Equality Analysis

### Air quality improvements measures: electric vehicle charging infrastructure

**Department**

Regeneration & Environment

**Person Responsible**

Monica Li

**Created**

September 2017

**Next Review**

September 2018

#### Screening Data

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

The Brent Long Term Transport Strategy 2015 – 2035 (LTTS), Planning Policy Guidance, the London Plan, Brent Development Management Policies and the draft Mayor's Transport Strategy, all seek improvements in air quality. Public and political awareness of the health impacts of poor air quality is also growing rapidly and the Mayor of London has highlighted the urgent need for new measures to tackle poor air quality across London.

The majority of Brent is already within an Air Quality Management Area due to high levels of nitrogen dioxide and particulate matter which are known to be a contributory factor to poor health. Petrol and diesel vehicles are behind a large proportion of emissions of these pollutants. Electric vehicles, which produce no exhaust emissions to air, are therefore a key part of the solution and are increasingly prevalent in the fleets of vehicle manufacturers.

A robust network of electric vehicle charge points is consequently vital to ensuring that electric vehicle ownership in Brent can proliferate. Policy 6 of the draft Mayor's Transport Strategy (MTS) specifically focuses on the provision of infrastructure to support and allow the take up of ultra-low and ZEC vehicles. Proposal 77 makes direct reference to the potential for using electric vehicles for delivery purposes.

In 2016, Brent Council entered into a new contract with BluePoint London to install electric vehicle charge points as part of the Source London network. Source London charge points are predominantly located at, or close to, popular destinations and are therefore considered to have the primary purpose of providing a top-up charge. At present, proposals for 24 locations with 32 active charge points and associated electric vehicle only parking bays have been developed and are being consulted on. It is likely that these charge points will be active in Brent later in 2017.

On-street charge points for residents without access to off-street parking are needed to allow residents to charge their vehicles overnight close to their homes. Additionally, charging facilities are required for those employed in the taxi and private hire vehicle (PHV) trades, and other small businesses as the Mayor of London's Taxi and Private Hire Action Plan 2016 requires that from 2018 and 2020 onwards respectively, all taxis and PHVs licensed for the first time are zero emission capable (ZEC). In order to be able to recharge quickly during the working day, ZEC taxis and PHVs require rapid charge points.

Brent is set to benefit from two separate, but interlinked workstreams that have received funding from the Office for Low Emission Vehicle's Go Ultra Low City Scheme (GULCS) in which London Councils, Transport for London (TfL), and the Greater London Authority (GLA) were awarded £13million:

- 1) Rapid charging infrastructure project; and
- 2) On-street residential electric vehicle charge points.

1) Rapid charging infrastructure project

Rapid charge points are capable of charging an electric vehicle at powers of up to 50kW to deliver an 80% charge in 30 minutes. They are designed to provide a top-up charge to fleet

vehicles, taxis and PHV during the course of a day. Brent has worked with TfL to identify suitable locations that are close to key routes, town centres, and other destinations with the aim of delivering at least ten rapid charge points in the borough.

2) On-street residential electric vehicle charge points

This will be in the form of lamp column charge points with no designated parking bays alongside to avoid the removal of parking spaces in residential roads where there is high parking pressure. However, three charge points will be installed per street per resident request. These will be concentrated in the Queens Park and Kilburn areas as the highest concentration of requests to date have been from residents in these areas.

At the end of March 2017 vehicle licensing records showed that there were 335 plug-in vehicles registered to keepers in Brent. In 2011, 43.0 per cent of Brent households had no access to a car or van whilst 39.5 per cent had access to one car or van. A further 13.5 per cent had access to two cars or vans and 3.1 per cent to three cars or vans. Only 0.9 per cent of households had access to four or more cars or vans. When compared to London as a whole, a lower proportion of Brent households had access to a car or van in 2011. In spite of this, over half of all Brent households had access to a car or van indicating the need for infrastructure to support electric vehicle charging for those who already own an electric vehicle as well as those who may purchase or have access to one in the future.

Informal and statutory consultation for rapid charge points will be undertaken. Lamp column electric vehicle charge points will not require statutory consultation as the location of lamp column charge points will be based on requests received from residents who own electric vehicles and are therefore likely to be concentrated in the Queens Park and Kilburn areas. However, local residents will be informed of proposals which will give people the opportunity to comment after which an assessment of any particular impacts on people with affected protected characteristics will be undertaken and addressed. All relevant responses received will be considered as part of the scheme to be delivered. As yet, there is no evidence to suggest that the implementation of charge points will have an adverse impact on any of the equality groups listed.

Sources:

- Draft Mayor's Transport Strategy (2016)
- Department for Transport; Table VEH0131 – plug-in cars and vans licensed by location of registered keeper
- ONS Census 2011; Table QS416EW – car or van availability

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

Provision of electric vehicle charge points will have the greatest benefit to all who own or drive an electric vehicle as well as those who are passengers or rely on services provided by an electric vehicle. Rapid charge points are designed to provide a top-up charge and so are aimed primarily at taxi and PHV drivers as well as freight vehicles although can be used by anyone with an electric vehicle including residents. Lamp column charge points are largely aimed at residents who wish to charge their vehicle overnight. There will be limited impact on the existing residential parking available.

Electric vehicle charging infrastructure will not only benefit those who live, work and study in Brent, but also anyone who wishes or needs to access a charge point.

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

- Yes

Research for the Department for Transport (DfT) and TfL has highlighted that electric vehicle owners tend to have certain demographic characteristics with regards to age, sex and/or socio-economic background – they are largely male and aged between 40 and 69 years. Those that have these characteristics are more likely to own an electric vehicle and thus be impacted by this proposal.

Similarly, research by the Policy Exchange has shown that taxi and PHV drivers are likely to be of a diverse ethnic background and so those with these characteristics in this occupation are more likely to benefit.

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

- Age
- Race
- Sex

3.2. Could the proposal have a disproportionate impact on some equality groups?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are disproportionately impacted

- Age
- Race
- Sex

Provision of electric vehicle charging infrastructure will benefit those who already own an electric vehicle or have characteristics which are most associated with electric vehicle owners and/or taxi and PHV drivers. For example, the diversity profile of current electric vehicle owners largely comprises white men between 40 and 69 years. Taxi and PHV drivers are predominantly male. Research undertaken by Policy Exchange using the Labour Force Survey (LFS) has revealed that taxi (and chauffeur) driving is the most diverse occupation in England & Wales. Over 46 per cent identify themselves as white British with nearly one quarter identifying themselves as Pakistani.

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

- No

Provision of electric vehicle charging infrastructure across the borough would not change or remove services used by vulnerable groups of people. All locations proposed to have a rapid charge point will be subject to informal and statutory consultation prior to implementation which will identify any outstanding barriers for groups with protected characteristics as well as vulnerable groups of people and ways in which these can be addressed. Lamp column electric vehicle charge points will not require statutory consultation although local residents will be informed of proposals.

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

- Yes

TfL wish to install at least ten rapid charge points in Brent distributed across the borough and lamp post charge points would be concentrated largely in the Queens Park and Kilburn areas. There is considerable variation in equality across Brent and the borough as a whole ranks 39<sup>th</sup> out of all English local authorities in terms of deprivation.

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

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are impacted

- Age
- Race
- Sex

Provision of electric vehicle charging infrastructure will be borough-wide and is likely to be important for those who already own an electric vehicle or have characteristics associated with these owners indicating potential future ownership. Similarly the proposal will be important for those who have characteristics associated with taxi and PHV drivers.

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

- Yes

To know and understand our communities.

To ensure that local public services are responsive to different needs and treat users with dignity and respect.

To develop and sustain a skilled and committed workforce able to meet the needs of all local people.

### Recommend this EA for Full Analysis?

Yes

### Comments

A mixture of qualitative and quantitative data was used to inform this EA including:

- Brent Joint Strategic Needs Assessment Deprivation (2015) – presentation
- Brook Lyndhurst, (2015), *Uptake of ultra low emission vehicles in the UK: a rapid evidence assessment for the Department for Transport*
- Future Thinking, (2015), *Understanding electric vehicles – research findings*
- Greater London Authority, (2017), *Interim 2015-based housing led population projections*
- Office for National Statistics (2012), *2011 Census*
- Office for National Statistics, (2016), *2015 mid-year population estimates*
- Policy Exchange, (2017), *The two sides of diversity – which are the most ethnically diverse occupations?*
- Transport for London (2017), *Electric vehicle charging infrastructure: location guidance for London*



## Impact Assessment Data

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

### 5.1 Age (select all that)

- Positive

Based on research undertaken for the DfT, 23 per cent of electric vehicle owners in the UK were aged between 40 and 49 and a further 23 per cent between the ages of 60 and 69. Those aged 50 to 59 accounted for the largest group of owners at 29 per cent. This indicates that three quarters of electric vehicle owners were between the ages of 40 and 69.

Additional research by Future Thinking via interviews with electric vehicle owners in 2015 showed that 24 per cent were between the ages of 35 and 44. A further 23 per cent were between the ages of 45 and 54, and 20 per cent were aged between 55 and 64. This accounts for 67 per cent of owners being between the ages of 35 and 64.

Currently, some 32.8 per cent (at mid-year 2015) of Brent's population is aged between 40 and 69. This is projected to rise only slightly over the coming years to 34.0 per cent by 2025. If these trends of ownership continue, this implies that those who fall into these age categories are more likely to benefit from the provision of electric vehicle charging infrastructure in the borough as they are more likely to own or buy an electric vehicle. In addition anyone over the age of 17 (the legal age to drive in the UK) is also likely to benefit.

All locations proposed to have a rapid charge point will be subject to informal and statutory consultation prior to implementation. Lamp column electric vehicle charge points will not require statutory consultation although local residents will be informed of proposals.

Sources:

- ONS 2015 mid-year estimates
- GLA interim 2015-based housing led population projections
- Brook Lyndhurst, (2015), *Uptake of ultra low emission vehicles in the UK: a rapid evidence assessment for the Department for Transport*
- Future Thinking, (2015), *Understanding electric vehicles – research findings*

### 5.2 Disability (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be disproportionately affected (either positively or negatively) from the proposals. However, the feedback from the transport and accessibility consultation with the Brent Disability Forum on 6 September informed the council that the clutter, the quality and design of pavements in Brent impedes accessibility for people with disabilities. The charging points design and installation should therefore be delivered with Blue Badge holders and disabled people in mind.

Consultation will be undertaken for each rapid charge point prior to implementation to ensure accessibility and visibility on a case-by-case basis whilst residents will be kept informed of lamp column charge point proposals.

### 5.3 Gender identity and expression (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be disproportionately affected (either positively or negatively). Notwithstanding this, consultation will be undertaken for each rapid charge point prior to implementation whilst residents will be kept informed of lamp column charge point proposals.

### 5.4 Marriage and civil partnership (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be disproportionately affected (either positively or negatively). Notwithstanding this, consultation will be undertaken for each rapid charge point prior to implementation whilst residents will be kept informed of lamp column charge point proposals.

#### 5.5 Pregnancy and maternity (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be disproportionately affected (either positively or negatively). Notwithstanding this, consultation will be undertaken for each rapid charge point prior to implementation to ensure easy access whilst residents will be kept informed of lamp column charge point proposals.

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

- Positive

79 per cent of the electric vehicle users surveyed identified themselves as white suggesting that this ethnicity will benefit disproportionately from the provision of electric vehicle charging infrastructure. However, rapid charge points are aimed at taxi and PHV drivers who may need to top up their vehicles during their shifts and research undertaken by Policy Exchange using the Labour Force Survey (LFS) has revealed that taxi (and chauffeur) driving is the most diverse occupation in England & Wales. Over 46 per cent identify themselves as white British with nearly one quarter identifying themselves as Pakistani.

TfL's own guidance to locating infrastructure for electric vehicles contains maps showing that between 1,202 and 1,798 PHV drivers reside per postcode district in the south and north of the boroughs. Although the number of taxi drivers residing in Brent is much lower, peaking at between 66 and 128 drivers per postcode district, both are likely to cover a range of ethnicities. This is not only because taxi (and chauffeur) driving is the most diverse occupation but because Brent as a whole ranks as the second most diverse local authority in England & Wales in the most recent Census estimates using Simpson's Diversity Index. Dollis Hill ward in Brent ranked as the most diverse ward in England & Wales on the same basis with a further nine of Brent's wards featuring in the top 50 most diverse wards. Therefore, provision of electric charging infrastructure, particularly rapid charge points is likely to benefit all ethnicities.

All locations proposed to have a rapid charge point will be subject to informal and statutory consultation prior to implementation. Lamp column electric vehicle charge points will not require statutory consultation although local residents will be informed of proposals.

#### Sources:

- Future Thinking, (2015), *Understanding electric vehicles – research findings*
- Policy Exchange (2017), *The two sides of diversity: which are the most ethnically diverse occupations?*
- Transport for London (2017), *Electric vehicle charging infrastructure: location guidance for London*
- GLA Update CIS2012-04, 2011 Census Snapshot: Ethnic Diversity Indices
- GLA Update CIS2013-02, 2011 Census Snapshot: Ethnic Diversity Indices for wards

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

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be disproportionately affected (either positively or negatively). Notwithstanding this, consultation will be undertaken for each rapid charge point prior to implementation whilst residents will be kept informed of lamp column charge point proposals.

## 5.8 Sex (select all that apply)

- Positive

Based on research undertaken on behalf of the DfT, 89 per cent of electric vehicle owners in the UK were male. This falls to 75 per cent based on surveys undertaken by Future Thinking. If this trend in ownership continues, men are more likely to benefit from the provision of electric vehicle charging infrastructure than women.

In Brent, 97.8 per cent of residents aged 16 and over in employment as 'taxi and cab drivers and chauffeurs' were male. Of those whose workplace was Brent, 97.8 per cent were also male. Men are therefore more likely to benefit from the provision of both rapid charge points as well as lamp column charge points in the borough.

All locations proposed to have a rapid charge point will be subject to informal and statutory consultation prior to implementation. Lamp column electric vehicle charge points will not require statutory consultation although local residents will be informed of proposals.

### Sources:

- Brook Lyndhurst, (2015), *Uptake of ultra low emission vehicles in the UK: a rapid evidence assessment for the Department for Transport*
- Future Thinking, (2015), *Understanding electric vehicles – research findings*
- ONS Census 2011; Tables CT0347 and CT0426 – sex by occupation

## 5.9 Sexual orientation (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be disproportionately affected (either positively or negatively). Notwithstanding this, consultation will be undertaken for each rapid charge point prior to implementation whilst residents will be kept informed of lamp column charge point proposals.

## 5.10 Other (Socio-economic characteristics)

- Positive

Levels of economic activity vary amongst Brent residents (in this instance those aged 16-74) from less than 62 per cent in Stonebridge ward to nearly 78 per cent in Queen's Park ward. Economic inactivity includes those who are retired, studying, looking after the family or home, as well as those who are sick or disabled.

Those who are economically active are more likely to benefit from the provision of electric vehicle charging infrastructure because of the direct link between usage/need for a charge point and employment as a taxi or PHV driver.

### Sources:

- ONS Census 2011; Table KS601EW to KS603EW – economic activity

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

What did you find out from consultation or data analysis?

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal? How did your findings and the wider evidence base inform the proposal?

TfL has commissioned a number of studies to determine the requirements regarding electric vehicle charge points for both taxis and the private hire trade, as well as for residential use. These studies engaged with electric vehicle owners as well as taxi and PHV drivers. This research has been used by TfL in developing strategies related to electric vehicle charging

infrastructure and is used here to inform this Equality Analysis.

Brent Council has worked closely with TfL to identify potential locations for rapid charge points. TfL has taken these locations forward via their site assessment and design process which includes a desktop assessment, outline design, power and topographic surveys, and concept design to determine the feasibility of each location.

In addition to the feedback from Brent Disability Forum, Brent Council will consult with residents and stakeholders regarding the location of each proposed rapid charge point prior to implementation. As part of this consultation process, Brent Council will collect data on those who complete any survey questionnaires to determine whether respondents are representative of those who will be affected by the proposals.

The location of lamp column charge points will be largely based on requests received from residents who own electric vehicles and are therefore likely to be concentrated in the Queens Park and Kilburn areas. Statutory consultation is not necessary but engagement with residents will take place.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

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

All proposed electric vehicle charging infrastructure will be provided and located in accordance with existing design standards which have been developed to meet the requirements of people with a range of disabilities (both physical and non-physical) and long-term health conditions (e.g. dementia).


Brent Council will continue to publicise improvements made to reduce or remove barriers to equality and will raise awareness of any outstanding equality issues within the community. It will also ensure that any communication and consultation initiatives are accessible and inclusive of all protected groups, including people with learning disabilities, deaf and blind (as well as deaf blind) residents, people with dementia and their carers, as well as children, young people and older people.

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

There are no negative impacts of the provision of electric vehicle charging infrastructure identified by the equality analysis at this stage. However consultation will be undertaken for each rapid charge point prior to implementation to ensure that any potential negative impacts are reduced or removed whilst residents will be kept informed of lamp column charge point proposals.

10. Please explain the justification for any remaining negative impacts.

The provision of rapid charge points does not have any outstanding identified negative impacts.

	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director of Regeneration and Environment</b>
<b>Update and approval of decisions to enable the disposal and redevelopment of 1-8 Neville Close, 1-64 Winterleys and 113-128 Carlton House and 1-71 Blake Court in pursuance of the Regeneration of South Kilburn</b>	

<b>Wards Affected:</b>	Kilburn
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	<b>Appendix 1</b> – Redline Boundary 1-8 Neville House, 1-64 Winterleys 113-128 Carlton House, Carlton Hall <b>Appendix 2</b> – Masterplan including 1-71 Blake Court <b>Appendix 3</b> – Responses to Consultation <b>Appendix 4</b> – Consultation Documents <b>Appendix 5</b> – Allocation Policy
<b>Background Papers:</b>	None
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## 1 Purpose of Report

- 1.1 The regeneration of South Kilburn is a fifteen year programme that is approximately half way through. It aims to transform the area into a sustainable and mixed neighbourhood and create a real sense of place and belonging. The programme will deliver around 2,400 new homes of which 1,200 will be made available for social rent for existing South Kilburn, secure council tenants. To date 1073 new homes have been delivered with 60% (639) new homes having been made available for existing secure tenants of South Kilburn. Woodhouse Urban Park was opened to the public in May 2016 and South Kilburn residents are able to utilise St Augustine's Sports Hall.
- 1.2 The Council's objective is to provide high quality new homes with values driven from market sales in order to maintain the viability of the Regeneration Programme in the long-term, and to achieve a substantial improvement in the living conditions of existing South Kilburn secure Council tenants.

- 1.3 The South Kilburn Masterplan review took place in 2016, and the community are at the heart of our decision making process. We have taken an inclusive and participatory approach to consultation and engaged with residents and stakeholders of South Kilburn with extensive local consultation from July through to December, which directly fed into the drafting of a revised South Kilburn Supplementary Planning Document 2017 (SPD). The SPD was adopted by Cabinet on the 19 June 2017 and will be an important document in determining how this area continues to transform over the next 10-15 years.
- 1.4 The South Kilburn Regeneration Programme also includes the delivery of a new larger high quality urban park and an improved public realm, a new local primary school, new health facilities, new retail facilities, an Enterprise Hub and Community Space, improved environmental standards and a South Kilburn District Energy System. The South Kilburn Programme has been recognised for exemplar design for new build homes as well as landscape projects and has won a number of prestigious awards.
- 1.5 This report seeks approval to authorise the Strategic Director of Regeneration and Environment to seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House (as shown edged red Appendix 1) and 1-71 Blake Court (as shown within the SK Masterplan area at Appendix 2) for the purpose of Ground 10A of Schedule 2; and also seeks approval to authorise the final Allocation Policy for secure tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

## 2 Recommendations

That Members of the Cabinet:

- 2.1 Having noted and considered the responses to the consultation as set out in proposal 1 of Appendix 3, delegate authority to the Strategic Director of Regeneration and Environment to seek the Secretary of State's consent to the disposal and redevelopment of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and Carlton Hall and 1-71 Blake Court (hereafter also referred to in this report as "**the South Kilburn properties**") pursuant to Part V of Schedule 2 to the Housing Act 1985 and to seek possession of those dwellings occupied by secure tenants by relying on Ground 10A of Schedule 2 of the Housing Act 1985.
- 2.2 Having noted and considered the responses to the consultation as set out in proposals 2 and 3 of Appendix 3 in connection with the intention to make a Compulsory Purchase Order(s) (CPO(s)) and to seek possession of **the South Kilburn Properties** under Ground 10A of Schedule 2 of the Housing Act 1985 subject to the Secretary of State's consent approve the adoption of the Allocation Policy as set out in Appendix 5 which will apply to the South Kilburn Properties.
- 2.3 Members note that this Allocation Policy which is referred to in previous paragraphs sets out the basis on which replacement homes will be allocated to secure tenants in the **South Kilburn Properties** and the legal means to be adopted for seeking possession of the **South Kilburn Properties**, through the use of Ground 10A of the Housing Act 1985 (if approval is given by the Secretary of State) and compulsory purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990.

## 3 Detail

### Background and Update

- 3.1 The South Kilburn Estate is an amalgam of Council residential blocks from the 1950's and 60's including a number of different post-war social housing typologies in poorly designed and low quality physical environment. The estate is located in the south of the borough and sits between Kilburn High Road to the east, Queen's Park to the north-west and extends towards Maida Vale

in the south. It is the Southern-most part of Brent and shares a boundary with the City of Westminster. It is an area surrounded predominantly by privately-owned terraced Victorian and Edwardian housing that command high values. The over and underground facilities of Queen's Park and Kilburn Park stations and Kilburn High Road over ground station lie close to the estate's borders.

- 3.2 The estate is the largest concentration of social housing in Brent and amongst the largest in London. Much of the housing suffers from inherent internal design problems and the relationships between buildings, streets and spaces are poor and indeterminate. The area is not amenable for maintenance or improvement and as a whole the estate presents significant management challenges. These physical conditions manifest themselves in some of the highest levels of social and economic exclusion in the borough (and are amongst the highest in the country).
- 3.3 1-8 Neville House, 1-64 Winterleys and 113-128 Carlton House are more of the traditional 1950's Council blocks. Winterleys is a 12 storey residential block which now faces on to Woodhouse Urban Park, but is currently separated from the park by surface car parking. Neville House is a four storey residential block. Carlton House is a four storey residential block. Much of the existing site has poor definition of public and shared space and presents inactive frontages to the street and surrounding areas. Carlton Hall is a one storey detached community space currently occupied by the South Kilburn Trust.
- 3.4 1-71 Blake Court consists of three, six storey, loosely connected blocks of 72 residential dwellings forming the Southern part of Dickens, Blake, Austen horseshoe shape around a semi-public space.
- 3.5 A key principle of the phasing strategy for the South Kilburn regeneration programme is that the new affordable social rented homes developed on each site will, where the relevant needs are met, be made available to existing secure tenants within sites earmarked for development in the next phase(s). On this basis, the new affordable homes which are being developed at the Land North of Chippenham Gardens (being part of 'Phase 3a'); Gloucester House and Durham Court, (being part of 'Phase 3a'), Queens Park/Cullen House (being part of Phase 3a/3b) and Peel (being part of Phase 3a/3b) will primarily be for existing secure tenants of **the South Kilburn Properties**.
- 3.6 This in turn will ensure vacant possession of properties within **the South Kilburn Properties** to enable further phases within the South Kilburn regeneration programme to be brought forward for redevelopment and more existing South Kilburn secure tenants to be re-housed in new high quality homes.
- 3.7 The Executive and Cabinet have previously approved the adoption of allocation policies for earlier phases of the South Kilburn regeneration programme which set out the Council's policies for allocation of replacement homes to secure tenants living in homes which were/are to be demolished as part of the overall South Kilburn regeneration programme. The draft Allocation Policy for **the South Kilburn Properties** set out the Council's proposed policy for the allocation of replacement homes to secure tenants currently living in **the South Kilburn Properties** which will be demolished as part of the South Kilburn regeneration programme. It also sets out the two legal processes on which the Council will rely in order to secure possession of **the South Kilburn Properties** proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 or a CPO(s).
- 3.8 On 14 August 2017 the Cabinet authorised that statutory consultation could be undertaken with secure tenants in **the South Kilburn Properties** on three proposals; (i) statutory consultation in connection with seeking approval of the Secretary of State pursuant to Part V of Schedule 2 to the Housing Act 1985 for use of Ground 10A of Schedule 2; (ii) consultation on the Council's proposal to make a CPO(s) on dwellings in **the South Kilburn Properties**; and (iii) consultation in connection with a draft Allocation Policy for **the South Kilburn Properties**.

- 3.9 The representations received in response to the consultation and the Council's responses to them are shown at Appendix 3. The Cabinet must consider all representations and the matters set out in this report before making any of the decisions recommended in paragraphs 2.1 and 2.2 of this report.
- 3.10 On 2 October 2017, formal notices were served by hand on all secure tenants in **the South Kilburn Properties** on the following three proposals:
- statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985;
  - consultation in connection with intention to make a CPO(s) on properties currently occupied by secure tenants;
  - consultation in connection with draft Allocation Policy for secure tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
- 3.11 The notice included a covering letter, booklet and comments sheet, copies of which are shown at Appendix 4. The booklet noted that comments or observations should be made to the Council within a period of 28 days, which commenced the day after the notices were served.
- 3.12 The letter invited affected secure tenants to attend a meeting on 16 October 2017 at 7pm at the South Kilburn Studios, 2A Canterbury Terrace, South Kilburn, NW6 5SW where the proposals the subject of consultation would be explained in detail and where affected secure tenants would have the opportunity to ask questions. 43 secure tenants living in **the South Kilburn Properties**, attended the meeting. Questions raised in response to the presentation included questions about the design of the new affordable homes, Right to buy, rent levels of the new affordable homes and number of parking spaces etc.
- 3.13 The booklet gave information on all three proposals that were the subject of formal consultation as follows:

***Proposed use of Ground 10A***

- 3.13.1 Pages two to seven of the booklet set out the main features of the regeneration of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court and stated the Council's proposal to make an application to the Secretary of State for formal approval of the proposed redevelopment of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, for the purposes of Ground 10A.

***Proposed use of CPO on dwellings occupied by secure tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.***

- 3.13.2 Pages eight and nine of the booklet set out the rationale for the Council's proposal to promote a CPO(s) on dwellings occupied by secure tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, as part its proposed policy for securing possession; because the Council cannot be guaranteed to secure the regeneration of these blocks in a timely and efficient manner by the use of Ground 10A alone. The letter and booklet also advised that the Council intends to use CPO as a means to gain possession of dwellings occupied by secure tenants when it needs to ensure the timetable for regeneration could be complied with.

***Draft Allocation Policy for secure tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.***

- 3.13.3 Pages ten to fifty of the booklet included a copy of the draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, which sets out the policy for the allocation of replacement homes to secure tenants currently living in homes within these blocks, which will be demolished as part of the South Kilburn regeneration programme. The consultation documents noted that the Allocation Policy had been drafted to reflect the intention to use both Ground 10A and CPO powers to seek possession of homes



currently occupied by secure tenants. The draft Allocation Policy also set out the policy and procedure for the making of home loss and disturbance payments to secure tenants, who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973).

3.14 Following the public meeting on 13 October 2017 and the statutory consultation period, the following representations were received in relation to each proposal:

Proposal	Number of Comments
Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985	Twelve (12)
Consultation in connection with intention to make a CPO on properties currently occupied by secure tenants	Seven (7)
Consultation in connection with draft Allocation Policy for secure tenants with homes 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court	Sixteen (16)

3.15 The representations received as part of this consultation process have now been considered and consequently it is proposed to update the original draft allocation policy that was included at pages ten to fifty of the booklet as follows:

- a) **Paragraph 7.1** – the original draft stated that the Council expects the property that the tenant currently resides in prior to vacating, to be left in a clean and tidy condition with unwanted goods lawfully disposed of. It also stated that if the property is not left in a tidy condition and unwanted items not disposed of, then the Council will have the discretion to deduct these costs from your home loss payment. This paragraph has been updated to make it clear that the reference to unwanted goods includes unwanted white goods.”
- b) **Paragraphs 7.5 6** – paragraph 7.5 of the original draft stated that there was going to be a shortage of certain sized replacement homes, particularly one bedroom homes, within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites. It transpires that there may not be a shortage of one bed homes and so the wording of paragraph 7.5 has been adjusted to make it clear that a shortage is possible rather than certain.
- c) **Paragraphs 9.5 and 9.6** –have been updated to delete reference to the Rent Standard Guidance as this is not applicable currently. As a result, paragraph 9.5 will confirm that the target rents will be appropriately capped and indexed to the point of letting in line with all relevant legislation and guidance and paragraph 9.6. will confirm that annual rent increases will be in line with all relevant legislation and guidance applicable at the time of the review. It will also confirm that, currently, the Welfare Reform and Work Act 2016 provides that up to and including financial year 2020-21, all social rents are to be reduced by 1% per annum and that post financial year 2020-21, annual rents will increase or decrease in accordance with any new legislation and/or guidance (published by the Government, the Homes & Communities Agency or otherwise) to inform the annual review of social rent.
- d) **Paragraph 6.1 of Appendix 2** – the original draft stated that where a Secure Tenant has been taken to court for recovery of rent and the Secure Tenant has kept to the terms of the court order, then the Council will off-set any remaining rent arrears and outstanding court costs against any Home Loss Payment. This paragraph has been updated to make it clear that the Council can only deduct from the home loss payment (i) rent arrears, and (ii) any costs (including court fees) that the Court has ordered the tenant to pay in connection with any proceedings relating to the recovery of those rent arrears.

- 3.16 A copy of the final Allocation Policy for secure tenants with homes in homes 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court is shown at Appendix 5. Should the Cabinet approve the adoption of the final Allocation Policy which will apply to homes 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, a letter summarising the changes to the Allocation Policy will be sent to all affected secure tenants in due course and further approval will be sought from the Cabinet to authorise the making of a CPO pursuant to section 226 of the Town and Country Planning Act 1990 to acquire all interests within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House, Carlton Hall and 1-71 Blake Court (as shown edged red at Appendix 1 and Appendix 2).

## 4 Financial Implications

- 4.1 The financial implications of the policies for seeking possession from secure tenants in **the South Kilburn Properties** using Ground 10A of the Housing Act 1985, CPO under Section 226(1)(a) of the Town and Country Planning Act 1990 and the Allocation Policy for **the South Kilburn Properties** relates to the making of home loss and disturbance payments to secure tenants who are entitled to such payments in accordance with Council policy and legislation (including the Land Compensation Act 1973).
- 4.2 Secure tenants, who move out of their homes, provided they have lived there for at least twelve months before their move and it is their only or principal home, will be eligible for a home loss payment which is currently a minimum of £6,100 but which may change in line with government legislation over the period of the regeneration. The Council will always pay the rate which applies at the time of the secure tenant's move. In addition to home loss payments, reasonable disturbance costs, including, but not limited to, removal expenses, redirection of mail and telephone disconnection and reconnection may be payable to secure tenants who are entitled to such payments.
- 4.3 Anticipated home loss and disturbance payments to secure tenants with homes in **the South Kilburn Properties** can be resourced from the South Kilburn regeneration programme budget.

## 5 Legal Implications

### Ground 10A of Schedule 2 to the Housing Act 1985

- 5.1 The Council is required to obtain the approval of redevelopment schemes from the Secretary of State when seeking to re-house secure tenants who will not leave the properties that are due to be demolished in furtherance of redevelopment schemes. Before seeking such approval, the Council is required to consult with affected tenants. Approval from the Secretary of State will enable the Council to use Ground 10A of Schedule 2 to the Housing Act 1985. The paragraph states that the landlord must first:
- a) serve a notice in writing on all secure tenants whose dwellings are affected by the scheme, stating: the main features of the scheme (or the scheme as it will be after a proposed variation to it); that the Secretary of State's approval is to be sought; and the effect of such approval in relation to proceedings for possession of the dwellings;
  - b) inform the tenants that they have a specified period (which must be at least 28 days) in which to make representations to the landlord; and
  - c) consider any representations during that period.
- 5.2 Unlike a tenanted transfer, however, no formal ballot is required to be carried out. However, the Secretary of State, before giving his consent, will consider the following:

- a) the effect of the scheme on the extent and character of housing accommodation in the neighbourhood;
- b) over what period of time it is proposed that the disposal and redevelopment will take place in accordance with the scheme;
- c) to what extent the scheme includes provision for housing provided under the scheme to be sold or let to existing tenants or persons nominated by the landlord;
- d) any representations made to him and, so far as they are brought to his notice, any representations made to the landlord.

5.3 The landlord, in this case, the Council, must not apply to the Secretary of State for approval of a scheme unless the statutory consultation procedure has been carried out.

## **Section 105 of the Housing Act 1985**

5.4 Under section 105 of the Housing Act 1985, the Council as a local authority landlord has a duty to consult with those of its secure tenants who are likely to be substantially affected by a change in practice or policy relating to matters of housing management, which includes the management, maintenance and improvement of dwelling houses let by the Council under secure tenancies and the provision of services or amenities in connection with such dwelling houses. The consultation requirements under section 105 of the Housing Act 1985 must enable the secure tenants likely to be affected to be informed of the Council's proposals and to make their views known to the Council within a specified period. The Council, before making any decision on the matter, must consider any representations received during the specified consultation period.

## **Compulsory Purchase Orders**

- 5.5 The Council has power to make a compulsory purchase order under section 226(1) (a) of the Town and Country Planning Act 1990 if it thinks that the acquisition will "facilitate the carrying out of development, redevelopment or improvement in relation to the land to be acquired". Under section 226(1) (A) the Council must not exercise the power under sub paragraph (a) unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic wellbeing of their area; (b) the promotion or improvement of the social wellbeing of their area; (c) the promotion or improvement of the environmental wellbeing of their area.
- 5.6 Compulsory purchase orders must only be made if the Council is satisfied that there is a compelling public interest to do so. The Compulsory Purchase guidance 2015 (the 2015 Guidance) states *"A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*
- 5.7 Furthermore, in making the order there should be no impediments to its eventual implementation. The 2015 Guidance advises (in part): *"In demonstrating that there is a reasonable prospect of the scheme going ahead, the acquiring authority will also need to be able to show that it is unlikely to be blocked by any impediments to implementation. In addition to potential financial impediments, physical and legal factors need to be taken into account. These include the programming of any infrastructure accommodation works or remedial work which may be required, and any need for planning permission or other consent or license. Where planning permission*

*will be required for the scheme, and has not been granted, there should be no obvious reason why it might be withheld.”*

- 5.8 A compulsory purchase order must only be made if the Council is satisfied that there is a compelling public interest to do so. Paragraph 12 of the 2015 Guidance states:
- “A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”*
- 5.9 Article 1 of the First Protocol of the European Convention on Human Rights (“ECHR”) states: *“Every natural or legal person is entitled to peaceful enjoyment of his possessions”* and *“No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.”*
- 5.10 Article 8(1) of the ECHR states: *“Everyone has the right to respect for his private and family life, his home and his correspondence.”* However, this is a qualified right. Article 8(2) states: *“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*
- 5.11 If any duly made objections to the making of a compulsory purchase order are not withdrawn, the Secretary of State must hold an Inquiry and consider the conclusions and recommendations of the Inspector before confirming the CPO Order.
- 5.12 The acquisition procedure is governed by the Acquisition of Land Act 1981, the Compulsory Purchase (Vesting Declarations) Act 1981, the Compulsory Purchase Act 1965 and various regulations made under this legislation”.
- 5.13 Before and during the compulsory acquisition process, the Council would normally be expected to continue the process of seeking to acquire the properties sought by negotiation and private agreement. However, in the case of secure tenants, assuming the Council provides suitable alternative accommodation for such tenants, they will be only able to claim the statutory home loss payment (the minimum amount of which is currently £6,100) plus disturbance costs. Secure tenants would be able to claim home loss payments and disturbance payments if the process under Ground 10A of the Housing Act 1985 is used to secure vacant possession of such properties.

### **Allocation Policy**

- 5.13 Local authorities can only allocate social housing in accordance with their own allocation schemes. However, there is flexibility within Brent’s Allocation Scheme (as in many other local authorities’ letting schemes to allow for the application of Local Lettings Policies, for example where this would contribute to protecting existing stable communities and wider community objectives, and this has been applied frequently for previous local allocation policies for previous regeneration schemes in South Kilburn.

### **Public Sector Equality Duty**

- 5.14 Under the Equality Act 2010, the Council has a duty to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. This is the Public Sector Equality Duty (PSED). The protected characteristics covered by PSED are as follows: age, disability, gender, gender reassignment, marriage and civil partnership (but only in respect of eliminating unlawful discrimination), pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality), religion or belief (this includes lack of belief) and sexual orientation.

## **6 Equality Implications**

- 6.1 The new affordable homes in South Kilburn are available to all secure tenants currently living in properties due for demolition as part of the South Kilburn regeneration programme within the neighbourhood. Secure tenants within the South Kilburn Regeneration Programme will be offered the opportunity to move into the new affordable (social rent) units when the schemes are delivered.
- 6.2 Every effort should be made to provide the secure tenants with suitable alternative accommodation and to reach mutually acceptable agreements with the leaseholders to buy their properties without seeking legal action. When identifying the options and alternatives put forward, the Council should proactively engage with affected residents and leaseholders. The housing team will carry needs assessments for every secure tenant in order to and make an assessment of their needs and to make a suitable offer of housing in line with the policy.
- 6.3 As with all schemes that are part of the South Kilburn regeneration programme, full consideration is and will continue to be given to residents and leaseholders with protected characteristics, particularly people with disabilities and / or other types of vulnerabilities due to older age, childcare and/or caring responsibilities, socio-economic status (single parents and large families).

### **Race / Ethnicity**

Due to the ethnicity profile of the area, full consideration is and will continue to be given to the impact on black, Asian and minority ethnic individuals/groups. The Council will/has ensured that the options put forward to residents and leaseholders provide reasonable and affordable alternatives that enable them to remain in the area and maintain their family and community ties, as per Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights.

### **Age/Carers/Disability/Pregnancy and maternity**

- 6.4 The requirements for anyone who is older or with a disability, or those who are pregnant or on maternity to have to move from their current property (residential or commercial property) is likely to be more difficult and could suffer greater psychological effects, including stress. This in turn has an impact on people with childcare and caring responsibilities.
- 6.5 To mitigate this, for the secure tenants who are moving, the re-housing team provides help to secure tenants through the moving process, additional support and services to those who require it.
- 6.6 Leaseholders may be affected if they are seeking to acquire a similar sized property in the surrounding area as the value for a Local Authority property tends to be less than a non-Local Authority property. To counteract these implications, the Council offers to resident leaseholders a number of options such as the option of shared-equity or a property swap on the South Kilburn Estate (where available). The purpose of making the offers on the Estate is to allow

residential leaseholders to remain on the Estate within the same locality and to help provide for a real sense of social cohesion. For those who move off the estate, they may have to increase/get a new mortgage agreement which could be difficult for older residents or those with caring childcare responsibilities.

- 6.7 The anticipated Social Value benefits from this proposal outlined in section 9 will further enhance the equality outcomes for residents with protected characteristics living in the area.

## **7 Consultation with Ward Members and Stakeholders**

7.1 This paper has been circulated to ward members.

## **8 Human Resources/Property Implications (if appropriate)**

- 8.1 There are no specific implications for Council staff or accommodation associated with the proposals contained within this report.

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

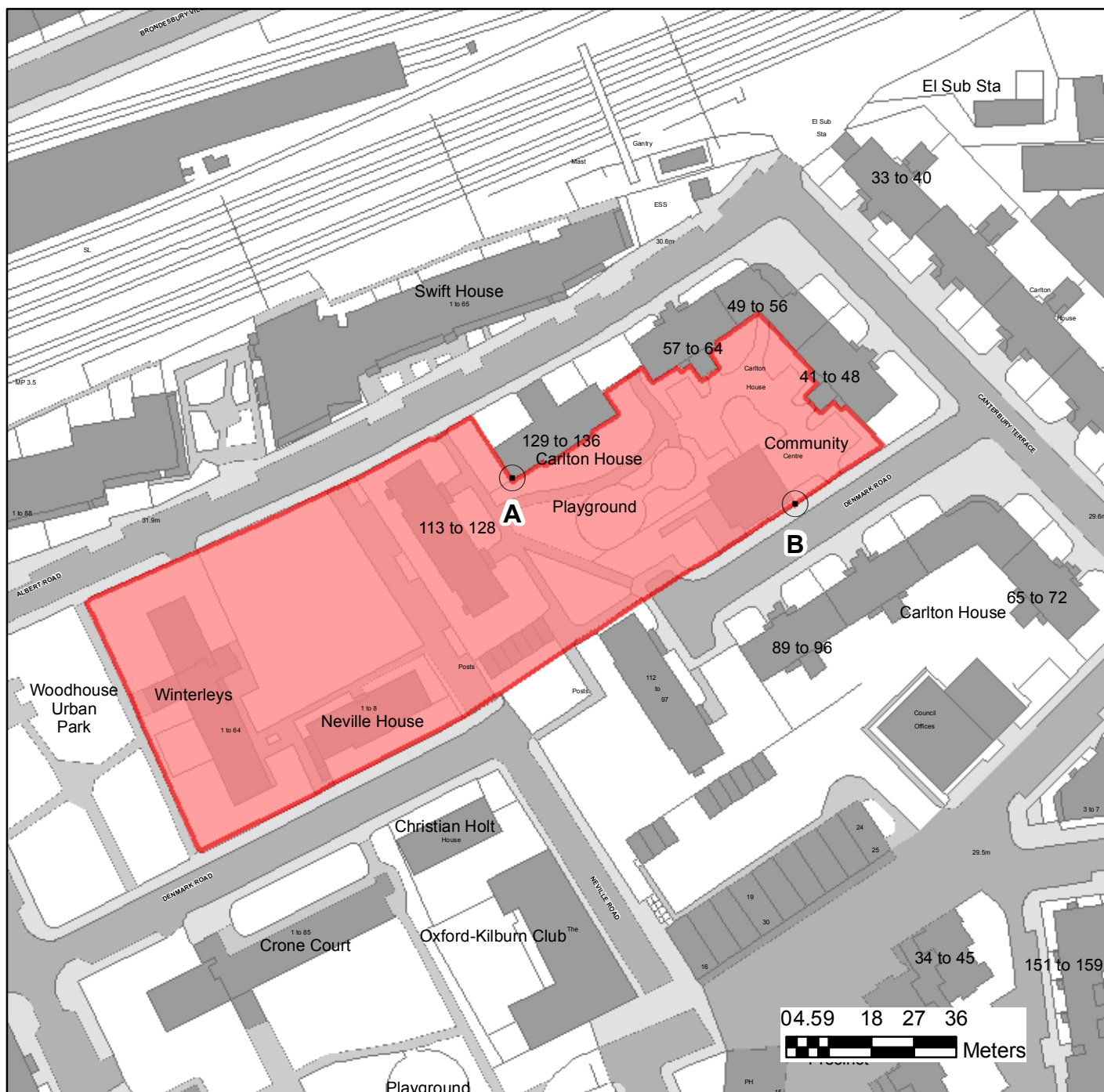
- 9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ('the Social Value Act') to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting procurement processes, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation.
- 9.2 The services being procured as part of the South Kilburn regeneration programme aim to improve the economic, social and environmental well-being of residents of South Kilburn and continue to deliver much needed new affordable homes to rehouse existing secure tenants of South Kilburn, hugely improving their living conditions and reconnecting the area to its surrounding neighbourhoods.

**Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration and Environment

# **Winterleys, Albert Road, London, NW6 5DR; Neville House, Neville Road, London, NW6 5BT, Part Carlton House, Canterbury Terrace, London, NW6 5DU and Carlton House Hall, Carlton House, Canterbury Terrace, London, NW6 5DX**



## **Site Extent**

**1:1,250**

Plan to stated scale if printed at A4.



**Brent**

PSMA OS copyright statement

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OS Open data copyright statement:

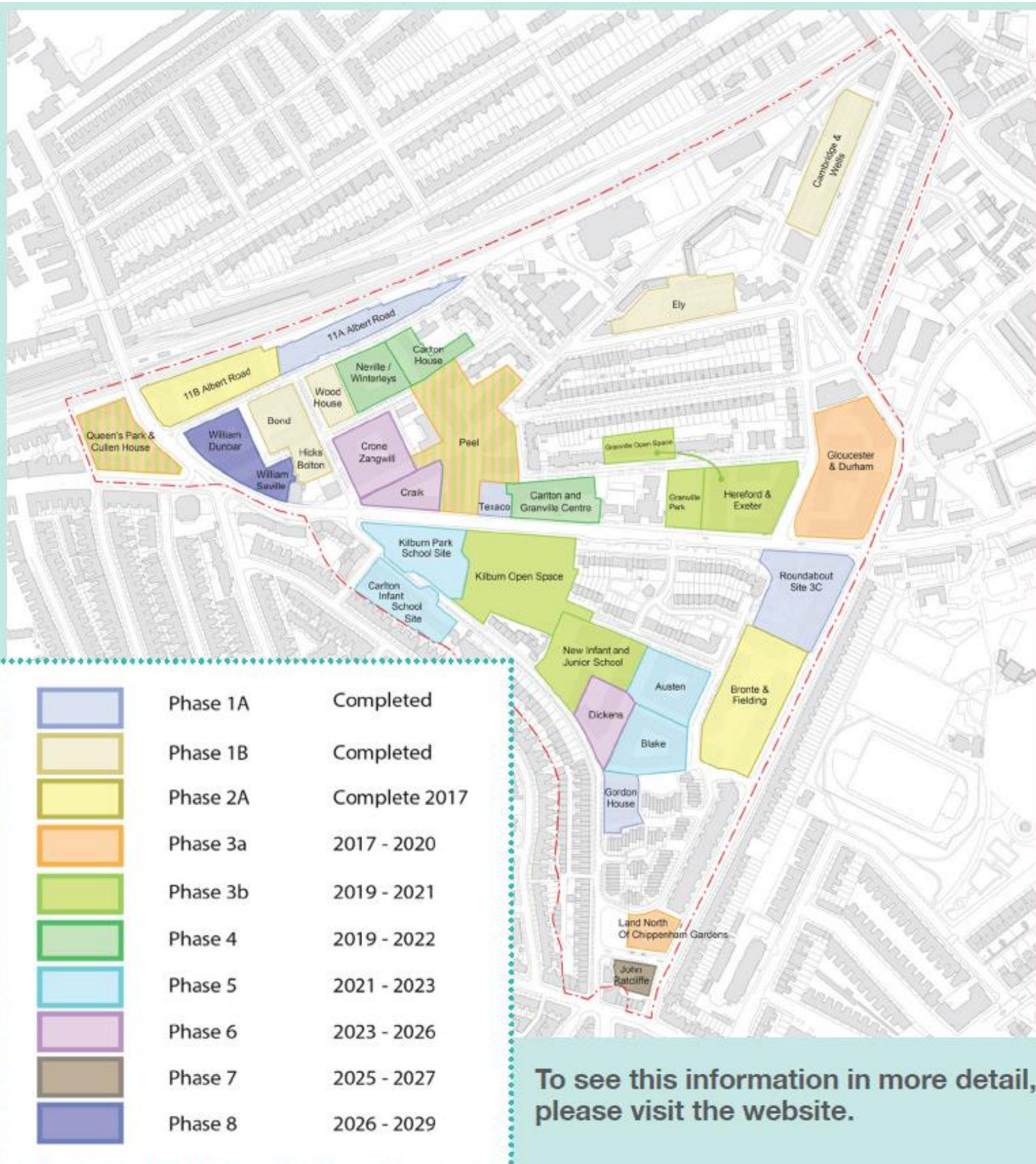
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**NORTH**



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proposal 1 comments	proposal 2 comments	proposal 3 comments	Councils Response
I except a consultation with Brent Council on proposal of a secure tenancy with the south kilburn regeneration programme with the condition of a BSL sign language interpreter. (Prefered Ground floor property as I am 74 years old)	agree with the decision to give me a secure tenancy as I have lived in 4 Winterleys for 24 years.	I agree with the Draft allocation policy on the conidtion that I get a ground floor as I am a Deaf and am 74 years old.	Thank you for your comments. Your request for a ground floor replacement home will be discussed with you during your needs assessment and you will be offered a replacement home that meets, or exceeds, your housing need in accordance with the allocation policy. This offer will take into account any occupational therapy assessment undertaken in accordance with the allocation policy. In relation to your request for a BSL sign language interpreter, having discussed this with you, we understand that you wanted an interpreter so that you could attend the public meeting held on 16 October 2017. You then decided against attending that meeting and confirmed that someone would explain the process to you. If, at any time, you feel that you need the assistance of a BSL sign language interpreter in relation to any aspect of the relocation process, please do not hestiate to contact us.
It sounds alright	n/a	I hope it will get done, and it is the truth, that we will be consulted to make our views be heard	Thank you for your comments. You have been consulted on the Council's proposals (including the Council's proposed allocation policy) from the 2 October to 30 October. As part of this consultation process, you received a booklet summarising the Council's proposals and had the opportunity to provide any comments that you may have on those proposals by completing the feedback form provided with the consultation booklet (which you have done), by attending the public meeting held on 16 October 2017 and/or by calling us directly on the number provided inthe consultation booklet. We will notify you of the outcome of the cabinet decision in due course.
I welcome the proposal 1 on the condition that I am moved to a council property with my existing tenancy, preferably a newly developed council property. Coupled with the full amount of homeless payments and disturbance for removal, reconnection,redirecting of post etc.	I think the compulsory purchase order should not be necessary, as a tenant I welcome the proposal for the regeneration, as my current property is delapidated. As I previoulsy stated as long as we are guaranteed one og the properties from the new development with our existing tenancy, coupled with the homeless payments. i will not have anywhere unless its a council property.	I do not wish to more unless it's a council property newly developed	Thank you for your comments. As set out in the consultation booklet and draft allocation policy, the Council hopes to be able to offer you a permanent new home in South Kilburn in one of the following redevelopment sites: Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House. The consultation booklet and draft allocation policy explain that, unfortunately, this may not always be possible and set out the alternative options that will apply in those circumstances. The Council will be making home loss and disturbance payments to eligible tenants. The consultation booklet and draft allocation policy provides further details concerning those payments and sets out which secure tenants will be eligible. We note your comments concerning a CPO not being necessary but the Council remains of the view that a CPO may be required in order to ensure the delivery of the Council's comprehensive regeneration proposals for South Kilburn. This is for a number of reasons including ensuring that the Council is able to acquire all of the land that it needs to bring about the regeneration of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. It will also ensure the timely possession of all homes occupied by secure tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. As set out in the consultation booklet and draft allocation policy, the Council would only use a CPO to recover possession of all homes occupied by secure tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court where it needs to be assured the timetable for regeneration could be complied with.
I am quite satisfied that the council will apply to the authorities namely the secretary of state for what is seemingly the authorities approval to rehouse secure tenants and I must say that my present home winterleys was a very decent home since the time my tenancy begin. thank you.	(Contact number provided) about this proposal for rehouse of tenant in Winterley's etc. I must say that I am not fully acquainted with the information given or mention at the meetings for the particular tenants but I will try my best to follow up the subject matter and I may mention once more that I proud to be a secure tenant of Winterley's. Thank You		Thank you for your comments. I called you between the 20 October 2017 and the 24 November 2017 to see if there was any aspect of the consultation that you needed me to explain to you but, unfortunately, I was unable to reach you. I left you a message but have not heard back from you. I finally managed to reach you on the 24 November 2017 at 9:53am. If there is anything that you would like to discuss, please do not hesitate to call me on 0208 937 6140 or RSK@brent.gov.uk
Redevelopement sound all good as long as the process is not deign to displace poor tenants	A compulsory purchase is no solution to housing. Owning and buying house should be a voluntery decision for everybody	The consultation is an act of transparency. It help tenant get involve in decision making	Thank you for your response and comments. We confirm that the regeneration is not designed to displace poorer tenants from South Kilburn. As set out in the consultation booklet and draft allocation policy, the Council hopes to be able to offer secure tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court a permanent new home in South Kilburn in one of the following redevelopment sites: Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House. The consultation booklet and draft allocation policy explain that, unfortunately, this may not always be possible and set out the alternative options that will apply in those circumstances. We note your comments concerning a CPO not being necessary but the Council remains of the view that a CPO may be required in order to ensure the delivery of the Council's comprehensive regeneration proposals for South Kilburn. This is for a number of reasons including ensuring that the Council is able to acquire all of the land that it needs to bring about the regeneration of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. It will also ensure the timely possession of all homes occupied by secure tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. As set out in the consultation booklet and draft allocation policy, the Council would only use a CPO to recover possession of all homes occupied by secure tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court where it needs to be assured the timetable for regeneration could be complied with.
I have been a counicl resident for seventeen years. Now that I have to move to a new flat is good as long as it is comfortable and homely. I would like to stay in council risidesce because I have a difficulty in managing my household affairs. Having a chronic knee problem i hope it will be accessible.			Thank you for your comments. The preferences and concerns that you have expressed in your response concerning your replacement home will be discussed with you during your needs assessment and, in accordance with the allocation policy, you will be offered a replacement home that meets, or exceeds, your housing need. This offer will take into account any occupational therapy assessment undertaken in accordance with the allocation policy.
We agree on its proposal to apply to the secretary of state for the redevelopment of 1-64 winterleys.	Agree for brent council on its proposed policy to promote a compulsory purchase order.	we agree on the draft allocation policy, only if we are rehouse toa suitable accomodation, a maisonette with the same spacious rooms, on a ground floor and a back garden.	Thank you for your comments. Unfortunately, we cannot guarantee that you will be offered a ground floor maisonette with a garden. Your preferences and needs will be be discussed with you during your needs assessment and you will be offered a replacement home that meets, or exceeds, your housing need in accordance with the allocation policy.

		I'm all for proposal 3 do what you think is best for blake court	Thank you for your positive feedback.
I think it's a good idea for the secretary of state to approve this consultation. This will allow us to be up to date with the housing development plan. This will also allow secure tenants to have a say, as to what happens next.		As a secure tenant I feel that it might be a good idea to have asay, as to allocating placement homes. As many children attend local colleges, schools near by. This area has local transport, easy access to the shops and community areas.	Thank you for your comments. You have been consulted on the Council's proposals (including the Council's proposed allocation policy) from the 2 October to 30 October. As part of this consultation process, you received a booklet summarising the Council's proposals and had the opportunity to provide any comments that you may have on those proposals by completing the feedback form provided with the consultation booklet (which you have done), by attending the public meeting held on 16 October 2017 and/or by calling us directly on the number provided inthe consultation booklet. We will notify you of the outcome of the cabinet decision in due course. In relation to the allocation of your replacement home, you will have the opportunity to discuss your preferences and needs concerning your replacement home during your needs assessment. You will then be offered a replacement home that meets, or exceeds, your housing need in accordance with the allocation policy.
Fair play	the block belongs to the council anyways so they have the right.	I think it's the right thing to do for the tenant.	Thank you for your feedback. We will be writing to you in the new year advising whether the policy has been approved by Cabinet and should this take place you will be contacted by the Estate Rehousing Team to arrange the Needs Assessment.
How long will this process usually take and what is the likelihood that this proposal will be passed by the court?	I think it is very unreasonable that you are providing us with information that is difficult to digest and comprehend. How are we supposed to whole-heartedly give feedback if the booklet you have given, continuously use terminology that many minority families will not have even heard of. There is a lack of clarity; therefore, i would really appreciate it if we had someone here to personally ask questions and give feedback to. Thank you so much.	I don't understand and I feel that it would be beneficial if I received more information on this personally. Eventhough I attended the meeting last 14th October, I still didn't get some of the explanations.	Thank you for your comments. I called you between the dates of the 20 October -22 November 2017 to see if there was any aspect of the consultation that you needed me to explain to you but, unfortunately, I was unable to reach you. I left you a message for each time I have called but have not heard back from you. If there is anything that you would like to discuss, please do not hesitate to call me. We managed to speak at the Tenant Steering Group meeting regarding all three proposals and I hope all is clear. Should you have any three queries please do not hesistate to contact me.
The council and housing associations should ensure noise, disruption and dust is limited while demolishing blocks near tenanted homes.		The policy seems reasonable if the households medical and housing needs are assessed.	Thank you for your comments. When granting planning permission for any redevelopment taking place near occupied homes and other buildings, the Council's planning department will attach conditions to that permission which require the developer to take particular steps that are designed to mitigate any noise and nuisance that may be caused by the development. This [almost always] includes a requirement that the developer be a member of the Considerate Constructors Schem Teh. is Scheme commits members to care about the appearance of the development, respect the community, protect the environment, secure everyone's safety and value their workforce. For infformation concerning that scheme can be found at www.ccscheme.org.uk. As set out in the consultation booklet and the draft allocation policy, the Council will complete a needs assessment for each secure tenant living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. This will assess the current circumstances of the secure tenant, any potential changes to their circumstances, medical and other needs as well as recording any preferences that the secure tenant may have. Every secure tenant will then be offered a replacement home that meets, or exceeds, their housing need. This offer will take into account any occupational therapy assessment undertaken in accordance with the allocation policy.

Feedback from event	Councils Response
What is the individual unit breakdown as shown in tables on the presentation?	This is identified in the allocation policy on pages 13-14 of the Formal Consultation with Secure Tenants with homes in 1-8 Neville Houuse, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
Are pets allowed?	<b>Meeting:</b> We will check the position in regards to whether Pets are allowed and confirm this point following the meeting. <b>Note:</b> Since the meeting, we have checked the position in regards to whether Pets are allowed within your new home. As per the South Kilburn Assured Tenancy that you will need to sign up to before moving into your new home with the nominated Housing provider, the tenancy does provide a provision for you keeping pets and conditions of doing so. The Tenancy Agreement will be disused with you at a later stage during the rehousing process
Can tenants exercise an rtb immediately or do they need to wait five years on a new build?	<b>Meeting:</b> We will check the position and confirm this to you. <b>Note:</b> Since the meeting, we have checked the position and confirm that under the South Kilburn Assured Tenancy that you will need to sign up to before moving onto your new home with the nominated Housing provider; there is no wording to suggest that tenants need to wait 5 years until they can exercise their Right to Buy. The tenancy agreement will be discussed with you at a later stage within during the rehousing process.
In the new redevelopment is there a place for senior citizens to go and relax? Community space? .	The redevelopments are inclusive of all ages. In additon across the South Kilburn Masterplan there are number of community spaces that can be enjoyed by the wider community.
Does the development accommodate car parking spaces?	The level of parking is limited and each scheme will be different in regards to parking provision. The Chippenham Gardens and Queens Park/Cullen House redevelopment will have no parking provision. The Peel and Gloucester and Durham redevelopment will have a level of parking provision but this will be limited parking of either within Controlled Parking Zone which will require a parking permit or surface parking. Your needs in regards to parking will be discussed at the time of your needs assessment.
Queen Park Development – how many units?	The total number of new homes to be built on Queens Park is 137 and the total number of homes available for Secure Tenants is 39.



Concern for families who presently have a secured tenancy with 4 bedrooms. Does the scheme accommodate with similar room sizes and how is allocation determined?	The allocation of your new home will be determined following your needs assessment and in line with the approved allocation policy. Should the Cabinet (Council) approve the draft allocation policy, then section 4 to section 7 covers the process and steps taken the allocation of new homes.
Will the service charge increase?	Service Charges will be charged with your new property and will be separate from your rent and there will be some increase due to general maintenance requirements of the new development. This will be discussed within your needs assessment with a housing officer.
Will I still have a secured tenancy?	If you move into a new replacement home provided by a Housing Association you will have an assured tenancy agreement."". This will be further discussed with you at the time of your allocation.
Who will be responsible for the buildings/development?	We are still yet to appoint a developer partner/contractor for Chippenham Gardens, Peel and Queens/Park Cullen House Sites. Once they have been appointed this information will be communicated to you. We have appointed Telford Homes to construct the redevelopment at Gloucester House and Durham Court and Notting Hill Housing Trust will be responsible and will manage the affordable homes. The sale of private sale homes pays for the delivery of affordable homes.
Why doesn't the council invest money in renovation?	The 2010 Decent Homes Programmes invested funds to improve quality standards of the existing housing stock – this has now been completed. The Council carried out a at strategic Masterplan Review last year and relooked at the approach and strategy for the delivery of new homes. Refurbishment alone will not address more fundamental issues which can only be addressed by the redevelopment. The Cabinet approved the South Kilburn Supplementary Planning Document which endorsed the provision of new high quality homes, providing mixed and balanced communities as sense of place, new open spaces, retail health facilities and much more. For more information on the outcome and objectives of the Masterplan Review please see: <a href="http://www.brent.gov.uk/southkilburn">www.brent.gov.uk/southkilburn</a>
When is the CPO activated?	In order for the Council to bring forward the redevelopment a CPO may be needed and this will often work in tandem with the Ground 10A process. If possession of homes occupied by secure tenants cannot be obtained to ensure the timely delivery of the Council's regeneration proposals under Ground 10A, then the CPO route would be actioned."
Are smart meters compulsory in the new developments?	Smart meters are compulsory in the new redevelopments. If this is a concern, please discuss during your needs assessment.
Will our rent increase?	There will be an increase in rents as this is a new product. There is a guide to what these new rents were in previous developments on page 27 of the booklet. They are much lower than housing associations rents and are known as target rents. The table which was included as guide has also had a minor adjustment to clause 9.4 where the 2 bed guided base assumption was inaccurate. The revised revision is below. 1 Bed 118.70 2 Bed 149.74 (cap) 3 Bed 158.06 (cap) 4 Bed 166.37 (cap)
Can we stay with within a council property rather than being transferred to housing association?	This will be discussed at the time of your needs assessment and is covered at paragraph 2.15 of the allocation policy.
Once we are transferred to a housing association what is your policy for right to buy?	The terms and conditions that the Council agrees with the housing association will require the housing association to offer all transferring secure tenants a right to buy that replicates the right to buy you have currently.
Home loss payment does it increase?	The Home Loss Payment is currently £6,100. It may increase in line with government legislation over the period of the regeneration and we will keep you updated should and when this changes.
If we want the right to buy will it be more expensive due to construction costs?	No the government sets the rates.

proposal 1 comments	proposal 2 comments	proposal 3 comments	Councils Response
12. The number of social rented units being provided seems to be significantly in excess of the number of secure tenant households being consulted. Given that the take up for the new RSL homes will not be 100%, it is likely that there will be a significant number of surplus units. Whilst this will be welcome news for many families, it may be deemed unreasonable if the Council proposed to rehouse significant numbers of households ahead of phase as part of the South Kilburn regeneration programme without paying Home Loss and Compensation costs.			We agree it is possible that there may be a number of surplus homes however this will only become clear when all of the secure tenants currently living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court have been relocated. If we do have any surplus home, we may decide to try and relocate residents living in future phases early and are currently considering introducing a new policy under which the Council would be able to make home loss and distrubance payments in those circumstances. We confirm that, prior to introducing any such policy, we would undertake any consultation required.
		7.2 See point earlier - (Ground 10A - 12) Surplus Homes	As above

		<p>7.1. Condition of your Property - I am not clear that debts other than rent can be deducted from Home Loss payments. In practice, does all property including unneeded white goods need to be cleared from homes that will be either refurbished for temporary let or remain vacant.</p>	<p>The Council has taken legal advice on its ability to deduct rent arrears and other costs from the home loss payment. It understands that there is case law which confirms that the Council can deduct rent arrears from the home loss payment and that other costs can be deducted where it is fair to do so. The Council is proposing to limit its entitlement to deduct such other costs to (i) any costs (including court fees) that the Court has ordered the tenant to pay in connection with any proceedings relating to the recovery of those rent arrears and (ii) any costs associated with cleaning the property (where the Council is going to use that property to house residents on a temporary basis under the Council's homelessness duty pending demolition of the properties) and disposing of any unwanted goods after the tenant has left. The Council considers that this is a fair and proportionate approach. We confirm that the tenant must remove all unwanted white goods on leaving the property.</p>
		<p>7.4.2 - Priority 2 - Children Under 10 - I am aware that this policy detail caused some issues around the allocation of 3 bed homes in the earlier phase, the Council needs to consider whether it does want to offer additional priority to families on this basis.</p>	<p>The Council has considered your point and wishes to leave the policy as drafted.</p>
		<p>7.5 Secure Tenants with One Bedroom Needs - With 69 of the new units to be 1 bed properties, it is unclear that a shortfall would apply to existing 1 bed tenants and if so that it would exclusively apply to this group.</p>	<p>The Council remains concerned that, once all the needs assessments have been conducted, there may still be a shortage of new 1 bedroom homes. As such, the Council wishes to retain paragraph 7.5 of the draft policy but will update the opening wording to make it clear that there is only a possibility of a shortage (rather than a certainty).</p>
		<p>9.5 Rent Levels for existing social rented homes are being reduced by 1% per annum until 2020, with new rent guidance to apply from that point in time. The Rent Standard Guidance referred to does not currently apply. There will need to be clarity on the actual gap between existing tenants rents and those for new homes, not least as the introduction of Universal Credit will have ended direct payment of rents for many tenants by that point in time.</p>	<p>We have updated 9.4 Table to reflect a minor error in the 2 bed base assumptions to 2 Bed 149.74 (cap) : We will amend paragraph 9.5 to delete reference to the Rent Standard Guidance as we agree that this does not apply currently. As a result, paragraph 9.5 will confirm that the target rents will be appropriately capped and indexed to the point of letting in line with all relevant legislation and guidance. We are also going to amend paragraph 9.6. to confirm that (i) annual rent increases will be in line with all relevant legislation and guidance applicable at the time of the review, (ii) the Welfare Reform and Work Act 2016 provides that, up to and including financial year 2020-21, all social rents are to be reduced by 1% per annum, and (iii) post financial year 2020-21, annual rents will increase or decrease in accordance with any new legislation and/or guidance to inform the annual review of social rent.</p>
		<p>9.10 RSLs often regard items as service charges which were previously part of Council tenants rents, which can increase affordability issues and reduce the take up of new homes. There will need to be focus in discussions with the RSLs and tenants over service charge items and the potential implications. In particular the costs for CHP systems including any standing charges will be a consideration. Any great discrepancy in housing costs would make it more difficult for the Council to rely on Ground 10a in terms of suitable alternative accommodation.</p>	<p>We are aware of this potential issue and we will be reviewing the proposed service charge costs on new replacement homes with Housing Associations at the appropriate time. We will provide clear and transparent information to secure tenants on the likely service charge cost at the time of the offer and, where we do not have information as the actual costs that are likely to be incurred, we will provide secure tenants with an estimate of the likely costs based on service charges costs payable on similar developments.</p>

By Hand

2 October 2017

Dear [ ]

**RE: South Kilburn Regeneration Programme – Formal Notice to Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.**

This letter and the enclosed booklet and feedback forms are a notice of formal consultation, regarding three important proposals from the Council to Secure Tenants living in homes 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, which form part of the South Kilburn regeneration programme.

The three proposals which are the subject of formal consultation are complex and will affect all Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. Therefore you are advised to read this letter and the enclosed booklet very carefully.

You are invited to attend a meeting on **Monday 16 October 2017 at 7pm** where these proposals will be explained and you will have the opportunity to ask questions. The meeting will take place in the **South Kilburn Studios, 2A Canterbury Rd, Kilburn, London NW6 5SW.**

Please do not be alarmed by the letter, consultation booklet or feedback forms. This is a formal process which requires the Council to follow a strict format to ensure it is compliant with legislation. However at the meeting we will have officers on hand who will explain and take you through the various options and timetable, including explaining to you the options for re-housing within one of the new developments being brought forward on the South Kilburn Estate.

**Please bring this letter and booklet along with you to the meeting.**

**Important Proposals affecting all Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court:**

A brief explanation of the three proposals which are the subject of formal consultation is set out below. You will find more information on each of these proposals in the enclosed booklet.

**1. Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985**

The first proposal is to let Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court know that the Council proposes to apply to the Secretary of State (a government minister in the Department for Communities and Local Government) for formal approval of the Council's proposed redevelopment scheme 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. If the Secretary of State gives this approval, then the Council will have the right to start legal proceedings for possession of existing homes occupied by Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court under Ground 10A of Schedule 2 of the Housing Act 1985.

Please refer to page 4 of the enclosed booklet which explains what it means for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in more detail.

## **2. Consultation in connection with the Intention to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants**

The second proposal is to let Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court know about the Council's proposed policy for seeking possession from secure tenants living in homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. This proposed policy includes the Council's proposal to promote a Compulsory Purchase Order(s) (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 on properties currently occupied by Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

The reason that the Council proposes to promote a CPO as part of its proposed policy for securing possession, is because the Council cannot be guaranteed to secure the regeneration of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in a timely and efficient manner by the use of Ground 10A alone. However, the Council would only use a CPO to get possession of existing homes of Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court where it needs to ensure the timetable for regeneration can be complied with. Please refer to page 8 of the enclosed booklet which explains how the CPO process works and what it means for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

## **3. Consultation in connection with the Draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn**

The third proposal is to get views from Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court on the draft Allocation Policy. This draft document sets out the policy for the allocation of replacement homes to Secure Tenants currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, which will be demolished as part of the South Kilburn regeneration programme.

The Allocation Policy has been drafted to reflect the intention to use both Ground 10A and CPO powers to get possession of existing homes of Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. Please refer to page 10 of the enclosed booklet which includes a copy of the Draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

### **Your comments & representations:**

The main purpose of the consultation is to enable you to make comments about the Council's proposals, which the Council appreciates will have a major effect on you and your household. The Council is required by law to consider your comments in connection with seeking the approval of Secretary of State for Ground 10A and in connection with its proposed policy for seeking possession from secure tenants living in homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (including the Council's proposal to use a CPO on properties currently occupied by Secure Tenants) and the Draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.



If you have any comments on the proposals, please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Marie Frederick

**Estate Regeneration Team,**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE.

**The final date for comments to be received is 5pm on Monday 30 October, 2017.**

After the consultation has taken place, the responses to the consultation will be considered and the intention is to report the outcome of the consultation responses relating to the three proposals set out in this letter to the Council's Cabinet for its consideration and if appropriate, to seek authority from the Cabinet to proceed with the three proposals.

### **Further information or advice**

If, after you have read this letter and the enclosed booklet you are unsure about anything or you want advice or further information you can contact the following:

**Brent Council**

Marie Frederick, Estate Regeneration Team, Tel: 020 8937 1621

Linda Beasley, Estate Regeneration Re-Housing Team, Tel: 020 8937 2512

**Independent Advice**

If you would like to speak to someone independent of the Council then you can obtain information and advice from:

First Call (Independent Resident and Tenant Advisor),

Freephone: 0300 365 7150

**Citizens Advice Bureau**

Brent Citizen Advice Bureau, 270 -272 High Road,

Willesden, London, NW10 2EY

Tel: 020 8438 1249; 0845 050 5250

**You do not have to take any action in response to this letter unless you wish to.**

Yours sincerely



Marie Frederick

**Estate Regeneration Team**

**London Borough of Brent**

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**1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.**

**Secure Tenants Consultation Comments Form**

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

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please return your comments to:**

Marie Frederick,  
Estate Regeneration Team,  
Community Resource Centre,  
William Dunbar House,  
Albert Road,  
South Kilburn,  
London, NW6 5DE.  
Or E-mail: [marie.frederick@brent.gov.uk](mailto:marie.frederick@brent.gov.uk)

**The final date for comments to be received is 5pm on Monday 30 October, 2017.**

**1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.**

**Secure Tenants Consultation Comments Form**

Name of Proposal	Details of Proposal	Your Comments on Proposal
<p><b>Proposal 1:</b></p> <p><b>Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985.</b></p>	<p>Brent Council is consulting you, a Secure Tenant of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, on its proposal to apply to the Secretary of State for formal approval of the Council's proposed redevelopment of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.</p> <p><b>Please tell us what you think about <b>Proposal 1</b>, using the space provided.</b></p>	

**1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.**

**Secure Tenants Consultation Comments Form**

Name of Proposal	Details of Proposal	Your Comments on Proposal
<p><b>Proposal 2:</b>  <b>Consultation in connection with the intention to make a Compulsory Purchase Order(s) on properties currently occupied by Secure Tenants.</b></p>	<p>Brent Council is consulting you, a Secure Tenant of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, on its proposed policy to promote a Compulsory Purchase Order(s) (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 on properties currently occupied by Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.</p> <p><b>Please tell us what you think about <b>Proposal 2</b>, using the space provided.</b></p>	

1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.

### Secure Tenants Consultation Comments Form

Name of Proposal	Details of Proposal	Your Comments on Proposal
<p><b>Proposal 3:</b></p> <p><b>Consultation in connection with the Draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.</b></p>	<p>Brent Council is consulting you, a Secure Tenant of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, to get your views on the Draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.</p> <p><b>Please tell us what you think about <b>Proposal 3</b>, using the space provided.</b></p>	



# Formal Consultation with Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.









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# Introduction & Background to the South Kilburn Regeneration Programme

1. The regeneration programme is a fifteen year programme which aims to transfer South Kilburn into a sustainable and mixed neighbourhood and create a real sense of place and belonging. The programme will build approximately 2,400 new high quality homes of which 1,200 will be for existing South Kilburn secure tenants. In order to deliver these homes to a high standard the same number of market-rate private homes will also be built. The Council also hope that the regeneration will provide residents with improved open spaces, new shops, new health facilities and a new consolidated primary school.
2. The regeneration of South Kilburn is approximately half way through and is taking place in phases. The first Phase and Phase 2a of the South Kilburn regeneration programme is now complete. A total of 1,073 new homes have been delivered and 639 (60%) of these homes were made available for existing secure tenants of South Kilburn.
3. The next schemes to be delivered will be on the sites of the existing Chippenham Gardens, Gloucester House and Durham Court, Peel and Queens Park/Cullen House, which are split into two Phases 3a/3b. These four new developments will provide in total approximately 651 new high quality new homes, of which approximately 205 will be made available for existing secure tenants. 22 of the 52 new homes as part of the Chippenham Gardens redevelopment, will be made available for existing secure tenants of South Kilburn and are expected to complete by 2020; 102 of the 236 new homes as part of Gloucester and Durham redevelopment, will be made available for existing secure tenants of South Kilburn and are expected to complete between 2020-2021. 20 (\*42) of the 226 new homes will be made available to existing secure tenants of South Kilburn as part of the Peel redevelopment expected to complete between 2019-2021 and 39 of the 137 new homes as part of the Queens Park/Cullen House redevelopment , will be made available for existing secure tenants of South Kilburn and expected to complete between 2019-2021. *(Please see Appendix 3 of the Draft Allocation Policy to see the 'Site Plans of new redevelopment schemes')*.
4. This booklet and enclosed letter are a notice of formal consultation, regarding three important proposals, to Secure Tenants currently living within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, who will be required to move to enable the redevelopment of these sites. This will affect all Secure Tenants living in the following blocks:
  - **1-8 Neville House;**
  - **1-64 Winterleys;**
  - **113-128 Carlton House;**
  - **1-71 Blake Court.**
5. These blocks will be demolished and replaced with new high quality homes as part of the overall regeneration programme for South Kilburn.
6. This booklet aims to explain each of the three important proposals that the Council is formally consulting Secure Tenants about. If, after you have read this booklet and the enclosed letter, you are unsure about anything or you want advice or further information, you can contact the Estate Regeneration Team: the Independent Resident Advisor or the Citizens Advice Bureau. The contact details for these organisations are included on page 51 of the booklet.

## Proposal 1:

### Statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985.

1. The Council needs to re-house Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court as part of the South Kilburn regeneration programme so that their current homes can be demolished and brought forward for development.
2. We hope that the Suitable Offer of alternative accommodation that the Council will make to Secure Tenants in accordance with its Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (a draft of which is attached to this booklet and on which we are also consulting you), will be acceptable to every Secure Tenant. However, there is a chance that this will not be possible in every case and that some Secure Tenants will not be prepared to move to the replacement home that the Council has offered to them. In order to ensure that the Council can undertake the proposed redevelopment of the 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, it needs to be able to recover possession of homes where Secure Tenants have refused to move. As set out in the draft Allocation Policy attached, one of the legal processes under which the Council proposes to seek possession of those homes is by court proceedings brought under Ground 10A of Schedule 2 of an Act of Parliament called the Housing Act 1985.
3. To be able to rely on Ground 10A, the Council must first apply to the Secretary of State (a government minister in the Department for Communities and Local Government) for formal approval of the proposed redevelopment of the 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court for the purposes of Ground 10A. It is the Council's proposal to make such an application to the Secretary of State. Before an application can be made, however, the Council must consult with all Secure Tenants living in homes affected by the proposal. This is the purpose of this current consultation and we have set out below:
  - a) the main features of the proposed redevelopment of the 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court ; and
  - b) the effect that receiving such approval would have on you in relation to court proceedings to recover possession brought under the Housing Act 1985.
4. As set out in the section headed "Introduction & Background to the South Kilburn regeneration programme" (see page 3), the regeneration of South Kilburn is taking place in phases and the Council is now focused on progressing with the redevelopment of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court . As part of this, Secure Tenants who are living in the blocks affected by the South Kilburn regeneration programme (1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court) will be required to move out of their current homes and into alternative accommodation offered by the Council in accordance with the Council's Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court .

5. A copy of the Draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, on which the Council is also consulting you, is included in this booklet. Once all the properties in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court have been vacated, the Council intends to demolish 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court House, so that these sites can be brought forward for redevelopment and replaced with new high quality homes as part of the overall regeneration programme for South Kilburn.
6. Your tenancy with the Council is called a Secure Tenancy. A Secure Tenancy gives you certain rights and responsibilities. One of your key rights is to a fair and transparent process should the Council wish to terminate (end) your tenancy and recover possession of your home. The Council can only evict a Secure Tenant in certain circumstances specified by law. As set out in the Draft Allocation Policy, one of the methods by which the Council proposes to secure possession from Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court is to use court proceedings under the Housing Act 1985.
7. If the Council uses court proceedings to recover possession under the Housing Act 1985, the Council can only evict a Secure Tenant in certain circumstances. These are referred to as 'grounds for possession' and are set out in Schedule 2 of the Housing Act 1985. The grounds for possession fall into two categories. The first category is where the Council can obtain possession if the Court considers that it is reasonable. The second category is where the Council can obtain possession if the Court considers that it is reasonable and the Council can demonstrate that suitable alternative accommodation will be available to the Secure Tenant when the order for possession takes effect.
8. To seek possession against a Secure Tenant, the Council must first serve a formal notice (called a notice of seeking possession) on the Secure Tenant specifying the ground or grounds for possession on which it wants to rely. The Council must then issue Court proceedings (which must also specify the ground or grounds for possession on which it wants to rely). There will then be a hearing in the county court at which the Council will have to set out its reasons for wanting to obtain possession and show how these fall within the ground or grounds for possession specified in the notice.
9. One of the grounds on which the Council can rely is Ground 10A. Ground 10A gives the Council the power to terminate a Secure Tenancy where the home is required for redevelopment. It is the only ground available to the Council where it needs to obtain possession in order to redevelop the premises. Ground 10A can only be used where a redevelopment scheme has been approved by the Secretary of State for this purpose. The Council's proposed application to the Secretary of State will seek this approval in relation to those homes that are located in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
10. If the Secretary of State approves the proposed redevelopment of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court for the purposes of Ground 10A, then Ground 10A becomes a further ground on which the Council can seek possession. Ground 10A falls into the second category of grounds for possession described in paragraph 6 above. This means that, provided that the Court is satisfied that Ground 10A applies, the Council can only obtain possession if the Court considers that it is reasonable and the Council can demonstrate that suitable alternative accommodation will be available to the Secure Tenant when the order for possession takes effect.

11. If the Secretary of State approves the proposed redevelopment of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court for the purposes of Ground 10A, it is likely that, Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be served with a notice of seeking possession specifying Ground 10A and will be made one suitable offer of alternative accommodation in line with the Council's Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. Please refer to the Draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which is included in page 12 of this booklet and about which the Council is also consulting you. This sets out further details concerning the circumstances in which the Council proposes serving a notice of seeking possession specifying Ground 10A.
12. For some Secure Tenants, the suitable offer of alternative accommodation will mean the offer of a permanent new home within the South Kilburn Regeneration Programme and where it is possible to do so, in one of the following redevelopment sites:

Location	New Landlord	Total Number of New Homes	Number of Homes available to Secure Tenants	*Expected Completion Date
Gloucester House and Durham Court	Notting Hill Housing	236	102	2020/2021
Queens Park/Cullen House	TBC	137	39	2019/2021
Peel	TBC	226	(20) 42*	2019/2021
Chippenham Gardens	TBC	52	22	2020

*\*Please note that 22 of these homes have already been ring fenced to existing secure tenants.*

*\*Please note that these dates may be subject to change but the Estate Regeneration Team will keep you updated on progress.*

13. For other Secure Tenants, the suitable offer of alternative accommodation will mean:
- A permanent move within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme; **or**
  - A permanent move outside South Kilburn; **or**
  - A temporary move within South Kilburn until the home that the Secure Tenant is temporarily occupying becomes due for demolition as part of the South Kilburn regeneration programme at which time the Secure Tenant will be made a suitable offer of a new replacement home. Please refer to **section 7** of the Draft Allocation Policy (page 19 of this booklet), which sets out more information concerning the Council's proposal in this respect.

14. If, following the service of a notice of seeking possession and making of a suitable offer of alternative accommodation as set out in the Draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, a Secure Tenant in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court is not willing to vacate their current home, the Council will likely commence court proceedings relying on Ground 10A as set out in the draft Allocation Policy included in this booklet. The Council's proposal is to secure possession using court proceedings under the Housing Act 1985 until the Council has confirmation of a Compulsory Purchase Order (CPO) in respect of the homes concerned. After that point, and even if the Council are part way through court proceedings under the Housing Act 1985, the Council propose to proceed to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the possession proceedings. The only circumstances in which the Council propose continuing to pursue court proceedings under the Housing Act 1985 following confirmation of a CPO, is if the Council consider that continuing to pursue those proceedings is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers.

**What do I need to do?**

15. You do not need to do anything; we are consulting on our proposal to make an application to the Secretary of State for the proposed redevelopment of the 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court of the South Kilburn regeneration programme.
16. If you are not happy with what is being proposed or you wish to make comments, please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Marie Frederick

**Estate Regeneration Team**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE.

**The final date for comments to be received is 5pm on Monday 30 October 2017.**

17. The Council must then consider any comments in advance of making the application and report the results of the consultation as part of the application to the Secretary of State.
18. The responses to the consultation will be considered and the intention is to report the outcome of the consultation responses to the Council's Cabinet for its consideration and if appropriate, the Cabinet may be asked to approve the submission of an application to the Secretary of State to rely on Ground 10A of Schedule 2 to the Housing Act 1985 to seek vacant possession of the properties at 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court that are currently occupied by secure tenants.



## Proposal 2:

### Consultation in connection with the Intention to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants.

1. The Council, along with all other councils, is required by Section 105 of the Housing Act 1985 to consult formally with tenants on certain changes in practice and/or policy. Consultation is required where tenants will be 'substantially affected' by a change in practice and/or policy in relation to the way that housing is managed.
2. The Council agreed allocation policies for previous phases of the South Kilburn regeneration programme which set out the Council's policy for seeking possession from Secure Tenants living in homes in previous phases of the South Kilburn regeneration programme (and which were/are being demolished as part of the South Kilburn regeneration programme).
3. The Council has developed a new Allocation Policy specifically for Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court of the South Kilburn regeneration programme. A copy of the draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court about which the Council is also consulting Secure Tenants, is included in page 12 of this booklet. The draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court sets out the Council's proposed policy for seeking possession from Secure Tenants living in homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court .
4. As this booklet explains on **page 3**, the Council needs to re-house Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court so that their current homes can be demolished and brought forward for development. This is so the Council can continue to deliver new, high quality homes for existing secure tenants of South Kilburn. To be able to do this, the Council needs to know it can get timely possession of all homes occupied by Secure Tenants within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court of the South Kilburn regeneration programme. Timely and efficient possession of properties occupied by Secure Tenants cannot be guaranteed to secure the regeneration of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in a timely and efficient manner by the use of court proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 alone.
5. In order to secure the regeneration of South Kilburn, the Council proposes to promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 on properties within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court including those currently occupied by Secure Tenants. However, the Council would only use a CPO to recover possession of existing homes occupied by Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court where it needs to be assured the timetable for regeneration could be complied with.

6. As such, the Council's proposed policy for seeking possession from Secure Tenants living in homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court is to secure possession either by agreement or by pursuing court proceedings relying on Ground 10A until the Council has a confirmed CPO relating to 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. Once a CPO is confirmed, the Council proposes to secure possession of homes occupied by Secure Tenants either by agreement or by using the compulsory purchase powers from the confirmed CPO. After that point, and even if the Council is part way through court proceedings relying on Ground 10A, the Council proposes to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the court proceedings. The only circumstances in which the Council proposes to continue to use the court proceedings following confirmation of a CPO, is if the Council considers that continuing to pursue the court proceedings is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers.
7. More details concerning the Council's proposed policy for seeking possession from Secure Tenants living in homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (including details concerning the process that the Council would need to undertake to make a CPO on homes occupied by Secure Tenants and rehousing Secure Tenants using CPO) are contained in the draft Allocation Policy for 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. Please refer to **section 8** of the Draft Allocation Policy (page 24 of this booklet), for an explanation of the process.

#### **What do I need to do?**

8. You do not need to do anything; however, as a Secure Tenant of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, this directly affects you so the Council is consulting you about its proposed policy for seeking possession from Secure Tenants living in homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court including the Council's proposal to make a Compulsory Purchase Order on properties currently occupied by Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
9. Therefore, you are invited to make comments on the Council's proposed policy before it is finally agreed. Please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Marie Frederick,

**Estate Regeneration Team,**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE.

**The final date for comments to be received is 5pm on Monday 30 October 2017.**

10. The Council must then consider any comments in advance of making the application and report the results of the consultation as part of the application to the Secretary of State.
11. The responses to the consultation will be considered and the intention is to report the outcome of the consultation responses to the Council's Cabinet for its consideration and if appropriate, the Cabinet may be asked to approve the making of a Compulsory Purchase Order in respect of the properties at 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court that are currently occupied by secure tenants and obtain the necessary approval from the Secretary of State in this regard.



## Proposal 3:

### Consultation in connection with the Draft Allocation Policy for Secure Tenants with homes 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.

1. The Council, along with all other councils, is required by Section 105 of the Housing Act 1985 to consult formally with tenants on certain changes in practice and/or policy. Consultation is required where tenants will be 'substantially affected' by a change in practice and/or policy in relation to the way that housing is managed.
2. The Council agreed allocation policies for previous phases of the South Kilburn regeneration programme which set the Council's policies for the allocation of replacement homes to Secure Tenants living in previous phases of the South Kilburn regeneration programme. They also set out the Council's policies for seeking possession from Secure Tenants living in homes in previous phases of the South Kilburn regeneration programme (and which were/are being demolished as part of the South Kilburn regeneration programme).
3. The Council has developed a Draft Allocation Policy specifically for Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court of the South Kilburn regeneration programme. The Draft Allocation Policy for Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court sets out the Council's proposed policy for the allocation of replacement homes to Secure Tenants currently living in homes located in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court and which will be demolished as part of the South Kilburn regeneration programme. It also sets out the two legal processes on which the Council will rely in order to secure possession of homes occupied by Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court: Court proceedings under Ground 10A of Schedule 2 of the Housing Act 1985 or a CPO, which are explained at the beginning of this booklet.
4. This section of the booklet includes a copy of the Draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn. (Please refer to **page 12** of this consultation booklet for the Draft Allocation Policy).

#### What do I need to do?

5. You do not need to do anything; however, as a Secure Tenant of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, this directly affects you so the Council is consulting you about the details of the draft Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court .
6. Therefore, you are invited to make comments on the Draft Allocation Policy before it is finally agreed. Please fill in the enclosed form or write them on your own paper, with your name and address, and return it to the Council at the following address:

Marie Frederick,

#### Estate Regeneration Team

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, London, NW6 5DE.

**The final date for comments to be received is 5pm on Monday 30 October 2017.**

7. The Council must then consider any comments in advance of finally agreeing the Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
8. The responses to the consultation will be considered and the intention is to report the outcome of the consultation responses to the Council's Cabinet for its consideration and if appropriate, the Cabinet may be asked to approve the draft allocation policy for allocating homes to those secure tenants living within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

**DRAFT ALLOCATION POLICY FOR SECURE TENANTS WITH HOMES IN 1-8  
NEVILLE HOUSE, 1-64 WINTERLEYS, 113-128 CARLTON  
HOUSE AND 1-71 BLAKE COURT  
SOUTH KILBURN**

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**Appendix 1:** Homes within South Kilburn

**Appendix 2:** Home Loss and Disturbance Policy

**Appendix 3:** Site Plans of new redevelopment schemes

## 1. INTRODUCTION

- 1.1. This document sets out the policy for the allocation of replacement homes to Secure Tenants currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn which will be demolished as part of the South Kilburn regeneration programme.

## 2. TERMS USED IN THIS POLICY

In this policy the following terms will have the following meanings.

- 2.1. **1-71 Blake Court** means homes in 1 to 71 Blake Court, Malvern Road, NW6 5PW which are due for demolition as part of the South Kilburn regeneration programme.
- 2.2. **113-128 Carlton House** means homes in 113 to 128 Carlton House, Canterbury Terrace, NW6 5DU which are due to demolition as part of the South Kilburn regeneration programme.
- 2.3. **1-8 Neville House** means homes in 1 to 8 Neville House, Neville Road, Kilburn London NW6 5BT which are due for demolition as part of the South Kilburn regeneration programme.
- 2.4. **1-64 Winterleys** means homes in 1 to 64 Winterleys, Albert Road, NW6 5DR which are due for demolition as part of the South Kilburn regeneration programme.
- 2.5. **Chippenham Gardens Redevelopment Site** means homes to be built on the Chippenham Gardens Site on 4-26 Stuart Road (even numbers only) and 5-9 Chippenham Gardens as part of phase 3a of the South Kilburn regeneration programme. This site will include approximately 22 affordable homes, of which 12 homes have one bedroom, 4 homes have two bedrooms and 6 homes have 3 bedrooms – (*Please see Appendix 3 –Site Plans of new redevelopment schemes*).
- 2.6. **Decent Homes** means homes that meet the current statutory minimum standard for housing, homes that are in a reasonable state of repair and homes that have reasonably modern facilities and services
- 2.7. **Disturbance Payment** means a payment for removal and other reasonable expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973).
- 2.8. **Gloucester and Durham Redevelopment Site** means homes to be Gloucester and Durham redevelopment site on Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6 (*Please see Appendix 3 – Site Plans of new redevelopment schemes*) as part of phase 3a of the South Kilburn regeneration programme. This site will include 102 affordable homes, of which 35 homes have one bedroom, 35 homes have two bedrooms, 31 homes have three bedrooms and 1 home has four bedrooms.
- 2.9. **Home Loss Payment** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973.

- 2.10. *Peel Redevelopment Site*** means homes to be built on Peel Precinct, 97-112 Carlton House and 8 to 14 Neville Close, 2 Canterbury Road & Peel site garages part of phase 3a/3b – (*Please see Appendix 3 – Site Plans of new redevelopment schemes*). The Site includes 42 affordable homes, 11 homes have one bedroom, 12 homes have two bedrooms, 15 homes have three bedrooms and 4 home have four bedrooms). \*22 of the affordable homes have been ring-fenced for existing secure tenants living in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close. Therefore 20 of the 42 affordable homes will be available for secure tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (of which 2 homes have one bedroom, 4 homes have 2 bedrooms, 10 homes have three bedrooms and 4 homes have 4 bedrooms).
- 2.11. *Queens Park/Cullen House Redevelopment Site*** means homes to be built on the site at Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks as part of phase 3a/3b of the South Kilburn regeneration programme – (*Please see Appendix 3 – Site Plans of new redevelopment schemes*). The site will include 39 affordable homes, of which 20 homes will be 1 bedroom, 13 homes will be 2 bedrooms, 3 homes will be three bedrooms, and 3 homes will be four bedrooms.
- 2.12. *Registered Provider*** means a provider of social housing (previously referred to as a ‘housing association’ or a ‘registered social landlord’), as defined in section 80 of the Housing and Regeneration Act 2008.
- 2.13. *Relocation Processes*** means the two legal processes which the Council will use to gain possession of existing homes being (a) possession proceedings pursuant to section 84 and Ground 10A in schedule 2 of the Housing Act 1985 or (b) taking possession pursuant to a confirmed compulsory purchase order.
- 2.14. *Secure Tenants*** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse.
- 2.15. *Suitable Offer*** means one offer of alternative accommodation that meets or, at the discretion of the Council, exceeds the housing need of the Secure Tenant and their household that is either:
- (a) A permanent move within South Kilburn to a replacement home within the South Kilburn regeneration programme; **or**
  - (b) A permanent move within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme; **or**
  - (c) A permanent move outside South Kilburn; **or**
  - (d) A temporary move within South Kilburn until the home that the Secure Tenant is temporarily occupying becomes due for demolition as part of the South Kilburn regeneration programme.
- 2.16. *South Kilburn*** means homes listed in Appendix 1 including both homes due for demolition under the South Kilburn regeneration programme and those not due for demolition.
- 2.17. *The Council*** means Brent Council.

### **3. HOMES AND PEOPLE AFFECTED**

- 3.1.** This policy affects Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which are due for demolition as part of the South Kilburn regeneration programme. Though this cannot be guaranteed by the Council, where it is possible to do so, Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be offered a replacement affordable home within either:

- the Chippenham Gardens Redevelopment Site; or
- the Gloucester and Durham Redevelopment Site; or
- the Peel Redevelopment Site; or
- the Queens Park/Cullen Redevelopment Site

However, where it is not possible, all Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be made one Suitable Offer of alternative accommodation in accordance with this policy.

### **4. HOUSING NEEDS ASSESSMENT**

- 4.1.** In winter 2017/ January 2018 the Estate Regeneration Housing Team will complete a needs assessment for each Secure Tenant living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which will assess the current circumstances of the Secure Tenant, the potential changes to their circumstances, medical and other needs as well as recording any preferences that the Secure Tenant may have.
- 4.2.** The information on this form will be entered onto the Council's 'Locata' bidding system. The Locata bidding system will be used by the Council to keep a clear record of all Secure Tenants requiring rehousing. All offers of replacement homes to Secure Tenants will be recorded on this system.
- 4.3.** Whilst the housing needs assessment form records Secure Tenants preferences, the Council cannot guarantee such preferences will be met.

### **5. SIZE AND TYPE OF REPLACEMENT HOMES**

- 5.1.** The size and type of the replacement home offered to a Secure Tenant will depend on a Secure Tenant's household make up. The Council's allocation policy that is in force at the time that the Suitable Offer is made will be used to decide the size of home for which Secure Tenants are eligible. The Council's current allocation policy is the Brent Housing Allocation Policy 2013 (amended November 2014) that adopts the Government's bedroom standard and, as such, provides that the following should have one bedroom:
- Married, civil partnership or cohabiting couples
  - Single people more than 21 years old
  - Each pair of children or young people aged between 10 to 20 years old of the same gender
  - Each pair of children under 10 years old, regardless of gender
  - Any unpaired person aged 10 to 20 years old is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10 years old.

- 5.2.** In the following circumstances, the Council will offer a Secure Tenant a larger replacement home than that which they would otherwise be entitled under the Brent Housing Allocation Policy 2013 (amended November 2014). These are:
- 5.2.1.** Where a Secure Tenant or a member of their household requires larger accommodation on health grounds. For example, this may apply where a Secure Tenant or a member of their household needs their own bedroom for medical reasons or needs a carer/personal assistant or some special bulky medical equipment. These will be considered on a case by case basis, taking into account the advice of the Council's District Medical Officer and reports from relevant adult/children social services.
  - 5.2.2.** Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has two children of different sexes under 10 years old but where one or both of those children will be 10 years old or above by the time that the Secure Tenant will move into the replacement home.
  - 5.2.3.** Where a Secure Tenant requires larger accommodation as they are an approved Council foster carer and/or adopter. In order for a Secure Tenant to be allocated a larger accommodation in these circumstances, the Estate Regeneration Team will require evidence from the Council's Children Service confirming the Secure Tenant has been approved as a Council foster carer and/or adopter and that they are in a position to take one or more placements. These will be considered on a case by case basis by working closely with the Council's Children's Service.
  - 5.2.4.** Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has a young person under 21 years old, who would be required to share a bedroom based on the Brent Housing Allocation Policy 2013 (amended November 2014), but the young person will be aged 21 years or above by the time that the Secure Tenant will move into the replacement home.
- 5.3.** Following the adoption by the Council of the Draft Allocation Policy to be used for Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court and completion of the housing needs assessment, the Estate Regeneration Team will write to those Secure Tenants and confirm ;
- 5.3.1.** The size of the replacement home that a Secure Tenant and their household will be offered;
  - 5.3.2.** Any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met);
  - 5.3.3.** If an occupational therapy assessment is required.
- 5.4.** If an occupational therapy assessment is required, the Council will arrange for this to be undertaken as soon as practicable after the date of the letter referred to in **section 5.3**. Following receipt of the occupational therapist's report, the Council will write to the Secure Tenant confirming the occupational therapist's recommendations and provide the Secure Tenant with a copy of the report.
- 5.5.** The Council will make a Suitable Offer to each Secure Tenant living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court not less than six (6) months' notice before the time they need to move, but it may be earlier. The Suitable Offer will be made in accordance with **section 7** of this policy.

**5.6.** Parking is very limited across the South Kilburn Regeneration programme. Any essential parking needs will be identified during your needs assessment outlined in **section 4**.

## **5.7. Needs Plus**

**5.7.1.** Needs Plus is intended as an incentive for the loss of a larger property and adjusts the basic housing needs assessment to offer one bedroom more than the Secure Tenant would otherwise qualify for. The Needs Plus principle will only apply to Secure Tenants that satisfy both of the following:

- 1)** Secure Tenants living in a home with 3 bedrooms or more where the Secure Tenant's household has more bedrooms than are needed based on the housing needs assessment criteria set out above; and
- 2)** Secure Tenants that have the ability to pay the rent on a replacement home larger than they need.

### **For example:**

- a single person or a couple living in a three (3) bedroom home will be offered a two (2) bedroom replacement home if they have the ability to pay the rent on a replacement home larger than they need. However, the option of moving to a one bedroom replacement home will be open at the request of the Secure Tenant, subject to availability.
- The Needs Plus principle is at the Council's discretion. The Council will determine which Secure Tenant is to be offered a replacement home with one bedroom more than the Secure Tenant would otherwise qualify for.

**5.7.2.** The Government introduced size and criteria for social housing as part of welfare reform that cut the amount of housing benefit that people are entitled to if they are considered to have a spare bedroom. Therefore, Secure Tenants who opt for a larger home under the Needs Plus principle outlined above must have the ability to pay the rent on a replacement home larger than they need.

**5.7.3.** Secure Tenants currently living in a two (2) bedroom home who only qualify for a one (1) bedroom home will not be offered a two (2) bedroom home unless there are medical reasons to allocate a replacement home with more bedrooms than would otherwise be allocated.

## **5.8. Splitting Households**

**5.8.1.** If there is a shortage of larger homes in the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House Redevelopment Sites or other alternative accommodation offered in line with this policy for relocating Secure Tenants from 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, the Council may ask those Secure Tenants whose household composition is such that members of the household could be separately housed to take two smaller homes rather than one large replacement home.



**For example:**

A Secure Tenant who, on the housing needs assessment criteria, should be allocated a five or six bedroom home could be considered for two smaller homes if one adult member and other household members are re-housed separately.

- 5.8.2.** The Council will not be bound to make or receive any such requests for splitting households and will only ask a household to split if replacement homes for the split household are available.
- 5.8.3.** Where a household split is being explored, the Council will refer the request to its general Allocations Panel, which is part of the Council's general housing policy across the borough, for consideration and verification of the adult household member(s) being considered for separate rehousing to ensure they do not have an interest in another property either through ownership (including part), renting, through marriage or any other way.
- 5.8.4.** Where a household split request is made or accepted by the Council, usually only the Secure Tenant who gives up their existing home will receive a statutory home loss and disturbance payment unless other payments are due in accordance with the law.

## **6. CHANGE OF CIRCUMSTANCES**

- 6.1.** Once a housing needs assessment has been carried out with each Secure Tenant, this information will be included in the detailed planning of the allocation of replacement homes in the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House Redevelopment Sites or other alternative accommodation offered in line with this policy.
- 6.2.** If a Secure Tenant's circumstances change such that their housing need will be different from that set out in the Council's letters referred to in **section 5.3 and/or 5.4** of this policy, the Secure Tenant must confirm these changes in person or in writing to the Estate Regeneration Re-housing Team, providing all relevant documentation.

For example, if a Secure Tenant or a member of their household is expecting a baby, the Secure Tenant would be required to provide a copy of the Expected Date of Confinement Certificate to the Estate Regeneration Team and a full copy of the birth certificate once the child is born. In such circumstances, the Council will make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.

- 6.3.** The Council reserves the right, acting reasonably, to refuse to accept any changes to a Secure Tenant's household composition which would mean providing a larger replacement home. However such consideration would only be considered in exceptional circumstances.
- 6.4.** Final verification will be taken by the Council and the Registered Provider at the time that the new homes are ready to be allocated to you by the Registered, to ensure that your circumstances remain the same.
- 6.5.** Fraudulent claims will be taken very seriously by the Estate Regeneration Rehousing Team and should it be discovered that your current accommodation with the Council is not your main or principal home or that you have another tenancy elsewhere, this will be checked and verified by the fraud team and may result in you losing your tenancy.

## **7. RE-HOUSING PROCESS & OPTIONS**

### **7.1. Condition of Your Property**

The Council expect the property that you currently reside in prior to you vacating, to be left in a clean and tidy condition with unwanted goods lawfully disposed of. If the property is not left in a tidy condition and items not disposed of, then the Council have the discretion to deduct these costs from your home loss payment.

### **7.2. Surplus Homes**

If, after rehousing all Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in accordance with this policy, there are affordable homes within the Gloucester and Durham, Queens Park/ Cullen House, Chippenham Gardens and Peel Redevelopment Sites that remain to be allocated, the Council may make an offer of alternative accommodation to Secure Tenants living in the next phase(s) of the South Kilburn regeneration programme whose housing need matches the replacement home available.

### **7.3. One Suitable Offer**

All Secure Tenants living within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be made one Suitable Offer of alternative accommodation in line with the definition at **section 2.15** of this policy.

### **7.4. How allocations will be prioritised**

**7.4.1.** The Council will seek to ensure that Secure Tenants are fairly prioritised in the re-housing process.

**7.4.2.** In making the Suitable Offer of a replacement home to Secure Tenants, in order to ensure that Secure Tenants are fairly prioritised, the Council will adopt the following prioritisation procedure:

- 1)** First priority will be given to those Secure Tenants whose housing need matches the replacement home available (e.g. A tenant living in a 1 bedroom property moving into an available 1 bedroom property or a property adapted to medical or other needs);
- 2)** Second priority will be given to those Secure Tenants who have children under the age of ten;
- 3)** Third priority will be given to Secure Tenants whose preference, recorded during the housing needs assessment and confirmed to the secure tenant in accordance with **section 5.3** of this policy, matches the replacement home available;
- 4)** Fourth priority will be given to those Secure Tenants with the longest tenancies.

**7.4.3.** In the event that, after applying the above criteria, there is still more than one Secure Tenant to whom the replacement home could be allocated, then it will be at the Council's discretion to determine which Secure Tenant is to be allocated to the replacement home.

## **7.5. Secure Tenants with One Bedroom Housing Needs**

Due to a shortage of certain sized replacement homes, mainly new one bedroom homes within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites, the Council cannot guarantee that Secure Tenants with one bedroom housing needs will be offered a new home within Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites. However, all Secure Tenants with a one bedroom housing need will be made one Suitable Offer of alternative accommodation as follows:

### **7.5.1. Suitable Offer (permanent) within South Kilburn to a replacement home within the South Kilburn regeneration programme**

For some Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites, being built as part of the South Kilburn regeneration programme.

However, due to the shortage of one bedroom properties, this cannot be guaranteed by the Council. Secure Tenants moving to a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites will become tenants of Registered Providers. In these sites there will be approximately 69 new one bedroom affordable homes. The Council will, where possible, give Secure Tenants the preference where, within Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites they would like to live. In this instance, priority will be given in accordance with **section 7.4** of this policy.

Where it is not possible to accommodate Secure Tenants within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites, the Council may make a Suitable Offer of a permanent replacement home that has already been built as part of the South Kilburn regeneration programme. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment.

### **7.5.2. Suitable Offer (permanent) within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme**

For some Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme. All replacement homes within South Kilburn that are existing Council properties not due for demolition as part of the South Kilburn regeneration programme are likely to meet the Decent Homes standard.

Where a Secure Tenant with a one bedroom housing need moves to a permanent Council home within South Kilburn that are existing Council properties not due for demolition as part of the South Kilburn regeneration programme, the Council will decorate the property.

### **7.5.3. Suitable Offer (permanent) outside South Kilburn**

For other Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a permanent alternative home outside South Kilburn. In this case, Secure Tenants will not have a 'right to return' to a new replacement home on South Kilburn in the future. Where possible, the replacement home will be in the south of the borough of Brent. All replacement homes outside of South Kilburn are likely to meet the Decent Homes standard. Where a Secure Tenant with a one bedroom housing need moves to a permanent Council home outside South Kilburn, the Council will decorate the property.

### **7.5.4. Suitable Offer (temporary) within South Kilburn**

Where a Suitable Offer of permanent alternative accommodation within or outside South Kilburn cannot be identified, for other Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a temporary home within a block that is due for demolition as part of the South Kilburn regeneration programme. The Secure Tenant will remain in the temporary home until it is required for demolition as part of the South Kilburn Regeneration Programme, at which time the Secure Tenant will be made a Suitable Offer of a new replacement home. This guarantees the Secure Tenant the 'right to return' to a new home built as part of the South Kilburn regeneration programme.

Where a Secure Tenant occupies a temporary home for over twelve months then they may be entitled to a second statutory Home Loss Payment and Disturbance Payment once they move to their permanent new home within the South Kilburn regeneration programme.

A second payment of Home Loss Payment and Disturbance Payment will only be made if the Secure Tenant has a legal entitlement to a second payment at the time of the Secure Tenant's move to their permanent new home within the South Kilburn regeneration programme.

Where a Secure Tenant has to move to a temporary home, the Council may carry out improvements works to that home to assist the Secure Tenant to settle in. In some cases the Council may also offer fixtures and fittings as a gift. Where this happens, the Council will not be liable to maintain or repair these items.

### **7.5.5. A Move Elsewhere within the Borough or outside of Brent**

Some Secure Tenants with a one bedroom housing need may wish to move elsewhere within the borough or outside of Brent. In such cases, if the Secure Tenant wishes to do this, this will be noted when the housing needs assessment is done. The Council will be reliant upon Registered Provider and Council partners to source alternative homes. Our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn Regeneration programme. Whilst Secure Tenants may express a preference to move elsewhere within the borough or outside of Brent and the Council will assist Secure Tenants to do so, the Council cannot guarantee this outcome. Therefore, the Council will reserve a Suitable Offer for the Secure Tenant in the instance that a move elsewhere within the borough or outside of Brent is not able to be secured within the timescale required by the Council for securing possession of the existing home of the Secure Tenant.

Secure Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Secure Tenants who wish to move to the private sector will also be assisted.

## **7.6. Secure Tenants with Housing Needs of Two Bedrooms or More**

### **7.6.1. Suitable Offer (permanent) within South Kilburn**

For some Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites, being built as part of the South Kilburn regeneration programme.

Secure Tenants moving to a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House' Redevelopment Sites will become tenants of Registered Providers. In these sites there will be 114 new affordable homes with two bedrooms or more. The Council will, where possible, give Secure Tenants the preference where, within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites they would like to live. In this instance, priority will be given in accordance with **section 7.4** of this policy.

Where it is not possible to accommodate Secure Tenants within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House Redevelopment Sites, the Council may make a Suitable Offer of a permanent replacement home that has already been built as part of the South Kilburn regeneration programme. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment.

### **7.6.2. Suitable Offer (permanent) within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme**

For some Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme. All replacement homes within South Kilburn that are existing Council properties not due for demolition as part of the South Kilburn regeneration programme are likely to meet the Decent Homes standard.

Where a Secure Tenant with a housing need of two bedrooms or more moves to a permanent Council home within South Kilburn that are existing council properties not due for demolition as part of the South Kilburn regeneration programme, the Council will decorate the property.

### **7.6.3. Suitable Offer (permanent) outside South Kilburn**

For other Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a permanent alternative home outside South Kilburn, at the request of the Secure Tenant. In this case, Secure Tenants will not have a 'right to return' to a new replacement home on South Kilburn in the future. Where possible, the replacement home will be in the south of the borough of Brent. All replacement homes outside of South Kilburn are likely to meet the Decent Homes standard. Where a Secure Tenant with a housing need of two bedrooms or more moves to a permanent Council home outside South Kilburn, the Council will decorate the property.

#### **7.6.4. Suitable Offer (temporary) within South Kilburn**

For other Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a temporary home within a block that is due for demolition as part of the South Kilburn regeneration programme. The Secure Tenant will remain in the temporary home until it is required for demolition as part of the South Kilburn Regeneration Programme, at which time the Secure Tenant will be made a Suitable Offer of a new replacement home. This guarantees the Secure Tenant the 'right to return' to a new home built as part of the South Kilburn regeneration programme.

Where a Secure Tenant occupies a temporary home for over twelve months then they may be entitled to a second statutory Home Loss Payment and Disturbance Payment once they move to their permanent new home within the South Kilburn regeneration programme.

A second payment of Home Loss Payment and Disturbance Payment will only be made if the Secure Tenant has a legal entitlement to a second payment at the time of the Secure Tenant's move to their permanent new home within the South Kilburn regeneration programme.

Where a Secure Tenant has to move to a temporary home, the Council may carry out improvements works to that home to assist the Secure Tenant to settle in. In some cases the Council may also offer fixtures and fittings as a gift. Where this happens, the Council will not be liable to maintain or repair these items.

#### **7.6.5. A Move Elsewhere within the Borough or outside of Brent**

Some Secure Tenants with housing needs of two bedrooms or more may wish to move elsewhere within the borough or outside of Brent. In such cases, if the Secure Tenant wishes to do this, this will be noted when the housing needs assessment is done. The Council will be reliant upon Registered Provider and Council partners to source alternative homes. Our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn regeneration programme. Whilst Secure Tenants may express a preference to move elsewhere within the borough or outside of Brent and the Council will assist Secure Tenants to do so, the Council cannot guarantee this outcome. Therefore, the Council will reserve a Suitable Offer for the Secure Tenant in the instance that a move elsewhere within the borough or outside of Brent is not able to be secured within the timescale required by the Council for securing possession of the existing home of the Secure Tenant.

Secure Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Secure Tenants who wish to move to the private sector will also be assisted.

## **8. LEGAL PROCESS FOR RELOCATION OF SECURE TENANTS**

- 8.1.** The Council will consult with its Secure Tenants to agree voluntary relocation in accordance with this policy. The Council anticipates that the majority of Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will move to their replacement homes voluntarily. However, to provide certainty that the Council can deliver its programme of regeneration on time, for those Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court who refuse to move to their replacement homes, the Council will seek possession by Court proceedings under the Housing Act Schedule 2 Ground 10A. This method will be used by the Council for Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court until the Council has confirmation of a Compulsory Purchase Order (CPO) in respect of the homes concerned. After that point, and even if the Council are part way through the Ground 10A process, the Council shall proceed to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the Ground 10A process. The only circumstances in which the Council may continue to use the Ground 10A process, following confirmation of a CPO, is if the Council consider that continuing to use the Ground 10A process is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers. The Ground 10A process and the CPO process are summarised below in **sections 8.3 and 8.4**.
- 8.2.** Nothing in this allocation policy prevents the Council from continuing to manage homes occupied by Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in accordance with its usual policies and procedures. This may include the Council commencing possession proceedings against a Secure Tenant based on grounds for possession that do not include Ground 10A. The other grounds for possession are set out in Schedule 2 of the Housing Act 1985 and include grounds relating to rent arrears and antisocial behaviour.

At the time that the Council needs possession of a home in order to deliver its programme of regeneration, the Council may have already:

- (i) commenced possession proceedings based on grounds for possession that do not include Ground 10A; or
- (ii) be taking, be entitled to take or become entitled to take enforcement action for a breach of a Suspended Order for Possession, where the grounds for possession which resulted in the Order did not include Ground 10A.

If this is the case, the Council may pursue those proceedings or enforcement action instead of, or in addition to, using the Ground 10A process and/or using the compulsory purchase powers derived from the confirmed CPO.

If the Council secures possession of a home in reliance on an order for possession which is based on grounds for possession that do not include Ground 10A, the Council shall not be obliged to re-house the Secure Tenant in replacement accommodation in accordance with this allocation policy.



### 8.3. Ground 10A

**8.3.1.** Under Ground 10A and Part V of Schedule 2 to the Housing Act 1985, the Council would need to:

- 1)** Serve consultation notices on the Secure Tenants within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. The notice will explain the main features of the proposed scheme, that the Council intends to apply to the Secretary of State for approval of the scheme and the effect of receiving this approval would result in possession proceedings brought in connection with homes occupied by Secure Tenants within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
- 2)** Secure Tenants will have 28 days from service of the notice to make representations to the Council about the proposal and then consider all representations during that period.
- 3)** Apply to the Secretary of State for approval of the schemes (for the purposes of Ground 10A), in accordance with the procedure set out in Part V of Schedule 2 of the Housing Act 1985.
- 4)** When it wishes to secure possession of a home from a Secure Tenant, and subject to it having received Secretary of State approval, serve a notice seeking possession on the affected Secure Tenant and make them a Suitable Offer of alternative accommodation. The Council will try to give Secure Tenants 6 months' notice before it requires possession of the Secure Tenant's current home but this may not be possible in all cases and possession proceedings may commence before the end of the 6 months for some Secure Tenants who refuse a Suitable Offer of a replacement home. However, if a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal under the process outlined in **section 12** of this policy; and
- 5)** Apply to the Court for repossession of a Secure Tenant's home if the Secure Tenant, having received a notice seeking possession and a Suitable Offer of alternative accommodation, does not voluntarily move out of their home.

### 8.4. Compulsory Purchase Order

**8.4.1.** The Council's policy is to secure the regeneration of South Kilburn in accordance with a phased programme. Use of Ground 10A cannot by itself secure this aim. Therefore, in addition to the use of Ground 10A outlined above, the Council will also promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire all interests in land surrounding and including 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which are due for demolition as part of the South Kilburn regeneration programme.

**8.4.2.** The land to be acquired will include properties occupied by Secure Tenants. The CPO will be relied upon to obtain possession if possession of properties cannot be obtained to ensure timely delivery of the comprehensive regeneration proposals by securing vacant possession of blocks due for demolition under the South Kilburn regeneration programme which gives certainty of timing to enable the phased process of regeneration and the delivery of new homes to continue.



**8.4.3.** Under section 226(1)(a) of the Town and Country Planning Act 1990 the Council will:

- 1)** Serve a Section 16 requisition notice under the Local Government (Miscellaneous Provisions) Act 1976 on the Secure Tenants to identify all interested parties in the property and advise of the Council's intention to acquire land which includes their existing home. This notice is a legal document and Secure Tenants must complete the document detailing their interest in the property and also detail who else has an interest in the property such as other members of the household.
- 2)** Secure Tenants will then receive a copy of the draft CPO and a notice explaining its effects. Secure Tenants will be advised at that stage that they can voice their objections to the CPO and that these objections will be sent to the appropriate government minister. If there are objections there will be an inquiry and an inspector will make a decision on whether or not the CPO should be confirmed.
- 3)** Make Secure Tenants a Suitable Offer of alternative accommodation. If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal in line with the process outlined in **section 12.3** of this policy.
- 4)** If the CPO is confirmed, either with or without a public inquiry, serve a Notice to Treat and notice of entry on the Secure Tenants specifying a date for possession. These are legal documents that the Council may serve on Secure Tenants which gives the Council the right to enter and take possession of the existing home of the Secure Tenant, in order to ensure the timely delivery of that property for regeneration.
- 5)** Enforce the CPO to take possession of the home if a Secure Tenant fails to move to their replacement home. Under CPO the Notice of Entry will be enforced and possession obtained by County Court enforcement officers.

## **9. RENT LEVELS OF NEW AFFORDABLE HOMES ON SOUTH KILBURN**

- 9.1.** The Council has committed to delivering new affordable homes in South Kilburn at Social Rents, let at target rents calculated in line with the national rent regime formula, and subject caps published by the government.
- 9.2.** Secure Tenants who are allocated a new replacement home in South Kilburn will pay higher rent than their existing Council property.

This is due to two reasons:

- 1) Council rents are below the rents charged by Registered Providers, which are known as target rents;
- 2) The higher value associated with a quality new build home, compared with an existing Council property, will be reflected in a higher target rent.

**9.3.** The regeneration proposals for Secure Tenants currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court rely on new replacement homes for existing tenants that would not be completed and ready for occupation until at least 2019-2021. It is therefore difficult to provide exact target rents for the new replacement homes at this point in time. The government has also not published target rent caps since April 2015.

**9.4.** The target rents for the new replacement homes will however be based upon the following base assumptions:

Unit Type	Rent for FY 2015-16 £/week
1 bed	118.70
2 bed	149.47 (cap)
3 bed	158.06 (cap)
4 bed	166.37 (cap)

**9.5.** These 2015-16 target rents will need to be appropriately capped and indexed to the point of letting in line with the Rent Standard Guidance and any other relevant guidance published by the Homes & Communities Agency, and any other relevant legislation that pertains at that time.

**9.6.** Annual rent increases for the new replacement homes will be in line with the Government's guidance on social rents. Registered Providers are required to meet the 'key requirements' set out within the Rent Standard Guidance. The Rent Standard guidance currently provides that annual rent increases for social housing will be limited to the Consumer Price Index plus one per cent.

**9.7.** There will always be a difference in the rent charged for existing Council properties in South Kilburn, compared with new homes for rent from Registered Providers, built as part of the South Kilburn regeneration programme.

**9.8.** Secure Tenants who are allocated a new replacement home in South Kilburn under this policy will pay the relevant target rent from the tenancy start date.

**9.9.** In the case of Secure Tenants that move elsewhere within the borough or outside of Brent or move to specialist housing such as sheltered housing, rent levels for homes will vary according to the location and the landlord.

**9.10.** Service Charges will be charged with your new property and it will be discussed what these charges are likely to be with your housing officer at the time of your offer.

**9.11.** Secure tenants will be provided with a 'Getting ready to move booklet' prior to their rehousing date.

## **10. TENANT'S CHOICE ON INTERIOR FITTING OF NEW HOMES**

**10.1.** Secure Tenants who are allocated a new replacement home within South Kilburn may be invited to select certain 'tenant's choice' items. Whilst tenant's choice items will be different on the Chippenham Gardens, Gloucester and Durham, and Peel and Queens Park/ Cullen House, Redevelopment Sites, they will usually include items such as kitchen units, wall paint colours, tiling and floor coverings. Each Registered Provider will have a different range of choices for their specific developments.

## **11. HOME LOSS AND DISTURBANCE PAYMENTS**

- 11.1.** The Home Loss and Disturbance Policy for Secure Tenants with Homes in South Kilburn is attached at **Appendix 2**.

## **12. APPEALS PROCEDURES**

### **APPEALS PROCEDURE WHERE NO CPO HAS BEEN CONFIRMED**

#### **12.1. Stage One Appeal: no CPO confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within 10 working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal and who to send an appeal to at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer;
  - specifying the reasons why they believe the offer is not a Suitable Offer;
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and;
  - stating that they wish to appeal against the Council's offer.
- Appeals should be sent to:

Linda Beasley  
**Estate Regeneration Re-housing Manager**  
Community Resource Centre, William Dunbar House, Albert Road, Kilburn, NW6 5DE.
- If an appeal is received within the allowed time limit, the Estate Regeneration Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the Estate Regeneration Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the Estate Regeneration Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's appeal.

#### **12.2. Stage Two Appeal: no CPO confirmed**

- If the Secure Tenant wishes to appeal the Estate Regeneration Re-housing Manager's decision and a CPO has not been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within 10 working days of having received such decision by writing to Head of Estate Regeneration at the address below:

- specifying the reasons why they do not agree with the Estate Regeneration Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Further appeals should be sent to:
 

Richard Barrett  
**Head of Estate Regeneration**  
 Community Resource Centre, William Dunbar House, Albert Road, South Kilburn,  
 NW6 5DE.
  - If a further appeal is received within the allowed time, the Head of Estate Regeneration will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household.
  - If the Head of Estate Regeneration agrees with the Secure Tenant's further appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
  - If the Head of Estate Regeneration does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's further appeal. The Council will expect the Secure Tenant to move to the home set out in the Suitable Offer. If the Secure Tenant does not then the Council will take all necessary steps to secure possession of the Secure Tenant's home as summarised at **section 8** above.

#### **APPEALS PROCEDURE WHERE A CPO HAS BEEN CONFIRMED**

##### **12.3. Stage One Appeal: where CPO is confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within 10 working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer;
  - specifying the reasons why they believes the offer is not a Suitable Offer;
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and;
  - stating that they wish to appeal against the Council's offer.

- Appeals should be sent to:

Linda Beasley

**Estate Regeneration Re-housing Manager**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.

- If an appeal is received within the allowed time limit, the Estate Regeneration Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the Estate Regeneration Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the Estate Regeneration Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's appeal.

#### **12.4. Stage Two Appeal: where CPO is confirmed**

- If the Secure Tenant wishes to appeal the Estate Regeneration Re-housing Manager's decision and a CPO has been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within 10 working days of having received such decision by writing to the Head of Estate Regeneration at the address below:
  - specifying the reasons why they do not agree with the Estate Regeneration Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Appeals should be sent to:
 

Richard Barrett

**Head of Estate Regeneration**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.
- If a further appeal is received within the allowed time, the Head of Estate Regeneration will refer the appeal to an independent review body to be appointed by the Council and notified to Secure Tenants prior to any such appeal arising. The independent review body will carefully review the Suitable Offer made to the Secure Tenant and any representation made by the Council and will advise the Head of Estate Regeneration whether it considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973 within 15 working days of the independent review body receiving from the Head of Estate Regeneration a copy of the Secure Tenant's further appeal.

- Within 10 working days of receiving the view of the independent review body:
  - the Head of Estate Regeneration will assess the appeal taking into account the view of the independent review body, the information provided by the Secure Tenant and the individual circumstances of the Secure Tenant and their household and decide whether they agree with the Secure Tenant's further appeal and;
  - the Council will inform the Secure Tenant of the decision of the Head of Estate Regeneration and, if the Head of Estate Regeneration agrees with the Secure Tenant's further appeal, the Council will make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the independent review body does not consider that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, in most cases it is likely that the Head of Estate Regeneration will agree with the view of the independent review body, agree to the Secure Tenant's further appeal and make an alternative offer. There may be circumstances, however, in which the Head of Estate Regeneration disagrees with the decision of the independent review body and decides not to do so. If this is the case, when the Council writes to the Secure Tenant to notify them of the outcome of their further appeal, the Council will explain why it disagrees with the view of the independent review body.
- If the independent review body considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, it is likely that the Head of Estate Regeneration will agree with the view of the independent review body and not agree with the Secure Tenant's further appeal. Where the Head of Estate Regeneration does not agree with the Secure Tenant's further appeal, the Council will expect the Secure Tenant to move to the home set out in the Suitable Offer. If the Secure Tenant does not then the Council will take all necessary steps to secure possession of the Secure Tenant's home as summarised at **section 8** above.

**12.5.** Secure Tenants can also seek the advice from a Citizens Advice Bureau/ Law Centre Solicitor or the independent Resident and Tenants Advisor, First Call, who can be contacted on Freephone 0300 365 7150.

## Appendix 1

### HOMES WITHIN SOUTH KILBURN

Homes Already Delivered under the South Kilburn Regeneration Programme	Existing Buildings to be Retained
1 to 13 Bristol Walk	1 to 96 Carlton House
1, 3, 5 & 7 Chichester Road	129 to 136 Carlton House
4 to 17 Gorefield Place	Allington Road
5 to 153 Cambridge Avenue (odds only)	Alpha House
6 Falconbrook Court	Canterbury Court
Franklin House	Chamberlayne Mansions
Kilburn Quarter	Chichester House
George House	Chichester Road
Granville Homes	Claremont Road
Hansel Road	Gorefield House
Hollister House	Hampton Close
Merle Court	Kilburn Lane
Swift House	Malvern Road
Thames Court	Princess Road
Walbrook Court	Stafford Close
Queens Park Place	The Quadrant

## **Appendix 2**

### **HOME LOSS AND DISTURBANCE POLICY FOR SECURE TENANTS WITH HOMES IN SOUTH KILBURN**

#### **Contents**

1. Introduction
2. Terms Used in this Policy
3. People Affected
4. Home Loss and Disturbance Payments Policy
5. Advance Payments of Home Loss
6. Rent Arrears and Outstanding Court Costs
7. Disturbance Payments – Key Principles
8. Home Loss Payments Procedure
9. Disturbance Payments Procedure
10. Appeals Procedure for Disturbance Claims



## 1. INTRODUCTION

- 1.1 This document sets out the policy and procedure for the making of Home Loss Payments and Disturbance Payments to Secure Tenants, who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973), currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn which will be demolished as part of the South Kilburn regeneration programme. The aim of the policy is to ensure effective and consistent arrangements for the making of Home Loss Payments and Disturbance Payments.

## 2. TERMS USED IN THIS POLICY

- 2.1 **1-71 Blake Court** means homes in 1 to 71 Blake Court, Malvern Road, NW6 5PW which are due for demolition as part of the South Kilburn regeneration programme.
- 2.2 **113-128 Carlton House** means homes in 113 to 128 Carlton House, Canterbury Terrace, NW6 5DU which are due to demolition as part of the South Kilburn regeneration programme.
- 2.3 **1-8 Neville House** means homes in 1 to 8 Neville House, Neville Road, Kilburn London NW6 5BT which are due for demolition as part of the South Kilburn regeneration programme
- 2.4 **1-64 Winterleys** means homes in 1 to 64 Winterleys, Albert Road, NW6 5DR which are due for demolition as part of the South Kilburn regeneration programme.
- 2.5 **Chippenham Gardens Redevelopment Site** means homes to be built on the Chippenham Gardens Site on 4-26 Stuart Road (even numbers only) and 5-9 Chippenham Gardens as part of phase 3a of the South Kilburn regeneration programme. This site will include approximately 22 affordable homes, of which 12 homes have one bedroom, 4 homes have two bedrooms and 6 homes have 3 – (Please see Appendix 3 –Site Plans of new redevelopment schemes).
- 2.6 **Disturbance Payment** means a payment for removal and other expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973).
- 2.7 **Gloucester and Durham Redevelopment Site** means homes to be Gloucester and Durham redevelopment site on Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6 (Please see Appendix 3 –Site Plans of new redevelopment schemes) as part of phase 3a of the South Kilburn regeneration programme. This site will include 102 affordable homes, of which 35 homes have one bedroom, 35 homes have two bedrooms, 31 homes have three bedrooms and 1 home has four bedrooms.
- 2.8 **Home Loss Payment** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973.
- 2.9 **Peel Redevelopment Site** means homes to be built on Peel Precinct, 97-112 Carlton House and 8 to 14 Neville Close, 2 Canterbury Road & Peel site garages part of phase 3a/3b – (Please see Appendix 3 –Site Plans of new redevelopment schemes). The Site includes 42 affordable homes, 11 homes have one bedroom, 12 homes have two bedrooms, 15 homes have three bedrooms and 4 home has four bedrooms). \*22 of the affordable homes have been ring-fenced for existing secure tenants living in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close. Therefore 20 of the 42 affordable homes will be available for secure tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (of which 2 homes have one bedroom, 4 homes have 2 bedrooms, 10 homes have three bedrooms and 4 homes have 4 bedrooms).

- 2.10** ***Queens Park/Cullen House Redevelopment Site*** means homes to be built on the site at Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks as part of phase 3a/3b of the South Kilburn regeneration programme (Please see Appendix 3 –Site Plans of new redevelopment schemes). The site will include 39 affordable homes, of which 20 homes will be 1 bedroom, 13 homes will be 2 bedrooms, 3 homes will be three bedrooms and 3 homes will be four bedrooms.
- 2.11** ***Secure Tenants*** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse
- 2.12** ***The Council*** means Brent Council

### **3. PEOPLE AFFECTED**

- 3.1** This policy affects Secure Tenants living in homes within South Kilburn which will be demolished as part of the South Kilburn regeneration programme.

### **4. HOME LOSS AND DISTURBANCE PAYMENTS POLICY**

- 4.1** The Council will pay Home Loss Payments and Disturbance Payment to Secure Tenants who lose their homes as part of the South Kilburn regeneration programme. Not all Secure Tenants who lose their homes will be entitled to Home Loss Payments and Disturbance Payments.
- 4.2** Secure Tenants who move out of their homes, provided that they have lived there for at least 12 months before their move and it is their only or principal home, will be eligible for a Home Loss Payment which is currently £6,100 but which may change in line with government legislation over the period of the regeneration. The Council will always pay the rate which applies at the time of the Secure Tenant's move.
- 4.3** Home Loss Payments and Disturbance Payments will be dealt with after the move to the new home when claim forms should be submitted, as set out in this policy.
- 4.4** Secure Tenants who are joint tenants are only entitled to one Home Loss Payment and Disturbance Payment, which can be paid in equal shares to both parties where requested in writing by them.
- 4.5** The borough-wide housing policy that allows Secure Tenants who down size to a smaller property for a financial incentive does not apply to Secure Tenants of South Kilburn if they receive a statutory Home Loss Payment.
- 4.6** Secure Tenants who wish to move to the private sector as outlined in **section 7.5.5 and 7.6.5** of the Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will receive Home Loss Payments and Disturbance Payments as required by law.
- 4.7** Where Secure Tenants moves temporarily within South Kilburn to a home that will become due for demolition under the South Kilburn regeneration programme and occupy this temporary property in excess of twelve months, then they may be entitled to a second statutory Home Loss payment once they move to their new home within the South Kilburn regeneration programme.

The instances where Secure Tenants may move temporarily within South Kilburn to a home that will be due for demolition under the South Kilburn regeneration programme are explained in **paragraphs 7.5.4 and 7.6.4** of the Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.

## **5. ADVANCE PAYMENTS OF HOME LOSS**

**5.1** Secure Tenants can request for an advance payment of Home Loss to be made if they are moving to:

- A permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme;
- A permanent home outside South Kilburn;
- A temporary move within South Kilburn to a home that will become due for demolition under the South Kilburn regeneration programme;
- A move elsewhere within the Borough or outside of Brent.

**5.2** If a request for an advance payment of Home Loss is received, it is sent to the Estate Regeneration Re-housing Manager for consideration. The Estate Regeneration Re-housing Manager has the discretion to approve or reject requests for advance payments or make partial advance payment of Home Loss to the Secure Tenant.

**5.3** Requests for advance payments of Home Loss will not be considered from Secure Tenants who are moving to a permanent new home within the South Kilburn regeneration programme.

## **6. RENT ARREARS AND OUTSTANDING COURT COSTS**

**6.1** Secure Tenants with rent arrears will be expected to clear the full sum of monies owed to the Council. The Council will pursue all rent arrears in line with its arrears procedure. Where a Secure Tenant has been taken to court for recovery of rent and the Secure Tenant has kept to the terms of the court order, then the Council will off-set any remaining rent arrears and outstanding court costs against any Home Loss Payment.

**6.2** Where a Secure Tenant has not complied with any court order for the recovery of rent arrears or where the level of arrears exceeds the Home Loss payment, the Council reserves the right not to offer a Secure Tenant a new home in South Kilburn.

## **7. DISTURBANCE PAYMENTS – KEY PRINCIPLES**

**7.1** The Council will pay disturbance payments to Secure Tenants who lose their homes as part of the South Kilburn regeneration programme and who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973). Reasonable disturbance costs may be payable and Secure Tenants who wish to claim for these costs will be required to produce evidence of the costs incurred. The following are examples of Disturbance payments that the Council has a legal duty to meet:

- Removal expenses (the Council pays for removals directly);
- Redirection of mail;
- Dismantling and re-assembly of Secure Tenants own furniture such as wardrobes;
- Telephone disconnection and reconnection;

- Compensation for the second hand value of carpet and curtains where no carpet and curtains are provided in replacement home (**see section 7.5 to 7.11**);
- Disconnection/reconnection of services;
- The second hand value of large items of furniture that cannot be dismantled or moved to the Secure Tenant's replacement property.

**7.2** Key principles relating to Disturbance Payments are as follows:

- The onus is on the Secure Tenant to justify their claim; there is no pre-determined disturbance allowance;
- Claims can only be made for costs incurred as a direct result of being disturbed;
- Secure Tenants should be no worse off or better off than before their move;
- Costs must be reasonable. For example, Secure Tenants cannot claim compensation for any fixtures and fittings such as mixer taps that they have replaced in their current home as fixtures and fittings will be provided in replacement home;
- Where appliances are supplied within new properties e.g. cooker, washing machine or fridge freezer, no reconnection fees will be paid.

**Adaptation of Carpets/Curtains**

**7.3** If carpets and/or curtains could be adapted to fit in the replacement property, the Council would pay for the adaption, where such items are not provided in replacement home. If the Secure Tenant chooses not to adapt the carpets and/or curtains, nor does the Secure Tenant use them in their replacement property, then the Secure Tenant would not be able to claim compensation.

**7.4** Carpets and/or curtains are deemed to be adaptable if they satisfy the following criteria:

- The existing carpets/curtains is the same size or larger than required in the replacement home;
- Foam-backed carpets, unlined curtains and lino are 3 years old or less;
- Hessian-backed carpets and lined curtains are 6 years old or less.

**Compensation for Carpets, Curtains or Large Items of Furniture**

**7.5** Secure Tenants can claim the second hand value of carpets and curtains where such items are not provided in replacement home or are not adaptable as outlined above. Where it is agreed that an item needs replacing, rather than adapting, the compensation paid to the Secure Tenant will be based on the cost of the item when it was new, less a percentage discount according to the existing age of the item. Therefore, the older the existing item, the less amount of compensation the Secure Tenant will receive.

**7.6** Secure Tenants can also claim for large items of furniture that cannot be dismantled or moved to their replacement home. Details of the Secure Tenants existing carpets, curtains and large items of furniture would have been recorded in the Housing Needs Assessment by the Estate Regeneration Team at the time of the first home visit or at the point that the Secure Tenant accepts the suitable offer of alternative accommodation.

**7.7** The age of the existing carpet must be assessed. If the Secure Tenant can show receipts as proof of purchase this is desirable, if not, an agreement must be reached on the age and condition of the carpet or curtains with the Estate Regeneration Re-housing Manager at the time the Housing Needs Assessment is completed.

- 7.8 The second-hand value of hessian-backed carpets, lined curtains and large items of furniture that cannot be dismantled or moved to replacement home, with a life expectancy of 10 years is calculated using the following formula:

Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	8%
2 years	Replacement Value	16%
3 years	Replacement Value	24%
4 years	Replacement Value	32%
5 years	Replacement Value	40%
6 years	Replacement Value	48%
7 years	Replacement Value	56%
8 years	Replacement Value	64%
9 years	Replacement Value	72%
10 years	Replacement Value	80%

- 7.9 An example of a calculation using this table is as follows:

A Secure Tenant has a hessian-backed carpet which is 5 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £8 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20sqm x £8 per sqm	£160
Less depreciation at 40%	(£64)
<b>Disturbance allowance paid to Secure Tenant</b>	<b>£96</b>

- 7.10 The second-hand value of foam-backed carpets and unlined curtains, with a life expectancy of 5 years is calculated using the following formula:

Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	16%
2 years	Replacement Value	32%
3 years	Replacement Value	48%
4 years	Replacement Value	64%
5 years	Replacement Value	80%

- 7.11 An example of a calculation using this table is as follows:

A Secure Tenant has a foam-backed carpet which is 7 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £6 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20sqm x £6 per sqm	£120
Less depreciation at 80%	(£96)
<b>Disturbance allowance paid to Secure Tenant</b>	<b>£24</b>

- 7.12 Please note that **claims for any products purchased within a three year period will need to be validated with proof of purchase**. i.e. a receipt or bank statement.

## **8. HOME LOSS PAYMENTS PROCEDURE**

- 8.1** The Estate Regeneration Team will request in writing bank details from Secure Tenants so the payments can be made directly into the Secure Tenant's bank account by Bankers' Automated Clearing Service (BACS). Payments can be made to Secure Tenants by cheque; however payments by cheque take longer than BACS payments.
- 8.2** Secure Tenants will be invited to attend a meeting to sign the tenancy agreement for their replacement home and to sign a form to end the tenancy on their current home within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. At this meeting, Secure Tenants will also be asked to complete and sign a Home Loss Claim Form (Annex 1).
- 8.3** If there are arrears owing on the Secure Tenant's account (rent arrears and court costs), these will be deducted from the Home Loss payment.
- 8.4** The Council will make Home Loss payments within 35 working days of receipt by the Council of a valid claim form and once the Secure Tenant has returned the keys of their old home within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

## **9. DISTURBANCE PAYMENTS PROCEDURE**

- 9.1** Disturbance claims should be made on the form provided (Annex 2). Disturbance claims should be signed and dated by the Secure Tenant and should be sent to the Estate Regeneration Team at the address shown on the claim form, within 3 months of a Secure Tenant moving to their replacement home. Secure Tenants are asked to claim all the costs incurred as a result of their move on one claim form.
- 9.2** Secure Tenants must support their claim for Disturbance costs with receipts to confirm the items being claimed have been paid. Claims for the cost of goods and services that are not supported by receipts will be not considered. Claims for the cost of goods and services that are supported by hand-written or cash receipts will not be considered.
- 9.3** The Disturbance claim will be assessed by the Estate Regeneration Team. The Estate Regeneration Team has the discretion to approve all or part of a claim for Disturbance, reject a claim for Disturbance or seek further information from the Secure Tenant making the claim.
- 9.4** Disturbance Payments will be paid to Secure Tenants through the BACS system. The Council will make Disturbance Payments within 35 working days of receipt by the Council of a valid claim form.

## **10. APPEALS PROCEDURE FOR DISTURBANCE CLAIMS**

- 10.1** If a Secure Tenant believes the Council's assessment of their Disturbance payment is unreasonable, they will have the right to appeal the decision within 10 working days of the Council's assessment of the claim for Disturbance.
- 10.2** If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below specifying the reasons why they believe the assessment of their claim for Disturbance is unreasonable.

**10.3** Appeals should be sent to:

Linda Beasley

**Estate Regeneration Re-housing Manager**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.

**10.4** If an appeal is received within the allowed time limit, the Estate Regeneration Re-housing Manager will assess the appeal in light of the information provided within 10 working days of receipt of the appeal.

**10.5** If the Estate Regeneration Re-housing Manager agrees with the Secure Tenant's appeal, the Council will reassess the claim for disturbance. If the Estate Regeneration Re-housing Manager does not agree with the Secure Tenant's appeal, the Estate Regeneration Re-housing Manager will inform the tenant in writing, outlining the reasons why the appeal has been rejected.

**Annex 1**

**SOUTH KILBURN REGENERATION SCHEME HOME  
LOSS CLAIM FORM**

Please write in capitals

**TENANT(S) NAMES**

Title			Initials			Surname														

**ADDRESS VACATING**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PRESENT TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**MOBILE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**NEW ADDRESS**

<b>Postcode</b>																	

**NEW TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**DAY VACATING**

--

**DATE**

**MONTH**

**YEAR**



I certify that I will be moving from the above address, into alternative permanent/temporary housing. I note also:

- (a) I shall be responsible for the payment of the rent of my present accommodation until the Sunday prior to my tenancy date. I will arrange for the keys to be returned to the **Estate Regeneration Rehousing Team, Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, London NW6 5DE.**
- (b) My Home loss Claim for **£6,100.00 (subject to below deductions)** will only be processed when all the keys for my current address are returned.
- (c) I claim the maximum amount of **£6,100.00** due to the rent account, of my existing property being in credit at the termination date of the tenancy. Also, I am aware, that if any rent arrears, Court Cost, Council Tax including those from previous accommodation, or Housing Benefit, owed to the Council they will be deducted from my Home loss.
- (d) I also understand that once the final Home loss Payment has been made, if there are any other monies I owed to the London Borough of Brent, I will still be liable for them to be paid.
- (e) I agree not to remove any fixtures and fittings, e.g. door handles, light switches, rose pendants, kitchen and bathroom sinks and acknowledge that if I remove any fixtures and fittings the cost to replace them will be deducted from my Home Loss Payment.

Signed: ..... Date:.....

#### Official Use

	Amount	Date Inputted	Appr
<b><i>Tenant's details entered on Oracle Supplier Management</i></b>			
<b><i>Date keys returned</i></b>			
<b><i>Rent Arrears (as at )</i></b>	£		
<b><i>Rent in Credit (as at )</i></b>	£		
<b><i>Court Costs owed (as at )</i></b>	£		
<b><i>Housing Benefit Overpayment owed (as at</i></b>			
<b><i>Purchase of</i></b>			
<b><i>Advance Home loss Payable</i></b>	£		
<b><i>Total withheld</i></b>	£		
<b><i>Total Amount Withheld</i></b>	£		
<b><i>Home loss Payable</i></b>	£		
<b><i>Total of Home loss</i></b>	£		
<b><i>Letter to tenants notifying of Home loss and Deductions</i></b>			
<b><i>Date invoice raised to Rent Income, for rent arrears</i></b>			
<b><i>Arrears paid to Rent Income</i></b>	£		

**NAME OF PERSON OTHER THAN TENANT WHO PAYMENT TO BE PAID TO**

Title			Initials			Surname												

**PAYMENT BY BACS (DIRECT TO YOUR BANK)**

Please provide details of your bank account below Name of  
Bank.....  
.

Sort code.....

Account number.....

If a building society, provide Roll  
Number.....

**Signed..... Date.....**

## Annex 2

### SOUTH KILBURN REGENERATION SCHEME DISTURBANCE CLAIM FORM

As part of your claim for a disturbance payment, you are required to provide the following itemised information when submitting receipts. Unfortunately, your claim cannot be processed without this information, it is therefore essential that you submit these details.

**You will only be reimbursed on a sliding scale to replace floor covering and curtains. Please refer to the Home Loss and Disturbance Policy for Secure Tenants with Homes in South Kilburn for further information. However if there is new or good quality flooring in your replacement property, then you will not receive financial compensation for similar items left behind.**

**Secure tenants must support their claim for Disturbance costs with receipts to confirm the items being claimed have been paid. Claims for the cost of goods and services that are not supported by hand-written or cash receipts will not be considered.**

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE ESTATE REGENERATION TEAM WITHIN THREE MONTHS AFTER YOU HAVE MOVED TO YOUR NEW ADDRESS**

---

Tenant Name(s)


Telephone No:


Your new address


Date of moving to  
this new  
address

--

Your old address


**Previous Accommodation:** Type: (Please Delete)

**Maisonette/ Flat**

Number of Bedrooms:.....

Number of Other Rooms:..... (Excluding Kitchen WC and Bathroom)

**To be completed by Housing Officer prior to move.**

**Please list all rooms in which you currently have Carpets and state whether Hessian Backed or Foam Backed and laminate/wooden flooring, is it click or glued**

No.	Room Size	Carpet/ Flooring Size	Date of Purchase/ Estimated Age	Hessian/ Foam Backed	Cost per SQM	Room i.e. Bedroom/ Living room
1						
2						
3						
4						
5						
6						

**Please list all rooms in which you have Curtains or Blinds.**

No.	Window Size	Curtain Size	Date of Purchase/ Estimated age	Cost per SQM Cost of Blinds or Ready Made Curtains
1				
2				
3				
4				
5				
6				

**Receipts for all these items must be attached.**

### Section A: Adaptations

List below details of any room where your existing carpets/flooring and curtains can be adapted for your new accommodation

No.	Room Size and Use	Flooring Adapted Quote room no. from old Accommodation	Cost	Curtains Adapted Quote room no. from old Accommodation	Cost
1					
2					
3					
4					
5					
6					

### Section B Replacement

List below details of any rooms where your existing carpets/flooring and curtains cannot be adapted and the cost of replacement you wish to claim.

No.	Room Size and Use	Carpet Size	Cost per SQM	Curtain Size	Window Size	Cost per SQM/ Cost of Blinds
1						
2						
3						
4						
5						
6						

Receipts for all these items must be attached.

Items Claimed	Cost
<b>Disconnection/ Reconnection</b>	
Telephone *	
Re- Direction of Mail	
Other Reasonable Expenses (detail required)	
Sub Total	
<b>Cost of adapting:</b>	
Curtains/ Carpets/Laminate	
<b>Cost of replacing</b>	
Curtains/Carpets/Laminate	
Total Cost	

\*The disconnection and reconnection of your telephone is your responsibility.

### Declaration

I certify that I have incurred the above costs and that the information given is correct. I now claim disturbance payment from Brent Council.

Signed:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Please return this form to Estate Regeneration Rehousing Team, accompanied by the necessary receipts.**

---

For Area Office Use Only

Date Returned:	Rent Arrears £                      as at
Reason for Claim:	Date of Visit
Reason For Rent Arrears	
Entitlement Checked by:	Maintaining an Agreement: Yes / No
Authorised Manager:	Passed for Payment:

Site Plans of New Redevelopment Schemes

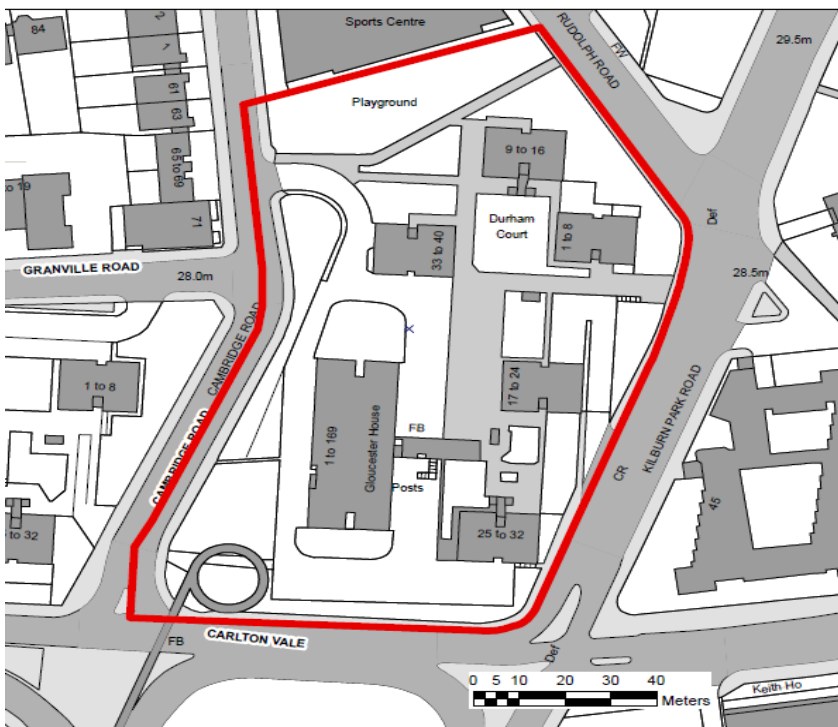
**Chippenham Gardens Redevelopment Site:**

4-26 Stuart Road (even numbers only), 5-9 Chippenham Gardens.



**Gloucester House and Durham Court Redevelopment Site:**

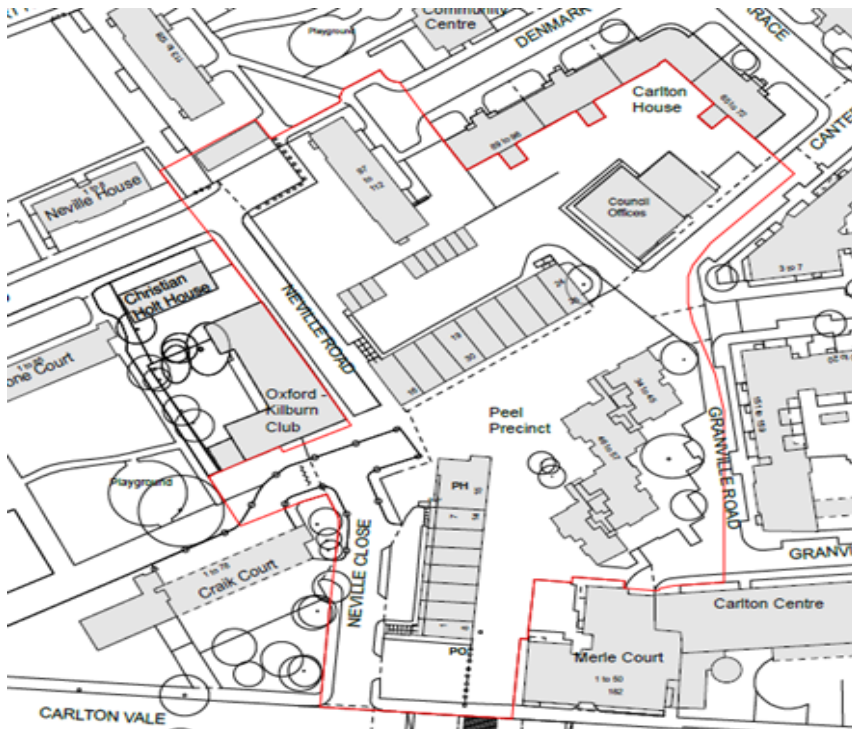
Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6.





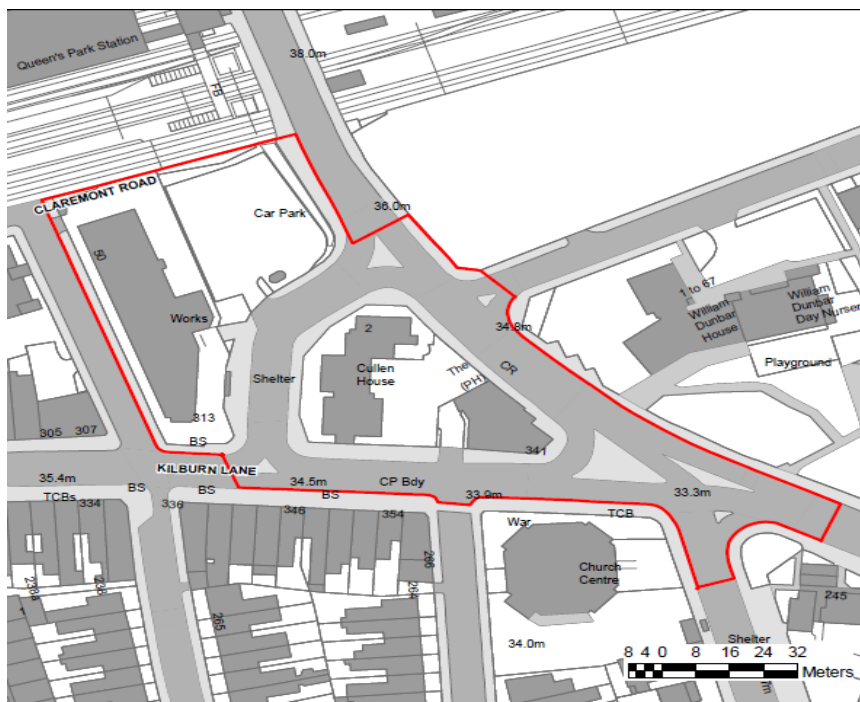
### Peel Redevelopment Site:

Peel Precinct, 97-112 Carlton House and 8 to 14 Neville Close, 2 Canterbury Road & Peel site garages.



### Queens Park/Cullen House Redevelopment Site:

Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9.



# Contacts

## London Borough of Brent

The Estate Regeneration Team can be contacted regarding any questions you may have about these three proposals. Please contact:

Marie Frederick, Estate Regeneration Team,  
Tel: 020 8937 1621 or;  
Linda Beasley, Estate Regeneration Team,  
Tel: 020 8937 2512



Estate Regeneration Team,  
Community Resource Centre,  
William Dunbar House,  
Albert Road,  
South Kilburn,  
London, NW6 5DE.

## First Call Housing

**First Call** offer independent and impartial advice to tenants and leaseholders across the South Kilburn regeneration area. The team have provided advice to residents on over 90 projects covering over 500,000 households.

First Call provide high quality, accessible support and advice covering a whole range of legal, practical and financial advice on the implications of all housing investment options. They support greater resident involvement in choices over the future of your homes and neighbourhood. Their aim is to make sure people can make an informed choice about what happens in their communities.

They also work closely with and support the Tenants Steering Group, which meets regularly and is open to all tenants. First Call are happy to visit tenants and leaseholders in their own homes and provide interpreters if needed.

**Louis Blair** is your Independent resident advisor.

Contact him on Freephone **0300 365 7150** or email [southkilburn@first-call-housing.com](mailto:southkilburn@first-call-housing.com)



Please contact him if you need any clarification on the contents of this booklet or enclosed and how it will affect you.

## Citizen's Advice Bureau

The Citizen's Advice Bureau provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities. Their contact details are:

Brent Citizens Advice Bureau  
270-272 High Road  
Willesden  
London,  
NW10 2EY

Telephone: 020 8438 1249;  
0845 050 5250



## Notes

[illegible]





**DRAFT ALLOCATION POLICY FOR SECURE TENANTS WITH HOMES IN 1-8  
NEVILLE HOUSE, 1-64 WINTERLEYS, 113-128 CARLTON  
HOUSE AND 1-71 BLAKE COURT  
SOUTH KILBURN**

**Contents**

1. Introduction
2. Terms Used in this Policy
3. Homes and People Affected
4. Housing Needs Assessment
5. Size and Type of Replacement Homes and Parking
6. Change of Circumstances
7. Re-housing Process and Options and Surplus Homes
8. Legal Process for Relocation of Secure Tenants
9. Rent Levels and Service Charges of New Affordable Homes on South Kilburn
10. Tenant's Choice on Interior Fittings of New Homes
11. Home Loss and Disturbance Payments
12. Appeals Procedures

**Appendix 1:** Homes within South Kilburn

**Appendix 2:** Home Loss and Disturbance Policy

**Appendix 3:** Site Plans of new redevelopment schemes

## 1. INTRODUCTION

- 1.1. This document sets out the policy for the allocation of replacement homes to Secure Tenants currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in South Kilburn, which will be demolished as part of the South Kilburn regeneration programme.

## 2. TERMS USED IN THIS POLICY

In this policy the following terms will have the following meanings.

- 2.1. **1-71 Blake Court** means homes in 1 to 71 Blake Court, Malvern Road, NW6 5PW which are due for demolition as part of the South Kilburn regeneration programme.
- 2.2. **113-128 Carlton House** means homes in 113 to 128 Carlton House, Canterbury Terrace, NW6 5DU which are due for demolition as part of the South Kilburn regeneration programme.
- 2.3. **1-8 Neville House** means homes in 1 to 8 Neville House, Neville Road, Kilburn London NW6 5BT which are due for demolition as part of the South Kilburn regeneration programme.
- 2.4. **1-64 Winterleys** means homes in 1 to 64 Winterleys, Albert Road, NW6 5DR which are due for demolition as part of the South Kilburn regeneration programme.
- 2.5. **Chippenham Gardens Redevelopment Site** means homes to be built on the Chippenham Gardens Site on 4-26 Stuart Road (even numbers only) and 5-9 Chippenham Gardens as part of phase 3a of the South Kilburn regeneration programme. This site will include approximately 22 affordable homes, of which 12 homes have one bedroom, 4 homes have two bedrooms and 6 homes have 3 bedrooms – *(Please see Appendix 3 –Site Plans of new redevelopment schemes)*.
- 2.6. **Decent Homes** means homes that meet the current statutory minimum standard for housing, homes that are in a reasonable state of repair and homes that have reasonably modern facilities and services
- 2.7. **Disturbance Payment** means a payment for removal and other reasonable expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973).
- 2.8. **Gloucester and Durham Redevelopment Site** means homes to be built on the Gloucester and Durham redevelopment site on Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6 *(Please see Appendix 3 – Site Plans of new redevelopment schemes)* as part of phase 3a of the South Kilburn regeneration programme. This site will include 102 affordable homes, of which 35 homes have one bedroom, 35 homes have two bedrooms, 31 homes have three bedrooms and 1 home has four bedrooms.
- 2.9. **Home Loss Payment** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973.

- 2.10. Peel Redevelopment Site** means homes to be built on Peel Precinct, 97-112 Carlton House and 8 to 14 Neville Close, 2 Canterbury Road & Peel site garages part of phase 3a/3b – (Please see Appendix 3 – Site Plans of new redevelopment schemes). The Site includes 42 affordable homes, 11 homes have one bedroom, 12 homes have two bedrooms, 15 homes have three bedrooms and 4 home have four bedrooms). \*22 of the affordable homes have been ring-fenced for existing secure tenants living in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close. Therefore 20 of the 42 affordable homes will be available for secure tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (of which 2 homes have one bedroom, 4 homes have 2 bedrooms, 10 homes have three bedrooms and 4 homes have 4 bedrooms).
- 2.11. Queens Park/Cullen House Redevelopment Site** means homes to be built on the site at Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and Salusbury Road Car Park as part of phase 3a/3b of the South Kilburn regeneration programme – (Please see Appendix 3 – Site Plans of new redevelopment schemes). The site will include 39 affordable homes, of which 20 homes will be 1 bedroom, 13 homes will be 2 bedrooms, 3 homes will be three bedrooms, and 3 homes will be four bedrooms.
- 2.12. Registered Provider** means a provider of social housing (previously referred to as a ‘housing association’ or a ‘registered social landlord’), as defined in section 80 of the Housing and Regeneration Act 2008.
- 2.13. Relocation Processes** means the two legal processes which the Council will use to gain possession of existing homes being (a) possession proceedings pursuant to section 84 and Ground 10A in schedule 2 of the Housing Act 1985 or (b) taking possession pursuant to a confirmed compulsory purchase order.
- 2.14. Secure Tenants** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse.
- 2.15. Suitable Offer** means one offer of alternative accommodation that meets or, at the discretion of the Council, exceeds the housing need of the Secure Tenant and their household that is either:
- (a) A permanent move within South Kilburn to a replacement home within the South Kilburn regeneration programme; **or**
  - (b) A permanent move within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme; **or**
  - (c) A permanent move outside South Kilburn; **or**
  - (d) A temporary move within South Kilburn until the home that the Secure Tenant is temporarily occupying becomes due for demolition as part of the South Kilburn regeneration programme.
- 2.16. South Kilburn** means homes listed in Appendix 1 including both homes due for demolition under the South Kilburn regeneration programme and those not due for demolition.
- 2.17. The Council** means Brent Council.

### **3. HOMES AND PEOPLE AFFECTED**

- 3.1.** This policy affects Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which are due for demolition as part of the South Kilburn regeneration programme. Though this cannot be guaranteed by the Council, where it is possible to do so, Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be offered a replacement affordable home within either:

- the Chippenham Gardens Redevelopment Site; or
- the Gloucester and Durham Redevelopment Site; or
- the Peel Redevelopment Site; or
- the Queens Park/Cullen Redevelopment Site

However, where it is not possible, all Secure Tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be made one Suitable Offer of alternative accommodation in accordance with this policy.

### **4. HOUSING NEEDS ASSESSMENT**

- 4.1.** In early 2018, the Estate Regeneration Housing Team will complete a needs assessment for each Secure Tenant living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which will assess the current circumstances of the Secure Tenant, the potential changes to their circumstances, medical and other needs as well as recording any preferences that the Secure Tenant may have.
- 4.2.** The information on this form will be entered onto the Council's 'Locata' bidding system. The Locata bidding system will be used by the Council to keep a clear record of all Secure Tenants requiring rehousing. All offers of replacement homes to Secure Tenants will be recorded on this system.
- 4.3.** Whilst the housing needs assessment form records Secure Tenants preferences, the Council cannot guarantee such preferences will be met.

### **5. SIZE AND TYPE OF REPLACEMENT HOMES**

- 5.1.** The size and type of the replacement home offered to a Secure Tenant will depend on a Secure Tenant's household make up. The Council's allocation policy that is in force at the time that the Suitable Offer is made will be used to decide the size of home for which Secure Tenants are eligible. The Council's current allocation policy is the Brent Housing Allocation Policy 2013 (amended November 2014) that adopts the Government's bedroom standard and, as such, provides that the following should have one bedroom:
- Married, civil partnership or cohabiting couples
  - Single people more than 21 years old
  - Each pair of children or young people aged between 10 to 20 years old of the same gender
  - Each pair of children under 10 years old, regardless of gender
  - Any unpaired person aged 10 to 20 years old is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10 years old.



- 5.2.** In the following circumstances, the Council will offer a Secure Tenant a larger replacement home than that which they would otherwise be entitled under the Brent Housing Allocation Policy 2013 (amended November 2014). These are:
- 5.2.1.** Where a Secure Tenant or a member of their household requires larger accommodation on health grounds. For example, this may apply where a Secure Tenant or a member of their household needs their own bedroom for medical reasons or needs a carer/personal assistant or some special bulky medical equipment. These will be considered on a case by case basis, taking into account the advice of the Council's District Medical Officer and reports from relevant adult/children social services.
  - 5.2.2.** Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has two children of different sexes under 10 years old but where one or both of those children will be 10 years old or above by the time that the Secure Tenant will move into the replacement home.
  - 5.2.3.** Where a Secure Tenant requires larger accommodation as they are an approved Council foster carer and/or adopter. In order for a Secure Tenant to be allocated a larger accommodation in these circumstances, the Estate Regeneration Team will require evidence from the Council's Children Service confirming the Secure Tenant has been approved as a Council foster carer and/or adopter and that they are in a position to take one or more placements. These will be considered on a case by case basis by working closely with the Council's Children's Service.
  - 5.2.4.** Where a Secure Tenant, at the time that the housing needs assessment was undertaken, has a young person under 21 years old, who would be required to share a bedroom based on the Brent Housing Allocation Policy 2013 (amended November 2014), but the young person will be aged 21 years or above by the time that the Secure Tenant will move into the replacement home.
- 5.3.** Following the adoption by the Council of the Draft Allocation Policy to be used for Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court and completion of the housing needs assessment, the Estate Regeneration Team will write to those Secure Tenants and confirm ;
- 5.3.1.** The size of the replacement home that a Secure Tenant and their household will be offered;
  - 5.3.2.** Any preferences that the Secure Tenant expressed during the housing needs assessment (although the Council cannot guarantee such preferences will be met);
  - 5.3.3.** If an occupational therapy assessment is required.
- 5.4.** If an occupational therapy assessment is required, the Council will arrange for this to be undertaken as soon as practicable after the date of the letter referred to in **section 5.3**. Following receipt of the occupational therapist's report, the Council will write to the Secure Tenant confirming the occupational therapist's recommendations and provide the Secure Tenant with a copy of the report.
- 5.5.** The Council will make a Suitable Offer to each Secure Tenant living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court not less than six (6) months' notice before the time they need to move, but it may be earlier. The Suitable Offer will be made in accordance with **section 7** of this policy.

**5.6.** Parking is very limited across the South Kilburn Regeneration programme. Any essential parking needs will be identified during your needs assessment outlined in **section 4**.

## **5.7. Needs Plus**

**5.7.1.** Needs Plus is intended as an incentive for the loss of a larger property and adjusts the basic housing needs assessment to offer one bedroom more than the Secure Tenant would otherwise qualify for. The Needs Plus principle will only apply to Secure Tenants that satisfy both of the following:

- 1)** Secure Tenants living in a home with 3 bedrooms or more where the Secure Tenant's household has more bedrooms than are needed based on the housing needs assessment criteria set out above; and
- 2)** Secure Tenants that have the ability to pay the rent on a replacement home larger than they need.

### **For example:**

- a single person or a couple living in a three (3) bedroom home will be offered a two (2) bedroom replacement home if they have the ability to pay the rent on a replacement home larger than they need. However, the option of moving to a one bedroom replacement home will be open at the request of the Secure Tenant, subject to availability.
- The Needs Plus principle is at the Council's discretion. The Council will determine which Secure Tenant is to be offered a replacement home with one bedroom more than the Secure Tenant would otherwise qualify for.

**5.7.2.** The Government introduced size and criteria for social housing as part of welfare reform that cut the amount of housing benefit that people are entitled to if they are considered to have a spare bedroom. Therefore, Secure Tenants who opt for a larger home under the Needs Plus principle outlined above must have the ability to pay the rent on a replacement home larger than they need.

**5.7.3.** Secure Tenants currently living in a two (2) bedroom home who only qualify for a one (1) bedroom home will not be offered a two (2) bedroom home unless there are medical reasons to allocate a replacement home with more bedrooms than would otherwise be allocated.

## **5.8. Splitting Households**

**5.8.1.** If there is a shortage of larger homes in the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House redevelopment sites or other alternative accommodation offered in line with this policy for relocating Secure Tenants from 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, the Council may ask those Secure Tenants whose household composition is such that members of the household could be separately housed to take two smaller homes rather than one large replacement home.

**For example:**

A Secure Tenant who, on the housing needs assessment criteria, should be allocated a five or six bedroom home could be considered for two smaller homes if one adult member and other household members are re-housed separately.

- 5.8.2.** The Council will not be bound to make or receive any such requests for splitting households and will only ask a household to split if replacement homes for the split household are available.
- 5.8.3.** Where a household split is being explored, the Council will refer the request to its general Allocations Panel, which is part of the Council's general housing policy across the borough, for consideration and verification of the adult household member(s) being considered for separate rehousing to ensure they do not have an interest in another property either through ownership (including part), renting, through marriage or any other way.
- 5.8.4.** Where a household split request is made or accepted by the Council, usually only the Secure Tenant who gives up their existing home will receive a statutory home loss and disturbance payment unless other payments are due in accordance with the law.

**6. CHANGE OF CIRCUMSTANCES**

- 6.1.** Once a housing needs assessment has been carried out with each Secure Tenant, this information will be included in the detailed planning of the allocation of replacement homes in the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House redevelopment sites or other alternative accommodation offered in line with this policy.
- 6.2.** If a Secure Tenant's circumstances change such that their housing need will be different from that set out in the Council's letters referred to in **section 5.3 and/or 5.4** of this policy, the Secure Tenant must confirm these changes in person or in writing to the Estate Regeneration Re-housing Team, providing all relevant documentation.

For example, if a Secure Tenant or a member of their household is expecting a baby, the Secure Tenant would be required to provide a copy of the Expected Date of Confinement Certificate to the Estate Regeneration Team and a full copy of the birth certificate once the child is born. In such circumstances, the Council will make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.

- 6.3.** The Council reserves the right, acting reasonably, to refuse to accept any changes to a Secure Tenant's household composition which would mean providing a larger replacement home. However such consideration would only be considered in exceptional circumstances.
- 6.4.** Final verification will be taken by the Council and the Registered Provider at the time that the new homes are ready to be allocated to you by the Registered, to ensure that your circumstances remain the same.
- 6.5.** Fraudulent claims will be taken very seriously by the Estate Regeneration Rehousing Team and should it be discovered that your current accommodation with the Council is not your main or principal home or that you have another tenancy elsewhere, this will be checked and verified by the fraud team and may result in you losing your tenancy.

## **7. RE-HOUSING PROCESS & OPTIONS**

### **7.1. Condition of Your Property**

The Council expect the property that you currently reside in prior to you vacating, to be left in a clean and tidy condition with unwanted goods lawfully disposed of (including any unwanted white goods). If the property is not left in a tidy condition and items not disposed of, then the Council have the discretion to deduct these costs from your home loss payment.

### **7.2. Surplus Homes**

If, after rehousing all Secure Tenants living in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in accordance with this policy, there are affordable homes within Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House redevelopment sites that remain to be allocated, the Council may make an offer of alternative accommodation to Secure Tenants living in the next phase(s) of the South Kilburn regeneration programme whose housing need matches the replacement home available.

### **7.3. One Suitable Offer**

All Secure Tenants living within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will be made one Suitable Offer of alternative accommodation in line with the definition at **section 2.15** of this policy.

### **7.4. How allocations will be prioritised**

**7.4.1.** The Council will seek to ensure that Secure Tenants are fairly prioritised in the re-housing process.

**7.4.2.** In making the Suitable Offer of a replacement home to Secure Tenants, in order to ensure that Secure Tenants are fairly prioritised, the Council will adopt the following prioritisation procedure:

- 1)** First priority will be given to those Secure Tenants whose housing need matches the replacement home available (e.g. A tenant living in a 1 bedroom property moving into an available 1 bedroom property or a property adapted to medical or other needs);
- 2)** Second priority will be given to those Secure Tenants who have children under the age of ten;
- 3)** Third priority will be given to Secure Tenants whose preference, recorded during the housing needs assessment and confirmed to the secure tenant in accordance with **section 5.3** of this policy, matches the replacement home available;
- 4)** Fourth priority will be given to those Secure Tenants with the longest tenancies.

**7.4.3.** In the event that, after applying the above criteria, there is still more than one Secure Tenant to whom the replacement home could be allocated, then it will be at the Council's discretion to determine which Secure Tenant is to be allocated to the replacement home.

## **7.5. Secure Tenants with One Bedroom Housing Needs**

Due to the possible shortage of certain sized replacement homes, mainly new one bedroom homes within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites, the Council cannot guarantee that Secure Tenants with one bedroom housing needs will be offered a new home within Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites. However, all Secure Tenants with a one bedroom housing need will be made one Suitable Offer of alternative accommodation as follows:

### **7.5.1. Suitable Offer (permanent) within South Kilburn to a replacement home within the South Kilburn regeneration programme**

For some Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites, being built as part of the South Kilburn regeneration programme.

However, due to the shortage of one bedroom properties, this cannot be guaranteed by the Council. Secure Tenants moving to a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites will become tenants of Registered Providers. In these sites there will be approximately 69 new one bedroom affordable homes. The Council will, where possible, give Secure Tenants the preference of where within Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites they would like to live. In this instance, priority will be given in accordance with **section 7.4** of this policy.

Where it is not possible to accommodate Secure Tenants within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites, the Council may make a Suitable Offer of a permanent replacement home that has already been built as part of the South Kilburn regeneration programme. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment.

### **7.5.2. Suitable Offer (permanent) within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme**

For some Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme. All replacement homes within South Kilburn that are existing Council properties not due for demolition as part of the South Kilburn regeneration programme are likely to meet the Decent Homes standard.

Where a Secure Tenant with a one bedroom housing need moves to a permanent Council home within South Kilburn that are existing Council properties not due for demolition as part of the South Kilburn regeneration programme, the Council will decorate the property.

### **7.5.3. Suitable Offer (permanent) outside South Kilburn**

For other Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a permanent alternative home outside South Kilburn. In this case, Secure Tenants will not have a 'right to return' to a new replacement home on South Kilburn in the future. Where possible, the replacement home will be in the south of the borough of Brent. All replacement homes outside of South Kilburn are likely to meet the Decent Homes standard. Where a Secure Tenant with a one bedroom housing need moves to a permanent Council home outside South Kilburn, the Council will decorate the property.

### **7.5.4. Suitable Offer (temporary) within South Kilburn**

Where a Suitable Offer of permanent alternative accommodation within or outside South Kilburn cannot be identified for other Secure Tenants with a one bedroom housing need, this will mean a Suitable Offer of a temporary home within a block that is due for demolition as part of the South Kilburn regeneration programme. The Secure Tenant will remain in the temporary home until it is required for demolition as part of the South Kilburn Regeneration Programme, at which time the Secure Tenant will be made a Suitable Offer of a new replacement home. This guarantees the Secure Tenant the 'right to return' to a new home built as part of the South Kilburn regeneration programme.

Where a Secure Tenant occupies a temporary home for over twelve months, they may be entitled to a second statutory Home Loss Payment and Disturbance Payment once they move to their permanent new home within the South Kilburn regeneration programme.

A second payment of Home Loss Payment and Disturbance Payment will only be made if the Secure Tenant has a legal entitlement to a second payment at the time of the Secure Tenant's move to their permanent new home within the South Kilburn regeneration programme.

Where a Secure Tenant has to move to a temporary home, the Council may carry out improvement works to that home to assist the Secure Tenant to settle in. In some cases the Council may also offer fixtures and fittings as a gift. Where this happens, the Council will not be liable to maintain or repair these items.

### **7.5.5. A Move Elsewhere within the Borough or outside of Brent**

Some Secure Tenants with a one bedroom housing need may wish to move elsewhere within the borough or outside of Brent. In such cases, if the Secure Tenant wishes to do this, this will be noted when the housing needs assessment is done. The Council will be reliant upon Registered Provider and Council partners to source alternative homes. Our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn Regeneration programme. Whilst Secure Tenants may express a preference to move elsewhere within the borough or outside of Brent and the Council will assist Secure Tenants to do so, the Council cannot guarantee this outcome. Therefore, the Council will reserve a Suitable Offer for the Secure Tenant in the instance that a move elsewhere within the borough or outside of Brent is not able to be secured within the timescale required by the Council for securing possession of the existing home of the Secure Tenant.

Secure Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Secure Tenants who wish to move to the private sector will also be assisted.

## **7.6. Secure Tenants with Housing Needs of Two Bedrooms or More**

### **7.6.1. Suitable Offer (permanent) within South Kilburn**

For some Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites, being built as part of the South Kilburn regeneration programme.

Secure Tenants moving to a permanent new home within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/ Cullen House redevelopment sites will become tenants of Registered Providers. In these sites there will be 114 new affordable homes with two bedrooms or more. The Council will, where possible, give Secure Tenants the preference of where within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites they would like to live. In this instance, priority will be given in accordance with **section 7.4** of this policy.

Where it is not possible to accommodate Secure Tenants within the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/Cullen House redevelopment sites, the Council may make a Suitable Offer of a permanent replacement home that has already been built as part of the South Kilburn regeneration programme. Such a move may be in advance of a Secure Tenant's existing home being required for redevelopment.

### **7.6.2. Suitable Offer (permanent) within South Kilburn to a replacement home that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme**

For some Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme. All replacement homes within South Kilburn that are existing Council properties not due for demolition as part of the South Kilburn regeneration programme are likely to meet the Decent Homes standard.

Where a Secure Tenant with a housing need of two bedrooms or more moves to a permanent Council home within South Kilburn that are existing council properties not due for demolition as part of the South Kilburn regeneration programme, the Council will decorate the property.

### **7.6.3. Suitable Offer (permanent) outside South Kilburn**

For other Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a permanent alternative home outside South Kilburn, at the request of the Secure Tenant. In this case, Secure Tenants will not have a 'right to return' to a new replacement home on South Kilburn in the future. Where possible, the replacement home will be in the south of the borough of Brent. All replacement homes outside of South Kilburn are likely to meet the Decent Homes standard. Where a Secure Tenant with a housing need of two bedrooms or more moves to a permanent Council home outside South Kilburn, the Council will decorate the property.

#### **7.6.4. Suitable Offer (temporary) within South Kilburn**

For other Secure Tenants with a housing need of two bedrooms or more, this will mean a Suitable Offer of a temporary home within a block that is due for demolition as part of the South Kilburn regeneration programme. The Secure Tenant will remain in the temporary home until it is required for demolition as part of the South Kilburn Regeneration Programme, at which time the Secure Tenant will be made a Suitable Offer of a new replacement home. This guarantees the Secure Tenant the 'right to return' to a new home built as part of the South Kilburn regeneration programme.

Where a Secure Tenant occupies a temporary home for over twelve months, they may be entitled to a second statutory Home Loss Payment and Disturbance Payment once they move to their permanent new home within the South Kilburn regeneration programme.

A second payment of Home Loss Payment and Disturbance Payment will only be made if the Secure Tenant has a legal entitlement to a second payment at the time of the Secure Tenant's move to their permanent new home within the South Kilburn regeneration programme.

Where a Secure Tenant has to move to a temporary home, the Council may carry out improvements works to that home to assist the Secure Tenant to settle in. In some cases the Council may also offer fixtures and fittings as a gift. Where this happens, the Council will not be liable to maintain or repair these items.

#### **7.6.5. A Move Elsewhere within the Borough or outside of Brent**

Some Secure Tenants with housing needs of two bedrooms or more may wish to move elsewhere within the borough or outside of Brent. In such cases, if the Secure Tenant wishes to do this, this will be noted when the housing needs assessment is done. The Council will be reliant upon Registered Provider and Council partners to source alternative homes. Our partners will be required to offer an annual quota to assist the decanting process for the South Kilburn regeneration programme. Whilst Secure Tenants may express a preference to move elsewhere within the borough or outside of Brent and the Council will assist Secure Tenants to do so, the Council cannot guarantee this outcome. Therefore, the Council will reserve a Suitable Offer for the Secure Tenant in the instance that a move elsewhere within the borough or outside of Brent is not able to be secured within the timescale required by the Council for securing possession of the existing home of the Secure Tenant.

Secure Tenants who wish to move to specialist housing such as sheltered housing will be assisted by way of contact and help to complete the appropriate applications. Secure Tenants who wish to move to the private sector will also be assisted.



## **8. LEGAL PROCESS FOR RELOCATION OF SECURE TENANTS**

- 8.1.** The Council will consult with its Secure Tenants to agree voluntary relocation in accordance with this policy. The Council anticipates that the majority of Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will move to their replacement homes voluntarily. However, to provide certainty that the Council can deliver its programme of regeneration on time, for those Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court who refuse to move to their replacement homes, the Council will seek possession by Court proceedings under the Housing Act Schedule 2 Ground 10A. This method will be used by the Council for Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court until the Council has confirmation of a Compulsory Purchase Order (CPO) in respect of the homes concerned. After that point, and even if the Council are part way through the Ground 10A process, the Council shall proceed to secure possession by agreement or using the compulsory purchase powers derived from the confirmed CPO in place of the Ground 10A process. The only circumstances in which the Council may continue to use the Ground 10A process, following confirmation of a CPO, is if the Council consider that continuing to use the Ground 10A process is likely to result in it recovering possession of the property more swiftly than using its compulsory purchase powers. The Ground 10A process and the CPO process are summarised below in **sections 8.3 and 8.4**.
- 8.2.** Nothing in this allocation policy prevents the Council from continuing to manage homes occupied by Secure Tenants in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court in accordance with its usual policies and procedures. This may include the Council commencing possession proceedings against a Secure Tenant based on grounds for possession that do not include Ground 10A. The other grounds for possession are set out in Schedule 2 of the Housing Act 1985 and include grounds relating to rent arrears and antisocial behaviour.

At the time that the Council needs possession of a home in order to deliver its programme of regeneration, the Council may have already:

- (i) commenced possession proceedings based on grounds for possession that do not include Ground 10A; or
- (ii) been taking, been entitled to take or become entitled to take enforcement action for a breach of a Suspended Order for Possession, where the grounds for possession which resulted in the Order did not include Ground 10A.

If this is the case, the Council may pursue those proceedings or enforcement action instead of, or in addition to, using the Ground 10A process and/or using the compulsory purchase powers derived from the confirmed CPO.

If the Council secures possession of a home in reliance on an order for possession which is based on grounds for possession that do not include Ground 10A, the Council shall not be obliged to re-house the Secure Tenant in replacement accommodation in accordance with this allocation policy.

### **8.3. Ground 10A**

**8.3.1.** Under Ground 10A and Part V of Schedule 2 to the Housing Act 1985, the Council would need to:

- 1)** Serve consultation notices on the Secure Tenants within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. The notice will explain the main features of the proposed scheme, that the Council intends to apply to the Secretary of State for approval of the scheme and the effect of receiving this approval would result in possession proceedings brought in connection with homes occupied by Secure Tenants within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.
- 2)** Secure Tenants will have 28 days from service of the notice to make representations to the Council about the proposal and then consider all representations during that period.
- 3)** Apply to the Secretary of State for approval of the schemes (for the purposes of Ground 10A), in accordance with the procedure set out in Part V of Schedule 2 of the Housing Act 1985.
- 4)** When it wishes to secure possession of a home from a Secure Tenant, and subject to it having received Secretary of State approval, serve a notice seeking possession on the affected Secure Tenant and make them a Suitable Offer of alternative accommodation. The Council will try to give Secure Tenants 6 months' notice before it requires possession of the Secure Tenant's current home but this may not be possible in all cases and possession proceedings may commence before the end of the 6 months for some Secure Tenants who refuse a Suitable Offer of a replacement home. However, if a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal under the process outlined in **section 12** of this policy; and
- 5)** Apply to the Court for repossession of a Secure Tenant's home if the Secure Tenant, having received a notice seeking possession and a Suitable Offer of alternative accommodation, does not voluntarily move out of their home.

### **8.4. Compulsory Purchase Order**

**8.4.1.** The Council's policy is to secure the regeneration of South Kilburn in accordance with a phased programme. Use of Ground 10A cannot by itself secure this aim. Therefore, in addition to the use of Ground 10A outlined above, the Council will also promote a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire all interests in land surrounding and including 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court which are due for demolition as part of the South Kilburn regeneration programme.

**8.4.2.** The land to be acquired will include properties occupied by Secure Tenants. The CPO will be relied upon to obtain possession if possession of properties cannot be obtained to ensure timely delivery of the comprehensive regeneration proposals by securing vacant possession of blocks due for demolition under the South Kilburn regeneration programme which gives certainty of timing to enable the phased process of regeneration and the delivery of new homes to continue.

**8.4.3.** Under section 226(1)(a) of the Town and Country Planning Act 1990 the Council will:

- 1)** Serve a Section 16 requisition notice under the Local Government (Miscellaneous Provisions) Act 1976 on the Secure Tenants to identify all interested parties in the property and advise of the Council's intention to acquire land which includes their existing home. This notice is a legal document and Secure Tenants must complete the document detailing their interest in the property and also detail who else has an interest in the property such as other members of the household.
- 2)** Secure Tenants will then receive a copy of the draft CPO and a notice explaining its effects. Secure Tenants will be advised at that stage that they can voice their objections to the CPO and that these objections will be sent to the appropriate government minister. If there are objections there will be an inquiry and an inspector will make a decision on whether or not the CPO should be confirmed.
- 3)** Make Secure Tenants a Suitable Offer of alternative accommodation. If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal in line with the process outlined in **section 12.3** of this policy.
- 4)** If the CPO is confirmed, either with or without a public inquiry, serve a Notice to Treat and notice of entry on the Secure Tenants specifying a date for possession. These are legal documents that the Council may serve on Secure Tenants which gives the Council the right to enter and take possession of the existing home of the Secure Tenant, in order to ensure the timely delivery of that property for regeneration.
- 5)** Enforce the CPO to take possession of the home if a Secure Tenant fails to move to their replacement home. Under CPO the Notice of Entry will be enforced and possession obtained by County Court enforcement officers.

## **9. RENT LEVELS OF NEW AFFORDABLE HOMES ON SOUTH KILBURN**

- 9.1.** The Council has committed to delivering new affordable homes in South Kilburn at Social Rents, let at target rents calculated in line with the national rent regime formula, and subject caps published by the government.
- 9.2.** Secure Tenants who are allocated a new replacement home in South Kilburn will pay higher rent than their existing Council property.

This is due to two reasons:

- 1) Council rents are below the rents charged by Registered Providers, which are known as target rents;
- 2) The higher value associated with a quality new build home, compared with an existing Council property, will be reflected in a higher target rent.

**9.3.** The regeneration proposals for Secure Tenants currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court rely on new replacement homes for existing tenants that would not be completed and ready for occupation until at least 2019-2021. It is therefore difficult to provide exact target rents for the new replacement homes at this point in time. The government has also not published target rent caps since April 2015.

**9.4.** The target rents for the new replacement homes will however be based upon the following base assumptions:

Unit Type	Rent for FY 2015-16 £/week
1 bed	118.70
2 bed	149.74 (cap)
3 bed	158.06 (cap)
4 bed	166.37 (cap)

**9.5.** These base 2015-16 target rents will need to be appropriately capped and indexed to the point of letting in line with all relevant legislation and guidance (published by the Government, the Homes & Communities Agency or otherwise). *When updating the base 2015-16 target rents and setting the actual target rents of the new replacement homes for letting purposes, these base 2015-16 target rents will under current legislation and guidance be expected to either increase or stay the same.*

**9.6.** Annual rent increases for the new replacement homes once let will be in line with all relevant legislation and guidance (*published by the Government, the Homes & Communities Agency or otherwise*) applicable at the time of the review. *Currently, the Welfare Reform and Work Act 2016 provides that up to and including financial year 2020-21, all actual target rents on social housing are to be reduced by 1% per annum. Post financial year 2020-21, annual rents will increase (or decrease) in accordance with any new legislation and/or guidance (published by the Government, the Homes & Communities Agency or otherwise) to inform the annual review of social rent.*

**9.7.** There will always be a difference in the rent charged for existing Council properties in South Kilburn, compared with new homes for rent from Registered Providers, built as part of the South Kilburn regeneration programme.

**9.8.** Secure Tenants who are allocated a new replacement home in South Kilburn under this policy will pay the relevant target rent from the tenancy start date.

**9.9.** In the case of Secure Tenants that move elsewhere within the borough or outside of Brent or move to specialist housing such as sheltered housing, rent levels for homes will vary according to the location and the landlord.

**9.10.** Service Charges will be charged with your new property and it will be discussed what these charges are likely to be with your housing officer at the time of your offer.

**9.11.** Secure tenants will be provided with a 'Getting ready to move booklet' prior to their rehousing date.

## **10. TENANT'S CHOICE ON INTERIOR FITTING OF NEW HOMES**

**10.1.** Secure Tenants who are allocated a new replacement home within South Kilburn may be invited to select certain 'tenant's choice' items. Whilst tenant's choice items will be different on the Chippenham Gardens, Gloucester and Durham, Peel and Queens Park/

Cullen House redevelopment sites, they will usually include items such as kitchen units, wall paint colours, tiling and floor coverings. Each Registered Provider will have a different range of choices for their specific developments.

## **11. HOME LOSS AND DISTURBANCE PAYMENTS**

- 11.1.** The Home Loss and Disturbance Policy for Secure Tenants with Homes in South Kilburn is attached at **Appendix 2**.

## **12. APPEALS PROCEDURES**

### **APPEALS PROCEDURE WHERE NO CPO HAS BEEN CONFIRMED**

#### **12.1. Stage One Appeal: no CPO confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within 10 working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal and who to send an appeal to at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer;
  - specifying the reasons why they believe the offer is not a Suitable Offer;
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and;
  - stating that they wish to appeal against the Council's offer.
- Appeals should be sent to:

Linda Beasley  
**Estate Regeneration Re-housing Manager**  
Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.
- If an appeal is received within the allowed time limit, the Estate Regeneration Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the Estate Regeneration Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the Estate Regeneration Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's appeal.

#### **12.2. Stage Two Appeal: no CPO confirmed**

- If the Secure Tenant wishes to appeal the Estate Regeneration Re-housing

Manager's decision and a CPO has not been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within 10 working days of having received such decision by writing to Head of Estate Regeneration at the address below:

- specifying the reasons why they do not agree with the Estate Regeneration Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Further appeals should be sent to:  
  
Richard Barrett  
**Head of Estate Regeneration**  
Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.
  - If a further appeal is received within the allowed time, the Head of Estate Regeneration will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household.
  - If the Head of Estate Regeneration agrees with the Secure Tenant's further appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
  - If the Head of Estate Regeneration does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's further appeal. The Council will expect the Secure Tenant to move to the home set out in the Suitable Offer. If the Secure Tenant does not then the Council will take all necessary steps to secure possession of the Secure Tenant's home as summarised at **section 8** above.

#### **APPEALS PROCEDURE WHERE A CPO HAS BEEN CONFIRMED**

##### **12.3. Stage One Appeal: where CPO is confirmed**

- If a Secure Tenant believes the Council's offer of a replacement home is not a Suitable Offer, they will have the right to appeal the offer within 10 working days of the Council making the offer to the Secure Tenant. Secure Tenants will be notified on the timescales for appeal at the point they are made a Suitable Offer of a replacement property.
- If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below:
  - stating that they do not believe the Council's offer is a Suitable Offer;
  - specifying the reasons why they believe the offer is not a Suitable Offer;
  - enclosing any evidence to support their belief that the offer is not a Suitable Offer (e.g. medical evidence) and;
  - stating that they wish to appeal against the Council's offer.

- Appeals should be sent to:

Linda Beasley

**Estate Regeneration Re-housing Manager**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.

- If an appeal is received within the allowed time limit, the Estate Regeneration Re-housing Manager will assess the appeal in light of the information provided and taking into account the individual circumstances of the Secure Tenant and their household members.
- If the Estate Regeneration Re-housing Manager agrees with the Secure Tenant's appeal (e.g. on medical grounds) the Council will inform the Secure Tenant and at the same time make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the Estate Regeneration Re-housing Manager does not agree with the Secure Tenant making the appeal, the Secure Tenant will be informed of the decision within 10 working days of the Council receiving the Secure Tenant's appeal.

#### **12.4. Stage Two Appeal: where CPO is confirmed**

- If the Secure Tenant wishes to appeal the Estate Regeneration Re-housing Manager's decision and a CPO has been confirmed in relation to the Secure Tenant's existing home, the Secure Tenant must do so within 10 working days of having received such decision by writing to the Head of Estate Regeneration at the address below:
  - specifying the reasons why they do not agree with the Estate Regeneration Re-housing Manager's decision and
  - enclosing any further evidence to support their belief that the Council's offer is not a Suitable Offer (e.g. medical evidence) and
  - stating that they wish to make a further appeal against the Council's offer.
- Appeals should be sent to:
 

Richard Barrett

**Head of Estate Regeneration**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.
- If a further appeal is received within the allowed time, the Head of Estate Regeneration will refer the appeal to an independent review body to be appointed by the Council and notified to Secure Tenants prior to any such appeal arising. The independent review body will carefully review the Suitable Offer made to the Secure Tenant and any representation made by the Council and will advise the Head of Estate Regeneration whether it considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973 within 15 working days of the independent review body receiving from the Head of Estate Regeneration a copy of the Secure Tenant's further appeal.

- Within 10 working days of receiving the view of the independent review body:
  - the Head of Estate Regeneration will assess the appeal taking into account the view of the independent review body, the information provided by the Secure Tenant and the individual circumstances of the Secure Tenant and their household and decide whether they agree with the Secure Tenant's further appeal and;
  - the Council will inform the Secure Tenant of the decision of the Head of Estate Regeneration and, if the Head of Estate Regeneration agrees with the Secure Tenant's further appeal, the Council will make another offer of an alternative home on the basis that it is a Suitable Offer meeting the needs of the Secure Tenant.
- If the independent review body does not consider that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, in most cases it is likely that the Head of Estate Regeneration will agree with the view of the independent review body, agree to the Secure Tenant's further appeal and make an alternative offer. There may be circumstances, however, in which the Head of Estate Regeneration disagrees with the decision of the independent review body and decides not to do so. If this is the case, when the Council writes to the Secure Tenant to notify them of the outcome of their further appeal, the Council will explain why it disagrees with the view of the independent review body.
- If the independent review body considers that the Suitable Offer is suitable alternative residential accommodation on reasonable terms within the meaning of section 39 of the Land Compensation Act 1973, it is likely that the Head of Estate Regeneration will agree with the view of the independent review body and not agree with the Secure Tenant's further appeal. Where the Head of Estate Regeneration does not agree with the Secure Tenant's further appeal, the Council will expect the Secure Tenant to move to the home set out in the Suitable Offer. If the Secure Tenant does not then the Council will take all necessary steps to secure possession of the Secure Tenant's home as summarised at **section 8** above.

**12.5.** Secure Tenants can also seek the advice from a Citizens Advice Bureau/ Law Centre Solicitor or the independent Resident and Tenants Advisor, First Call, who can be contacted on Freephone 0300 365 7150.



## Appendix 1

### HOMES WITHIN SOUTH KILBURN

Homes Already Delivered under the South Kilburn Regeneration Programme	Existing Buildings to be Retained
1 to 13 Bristol Walk	1 to 96 Carlton House
1, 3, 5 & 7 Chichester Road	129 to 136 Carlton House
4 to 17 Gorefield Place	Allington Road
5 to 153 Cambridge Avenue (odds only)	Alpha House
6 Falconbrook Court	Canterbury Court
Franklin House	Chamberlayne Mansions
Kilburn Quarter	Chichester House
George House	Chichester Road
Granville Homes	Claremont Road
Hansel Road	Gorefield House
Hollister House	Hampton Close
Merle Court	Kilburn Lane
Swift House	Malvern Road
Thames Court	Princess Road
Walbrook Court	Stafford Close
Queens Park Place	The Quadrant

## **Appendix 2**

### **HOME LOSS AND DISTURBANCE POLICY FOR SECURE TENANTS WITH HOMES IN SOUTH KILBURN**

#### **Contents**

1. Introduction
2. Terms Used in this Policy
3. People Affected
4. Home Loss and Disturbance Payments Policy
5. Advance Payments of Home Loss
6. Rent Arrears and Outstanding Court Costs
7. Disturbance Payments – Key Principles
8. Home Loss Payments Procedure
9. Disturbance Payments Procedure
10. Appeals Procedure for Disturbance Claims

## 1. INTRODUCTION

- 1.1 This document sets out the policy and procedure for the making of Home Loss Payments and Disturbance Payments to Secure Tenants, who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973), currently living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn which will be demolished as part of the South Kilburn regeneration programme. The aim of the policy is to ensure effective and consistent arrangements for the making of Home Loss Payments and Disturbance Payments.

## 2. TERMS USED IN THIS POLICY

- 2.1 **1-71 Blake Court** means homes in 1 to 71 Blake Court, Malvern Road, NW6 5PW which are due for demolition as part of the South Kilburn regeneration programme.
- 2.2 **113-128 Carlton House** means homes in 113 to 128 Carlton House, Canterbury Terrace, NW6 5DU which are due for demolition as part of the South Kilburn regeneration programme.
- 2.3 **1-8 Neville House** means homes in 1 to 8 Neville House, Neville Road, Kilburn London NW6 5BT which are due for demolition as part of the South Kilburn regeneration programme
- 2.4 **1-64 Winterleys** means homes in 1 to 64 Winterleys, Albert Road, NW6 5DR which are due for demolition as part of the South Kilburn regeneration programme.
- 2.5 **Chippenham Gardens Redevelopment Site** means homes to be built on the Chippenham Gardens Site on 4-26 Stuart Road (even numbers only) and 5-9 Chippenham Gardens as part of phase 3a of the South Kilburn regeneration programme. This site will include approximately 22 affordable homes, of which 12 homes have one bedroom, 4 homes have two bedrooms and 6 homes have 3 – (Please see Appendix 3 –Site Plans of new redevelopment schemes).
- 2.6 **Disturbance Payment** means a payment for removal and other expenses that the Council makes to Secure Tenants in accordance with Council policy (including the Land Compensation Act 1973).
- 2.7 **Gloucester and Durham Redevelopment Site** means homes to be Gloucester and Durham redevelopment site on Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6 (Please see Appendix 3 –Site Plans of new redevelopment schemes) as part of phase 3a of the South Kilburn regeneration programme. This site will include 102 affordable homes, of which 35 homes have one bedroom, 35 homes have two bedrooms, 31 homes have three bedrooms and 1 home has four bedrooms.
- 2.8 **Home Loss Payment** means a payment that is made to Secure Tenants in accordance with the Land Compensation Act 1973.
- 2.9 **Peel Redevelopment Site** means homes to be built on Peel Precinct, 97-112 Carlton House and 8 to 14 Neville Close, 2 Canterbury Road & Peel site garages part of phase 3a/3b – (Please see Appendix 3 –Site Plans of new redevelopment schemes). The Site includes 42 affordable homes, 11 homes have one bedroom, 12 homes have two bedrooms, 15 homes have three bedrooms and 4 home has four bedrooms). \*22 of the affordable homes have been ring-fenced for existing secure tenants living in Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close. Therefore 20 of the 42 affordable homes will be available for secure tenants living in homes within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court (of which 2 homes have one bedroom, 4 homes have 2 bedrooms, 10 homes have three bedrooms and 4 homes have 4 bedrooms).

- 2.10** ***Queens Park/Cullen House Redevelopment Site*** means homes to be built on the site at Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and Salusbury Road Car Park as part of phase 3a/3b of the South Kilburn regeneration programme (Please see Appendix 3 –Site Plans of new redevelopment schemes). The site will include 39 affordable homes, of which 20 homes will be 1 bedroom, 13 homes will be 2 bedrooms, 3 homes will be three bedrooms and 3 homes will be four bedrooms.
- 2.11** ***Secure Tenants*** means those people who let their homes from the Council on Secure Tenancies as defined in the Housing Act 1985 and who the Council have a duty to rehouse
- 2.12** ***The Council*** means Brent Council

### **3. PEOPLE AFFECTED**

- 3.1** This policy affects Secure Tenants living in homes within South Kilburn which will be demolished as part of the South Kilburn regeneration programme.

### **4. HOME LOSS AND DISTURBANCE PAYMENTS POLICY**

- 4.1** The Council will pay Home Loss Payments and Disturbance Payment to Secure Tenants who lose their homes as part of the South Kilburn regeneration programme. Not all Secure Tenants who lose their homes will be entitled to Home Loss Payments and Disturbance Payments.
- 4.2** Secure Tenants who move out of their homes, provided that they have lived there for at least 12 months before their move and it is their only or principal home, will be eligible for a Home Loss Payment which is currently £6,100 but which may change in line with government legislation over the period of the regeneration. The Council will always pay the rate which applies at the time of the Secure Tenant's move.
- 4.3** Home Loss Payments and Disturbance Payments will be dealt with after the move to the new home when claim forms should be submitted, as set out in this policy.
- 4.4** Secure Tenants who are joint tenants are only entitled to one Home Loss Payment and Disturbance Payment, which can be paid in equal shares to both parties where requested in writing by them.
- 4.5** The borough-wide housing policy that allows Secure Tenants who down size to a smaller property for a financial incentive does not apply to Secure Tenants of South Kilburn if they receive a statutory Home Loss Payment.
- 4.6** Secure Tenants who wish to move to the private sector as outlined in **section 7.5.5 and 7.6.5** of the Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court will receive Home Loss Payments and Disturbance Payments as required by law.
- 4.7** Where Secure Tenants moves temporarily within South Kilburn to a home that will become due for demolition under the South Kilburn regeneration programme and occupy this temporary property in excess of twelve months, then they may be entitled to a second statutory Home Loss payment once they move to their new home within the South Kilburn regeneration programme.

The instances where Secure Tenants may move temporarily within South Kilburn to a home that will be due for demolition under the South Kilburn regeneration programme are explained in **paragraphs 7.5.4 and 7.6.4** of the Allocation Policy for Secure Tenants with homes in 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court, South Kilburn.

## **5. ADVANCE PAYMENTS OF HOME LOSS**

**5.1** Secure Tenants can request for an advance payment of Home Loss to be made if they are moving to:

- A permanent home within South Kilburn that is an existing Council property that is not due for demolition as part of the South Kilburn regeneration programme;
- A permanent home outside South Kilburn;
- A temporary move within South Kilburn to a home that will become due for demolition under the South Kilburn regeneration programme;
- A move elsewhere within the Borough or outside of Brent.

**5.2** If a request for an advance payment of Home Loss is received, it is sent to the Estate Regeneration Re-housing Manager for consideration. The Estate Regeneration Re-housing Manager has the discretion to approve or reject requests for advance payments or make partial advance payment of Home Loss to the Secure Tenant.

**5.3** Requests for advance payments of Home Loss will not be considered from Secure Tenants who are moving to a permanent new home within the South Kilburn regeneration programme.

## **6. RENT ARREARS AND OUTSTANDING COURT COSTS**

**6.1** Secure Tenants with rent arrears will be expected to clear the full sum of monies owed to the Council. The Council will pursue all rent arrears in line with its arrears procedure. Where a Secure Tenant has been taken to court for recovery of rent and the Secure Tenant has kept to the terms of the court order, then the Council will off-set any remaining rent arrears and outstanding costs that the court has ordered the Secure Tenant to pay against any Home Loss Payment.

**6.2** Where a Secure Tenant has not complied with any court order for the recovery of rent arrears or where the level of arrears exceeds the Home Loss payment, the Council reserves the right not to offer a Secure Tenant a new home in South Kilburn.

## **7. DISTURBANCE PAYMENTS – KEY PRINCIPLES**

**7.1** The Council will pay disturbance payments to Secure Tenants who lose their homes as part of the South Kilburn regeneration programme and who are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973). Reasonable disturbance costs may be payable and Secure Tenants who wish to claim for these costs will be required to produce evidence of the costs incurred. The following are examples of Disturbance payments that the Council has a legal duty to meet:

- Removal expenses (the Council pays for removals directly);
- Redirection of mail;
- Dismantling and re-assembly of Secure Tenants own furniture such as wardrobes;

- Telephone disconnection and reconnection;
- Compensation for the second hand value of carpet and curtains where no carpet and curtains are provided in replacement home (**see section 7.5 to 7.11**);
- Disconnection/reconnection of services;
- The second hand value of large items of furniture that cannot be dismantled or moved to the Secure Tenant's replacement property.

**7.2** Key principles relating to Disturbance Payments are as follows:

- The onus is on the Secure Tenant to justify their claim; there is no pre-determined disturbance allowance;
- Claims can only be made for costs incurred as a direct result of being disturbed;
- Secure Tenants should be no worse off or better off than before their move;
- Costs must be reasonable. For example, Secure Tenants cannot claim compensation for any fixtures and fittings such as mixer taps that they have replaced in their current home as fixtures and fittings will be provided in replacement home;
- Where appliances are supplied within new properties e.g. cooker, washing machine or fridge freezer, no reconnection fees will be paid.

### **Adaptation of Carpets/Curtains**

**7.3** If carpets and/or curtains could be adapted to fit in the replacement property, the Council would pay for the adaption, where such items are not provided in replacement home. If the Secure Tenant chooses not to adapt the carpets and/or curtains, nor does the Secure Tenant use them in their replacement property, then the Secure Tenant would not be able to claim compensation.

**7.4** Carpets and/or curtains are deemed to be adaptable if they satisfy the following criteria:

- The existing carpets/curtains is the same size or larger than required in the replacement home;
- Foam-backed carpets, unlined curtains and lino are 3 years old or less;
- Hessian-backed carpets and lined curtains are 6 years old or less.

### **Compensation for Carpets, Curtains or Large Items of Furniture**

**7.5** Secure Tenants can claim the second hand value of carpets and curtains where such items are not provided in replacement home or are not adaptable as outlined above. Where it is agreed that an item needs replacing, rather than adapting, the compensation paid to the Secure Tenant will be based on the cost of the item when it was new, less a percentage discount according to the existing age of the item. Therefore, the older the existing item, the less amount of compensation the Secure Tenant will receive.

**7.6** Secure Tenants can also claim for large items of furniture that cannot be dismantled or moved to their replacement home. Details of the Secure Tenants existing carpets, curtains and large items of furniture would have been recorded in the Housing Needs Assessment by the Estate Regeneration Team at the time of the first home visit or at the point that the Secure Tenant accepts the suitable offer of alternative accommodation.

**7.7** The age of the existing carpet must be assessed. If the Secure Tenant can show receipts as proof of purchase this is desirable, if not, an agreement must be reached on the age and condition of the carpet or curtains with the Estate Regeneration Re-housing Manager at the time the Housing Needs Assessment is completed.

- 7.8** The second-hand value of **hessian-backed carpets, lined curtains and large items of furniture that cannot be dismantled or moved to replacement home**, with a life expectancy of 10 years is calculated using the following formula:

Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	8%
2 years	Replacement Value	16%
3 years	Replacement Value	24%
4 years	Replacement Value	32%
5 years	Replacement Value	40%
6 years	Replacement Value	48%
7 years	Replacement Value	56%
8 years	Replacement Value	64%
9 years	Replacement Value	72%
10+ years	Replacement Value	80%

- 7.9** An example of a calculation using this table is as follows:

A Secure Tenant has a hessian-backed carpet which is 5 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £8 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20sqm x £8 per sqm	£160
Less depreciation at 40%	(£64)
<b>Disturbance allowance paid to Secure Tenant</b>	<b>£96</b>

- 7.10** The second-hand value of **foam-backed carpets and unlined curtains**, with a life expectancy of 5 years is calculated using the following formula:

Age of Carpet/ Curtains/ Large Item of Furniture	Value of Carpet/ Curtains/ Large Item of Furniture	Less Depreciation
1 year	Replacement Value	16%
2 years	Replacement Value	32%
3 years	Replacement Value	48%
4 years	Replacement Value	64%
5+ years	Replacement Value	80%

- 7.11** An example of a calculation using this table is as follows:

A Secure Tenant has a foam-backed carpet which is 7 years old and 20 square meters in size that cannot be adapted to fit in their replacement property. The replacement value of the carpet is £6 per square meter. The second-hand value of the carpet is calculated as follows:

Replacement value 20sqm x £6 per sqm	£120
Less depreciation at 80%	(£96)
<b>Disturbance allowance paid to Secure Tenant</b>	<b>£24</b>

- 7.12** Please note that **claims for any products purchased within a three year period will need to be validated with proof of purchase**. i.e. a receipt or bank statement.

## **8. HOME LOSS PAYMENTS PROCEDURE**

- 8.1** The Estate Regeneration Team will request in writing bank details from Secure Tenants so the payments can be made directly into the Secure Tenant's bank account by Bankers' Automated Clearing Service (BACS). Payments can be made to Secure Tenants by cheque; however payments by cheque take longer than BACS payments.
- 8.2** Secure Tenants will be invited to attend a meeting to sign the tenancy agreement for their replacement home and to sign a form to end the tenancy on their current home within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court. At this meeting, Secure Tenants will also be asked to complete and sign a Home Loss Claim Form (Annex 1).
- 8.3** If there are arrears owing on the Secure Tenant's account (rent arrears and court costs), these will be deducted from the Home Loss payment.
- 8.4** The Council will make Home Loss payments within 35 working days of receipt by the Council of a valid claim form and once the Secure Tenant has returned the keys of their old home within 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and 1-71 Blake Court.

## **9. DISTURBANCE PAYMENTS PROCEDURE**

- 9.1** Disturbance claims should be made on the form provided (Annex 2). Disturbance claims should be signed and dated by the Secure Tenant and should be sent to the Estate Regeneration Team at the address shown on the claim form, within 3 months of a Secure Tenant moving to their replacement home. Secure Tenants are asked to claim all the costs incurred as a result of their move on one claim form.
- 9.2** Secure Tenants must support their claim for Disturbance costs with receipts to confirm the items being claimed have been paid. Claims for the cost of goods and services that are not supported by receipts will be not considered. Claims for the cost of goods and services that are supported by hand-written or cash receipts will not be considered.
- 9.3** The Disturbance claim will be assessed by the Estate Regeneration Team. The Estate Regeneration Team has the discretion to approve all or part of a claim for Disturbance, reject a claim for Disturbance or seek further information from the Secure Tenant making the claim.
- 9.4** Disturbance Payments will be paid to Secure Tenants through the BACS system. The Council will make Disturbance Payments within 35 working days of receipt by the Council of a valid claim form.

## **10. APPEALS PROCEDURE FOR DISTURBANCE CLAIMS**

- 10.1** If a Secure Tenant believes the Council's assessment of their Disturbance payment is unreasonable, they will have the right to appeal the decision within 10 working days of the Council's assessment of the claim for Disturbance.
- 10.2** If a Secure Tenant wishes to make an appeal, the Secure Tenant must write to the Council at the address below specifying the reasons why they believe the assessment of their claim for Disturbance is unreasonable.



**10.3** Appeals should be sent to:

Linda Beasley

**Estate Regeneration Re-housing Manager**

Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, NW6 5DE.

- 10.4** If an appeal is received within the allowed time limit, the Estate Regeneration Re-housing Manager will assess the appeal in light of the information provided within 10 working days of receipt of the appeal.
- 10.5** If the Estate Regeneration Re-housing Manager agrees with the Secure Tenant's appeal, the Council will reassess the claim for disturbance. If the Estate Regeneration Re-housing Manager does not agree with the Secure Tenant's appeal, the Estate Regeneration Re-housing Manager will inform the tenant in writing, outlining the reasons why the appeal has been rejected.

**Annex 1**

**SOUTH KILBURN REGENERATION SCHEME HOME  
LOSS CLAIM FORM**

Please write in capitals

**TENANT(S) NAMES**

Title			Initials			Surname												

**ADDRESS VACATING**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PRESENT TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**MOBILE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**NEW ADDRESS**

<b>Postcode</b>															

**NEW TELEPHONE NUMBER**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**DAY VACATING**

--

**DATE**

**MONTH**

**YEAR**

I certify that I will be moving from the above address, into alternative permanent/temporary housing. I note also:

- (a) I shall be responsible for the payment of the rent of my present accommodation until the Sunday prior to my tenancy date. I will arrange for the keys to be returned to the **Estate Regeneration Rehousing Team, Community Resource Centre, William Dunbar House, Albert Road, South Kilburn, London NW6 5DE.**
- (b) My Home loss Claim for **£6,100.00 (subject to below deductions)** will only be processed when all the keys for my current address are returned.
- (c) I claim the maximum amount of **£6,100.00** due to the rent account, of my existing property being in credit at the termination date of the tenancy. Also, I am aware, that if any rent arrears, Court Cost, Council Tax including those from previous accommodation, or Housing Benefit, owed to the Council they will be deducted from my Home loss.
- (d) I also understand that once the final Home loss Payment has been made, if there are any other monies I owed to the London Borough of Brent, I will still be liable for them to be paid.
- (e) I agree not to remove any fixtures and fittings, e.g. door handles, light switches, rose pendants, kitchen and bathroom sinks and acknowledge that if I remove any fixtures and fittings the cost to replace them will be deducted from my Home Loss Payment.

Signed: ..... Date:.....

#### Official Use

	Amount	Date Inputted	Appr
<b><i>Tenant's details entered on Oracle Supplier Management</i></b>			
<b><i>Date keys returned</i></b>			
<b><i>Rent Arrears (as at )</i></b>	£		
<b><i>Rent in Credit (as at )</i></b>	£		
<b><i>Court Costs owed (as at )</i></b>	£		
<b><i>Housing Benefit Overpayment owed (as at</i></b>			
<b><i>Purchase of</i></b>			
<b><i>Advance Home loss Payable</i></b>	£		
<b><i>Total withheld</i></b>	£		
<b><i>Total Amount Withheld</i></b>	£		
<b><i>Home loss Payable</i></b>	£		
<b><i>Total of Home loss</i></b>	£		
<b><i>Letter to tenants notifying of Home loss and Deductions</i></b>			
<b><i>Date invoice raised to Rent Income, for rent arrears</i></b>			
<b><i>Arrears paid to Rent Income</i></b>	£		

NAME OF PERSON OTHER THAN TENANT WHO PAYMENT TO BE PAID TO

Title			Initials			Surname												

PAYMENT BY BACS (DIRECT TO YOUR BANK)

Please provide details of your bank account below Name of  
Bank.....  
.

Sort code.....

Account number.....

If a building society, provide Roll  
Number.....

**Signed..... Date.....**

## Annex 2

### SOUTH KILBURN REGENERATION SCHEME DISTURBANCE CLAIM FORM

As part of your claim for a disturbance payment, you are required to provide the following itemised information when submitting receipts. Unfortunately, your claim cannot be processed without this information, it is therefore essential that you submit these details.

**You will only be reimbursed on a sliding scale to replace floor covering and curtains. Please refer to the Home Loss and Disturbance Policy for Secure Tenants with Homes in South Kilburn for further information. However if there is new or good quality flooring in your replacement property, then you will not receive financial compensation for similar items left behind.**

**Secure tenants must support their claim for Disturbance costs with receipts to confirm the items being claimed have been paid. Claims for the cost of goods and services that are not supported by hand-written or cash receipts will not be considered.**

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE ESTATE REGENERATION TEAM WITHIN THREE MONTHS AFTER YOU HAVE MOVED TO YOUR NEW ADDRESS**

---

Tenant Name(s)


Telephone No:


Your new address


Date of moving to  
this new  
address

--

Your old address


**Previous Accommodation:** Type: (Please Delete)

**Maisonette/ Flat**

Number of Bedrooms:.....

Number of Other Rooms:..... (Excluding Kitchen WC and Bathroom)

**To be completed by Housing Officer prior to move.**

**Please list all rooms in which you currently have Carpets and state whether Hessian Backed or Foam Backed and laminate/wooden flooring, is it click or glued**

No.	Room Size	Carpet/ Flooring Size	Date of Purchase/ Estimated Age	Hessian/ Foam Backed	Cost per SQM	Room i.e. Bedroom/ Living room
1						
2						
3						
4						
5						
6						

**Please list all rooms in which you have Curtains or Blinds.**

No.	Window Size	Curtain Size	Date of Purchase/ Estimated age	Cost per SQM Cost of Blinds or Ready Made Curtains
1				
2				
3				
4				
5				
6				

**Receipts for all these items must be attached.**

**Section A: Adaptations**

List below details of any room where your existing carpets/flooring and curtains can be adapted for your new accommodation

No.	Room Size and Use	Flooring Adapted Quote room no. from old Accommodation	Cost	Curtains Adapted Quote room no. from old Accommodation	Cost
1					
2					
3					
4					
5					
6					

**Section B Replacement**

List below details of any rooms where your existing carpets/flooring and curtains cannot be adapted and the cost of replacement you wish to claim.

No.	Room Size and Use	Carpet Size	Cost per SQM	Curtain Size	Window Size	Cost per SQM/ Cost of Blinds
1						
2						
3						
4						
5						
6						

Receipts for all these items must be attached.

Items Claimed	Cost
<b>Disconnection/ Reconnection</b>	
Telephone *	
Re- Direction of Mail	
Other Reasonable Expenses (detail required)	
Sub Total	
<b>Cost of adapting:</b>	
Curtains/ Carpets/Laminate	
<b>Cost of replacing</b>	
Curtains/Carpets/Laminate	
Total Cost	

\*The disconnection and reconnection of your telephone is your responsibility.

### Declaration

I certify that I have incurred the above costs and that the information given is correct. I now claim disturbance payment from Brent Council.

Signed:

\_\_\_\_\_

Date:

\_\_\_\_\_



**Please return this form to Estate Regeneration Rehousing Team, accompanied by the necessary receipts.**

---

For Area Office Use Only

Date Returned:	Rent Arrears £                      as at
Reason for Claim:	Date of Visit
Reason For Rent Arrears	
Entitlement Checked by:	Maintaining an Agreement: Yes / No
Authorised Manager:	Passed for Payment:

Site Plans of New Redevelopment Schemes

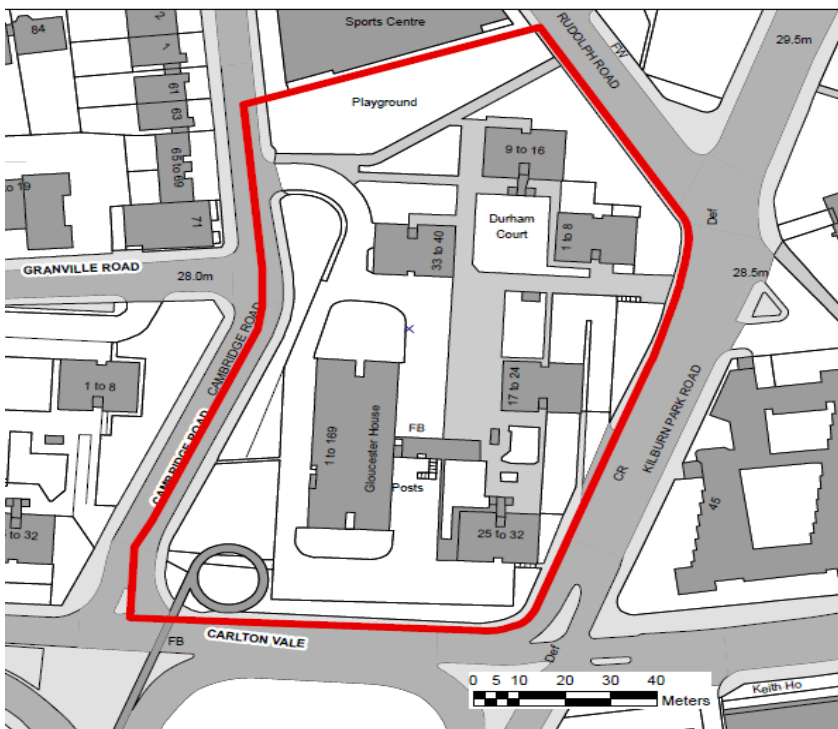
**Chippenham Gardens Redevelopment Site:**

4-26 Stuart Road (even numbers only), 5-9 Chippenham Gardens.



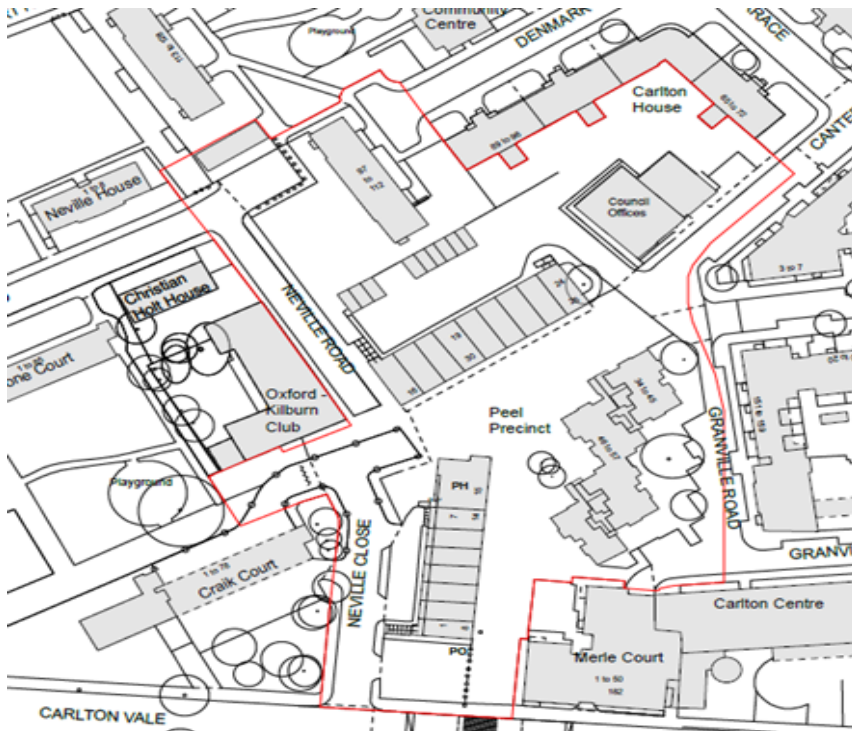
**Gloucester House and Durham Court Redevelopment Site:**

Durham Court and Garages, Kilburn Park Road, London, NW6 & Gloucester House and Garages, Cambridge Road, London, NW6.



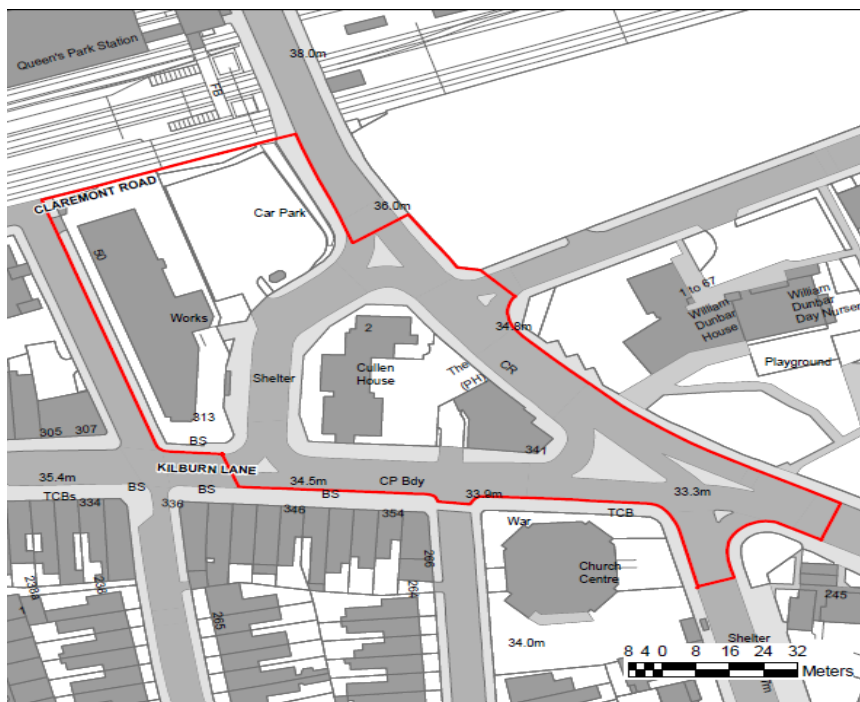
### Peel Redevelopment Site:

Peel Precinct, 97-112 Carlton House and 8 to 14 Neville Close, 2 Canterbury Road & Peel site garages.




### Queens Park/Cullen House Redevelopment Site:

Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and Salusbury Road Car Park.



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 <b>Brent</b>	<p align="center"><b>Cabinet</b> 15 January 2018</p>
	<p align="center"><b>Report from the Strategic Director of Regeneration and Environment</b></p>
<p align="center"><b>Residential Extensions and Alterations Supplementary Planning Document (SPD2) Adoption</b></p>	

<b>Wards Affected:</b>	All except parts of those wards in Tokyngton, Stonebridge, Harlesden, Kensal Green that fall within the Old Oak and Park Royal Development Corporation boundary
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	<a href="#">Brent Altering and Extending Your Home Supplementary Planning Guidance (SPG5)</a>  <a href="#">Draft Residential Extensions Supplementary Planning Document (SPD2).</a>
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	<p>Amar Dave Strategic Director Regeneration and Environment Tel: 0208 937 1516 <a href="mailto:amar.dave@brent.gov.uk">amar.dave@brent.gov.uk</a></p> <p>Rob Krzyszowski Spatial Planning Manager Tel: 020 8937 2704 <a href="mailto:Rob.Krzyszowski@brent.gov.uk">Rob.Krzyszowski@brent.gov.uk</a></p> <p>Paul Lewin Plan-Making Team Leader Tel: 020 8937 6710 <a href="mailto:paul.lewin@brent.gov.uk">paul.lewin@brent.gov.uk</a></p> <p>Joris van der Starre Principal Urban Designer Tel: 020 8937 2303 <a href="mailto:Joris.vanderStarre@brent.gov.uk">Joris.vanderStarre@brent.gov.uk</a></p>

## 1.0 Purpose of the Report

- 1.1 The paper outlines the consultation responses received between 6th July and 17th August 2017 on the draft Residential Extensions and Alterations Supplementary Planning Document (SPD 2). The consultation responses received have resulted in some minor amendments, with revised text and additional drawings now providing clearer guidance. When adopted by Cabinet the document will replace the existing Brent Altering and Extending

Your Home Supplementary Planning Guidance (SPG 5) adopted in September 2002, which will need to be revoked.

## **2.0 Recommendation(s)**

- 2.1 Cabinet approves the proposed amendments as set out in Appendix 1 and adopts the Residential Extensions and Alternations Supplementary Planning Document ('SPD 2 (amended)') as set out in Appendix 2.
- 2.2 Cabinet revokes the existing Brent Altering and Extending Your Home Supplementary Planning Guidance ('SPG 5') adopted in September 2002.

## **3.0 Detail**

- 3.1 The Brent Altering and Extending Your Home Supplementary Planning Guidance ('SPG 5') was adopted in September 2002. Since its adoption, local circumstances, national, regional and local planning policies have substantially changed. In particular there have been significant amendments to residential permitted development rights. These have allowed more extensive changes to dwellings to happen without the need to obtain planning permission. Many of these changes go beyond limitations and good practice which were considered appropriate when SPG 5 was adopted.
- 3.2 It is good practice for Local Planning Authorities to periodically review development plan policies to ensure that they are up to date. The same is true of associated supplementary guidance. This is likely to result in sustaining its elevated status as a material consideration in the determination of planning applications. The date of the existing SPG 5 hinders the weight that can be attached to it with regards to parts of its content, even though it is still referred to in the determination of planning applications.
- 3.3 Its replacement with the Residential Extensions and Alterations Supplementary Planning Document ('SPD 2 (amended)') seeks to provide up-to-date guidance. It takes account of current permitted development rights and Brent's ambition to support the continued regeneration of the Borough through allowing housing development that adapts to existing occupiers' needs. It is part of the suite of documents that seek to continue to raise the quality of the development that will take place in the Borough. It sets out guidance specific to Brent and the need for a design response tailored to these circumstances.
- 3.4 On 23rd June 2017 the Strategic Director Regeneration and Environment in consultation with the Cabinet Member for Regeneration, Growth, Employment and Skills approved the draft SPD 2 for consultation. Authority for the Strategic Director to make this decision was delegated by Cabinet decision related to the paper 'Updating the Council's Planning Strategy' agreed 13th February 2017.

### ***Conclusion:***

- 3.5 The existing SPG 5 is out of date with diminishing weight as a material consideration in the determination of planning applications. Its replacement with a more up-to-date document will improve the quality of advice given to

applicants, improving the efficiency of the application process and also the community's understanding of the changes to dwellings that will be regarded as acceptable. Consultation feedback did not indicate any significant objections to the draft document. Appendix 1 takes account of representations received and proposes amendments to the document. It is recommended that SPD 2 (amended) as set out in Appendix 2 is adopted by Cabinet. To provide clarity on the status of the existing SPG 5, it is recommended that Cabinet formally revoke this document so that it is no longer regarded as a material consideration in the determination of planning applications.

#### **4.0 Financial Implications**

- 4.1 There are not considered to be any significant financial implications. A notification of adoption will be sent to respondees and relevant organisations on the planning policy database. The adopted supplementary planning document will be available to download from the Council's website, which will reduce the requests for paper copies. Financial costs of meeting these commitments have been accounted for in the spatial planning team budget.

#### **5.0 Legal Implications**

- 5.1 Regulations provide for Local Planning Authorities to adopt supplementary planning documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary planning documents cannot introduce new policy or allocate sites for development. Regulations set out a period of three months for those aggrieved by the decision to challenge the adoption of an SPD through judicial review. Given the non-contentious subject matter, the risk of this happening is considered negligible.

#### **6.0 Equality Implications**

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  3. Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 An Equalities Impact Assessment screening opinion was undertaken. This identified that allowing occupants to extend their homes and make amendments to ensure homes better met their needs would have a positive impact for those with the following protected characteristics: disability, age, race, religion and maternity / pregnancy.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Public consultation was undertaken for six weeks between 6th July and 17th August 2017. Notice was provided on the Council's website and a public notice in the local press. SPD 2 was made available on the Council's website to download and hard copies were available at local libraries. In addition, relevant stakeholders on the Council's Planning Policy consultation database were notified (residents' groups and statutory consultees; consistent with the regulations).
- 7.2 Six responses were received to the consultation, including two 'no comment' responses. These are set out in more detail in Appendix 1, along with officer comments and where appropriate recommended amendments to SPD 2. Other proposed amendments to the document are also recommended for the final version to be adopted, reflecting it no longer being a consultation document and to improve the users' understanding of what is being sought. There were not any significant objections to the content of the draft document, but more comment on how clarity could be improved with some minor changes to words or the addition of explanatory diagrams/examples.
- 7.3 In summary the responses focused on:
- a) the need for greater clarity on the volume, height, width and relationship with neighbouring properties on extensions
  - b) the need for greater flexibility on roof space extensions for outriggers
  - c) the need for greater clarity on balconies and roof terraces which as worded may have been too restrictive
  - d) referencing advice available from conservation officers for proposals within conservation areas and to listed buildings; and
  - e) providing greater weight to the importance of existing trees when considering the impact of extensions / alterations.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None arising specifically from the draft Supplementary Planning Document.

### **Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration and Environment



## Appendix 1 - Summary of Responses to the Residential Extensions and Alterations Supplementary Planning Document and Recommended Proposed Changes

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

General	
Respondent	Natural England
Response	"No comment"
Officer Response	Noted
Recommendation	No Change
Respondent	Highways England
Response	"No comment"
Officer Response	Noted
Recommendation	No Change

Section 1.0 Introduction	
Respondent	Historic England
Response	"You may wish to include a sentence in para 1.3 to the effect that Brent's local conservation staff can give advice on proposals within conservation areas, or relating to listed buildings"
Officer Response	It is agreed that this would provide helpful clarification.
Recommendation	<u>"The Council's heritage officer will be able to give specialist advice on proposals within conservation areas, or relating to listed buildings"</u>

Section 2.0 Detailed Guidance	
Respondent	Gulfray Qayyum
Response	<p>"Section 2.4 P10: Two storey extensions</p> <ul style="list-style-type: none"> <li>• "Two storey rear extensions to all houses are normally unacceptable". This must be a typo. I trust you are referring to non-end of row terraced houses</li> <li>• 2:1 Rule: This needs to be filled out as it is not clear what this is referring to for the purposes of the consultation on this document.</li> <li>• 45 Degree Rule: this should be introduced in SPD2 to ensure consistency between SPD1 and SPD2. One rule for developers and one for tax</li> </ul>

	<p>paying residents would be unacceptable. Postcode lottery likewise unacceptable. See comments in SPD1 consultation responses. –“• The 2:1 Rule should be replaced whole heartedly with the 45 Degree Rule instead of being tentatively introduced with so many subjective caveats and unclear and potentially conflicting statements that water down this otherwise sensible addition. For example, “45 degree angle <i>may be</i> acceptable if it compiles [sic] with daylight and sunlight studies” is not required</p> <ul style="list-style-type: none"> <li>• Please refer to BRE’s “Site layout planning for daylight and sunlight: a guide to good practice” which has extensive and universally accepted studies corroborating the use of the 45 Degree Rule without compromising amenity to light</li> <li>• Excluding Brent, 72% of all Greater London councils adopt the 45 Degree Rule. The rest do not preclude its use and nor do they use 2:1 as the starting basis</li> <li>• The Planning Advisory Service (PAS), advisors to local councils on planning matters, endorse the use of BRE guidelines“</li> </ul>
Officer Response	<p>There is a typo in the first sentence, this should refer to two storey rear extensions generally being unacceptable if they are terraces.</p> <p>1:2 rule and 45 degree rule was discussed fully with Development Management and it is felt that both rules are relevant in the borough. 1:2 rule for SPD2 only and 1:2 and 45 degree angle for SPD1.</p>
Recommendation	<p>“Two storey rear extensions to all <u>terraced</u> houses are normally unacceptable due to the adverse impact (loss of light and outlook) on adjoining occupiers”</p>
Respondent	Patrick O Connor, Willesden Green Town Team.
Response	<p>“A substantial part of the housing stock in Brent Central (i.e. Kilburn, Willesden Green, Harlesden, Kensal Rise, Queens Park) consists of Victorian / Edwardian terrace properties. As space is becoming a greater luxury, residents require progressive planning policies to help them maximise their properties and realise underused space. Willesden Green Town Team (“WGTT”) have consulted with some local residents and have taken on board their comments on the draft planning policy (SPD2), as follows:</p> <p>2.3 Depth – Attached Houses, including Terraces and Semi-Detached The phrase “permissible depth and condition for every additional meter beyond 3 meters” is causing confusing amongst residents. It would be helpful if a diagram was included to clarify.</p> <p>2.5 Rear Dormer Windows The reference to “L shaped dormers are not normally permitted” is vague and it would be helpful to clarify the situations when L shaped dormers are permitted, including a diagram.</p> <p>2.5 Hips and Gables It would be helpful if a diagram was included to clarify the description regarding conversion of a hipped roof into a gable etc.</p> <p>2.5 Extensions to Outriggers continued The reference to “L shaped extensions are allowed provided they are 3 meters from the rear” is confusing for residents. It would be helpful if this</p>

	<p>was reworded to state “L shaped extensions are allowed provided they are no greater than 3 meters in depth from the deepest part of the existing building (i.e. the outrigger) and including a diagram to show a L shaped extension (Figure 6 only illustrates the 3 meter extension).</p> <p>Given the volume of period terrace properties with outriggers, it would be helpful if the Design Guide provided positive guidance to extend and alter such space. A major issue amongst local residents is that the roof space of outriggers is redundant, albeit there are examples where residents have successfully included dormers in such space. Importantly, residents in all seven of Brent's neighbouring boroughs (Harrow, Barnet, Camden, Westminster, Kensington &amp; Chelsea, Hammersmith &amp; Fulham and Ealing) are permitted to make alterations and extensions to the outrigger roof space. Whilst care needs to be taken, well-designed applications that would not cause significant harm to privacy and character appearance (of the specific property or neighbouring properties) should be encouraged.</p> <p>2.6 Balconies and Roof Terraces</p> <p>With a large proportion of residents living in converted apartments, access to private outdoor space is a luxury most residents do not benefit from. The WGTT's feedback is that the Design Guide should provide greater clarity and guidance to allow residents to create balconies and roof terraces. For example, consideration should be given where:</p> <ul style="list-style-type: none"> <li>- design reduces the impact on the existing elevation;</li> <li>- careful choice of materials and colour to match the existing elevation;</li> <li>- possible use of setbacks to minimise overlooking;</li> <li>- possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and</li> <li>- need to avoid creating climbing opportunities for burglars.”</li> </ul>
Officer Response	<p>2.3 Depth – Attached Houses, including Terraces and Semi-Detached</p> <p>It is acknowledged that as worded this could cause confusion. As such the wording can be amended to provide additional clarity and also a diagram added that further clarifies the point.</p> <p>2.5 Rear Dormers – reference to L shaped dormers has been removed and the paragraph rewritten to offer more clarity.</p> <p>2.5 Hips and Gables – diagram will be included</p> <p>2.5 Extension to outriggers continued – diagram will be included</p> <p>2.6 Sentence to be added on design of balconies / roof terraces</p>
Recommendation	<p>2.3 Depth – Attached Houses, including Terraces and Semi-Detached.</p> <p><u>“the maximum depth normally permitted is 3.0 metres (Fig. 4). However, under Permitted Development Rights<sup>1</sup> in some circumstances up to 6 metres is permissible will be acceptable. This will be on condition that if the extension is longer than 3 metres it will be expected to be set in from the boundary. This will be for at least a metre set in for extensions up to for four metres, two metre set in for extensions up to five metres and three metre set in for extensions of up to six metres. i.e. for every additional metre beyond 3.0 metres, the extension should be set in from the boundary an additional metre.”</u></p> <p>Included a diagram to provide an example</p> <p>2.5 Hips and Gables – diagram added</p>

	<p>2.5 Extension to outriggers continued – diagram added</p> <p>2.5 Rear Dormers  <del>“L shaped dormers are not normally permitted</del> changed to Dormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted.”</p> <p>2.6 <u>“Designs should aim to minimize the impact on the elevation, match existing materials and colours, and use setbacks where possible.”</u></p>
Respondent	Woodland Trust
Response	<p>“Given the strong wording in the <i>Brent Design Guide</i>, I was disappointed with the omission of any mention of trees in the Residential Extension SPD. Therefore I suggest an additional section 2.11 at the end of that section:</p> <p>“2.11 Trees          Where the placement of a building or extension is likely to result in the loss or damage to a significant tree, either in the applicant’s garden or within a neighbouring property, a suitable design solution that retains the tree(s) should be found.”</p> <p>In paragraph 2.9 “<i>Parking in Front Gardens</i>” I would recommend you add street trees into the list in the final bullet point, as follows (addition in red): “The position of the drive or parking space will not have a significant negative impact on the street, street trees, your neighbour, your garden and your house.”</p>
Officer Response	<p>2.11 This point is accepted as trees can provide a valuable feature in the environment and ideally should be retained wherever possible. The suggested changes to the text will be made.</p> <p>2.9 Parking in Front Gardens: This point is accepted as it would be desirable to ensure that there will be no loss of street trees in association with provision of parking in a property. The suggested changes to the text will be made.</p>
Recommendation	<p>2.9 Additional bullet point: <u>“The position of the drive or parking space will not have a significant negative impact on the street, street trees, your neighbour, your garden and your house”</u></p> <p><u>“2.11 Trees: Where the placement of a building or extension is likely to result in the loss or damage to a significant tree, either in the applicant’s garden or within a neighbouring property, a suitable design solution that retains the tree(s) should be found.”</u></p>

Section 3: Glossary	
Respondent	Patrick O Connor, Willesden Green Town Team
Response	<p>"It would be helpful if the following words are defined and included in the Glossary:</p> <ul style="list-style-type: none"> <li>- Outrigger</li> <li>- Obscure glazed</li> <li>- Parapet</li> <li>- Eaves</li> <li>- Gable</li> <li>- Porch</li> <li>- Canopy</li> <li>- Hipped Roof"</li> </ul>
Officer Response	It is accepted that the incorporation of these terms within the glossary will assist with a better understanding of the document.
Recommendation	<p>"- Outrigger - Part of a house that extends perpendicular to the rear          - Obscure glazed - Opaque glass reducing visibility for privacy reasons          - Parapet - Protective edge of a roof or balcony; wall or fence          - Eaves - Part of a roof that meets or overhangs the walls          - Gable - Wall with triangular part where it meets the pitched roof          - Porch - Front extension containing the main entrance; partially open or fully closed          - Canopy - Deep overhanging roof to provide shelter below          - Hipped roof - Pitched roof that slopes to the front, rear and side walls"</p>

## Other non-material changes considered appropriate to improve the document

These changes are not significant, nor seek to introduce issues not previously consulted upon, but will improve the clarity of the document. They also reflect its change in status from draft to adopted document.

Other non-significant changes considered appropriate to improve the document.	
Part of Document	Title Page
Issue	Amend to reflect the adoption date, the fact that it also addresses other residential alterations too and improve its presentation by incorporating a picture of an interesting residential alteration.
Recommendation	Title Page change: “RESIDENTIAL EXTENSIONS & ALTERATIONS DESIGN-GUIDE SUPPLEMENTARY PLANNING DOCUMENT 2-SPD2 JanJuly 20178
Part of Document	Page 2 Consultation Information.
Issue	Remove to reflect that the document has been adopted.
Recommendation	<p><del>“The Draft Brent Residential Extensions Guide Supplementary Planning Document 2017 is published for consultation. You are invited to respond to us with your comments.</del></p> <p>Further copies of this document can be downloaded from the Brent Council website at: <a href="http://www.brent.gov.uk/spd2">www.brent.gov.uk/spd2</a></p> <p>Make your comments by the following ways:</p> <p>By email to: <a href="mailto:planningstrategy@brent.gov.uk">planningstrategy@brent.gov.uk</a></p> <p>By writing to: Planning Policy &amp; Projects Team, Brent Civic Centre, Engineer’s Way, Wembley, HA9 0FJ</p> <p>Please reference your comments to the relevant policy or paragraph of the document.</p> <p>All comments must be received by 17:00 17th August 2017</p> <p>Comments, along with officer responses and if necessary proposed changes to the document will be reported to the Council’s Cabinet. Cabinet will need to adopt the final version of the Supplementary Planning Document.”</p>
Part of Document	1.1
Issue	<p>Update to reflect that the document has been adopted.</p> <p>Update to further explain the rationale why it might be useful for permitted development rights.</p>
Recommendation	<p>“This document is a Supplementary Planning Document (SPD) to Brent Council’s Local Plan, specifically policy DMP 1. <del>Once adopted, A draft version of the SPD was consulted upon in July – August 2017 for 6 weeks. The Council’s Cabinet considered representations made, appropriate amendments to the document’s contents and adopted it as a SPD in January 2018. ‡This SPD will be a material consideration in the determination of planning applications. Where planning permission is needed to alter or extend your house, proposals should conform to the guidance in this SPD. This guidance may also be useful for helping ensure that development that benefits from permitted development rights can be more sympathetically undertaken to fit in with its context.</del>”</p>

Other non-significant changes considered appropriate to improve the document.	
Part of Document	2.1
Issue	<p>Width: add limit of 4m width to the 2/3 rule</p> <p>Set-in from joint boundary: remove sentence in 1<sup>st</sup> paragraph, amend 2nd bullet for clarification</p> <p>Building design features: amend 1<sup>st</sup> paragraph for clarification</p>
Recommendation	<p>Width:</p> <p>"Side extensions should be no wider than two thirds the width of the original house, <u>with a maximum width of 4m.</u>"</p> <p>Set-in from joint boundary:</p> <p>"Single storey side extensions will normally be allowed to be built up to the common boundary. <del>This will ensure that if your neighbour also extends there is not an awkward narrow gap between the two extensions which cannot be maintained. There are Exceptions to this guidance which includes:</del></p> <p><del>- where the gap between properties is unusually large and this the extensionthis would provide a dominant result in a disproportionate addition that is more than half the width of the original house;"</del></p> <p>Building design features:</p> <p><u>"The building materials should where possible match the main house. Extension features like such as doors and windows should also be of similar design and use the same</u> have similar proportions and be constructed in the same materials as the other windows of the as those in the main house. Match the materials used on the main roof of the house. Particular attention should be given to the roof design, <u>in of the eaves particular the eaves and the gutter to ensure this does not overhang the boundary.</u> Other details such as unusual brick bonds, quoins, string courses, plinth, corbelled eaves, stone or tile creased lintels etc. (see glossary) found on the original house should also be considered for inclusion in your design."</p>
Part of Document	2.2
Issue	<p>amend 1<sup>st</sup> paragraph to include 2/3 rule</p> <p>set-in: amend 1<sup>st</sup> paragraph for clarification</p> <p>amend 2<sup>nd</sup> paragraph to include 2/3 rule</p> <p>remove last sentence to avoid confusion</p> <p>height: add requirement to match existing roof types</p> <p>design: amend text for clarification</p>
Recommendation	<p>"Side extensions should <u>normally</u> be no wider than <del>the internal measurement of the front room of the</del> <u>two thirds of the width of the original house</u>"</p> <p>Set-in:</p> <p><u>"A set in and/or set back is required from the main front wall to ensure the extension is suitably subservient to the main house and to prevent the creation of a terracing effect between buildingsin filling of gaps between buildings. If a setback is not provided a row of detached or semi-detached homes may appear to change character and become a row of terraced houses.</u></p>

Other non-significant changes considered appropriate to improve the document.	
	<p>As with single storey side extensions the Council will permit development up to the boundary. The exceptions to this are when the extension would be more than two thirds the width of the property or where the light into any existing side window on an adjoining property, which provides the only means of light for any habitable room, is unduly affected. A parapet at first floor eaves is not acceptable."</p> <p>Height/roof details: "The roof should match the pitch angle and materials used on the main roof of the house. Flat roofed or "False pitch roofs" (see glossary) are unacceptable. The extension should have a hipped side roof plane where the existing roof is hipped to the side, and a gable end where it is gabled. The ridgeline of the new extension should be set to a minimum of 0.5m below the ridgeline of the original house to <del>reduce its visual impact</del><u>ensure it appears suitably subservient</u>.. Every effort to retain features like chimney pots, stacks, party walls and ridge tiles should be made."</p> <p>Design: "Similar toThe guidance set out in section 2.1: Single storey side extensions should also be followed if a two story side extension is proposed. In addition windows will <u>may</u> be permitted <u>in the side elevation</u> on corner properties in order to ensure an interesting street frontage."</p>
Part of Document	2.3
Issue	<p>Depth: remove references to PD rights, add text and diagrams to clarify (Figs. 5,7)</p> <p>Site levels: amend text to clarify and strengthen policy (as *)</p> <p>Height: remove last sentence to avoid confusion</p> <p>Outriggers: remove duplicate text (under depth)</p>
Recommendation	<p>Depth:</p> <p><b>"Attached Houses, including Terraces and Semi-detached:</b> the maximum depth normally permitted is 3.0 metres <u>from the original wall of the house (Fig. 4).</u> <del>However under the prior approval process, permitted development rights accept that in design terms a 6 meter rear extension is permissible. As such an extension up to 6 metres in depth may be acceptable providing that for every additional metre beyond 3.0 metres in depth, the extension should be set in from the boundary by an additional metre to protect neighbouring residential amenity (Fig. 5 – drawing added).</del></p> <p><u>New single storey extensions to an existing two storey outrigger should not project further than 3 metres from the rear elevation (face) of a terrace, or semi-detached house (Fig. 6).</u> <u>L shaped extensions are allowed generally permitted provided they do not extend further than 3 metres from the rear and comply with the details below provided on height (Fig. 7 - drawing added).</u></p> <p>If your neighbour's house is set at a lower level or has a different rear building line this depth may have to be reduced <u>by a commensurate amount</u>*.</p> <p><b>Detached Houses:</b> the maximum depth <u>normally</u> permitted is 4.0 metres.</p> <p><del>However, under the prior approval process, Permitted Development Rights</del><sup>1</sup><del> 8metres is accept that in design terms an 8 metre extension is permissible. As such, an extension up to 8 metres in depth may be acceptable providing that for every each additional metre beyond 4.0 metres the extension should be set in from the boundary an additional metre to protect neighboring residential amenity. on condition that for every additional metre beyond 4.0metres, the extension should be set in from the boundary an additional metre"</del></p> <p>Site levels:</p>



Other non-significant changes considered appropriate to improve the document.	
	<p>"If your neighbour's house is set at a lower level or has a different rear building line this depth may have to be reduced by a commensurate amount*.</p> <p>*If there is a cChanges in levels and the position of buildings within adjoining properties, including the locations and nature of window within those properties should be clearly shown on drawings. , this needs to be shown in plan. If a raised terrace is proposed, this will be examined on a case by case basis. The terrace may set , there is an expectation that the extension is set in from the boundary and screen planting proposed to mitigate the potential impact, and this will be examined on a case by case basis."</p> <p>Height:</p> <p>"In some cases a pitched roof may have an unreasonable impact on your neighbour and will not be permitted."</p> <p>Outriggers:</p> <p>"Extensions to outriggers. Extensions which infill the side return between a two story outriggers.....</p> <p>New single storey extensions should not project further than 3 metres from the rear elevation (face) of a terrace, or semi-detached house, or 4 metres from the rear elevation of a detached house (Fig. 6). L shaped extensions are allowed provided they are 3 metres from the rear."</p>
Part of Document	2.4
Issue	<p>1<sup>st</sup> sentence specifies 'terraced' housing</p> <p>depth: added limit of 3m depth</p> <p>height: added last sentence to clarify impact of dormers</p>
Recommendation	<p>"Two storey rear extensions to all <u>terrace</u> houses are normally unacceptable"</p> <p>Depth:</p> <p>"the middle of both your <u>any</u> neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc), <u>up to a maximum depth of 3 m</u>.</p> <p>Where there is a flank wall window which provides sole light to a habitable room (including kitchens) any loss of light to this room will be taken into account and is likely to reduce the size of extension considered acceptable."</p> <p>Height:</p> <p>"The design, shape and materials of the roof must match the original roof. Every effort to retain roof features should be made. <u>It is often not possible to erect a two storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design.</u>"</p>
Part of Document	2.5
Issue	<p>Side dormer: dimensions added</p> <p>rear dormers: removed sentence on L-shaped dormers to avoid confusion</p> <p>added sentence to restrict 'rear projecting'</p> <p>removed last sentence to avoid confusion</p>

Other non-significant changes considered appropriate to improve the document.	
	hips/gables: amended text to clarify
Recommendation	<p>Side dormer windows:  <u>"They should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5 metre measured along the roof plane. Fig.10 amended to reflect this."</u></p> <p>Rear Dormer Windows:  <u>"Rear dormers can be the full width of the <b>original</b> roof plane outside conservation areas. They should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5 metre measured along the roof plane (Fig. 9). L-shaped dormers are not normally permittedDormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted."</u></p> <p>Hips/ gables:  <u>"The conversion of a hipped roof into a full gable is permitted generally acceptable. However, where there is an existing two storey side extension with a hipped roof, a full gable to main house would not be acceptable in design terms.</u>  <u>however conversions should be a gabled roof extension for a gabled main building and a hipped roof extension to a hipped main building.</u>  <u>Conversion of a 2-storey side extensions with a hipped roof to full gable end are not generally allowed.</u>  <u>Side or rear dormers are not possible on a generally permitted on a 2 storey rear projection or extension however as described above are allowed on the original main rear roof plane."</u></p>
<b>Part of Document</b>	<b>2.6</b>
Issue	balconies: amended text to clarify
Recommendation	<u>"Balconies and roof terraces can be difficult to achieveprovide without impacting adjoining residents. Any proposal should be, but preferably they are designed not to overlook the habitable room windows or gardens of adjoining properties."</u>
<b>Part of Document</b>	<b>2.8</b>
Issue	amended 1 <sup>st</sup> bullet to clarify
Recommendation	<u>"Should not have a driveway access that complies with the Council's guidance relating to accesses to the highwayany wider than 3.0m. In the case of a shared access the opening should be no more than 3.5m, and should restrict the ability to drive across the footway outside of the authorised access."</u>
<b>Part of Document</b>	<b>2.9</b>
Issue	Several small changes
Recommendation	<ul style="list-style-type: none"> <li>• <u>"The hardstanding surface is constructed in high quality materials and to reduce the risk of river/surface water flooding elsewhere, water run-off from to combined/surface water sewers these areas should be minimised through containment within your property boundary either feed into soft landscaping areas and/or soakaways/water storage tanks.</u></li> <li>• A front wall is provided to prevent vehicles crossing the pavement access to any other part of your front garden other than from the driveway.</li> </ul>

Other non-significant changes considered appropriate to improve the document.	
	<ul style="list-style-type: none"> <li>• The design of your front garden maintains a 50/50 balance between soft and hard landscaping.</li> <li>• However, where it is not possible to achieve the 50/50 balance and there is 30% soft landscaping is proposed (as mentioned in domestic vehicle footway crossover guidance notes), extra attention needs to be placed on the design of the front garden to ensure that it is high quality incorporating bin storage, etc.</li> <li>• The distance from the back edge of the public footpath to the front wall of your house is at least 4.8m so that your car does not overhang the pavement.</li> <li>• The position of the drive or parking space will not have a significant negative impact on the street, your neighbour, your garden and your house."</li> </ul>
<b>Part of Document</b>	<b>2.10</b>
Issue	added last paragraph to clarify
Recommendation	<u>"Submissions should demonstrate that the outbuilding is reasonable required for purposes "Incidental" to the main dwellingshouse, and that they do not include any forms of primary accommodation such as bedrooms, bathrooms/shower rooms, toilets or kitchens."</u>
<b>Part of Document</b>	<b>Glossary</b>
Issue	Inclusion of terms that were not used in the document
Recommendation	<p>-Casements - The hinged opening sections of window frames.</p> <p>-Console Bracket - A decorative bracket which supports a bay window or part of a roof.</p> <p>-Glazing Bars - The bars of wood or metal which separate individual panes in a window.</p> <p>-Half timber - Often called 'timber framing', this means timbers applied vertically or horizontally to the walls of houses as a decorative feature.</p> <p>-Hopper Head - A cast iron box for collecting rainwater which feeds into a drainpipe.</p> <p>-Imperial bricks - The bricks that were used to build older houses, which are larger than today's 'metric' bricks.</p> <p>-Jambs - The side sections of a door or window frame.</p> <p>-Leaded light - A window made of small pieces of glass joined by strips of lead.</p> <p>-Pantile - A roof tile molded in an 'S' curve that interlocks.</p> <p>-Roughcast - Cement Wall finish with small stones added to the mixture.</p> <p>-Roughcast elements - Small areas of roughcast used decoratively.</p> <p>-Sill - The bottom section of a window frame that projects from the wall to allow rain to run away.</p> <p>-Spalled bricks - Bricks that have lost their front faces or outer skins through frost damage.</p> <p>-String course - A projecting band of brickwork or stone, usually between the ground and first floors.</p> <p>-Terracotta details - Specially shaped bricks used as decorative features.</p>

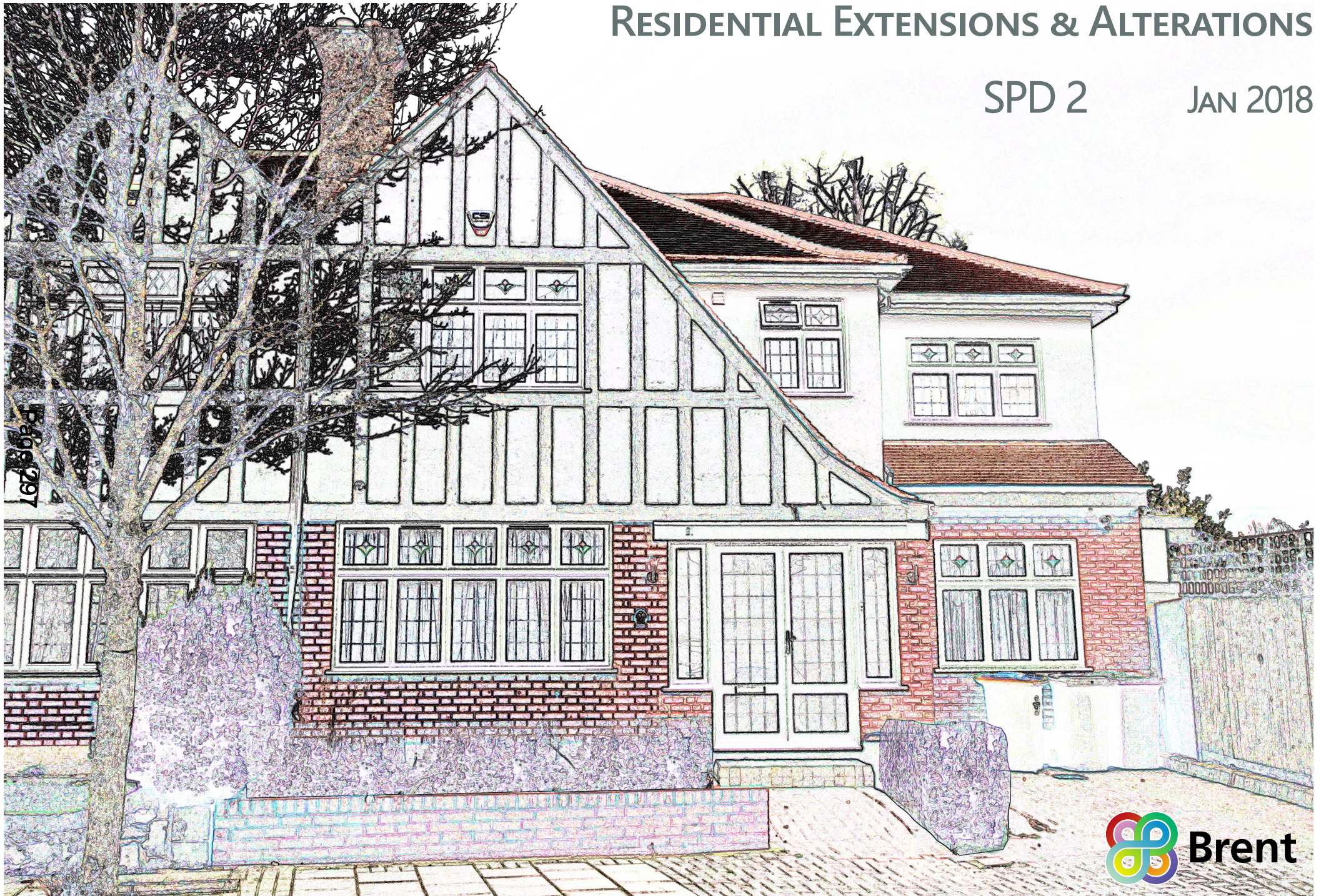
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# RESIDENTIAL EXTENSIONS & ALTERATIONS

SPD 2

JAN 2018





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## 1.0 Introduction

### 1.1 Background to document

This document is a Supplementary Planning Document (SPD) to Brent Council's Local Plan, specifically policy DMP 1. A draft version of the SPD was consulted upon in July – August 2017 for 6 weeks. The Council's Cabinet considered representations made, appropriate amendments to the document's contents and adopted it as a SPD in January 2018.

This SPD will be a material consideration in the determination of planning applications. Where planning permission is needed to alter or extend your house, proposals should conform to the guidance in this SPD. This guidance may also be useful for helping ensure that development that benefits from permitted development rights can be more sympathetically undertaken to fit in with its context.

### 1.2 Permitted development & planning permission

If you live in a house rather than a flat or maisonette then you may be able to carry out minor changes and extensions to your property without the need for planning permission. This type of work is often referred to as 'permitted development'. Details of works that can be carried out are set out in the Town & Country Planning (General Permitted Development) Order 2015 (as amended). The Order is periodically updated. The Planning Portal<sup>1</sup> provides more detailed and up to date guidance on the types of permitted development for householders.

If you live in a flat, or a house converted into flats, then you will normally require planning permission for most external changes. If you are in any doubt as to whether a project will require planning permission you should contact the Planning Service<sup>2</sup> for further advice. Formal confirmation of whether planning permission is required can only be obtained from the Planning Service through the submission of an application for a Certificate of Lawful Development. Basements are covered in an additional SPD<sup>3</sup>.

### 1.3 Conservation Areas & Listed Buildings

Some areas of the borough have been designated as conservation areas due to their architectural quality and historic significance. Some individual buildings have been deemed so important that they have been statutory listed. It is recommended that you always check whether your property is within a conservation area or is a listed building before you start planning any changes<sup>4</sup>. This is particularly important as each conservation area or listed building will have special planning controls that apply.

The advice contained in this guide is not intended for properties in conservation areas or listed buildings although you may find that some of the principles being applied are useful for developments within a conservation area. The Council's website provides information on which buildings are listed, conservation area boundaries, and relevant conservation appraisals and design guides. Brent's conservation staff can give advice on proposals within conservation areas, or relating to listed buildings.

### 1.4 Building Regulations

All building work is required to comply with current Building Regulations, regardless of whether planning permission is required or not. For more information on Building Regulations and how to make a Building Regulations application please contact the Council's Building Control Consultancy Service<sup>2</sup>.

#### Useful guidance & contacts

- <sup>1</sup> Planning Portal - [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- <sup>2</sup> Development Management (Planning) and Building Control Teams - 020 8937 5210 or [planandbuild@brent.gov.uk](mailto:planandbuild@brent.gov.uk)
- <sup>3</sup> Basements SPD - [click here](#)
- <sup>4</sup> Conservation Areas and Listed Buildings - [www.brent.gov.uk/conservation](http://www.brent.gov.uk/conservation)

## 2.0 Detailed Guidance

### 2.1 Single storey side extensions

Protruding extensions will not be permitted unless these are the predominant character of the area. This includes porches that are linked to front bays or garages and front extensions to garages. This type of extension detracts from the character of your house and the area.

#### Width

Single storey side extensions should be modest and complement your house. The size, shape and height should be subservient to the main building. Side extensions should be no wider than two thirds the width of the original house, with a maximum width of 4m.

#### Set in from joint boundary

Single storey side extensions will normally be allowed to be built up to the common boundary. Exceptions include:

- where the light into any existing side window on an adjoining property, which provides the only means of light for any habitable\* room, is unduly affected;
- where this would result in a disproportionate addition of more than two thirds of the original house; and
- for corner properties (see below).

If your corner property is on a road junction with an open character (where the corner houses have a gap of more than 5 metres between their side wall and their garden boundary wall or fence), any single storey side extension must be set in by 2 metres from the boundary (Fig. 1).

If you have an angled boundary you must keep a minimum set in of 2 metres from that boundary to the side wall of your new extension (Fig. 2).

\* For the purposes of this SPD, but not necessarily other planning documents, kitchens are regarded as habitable rooms.

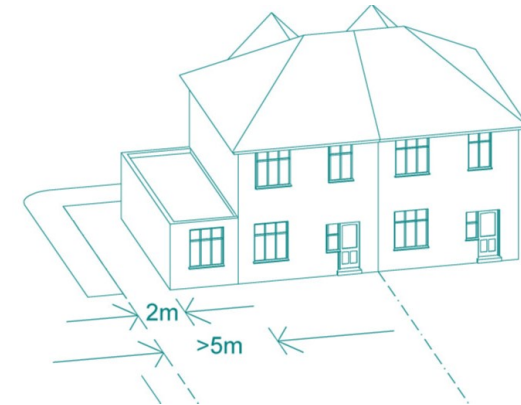


Fig. 1 - Open character

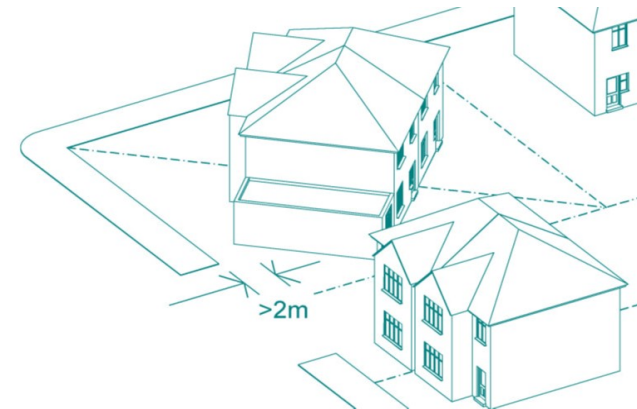


Fig. 2 - Angled boundary



### Building design features

The building materials should where possible match the main house. Extension features such as doors and windows should also be of similar design and use the same materials as those in the main house. Particular attention should be given to the roof design. The eaves and the gutter should not overhang the boundary.

Other details such as unusual brick bonds, quoins, string courses, plinth, corbelled eaves, stone or tile creased lintels etc. found on the original house should also be considered for inclusion in your design.

Particular consideration should be given to the positioning of windows and doors. There should be internal access from the main building only and no additional doors in the front elevation. The inclusion of windows in the side walls of extensions is not permitted where it would cause loss of privacy for neighbours. Stairwells and bathrooms/toilets may be acceptable but they should also be obscure glazed and can open above 1.7m from floor level.

Page 301



*A sensitively designed extension*



*A too dominant, inactive extension*

## 2.2 Two storey side extensions

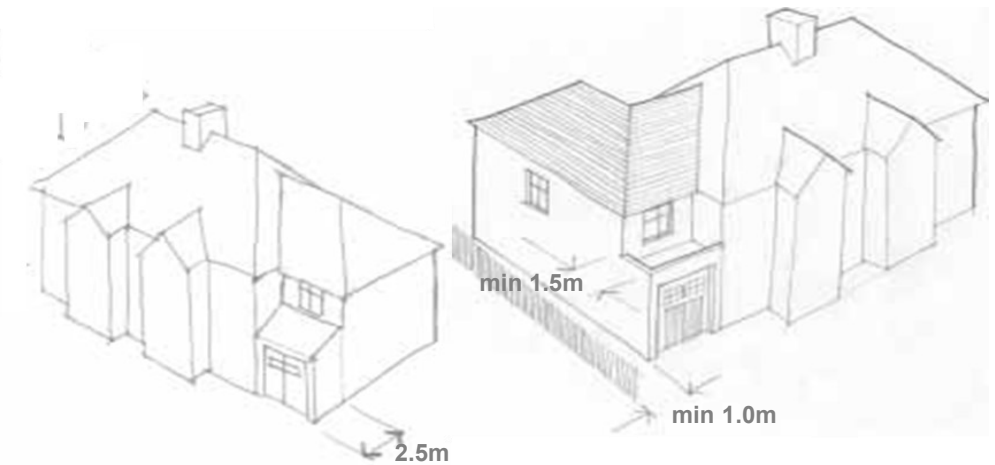
Two storey side extensions should be of a size, shape and height that complement rather than dominate your house. Side extensions should normally be no wider than two thirds of the width of the original house.

### Set-in and set-back from the front wall of house

A set-in and/or set-back is required from the main front wall to ensure the extension is suitably subservient to the main house and to prevent the creation of a terracing effect between buildings.

As with single storey side extensions the Council will permit development up to the boundary. The exceptions to this are when the extension would be more than two thirds of the width of the original property or where the light into any existing side window on an adjoining property, which provides the only means of light for any habitable room, is unduly affected.

A first floor side extension should be set back by 2.5 metres from the main front wall of the house (Fig. 3).



*Fig. 3 - Set backs*

A reduced set back of 1.5 metres may be permitted if a set in from the joint boundary of at least 1.0 metre can be achieved. Two storey side extensions to corner properties may also have a 1.5 metre set back.

At ground floor level an extension may be flush with the main wall of the house (not the front bay or porch) if you have an existing side extension or garage which is already flush with the main wall of the house. Any guttering must be within your site boundary.

### Height/roof details

The roof should match the pitch angle and materials used on the main roof of the house. Flat roofed or "false pitch roofs" (see glossary) are unacceptable. The extension should have a hipped side roof plane where the existing roof is hipped to the side, and a gable end where it is gabled. The ridgeline of the new extension should be set to a minimum of 0.5m below the ridgeline of the original house to ensure it appears suitably subservient. Every effort to retain features like chimney pots, stacks, party walls and ridge tiles should be made.

### Building design features and Corner Properties

The guidance set out in section 2.1 *Single storey side extensions* should also be followed if a two storey side extension is proposed.

On *corner properties* windows may be permitted in the side elevation in order to ensure an active and attractive street frontage.



A sensitive, set-back extension



Protruding ground floor and first floor not set back from the main wall

## 2.3 Single storey rear extensions

Rear extensions should be designed to respect the character and size of your house. You will have to be particularly careful with the design of your extension if your home is located at the *end of a terrace* or is a *corner property* as it is likely to be visible from the street.

*Extensions to extensions* may be acceptable if it is well designed to integrate with the existing extension. However, any extension may be required to be offset from the boundary.

### Depth

Attached Houses, including Terraces and Semi-detached:

The maximum depth normally permitted is 3.0 metres from the original wall of the house (Fig. 4).

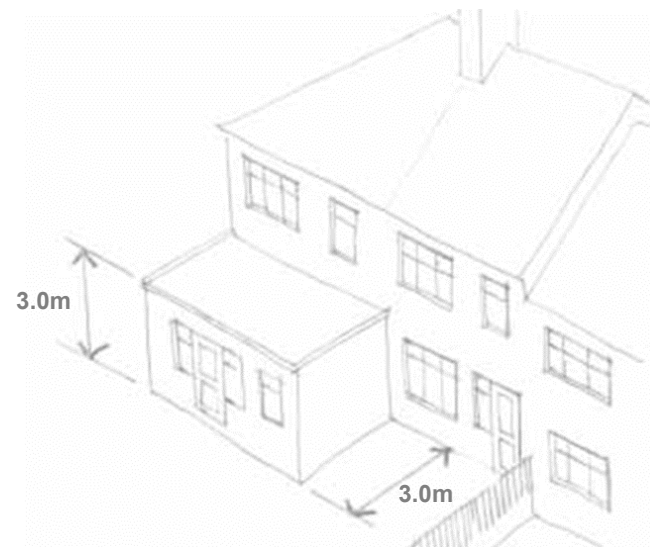


Fig. 4 - Depth and height of single storey rear extensions

An extension up to 6 metres in depth may be acceptable providing that for every additional metre beyond 3.0metres in depth, the extension should be set in from the boundary by an additional metre to protect neighbouring residential amenity. (Fig. 5)

New single storey extensions to an existing two storey outrigger should not project further than 3 metres from the rear elevation (face) of a terrace, or semi- detached house (Fig. 6).

L shaped extensions are generally permitted provided they do not extend further than 3 metres in depth from the deepest part of the existing building (outrigger) and comply with the details below provided on height (Fig. 7).

If your neighbour's house is set at a lower level or has a different rear building line this depth may have to be reduced by a commensurate amount\*.

## Detached Houses:

The maximum depth normally permitted is 4.0 metres. An extension up to 8 metres in depth may be acceptable providing that for each additional metre beyond 4.0 metres the extension should be set in from the boundary an additional metre to protect neighboring residential amenity.

## Site levels and changes in rear building line

If your neighbour's house is set at a lower level or has a different rear building line this depth may have to be reduced by a commensurate amount\*.

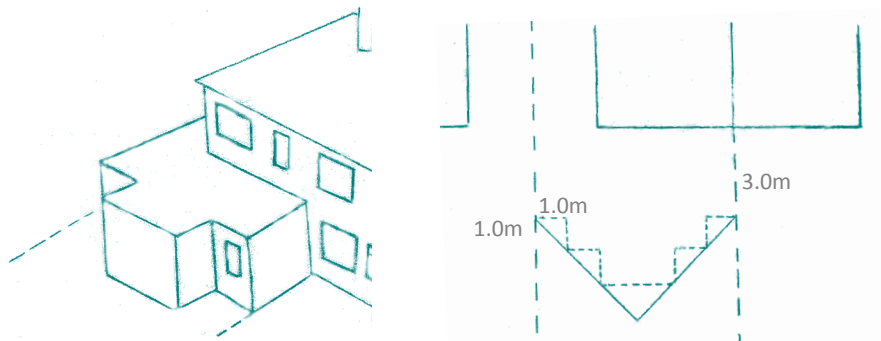


Fig. 5 - Set-in after 3m depth

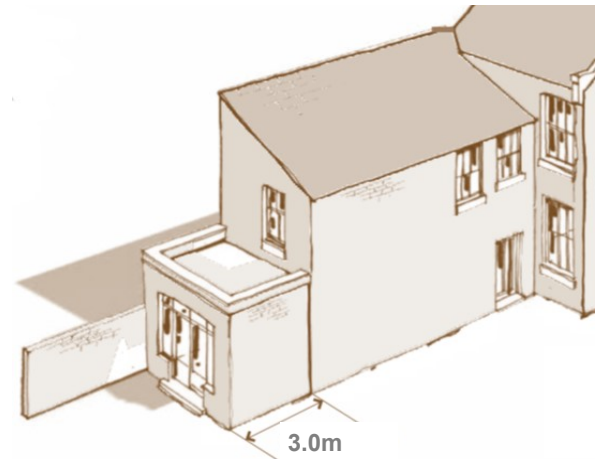


Fig. 6 - Rear extension to outrigger

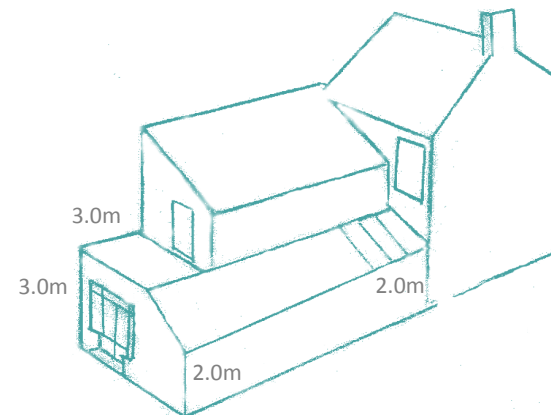


Fig. 7 - L-shaped extension

\* Changes in levels, and the position of buildings within adjoining properties, including the locations and nature of window within those properties should be clearly shown on drawings. If a raised terrace is proposed, this will be examined on a case by case basis. The terrace may set in from the boundary and screen planting proposed to mitigate the potential impact.

**The following guidelines are applicable to all properties:**

### Width

Single storey rear extensions may extend to the full width of your house as long as the roofing (including guttering) and foundations are kept within the boundary. However if the adjoining property is set at a lower level the extension may need to be set in from the boundary to reduce loss of light.

### Height

Height can have a significant impact on the light into your neighbour's home. Therefore, the maximum height permitted for a flat roof is 3.0 metres on the boundary including parapets. If a pitched roof is proposed the maximum permitted height is an average of 4 metres.

### Extensions to outriggers

Extensions which infill the side return between a two storey outrigger and the boundary should be no higher than 2.0 metres in height on the boundary, when measured from the neighbour's side in order to protect amenity. The maximum height of any part of the extension should be 3.0 metres where it meets the main house (Fig. 8).

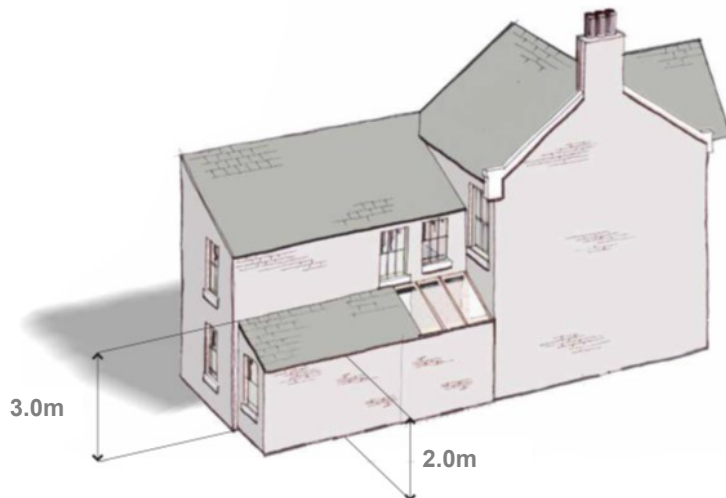


Fig. 8 - Side extension to outrigger

## 2.4 Two storey rear extensions

Two storey rear extensions to terraced houses are normally unacceptable due to the adverse impact (loss of light and outlook) on adjoining occupiers. However, in some circumstances two storey rear extensions to *end-of-terrace* properties may be acceptable if they are able to comply with this guidance, in particular the 1:2 rule (Fig. 9).

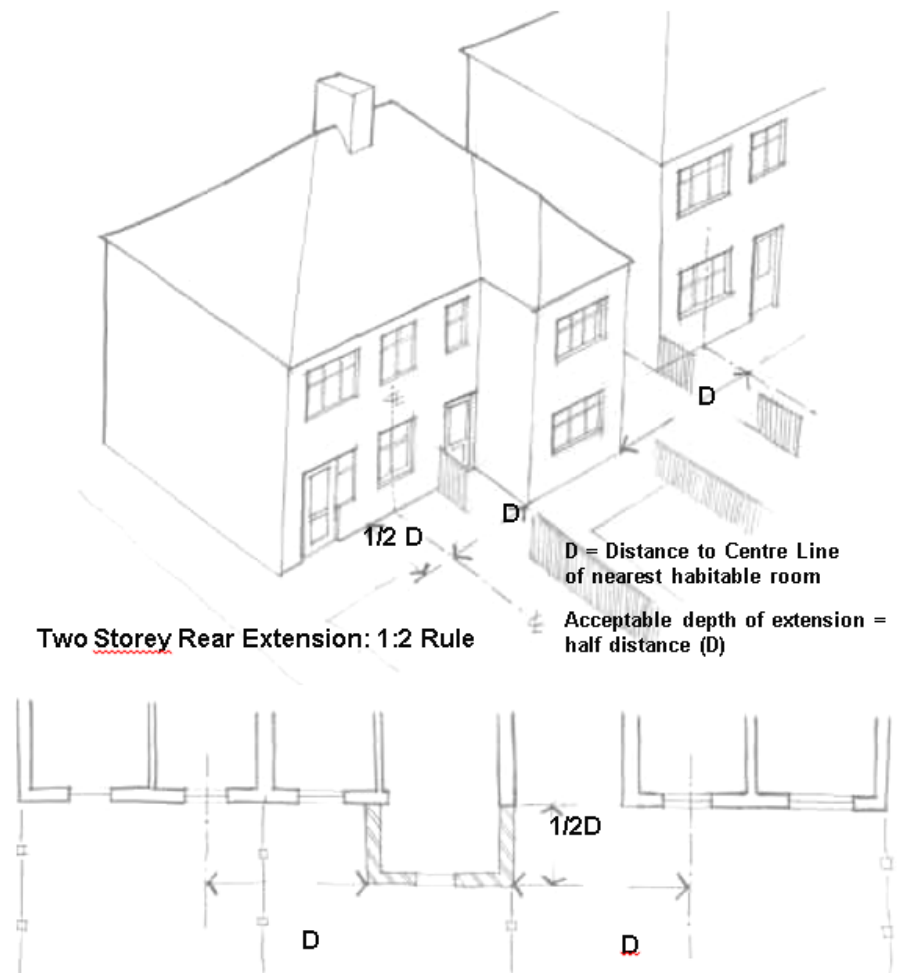


Fig.9 - The 1:2 guide



## Depth

The depth of any two storey rear extension is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc), up to a maximum depth of 3m. If the habitable room has a bay window, the measurement must be taken from the main wall of the elevation, not any part of the bay window.

This rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits. Where there is a flank wall window which provides sole light to a habitable room (including kitchens) any loss of light to this room will be taken into account and is likely to reduce the size of extension considered acceptable.

## Height/roof details

The design, shape and materials of the roof must match the original roof. Every effort to retain roof features should be made. It is often not possible to erect a two storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design.

## Building Design Features

See 2.1 Single storey extensions.



Rear extensions in uncharacteristic materials

## 2.5 Roof extensions & alterations

The roof form of your house and other houses in your street is a significant part the area's character. Alterations to your roof should be designed to complement your home and the original street character.

### Front Dormer Windows

Dormer windows will not normally be permitted on the front roof slope. Exception may be made in some areas of the Borough where front dormer windows are a common feature.

### Side Dormer Windows

Side dormers will only be allowed if well designed and where the dormer does not compromise the building's or the street's character or your neighbour's privacy. They should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5m measured along the roof plane (Fig. 10).

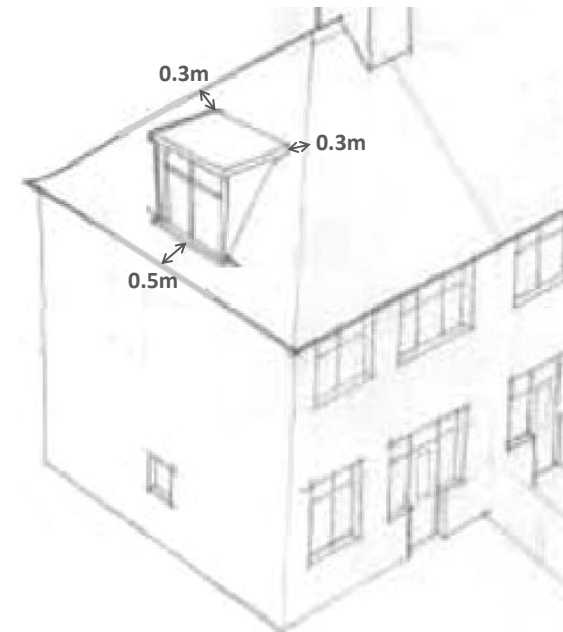


Fig. 10 - Side dormer, inset from roof edges

### Rear Dormer Windows

Rear dormers can be the full width of the *original* roof plane outside Conservation Areas. They should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5m measured along the roof plane (Fig. 11).

Dormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted. Care should be taken with the design of any rear dormer. To ensure that you get the maximum light from your new dormer window the front face should be mainly glazed. The style of windows installed into dormers should be in keeping with the rest of the house.

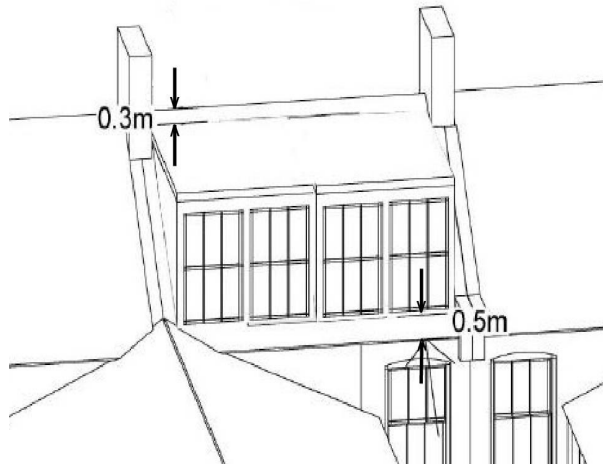


Fig. 11 - Rear dormer

### Hips and Gables

The conversion of a hipped roof into a full gable is generally acceptable (Fig. 12). However, where there is an existing two storey side extension with a hipped roof, a full gable to main house would not be acceptable

Side or rear dormers are not generally permitted on a two storey rear projection or extension however as described above are allowed on the main rear roof plane.

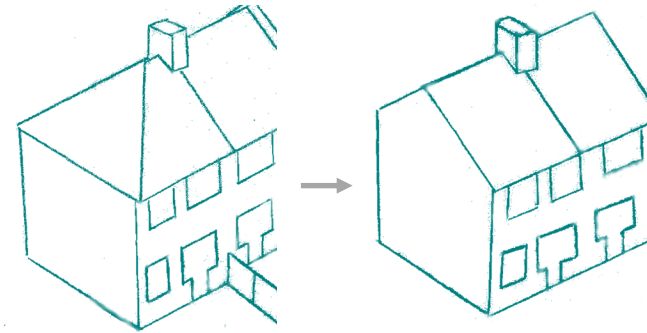


Fig. 12 - Hip-to-gable conversion



Too large, uncharacteristic front dormer



Side dormer that distorts the character of the roof and the building

## 2.6 Balconies and Roof Terraces

Balconies and roof terraces can be difficult to provide without impacting adjoining residents. Any proposal should be designed not to overlook the habitable room windows or gardens of adjoining properties. Designs should aim to minimize the impact on the elevation, match existing materials and colours, and use setbacks where possible.

## 2.7 Front Extensions & Porches

Front extensions will not be permitted unless these are the predominant character of the area. This includes porches that are linked to front bays or garages and front extensions to garages. This type of extension detracts from the character of your house and the area.

### Porches and Canopies

If you propose to build a porch or canopy the design should take into account the most appropriate position, size, shape and height that will complement the design of your home. In most cases the porch should not project beyond or connect to a bay window or garage. A correctly designed porch or canopy will enhance your house.

## 2.8 Boundary Walls and Fences

Boundary walls contribute to the character and appearance of your house and your street. You should always keep a boundary wall, fence or hedge line. When building a new boundary wall or fence it is always best to use high quality long lasting materials; it will be cheaper in the long run. The design of your new boundary:

- Should have a driveway access that complies with the Council's guidance relating to accesses to the highway and should restrict the ability to drive across the footway outside of the authorised access
- Should be arranged and constructed to complement the character of the rest of your street
- Should provide suitable visibility splays which comply with the Council's traffic and visibility standards.

Please also refer to Brent Council's other policy such as domestic vehicle footway crossover, if relevant.

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*A sensitive front porch*



*Too wide, protruding, uncharacteristic extension*



*High fence along the street, creating inactive frontage*

## 2.9 Parking in Front Gardens

When planning permission is required for a dropped kerb, creating a parking space in your front garden is acceptable if the following requirements can be met:

- The hardstanding surface is constructed in high quality, permeable materials.
- To reduce the risk of river/surface water flooding elsewhere, water run-off from the hardstanding is minimised through containment within your property boundary, feeding into soft landscaping areas and/or soakaways/water storage tanks.
- A front wall is provided to prevent vehicles crossing the pavement access to any other part of your front garden other than from the driveway.

The design of your front garden maintains a 50/50 balance between soft and hard landscaping.

However, where it is not possible to achieve the 50/50 balance and 30% soft landscaping is proposed (as mentioned in *Domestic Vehicle Footway Crossover* guidance notes), extra attention needs to be placed on the design of the front garden to ensure that it is high quality.

- The distance from the back edge of the public footpath to the front wall of your house is at least 4.8m so that your car does not overhang the pavement.
- The position of the drive or parking space will not have a significant negative impact on the street, street trees, your neighbour, your garden or your house.



*Fully paved front garden, using tarmac*



*Fully paved front garden, without typical boundary treatment*



## 2.10 Outbuildings

Building an outbuilding or shed is a good way of creating extra storage space or providing a place to carry out a hobby. Providing you live in a house you may not need planning permission for an outbuilding if it is used incidentally to the main property and does not contain a toilet, shower/bath or cooking facilities. It is always advisable to check with the Planning Service before starting work. If you live in a flat, or a house converted into flats, you will need planning permission to build any outbuilding or garage.

Where planning permission is required, only one outbuilding will normally be permitted in your garden. The maximum size of your outbuilding will usually be determined by its location and the size of your garden. If the garden is less than 100m<sup>2</sup> then up to 20m<sup>2</sup> may be acceptable. If the garden is more than 100m<sup>2</sup> then normally no more than 30m<sup>2</sup> may be acceptable. It should generally be located within the final fifth of your garden.

Outbuildings will normally be restricted to a single-storey so that they do not overbear the neighbouring gardens. The maximum permitted height will normally be determined by the proximity of your outbuilding to the neighbouring boundaries, on both sides and to the rear. If any part of your outbuilding would lie within a distance of 2m of the boundary with the neighbours' garden then the maximum height permitted would be 2.5m. If you are able to maintain a gap of at least 2m from all neighbouring boundaries an increased maximum height of 3m may be permitted.

In certain circumstances, when a dual-pitched roof is proposed and the outbuilding would be at least 2m from all neighbouring boundaries, then a ridge height of 4m may be considered acceptable. The eaves of an outbuilding with any type of pitched roof should not exceed 2.5m in height.

Submissions should demonstrate that the outbuilding is reasonable required for purposes "Incidental" to the main dwelling, and that they do not include any forms of primary accommodation such as bedrooms, bathrooms/shower rooms, toilets or kitchens.

## 2.11 Trees

Where the placement of a building or extension is likely to result in the loss or damage to a significant tree, either in the applicant's garden or within a neighbouring property, a suitable design solution that retains the tree(s) should be found.

### 3.0 Glossary

- *Brick bond* Arrangement of bricks in a wall, combining bricks laid lengthways (stretchers) and width ways (headers)
- *Canopy* Deep overhanging roof to provide shelter below
- *Corbel* Structural piece of stone or brick projecting out from a wall to carry a weight above
- *Eaves* Part of a roof that meets or overhangs the walls
- *False pitched roof* Short single pitched roof with a flat roof behind
- *Gable* Wall with triangular part where it meets the pitched roof
- *Hipped roof* Pitched roof that slopes to the front, rear and side walls
- *Obscure glazed* Opaque glass reducing visibility for privacy reasons
- *Outrigger* Part of a house that extends perpendicular to the rear
- *Parapet* Protective edge of a roof or balcony; wall or fence
- *Porch* Front extension containing the main entrance; partially open or fully closed
- *Quoins* Decorative corner features usually in stone that bond with brickwork.


## Spatial Planning

Brent Civic Centre

Engineer's Way

Wembley HA9 0FJ

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 <b>Brent</b>	<b>Cabinet</b> 15 January 2018
	<b>Report from the Strategic Director of Regeneration and Environment</b>
<b>Dockless Cycle Hire</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Rachel Best, Transportation Planning Manager Tel: 020 8937 5249, Email: rachel.best@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report informs how dockless cycle hire could be beneficial for Brent with regards to encouraging cycling and walking, as set out in the Brent Long Term Transport Strategy 2015 – 2035 and the Brent Cycle Strategy 2016 – 2021. It would also promote active travel and could be instrumental in promoting a mode shift away from the car, improving residents' health, and our air quality/public realm environment. It would also help towards meeting the objective of the draft Mayor's Transport Strategy of 80% of journeys by 2041 being made on foot, by bike or using public transport.

- 1.2 The report sets out a proposal to introduce dockless cycle hire in Brent.

## 2.0 Recommendation(s)

That Cabinet:

- 2.1 Notes the contents of this report and approves entry into a Memorandum of Understanding with a single supplier to provide a dockless cycle hire scheme on a pilot basis for one year.
- 2.2 Delegates authority to select the single supplier and agree the terms of the Memorandum of Understanding to the Strategic Director of Regeneration and Environment in consultation with the Lead Member for Environment.

### 3.0 Background

- 3.1 Cycling is enjoying increasing popularity across London. The benefits of increasing the uptake of cycling are significant in terms of improved air quality, less congestion and a fitter and healthier population, and aligns with our corporate priorities outlined in section 7.0.
- 3.2 Objective 4 of the Brent Cycle Strategy 2016-2021, aims to improve access to cycling for all Brent residents and businesses with particular mention to investigating the feasibility of a cycle hire scheme for the borough. The Strategy also sets out to promote cycling as a “*convenient, safe, healthy, enjoyable and inclusive activity*”.
- 3.3 The potential to get more people cycling is huge<sup>1</sup> and dockless bicycles are a way to make cycling more accessible. However, dockless cycle hire schemes must work for everyone using the highway network (roads and pavements) and not cause a danger to pedestrians, cyclists or other road users.
- 3.4 Dockless cycle hire would go some way to helping Brent meet these objectives. It would open up cycling to those who do not own a bicycle and would target the first and last miles of journeys that in many instances may otherwise be undertaken by car. It would also promote cycling as a leisure activity and provide an additional mode of transport for people to access shops, etc.
- 3.5 Increased cycling amongst those who live and work in Brent would promote more active lifestyles and would help improve air quality if there is a modal shift away from the private car.
- 3.6 Cycle modelling undertaken by Transport for London (TfL)<sup>2</sup> has shown there is a high potential for cycling in the borough. TfL’s analysis also shows that there are parts of Brent, namely around Wembley and Church End, that are in the top 20% of areas for growth (population and employment) to 2041. As a result they have a high potential for cycling.
- 3.7 Dockless cycle hire differs from the Santander Cycle scheme operational in parts of Inner London, in that it does not require infrastructure to enable cycle hire and associated cycle parking docks to be provided. It operates by using a bike hire platform operated by a mobile application. Users sign up to the smartphone app and use their phone to scan the code on the bicycle they want to hire to unlock it. They then use the bicycle as needed and park/leave it in an appropriate area, so that it is ready for the next user.
- 3.8 A working group has been set up and a Code of Practice established<sup>3</sup> and circulated to all dockless cycle hire companies registered in the UK. This resulted from some initial difficulties with the first dockless cycle schemes in London, relating to littering and obstruction of the pavements and safety

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<sup>1</sup> Strategic Cycling Analysis: identifying future cycling demand in London, June 2017

<sup>2</sup> Strategic Cycling Analysis: identifying future cycling demand in London, June 2017

<sup>3</sup> <https://tfl.gov.uk/corporate/publications-and-reports/dockless-bike-share-code-of-practice>

standards of the bicycle itself. Concerns were raised by boroughs and TfL on how these companies should engage and operate.

- 3.9 A Street Trading licence will be required by the chosen operator wanting to provide a service in the borough. This will enable Brent Council to intervene and take a stepped approach to managing and resolving any undesirable working that affects the highway network with the final recourse being withdrawal of the licence. In addition, there are also existing powers under the Highways Act 1980 to serve notice and remove bicycles should they cause an obstruction to the highway.

#### **4.0 Dockless Cycle Hire**

- 4.1 Brent Council has been approached by three operators (Ofo, MoBike and Urbo) who are looking to provide a dockless cycle hire service in Brent.
- 4.2 MoBike, the world's largest bicycle operator, is a Chinese company founded in 2015. Outside of China, MoBike is operational in the UK, Italy, Japan, and Malaysia. The company looks to address the 'last mile' issue of how commuters travel to/from the station to their place of work/home.
- 4.3 In mid-September 2017, MoBike launched in Ealing on a one year pilot basis. The pilot started in Acton with 200 bicycles and will spread to other parts of the borough in the coming months. A geo-fence was applied to make Ealing Broadway a no-go zone and MoBike worked with Ealing to identify 30 preferred locations for parking bicycles (clearly marked on the footway with orange vinyl tape and the MoBike logo). To date, Ealing have reported few complaints and there has only been one instance of a bicycle being vandalised. They are currently looking into expanding the pilot area.
- 4.4 Ofo is a Chinese company founded in 2014, who now operates in four countries (China, the USA, the UK, and Singapore). They are BikePlus accredited.
- 4.5 Ofo launched in Hackney with 100 bicycles also in mid-September 2017, with no sign-up fee and free rides to tempt people to use the service. Three bike parking ports were installed that house a number of Ofo bicycles but also include standard Sheffield stand cycling parking. A number of bicycles have been vandalised and over half of complaints received have been with regards to parking.
- 4.6 Urbo is an Irish company. They are the first dockless only cycle hire company to be part of the European Cyclists' Federation platform for bike sharing and are also BikePlus accredited. They are operational in several European countries.
- 4.7 Urbo launched in Waltham Forest at the end of October 2017 on a one-year trial basis with 250 bicycles. To encourage take-up of the service, membership fees for the first three months are only £1 (compared to the usual annual subscription of £30). No feedback is yet available as to how the scheme has been received.

- 4.8 A comparison table is shown in Appendix A of each company's operation in accordance with the headings taken from the TfL Code of Practice.

## **5.0 Operation**

- 5.1 Dockless cycle hire would be introduced in Brent as a pilot scheme to begin with. This would enable the operator and Brent to monitor the scheme and take-up, as well as identify any issues, such as vandalism, and poor parking of bicycles.
- 5.2 After a year, the pilot scheme would be reviewed based on feedback from residents, users, and Members. In conjunction with the Lead Member for Environment, this review would also include whether introducing additional operators to the borough at this point would be beneficial to further promoting and expanding Brent's cycle offer.
- 5.3 Brent would require the operator to sign a Memorandum of Understanding ("MoU"). This would be based on TfL's Code of Practice and would detail how the agreed operation would work and set certain conditions that Brent would require the operator to meet. It should be noted however that a MoU is not legally binding, however enforcement powers available for local authorities exist under current legislation from the Highways Act 1980 and London Local Authorities Act 1990, Street Trading to act on undesirable behaviour.
- 5.4 Brent Council would work in partnership with the operator to identify locations where bicycles could/could not be left. This is particularly important for the areas surrounding Wembley Stadium whereby there will be a requirement for security purposes for bicycles not to be left in the area as bags/packages could be left on them in high footfall areas. The operator would be required to provide assurance that they could recall all bicycles from an area if needed and prevent bicycles from being left there. For example, on event days at Wembley Stadium.
- 5.5 Cycling in the southern half of Brent is more prevalent. Despite this, Brent would require the operator to also launch in the northern part of the borough where there is large potential for a shift to cycling. Locations which will be targeted will be determined through collaboration between Brent and the operator.
- 5.6 Brent Council also requires the operator to have public liability insurance covering all their respective cycle hires for injury to a third party or accidental damage.

## **6.0 Corporate Priority Alignment**

- 6.1 It is expected that this proposal will align with Brent Council's corporate priorities of making Brent a Better Place and providing Better Lives for residents. By making bicycles available, this should encourage the uptake of cycling and activity as well as actively contributing to a reduction in congestion and air pollution whilst also improving the health of residents. Currently, half of Brent's adult population do not participate in sport or physical activity, the highest level



of inactivity in West London<sup>4</sup>. The benefits of regular cycling include reduced stress, and reduced risk of heart disease and strokes.

- 6.2 Traffic is the largest contributor to air pollution in Brent, accounting for at least 52% of emissions in the borough<sup>5</sup>. Cycling is a cheap mode of travel and for those without access to a car, cycling can increase the distance that an individual can travel and hence the number of services, jobs and other destinations they can access.
- 6.3 Easier access to bicycles and subsequent increased amounts of cycling will also support regeneration, business and housing growth, as well as, employment and skills in the borough, as it will offer a value for money travel option for many. Researchers for TfL, who surveyed shoppers in 15 town centres in London, found that those who arrived by car did not spend all that much more on average than those who arrived by cycle - £226 and £188 respectively per month (walkers spent £373)<sup>6</sup>.

## **7.0 Financial Implication**

- 7.1 There would be no cost to Brent as the scheme would be funded entirely by the operator. The operator would be responsible for the provision and maintenance of bicycles as well as responding to enquiries and issues arising in delivering the cycle hire service. They would also remove bicycles as required by Brent at their own cost.
- 7.2 Brent Council and the operator would jointly identify preferred parking locations and agree the preferred method for identification on the ground on a site by site basis. Costs for implementation would be borne by the operator. Brent would permit the operator to use this opportunity to advertise their service through displaying their logo.
- 7.3 Brent would not look to convert parking bays to cycle parking and therefore there would be no loss of parking revenue or the need for a Traffic Management Order (TMO).
- 7.4 The operator should provide a Public Liability Insurance certificate with a minimum indemnity of £5million. This condition should be included in the MoU, and it should be a condition of the license.
- 7.5 An increase in cycling may result in increased personal injury claims against the Council due to the condition of the road network. This risk could be mitigated by a risk management plan which prioritises maintenance resources to reduce the incidence of accidents due to the road condition. Brent Council recognises the need to ensure good road conditions and this will be a key consideration in maximising the maintenance budget for such purposes.

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<sup>4</sup> Sport England, The Active People Survey 8

<sup>5</sup> Brent Air Quality Action Plan 2017-2022

<sup>6</sup> Transport for London. Town Centre Study. Sept 2011.

<http://www.tfl.gov.uk/cdn/static/cms/documents/town-centre-study-2011-report.pdf>

## **8.0 Legal Implications**

- 8.1 The Greater London Authority Act 1999 (the Act) requires that the London Local Authorities must implement the Mayor's Transport Strategy (MTS). This Strategy sets out the transport policy framework for London. A central component of the draft MTS is to improve cycling infrastructure to encourage more trips to be taken by bicycle.
- 8.2 Section 137 (1) of the Highways Act provides that a person that wilfully obstructs the free passage along a highway he is guilty of an offence.
- 8.3 The Council may be required to provide cycle parking places on the highway and would therefore need to seek to make a traffic order under the Road Traffic Act 1984, section 45.
- 8.4 The London Local Authorities Act 1990 defines street trading as the selling exposing for sale or offering for sale of any advice or supply of any service in a street for gain or reward. This Act prohibits trading without a licence. The Licensee may only trade within specified areas designated for such purpose. The Licence may be a temporary licence.
- 8.5 Each operator would be required to have an annual licence which would be renewable for an administration fee. Brent is not permitted to make a profit from such licences and so the fee is likely to be nominal to encourage use of sustainable modes of transport but will need to cover cost-recovery.
- 8.6 Brent would require the operator to sign a MoU. This would be based on TfL's Code of Practice and would detail how the agreed operation would work and the set certain conditions for example, levels of insurance that Brent would require the operator to meet. It should be noted however that a MoU is not legally binding.

## **9.0 Diversity Implications**

- 9.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 9.2 There are no known negative diversity implications. An Equality Analysis is included in Appendix B.

## **10.0 Consultation with Ward Members and Stakeholders**

- 10.1 Consultation with Members, stakeholders and the public was undertaken as part of the development of the Brent Cycle Strategy. The outcomes were used to inform the Strategy and develop the objectives with regards to cycling in the borough, one of which is to investigate the viability of a cycle hire scheme for the borough.

- 10.2 The Lead Member for Environment has been present at one of the supplier meetings and kept up to date with other suppliers' proposals to implement a dockless cycle hire scheme in the borough.

**Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration & Environment

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Operator	Ofo	MoBike	Urbo
<b>Engagement</b>	<ul style="list-style-type: none"> <li>• No funding required from Brent Council.</li> <li>• Have provided a charter which sets the standards they will abide to.</li> <li>• Requires a MoU to be entered into.</li> <li>• Will share anonymous data to assist with transport planning.</li> <li>• They operate and manage the scheme providing a dedicated community phone line to a manager for the Council as a first point of contact if issues arise.</li> <li>• Have a 24/7 call centre and emergency contact line for users.</li> </ul>	<ul style="list-style-type: none"> <li>• No funding required from Brent Council.</li> <li>• Customer service standards contained within the SLA</li> <li>• Requires a MoU to be entered into.</li> <li>• Will share anonymous data to assist with transport planning.</li> <li>• They operate and manage the scheme providing a dedicated community phone line to a manager for the Council as a first point of contact if issues arise.</li> <li>• Have a 24/7 call centre and emergency contact line for users.</li> </ul>	<ul style="list-style-type: none"> <li>• No funding required from Brent Council.</li> <li>• Require a MoU to be entered into</li> <li>• Accredited by BikePlus and PEBSS</li> <li>• They operate and manage the scheme providing a dedicated community phone line to a manager for the council as a first contact point if issues arise.</li> <li>• Will share anonymous data to assist with transport planning and real time dashboard access.</li> </ul>
<b>Safety and Maintenance</b>	<ul style="list-style-type: none"> <li>• They know who their users are as they require upon registration for a passport or driving license to be scanned.</li> <li>• Under 16s not permitted. At our request they acknowledge the potential to allow under 16s if they can prove they have completed and achieved a recognised cycle training level – they will take this away for further consideration.</li> <li>• Bikes are tracked through the users phone GPS as well as the bikes themselves having chips.</li> <li>• Bikes have a full maintenance service every two months and Ofo crew check up on the condition of the bikes as part of their patrols</li> <li>• Ofo work in partnership with local cycle companies to get them to maintain</li> </ul>	<ul style="list-style-type: none"> <li>• Under 16s not permitted.</li> <li>• Bikes have GPS and Vodafone managing @Internet of Things' (IoT) so they know where they all are at all times.</li> <li>• Bikes are maintained by haveBike, a local supplier of onsite and mobile bicycle safety checks. Their clients include City of London Police as well as London Metropolitan Police.</li> <li>• Bike have a minimum annual maintenance check</li> </ul>	<ul style="list-style-type: none"> <li>• Partner with local bike shops to undertake maintenance</li> <li>• Bikes meet European Bike Safety Standards EN ISO 4210-1:2014</li> <li>• Wardens undertake a six point check</li> <li>• Damaged vehicles taken off the system for availability</li> <li>• Technology service led – i.e. the more a bike is used the sooner it has a service.</li> <li>• Bikes are tracked through the users phone GPS as well as the bikes themselves having tamper alarms.</li> <li>• Bikes have a four year service life</li> <li>• Bike parts designed so they do not fit other bikes and therefore have no commercial value reducing theft incentive.</li> </ul>

	the bikes		
<b>Operations</b>	<ul style="list-style-type: none"> <li>• Trial starts with 100-200 bikes.</li> <li>• Areas where bikes can be parked can be outlined using vinyls and are also shown on the app.</li> <li>• Ofo crew patrol and ensure bikes are parked in legal and appropriate locations</li> <li>• Ofo crew redistribute bikes using zero emission methods between Ofo hubs and areas of high use</li> <li>• Users are encourage and incentivised to report issues and mechanical problems</li> <li>• Lifecycle of the bike is two years</li> </ul>	<ul style="list-style-type: none"> <li>• Leveraging the IoT technology the operations team intelligently identify and intervene with bikes that are 'at risk' before they present a problem</li> <li>• Street operation teams operate Monday to Sunday, 6am – 10pm</li> <li>• Redistribution is completed using a van and trailer</li> <li>• Lifecycle of the bike is four years</li> </ul>	<ul style="list-style-type: none"> <li>• Areas where bikes can park can be geofenced and displayed on app</li> <li>• Wardens patrol and ensure bikes are fit for purpose. Identifying bikes that need redistributing. Van fleet in the evening redistribute bikes</li> <li>• Dedicated operations manager for the city</li> <li>• Can reserve a bike for up to 15 minutes</li> <li>• Users incentivised to report issues and mechanical problems</li> </ul>
<b>Customer Experience</b>	<ul style="list-style-type: none"> <li>• First 4-6 weeks of launch use is free but do have to register. Cost is 50p for 30 minutes</li> <li>• Point system in operation. Points awarded for positive behaviour and deducted for negative. If all points are lost then automatic ban from the scheme</li> <li>• Smart pricing to incentivise bike redistribution is being developed.</li> </ul>	<ul style="list-style-type: none"> <li>• A £29 signup fee to encourage early adoption</li> <li>• Requires the bike to be parked in a preferred location to enable the journey to be closed and stop charging.</li> <li>• Point system in operation. Points awarded for positive behaviour and deducted for negative.</li> <li>• Can fine if bike is parked outside a geofenced area.</li> <li>• Dynamic pricing structure/gamification to encourage positive behaviour and discounts for certain social groups e.g. 16-18 year olds, jobseekers</li> </ul>	<ul style="list-style-type: none"> <li>• A £29 annual membership</li> <li>• Pilot period of 3 moths offering membership of £1</li> <li>• Cost 50p for 30 minutes</li> <li>• User credit system used with points awarded for good behaviour and deducted for bad behaviour such as parking outside geofenced area</li> <li>• Credit system can be topped up using the app</li> <li>• Marketing campaigns promoting rules of the road and health benefits</li> </ul>
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• London Living Wage company and does not use zero hour contracts</li> <li>• Employ local staff</li> <li>• Bikes at the end of their life are repurposed to other</li> </ul>	<ul style="list-style-type: none"> <li>• Electric bikes are proposed in the future</li> <li>• Working in partnership with British Cycling</li> <li>• Public liability insurance covering all bike hires for injury to</li> </ul>	<ul style="list-style-type: none"> <li>• London Living Wage company</li> <li>• Employ local staff</li> <li>• Public liability insurance covering all bike hires for injury to a third party and accidental damage</li> </ul>

	<p>parts of the world (developing countries) as private bikes.</p> <ul style="list-style-type: none"><li>• Public liability insurance covering all bike hires for injury to a third party and accidental damage</li></ul>	<p>a third party and accidental damage</p>	
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## **Equality Analysis Dockless Cycle Hire**

<b>Department</b>	<b>Person Responsible</b>
Regeneration & Environment	Monica Li
<b>Created</b>	<b>Next Review</b>
December 2017	December 2018

### **Screening Data**

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

While cycling has seen considerable increases in ridership in recent years across all of London, much of this growth has been from male riders, particularly those from white ethnic groups, while women and those of Black, Asian and Minority Ethnic (BAME) groups have continued to be less well represented. Analysis undertaken by Transport for London (TfL) of cycling potential shows that within Outer London, 55 per cent of trips are potentially cyclable based on trips undertaken by London residents between 2012/13 and 2014/15. The research also reveals that only 27 per cent of current cycle trips are made by women, compared to 55 per cent of potentially cyclable trips. Similarly, BAME groups account for 15 per cent of current cycle trips, but 38 per cent of potentially cyclable trips.

Brent, along with other local authorities, TfL and the Greater London Authority (GLA), see increasing cycling as a key means of reducing congestion, improving lifestyles and reducing pollution. Over half of Brent's adult population do not undertake sport or physical activity and a higher percentage of Brent's school children in reception and year 6 were obese when compared to the England average highlighting the need to encourage more active lifestyles that include cycling.

The Brent Long Term Transport Strategy 2015 – 2035 (LTTS), the Brent Cycle Strategy 2016 – 2021, and the draft Mayor's Transport Strategy, all seek to increase the number of cycle trips as well as improve infrastructure to encourage cycling. The overarching objective of the draft Mayor's Transport Strategy is for 80 per cent of journeys by 2041 to be on foot, by bicycle or using public transport.

The vision for cycling in Brent from the Brent Cycle Strategy 2016 – 2021 is:

- “To make Brent a borough where everyone can cycle safely, in comfort and with confidence; and
- To enable people of all ages and abilities from every section of Brent's diverse society to see cycling as a good option for everyday travel.”

The Brent Cycle Strategy 2016 – 2021 also makes specific reference to investigating the feasibility for a cycle hire scheme in Brent. Dockless cycle hire would open up cycling to those who do not own a bicycle and would target the first and last miles of journeys that in many instances may otherwise be undertaken by car. It would also promote cycling as a leisure activity and provide an additional mode of transport for people to access shops, etc. It is also a key part of encouraging cycling in the borough to those groups who are underrepresented.

Increased cycling amongst those who live and work in Brent would promote more active lifestyles and would help improve air quality if there is a modal shift away from the private car.

As yet, there is no evidence to suggest that the implementation of a dockless cycle hire scheme will have an adverse impact on any of the equality groups listed. Consultation with Members, stakeholders and the public was undertaken as part of the development of

the Brent Cycle Strategy with the outcomes used to inform the Strategy and develop the objectives with regards to cycling in the borough.

Sources:

- Brent Council Joint Strategic Needs Assessment: Overview Report 2015/16
- Draft Mayor's Transport Strategy (2017)
- Transport for London (2017), Analysis of cycling potential 2016
- Transport for London (2017), Strategic Cycling Analysis: identifying future cycling demand in London

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

Introduction of a dockless cycle hire scheme will have the greatest benefit to all who already cycle or wish to cycle. This includes those who live and work in the borough as well as those who are visiting or passing through.

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

- Yes

Analysis of the London Travel Demand Survey (LTDS) by TfL has highlighted that across London as a whole, not only do men cycle more frequently than women but that the rate of growth among men has been faster. The data also shows that cycling is more popular among white Londoners than those from other ethnic groups and that cycle trip rates are highest for those age 30 to 49.

This indicates that those groups who are already more prone to cycling are likely to benefit the most from the introduction of a dockless cycle hire scheme. However, as the scheme would provide bicycles to enable those who do not own a bicycle to cycle, it would also attract those who are prevented from cycling due to lack of a bicycle.

For those who are unable to cycle due to a disability or are unable to ride a bicycle, the scheme will have no impact as it will not be a facility that they will be able to use. The scheme also excludes those under the age of 16/18 from signing up themselves because a credit/debit card is required to set up an account to access the service. However, there is nothing preventing someone over this age allowing someone younger to set up an account using their credit/debit card details.

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

- Age
- Race
- Sex

3.2. Could the proposal have a disproportionate impact on some equality groups?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are disproportionately impacted

- Age
- Race
- Sex

The introduction of a cycle hire scheme will disproportionately benefit those groups who already cycle or are more likely to cycle. It will also have a disproportionate impact on those who are not old enough to sign-up to the scheme.

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

- No

Introduction of a cycle hire scheme would not change or remove services used by vulnerable groups of people.

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

- Yes

Introduction of a dockless cycle hire scheme relates to the whole borough. There is considerable variation in equality across Brent and the borough as a whole ranks 39<sup>th</sup> out of all English local authorities in terms of deprivation. The indices of deprivation 2015 are the official measure of relative deprivation in England and are determined on a Lower Super Output Area (LSOA) basis. From this a local authority rank is calculated. The Index of Multiple Deprivation (IMD) combines all the indices of deprivation and is made up of seven measures. These are: income deprivation; employment deprivation; education, skills and training deprivation; health deprivation and disability; crime; barriers to housing and services; and the living environment.

Fourteen of Brent's LSOAs fall into the 10 per cent most deprived areas in England with six of these 14 found in Stonebridge ward (Brent's most deprived ward). Harlesden, Kilburn, and Willesden Green wards also contain LSOAs which are amongst the most deprived nationally. Only LSOAs in the north of the borough close to its border with Harrow and Barnet fare considerably better. No LSOAs in Brent are in the top 10 per cent least deprived nationally. The introduction of a dockless cycle hire scheme will therefore have a positive effect on residents from deprived areas and disadvantaged backgrounds and other socio-economic groups as will provide them with a low cost, mode of travel.

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

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are impacted

- Age
- Race
- Sex

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

- Yes

To know and understand all our communities.

To involve our communities effectively.

To ensure that local public services are responsive to different needs and treat users with dignity and respect.

**Recommend this EA for Full Analysis?**

Yes

**Comments**

A mixture of qualitative and quantitative data was used to inform this EA including:

- Brent Joint Strategic Needs Assessment Deprivation (2015) - presentation
- Greater London Authority, Update CIS2012-04, *2011 Census Snapshot: Ethnic Diversity Indices*
- Greater London Authority, Update CIS2013-02, *2011 Census Snapshot: Ethnic Diversity Indices for wards*
- Greater London Authority, (2016), *2015-round trend based ethnic group population projections (long-term trend)*.
- Office for National Statistics (2012), *2011 Census*
- Office for National Statistics, (2017), *Birth Summary Tables 2016*
- Transport for London (2016), *Travel in London: Report 9*

## Impact Assessment Data

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

### 5.1 Age (select all that apply)

- Positive and Negative

Based on the LTDS, for London residents as a whole, the average cycle trip rate is highest for those aged 30-39 years at nearly 0.10. This falls to just over 0.09 for those aged 40-49 and is some 0.07 for both age groups; 20-29 years and 50-59 years. Due to the small sample size in Brent, it is not possible to break these figures down to borough level.

This suggests that those age groups who undertake the most cycle trips to begin with are most likely to benefit from the introduction of a dockless cycle hire scheme. However, not owning a bicycle may be the reason why some people do not cycle currently. It is not possible to determine from the data available the age characteristics of those who would cycle if they had access to a bicycle.

The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

Sources:

- Transport for London (2016), Travel in London: Report 9

### 5.2 Disability (select all that apply)

- Neutral

The 2011 Census revealed that 5.3 per cent of Brent's population classify themselves as in bad or very bad health. For nearly seven per cent of residents, their day to day activities are limited a lot because of a long-term illness.

Some of these residents are unlikely to be able to cycle to begin with and therefore the introduction of a cycle hire scheme should not impact on these residents in either a negative or positive way.

At the last meeting of the Brent Disability Users' Forum, residents have raised concerns around pavements in the borough and obstructions on the streets that can make getting around difficult. Due to the dockless nature of the bicycles, the chosen operators will need to ensure that users are educated as to where to leave bicycles safely after use so that they do not cause a hazard for those with visual impairments and/or other disabilities.

The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

Sources:

- ONS Census 2011; Table KS301EW

### 5.3 Gender identity and expression (select all that apply)

- Neutral

There is no evidence to suggest that those with this protected characteristic will be disproportionately affected (either positively or negatively). The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

#### 5.4 Marriage and civil partnership (select all that apply)

- Neutral

There is no evidence to suggest that those with this protected characteristic will be disproportionately affected (either positively or negatively). The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

#### 5.5 Pregnancy and maternity (select all that apply)

- Neutral

In 2016 there were some 5,150 live births in Brent equating to some four per cent of all live births in Greater London. This is below the high point of over 5,300 births in 2012 although still over 31 per cent higher than in 2001 (just over 3,900 births).

This rise in the number of births to women resident in Brent means a higher number of pregnant women resident in the borough. Although pregnancy does not prevent women from cycling, for some it may be a temporary barrier. That said, introduction of a dockless cycle hire scheme in the borough is unlikely to have a negative impact for pregnant women.

The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

Sources:

- ONS Birth Summary Tables 2016

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

- Positive

At London level, White Londoners are most likely to cycle and have an average cycle trip rate of 0.09 trips (2012/13 to 2014/15). This is considerably higher than for all other ethnic groups with Black Londoners having an average trip rate of only 0.02 trips and Asian Londoners of nearly 0.03 trips. Mixed, other and Arab Londoners are slightly more active with just under 0.04 cycle trips. Due to the small sample size in Brent, it is not possible to break these figures down to borough level. However, Brent ranked as the second most diverse local authority in England & Wales in the most recent Census estimates using Simpson's Diversity Index.

In the 2011 Census, 18.6 per cent of residents classified themselves as Asian/Asian British: Indian, 18.0 per cent as White: English/Welsh/Scottish/Northern Irish/British, and a further 14.3 per cent as White: Other White. It is projected that by 2022, these three ethnic groups will remain dominant in Brent but the largest increases are projected in the White: Other White, Asian/Asian British: Other Asian, and Arab groups; up 2.0 percentage points, 1.5 percentage points and 1.2 percentage points respectively when compared to 2011. Given Brent's diversity, any measures to encourage cycling would therefore be particularly positive for all ethnic groups but may disproportionately benefit those from White backgrounds who already cycle more. It is not however known what the ethnic characteristics are of those who do not cycle because they do not have access to a bicycle.

The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

Sources:

- GLA Update CIS2012-04, 2011 Census Snapshot: Ethnic Diversity Indices

- GLA Update CIS2013-02, 2011 Census Snapshot: Ethnic Diversity Indices for wards
- ONS Census 2011; Table KS201EW
- GLA 2015-round trend-based ethnic group population projections (long-term trend)

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

- Neutral

There is no evidence to suggest that those with this protected characteristic will be disproportionately affected (either positively or negatively). The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

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

- Positive

According to data from the LTDS for Brent residents for 2013/14 to 2015/16, men make on average 0.03 cycle trips per day compared to women who only make 0.01 cycle trips. This aligns with the pattern seen for London as a whole. Analysis by TfL of London level data, indicates that cycling amongst men is growing at a faster rate.

As men make more cycle trips on average and the number of cycle trips undertaken by men is increasing faster, they are therefore also more likely to benefit from the introduction of a cycle hire scheme. However, the data does not show whether females would be more inclined to cycle if they had easier access to a bicycle.

The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

Sources:

- Transport for London (2016), Travel in London: Report 9

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

- Neutral

There is no evidence to suggest that those with this protected characteristic will be disproportionately affected (either positively or negatively). The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

#### 5.10 Other (Socio-economic characteristics)

- Neutral

There is no evidence to suggest that those with certain socio-economic characteristics will be disproportionately affected (either positively or negatively) as the service will be available for all (with the exception of those groups already discussed in this Equality Analysis).

Based on existing charges by dockless cycle hire companies who are already operational, prices start at 50p for 30 minutes with the potential to earn free rides. Hiring a dockless cycle could therefore be a cheaper mode of travel for many when compared to the private car and other modes, and does not require the user to purchase a bicycle.

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

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal? How did your findings and the wider evidence base inform the proposal?

Consultation with Members, stakeholders and the public was undertaken as part of the development of the Brent Cycle Strategy. The outcomes were used to inform the Strategy and develop the objectives with regards to cycling in the borough, one of which is to investigate the viability of a cycle hire scheme for the borough.

The six week engagement consultation asked residents for their views of how to turn Brent's vision for cycling into a reality and was advertised through a number of channels to obtain as many responses as possible to try and reflect the diverse nature of the borough. This included the Council website, social media such as Facebook and Twitter, and at key destinations such as libraries, sport centres, community centres and bike shops.

Qualitative research in the form of focus groups and in-depth interviews were undertaken with individuals from ethnic backgrounds and age groups that were underrepresented amongst cyclists to determine the reasons behind this. A small number of individuals recruited from the focus groups were followed over a number of days to obtain an insight into their thoughts about cycling and the barriers that prevented them from doing so.

Analysis of the LTDS, Mosaic household classification, the Council's own data and the findings from the quantitative and qualitative research found that:

- Women are less likely to cycle than men.
- People aged 25 to 45 are much more likely to cycle than those from younger or older groups.
- Female respondents aged between 35 and 54 appeared to be the most likely group who were open to the idea of cycling, but who do not currently do so.
- Cycling to work was the most popular reason overall for cycling, though for female respondents, the most popular reason for cycling was to go to local services such as shops and libraries.
- Individuals from BAME groups are less like to cycle than those of any white ethnicity.
- Individuals that cycled when they were young are more likely to continue to do so or pick it up again when they are older.
- Road safety was seen as the biggest barrier to cycling by respondents.
- The majority of respondents said they preferred quieter roads, even if this meant a longer route to get to their destination.
- Separate cycle lanes on main roads and at junctions, better education for motorists, and safer cycle routes to schools were seen as most in need of improvement.

As the questionnaire relied on self-completion, Brent had no control over who completed the survey. Those who responded were likely to be most affected by proposals within the Cycle Strategy. The final sample is not representative of Brent's overall population as it is skewed towards white, male respondents. However, the qualitative research aimed to complement the findings of the questionnaire results by building a more detailed profile of views on cycling.

The nature of dockless cycle hire means that no docking stations are required and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

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

Brent Council will require any operator in the borough to sign up to a Memorandum of Understanding and to adhere to TfL's Code of Practice for dockless cycle operators. As part of this, Brent Council will work with the selected operators to ensure that introduction of a dockless cycle hire scheme is not limited to certain parts of the borough at the exclusion of others, and operators will be required to provide education to users regarding safe and



responsible parking of bicycles.

Brent Council will continue to publicise improvements made to reduce or remove barriers to equality and will raise awareness of any outstanding equality issues within the community. It will also insure that any communication and consultation initiatives are accessible and inclusive of all protected groups, including people with learning disabilities, deaf and blind (as well as deaf blind) residents, people with dementia and their carers, as well as children, young people and older people.

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

There are no known negative impacts of the introduction of a dockless cycle hire scheme in Brent identified by the equality analysis at this stage. However, should any consultation take place, this will be on a site by site basis.

10. Please explain the justification for any remaining negative impacts.

The introduction of a cycle hire scheme does not have any outstanding identified negative impacts.

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