



Cabinet

Monday 11 September 2017 at 6.00 pm
Board Rooms 3, 4 & 5 - Brent Civic Centre

Membership:

Lead Member Councillors:

Portfolio

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

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

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

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

Item	Page
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1	Apologies for Absence	
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2	Declarations of Interest	
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Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and disclosable pecuniary interests, and the nature of these, in any matter to be considered at this meeting.

3	Minutes of the Previous Meeting	1 - 6
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To approve the minutes of the previous meeting held on 14 August 2017 as a correct record.

4	Matters Arising (if any)	
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To consider any matters arising from the minutes of the previous meeting.

5	Petitions (if any)	
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To discuss any petitions from members of the public, in accordance with Standing Order 68.

Chief Executive's reports

6	Brent's Child and Adolescent Mental Health Services: A Scrutiny Task Group Report	7 - 38
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The Community and Wellbeing Committee agreed in its work plan for 2016/17 to set up a number of task groups to review important areas of policy, including a task group to evaluate the provision and development of Child and Adolescent Mental Health Services (CAMHS) in Brent. The purpose of the scrutiny task group was to review the effectiveness of the CAMHS model in providing support to young people in Brent at present, and how the model could be adapted to better meet needs in the future. This report sets out the recommendations developed by members.

Ward Affected:
All Wards

Lead Member: Lead Member for Children and Young People (Councillor Mili Patel)
Contact Officer: Peter Gadsdon, Director, Performance, Policy and Partnerships:
Tel: 020 8937 1400;
peter.gadsdon@brent.gov.uk

Regeneration and Environment reports

7 **Brent Local Implementation Plan (LIP) Submission for 2018/19 - 2020/21** 39 - 66

This report seeks to update Cabinet on the provisional LIP allocations, and seeks the approval of Cabinet to submit the 2018/19 Corridors, Neighbourhoods and Supporting Measures LIP programme to TfL and following approval by TfL, to implement the schemes and initiatives within the submitted/approved LIP programme and funding.

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

8 **Managing Street Drinking and Identified Problem Areas - Pilot Evaluation** 67 - 76

Brent has implemented 6 pilot Public Spaces Protection Orders (PSPOs) in Harlesden, Kilburn, Ealing Road (including One Tree Hill), Neasden, Wembley Park and Sudbury for the duration of 6 months, to tackle problematic areas where street drinking has been prevalent over the years. This report provides an update on the effectiveness of the PSPOs, the scale of the problem in Brent as well as options going forward for Cabinet on how to tackle the street drinking problem when the borough wide Control Drinking Zone (CDZ) ends in October 2017.

Ward Affected:

All Wards

Lead Member: Lead Member for Stronger
Communities (Councillor Tom Miller)

Contact Officer: Karina Wane, Head of
Community Protection:

Tel: 020 8937 5067;

Karina.Wane@brent.gov.uk

9 **Brent Domestic Abuse Advocacy and MARAC Coordination: Contract Variation** 77 - 82

This report requests that Cabinet agree to vary the Brent Domestic Abuse Advocacy and MARAC Coordination Contract to include the delivery of the Home Office Transformation Fund services detailed in paragraph 3.2 to the value of an additional £100,000 per annum for three years.

Ward Affected:

All Wards

Lead Member: Lead Member for Stronger
Communities (Councillor Tom Miller)

Contact Officer: Karina Wane, Head of
Community Protection:

Community Well-being reports

10 Implementation of Financial Penalties as alternatives to prosecutions under Housing Act 2004 introduced under Part 2 Housing and Planning Act 2016 83 - 114

This report sets out the powers and obligations introduced by the Housing and Planning Act 2016 relating to the Government's response to tackling rogue landlords and improving the private rental sector.

Ward Affected:
All Wards

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Harbi Farah)
Contact Officer: Spencer Randolph, Head of Private Housing Services:
Tel: 020 8937 2546;
spencer.randolph@brent.gov.uk

Resources reports

11 London Business Rates Pilot Pool 2018-19 115 - 132

This report provides an update following the July Finance Review reported to Cabinet on 24 July on the proposal for an expanded London business rates retention pilot via a pan-London pool in 2018/19. A draft prospectus from London Councils is enclosed in Appendix A and sets out how it is envisaged that a pilot pool could operate in 2018/19, should the government renew its commitment to this approach.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Conrad Hall, Chief Finance Officer:
Tel: 020 8937 6528;
conrad.hall@brent.gov.uk

12 Award of Telephony Contract 133 - 146

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

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Prod Sarigianis, Head of Digital Services:
Tel: 020 8937 6080;

13 National Non Domestic Rates – Applications for Discretionary Rate Relief 147 - 156

The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of discretionary rate relief is based on policy and criteria agreed by Cabinet on 15 November 2016. New applications for relief have to be approved by the Cabinet. The report details new applications for relief received since Cabinet last considered such applications in November 2016.

Ward Affected:

All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)

Contact Officer: Margaret Read, Director of Brent Customer Services:

Tel: 020 8937 1521;

margaret.read@brent.gov.uk

14 Authority to Tender Contract for Insurance Services

157 - 164

This report concerns the future provision of the Council's Insurance Services contracts. The report requests approval to invite tenders in respect of the proposed Insurance Services contracts to start 1 October 2018, as required by Contract Standing orders 88 and 89. The report also seeks authority to extend the contracts that form the current programme of insurance.

Ward Affected:

All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)

Contact Officer: Conrad Hall, Chief Finance Officer:

Tel: 020 8937 6528;

conrad.hall@brent.gov.uk

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

To consider any reference reports from any of the Council's three Scrutiny Committees.

16 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)."

- Award of a Telephony Contract – **Appendix 1**

17 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 Standing Order 16 (a) of the Council's Constitution.

Date of the next meeting: Monday 23 October 2017



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

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 14 August 2017 at 6.00 pm

PRESENT: Councillors McLennan (Chair) and Councillors Farah, Hirani, M Patel, Southwood and Tatler

1. **Apologies for Absence**

Apologies for absence were received from Councillor Muhammed Butt.

2. **Declarations of Interest**

There were no declarations of interest from Members.

3. **Minutes of the Previous Meeting**

RESOLVED:-

that the minutes of the previous meeting on 24 July 2017 be approved as an accurate record.

4. **Matters Arising**

There were no matters arising.

5. **Petitions (if any)**

There were no petitions to be discussed at the meeting.

6. **Progress Update on the Borough Plan 2015-2019**

Councillor Margaret McLennan, Deputy Leader, introduced the report by thanking Cabinet Members and officers for the work that has gone into this report and for the considerable amount of work and dedication that this report seeks to measure.

She stated that there is much to do to meet our goals for delivering the services that our residents value and depend upon. She stated that the Council is working in a time of unprecedented national political and economic uncertainty.

She stated that Council services have seen and continue to see demand increasing by volume and complexity and at the same time, Council budgets, as well as those of partners' across the public sector, have been slashed, causing a harmful cumulative impact.

Councillor McLennan stated that Government austerity agenda has placed all of these services under immense pressure.

She stated that schools in Brent are getting better and better such that the vast majority are now judged to be either *Good* or *Outstanding* by Ofsted. She warned that progress is at risk if government insists on stripping back funding. The Cabinet is well aware, she stated, that our population is under-employed, but the challenge of helping secure employment is not made any easier by central Government forcing through the closure of local Job Centres.

She stated that the Council and its partners are encouraging more and more residents to take better care of themselves and to live healthier lives. But with the NHS so desperately underfunded, there's only so much that the Council can do. Referring to community safety, she stated that fewer police may ultimately mean higher crime. She reminded Cabinet that the Council is funding the Met Patrol Plus scheme but that can't and won't make up for government failure.

Councillor McLennan stated that the Council is delivering new homes across all tenure but that the prospects of ownership will move further and further away for many of our residents. She stated the administration has clear and effective policies and strategies to ensure excellent progress in achieving our ambitions. Cabinet agreed that there is no room for complacency.

Councillor McLennan stated that it is important to recognise and put on record how impressive an achievement it is to be where we are, especially considering the extreme financial hardship imposed upon the Council since 2010.

RESOLVED that:

6.1 Cabinet reviewed the progress against Borough Plan outcomes as at 2017.

7. Performance Report, Q1 (April - June) 2017/18

Councillor Margaret McLennan, Deputy Leader, introduced the report and the performance scorecard setting out the position on the Council's performance in the first quarter of 2017/18.

She 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.

Councillor Ellie Southwood, Cabinet Member for Environment, highlighted some of the challenges in the Environment portfolio – as detailed in the scorecard. She stated that reports of illegally dumped waste incidents is higher than planned and therefore this indicator has a Red RAG status.

Councillor Shama Tatler, Cabinet Member for Regeneration, Growth, Employment and Skills, spoke to highlight issues around employment. She said that the percentage of care leavers in education, employment or training (EET) is below

target and is Red rated. She also stated that the Living Room employment outcomes (Actual YTD – 6, Target – 10) and Brent Works apprenticeship outcomes (Actual YTD – 3, Target – 10) and are both currently significantly below target and have a Red rating.

RESOLVED that:

7.1 The performance information contained in the report be noted;

7.2 The current and future strategic risks associated with the information provided be considered, and any remedial actions on strategic risks be agreed as appropriate; and

7.3 Responsible officers would be challenged on progress as necessary.

8. **Authority to Tender a Contract for an Integrated Treatment Recovery Wellbeing and Substance Misuse Service**

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, introduced the report stating that the responsibility for commissioning substance misuse transferred from Primary Care Trusts to local authorities on 1st April 2013.

He reminded Members that, on 1 March 2017 authority was given by Phil Porter, Strategic Director for Community and Wellbeing to extend the substance misuse contracts by one year commencing 1 April 2017 to allow for the service re-design, market consultation and retendering processes and to allow public health commissioning leads to develop a new integrated service. The extension of the substance misuse contracts enabled £215,000 savings to be made.

Councillor Hirani stated that there are currently 6 substance misuse contracts to be retendered into a single contract. He stated that this report is seeking approval to commence the procurement in accordance with Contract Standing Orders 88 and 89 of an Integrated Treatment Recovery and Wellbeing and Substance Misuse Service that continues to place a focus on treatment and recovery but also emphasises cost efficient attention to health and wellbeing particularly for those who are on long term secondary prescribing for opiate misuse.

RESOLVED that:

8.1 The preferred commissioning option as set out in Section 5 of the report, be approved;

8.2 Tenders be invited for the new Integrated Treatment Recovery and Wellbeing and Substance Misuse Service on the basis of the pre tender considerations set out in paragraph 5.6 of the report;

8.3 Approval to Council officers be given to evaluate the tenders referred to in resolution 8.2 above, on the basis of the evaluation criteria set out in paragraph 5.6 of the report; and

8.4 The Strategic Director, Community and Wellbeing be delegated the authority to award for the Integrated Treatment Recovery Wellbeing and Substance Misuse Service in consultation with the Cabinet Member for Community Wellbeing following a compliant procurement process.

9. **Authority to Award, Care and Support Contract for Mental Health Supported Living Schemes**

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, introduced the report stating that, in accordance with Contract Standing Orders 88 and 89, this report seeks Cabinet authority to award 2 Accommodation plus contracts for a period of 4+1 years.

These contracts will be for two Mental Health Supported Living Schemes at Park Avenue North and Forty Lane. There is also one more scheme at Prout Grove which does not meet the financial threshold to be heard at Cabinet.

Councillor Hirani stated that this report summarises the process undertaken in tendering these contracts, and provides recommendations of the organisations the contracts should be awarded to as determined through the completion of the evaluation of the tenders.

RESOLVED that:

9.1 The contract for the Mental Health Supported Living Scheme at Park Avenue North be awarded to Equinox Care for a period of 4 years with an option to extend for a further 1 year. (4+1); and

9.2 The contract for the Mental Health Supported Living Scheme at Forty Lane be awarded to Look Ahead for a period of 4 years with an option to extend for a further 1 year. (4+1).

10. **South Kilburn Regeneration Programme– Statutory Consultation with secure tenants in Neville House, 1-64 Winterleys, 113-128 Carlton House (being part of ‘Phase 4’) and 1-72 Blake Court (being part of ‘Phase 5’)**

Councillor Shama Tatler, Cabinet Member for Regeneration, Growth, introduced the report stating that 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.

She stated that 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.

RESOLVED that:

- 10.1 The Strategic Director of Regeneration and Environment be authorised to develop a draft allocation policy for allocating replacement homes to secure tenants living within Neville House, 1-64 Winterleys, 113-128 Carlton House (being part of 'Phase 4') and 1-72 Blake Court (being part of 'Phase 5');
- 10.2 The Strategic Director of Regeneration and Environment be authorised to commence statutory consultation with secure tenants residing in blocks: Neville House, 1-64 Winterleys, 113-128 Carlton House (being part of 'Phase 4') and 1-72 Blake Court (being part of 'Phase 5') on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985 (ii) consultation on the Council's proposal to make a CPO on properties in Neville House, 1-64 Winterleys, 113-128 Carlton House (being part of 'Phase 4') and 1-72 Blake Court (being part of 'Phase 5') that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within Neville House, 1-64 Winterleys, 113-128 Carlton House (being part of 'Phase 4') and 1-72 Blake Court (being part of 'Phase 5'); and
- 10.3 The intention to report to Cabinet on the outcome of the consultation and, if appropriate, to seek authority to proceed as set out in Paragraph 3.6 of the report, be noted.

11. Reference of Item Considered by Scrutiny Committees (if any)

None.

12. Exclusion of Press and Public

None.


13. Any Other Urgent Business

None.

The meeting ended at 6.19 pm

COUNCILLOR MARGARET McLENNAN
Vice-Chair, in the Chair

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 <p>Brent</p>	<p>Cabinet 11 September 2017</p> <p>Report from the Director of Policy, Performance and Partnerships</p>
<p>For information</p>	<p>Wards affected: ALL</p>
<p>Brent's Child and Adolescent Mental Health Services: A Scrutiny Task Group Report</p>	

1.0 Summary

- 1.1 This report sets out the recommendations developed by members of a task group set up to review Child and Adolescent Mental Health Services (CAMHS).

2.0 Recommendations

- 2.1 Members of the Cabinet to note the recommendations and contents of the task group's report as they were agreed by Community and Wellbeing Scrutiny Committee on 19 July.

3.0 Background

- 3.1 The Community and Wellbeing Committee agreed in its work plan for 2016/17 to set up a number of task groups to review important areas of policy, including a task group to evaluate the provision and development of CAMHS in Brent.
- 3.2 The scope was set out in the scoping paper agreed by committee on 1 February 2017. In essence, the purpose of the scrutiny task group was to review the effectiveness of the CAMHS model in providing support to young people in Brent at present, and how the model could be adapted to better meet needs in the future. This included looking at the transformation plans being developed.
- 3.3 The focus of the task group in gathering evidence was on qualitative evidence from face-to-face discussions with NHS and health providers, Brent Clinical Commissioning Group (CCG), school and further education representatives, and community representatives.
- 3.4 The chair of task group was Councillor Ahmad Shahzad OBE, the other members were Councillor Ruth Moher, Councillor Neil Nerva and Dr Jeff Levison, a co-opted committee member. Hamza King was co-opted to represent Brent Youth Parliament.

- 3.5 In March 2015, the government published Future in Mind – a strategy for promoting and improving young people’s mental health – which also offered additional funding for Child and Adolescent Mental Health Services (CAMHS). In response, a Local Transformation Plan for CAMHS was developed across north-west London with a dedicated plan and objectives for Brent.
- 3.6 The transformation plan, which was developed with young people’s involvement, is implementing improvements across CAMHS services. The plan was approved by NHS England in December 2015. An update on progress with the plan was given to Brent’s Health and Wellbeing Board on 22 March 2016.
- 3.7 Brent has a disproportionately large number of young people in social groups who may be at high-risk of developing poor mental health. Based on national projections, it’s thought that one in ten school-age children in Brent has a diagnosable mental health condition which equates to an estimated 4,575 children and young people.

4.0 Detail

- 4.1 In total, the task group developed five recommendations in its report which were discussed and agreed at committee on 19 July 2017 [Appendix A]. In the report, the task group said that four of the recommendations were for Brent CCG and one was a joint recommendation to be implemented by Brent CCG and Brent Council.
- 4.2 In attendance at Scrutiny and Wellbeing Scrutiny Committee on 19 July to discuss the report, which was presented by the task group chair, was the Strategic Director for Children and Young People, the Cabinet Member for Children and Young People as well as the Assistant Director of the CCG, the Chief Operating Officer and Vice-Chair of the CCG.
- 4.3 Brent CCG gave their response to the report and its recommendations at the meeting. While they agreed with the recommendations, the CCG requested that recommendation four should also be a joint recommendation for the council and CCG. However, after discussion, members of the committee said all the five recommendations should be as they stand in the report.
- 4.4 The recommendations are as follows.

Brent Clinical Commissioning Group

1. Increase investment in mental health support with Brent’s schools to ensure all schools can access Targeted Mental Health in Schools (TaMHS), Place2Be or an equivalent mental health support programme for schoolchildren.
2. Improve pathways to young people receiving CAMHS support by emphasising to head teachers that they can refer directly to CAMHS and increasing the CCG’s information and communication to schools about what support is available.

3. Offer a programme of peer and staff support in schools and further education to strengthen awareness of emotional health and wellbeing and signpost them to effective support.
4. Organise a network of community champions to promote good mental health and wellbeing among children and young people in their community and signpost young people to effective support.

Brent Clinical Commissioning Group and Brent Council

5. Organise a one-off event for parents modelled on It's Time to Talk to develop community-led solutions to improving children and young people's emotional wellbeing and mental health in Brent, and strengthen partnership working between the CCG, local authority, schools, voluntary sector, faith and community groups, youth organisations, and further education colleges on this issue.

- 4.5 As stated in the task group report, an external body or local authority executive is not compelled to act on a recommendation; however, an executive must respond within two months. NHS organisations are expected to give a meaningful response within 28 days of recommendations being agreed by a local authority's scrutiny committee. Again, they are not legally compelled to act on a scrutiny committee's recommendation.

5.0 Financial Implications

- 5.1 Increased CCG investment with the aim of increasing the number of schools accessing services will need thorough scoping and planning. This needs to ensure that the combined resources of the council, schools and the CCG results in an increase in capacity so that more children can access mental health services.
- 5.2 The other recommendations have no significant financial implications with the cost of organising the one-off community event to be managed from existing budgets.

6.0 Legal Implications

Local authorities, CCGs, NHS England and Public Health England must work together to commission health services for all children in their area'. The Statutory guidance for local authorities, clinical commissioning groups (CCG) and NHS England, March 2015. Section 75 of the National Health Service Act 2006 permits CCG and Local Authorities to commission services jointly.

7.0 Diversity Implications

- 7.1 There are no immediate equalities implications arising from this report for the local authority. However, if the proposed recommendations are implemented, e.g. increased investment for school-based projects, greater peer support and a community-based scheme, it is anticipated that they would help to reduce wider health inequalities in the borough, particularly for White British, Black

Caribbean and Black African adolescents who are currently over-represented in CAMHS. The proposals also aim to tackle stigma and negative perceptions around mental health experienced by certain BAME communities, and to proactively support adolescents who are considered to be more vulnerable due to their family circumstances (e.g. living in poverty and deprivation).

Contact Officers

Pascoe Sawyers
Head of Policy and Partnerships
Chief Executive's Department

PETER GADSDON
Director of Performance, Policy and Partnerships



Child and Adolescent Mental Health Services in Brent

A Scrutiny Task Group Report

Chair, Cllr Ahmad Shahzad OBE

Community and Wellbeing Scrutiny Committee

July 2017

Task group membership

Councillor Ahmad Shahzad OBE, task group chair

Councillor Ruth Moher,

Councillor Neil Nerva

Dr Jeff Levison, co-opted member

Hamza King, Brent Youth Parliament representative, co-opted member

The task group was set up by members of Brent Council's Community and Wellbeing Scrutiny Committee on 1 February 2017.

Committee Contacts:

James Diamond, Scrutiny Officer, Strategy and Partnerships, Brent Civic Centre
Engineers Way, Wembley, Middlesex HA9 0FJ

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Chair's Foreword

Many of today's young people are growing up in an environment of unprecedented pressure and stress as a result of social media, exams, and in too many households, unstable housing and low incomes. This is straining the mental health and emotional wellbeing of many young people. These pressures are far greater than those which mine and other generations experienced. However, we know that probably only one in three of those with a diagnosable mental health condition will access any support. That's why as members we set up a scrutiny task group to review how Child and Adolescent Mental Health Services (CAMHS) are meeting these challenges in Brent.

Young people's mental health has proved to be a very timely subject for a scrutiny task group. In Brent, services are undergoing a transformation, and nationally the issue of mental health is now far higher up the political agenda. I hope this report and recommendations can contribute to this discussion and to improving these important services even further.

I would like to thank all those hard-working professionals who gave up their time to meet with me and the other members of the task group while we carried out our work. We were fortunate to be able to meet and talk with a number of community representatives. Again, I would like to thank them for giving up their time to speak with us. Finally, I would like to say a special thank you to Dr Jeff Levison, a former co-opted member of the Community and Wellbeing Scrutiny Committee, and Hamza King who represented Brent Youth Parliament, for their work as members of the task group. I would also like to thank Cllr Ruth Moher and Cllr Neil Nerva for their valuable input and suggestions, and the scrutiny team for its work.

Councillor Ahmad Shahzad OBE

Chair, Scrutiny task group

Executive Summary

The scrutiny task group has reviewed Child and Adolescent Mental Health Services (CAMHS) to evaluate the existing model and its effectiveness in delivering services. CAMHS in the borough is presently going through a period of transformation set out in the Local Transformation Plan.

An important part of the plan is incorporating a new approach and thinking into CAMHS, which is known as the THRIVE model.¹ The plan sets out how to move away from the existing tiered model around which services have been organised towards this new approach, and members of the task group looked at how well existing or proposed services would meet the requirements of the THRIVE model.

The task group was supportive of the THRIVE model and the way it is being incorporated in the Local Transformation Plan and the development of services, and welcomes this way of thinking about services for young people in a wider social context and local community. The task group believes that the development of initiatives such as peer support and community champions would complement this new approach and way of working.

The task group also set out to evaluate the existing referral system for parents, the local authority, schools, voluntary organisations and other organisations, and how any proposed changes might work in practice. Members of the task group believe that changes which now allow schools to make referrals to CAMHS services are particularly welcome.

Particular projects which work in schools to promote positive mental health and emotional wellbeing were considered as part of the task group and found to be well-regarded and viewed positively by schools. However, not all schools in the borough are at present accessing these projects.

Finally, the task group looked at co-ordination, planning and co-operation between different organisations and agencies in the provision of services and believes that more partnership working in this area should be supported and encouraged in the borough.

¹ A full explanation of the THRIVE model is set out on p9 of the report.

Recommendations:

Brent Clinical Commissioning Group

1. Increase investment in mental health support with Brent's schools to ensure all schools can access Targeted Mental Health in Schools (TaMHS), Place2Be or an equivalent mental health support programme for schoolchildren.
2. Improve pathways to young people receiving CAMHS support by emphasising to head teachers that they can refer directly to CAMHS and increasing the CCG's information and communication to schools about what support is available.
3. Offer a programme of peer and staff support in schools and further education to strengthen awareness of emotional health and wellbeing and signpost them to effective support.
4. Organise a network of community champions to promote good mental health and wellbeing among children and young people in their community and signpost young people to effective support.

Brent Clinical Commissioning Group and Brent Council

5. Organise a one-off event for parents modelled on It's Time to Talk to develop community-led solutions to improving children and young people's emotional wellbeing and mental health in Brent, and strengthen partnership working between the CCG, local authority, schools, voluntary sector, faith and community groups, youth organisations, and further education colleges on this issue.

Methodology

The task group gathered qualitative and quantitative evidence to complete the report and develop its recommendations. In particular, the task group carried out face-to-face discussions with those involved in child and adolescent mental health services (CAMHS) or work with young people. A list of those who took part is in Appendix A.

Members of the task group took part in three themed meetings in which they discussed issues facing CAMHS with the invited participants. The themes of the meetings were:

- Schools and other youth settings
- Specialist services
- Working with communities

However, as was set out in the original scoping paper, the task group decided not to consider the entire scope of CAMHS, but limited its focus to a key areas as set out in the scoping paper agreed by the Community and Wellbeing Scrutiny Committee on 1 February 2017. These were:

- children and young people in Brent aged 12 to 18
- existing referral and discharge pathways
- examples of good practice
- existing identification at tiers 1 to 3
- awareness in schools and other settings for children and young people.
- how well existing or proposed services would meet requirements of National Institute of Clinical Excellence (NICE) guidance and the THRIVE model.

As well as the themed meetings, the task group also requested data and quantitative information. All data was anonymised so there was no risk of identification, and there was no discussion of a particular case or young person.

Recommendations were developed according to existing legislation for local authority scrutiny. The task group notes that an external body or local authority executive is not compelled to act on a recommendation; however, an executive must respond within two months, and NHS organisations are expected to give a meaningful response within 28 days of recommendations being agreed by a scrutiny committee.²

² 'Local Authority Health Scrutiny' Department of Health (June 2014), pp.21-22

Chapter 1 Child and Adolescent Mental Health Services

Background

1. Since the 1990s, mental health services for young people have been referred to as Child and Adolescent Mental Health Services (CAMHS). The framework was set out in two key documents, 'A Handbook on Child and Adolescent Mental Health' and 'Together We Stand', published in 1995, which set out the development of CAMHS within a four-tiered framework for planning, commissioning and delivery. In 2000, the NHS Plan required health and local authorities work together to produce a local CAMHS strategy according to local needs and priorities.³

2. CAMHS bridges the NHS and local government. This means that two separate organisations with their own workforces, systems of administration, corporate objectives and different organisational cultures have to work together to co-ordinate and provide these services according to the needs of the population in a defined area.

3. Traditionally, the framework for services has been a four-tiered model which escalates in severity from tier 1 up to tier 4. This is largely a medical model focusing on a diagnosable mental illness. Tier 1 are universal services; tier 2 delivers targeted services while tier 3 encompasses specialist community CAMHS. The highest degree of severity is tier 4, which are highly specialised services and delivered to a very small number of young people. Since 2013, commissioning of tier 4 services has been the responsibility of NHS England.

4. Children and young people experiencing mental health difficulties are usually first identified as needing tier 1 services, for example, by a teacher or health visitor. Tier 1 can include self-instruction, peer mentoring, and parents' training to promote emotional wellbeing. Tier 2 are professional specialist services and community-based services delivered by mental health practitioners such as psychotherapists and counsellors working in GP practices, schools and youth settings. They identify needs requiring more specialist intervention or treatment.⁴ Tier 3 are specialist services provided to children with complex or severe or needs.

³ www.youngminds.org.uk/training_services/policy/policy_in_the_uk/camhs_policy_in_england

⁴ www.icptoolkit.org/child_and_adolescent_pathways/about_icps/camh_service_tiers.aspx

5. For many years, CAMHS was largely driven by practitioners and local administrators rather than national policy. Yet, this is not the case today. ⁵ Since 2013, more national attention has been placed on CAMHS. In July 2014, a taskforce, led by the Department of Health and NHS England, examined how to improve young people's mental health care and services, which culminated in the 'Future in Mind' report, published in March 2015, which set out a case for change and improvement, and offered extra funding.

6. The evolution of CAMHS has happened in parallel to a considerable re-organisation of NHS services and changes in local government. Locally, there was the creation of the Brent Clinical Commissioning Group from 1 April 2013 as a result of the 2012 Health and Social Care Act. In local government, resources have decreased considerably. For example, in Brent the 2016/17 gross expenditure for Children and Young People's Department was £46million compared with a gross expenditure of £57.5million in 2013/14. These figures exclude the council's separate ring-fenced budget for expenditure on schools. ⁶

7. In recent years, practitioners have developed a new model called THRIVE which is a shift away from the 'escalator' model of increasing severity or complexity based on tiers. Instead, this new model outlines four groups of children and young people and the sort of support which they may need to achieve better emotional wellbeing and be 'thriving'. These categories are those who are: getting advice, getting help, getting risk support, and getting more help. THRIVE distinguishes between treatment and support, and attempts to shift thinking away from a medical model to one which places support in the social context of a community.

8. The THRIVE model recognises the residual strengths which exist in wider community such as peer support and engagement in organisations and youth settings which can be preventative or promote the wellbeing and coping skills of a child or young person. It also has an emphasis on different cultural perspectives on mental illness and lifestyle risk factors. ⁷

⁵ Richard Williams and Michael Kerfoot, (eds), *Child and Adolescent Mental Health Services: Strategy, Planning, Delivery and Evaluation*, (Oxford, 2005), pp.15-23

⁶ Brent Council 'Brent Council Spending 2016-17' April 2016, pp.6-7; 'Brent Council Spending 2015-16' April 2015, p6; 'Brent Council Spending 2014-15' April 2014, p6

⁷ Miranda Wolpert et al, THRIVE – The AFC-Tavistock Model for CAMHS, 2016, pp.7-10. A number of different models use the term Thrive in their title – the authors of this model use it to describe provision which is Timely, Helpful, Respectful, Innovative, Values-based and Efficient (THRIVE).

CAMHS in Brent

9. In response to 'Future in Mind', the Young People's Mental Health and Wellbeing Local Transformation Plan was developed across north-west London with its own dedicated plan and objectives for Brent. This was developed by the NHS in partnership with the local authority, and was agreed by the Chair of Brent Clinical Commissioning Group (CCG) and the Leader of Brent Council. There was also involvement from young people. The transformation plan was approved by NHS England in December 2015, and a refreshed plan was submitted to NHS England in October 2016. It is now expected that there will be a re-commissioning of CAMHS services in 2018.

10. In December 2015, NHS England provided an additional £573,052 to Brent CCG after the transformation plan was agreed. This was for the financial years 2015/16, 2016/17 and 2017/18 and 2018/19.⁸

11. Spending on CAMHS in Brent consisted of £2,471,000 by Brent CCG and £403,629 by NHS England In 2015/16. Brent Council's Public Health gave a one-off grant of £30,000 towards funding training for school staff.⁹ Brent's spending on CAMHS is slightly below the median average for London boroughs.¹⁰

12. An update on the transformation plan was given to Brent Council's Scrutiny Committee in February 2016 and Brent's Health and Wellbeing Board on 22 March 2016. The Local Transformation Plan has identified eight priorities, including: needs assessment, supporting co-production, workforce development and training, the specialist community eating disorder service, redesigning pathways and a tier-free system, enhanced support for learning disabilities and neurodevelopmental disorders, crisis and urgent care pathways, and embedding 'Future in Mind'.¹¹

13. In Brent the implementation of the transformation plan is led by a subgroup of the Children's Trust, which is chaired by Brent Clinical Commissioning Group's Assistant Director. The subgroup oversees delivery and a joined-up approach with other areas

⁸ 'Update on Children and Young People's Mental Health and Wellbeing Transformation Plan Implementation' Brent Health and Wellbeing Board, 2016, pp.1-5; Brent Children and Young People's Mental Health and Wellbeing Local Transformation Plan, Briefing for members, March 2017, p1

⁹ Brent CCG, report to Scrutiny Committee 9 February 2016, p3

¹⁰ 'North West London CAMHS Assessment' Meic Goodyear and Lorraine Khan, UCL Partners, May 2016, p11

¹¹ 'Child and Adolescent Mental Health Services in Brent', Brent CCG, report to Scrutiny Committee 9 February 2016, pp.1-2; 'Update on Children and Young People's Mental Health and Wellbeing Transformation Plan', Brent Health and Wellbeing Board 22 March 2016

of commissioning for children's services, which is a shared responsibility between the local authority and Brent CCG. Services are commissioned in line with an agreed CAMHS plan, and are done on a needs-based approach. There is also oversight of the plan by the Brent Health and Wellbeing Board. To improve joint commissioning, an interim CAMHS commissioner has been appointed.¹² The Local Transformation Plan has been informed by a needs analysis done by University College London Partner, and a report in 2016 by the Anna Freud Centre.¹³

14. An overview of CAMHS services in Brent at present is set out in Appendix B, including the commissioners and providers. Among the largest provision is specialist services which are provided by Central and North West London NHS Foundation Trust (CNWL), for which the commissioner is Brent CCG. Services commissioned are tier 2 and 3, and are based at the Brent Child and Family Clinic in Dollis Hill. These specialist community services work with young people up until the age of 18.

15. These tier 3 services are for children who reach a threshold of complex emotional and behavioural problems including, but not limited to, anxiety and depression, eating disorders, hyperactivity or poor concentration, sleeping problems, mental health needs related to learning difficulties or a disability.

16. Community specialist services at tier 3 operate with multi-disciplinary teams of practitioners including psychologists, psychiatrists, and therapists and offer treatment such as cognitive behavioural therapy (CBT), family therapy and individual and group psychotherapy. Medication is used when appropriate and monitored by a GP.¹⁴

Targeted Mental Health in Schools (TaMHS)

17. Brent's Targeted Mental Health in Schools (TaMHS) Service offers tier 2 services for schoolchildren aged 5 to 16. It is a partnership between Brent Council, Central and North West London NHS Foundation Trust (CNWL) and schools. It is overseen by

¹² 'Update on Children and Young People's Mental Health and Wellbeing Transformation Plan Implementation' Brent Health and Wellbeing Board, 2016, p5

¹³ 'North West London CAMHS Assessment' Meic Goodyear and Lorraine Khan, UCL Partners, May 2016; 'North West London CCGs Children and Young People's Mental Health and Wellbeing System Review, Anna Freud National Centre for Children and Families, May 2016

¹⁴ www.cnwl.nhs.uk/services/mental-health-services/child-and-adolescent-mental-health-services/childrens-community-services/

professionals from these services and a project manager in the local authority. On 27 April 2017, the local authority extended the contract with CNWL to provide TaMHS for a further 12 months. The total value of the contract for 2016/17 is £237,548, of which £167,000 is paid from schools' budgets. It is currently used by 19 schools in Brent, and had operated in the borough since 2009.¹⁵

18. TaMHS brings CAMHS practitioners into schools each week to support children and families who have mental health issues. A therapist goes into a school for a day or half a day each week of the term and offers sessions for families, therapy, parent training and workshops, classroom observations, as well as advice and training for school on mental health identification and support. The therapist will also liaise with agencies and professionals involved with a family or child to ensure a joined-up approach. If TaMHS is based at a school then a referral to tier 3 CAMHS services can be made.

19. Brent's schools have the freedom within their own delegated school budgets to decide on commissioning their own mental health support for pupils, parents and staff. It's known that a number of primary and secondary schools in the borough independently commission Place2Be – a leading national mental health charity – to provide services.¹⁶

Public Health and Voluntary Sector

20. Although it is not part of CAMHS, the task group notes that as part of the Healthy Child Programme, the local authority's Public Health team makes available to all children in Brent a universal service of health assessments at different life stages. This includes health visitors screening women for postnatal depression at six to eight weeks, positive parental and infant mental health and parenting skills, and enabling good health and well-being including emotional health and wellbeing.¹⁷

21. Brent's voluntary sector also provides mental health support to children and young people. The borough has one of the leading voluntary sector organisations working in this area, the Brent Centre for Young People which was founded in 1967 by mental

¹⁵ 'Contract for the Provision of Targeted Mental Health in Schools', Brent Council Cabinet Report 24 April 2017

¹⁶ www.place2be.org.uk/what-we-do/where-we-work.aspx

¹⁷ Brent Council Public Health Team, 22 March 2017

health practitioners working with children and young people. The centre was one of the first in the UK to cater specifically to adolescents and its work continues today. It is based in Kilburn.¹⁸ Brent Centre for Young People is commissioned by Brent CCG to provide psychotherapy services in the borough.¹⁹

22. The contract provides adolescent exploratory therapy, family work and a small amount of psychotherapy, to over 70 young people aged between 14-21 years at its centre. It also does outreach work. The centre offers evidence-based psychoanalytic psychotherapies, both short-term and long-term.

Demand

23. According to estimates based on national projections, it's thought that one in ten school-age children in Brent have a diagnosable mental health condition which equates to an estimated 4,575 children and young people in Brent. However, while early intervention can prevent crisis and the development of long-term conditions in later life, it's thought that only one in three of those with diagnosable conditions will access any form of mental health support.²⁰

24. At present, CAMHS in Brent spans universal services from tier 1 for every child and family to tier 4 specialist services for smaller numbers of children and young people. It's thought that at tier 2 an estimated 4,575 children and young people will require support, 1,370 children at tier 3, and 60 at tier 4.²¹ These are based on trends in national data.

25. Data from Brent CCG gives an insight into the actual demand for services. In boys, the peak age of demand for services is 10, but in girls the peak age is 15.

26. Among the top diagnosis categories for those receiving specialist CAMHS are hyperkinetic disorders, development disorders, depression, emotional disorders and anxiety. Indicative data from CNWL shows that by ethnic heritage, the numerically

¹⁸ www.brentcentre.org.uk/who-we-are/our-foundations-and-experience

¹⁹ 'Child & Adolescent Mental Health Services in Brent: Current provision and future developments', Report to Brent Council Scrutiny Committee 9 February 2016, p3

²⁰ 'Child and Adolescent Mental Health Services in Brent', Brent CCG, report to Scrutiny Committee 9 February 2016, p1; 'North West London CAMHS Assessment' Meic Goodyear and Lorraine Khan, UCL Partners, May 2016, p8

²¹ Ibid pp.8-9

largest groups receiving specialist services are White British, Black Caribbean and Black African.²²

27. Older data provided by Brent CCG and CNWL gives an indication of the extent of demand for specialist services. In 2014/15 there was an admission rate of 9.0 per 10,000 children, in Brent and 1,548 referrals for specialist CAMHS services at tier 3, or a referral rate of 211 per 10,000 children. The specialist community CAMHS caseload in January 2016 was 802. This service was extended in 2014/15 to accept children with learning disabilities and Looked After Children following changes by Brent Council.

28. In the past, concerns were raised about timely access to general CAMHS inpatient services. Brent Council's Scrutiny Committee heard in February 2016 that since April 2015 there had been four occasions when a Brent child in crisis could not be placed in a CAMHS inpatient bed. These inpatient services are commissioned by NHS England.²³

Brent's young people

29. There are an estimated 78,777 children and young people aged 18 and under in the borough which at present represents 24.3% of the total population for the London Borough of Brent. Of that 18 and under age group approximately 50,142 are school-aged children.²⁴

30. Brent is one of the most ethnically and religiously diverse local authority areas in the UK. In the borough's primary schools 68.7% of children have English as an additional language; the figure in secondary schools is 55.2%.²⁵ The largest minority ethnic groups of children and young people in the borough are Asian/Asian British and Black African. About 75% of all under 18s are from minority ethnic groups.

31. The proportion of primary school children eligible for free school meals is 13% and at secondary schools in the borough, 12.5% of pupils are entitled to free school meals.

²² Child and Adolescent Mental Health Services in Brent: Current provision and future developments', Brent Council Scrutiny Committee 9 February 2016, p1

²³ Child and Adolescent Mental Health Services in Brent: Current provision and future developments', Brent Council Scrutiny Committee 9 February 2016, pp.3-5

²⁴ Children and Young People Department, census mid-year estimate 2016

²⁵ Brent Council, Children and Young People Department, 3 December 2016

The Index of Multiple Deprivation ranks Brent 55 out of 326 local authority areas in England measured by the number of neighbourhoods in the most deprived top 10%. Therefore, a significant number of children and young people live in households affected by poverty.

Chapter 2: Task Group Findings

Access and referrals

32. Only one in three of children and young people with a diagnosable mental health condition will get support, so one of the issues the task group looked at was how young people have been accessing Child and Adolescent Mental Health Services. At present, CAMHS is largely organised around the model of escalating tiers which for the higher tiers is based on a process of referral, diagnosis and treatment. However, the task group recognises that the Local Transformation Plan is trying to move CAMHS away from this four-tier model towards greater use of THRIVE in the provision of services in Brent.

33. CAMHS is complex and there are multiple points to access services. As the task group has noted, CAMHS bridges local government and the health service, and access can be through many different organisations. At the same time, there can be different barriers to accessing services.

34. Schools are one of the most important ways for accessing the system at tiers 1 and 2. The task group felt this was particularly important to look at because of the preventative effects of early intervention and support and promotion of positive mental health and wellbeing. A school can also have a role in providing information, guidance and support and encouraging positive behaviours. The task group also wanted to clarify the role of a school in working with CAMHS professionals at other tiers.

35. Schools and further education colleges are clearly doing a lot of work in this area, particularly around identification. At the College of North West London the teaching staff are trained to recognise if a student is experiencing mental health problems.²⁶

36. Schools are key to identification of problems with emotional wellbeing and mental health among children and young people. Teachers can gain a first-hand knowledge of a young person's emotional health, and will know from speaking to pupils about their worries and concerns. Schools also conduct surveys about children's emotional wellbeing.

37. School are sensitive in picking up on stresses on children's emotional health. They are clearly aware of the developing issue of social media which is now threaded into the lives of many young people. One head teacher described to the task group the

²⁶ Task group meeting 28 March 2017

effect on children of negative behaviour online which children can experience through their smartphones. A primary school in Brent found that children as young as five years old were often worried about what was happening to their families abroad (if they were from another country) and high levels of crime. Schools were also aware of the emotional pressures children experience from growing up in households which are affected by shift work. ²⁷

38. As noted, schools have the freedom within their own delegated budgets to commission their own mental health support for pupils, parents and staff. Targeted Mental Health in Schools (TaMHS) was very well-regarded by the head teachers the task group spoke to. Head teachers were positive about the services it offers and the support it provides to children and young people in their schools. It runs a workforce development programme helping professionals to identify mental health issues through pastoral systems. However, the task group notes that TaMHS is only in 19 schools in Brent.

39. The TaMHS service is currently oversubscribed, with additional schools having requested the service last year but only a small number of them were able to access the project due to capacity and funding issues. During the academic year 2015/16, 378 children and their families were supported in 16 schools. Of these, 27% were assessed as experiencing severe difficulties. During the same academic year, 1077 one-to-one sessions were held with children and families, 302 group sessions and 64 young people were referred to tier 3 CAMHS for further assessment and treatment. ²⁸

40. A number of other schools offered support through Place2Be, but at the moment there is no CCG funding of school-based support in this area. This appears to be different in some other boroughs in which Place2Be is partly funded by the CCG. ²⁹ Again, Place2Be is well-regarded by schools, and currently works with 16 primary and secondary schools in the borough. The Place2Be model is to work in partnership with schools to offer counselling and therapeutic support for children as well as information, guidance and support to parents and teaching staff. ³⁰

²⁷ Task group meeting 28 March 2017

²⁸ 'Contract for the Provision of Targeted Mental Health in Schools', Brent Council Cabinet Report 24 April 2017

²⁹ Task group meeting 28 March 2017

³⁰ www.place2be.org.uk/what-we-do/where-we-work.aspx; www.place2be.org.uk/what-we-do/supporting-schools/our-model.aspx

41. Yet, this leaves a gap. There are some schools who are not accessing this type of support through TaMHS or Place2Be. Furthermore, members of the task group are aware of the pressures on school funding and budgets and anticipated changes which could affect budgets in the future.

42. The schools the task group spoke to are highly motivated and proactive in this area. However, it is likely that for some schools, mental health and emotional wellbeing are further down the agenda especially when they are faced with significant demands on their time as resulting from school improvement and performance.

43. The task group's view is that this type of support either from TaMHS or Place2Be or another similar project should be accessible to all of Brent's schoolchildren rather than have a variation between the borough's schools. This could be a cornerstone of improving young people's mental health and emotional wellbeing, and clearly help with identification of problems with mental health at an early stage. As members, we believe there would be a social return on investment, and it would offer value for money by increasing preventative support in dealing with mental health issues. On this basis, the task group has made a recommendation to Brent Clinical Commissioning Group.

44. Recommendation 1: Increase investment in mental health support with Brent's schools to ensure all schools can access Targeted Mental Health in Schools (TaMHS), Place2Be or an equivalent mental health support programme for schoolchildren.

45. The Local Transformation Plan has clearly taken steps to improve access. As well as a Youth Offending Service (YOS) commissioned worker, it needs to be acknowledged that access improved with the new community eating disorder service as well. There have been other initiatives to improve access. At the moment, CNWL is running an out-of-hours pilot scheme at the moment at four A&Es, which is seeing children for the first time in crisis who have not had contact with services before.³¹

46. There is now also Brent IAPT (Improving Access to Psychological Therapies) which is offering support for mental health conditions such as anxiety and depression. This service is used by adults as well as children and young people. IAPT offers talking therapies or counselling services for people with problems such as feelings of low

³¹ Task group meeting 4 April 2017

mood, anxiety, particular fears or problems coping with daily life and relationships.³² However, IAPT offers access to self-help which may be more suitable for adolescent children.

47. For many young people, a GP will be an important way to access the system. They are well-placed to offer initial advice on how to deal with any symptoms and talk to about available treatments and support services in an area.

48. There has been outside Brent the development of online support. For example, in Berkshire there has been the development of SHaRON [Support Hope and Recovery Online Network for Young People], which offers peer support for young women, and creates a place to get support or advice online. Brent CCG has also promoted apps such as Wud U?, which has been developed by Barnado's.³³ However, while welcoming more online development the task group acknowledges the point made by Healthwatch during our meetings that young people can be wary of online services because of concerns about security and confidentiality.³⁴

49. As well as the out of hours access at A&E, we would like to reiterate that the Local Transformation Plan has also put in place a specialist mental health worker in the Youth Offending Service, which is commissioned by the CCG. This gives greater access to this high-risk group. As part of the Local Transformation Plan there has also been the development of a new community eating disorder service which has around five referrals a month.³⁵

50. At the moment, Brent has the highest number of referrals in the central and north-west London area. Brent CAMHS specialist services received 2,182 referrals from April 2016 – March 2017. There is a seasonality to these numbers with a dip outside of school terms.³⁶

51. There is a target by Central and North West London NHS Mental health Trust of an upper waiting time target of 18 weeks for 85% of referrals by 1 April 2017.

52. The average waiting time from assessment to treatment is now five weeks. The task group recognises the progress which has been made in reducing waiting times

³² www.brentccg.nhs.uk/mental-health

³³ Task group meeting 11 April 2017

³⁴ Task group meeting 11 April 2017

³⁵ Task group meeting 11 April 2017

³⁶ Task group meeting 4 April 2017

for specialist tier 3 services. Brent did have very long waiting times for CAMHS (this issue was reviewed by Scrutiny Committee in February 2016) but this is no longer the case.³⁷ The task group notes what CNWL have said about workforce recruitment and retention problems and a scarcity of certain key professionals as well as problems of key worker housing and the impact those issues will have on services.

53. However, there has been an issue with schools in Brent being able to refer to Child and Adolescent Mental Health Services (CAMHS). Some of the head teachers the task group spoke to clearly stated a view that they cannot make referrals directly to CAMHS.³⁸

54. Brent CCG explained to the task group that this system of referrals to CAMHS only through a GP was the case before 2014, but has now changed. It's now part of the CCG's specification that schools have an equal weighting with GPs in their ability to refer. The CCG said it introduced the before GP system before 2014 because of the number of unsuitable referrals. However, a school which had TaMHS was still able to make a direct referral in this period, which could be done by a health professional.³⁹

55. Nonetheless, from what the task group heard, there clearly has been a perception that schools cannot make referrals to CAMHS. It is clear to the task group that a revision of the GP-only system has not been properly communicated to schools. Therefore, we have made a recommendation to Brent Clinical Commissioning Group.

56. Recommendation 2: Improve pathways to young people receiving CAMHS support by emphasising to head teachers that they can refer directly to CAMHS and increasing the CCG's information and communication to schools about what support is available.

57. A head teacher also made the point that schools could be brought in or involved when a parent and child is going for a CAMHS appointment because they already often have a good relationship with the family and it would help to reduce missed appointments.⁴⁰

³⁷ Child and Adolescent Mental Health Services in Brent: Current provision and future developments', Brent Council Scrutiny Committee 9 February 2016, pp.3-5

³⁸ Task group meeting 28 March 2017

³⁹ Task group meeting 28 March, 4 April 2017

⁴⁰ Task group meeting 28 March 2017

58. CNWL are developing a new structure for referrals which will mean a central referral point for CAMHS, and create a common route for referrals from the first point of contact whether a referral is from a school or a GP. The task group welcomes any development which will make referrals easier. ⁴¹

59. At the moment TaMHS does peer mentor training in the schools in which it operates. When at the lower level of mental health need, peer mentoring can be effective as adults and a lot of benefits can arise from it. ⁴² Again, the task group would like to see this extended so that more children can benefit from access to peer mentoring.

60. Brent CCG was of the view that a rolling programme of peer support has worked well in different health areas such as dementia.⁴³ In Brent there is now a peer support project to support those with dementia and their carers, which is provided by the voluntary organisation Community Action on Dementia Brent. The project connects ‘peer supporters’ who have dementia to those recently diagnosed with dementia. They share their occupational and life skills, and experience of coping with dementia. ⁴⁴

61. A similar peer support programme in schools could help to tackle stigmas around accessing mental health support. Healthwatch pointed out that young people can feel it becomes too obvious if someone is seeing a counsellor – it’s noticed if they miss a lesson. Young people are very positive about raising awareness in schools, but “seeing a counsellor” can be off-putting for the above reason. They also like support in a more informal setting. ⁴⁵ The task group has made another recommendation in this area.

62. Recommendation 3: Offer a programme of peer and staff support in schools and further education to strengthen awareness of emotional health and wellbeing and signpost them to effective support.

Communities

⁴¹ Task group meeting 4 April 2017

⁴² Task group meeting 28 March 2017

⁴³ Task group meeting 11 April 2017

⁴⁴ www.cad-brent.org.uk/?page_id=21

⁴⁵ Task group meeting 11 April 2017

63. The task group recognises that schools have a wide-range of responsibilities, and that young people only spend a very small minority of their time in school. Therefore, there has to be a consideration of the wider community in which a young person lives. Furthermore, the THRIVE model recognises the importance of a wider social network and community in offering support and promoting better mental health.

64. As members, we are extremely aware of Brent's diverse population and the many different religious, linguistic and cultural backgrounds which the borough's children and young people have. It's worth restating the fact that about 75% of all under 18s are from minority ethnic groups. With that in mind, we looked at the context of Brent's communities in the transformation of Child and Adolescent Mental Health Services (CAMHS).

65. Strong communities are an asset and an important part of the borough's social fabric. If a young person is supported in a wider community, especially when they are under stress or pressure, then they are more likely to have better mental health and emotional wellbeing because there is a 'net' to support them. From the evidence the task group heard, it appears that despite experiencing higher environmental risk factors such as high rates of poverty and deprivation than many other boroughs, children and young people are less likely in Brent to end up in acute crisis settings than might be expected. So it can be argued that there is clearly something our communities are doing which is protective and strengthening mental health.⁴⁶

66. However, understanding of mental health is relative and communities understand it differently. Also there are differences in the extent to which different communities will talk about mental health openly. In many newly emerging communities there can be a significant difference between the first generation and a second generation of younger people who have grown up locally and are generally more willing to talk about mental health concerns. Healthwatch emphasised the importance of remembering different cultural perspectives when we discussed communities. Cultural norms or family norms are different. For example, in extended families it is more the norm that information is shared between those members than in nuclear families.⁴⁷

⁴⁶ Task group meeting 11 April 2017

⁴⁷ Task group meeting 11 April 2017

67. The Assistant Director of Brent CCG made an important point that while a community's values needs to be respected, they may also need to be challenged if they are not appropriate and reinforce stigma and discrimination against people with a mental illness. ⁴⁸

68. Different communities face different mental health challenges. Some will be at a higher risk of developing psychosis, depression or anxiety. The relative understanding of mental health can mean there can be a lack of identification and diagnosis. This might be to do with the ongoing issues around stigma. ⁴⁹

69. As noted, the Local Transformation Plan has been informed by a report from the Anna Freud Centre. One of the recommendations from the report was to incorporate mental health needs co-ordinator (MHenCOs) roles in schools, nurseries and other settings. ⁵⁰ During the task group Brent CCG expressed the view that they would want to set up a similar programme. The task group is strongly supportive of this idea as a way of improving access.

70. Initiatives around mental health have emerged from communities. A member of the task group highlighted the example of a charity called Jami which was set up as an initiative by members of the London Jewish community to provide support for those in the community affected by mental health issues. ⁵¹

71. The task group's view is that we would like to see a strengthening of the community 'net' to support people by the setting up of a scheme of local champions who can promote good mental health in their community. ⁵² On this basis, have made another recommendation to the CCG.

72. Recommendation 4: Organise a network of community champions to promote good mental health and wellbeing among children and young people in their community and signpost young people to effective support.

Parents

⁴⁸ Task group meeting 11 April 2017

⁴⁹ Task group meeting 11 April 2017

⁵⁰ 'North West London CCGs Children and Young People's Mental Health and Wellbeing System Review, Brent CCG Anna Freud National Centre for Children and Families, May 2016, p4

⁵¹ www.jamiuk.org/what-we-do/

⁵² Task group meeting 11 April 2017

73. There is a link between a parent's mental health and a child's emotional wellbeing. Therefore, the task group wanted to consider and speak to the head teachers, professionals and community representatives about how parents and carers are presently involved in CAMHS at present.

74. Some parents have access to support because TaMHS works with parents in particular schools. Similarly, other parents will be receiving support through Place2Be. Schools were positive about the support for parents provided by TaMHS, which has an emphasis on parental support and offers a variety of parenting programmes.⁵³

75. One of the community representatives said she felt it would be better if more parents had guidance so they were able to identify symptoms earlier on. This would mean parents getting advice and support early rather than waiting to access a specialist. However, this needs to be done in a way which parents understand and can respond to.⁵⁴ A head teacher pointed out that there are some parents who are very unwilling to engage because mental health has a negative label and a stigma.

76. As mentioned, there can be also a 'generational gap' between the willingness of younger people and parents to talk about and address mental health issues or concerns.⁵⁵

77. Brent CCG is doing a lot of engagement through its Health Partners' Forum, which is held twice a year, and targeted outreach which will involve a number of parents. They also made clear that they would be doing a number of one-off engagement events as part of the Local Transformation Plan. The CCG has also run an anti-stigma campaign involving young people and worked with CVS Brent on the issue; the campaign has worked with youth clubs to run events and raise awareness.⁵⁶

78. The task group heard that the CCG is keen to extend joint-working and trying to engage with more residents and parents. As members we felt that to improve partnership work it would be better if a jointly organised event took place aimed at parents as a targeted piece of work. This could be modelled on the It's Time to Talk events which the council has organised which allow residents to talk about sensitive

⁵³ Task group meeting 28 March 2017

⁵⁴ Task group meeting 11 April 2017

⁵⁵ Task group meeting 11 April 2017

⁵⁶ Task group meeting 11 April 2017

issues which may be concerning them.⁵⁷ This should also involve the voluntary sector, including organisations such as the Brent Centre for Young People.

79. We welcome the work done by Brent CCG, but feel there is an opportunity for more partnership work involving the local authority and voluntary sector which is aimed at the borough's parents to help them address young people's mental health and emotional wellbeing. We know young people will experience levels of stress at particular times such as in the approach to exam time, and a piece of partnership work might be more useful if it takes place at such a time when it can help to address those issues. On this basis we have made a final recommendation, which is for Brent Council and Brent CCG to implement.

80. Recommendation 5: Organise a one-off event for parents modelled on It's Time to Talk to develop community-led solutions to improving children and young people's emotional wellbeing and mental health in Brent, and strengthen partnership working between the CCG, local authority, schools, voluntary sector, faith and community groups, youth organisations, and further education colleges on this issue.

⁵⁷ www.brent.gov.uk/your-community/time-to-talk/

APPENDICES

APPENDIX A

Participants

The task group would like to thank the following members of staff who contributed to the report, took part in the themed discussion or advised it on policy:

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Dr Sarah Basham, vice-chair Brent Clinical Commissioning Group

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Theresa Landreth, Headteacher, Mitchellbrook Primary School

Councillor Mili Patel, Cabinet Member Children and Young People, Brent Council

Selina Rodrigues, Healthwatch Brent

Sarah Fielding, Specialist Mental Health Worker, Brent Centre for Young People

Jackie Shaw, Service Director, Central and North West London NHS Trust

Gail Tolley, Strategic Director, Children and Young People, Brent Council

And other members of staff in Brent Council's Children and Young People's department and Brent Clinical Commissioning Group as well as two members of the Community Reference Group of the Brent Local Safeguarding Children Board.


APPENDIX B

Overview of CAMHS Services in Brent

CAMHS Service	Commissioner	Provider
Access to psychiatric inpatient services for under 18s	NHS England	Provided outside Brent by various providers
Out-of-hours psychiatric assessment services	Out-of-hours psychiatric assessment services	Central and North West London NHS Foundation Trust (CNWL)
Specialist community CAMHS	Brent CCG	Central and North West London NHS Foundation Trust (CNWL)
Targeted Mental Health in Schools (TaMHS)	Brent Council	Central and North West London NHS Foundation Trust (CNWL)
Additional psychotherapy services	Brent CCG	Brent Centre for Young People
Services for children Looked After by the Local Authority	Brent Council	West London Mental Health NHS Trust
Clinical Input to the Inclusion and Support Team	Brent Council	Anna Freud Centre

Source: Child & Adolescent Mental Health Services in Brent: Current provision and future developments', Report to Brent Council Scrutiny Committee 9 February 2016, p3

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 Brent	<p style="text-align: center;">Cabinet 11 September 2017</p> <p style="text-align: center;">Report from the Strategic Director of Regeneration and Environment</p>
For Action	Wards Affected: ALL
Brent Local Implementation Plan (LIP) Submission For 2018/19 - 2020/21	

1.0 Summary

- 1.1 The primary source of funding for schemes and initiatives to improve transport infrastructure and travel choices in Brent is Local Implementation Plan (LIP) funding, which is allocated through Transport for London (TfL). LIPs set out how London boroughs will deliver better transport in their area, in the context of borough priorities, overarching Mayoral transport priorities and Healthy Streets outcomes.
- 1.2 This report seeks to update Cabinet on the provisional LIP allocations, and seeks the approval of Cabinet to submit the 2018/19 Corridors, Neighbourhoods and Supporting Measures LIP programme to TfL and following approval by TfL, to implement the schemes and initiatives within the submitted/approved LIP programme and funding.
- 1.3 Schemes identified under the other LIP workstreams will be progressed separately and reported to Cabinet accordingly.
- 1.4 This funding will enable the Council to implement projects which meet corporate objectives around Better Place, Regeneration, Better Lives, Business and Housing Growth, and Demand Management.

2.0 Recommendations

- 2.1 That Cabinet notes Brent's 2018/19 total provisional LIP allocation of £3,397,000.
- 2.2 That Cabinet approves the proposed 2018/19 programme of LIP Corridors, Neighbourhoods and Supporting Measures schemes, as set out in **Appendix A** of this report, through application of the prioritisation matrix, as described in this report and, subject to TfL approval in autumn 2017, instructs the Head of Highways and Infrastructure, in consultation with the Lead Member for Environment, to deliver this programme using the allocated budget and resources available.

- 2.3 That Cabinet authorises the Head of Highways and Infrastructure in consultation with the Lead Member for Environment to undertake any necessary statutory and non-statutory consultation and consider any objections or representations regarding the schemes set out in **Appendix A** of this report. 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 unsubstantiated, the Head of Highways and Infrastructure in consultation with the Lead Member for Environment is authorised to deliver the schemes set out in **Appendix A** of this report. Otherwise, the Head of Highways and Infrastructure in consultation with the Lead Member for Environment is authorised to refer objections or representations to the Highways Committee for further consideration.
- 2.4 That Cabinet notes that scheme allocations are provisional and that schemes may be subject to change during development and following the consultation process.
- 2.5 That Cabinet authorises the Head of Highways and Infrastructure in consultation with the Lead Member for Environment to vary scheme allocations where necessary (e.g. pending the outcome of detailed design and consultation) within the overall LIP budget, in consultation with the Lead Member for Environment, and in accordance with financial regulations.

3.0 LIP 2018/19 Bidding Process

- 3.1 The Council receives a fixed block of capital funding annually from TfL. The funding is made available through Section 159 of the Greater London Authority (GLA) Act and is called LIP funding. This is for the specific purpose of investing in transport related programmes and cannot legally be spent on other activities.
- 3.2 TfL guidance stipulates that the LIP financial allocation is to be used to support the sustainable management and improvement of the borough's transport network, and to influence travel decisions. This accords with the Council's approved LIP policies and supports the overarching policies and objectives set by the GLA/TfL. This includes 'Healthy Streets for London' and 'A City for all Londoners', both published by the new Mayor of London since taking office in May 2016. The transport priorities signalled in these agendas must be taken into account when preparing the Brent's 2018/19 LIP as TfL will now provide LIP and other borough funding as part of a wider Healthy Streets funding portfolio designed to support the delivery of this approach.
- 3.3 The amount of funding allocated to each borough is determined through a needs-based formula focused on achievements of objectives and outcomes related to four transport themes¹.
- 3.4 Under the LIP, there are three funding programmes, each of which addresses different transport issues and apply different application and assessment requirements:
- Corridors, Neighbourhoods and Supporting Measures;

¹ More information can be found online at: <http://content.tfl.gov.uk/lip-formula-funding-presentation.pdf>

- Maintenance Programmes (composed of Principal Road Renewal and Bridge Strengthening and Assessment);
- Liveable Neighbourhoods (formerly Major Schemes);

- 3.5 This report provides details of the submissions to be made for funding in the 2018/19 financial year under the Corridors, Neighbourhoods and Supporting Measures programme.
- 3.6 Submissions for the Liveable Neighbourhoods (formerly Major Schemes) and Maintenance Programmes, which include Principal Road Renewal, and Bridge Strengthening and Assessment, are made separately.

4.0 LIP 2018/19 Funding Allocation

- 4.1 In late May 2017, TfL informed the Council of its provisional LIP allocation of £3,397,000 for 2018/19 across the Corridors, Neighbourhoods and Supporting Measures, and Maintenance Programmes (Principal Road Maintenance only) as part of issuing the guidance for the process of compiling and submitting the annual spending submission. Brent will be informed of its confirmed 2018/19 LIP allocation in December 2017.
- 4.2 The table below shows how the provisional funding allocation for 2018/19 has been divided between funding programmes alongside comparable figures for 2017/18:

Table 1: 2017/18 and 2018/19 funding allocations by funding programme

LIP Funding Programme	2017/18 Funding Allocation	2018/19 Funding Allocation
Corridors, Neighbourhoods and Supporting Measures	£2,545,000	£2,515,000
Liveable Neighbourhoods (formerly Major Schemes)	Funding allocated on assessment of submissions	Funding allocated on assessment of submissions
Maintenance Programmes: Principal Road Maintenance	£900,000	£882,000
Maintenance Programmes: Bridge Strengthening and Assessment	Funding allocated on assessment of submissions	Funding allocated on assessment of submissions
Local Transport Funding	£100,000	Funding allocation no longer available
TOTAL LIP ALLOCATION	£3,545,000	£3,397,000

- 4.3 The 2018/19 Spending Submission for Corridors, Neighbourhoods and Supporting Measures must be submitted to TfL no later than 20 October 2017.
- 4.4 The Principal Road Maintenance funding submission for 2018/19 is expected to be reported to Cabinet in March 2018.

- 4.5 Interim submissions for Bridge Strengthening & Assessment funding for 2018/19 can be made throughout the year and are made on a needs basis. Funding secured through these submissions will be reported in the 2019/20 LIP submission report.

5.0 Corridors, Neighbourhoods and Supporting Measures Prioritization Matrix

- 5.1 The Corridors, Neighbourhoods and Supporting Measures spending submission includes schemes identified through a number of sources. These include: Requests from Members and residents; strategic schemes that support the Council's objectives; schemes that have been committed in previous years for multi-year funding; and schemes that have the potential to improve road safety.
- 5.2 Given that funding is limited, it is not possible to deliver all of these schemes. In order to objectively rank and assess the schemes, a prioritization matrix is used which scores each scheme against its likely benefits. These benefits reflect the previous Mayor's Transport Strategy (MTS) outcomes and Brent's corporate objectives (linked to regeneration, high streets, public health and air quality). The previous MTS outcomes have been matched to the new Mayor's Healthy Streets Outcomes as 2018/19 schemes must identify which of these outcomes they contribute towards.
- 5.3 Road traffic collision records are also assessed for the area or street under consideration in each scheme to identify schemes that would contribute the most to improving road safety. This is in line with LIP guidance which emphasises the need to place the elimination of road danger 'at the very heart of the transport system' and for it to be 'a priority of all transport schemes'.
- 5.4 Schemes are ranked on their total score and a red line is drawn where accumulated total scheme costs exceed the 2018/19 funding value of £2,515,000 for the funding stream. Some adjustments are made for existing and ongoing schemes where borough priorities necessitate exceptions.
- 5.5 This prioritization matrix was established in 2015 and approved by Cabinet as part of the report on the 2016/17 LIP submission. Other than the inclusion of the New Mayor's Healthy Streets Outcomes alongside the previous MTS outcomes, this matrix has not changed for the 2018/19 submission. It will be fully updated for the 2019/20 LIP submission to reflect the new MTS and LIP3 guidance.
- 5.6 For this 2018/19 LIP submission, a total of 56 schemes have been included to be taken forward in 2018/19 for scheme development and/or implementation/delivery. If the final LIP allocation is different to the provisional value, the programme will need to be amended accordingly and will use priority scores to determine which projects can be taken forward during 2018/19.
- 5.7 The schemes within the 2018/19 submission require two future years of indicative funding. This funding is not secured and if dramatically reduced, a decision would need to be made as to whether to continue schemes using different funding sources (such as Brent money), or whether to cease work on them.

6.0 2018/19 Corridors, Neighbourhoods and Supporting Measures Spending Submission

- 6.1 Brent's 2018/19 provisional LIP allocation under the Corridors, Neighbourhoods and Supporting Projects funding programme is £2,515,000. This allocation is a reduction of £30,000 from Brent's allocation for 2017/18.
- 6.2 The delivery programme is updated as part of a 'rolling programme' with every annual spending submission, so schemes are identified not just for the forthcoming financial year but also for the two following years. This utilises one year of 'approved' funding and two (future) years of 'indicative' funding.
- 6.3 Members will therefore note that indicative funding requirements for 2019/20 and 2020/21 are set out on the draft programme for 2018/19 in **Appendix A**. These funding requirements are subject to change as schemes are identified and/or developed and cost estimates refined.
- 6.4 It should be noted that the project costs outlined in **Appendix A** are preliminary high level estimates based on comparable projects recently undertaken within the borough. As such, these estimates are subject to change due to design refinement, responses to community consultation and government policy. In the event that project costs differ from the estimate, the Head of Highways & Infrastructure, in consultation with the Lead Member for Environment, will consider options for the transfer of available funds to alternative projects as agreed with TfL to the limit of the LIP allocation.

7.0 Principal Road Maintenance

- 7.1 The Principal Road Maintenance programme provides funding for preventative road maintenance and major resurfacing works on A roads. Funding is allocated to boroughs on the basis of need as informed by condition surveys.
- 7.2 Brent's 2018/19 provisional LIP allocation for Principal Road Maintenance is £882,000, a reduction of £8,000 from 2017/18. This figure is based on 2016/17 survey data and will be finalised when 2017/18 survey data becomes available.
- 7.3 Principal Road Maintenance funding is applied for separately to other LIP funding streams and is expected to be reported in the Highways Capital Scheme Programme in March 2018.

8.0 Bridge Strengthening & Assessment

- 8.1 The Bridge Strengthening & Assessment programme assists boroughs in maintaining and improving bridges and structures. Funding submissions are prioritised and funded according to pan-London needs and available resources.
- 8.2 Funding is applied for directly through the TfL Borough Portal and applications are complemented by a submission of full supporting information through the London Bridge Engineering Group (LoBEG) 'BridgeStation' portal which holds Brent's structures information.

8.3 The 2017/18 LoBEG allocation for Brent is as follows:

Authority	Scheme Type	Structure Name	Allocations (£k)
Brent	Strengthening	Twybridge Way North (1) over Canal Feeder (B49)	30

9.0 Liveable Neighbourhoods

- 9.1 The Major Schemes programme which was reported on in the 2017/18 LIP Submission Cabinet report will be replaced from 2018/19 by the Liveable Neighbourhoods programme that reflects the new Mayor of London's Healthy Streets approach.
- 9.2 Major Schemes was a programme through which TfL provided funding for a small number of large scale, high value (over £1 million) schemes that would make transformational improvements to areas with multiple issues and contribute to delivering the former Mayor's Better Streets agenda. Major Schemes already on this programme will be funded to completion and no new submissions will be accepted. Brent does not currently have any schemes to deliver under this category.
- 9.3 For 2017/18, TfL have changed their funding programme to align with priorities in the new Mayor's Transport Strategy. Officers will make a bid for funding for Kilburn High Road in October 2017 under the Liveable Neighbourhoods initiative. The scheme will progress subject to funding success.
- 9.4 The new Liveable Neighbourhoods programme will provide grants of between £1m and £10m for a wide range of community-supported projects to deliver the Healthy Streets approach in and around town centres and residential areas. Projects are expected to be either small (between £1m and £2m estimated full cost) or large (from £2m expected full cost) with the majority under £5m.
- 9.5 The lower limit is to encourage proposals that include packages of measures across an area. These schemes will consist of an area-wide set of improvements with a wide set of interventions and impacts across modes. Investment will be focused on transformational improvements in walking and cycling provision, road safety and road danger reduction, and mode shift from private car use to public transport, walking and cycling. A crucial factor is the development of proposals that respond to the needs of communities so schemes should have a broad range of interventions that deliver the right solutions in the right locations. The programme will differ from Major Schemes by being subject to clearer expectations from TfL in relation to outcomes that will be delivered and the use of data and analysis to support evidence for why a location has high potential for delivering mode shift or Healthy Street improvements.

- 9.6 Bids for Liveable Neighbourhoods projects can be submitted at any time though submissions for each financial year will close in October with announcements of the successful bids made each December.
- 9.7 Members will be invited to an engagement event in Autumn 2017 to share ideas on area-wide projects that could be delivered with Liveable Neighbourhoods funding and which support corporate priorities. Further information on this event will be available to Members in due course. One or more bids for Liveable Neighbourhoods projects will therefore be made prior to the October 2018 deadline.

10.0 Local Transport Funding

- 10.1 Local Transport Funding was an annual £100,000 allocation to each borough that supported the development of local transport priorities and satisfied the previous Mayor's Transport Strategy objectives.
- 10.2 Local Transport Funding will no longer be available to boroughs from 2018/19 onwards due to a reduction in TfL budgets and TfL's commitment to maintain funding for the Corridors, Neighbourhoods and Supporting Measures programme.
- 10.3 In 2017/18, Brent used this funding for Play Streets, minor local safety scheme works and the installation of cycle hangers at locations across the borough.

11.0 New Funding Programmes for 2018/19

- 11.1 Other Healthy Streets funding totalling £80m is available to boroughs in 2018/19 to support the delivery of the following programmes: Bus priority (including Enabling Works), Borough Cycling Programme (including Quietways), Crossrail Complementary Measures, Pedestrian Town Centres and the Mayor's Air Quality Fund. This funding is separate to the Liveable Neighbourhoods funding described above.
- 11.2 This strategic funding supports the delivery of Healthy Streets objectives and outcomes, particularly with regard to cycling, bus priority and air quality, through the delivery of measures at specific locations or in areas of greatest need, as identified by TfL. Further guidance on application for this funding will be made available in due course.
- 11.3 £11m of discretionary funding will be available to boroughs in a Traffic Signals Modernisation Programme. New and existing signals are required to provide capacity for all transport modes (including walking, cycling and buses) whilst also minimising congestion on the road network. New and emerging technologies can be utilised to provide this capacity and also to mitigate against disruption to road users during construction and utility works. Boroughs will be required to bid for this funding to use within defined and agreed projects, and based on clear expectations of what outputs boroughs will deliver through such schemes.

12.0 LIP Performance Targets

- 12.1 Brent's LIP2 (Brent's current statutory transport plan under the Greater London Authority Act 1999) requires that interim targets should be set for transportation performance, with longer-term targets identified for a future end date when the impact of sustained investment will have had a chance to take effect.
- 12.2 Boroughs were required to present details of each target set, including the base year and baseline data used. Targets were illustrated by way of trajectories, with annual milestones for each of the agreed mandatory targets, which include:
- Mode share
 - Bus reliability
 - Asset condition
 - Road traffic casualties
 - Carbon dioxide (CO₂) emissions.
- 12.3 TfL have set the long-term 2025 performance targets for boroughs; and supply data annually to report on boroughs' progress in maintaining the trajectory towards achieving their long-term performance goals.
- 12.4 TfL requires boroughs to provide annual updates of progress in achieving LIP performance targets. An update will be submitted to TfL at the same time as this LIP submission.

13.0 Financial Implications

- 13.1 TfL has allocated the Council a provisional sum of £3,397,000 against specific approved programmes. The proposed LIP programme under the Corridors, Neighbourhoods and Supporting Projects funding programme for 2018/19 totalling £2,515,000 and presented in detail at **Appendix A** is therefore fully funded. However, this is subject to final confirmation of the value of the LIP settlement for Brent in December 2017.
- 13.2 The Head of Highways & Infrastructure proposes to implement the programme within available resources across service areas. Technical staff time will be charged to the capital schemes within the LIP allocations. There should be no additional cost to the Council in implementing these schemes.
- 13.3 Given that the terms of LIP funding stipulate that it should be applied to the related financial year and does not permit any carry-over of underspend, it is pertinent that all works must be completed by 31st March 2019.
- 13.4 The Capital Programme included in the Budget and Council Tax 2017/18 to 2019/20 report submitted to Cabinet and Full Council on 27 February 2017 did not include provision for LIP funded works in 2018/19 or future years.

14.0 Legal Implications

- 14.1 Section 144 of the GLA Act 1999 ('the 1999 Act') requires that in exercising any function, London Local Authorities must implement the MTS. This Strategy sets out the transport policy framework for London.
- 14.2 The Council indicates how it will implement the MTS through its LIP which sets out various objectives. The Council is required to submit a spending submission to demonstrate how it will achieve its LIP objectives.
- 14.3 Section 159 of the Act authorises the GLA to provide funding to local authorities where the expenditure is 'conductive to the provision of safe, integrated, efficient and economic transport facilities or services to, from or within Greater London'.
- 14.4 The requirements for publication and consultation regarding the making of Traffic Management Orders are set out in the Road Traffic Regulation Act 1984.

15.0 Diversity Implications

- 15.1 The public sector equality duty set out in 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. The protected characteristics are: age, disability, gender, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 15.2 The draft programme described in this report is being assessed by way of an Equality Analysis (EA). This EA can be viewed in Appendix B.
- 15.3 Each of the schemes will be subject to individual equality analysis and consultation. During the communication and consultation process of individual schemes, due consideration must be given to all protected characteristics including people with learning disabilities, deaf and blind (as well as deaf blind) residents, people with dementia and their carers, young children, young people and older people.

16.0 Staffing / Accommodation Implications

- 16.1 There are no significant staffing implications arising from this report.

17.0 Environmental Implications

- 17.1 The proposals in this report have been assessed by way of the Strategic Environmental Assessment linked to the Council's existing statutory LIP. There are no negative environmental implications of note arising from the funds allocated through the 2018/2019 Brent LIP funding application/settlement.

18.0 Contact Officers

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Local Implementation Plan (LIP) 2018/19 proposed schemes**Key to Ward Abbreviations**

WARD	ABBREVIATION
ALPERTON	ALP
BARNHILL	BAR
BRONDESBURY PARK	BPK
DOLLIS HILL	DOL
DUDDEN HILL	DNL
FRYENT	FRY
HARLESDEN	HAR
KENSAL GREEN	KGN
KENTON	KEN
KILBURN	KIL
MAPESBURY	MAP
NORTHWICK PARK	NPK
PRESTON	PRE
QUEENS PARK	QPK
QUEENSBURY	QBY
STONEBRIDGE	STN
SUDBURY	SUD
TOKYNGTON	TOK
WEMBLEY CENTRAL	WEM
WELSH HARP	WHP
WILLESDEN GREEN	WLG

Brent Council LIP Three Year Delivery Plan 2018/19 – Corridors, Neighbourhoods and Supporting Measures schemes

Scheme	Description	18/19 Stage	Affected Ward(s)	Scheme Value (£k)		
				18/19	19/20	20/21
LIP Policy, programme & monitoring	Resource related funding for development work relating to future year's LIP schemes/programme.	Deliver	Borough-wide	50	50	50
Travel awareness programme	Travel awareness work such as events and promotional activities, magazine articles and adverts to further promote and raise awareness for sustainable transport across Brent.	Deliver	Borough-wide	25	25	25
Installation of Electric Vehicle Charge Points (EVCPs)	To facilitate the delivery of electric vehicle charging points (EVCPs) in Brent - both Source London charge points (£5k) and residential lamp column EVCPs (GULCS) (£15k).	Deliver	Borough-wide	20	5	5
Car Clubs	Delivering TMOs, signs and lines for on-street bays to promote the concept of car clubs and increase for demand for car clubs - particularly in the north of Brent.	Deliver	Borough-wide	5	5	5
Local Safety Schemes - Investigation	Investigation, design and consultation of new local safety schemes aimed at areas of existing poor history of road traffic collisions.	Design & develop	Borough-wide	270	1,100	690
Local Safety Schemes - Implementation	Implementation of local safety schemes after design, consultation and costings have been completed.	Deliver	Borough-wide	1,315	810	175
Review/amendments of existing and future 20MPH zones	Amendment and review of existing 20MPH zones.	Design, develop & implement	Borough-wide	10	10	10
Walking and Cycling supporting engineering measures (inc. STP schools)	Development and delivery of accessibility and pedestrian safety measures around and on the routes to various schools, including places with barriers to walking in the borough.	Design, develop & implement	Borough-wide	225	225	225

APPENDIX A

Scheme	Description	18/19 Stage	Affected Ward(s)	Scheme Value (£k)		
				18/19	19/20	20/21
Bike It Project, Sustrans/Brent	A partnership project with Brent NHS, Sustrans have been commissioned to lead on this targeted cycling development project, offering training and promoting the health/lifestyle benefits of cycling.	Design, develop & implement	Borough-wide	30	30	30
Adult & child cycle training programme	An annual programme of cycle training activity delivered on behalf of the Council by Cycle Training UK.	Deliver	Borough-wide	100	100	100
West Sub-region Travel Planners	Brent's contribution to the travel-planning support provided to the borough by the West London Travel Planners - based in Ealing (via the "WestTrans" Partnership).	Deliver	Borough-wide	40	40	40
Walking and Cycling supporting Non - engineering measures (inc. STP schools)	Smarter Travel interventions linked to the development of School Travel Plans (STPs) across Brent. Funding used for supporting materials for STP work within schools.	Design, develop & implement	Borough-wide	45	45	45
Bus Stop Accessibility Programme	Ensuring bus user accessibility to Brent's bus stops continues to improve. Examples include higher kerb-lines to facilitate wheelchair/ramp access and ensuring bus passengers do not alight onto grass verges.	Design, develop & implement	Borough-wide	10	0	0
Education, Training & Publicity (ETP) initiatives	Road danger reduction related activities across the borough, such as awareness raising campaigns and other promotional activities related to making a Brent's roads safer for all users. Increased allocation which now incorporates the highly successful and well received "Theatre in School" Programme.	Deliver	Borough-wide	50	50	50
Environmental health initiatives – Air Quality	Continued support for Brent's Environmental Health team for localised air quality monitoring linked to motor-borne air pollution/roadside diffusion tubes and reports/studies linked to this area. Linkage with WestTrans/sub-regional air quality monitoring.	Deliver	Borough-wide	15	15	15

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Scheme	Description	18/19 Stage	Affected Ward(s)	Scheme Value (£k)		
				18/19	19/20	20/21
Workplace Travel Plans	Brent-wide support for the work of Brent's policy/sustainable transport team relating to the development of workplace travel plans within the borough.	Deliver	Borough-wide	20	20	20
City Safe Zones	Continued support for existing and new City Safe Zones around Brent where the premises of local shops and community spaces act as safe havens for young people who feel in immediate danger.	Deliver	Borough-wide	30	30	30
Waiting and Loading restriction reviews	Development and delivery of new/review existing waiting & loading restrictions/addressing problematic locations in the borough.	Design, develop & implement	Borough-wide	80	80	80
Urban Realm / Street Trees	To facilitate the planting of new, shallow-rooting street trees linked to urban realm improvement projects across Brent.	Deliver	Borough-wide	20	20	20
Accessibility & Disabled person's parking places	Providing disabled person's parking spaces across Brent to improve accessibility for disabled persons.	Design, develop & implement	Borough-wide	30	30	30
Wembley Industrial Estate two-way working	Development and delivery of works required to implement two-way working to improve accessibility for residents and businesses in Wembley, as per Wembley Area Action Plan.	Design & develop	TOK	100	200	50
Signing & lining reviews	Reducing sign clutter throughout the Borough.	Design, develop & implement	Borough-wide	25	25	25
TOTAL 2018/19 LIP Funding Bid for Neighbourhoods, Corridors and Supporting Measures				£2,515,000		

Brent Local Safety Schemes – Investigations

The following local safety schemes are provisionally listed for design in 2018/19. Completion of design is subject to change based on budgetary constraints, community support, policy compliance and impact on other schemes. Therefore, no assurance can be given that all schemes listed below will be delivered.

Scheme	Description	Affected Ward(s)	Scheme Value (£k)		
			18/19	19/20	20/21
Shoot Up Hill - Kilburn High Road	Collision Casualty/Road Danger Reduction Programme.	MAP	20	100	100
East Lane AND Sudbury Avenue and Harrowdene Road, Wembley	East Lane: Congestion alleviation measures to improve bus journeys to Northwick Park Hospital, Sudbury Ave/Harrowdene: One-way traffic flow on both roads - Sudbury Avenue southbound towards Wembley Central / Harrowdene Road northbound away from Wembley Central - due to congestion from parked vehicles (resident request to be investigated).	SUD, NPK, PRE	20	100	130
Brentfield Road / Knatchbull Road / Craven Park junction	Improvements to junction to reduce accidents.	STN	70	100	150
Kingsbury roundabout	Congestion alleviation measures / road safety measures by JFS.	QBY, KEN	30	150	200
Empire Way - Fulton Road to NE of North End Road	Collision Casualty/Road Danger Reduction Programme. (Design & Consult 2018/19, Implementation 2019/20 - 2020/21).	PRE, TOK, BAR	0	100	10
Kenton Rd E of Woodgrange Ave to E of Kinross Close	Collision Casualty/Road Danger Reduction Programme. (Design & Consult 2018/19, Implementation 2019/20 - 2020/21).	KEN	20	100	10
Harrow Road Wembley - Tring Avenue - Wyld Way	Collision Casualty/Road Danger Reduction Programme. (Design & Consult 2018/19, Implementation 2019/20 - 2020/21).	TOK	20	80	10

APPENDIX A

Scheme	Description	Affected Ward(s)	Scheme Value (£k)		
			18/19	19/20	20/21
Blackbird Hill - Forty Lane Roundabout	Collision Casualty/Road Danger Reduction Programme. (Design & Consult 2018/19, Implementation 2019/20 - 2020/21).	BAR, WHP	20	100	10
Harrow Rd KG E of Greyhound Rd - Wakeman Rd	Collision Casualty/Road Danger Reduction Programme. (Design & Consult 2018/19, Implementation 2019/20 - 2020/21).	KGN, QPK	20	80	10
Barn Hill Area 20 MPH	Collision Casualty/Road Danger Reduction Programme. (Design & Consult 2018/19, Implementation 2019/20 - 2020/21).	BAR	30	190	60
Harrow Road / District Road junction (near church)	Zebra crossing / traffic calming / road safety measures - high vehicle speeds between bridge and junction.	SUD	20	90	15
2018/19 Provisional budget allocation for Local Safety Scheme Investigations			£270,000		

Brent Local Safety Schemes – Implementation

The following local safety schemes have been designed and consulted on in previous years and are provisionally listed for implementation in 2018/19. Budget allocations are subject to formal costings and scheme implementation is subject to change based on budgetary constraints, community support, policy compliance and impact on other schemes. Therefore, no assurance can be given that all schemes listed below will be delivered.

Scheme	Description	Affected Ward(s)	S106 (£k)	Scheme Value (£k)		
				18/19	19/20	20/21
Preston Road - Jw with Woodcock Hill to jw East Lane	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues)	PRE, BAR		10	0	0
Harrow Road, Wembley - West of Copland Avenue to East of Ealing Road	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues)	SUD, WEM		10	0	0
Cricklewood Broadway - North of Longley Way to jw Kara Way	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues)	MAP		5	0	0
Dudden Hill Lane - South East of Dollis Hill Lane to jw Mulgrave Road	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues)	DNL		5	0	0
Harrow Road, Sudbury - Watford Road to SE of Elton Avenue	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues)	SUD		10	0	0
Church Lane (North of Reeves Avenue to jw Old Church Lane)	Collision Casualty/Road Danger Reduction Programme (including pedestrian and P2W related safety issues). Include zebra crossing near St Andrews Church	WHP, FRY		40	20	0
Kenton Road - East of Upton Gardens to jw Totterhoe Close	Collision Casualty/Road Danger Reduction Programme	KEN		5	0	0

APPENDIX A

Scheme	Description	Affected Ward(s)	S106 (£k)	Scheme Value (£k)		
				18/19	19/20	20/21
Edgware Road (Humber Rd to Gladstone Park Gdns)	Collision Casualty/Road Danger Reduction Programme	DOL		20	10	0
Neasden Lane North (West Way to Quainton St)	Collision Casualty/Road Danger Reduction Programme	WHP		50	0	0
High Road Willesden (St Andrew's Rd to Park Avenue)	Collision Casualty/Road Danger Reduction Programme	WLG	8	60	20	0
Kenton Road (Lindsay Drv to Kingsbury Circle)	Collision Casualty/Road Danger Reduction Programme	KEN		50	15	0
Church Road (Norfolk Rd to Mayo Rd)	Collision Casualty/Road Danger Reduction Programme	HAR		50	0	0
Dudden Hill Lane (Chapter Rd to Meyrick Rd)	Collision Casualty/Road Danger Reduction Programme	WLG, DNL		70	10	0
Neasden Lane near Cairnfield Ave	Collision Casualty/Road Danger Reduction Programme	DNL		50	0	0
Stag Lane (Holmstall Ave to Goldsmith Ln)	Collision Casualty/Road Danger Reduction Programme	QBY		80	10	0
A5 Kilburn High Road Corridor Safety and Urban Realm Scheme	a) Concept scheme developed in conjunction with Camden on boundary road. Encompasses section of Willesden Lane to North of Kilburn Station b) Significant collision reduction potential c) Preliminary design, consultation in FY14/15 with initial signing works as required d) Implementation	KIL		25	25	25
North Circular Road jw Neasden Lane Slip Roads	Preliminary Design and consultation. Liaise with TfL with possible options to reduce accidents (TfL and Brent maintained road/junctions)	DNL, WHP		5	0	0

APPENDIX A

Scheme	Description	Affected Ward(s)	S106 (£k)	Scheme Value (£k)		
				18/19	19/20	20/21
Short term targeted P2W accident reduction measures	Short term measures to address issues raised by TfL and Mayor related to pedestrians and P2W	Borough-wide		10	0	0
Forty Lane collision reduction	Collision Casualty/Road Danger Reduction Programme	BAR		180	0	0
Watford Road collision reduction	Northwick & John Lyon Roundabouts Casualty & Danger Reduction Programme -	NPK	41.8	110	400	50
Ealing Road (Lyon Park Ave to Mount Pleasant)	Collision Casualty/Road Danger Reduction Programme. Including signal junction improvement at Ealing Rd jw Mount Pleasant with ped facilities.	ALP, WEM	26.7	80	150	0
Wembley Central Transport Interchange	Town Centre Area Scheme including urban realm / traffic improvements. Ongoing design work to lead to implementation.	WEM	59.1	0	0	50
Kingsbury Town Centre urban realm and other improvements - Kingsbury Road (Between West of Honeypot Lane to Church Lane)	Town Centre Area Scheme including urban realm / traffic improvements. Ongoing design work to lead to implementation.	FRY, QBY, KEN	632.9	250	150	50
High Street Harlesden Signal Replacement	Replacement of signals at junction of High Street Harlesden and Furness Road. Originally raised as part of the Harlesden Town Centre scheme.	HAR	74	100	0	0
College Road - All Souls Avenue - Chamberlayne Road NW Area 20 MPH	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues). 20mph area covering all local streets not currently within 20mph zones bounded by Harrow Road, Bakerloo Line, Chamberlayne Road and All Souls Avenue (including Chamberlayne and All Souls)	QPK, KGN, BPK	37.7	0	0	0

APPENDIX A

Scheme	Description	Affected Ward(s)	S106 (£k)	Scheme Value (£k)		
				18/19	19/20	20/21
Staverton Road - Brondesbury Park Area 20MPH	Collision Casualty/Road Danger Reduction Programme (including pedestrian, cycling and P2W related safety issues). Includes Willesden Lane, particularly near No. 223	BPK	8.7	40	0	0
2018/19 Provisional budget allocation for Local Safety Scheme Implementations				£1,315,000		

Equality Analysis

Brent Local Implementation Plan submission 2018/19

Department

Regeneration & Environment

Person Responsible

Monica Li

Created

20 July 2017

Next Review

July 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 primary source of funding for Brent for schemes and initiatives to improve transport infrastructure and travel behaviour in Brent is Local Implementation Plan (LIP) funding, which is allocated through Transport for London (TfL). LIPs set out how London boroughs will deliver better transport in their area, in the context of borough priorities, overarching Mayoral transport objectives and Healthy Streets goals.

The LIP submission is an annual process and Brent has been granted funding each year since 2004 when the process began. Brent is required to submit an annual spending submission to TfL in the form of a set proforma to detail how its provisional LIP allocation will be used. In order to inform Members and seek their approval for this, a report, of which this Equality Analysis (EA) forms a part, is submitted to Cabinet detailing the provisional use of this funding.

The LIP submission contains a list of schemes designed to improve highway safety and the public realm as well as on-going programmes such as the Bike It project designed to promote cycling in conjunction with Brent NHS and Sustrans, and smarter travel interventions linked to the development of School Travel Plans across the borough.

The Mayor of London recently published his draft Mayor's Transport Strategy (MTS) which highlights three key visions for London over the next 25 years. These are:

- Healthy streets and healthy people;
- A good public transport experience; and
- New homes and jobs.

The central aim of the Strategy however is to have 80 per cent of Londoners' trips being made on foot, by cycle or using public transport. The schemes proposed in the LIP submission need to ensure that they meet the objectives of the MTS.

Brent's population grew from just over 311 thousand people in 2011 to over 328 thousand people in 2016 and is set to continue rising, reaching over 350 thousand people by 2022 and nearly 400 thousand by 2050. This increase brings with it a number of challenges and will mean more people of all ages using Brent's streets and the requirement to tailor schemes to take into account the differing needs of these groups.

The make-up of Brent's population is also changing with those of older ages accounting for an increasing proportion. In 2011, those aged 65 and over made up 10.5 per cent of Brent's population but is projected to account for over 14 per cent by 2029 and over 18.5 per cent by 2050 – an increase of nearly 41 thousand people between 2011 and 2050. In particular, the proportion of those aged 85 and over is projected to rise from 1.17 per cent of Brent's population in 2011 to 3.68 per cent by 2050, equivalent to nearly 11 thousand more people of this age group using Brent's streets.

The schemes which receive LIP funding need to address Brent's changing demographic as well as look to mitigate existing issues linked to highway safety and travel behaviour. TfL undertakes an annual survey, the London Travel Demand Survey (LTDS), the results of which show that Brent has a car mode share of over 35 per cent (2013/14 to 2015/16) with the active mode share (walking and cycling) accounting for only some 25 per cent. In terms of trips, Brent residents make on average two trips per person per day (2013/14 to 2015/16) which is made up of 0.53 active trips, 0.34 bus trips and 0.7 car trips. LIP funded schemes need to look towards the objectives raised in the draft MTS and encourage active trips as well as ensuring that highway safety is addressed.

There were 740 accidents in Brent in 2016; 672 (90.8 per cent) of which were classified as 'slight' in nature, 66 (8.9 per cent) as 'severe', and two (0.3 per cent) as fatal. The number of accidents of each type has fallen when compared to the previous couple of years but more needs to be done to meet the Mayor's 'Vision Zero' approach of there to be no deaths or serious injuries from road collisions by 2041. The schemes identified in the LIP submission should go some way to helping that be achieved.

Any new infrastructure provided as part of the LIP will be in accordance with the latest relevant standards. Consultation and consideration of equality implications will be undertaken for each individual scheme which will assess and address the particular impacts on people of affected protected characteristics, and responses will be considered as part of the scheme to be delivered. As yet, there is no evidence to suggest any of the schemes within the LIP submission will have an adverse impact on any of the equality groups listed.

Sources:

- ONS 2011 Census estimates
- ONS 2016 mid-year estimates
- GLA interim 2015-based housing led population projections
- TfL London Travel Demand Survey (three year average 2013/14 to 2015/16)
- TfL accident data
- TfL Travel in London: Report 9 (2016)

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

The LIP aims to improve the highway environment and safety as well as encourage changes in travel behaviour. It therefore will have an effect on everyone who lives, works and/or studies in Brent as well as those who visit the borough or pass through it. It will also affect businesses that operate in Brent as well as neighbouring boroughs.

The LIP aims to reduce barriers to accessibility for certain people, such as those with mobility issues and more vulnerable users of the transport network, such as children and older people, and improve connectivity for those from more deprived backgrounds and for black, Asian and minority ethnic (BAME) groups.

The LIP submission consists of a range of schemes – some are targeted at specific junctions because of an existing poor history regarding road traffic collisions, whereas others are borough-wide programmes such as one designed to develop and deliver accessibility and pedestrian safety measures around and on the routes to various schools.

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

• Yes

The LIP is a programme of borough-wide measures and will therefore impact everyone. However the LIP may benefit people in different ways and to a different extent because of their equality characteristics. For example, a person with a visual impairment may benefit more from improved pedestrian crossing facilities whereas a young woman may benefit more from a perceived safer walking environment.

Similarly, the Bus Stop Accessibility Programme will have the greatest benefits for those with accessibility issues who may have issues boarding/alighting a bus. City Safe Zones are safe havens designed with young people in mind and so will benefit those of this age group.

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

- Age
- Disability
- Pregnancy and maternity
- 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
- Disability
- Pregnancy and maternity
- Race
- Sex

Although the LIP covers the whole of Brent, there will be schemes targeted to improve highway safety in certain areas which have had considerable numbers of collisions. There are some groups who are disproportionately represented in collision statistics and so these groups may see more benefits than other groups.

For example, young people (those age 10 to 19) are over represented in accidents involving pedestrians (three year period to end December 2015) when compared to this age group only making up the Borough average of 11.3 per cent of Brent's population (at mid-year 2015). It is therefore anticipated that any schemes which specifically address local safety issues will have a considerable positive impact for young people in this age group.

With regards to casualties from cycling related accidents, 82.0 per cent of those injured were male despite only just over half of Brent's population being male. Schemes that are targeted at cyclist safety are consequently likely to have a disproportionate impact on boys and men.

In addition, schemes to encourage a change in travel behaviour, such as cycle training programmes aimed at both adults and children, school and workplace travel plans, and measures to improve accessibility of bus stops and public transport, will bring about considerable benefits to a number of protected groups such as young and older residents, people with disabilities, pregnant women and carers, to name but a few.

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

- Yes

Highway engineering schemes targeting specific junctions or areas with a safety issue may result in changes being made to these junctions/areas. Vulnerable groups of people may therefore find that the physical environment has changed or has been restricted due to road works, which could pose challenges to disabled people and older residents (e.g. blind or partially blind residents, people with dementia, people with physical disabilities). For example, a zebra crossing may be upgraded to a puffin crossing. This would still permit users to cross the road, albeit as part of a controlled crossing instead of relying on drivers to stop.

It is not anticipated that services would be removed as part of the schemes and programmes included in the LIP submission. All schemes will be subject to an equality analysis 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.

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

- Yes

The LIP submission contains schemes that cover many different areas of Brent as well as long-term programmes, such as cycle training, improvements to the urban realm and reduction of sign clutter, which encompass the whole borough. There is considerable variation in equality across Brent which is made up of 21 wards and 173 LSOAs (Lower Super Output Areas).

The indices of deprivation 2015 are the official measure of relative deprivation in England and are determined on a LSOA basis from which 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.

Brent ranks 39th out of all English local authorities in terms of deprivation. 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 LIP submission will therefore have an impact on residents from deprived areas and disadvantaged backgrounds and other socio-economic groups.

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
- Disability
- Pregnancy and maternity
- Race
- Sex

The LIP submission is a borough-wide vision but is likely to be important for some people because of their equality characteristics. For example, children and their parents/guardians who do not walk to school at present may find that the development and delivery of pedestrian safety measures in the vicinity of their school enable them to make the journey on foot safely.

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.

Recommend this EA for Full Analysis?

Yes

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

- Transport for London, (2015), *London Travel Demand Survey*
- Transport for London, (2016), *Travel in London Report 9*
- Transport for London, *Accident data*
- Office for National Statistics (2012), *2011 Census*
- Office for National Statistics, (2016), *2015 mid-year population estimates*
- Office for National Statistics, (2017), *2016 mid-year population estimates*
- Greater London Authority (2016), *2015-round trend-based ethnic group population projections (long-term trend)*
- Greater London Authority, (2017), *Interim 2015-based housing led population projections*
- Brent Joint Strategic Needs Assessment Deprivation (2015) – presentation

Rate this EA

N/A

Brent Local Implementation Plan submission 2018/19

Department

Regeneration and Environment

Person Responsible

Monica Li

Created

20 July 2017

New Review

July 2018

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

Overall Brent's population is projected to rise by 8.2 per cent to some 350,600 residents by 2022 from just over 328 thousand residents in 2016. This increase however is not projected to be uniform across all ages meaning that those age groups which will see the largest rises are more likely to benefit from any measures implemented as part of the LIP process. Those aged 65 and over, are projected to see a rise of 15.8 per cent over the period 2016 to 2022 compared to 7.9 per cent for those aged 45 to 64 and only 3.9 per cent for young people aged 16 to 24.

Vulnerable groups of people, such as older residents may find that changes to the physical environment due to implementation of schemes, e.g. junction improvements and provision of new or improved pedestrian crossings could be beneficial.

Young people are over represented in accidents involving pedestrians. In the 36 months to December 2015, 18.5 per cent of accidents to those whose age was known were to young people aged between 10 and 19 years. This compares to this age group only making up 11.3 per cent of Brent's population at mid-year 2015. Therefore schemes which address pedestrian safety will disproportionately benefit this age group.

All schemes that form part of the LIP submission will be subject to an equality analysis which will identify any outstanding barriers for groups with protected characteristics and ways in which these can be addressed.

Sources:

- ONS 2015 mid-year estimates
- ONS 2016 mid-year estimates
- GLA interim 2015-based housing led population projections
- TfL accident data

5.2 Disability (select all that apply)

- Positive

The 2011 Census revealed that just over 14 per cent of the residents describe their day-to-day activities as limited and 5.34 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.

At ward level there is considerable variation with 6.9 per cent of Stonebridge ward residents classifying themselves as being in bad or very bad health compared to Northwick Park ward where this falls to just four per cent. When it comes to limiting long-term illness, 8.4 per cent of Stonebridge ward residents stated that their day to day activities are limited a lot compared to 5.5 per cent of Queen's Park residents.

This highlights that the areas of Brent which have higher numbers of residents in poor health or with a limiting long-term illness are more likely to benefit from schemes in the LIP submission such as the Accessibility and Disabled Person's Parking Scheme, the Bus Stop Accessibility Programme, and continued localised air quality monitoring and initiatives to reduce exposure.

Those with disabilities are also likely to benefit from highway engineering schemes which target specific junctions or areas. For example, blind or partially blind residents would profit from a zebra crossing being upgraded to a puffin crossing as it removes reliance on the driver to stop.

All schemes that form part of the LIP submission will be subject to an equality analysis which will identify any outstanding barriers and ways in which they can be addressed. In particular, the schemes will consider the impact on the large spectrum of physical and non-physical disabilities and long-term health conditions.

Sources:

- ONS Census 2011; Table KS301EW – health and provision of unpaid care

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 project to ensure this on a case-by-case basis.

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 project to ensure this on a case-by-case basis.

5.5 Pregnancy and maternity (select all that apply)

- Positive

In 2016 there were 5,236 live births in Brent equating to some four per cent of all live births in Greater London. Births in Brent rose slightly in the most recent year and remain over 32 per cent higher than in 2002.

This rise in the number of births to women resident in Brent means a higher number of pregnant women and parents with dependent children resident in the borough who would see a positive impact from a safer highway environment and increased bus stop accessibility. In particular, the planting of new street trees as part of urban realm improvement projects and the review of 20 mph zones would create a more pleasant walking environment.

All schemes, including those which are not directly aimed at improving accessibility for people within the pregnancy and maternity protected characteristic, will be subject to an equality analysis which will identify any outstanding barriers and ways in which they can be addressed.

Sources:

- ONS 2016 mid-year estimates

5.6 Race (select all that apply)

- Positive

Brent ranked 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.

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.

Data from the London Travel Demand Survey (LTDS) shows that Brent residents from 'mixed, other or Arab' backgrounds undertake on average the most walking trips per person per day; 0.78 walking trips respectively. Given Brent's diversity, any schemes that improve highway safety and the environment are likely to encourage walking and would therefore be particularly positive for all ethnic groups but may disproportionately benefit those from 'mixed, other and Arab' backgrounds who already walk more.

When it comes to bus trips, Black residents in Brent make the most bus trips per person per day (0.6) compared to only 0.29 by Brent's Asian residents and 0.32 by Brent's White residents. Black residents are therefore likely to benefit disproportionately from schemes such as the Bus Stop Accessibility Programme although all bus users, regardless of ethnicity will be positively affected.

All schemes that form part of the LIP submission will be subject to an equality analysis which will identify any outstanding barriers and ways in which they can be addressed.

Sources:

- GLA Update CIS2012-04, 2011 Census Snapshot: Ethnic Diversity Indices
- GLA Update CIS2013-02, 201 Census Snapshot: Ethnic Diversity Indices for wards
- ONS Census 2011; Table KS201EW – ethnic group
- GLA 2015-round trend-based ethnic group population projections (long-term trend)
- TfL London Travel Demand Survey (three year average 2013/14 to 2015/16)

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 project to ensure this on a case-by-case basis, particularly on schemes that directly affect religious amenities.

5.8 Sex (select all that apply)

- Positive

The LTDS shows that female residents in Brent undertake more walking trips per person per day than their male counterparts; 0.59 trips versus 0.40. The same applies to bus trips with more female residents undertaking trips by bus than male residents; 0.20 trips compared to 0.16.

Any improvements to the walking and highway environments and to bus stop accessibility and journey time improvements for buses are therefore likely to particularly benefit girls and women more as they make a greater number of walking and bus trips to begin with.

75 per cent of cycle trips by Brent residents were made by boys and men. The same proportion as for London residents as a whole. Unsurprisingly, boys and men are therefore disproportionately reflected in casualty statistics related to cycling when compared to girls and women. Of the 589 casualties recorded between 1 January 2011 and 31 October 2016, 483 (or 82.0 per cent) were male. Implementation of safety schemes would therefore provide a disproportionate benefit for male cyclists.

All schemes that form part of the LIP submission will be subject to an equality analysis which will identify any outstanding barriers and ways in which they can be addressed.

Sources:

- TfL London Travel Demand Survey (three year average 2013/14 to 2015/16)
- TfL accident data

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 project to ensure this on a case-by-case basis.

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. This therefore indicates that over a third of Stonebridge ward residents are economically inactive. This includes those who are retired, studying, looking after the family or home, as well as those who are sick or disabled.

Cycle training and promotion through the Bike It programme, better access to bus stops and provision of disabled person's parking bays, alongside implementation of local safety schemes to reduce road traffic collisions and make the area safer for all users, would benefit these groups by improving accessibility and in some instances, employment opportunities.

Brent ranks 39th out of all English local authorities in terms of deprivation. Fourteen of Brent's LSOAs fall into the 10 per cent most deprived in England with six of these 14 found in Stonebridge ward (Brent's most deprived ward). Highway public realm and safety improvements would improve the walking environment, which as a free activity, may help those living in more deprived areas access services in other parts of the borough.

There were over 9,700 lone parent households in Brent at the time of the last Census and in 46 per cent of these households, the lone parent was not in employment. Increased options for these families (and others) to cycle training programmes and safer walking and cycling routes are beneficial for both adults and children in terms of health as well as for accessing opportunities to employment, education and other key services (e.g. health).

Sources:

- ONS Census 2011; Table KS601EW to KS603EW – economic activity
- Brent Joint Strategic Needs Assessment Deprivation (2015) – presentation
- ONS Census 2011; Table KS107EW – lone parent households with dependent children

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?

Members of the public, residents' groups, Officers and Members have the opportunity to submit schemes to be considered for LIP funding throughout the year. A call for schemes to Members was undertaken after the general election. In order to be prioritised for funding, schemes must address existing road safety issues and the objectives of the current MTS (themes in the emerging MTS are also being considered) as well as the Borough Plan. In working towards achieving cross service partnerships, schemes which also address other borough priorities such as regeneration, high streets, air quality and public health which are linked to transportation matters, and that also have

potential to receive funding from other sources, will receive weighting during the scheme selection and prioritisation process.

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?

Any schemes that come forward as part of the LIP submission will be 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), and include measures to improve accessibility.

The draft MTS, the 'Healthy Streets for London' vision and any associated documentation will also be taken into account to ensure that any potential positive impacts are enhanced.


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 LIP submission identified by the equality analysis at this stage. However consultation will be undertaken for proposals on a case-by-case basis prior to implementation to ensure that any potential negative impacts are reduced or removed for all schemes.

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

None of the schemes listed within the LIP submission have any outstanding identified negative impacts.

 <p>Brent</p>	<p>Cabinet 11 September 2017</p> <p>Report from the Strategic Director of Regeneration and Environment</p>
<p>For Information and Action</p>	<p>Wards affected: All</p>
<p>Managing Street Drinking and Identified Problem Areas – Pilot Evaluation</p>	

1.0 Summary

- 1.1 Brent has implemented 6 pilot Public Spaces Protection Orders (PSPOs) in **Harlesden, Kilburn, Ealing Road (including One Tree Hill), Neasden, Wembley Park and Sudbury** for the duration of 6 months, to tackle problematic areas where street drinking has been prevalent over the years. This order was made possible under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”), and was implemented after consultation with residents and stakeholders.
- 1.2 The order gave Brent Council the ability to issue Fixed Penalty Notices, or begin court proceedings against, anyone street drinking in prohibited areas.
- 1.3 The evidence of street drinking and associated Anti-Social Behaviour (ASB) will also be used to update the Statement of Licensing Policy. The evidence can be used to consider introducing cumulative impact policies which, amongst other things, could limit the number of off-licences in PSPO areas and imposing additional conditions on existing off-licences aimed at reducing street drinking if they are found to breach their existing conditions. Conditions can include reduction on their opening hours, no sale of high strength alcohol over 6% ABV, no sale of single cans etc.
- 1.4 This report provides an update on the effectiveness of the PSPOs, the scale of the problem in Brent as well as options going forward for Cabinet on how to tackle the street drinking problem when the borough wide Control Drinking Zone (CDZ) ends in October 2017.

2.0 Recommendation

- 2.1 That Cabinet considers the options appraisal set out in section 6.0 of this report and to agree the recommended option to take forward which is to go through the process of making a Borough Wide Public Space Protection Order (“PSPO”) to replace the existing Controlled Drinking Zone which expires in October 2017.
- 2.2 That Cabinet approve the increase in the Fixed Penalty Notice (FPN) issued under sections 52 and 68 of the Anti-Social Behaviour Crime and Behaviour Act 2014 (“the 2014 Act”) from £75 to £100, which is the maximum set limit under the Anti-Social Behaviour Crime and Policing Act 2014 Act and to bring this in line with FPNs issued by Brent’s Waste Enforcement Team under the Anti-Social Behaviour legislation and Harrow Council, where both Councils have shared priorities.

3.0 Policing Plan

- 3.1 The act allows reasonable discretion on how PSPOs are enforced once PSPO warnings are issued as a first step, followed by a FPN if an individual breaches the order twice.
- 3.2 The council owned Police officers known as the Partnership Tasking Team have predominantly enforced the PSPO in the pilot areas alongside their other wider work programmes to target Safer Brent Partnership priorities to help make a Safer Brent. This has resulted in manpower resources being stretched considerably in terms of providing effective enforcement for all the PSPO areas.
- 3.3 The highest number of street drinking complaints to the ASB team since the orders were implemented have been received in Dudden Hill, Alperton and Wembley Central wards to date resulting in enforcement operations prioritised in these areas.
- 3.4 Below is a summary of the PSPO enforcement from 28 April to 20 July 2017. There has been very few offenders to date who have breached PSPO warnings, which has shown a good compliance rate in the pilot areas.

Area	Cans Seized	PSPO Warnings	Fixed Penalty Notices	Compliance Rate
Ealing Road including One Tree Hill	47	47	3	93.61%
Neasden Town Centre	39	39	2	94.87%
Sudbury	15	15	0	100%
Harlesden Town Centre	11	11	0	100%
Wembley Park	3	3	0	100%
Kilburn	1	1	0	100%

4.0 Current Analysis

- 4.1 Ealing Road including One Tree Hill Park has generated the most complaints to the Council for street drinking since the order was implemented. A lot of these incidents involved drinking in the park which has been a hotspot area for a number of years. There has been a very good compliance rate following the warnings with only 3 fixed penalty notices issued for further breaches. Following a review at the Local Joint Action Group (LJAG) none of the individuals were known to support services in Brent. All individuals who were warned were offered the support from voluntary sector agencies such as Change Grow Live for alcohol misuse.
- 4.2 Neasden Town Centre also generated many complaints to the Council for street drinking. The offenders are predominantly male with only 2 females issued with warnings to date. There has been a good compliance rate following the warnings being issued with only 2 fixed penalty notices issued for further breaches. All individuals warned were offered the support from Change Grow Live for alcohol misuse. Over 70% of addresses given by these individuals were false. However, here is evidence to

suggest a lot of these individuals congregate in Houses with Multiple Occupancy (HMO) areas or are overpopulated private rental properties

- 4.3 Sudbury Town Centre generated some complaints. To date the warnings issued have not been breached, showing a lack of repeat offenders at this stage.
- 4.4 Harlesden Town Centre has received few complaints from around the Craven Park area. A high proportion of individuals warned in this area are known to support services within Brent predominantly for mental health and substance misuse sectors.
- 4.5 Enforcement data so far has shown an over-representation of Asian and Eastern European men, in Ealing Road and Neasden Town Centre respectively who live in the immediate area. Sudbury Town Centre has shown a mix of Asian, Eastern Europeans and White British males and Harlesden has shown an over representation of vulnerable individuals from a Black British Background who also live in the immediate area. Thus emphasising the need for further analysis as the pilot continues regarding potential root causes of street drinking within these communities.

Current Evaluation

- 4.6 In all areas the common behaviours displayed have been waste accumulation, loitering, public disorder and visual anti-social behaviour which has been the catalyst for complaints to the Council.
- 4.7 Laminated notices affixed in the PSPO areas have been repeatedly removed by street drinkers and therefore financial investment in metal signage would be a suitable solution in town centres and hot spot areas and a lesson learnt at this stage.
- 4.8 A breakdown of calls with an alcohol flag to the Police from January to June 2017 in all Brent wards are listed in Appendix 1. It is too early in the pilot (July) to compare with last year's data however in September a more comprehensive analysis will be undertaken. The data has identified that Willesden Green and more notably Stonebridge resulted in numerous calls regarding street drinking. The Stonebridge ward wasn't identified as a primary area before the orders were implemented and local intelligence has shown some displacement from Harlesden and Tokyngton which has presented some negative challenges however positively highlights the disruption of this action. Kenton has consistently had the lowest recorded calls in comparison to other wards in Brent and received no calls for the month of June, however previous months and noticeably January has seen some evidence of street drinking in the ward. It is highly likely that should the order only be enforced only in priority areas the problem will be displaced to wards such as Kenton where street drinking flags have been low.
- 4.9 Council data from August last year has also shown reports of street drinking in Alperston, Wembley Central, Northwick Park, Dollis Hill, Kilburn and Dudden Hill but more analysis will be needed to understand who reports to the Council or Police and reasons for doing so.
- 4.10 Initial analysis suggests more targeted interventions and increased awareness is required for the Asian and east European communities around the fact that street drinking is not tolerated. There needs to be more work with Public Health and Employment and Skills, to deal with substance misuse issues on unemployment, in

more deprived areas of the borough such as Harlesden and Willesden and more work will be done at the LJAGs to signpost appropriately to Public Health and the Employment and Skills Team.

- 4.11 If a PSPO is implemented by the Council after the end of the CDZ in October 2017, it is recommended that they should be in place for the maximum duration of 3 years to better evaluate the problem.
- 4.12 Since the CDZ was implemented in 2007 there has been *zero* data on individuals enforced or alcohol seized whereas the current PSPO pilots has already shown a more robust identification and enforcement process.

5.0 Forward Policing Plan

- 5.1 Given our first three month trial from April 2017, and the lessons learnt and data analysed to date we have agreed the following plan of action:
- Increase patrols in Kilburn Town Centre and Wembley Park where enforcement low.
 - Analyse all street drinking calls to find out who is reporting the problem and raise awareness across Brent where reports have been low.
 - Design more visual signage through working with the Communications Team on an awareness exercise in reinforcing the message to Brent's residents.
 - Evaluate the support work from Change Grow Live and their impact of dealing with the substance misuse cohort which at this current stage too early to complete.
 - Continue to pass intelligence on licenced venues contributing to the problem.
 - Work with the Town Centre Management programme and Resident groups in building up greater resistance from Businesses in the Town Centre and residential areas to police their space with the Council assisting.
 - Continue to issue Fixed Penalty Notices on breach as early compliance rates shows you can change behaviour by fines.

6.0 Options Appraisal for Cabinet

- 6.1 The below table sets out options available to the Council's Cabinet, once the borough wide control drinking zone ceases in October 2017. A recommendation would be put forward for recommendation number 2 based on the below mitigation of risk.
- 6.2 In relation to options 1 and 2, PSPOs can be made by the Strategic Director for Regeneration and Environment in consultation with the Lead Member for Stronger Communities once the necessary consultation has been carried out. The PSPO will commence immediately after the expiry of the current CDZ and can be enacted for a maximum of 3 years.

Option	Risk	Mitigation
1. Implement a Public Spaces Protection Orders in the 12 primary areas for the maximum duration of 3 years.	Individuals could be displaced to non-PSPO areas where there is no prohibition. Officer time will be spent in varying the order in accordance	This would be a smaller area to police and more resources could be sustained in primary hot spots.

	with the Legislation.	
2. Implement a Borough Wide PSPO to replace the existing CDZ which expires in October 2017.	This could be resource intensive if policed as a whole Borough approach and could impact on sustained patrols in all areas of Brent.	Identifying hotspot areas across Brent's 21 wards, as per pilot, will focus policing in priority areas and provide zero tolerance across the whole Borough. To safeguard against displacement.
3. Decide against implementing a PSPO when the order expires	No systematic enforcement of street drinking.	N/A

7.0 Diversity Implications

- 7.1 The implementation and policing of PSPO has been in accordance with the Equality Act 2010.

8.0 Financial Implications

- 8.1 If a decision is made to enact a PSPO after the CDZ expires the Council will issue fixed penalty notices for breaches in the first instance. Current fines are set at £75 but there is a desire to raise this to £100 which is maximum set limit under the legislation (cf section 68(6) of the 2014 Act).
- 8.2 There will also be a cost element in removing all existing CDZs in the borough and replacing them with Street Drinking signs under the new order which is required by law.
- 8.3 Approximately £45k was spent on designing and implementing existing CDZ signs around the Borough and it is estimated that £20k will be required to replace those signs with PSPO signs, using the existing infrastructure already in place.

9.0 Legal Implications

- 9.1 Under section 59 of the 2014 Act, a Public Space Protection Order (PSPO) can be made by the Council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justified the restrictions imposed.
- 9.2 Under Regulation 2 of the The Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, when a PSPO has been made, that local authority must—
- (a) publish the order as made on its website; and
 - (b) cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to—
 - (i) the fact that the order has been made, extended or varied (as the case may be); and
 - (ii) the effect of that order being made, extended or varied (as the case may be).

- 9.3 Under section 67 of the 2014 Act, it is a criminal offence for a person without reasonable excuse:
- (a) to do anything that the person is prohibited from doing by a PSPO; or
 - (b) to fail to comply with a requirement to which the person is subject under a PSPO.

A person who is found guilty of an offence under section 67 of the 2014 Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale – level 3 is currently at £1000.

- 9.4 Under section 68 of the 2014 Act, a police constable or a person authorised by the local authority that made the PSPO may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the 2014 Act (as described in the previous paragraph) in relation to a PSPO. Under section 68(2) of the 2014 Act, a FPN is a notice offering the person to whom the FPN is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the FPN.
- 9.5 Any challenge to PSPO made by the Council must be made in the High Court by an interested person within six weeks of the PSPO being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. The grounds for challenging a PSPO are that the Council did not have the power to make the PSPO, or to seek an order to include particular prohibitions or requirements and that one of the requirements in making a PSPO (e.g. a necessary level of consultation with relevant bodies) had not been complied with.
- 9.6 At its meeting of 14 April 2015, Brent Council's Cabinet delegated authority to the then Chief Operating Officer in consultation with the Lead Member for Stronger Communities for the function of making PSPOs under the 2014 Act. This function now rests with the current Strategic Director for Regeneration and Environment in consultation with the Lead Member for Stronger Communities and decisions to make PSPOs are made once the necessary consultation has been carried out as required under section 72(3) of the 2014 Act. The definition of "necessary consultation" which must be carried out before making a PSPO is: "consulting with (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area; (b) whatever community representatives the local authority thinks it appropriate to consult; and (c) the owner or occupier of land within the restricted area. The maximum duration of a PSPO is three years.

10.0 Staffing Implications

- 10.1 The enforcement of all PSPO pilot areas has been done predominantly by the Council's Partnership Tasking Team with some assistance of the borough Police Safer Neighbourhood Team. This also has the potential to stretch the resources of the Partnership Tasking Team who have a wide programme across all Safer Brent Partnership priorities including issues relating to Gangs, Violence Against Women and Girls, prolific offenders, Child Sexual Exploitation and Hate Crime.
- 10.2 The ASB Localities Officers in Community Protection have led on recovering FPN payments, offender management of cohorts through the LJAGs and will be required to assist the Legal Team in prosecution for cases which meet the threshold. This could impact heavily on the other ASB priorities/ cases in the clusters they manage.

- 10.3 There must be some consideration going forward to look at a pool of enforcement officers across Regeneration and Environmental Services to assist with the enforcement programme where there are obvious shared priorities; as well as admin support to recoil fine payments.

11.0 Background Papers

- 11.1 None.

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Appendix 1: Police calls with an Alcohol Flag January to June 2017

Wards	January	February	March	April	May	June
Alperton	6	4	9	12	6	9
Barnhill	4	8	3	8	7	3
Brondesbury Park	3	2	3	3	6	3
Dollis Hill	2	1	3	2	7	4
Dudden Hill	5		5	15	5	5
Fryent	3	3	4	9	8	6
Harlesden	10	8	7	14	7	14
Kensal Green	6	5	7	4	7	8
Kenton	6	2	2	2	2	0
Kilburn	4	7	7	2	10	4
Mapesbury	7	8	7	4	2	3
Northwick Park	5	5	2	8	1	6
Preston	1	4	2	4	5	7
Queens Park	2	6	5	3	9	6
Queensbury	5	7	6	5	8	4
Stonebridge	5	10	3	9	13	9
Sudbury	7	4	5	7	7	10
Tokington	8	9	6	4	6	6
Welsh Harp	9	10	7	5	5	5
Wembley Central	14	14	19	25	20	10
Willesden Green	13	10	16	13	9	11
Grand Total	125	127	128	158	150	133

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 <p>Brent</p>	<p>Cabinet 11 September 2017</p> <p>Report from the Strategic Director of Regeneration and Environment</p>
<p>For Action</p>	<p>Wards affected: ALL</p>
<p>Brent Domestic Abuse Advocacy and MARAC Coordination: Contract Variation</p>	

1.0 Summary

- 1.1 In June 2017 Cabinet agreed the proposed option to commission Independent Domestic Violence Advocacy (IDVA), Family Support and Multi Agency Risk Assessment Conference (MARAC) coordination services, allocating a council budget of £270,226 per year for an initial period of 3 years with the option to extend by a further 2 years.. The contract was subsequently re-tendered in July 2017 and awarded using delegated powers in September 2017.
- 1.2 In February 2017 the council's Community Protection Service submitted a funding application to the Home Office Transformation Fund for additional specialist domestic abuse IDVA intervention. The council was notified its application was successfully in July 2017, however contract validation regarding provider requirements were not confirmed by the Home Office until August 2017, after the IDVA, Family Support and MARAC coordinator services tender had closed. Given the additional funding awarded to the council is for very similar services to those it has very recently procured, it is considered that rather than procuring a further contract, the recently let Brent Domestic Abuse Advocacy and MARAC Coordination Contract should be varied to include the additional provision covered by the grant funding.

2.0 Recommendations

- 2.1 That Cabinet agree to vary the Brent Domestic Abuse Advocacy and MARAC Coordination Contract to include the delivery of the Home Office Transformation Fund services detailed in paragraph 3.2 to the value of an additional £100,000 per annum for three years.

3.0 Detail

- 3.1 Following Cabinet approval to tender in June 2017, the Brent Domestic Abuse Advocacy and MARAC Coordination Contract (the Contract") was re-tendered in July 2017. In September 2017, prior to Cabinet, the Strategic Director of Regeneration and Environment, in consultation with the lead member and the Strategic Director of Children and Young People, awarded the contract to the successful tenderer using powers delegated to them. This prompt procurement and award has allowed for increased mobilisation time for the successful provider to commence delivery of the IDVA, Family Support and MARAC coordinator services before the cessation of the current contract with Hestia which expires on 03 December 2017.

On the 24th February 2017 the Community Protection Service submitted a bid to the Home Office Transformation fund for two additional IDVA interventions which would help to reach out to a wider and additional service user group than the IDVA, Family Support and MARAC coordinator services target. The bid requested £100,000 each year from 2017/18 to 2019/20, summing a total grant award of £300,000. The bid included two elements of delivery for each year:

1. Three Tier Support IDVA

A specialist IDVA to 'screen for support' all calls logged by the Police on their CRIS system, which are non-crimes and low level abuse which would normally be delegated to non-specialist workers. This is a shift in focus for current IDVA provisions across London, addressing more earlier intervention. Brent have piloted this work in recent years identifying the increased number of service users being supported; however the work load cannot commit to all non-crimes and possible early intervention identified. The focus for this intervention is to only be on all non-crime incidents, and standard - medium level Domestic Abuse incidents not normally referred to core IDVA services by Police colleagues. Aims include:

- a) **Reduce risk:** Increase expert support to victims at an earlier stage rather than being reactive to high risk issues only which current IDVA services offer. Will screen all 3 tiers of risk, standard – high, and none-crimes based on appropriate specialist screening.
- b) **Prevent risk escalation:** Earlier support prevents an increase in risk leading to lengthier IDVA intervention. Supported at earlier time to implement safety planning earlier.
- c) **Increased victim awareness:** Earlier intervention increases awareness of support options and identifying the risk to victim and children and share awareness of perpetrator programmes where appropriate.
- d) **Increase support:** Support more victims via increased screening method. Earlier intervention enables increase in numbers being offered safety planning and support options etc. earlier than usually offered.

2. Health IDVA

Specialist IDVA part of a whole-system approach to support victims of domestic abuse coming through our health settings, to better feed the victims' path into services and increase opportunity for support. Offering face to face IDVA service on site at Northwick Park hospital for a quick crisis response to their need and a better linked service to the local GPs where identified. There will help bridge the current gap of referrals from health based settings, as over the last 12 months only 7 referrals have been made to Brent IDVAs from any health sector organisation/service. Aims include:

- a) **Reduce risk and minimise costs:** If domestic abuse were to be responded to effectively when identified in hospital and wider health settings, detrimental costs could be minimised and harm to victims and children avoided through earlier intervention and reduction of risk escalation.
- b) **Support and Training:** Ensuring that the training is offered across the departments and that there are clear referral pathways including for specialist services. Brent specialist Health IDVA helping to deliver domestic abuse training to all hospital staff and GP staff educating on referral routes, DA identification, support options. Linking in with the CCG programme across 8 boroughs.
- c) **Increased support:** Increased training and support to lead to increased victim support as better identification of victimisation and specialist DA issues. IDVA able to attend appointments on emergency basis and available for staff consultations for immediate increased support to meet service user needs.
- d) **Reduce health implications on victims:** Domestic abuse has a long-term impact on physical and mental health. Health IDVA service will help to address

mental and physical health issues as well as the domestic abuse that victims are suffering ensuring complex needs met for the most vulnerable victims.

3.2 The Transformation bid for the above was successful, and credited for being a well written bid. Many other local authority bids were rejected therefore Brent was fortunate to gain this extra grant funding. Confirmation of this success was confirmed in 05 July 2017. There was an unanswered query regarding the requirements of the bid which specifically involved provider requirements. The Community Protection Service repeatedly requested the Home Office for confirmation regarding the outstanding query, highlighting that they sought for this Transformation Fund delivery to be incorporated and added into the already advertised council funded IDVA, Family Support and MARAC coordinator services re-tender. The query was not fully responded to by the Home Office until 08 August 2017, after the re-tender of the IDVA, Family Support and MARAC coordinator services had ended on the 04 August 2017.

3.3 The unfortunate timing detailed as above has therefore left only two options to progress the delivery of the Transformation Fund services.

1. **Separately tender** for the Transformation fund services to be delivered by a provider following a further procurement process. This provider could well be a different provider to that the council has awarded the IDVA, Family Support and MARAC coordinator service contract.
2. **To vary** the IDVA, Family Support and MARAC coordinator service contract already awarded to include the additional Transformation Fund services . A variation of the Contract would ensure the same provider to deliver both elements, addressing the same main outcome of services.

3.4 Officers are recommending option 2 detailed in paragraph 3.3 above is progressed, namely to vary the Contract already awarded.

3.5 Officers recommendation to pursue option 2 rather than option 1, is based on the following:

- Varying the existing contract would achieve additional delivery value as a result of delivery synergies achieved by one provider delivering both the council funded IDVA, Family Support and MARAC coordinator service delivery and the Transformation fund delivery.
- That negotiation to vary the Contract will be based on gaining additional front line resource as the grant price is already set, and only one management fee would need to be funded if one provider.
- Management and governance efficiencies are achieved in having the same service provider for both contracts ensuring one quality delivery method.
- Varying the existing contract would ensure developed support mechanisms for service users transitioning between both services i.e. a service user identified via Northwick Park Hospital would be initially supported via the Health IDVA and later referred to the core Council funded IDVA. Both IDVAs would be colleagues working with the same processes and systems, for the same provider and therefore would be a smoother transition for the service user.
- Varying the existing contract would lead to enhanced provider business continuity procedures via an increased pool of trained Brent IDVAs across our settings.

3.6 The council Procurement Service was consulted with regarding the proposed options. Procurement have confirmed that legislation permits the council to vary existing contracts in these circumstances outlined above in line with s72 of

Procurement Regulations 2015. Procurement would also recommend the route proposed for option 2, given that the original tender process has now closed.

4.0 Financial Implications

4.1 The recommendations of this report will commit the Council to £0.3m expenditure over the next three years to deliver option 2 as set out in paragraph 3.3 above. The expenditure will be wholly funded by government grant (Home Office Transformation Fund) and will be claimed in arrears, payable at the end of each financial year which is consistent with other similar Home Office grants. The grant agreement has been approved and the service anticipates the grant claim profile to be as follow:

- 2017/18 £0.05m
- 2018/19 £0.15m
- 2019/20 £0.10m

4.2 Full completion of the Home Office Transformation Fund grant conditions are essential to ensure the grant claims are wholly honoured and that the programme's expenditure does not impact on Council budgets.

5.0 Legal Implications

5.1 The Contract is a Schedule 3 service contract under the Public Contracts Regulation 2015 (PCR). The PCR only permits modification (including variation) of contracts without commencing a new procurement in the circumstances detailed in Regulations 72. Regulation 72(1)(b) provides for modification where it is for additional service by the original contractor, irrespective of their value, that have become necessary and were not included in the initial procurement where a change of contractor cannot be made for economic or technical reasons and would cause significant inconvenience or substantial duplication of costs for council. Further, the value of the variation cannot exceed 50% of the value of the original contract. As detailed in paragraph 3.5, Officers consider that the grounds set out in Regulation 72(1)(b) are met and the value of the proposed variation would be considerably less than the 50% permitted under Regulation 72(1)(b).

5.2 Should Members approve the variation of the contract, the council is required to publish a notice of such variation in the Official Journal of the European Union.

5.3 A variation of the Contract to include the proposed Transformation Fund services is acceptable to the Home Office and would not breach the Transformation Fund grant conditions.

6.0 Equalities Implications

6.1 The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. There are no negative equality implications resulting from the proposals in this report.

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

7.0 Staffing/Accommodation Implications

- 7.1 There are no implications for existing staff as the Transformation Fund is a new funding source for a new service to be delivered.


8.0 Public Services (Social Value) Act 2012

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

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 Brent	Cabinet 11 September 2017 Report from the Strategic Director of Community Wellbeing
Wards affected: All Wards	
Implementation of Financial Penalties as alternatives to prosecutions under Housing Act 2004 introduced under Part 2 Housing and Planning Act 2016	

1. Summary

1.1 This report set out the powers and obligations introduced by the Housing and Planning Act 2016 relating to the Government's response to tackling rogue landlords and improving the private rental sector.

1.2 The Housing and Planning Act 2016 received royal assent on the 12 May 2016.

Part two of the Act is concerned with rogue landlords and property agents and introduces;

- Civil penalties of up to £30,000
- Extension of Rent Repayment Orders (RROs)
- Banning orders for the most prolific offenders
- Database of rogue landlords/property agents

1.3 The most significant and radical of those listed above is the introduction of civil penalties. Unlike fines issued by the Courts when criminal prosecutions are taken, income received from a civil penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector. This means that any income received from civil penalties issued can be reinvested into carrying out more enforcement work to bring about further improvements within the private rented sector (PRS).

1.4 Brent's PRS currently represents over 1/3rd of the housing stock, somewhere in the region of 36,000 properties and our research indicates that it is still growing. There are more PRS properties in Brent than the combined social housing stock. The corporate vision is that *"Brent will be a thriving, vibrant place, where our diverse community lives in an environment that is safe, sustainable and well maintained"*, yet we know that there are still many tenants

that are being exploited by rogue and criminal landlords who let out substandard, poorly managed and sometimes dangerous accommodation.

- 1.5 Since the introduction of property licensing in Brent in January 2015, PHS has made great strides to tackle many of these criminal activities, prosecuting more landlords, agents and lead tenants in the past eighteen months than the previous eighteen years added together, but despite this there is still much more to do. By agreeing to adopt these new enforcement powers, the Cabinet will be arming PHS with additional tools to combat those criminals who flout the law but more importantly the income generated by the fines will be reinvested to provide additional resources to see further improvements with the PRS with increased enforcement activities.

2. Recommendations

- 2.1. Cabinet is recommended to:

- 2.1.1 Agree that the Council adopts the new enforcement powers against rogue landlords and letting agents contained within the Housing Act 2004 as amended by the Housing and Planning Act 2016.

- 2.1.2 Note that the enforcement powers once in force, enable the Council to serve notices imposing Civil Penalties of up to a maximum of £30,000 in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to licence or be licensed in respect of Houses in Multiple Occupation (HMOs)
- Failure to licence or be licensed in respect of the Landlords Selective Licensing Scheme
- Failure to comply with licensing conditions
- Failure to comply with an Overcrowding Notice
- Failure to comply with a regulation in respect of an HMO
- Breaching a Banning Order

- 2.1.3 Note that the enforcement powers once in force, enable the Council to apply a Rent Repayment Order in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Breaching of a Banning Order
- Using violence to secure entry to a property
- Illegal eviction or harassment of the occupiers of a property

- 2.1.4 Agree the Housing Enforcement Policy at Appendix 1 which has been amended to include reference to the issuing of civil penalties as an alternative to prosecution for relevant offences under the Housing Act 2004.

- 2.1.5 Authorise the Strategic Director of Community Wellbeing to authorise other council officers, including but not limited to the Head of Private Housing Services (PHS), PHS Managers, PHS Enforcement Officers and PHS Licensing Officers, to discharge those powers listed above.

3. Introduction

- 3.1 As stated above The Housing and Planning Act 2016 received royal assent on the 12 May 2016 and whilst it introduced a plethora of legislation this report focuses on four elements those being;
- Civil penalties of up to £30,000
 - Extension of Rent Repayment Orders (RROs)
 - Banning orders for the most prolific offenders
 - Database of rogue landlords/property agents
- 3.2 It was the government's intention to have all four of these proposals in force during 2017 but unfortunately due to other pressures on parliamentary time, has only been able to introduce two, those being Civil Penalties and the extension of Rent Repayment Orders. Nevertheless, indications are that the other two powers are expected to be introduced in the Spring of 2018.
- 3.3 Through this report we hope to explain what these powers mean and how they will be used by PHS to continue its mission to see improvements in the conditions of houses within the PRS.
- 3.4 Attached to this report, for the sake of clarity, is PHS' Enforcement Policy which has been updated to include those new powers listed above. In addition to the Enforcement Policy is the Civil Penalty Notice Matrix which has been developed using the government's guidelines. This matrix will be used to assess the level of fines that will be issued for various breaches of legislation.
- 3.5 The introduction of these powers is a significant step in allowing Councils to deal with rogue landlords and in particular with the introduction of civil penalties only those landlords who commit offences will be fined. It therefore means that the income received from civil penalties will be reinvested in to further enforcement activities funded by those landlords who commit the offences and not the majority of good law abiding landlords who provide a good quality of much needed accommodation.

4. Key Considerations

4.1. Civil Penalty Charges

- 4.1.1 The Housing and Planning Act 2016 contains several provisions relating to licensing of privately rented homes and housing enforcement related to this type of tenure. They include such measures as the ability for housing authorities to impose a civil penalty in lieu of prosecution, as a means of dealing with rogue landlords.
- 4.1.2 The use of these new powers will support and complement the current borough wide HMO Licensing Schemes, the current Selective Licence Scheme covering three wards since 1st January 2015 and also the new Selective Scheme Designations once approved.
- 4.1.3 Brent's Private Housing Services Enforcement Team is well placed to put these new powers to use, given its strong enforcement record and ability to make

increasingly large numbers of enforcement led interventions. With over £0.6m in court fines more than 100 prosecutions for housing related offences over the past year, a refocus towards civil penalties should generate significant funding for regulating the private rented sector. Civil penalty charges are retained for this purpose, whereas prosecution fines stay with the Crown.

- 4.1.4 A civil penalty can only be imposed as an alternative to prosecution. The legislation does not permit a Local Authority to impose a civil penalty and prosecute for the same offence. Similarly if a civil penalty has been imposed, a person cannot then be convicted of an offence for the same conduct. Before issuing a civil penalty, PHS will need to consider the responsiveness of the offender(s) to taking remedial action, as well as the repetition, severity, or overall impact of an offence on the tenants and/or wider community.
- 4.1.5 The decision on when to prosecute and when to issue a civil penalty shall be decided initially on a case by case basis, in accordance with the Housing Enforcement Policy at Appendix 1 which has been amended to include reference to the issuing of civil penalties as an alternative to prosecution for relevant offences under the Housing Act 2004. Where a civil penalty is imposed, an appeal can be lodged at the First Tier Property Tribunal (FTPT). A Local Authority will then need to demonstrate 'beyond reasonable doubt' that an offence has been committed.
- 4.1.6 The use of civil penalties will not reduce the amount of investigation work for Enforcement Officers and each case must be prepared to 'prosecution standards'. With the option of appealing for a nominal application fee, there is likely to be a significant volume of such appeals being heard by the FTPT. Enforcement officers will serve the required statutory notices (at least 2 to be served), deal with defendant representations and work jointly with Brent Legal Services to defend any appeals at the FTPT. Nevertheless, the opportunities involved in extending the enforcement reach without recourse to the Council's General Fund, far outweighs the threat posed by a comparative increase in Enforcement Team and Legal Team activities.

4.2. Rent Repayment Orders

- 4.2.1 The Housing Act 2004 introduced Rent Repayment Orders (RROs) allowing Local Authorities to recover up to 12 months Housing Benefit/Universal credit paid in connection with private sector tenancies. Similarly, tenants paying their own rent could also apply to the FTPT for an RRO, once a conviction was secured by the Local Authority.
- 4.2.2 RROs have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences. Under the new legislation an RRO can be applied for when the landlord has committed one of the offences listed in paragraph 2.1.3 above even without a conviction. However, where an application for an RRO is made and the landlord has not been convicted for the relevant offence, the FTPT will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.

- 4.2.3 As a conviction via the courts can only be secured on proving an offence beyond reasonable doubt, the safest way to secure an RRO is to apply after an offence has been successfully prosecuted. Essentially, where an offence has been prosecuted and hence a civil penalty cannot be imposed, a Rent Repayment Order will still then be applied for in appropriate cases.
- 4.2.4 If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be re-paid to the Local Authority. If the tenant paid the rent themselves, then the rent must be repaid to the tenant. If the rent was paid partially through Housing Benefit/Universal credit then an RRO award is repaid proportionally on an equivalent basis. Where an RRO award is at least partially claimable by the Council, an application shall be made via the Council to the FTPT. If the rent was paid in full by a tenant, then an RRO application has to be made by the tenant.
- 4.2.5 Whilst there is no statutory obligation on local housing authorities to support a tenant's RRO application, there is potential scope for providing such support either directly or via partner organisations on a 'no win no fee' basis. At present, only a small proportion of tenants qualified to make an RRO application after a landlord has been convicted do follow through on this. Providing adequate support for such tenants will not only be beneficial to this [at times] exploited clientele, but also ease the potential burden on the Council's limited housing supply/financial support for private tenancy deposits etc.
- 4.2.6 Where a landlord has been sanctioned for an illegal eviction/harassment etc offence via an RRO as well as a prosecution, this sends a message to any prolific offenders within the borough, that there will be no benefit in taking advantage of vulnerable tenants.
- 4.2.7 At the time of writing, the Enforcement Team is working in tandem with the Housing Needs unit, to robustly challenge a number of 'rent to rent' rogue landlords who are seeking to evict tenants unlawfully at the first sign of dissent from these tenants that their living standards are unacceptable. There will be a determined focus towards ensuring that the rights of the tenants and the obligations of those collecting rent in these circumstances are reinforced by using the extended RRO powers now being introduced.

4.3. Banning Orders & and National Database of Rogue Landlords

- 4.3.1 Chapter 3 of the Housing and Planning Act 2016 introduces provisions for the Secretary of state to create a central database of landlords and agents who are fined or convicted of an offence. Local Authorities will be responsible for entering names on the database and maintaining the contents which includes adding details if a banning order has been imposed. All local authorities will have access to the database for the purposes of identifying landlords, agents and owners with properties in more than one borough. If implemented by the DCLG, this national database was planned to be available by October 2017, but has now been deferred due to other ministerial priorities.
- 4.3.2 Section 15(1) of the Act provides the power to a Local Authority in England to apply for a banning order against a person who has been convicted of a banning order offence. It is not yet known what will constitute a banning order

offence and it is envisaged that this will be defined in further Secretary of State Guidance imminently. A banning order under section 14(1) of the Act will prevent a person from:

- letting any dwelling
- engaging in letting agency work
- engaging in property management work
- doing two or more of these activities.

An Order is limited to England and must specify the duration of the order and it must last for at least 12 months.

4.3.3 Under the auspices of the Mayor of London, The Greater London Authority has introduced a criminal landlord database steering group. The group with members from Brent, Camden, Kingston, Newham, Southwark and Sutton, are tasked with developing a London wide rogue landlord register, to be adopted by all London boroughs in October 2017. It is anticipated that the London wide database to be administered via the GLA, should then feed into the DCLG's national database, as and when Local Authorities are required to make their inputs.

4.3.4 The purpose of the rogue landlord database is to enable local housing authorities to record information about and target enforcement action against any landlord who has:

- received a banning order under the Housing and Planning Act 2016
- been convicted of a banning order offence; or
- received 2 or more civil penalties over a 12 month period

It is not uncommon for rogue landlords/agents operating in Brent to be active within other London boroughs, as well as in some cases further afield within England.

4.3.5 The impact of these recommendations will re-enforce the Council's strong enforcement stance on landlords who do not comply with their statutory obligations and enables the Council to penalise the worst landlords by direct economic sanctions. The intention is that this will rebalance the private rental sector away from rogue landlord exploitation, towards a fairer and more equitable deal for their tenants, without a net increase in cost for the Council.

4.4. Tenancy Protection

4.4.1 The 2014 Licensing Scheme reports to Cabinet noted that there was potential for a negative impact of landlords being regulated via licensing enforcement provisions on tenants. This might arise from landlords deciding to leave the rental market rather than engage with licensing enforcement, or from evictions (potentially including illegal evictions) following or in anticipation of enforcement action. There is little evidence that landlords have withdrawn from renting in response to such interventions.

4.4.2 Although Housing and Planning Act 2016 provisions allow for an extension of PHS enforcement activities, it is crucial to note that good landlords will not be adversely affected. On the contrary rogue landlords will be relieved of the proceeds of their crimes, be driven out of the market and better compensation

will now be available for their victims, i.e. tenants at the exploited end of the market.

- 4.4.3 Although there is little evidence that enforcement has led to homelessness applications, there is evidence that tenants have at times moved on to other homes within Brent or elsewhere. To establish a clearer picture of on this, Future of London (FoL) undertook a study, the findings of which will be taken into account in shaping the council's tenancy engagement approach.
- 4.4.4 The FoL study, looked specifically at the effect of unannounced inspections by PHS Enforcement Officers on tenants. The research, which comprised field work, data analysis and interviews with a number of stakeholders (including tenants themselves), painted a mixed picture. Some tenants' situations have improved as a result of an inspection, while others have deteriorated. Information on eviction and displacement has produced a complex range of tenant pathways, with dependent factors including awareness of rights and support structures, and level of tenant vulnerability.
- 4.4.5 Despite data and information limitations, the research had some clear actions for Private Housing Services to take forward:
- Do more to raise private tenant awareness of their rights before, during and after the inspections.
 - Whilst the council's concern must be housing decently its vulnerable communities in priority need, people living in poor-quality HMOs are vulnerable in a different way – from poor conditions and exploitative landlords. A closer and more cooperative relationship between PHS, Housing Needs and the plethora of voluntary sector groups embedded in communities will help to protect all of Brent's communities.
- 4.4.6 As a result of this research an action plan has been developed which will see all of the recommendations made being implemented.
- 4.4.7 At the time of writing, a number of unlawful eviction cases are being addressed via PHS Enforcement, Housing Needs and SSP Law working together in order to attend to the various homelessness emergencies, address the living standards concerns and collate evidence for civil and criminal litigation proceedings. The extended reach of civil penalties, rent repayment orders and banning orders in such circumstances will allow for much greater efficiency and effectiveness in meeting the overall objective of seeking to ensure that private tenants live in a premises that are "...*safe, sustainable and well maintained*...". Of particular note, is that private sector tenants will become increasingly aware of their rights through publicity on evictions thwarted and rent repayment orders awarded to rogue landlord victims.

5. Financial Implications

- 5.1 Since January 2016, the Crown prosecution has charged landlords £0.6m in fines. The Council is not currently awarded any of the proceeds of these fines

and can only claim back the costs associated in bringing the case to court (£0.15m to date).

- 5.2 The Council currently spends £0.7m on enforcement and although the extension of the Selective License Scheme designations across the borough will generate further revenue, the costs of the scheme partially exclude the costs of any enforcement action. Wider licensing coverage however, will inevitably uncover a greater demand for enforcement interventions and would therefore mean that additional general funding would be required to support the Council's statutory enforcement role, unless the new Civil Penalty powers are activated.
- 5.3 The government has indicated that the income from civil penalties can be retained by the Local Authority to be used to fund its statutory functions in relation to the private rented sector.
- 5.4 The level of projected income generated by imposing Civil penalties cannot accurately be forecast as the decision on when to prosecute and when to issue a civil penalty shall be decided initially on a case by case basis.
- 5.5 However, it is necessary to make some reasonable assumptions for budgeting purposes. Taking the gross fines income imposed by the Crown as a benchmark, the council could generate £0.32m pa of gross fines income if 80% of cases were assessed for Civil penalties rather than prosecution (based on pro rata gross Crown prosecutions to date). When accounting for any new fees/charges/fines, consideration needs to be taken on the likelihood of collection of these debts and an appropriate level of funding set aside to accommodate any bad debts. Lacking any collection experience data in this area at present, a ratio of 25% is initially proposed, leaving net income of £0.24m.
- 5.6 Civil penalty charges are not directly enforceable, meaning that where the landlord or property agent fails to pay a Civil penalty, the council would need to secure a County Court Judgement. This may be costly and time consuming, thereby creating resource implications for the Brent Legal and Debt Collection teams. To recognise this likely cost £0.04m of the net income is proposed to be set aside to meet the cost of employing another officer, if necessary, leaving £0.2m of additional income that could be attributed directly to front-line enforcement activity.
- 5.7. These assumptions will be reviewed after the new service has operated for long enough to provide realistic data on activity levels.

6 Equalities Implications

- 6.1 It is anticipated that an extended PHS Enforcement reach, will have positive outcomes for tenants across all protected characteristics, particularly those who are currently over-represented in the PRS.
- 6.2 The findings of recent equality analysis show that various groups such as the Other White ethnic group, are over-represented in the private rental sector. However, once the new enforcement powers are adopted, all equality groups are likely to benefit from improvements in engagement, communication and

signposting information between the council, landlords and tenants, as well as greater protection from or compensation for unlawful eviction.

- 6.3 The Equality Analysis, has also identified some potential negative consequences for over-represented equality groups, namely Black, Asian and minority ethnic (BAME) landlords that are overrepresented in Brent. Nevertheless, it is anticipated that poor landlords of all equality groups will be sanctioned for the benefit of vulnerable tenants of all representations.

7. Staffing and Accommodation Implications

- 7.1 With the introduction of Selective and Additional licensing in January 2015 Private Housing Services already has a dedicated and experienced team of officers employed to carry out enforcement activities. The service will seek to develop a growth strategy, once the new processes are embedded and it becomes financially viable to increase the number of Enforcement Officers and other supporting services needed to have a more defining impact on the private rental sector.
- 7.2 As stated above, all staffing and other required activities will be funded from the income generated by the licence fee and civil penalty notices.

8. Risk Management

- 8.1 The main risk from the adoption of these new powers will be successful appeals from landlords. This risk will be mitigated by taking legal expert advice on the enforcement processes, legal vetting of potential appeal defences and a comparison of best practice with other local authorities. As the programme unfolds, Enforcement Officers will receive the necessary training, be guided by regularly reviewed procedures updated to reflect the sway of relevant appeals either upheld or dismissed.
- 8.2 A further risk will be an inability to collect the income from some civil penalties that are imposed. This risk will be mitigated by a focus on a prosecution-rent repayment order strategy for 'rent to rent' landlords/agents with unestablished status. In these circumstances, the chasing of financial payments are best left with the courts with their own sanctions for a failure to comply with an issued Judgement.
- 8.3 Furthermore, the Proceeds of Crime Act (POCA) 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a result of their criminal activity. POCA proceeds are retained by the Council and then used for carrying out the relevant enforcement duties. With one high profile POCA case already in process, it is anticipated that this area of PHS Enforcement intervention will steadily increase in future.
- 8.4 Where civil penalties are levied and outstanding payments are to be collected, the Council will be required to allocate specialist legal and financial expertise for necessary enforcement. The options here could include applying for county court judgements, a charging order to secure debt and an enforced sale to recover the debt.

- 8.5 The Council's reputation could be at risk if the public perceive that the new powers are being implemented for financial gain rather than for necessary enforcement. This risk will be mitigated by a communication strategy emphasising the aims of tenancy protection and support, targeting of the worst offenders and clarification that raised income is ring fenced to support statutory functions in support of the private rental sector.

9. Consultation

- 9.1 There has been extensive national consultation by the DCLG on measures to crack down on rogue landlords who rent out unsafe, overcrowded, badly managed properties and the Council has engaged extensively on this.

10. Legal Implications

- 10.1 - Discussed within the body of the report

11. Background Papers

- 11.1 - As attached

12. Contact Officer

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Appendix 1: Civil Penalty Notice Matrix

Factors	Score = 1 to 7	Score = 8 to 14	Score = 15 to 20	Total
1-Deterrence & Prevention	High confidence that a financial penalty will deter repeat offending. Publicity not required as a deterrence,	Medium confidence that a financial penalty will deter repeat offending. Some publicity will be required as a deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat offending. Mass publicity will be required as a deterrence in the landlord community.	
2-Removal of Financial Incentive	No significant assets and low financial profit made by offender.	Small landlord/agent managing up to 5 properties and/or some rental income retained.	Portfolio landlord/agent running over 5 rental properties.	
3-Offence & History	No previous history and single low offence.	More than one recent offence and/or moderate level offence(s).	Multiple and/or continuous serious offences.	
4- Harm to tenants – DOUBLE WEIGHTING	Low potential harm to tenants and single household dwelling.	Moderate potential harm to tenants and/or small HMO with up to 5 tenants,	High level of potential harm to occupants, continuous impact and/or large HMO with more than 5 occupants	
Cumulative Total	N/A	N/A	N/A	

- Only one option must be scored for each row with supporting reasons recorded separately
- Each row must be scored
- Each calculated score shall be justified via evidence prepared to a prosecution case standard
- The scoring matrix will result in a minimum of £300 and a maximum of £30,000 in penalties (see table below).
- Full payment within 28 days of the 'Notice of Intention' shall attract a 20% discount the overall penalty charge

Score Range	Penalty Charge
1 - 5	£300
6 - 10	£500
11 - 20	£750
21 - 30	£1000
31 - 40	£2,500
41 - 50	£5,000
51 – 60	£10,000
61 - 70	£15,000
71 – 80	£20,000
81 - 90	£25,000
91 - 100	£30,000

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Private Housing Services Enforcement Policy

Guidance for Private Housing Services Enforcement Officers

1. Introduction

- 1.1 This document sets out Brent Private Housing Services (PHS) Enforcement policy and working guidance. It explains how Brent as a Local Housing Authority (LHA) aims to deliver some key aims and objectives ultimately derived from the Brent Borough Plan (2015-2019). It applies to those enforcement functions administered via the Council's PHS Enforcement Team. These will include:-
- Reducing category 1 hazards in the private rented sector
 - Reducing high category 2 hazards for licensable properties within the same sector
 - Taking enforcement action in relation to the Property Licensing Schemes. This includes both failure to licence and breach of conditions enforcement
 - Regulating standards of management, repair, amenity provisions and safety in houses in multiple occupation.
 - Investigation and abatement of public health nuisances.
 - Taking and/or facilitating robust enforcement action against rogue landlords including civil penalties and Rent Repayment Order proceedings against such landlords, under the provisions of the Housing and Planning Act 2016.
 - Using a holistic approach towards PHS enforcement activities, to deliver good support for compliant landlords needed to partner with the Council in meeting the demand for accommodation that is safe and well presented, whilst ensuring that non-compliant landlords are taken to task as best as the legislative framework allows.
- 1.2 This policy together with a set of procedures contain information on how the enforcement tools, provided by the Housing Act 2004, the Housing and Planning Act 2016 and general public health legislation, can be used fairly and consistently to achieve improvement to housing, health and the environment in the Borough. A working guidance for the commonly occurring hazards, the work process flowcharts and case reporting procedure are also included.
- 1.3 An opportunity will be given to small landlord businesses to be self-regulating, where ever possible and to put things right when things go wrong. We will therefore focus our enforcement activity where this self-regulation fails.
- 1.4 The Council expects landlords to support their tenancies throughout any enforcement action and our enforcement has been framed on the basis that all available tenancy protection tools available under current legislation, will be used as effectively and efficiently as possible for this purpose.

2. How we decide what to inspect or investigate

2.1 We will target our programmed, routine and reactive inspections on those premises, nuisances and other public health matters that are statutory requirements and/or present the greatest risk to occupiers, neighbours and the public. Unlicensed Houses in Multiple (HMOs) are of particular interest at this time, in view of the over 10,000 such properties essentially identified via risk analysis research and the impact of these on Overcrowding, Anti-social behaviour and other blights within the Borough.

2.2 We have a Corporate Complaints Policy which explains how and when we aim to respond to complaints. Some categories of complaints are urgent and all referrals shall be actioned in a time sensitive manner, thereby minimising the need for a formal complaint to be made.

2.3 **Leaseholder complaints:** PHS often receives complaints from leaseholders requesting assistance in taking action against other leaseholders or freeholders. PHS action will be limited to;

- Failure to licence enforcement, statutory nuisances enforcement and, Category 1 and high Category 2 hazards enforcement, where the leasehold flat is tenanted.

In all other situations e.g. civil disputes between freeholder and leaseholder, the leaseholder will be redirected to;

- The Leasehold Advisory Service - 31 Worship Street, London E2CA 2DX, telephone 020 7374 5380 info@lease-advice.org.uk.
- Advised to contact a solicitor who specialises in leasehold law

2.4 **Registered social landlord complaints:** PHS often receives complaints from registered social landlord (RSL) tenants requesting action against their landlord. PHS action will be limited to;

- Cases where the tenant is able to show that the internal complaints process of the RSL has been exhausted and it would be inappropriate to refer the matter on to the Housing Ombudsman because of outstanding health and safety concerns without a timely plan of action being provided by the RSL.

In all other situations e.g. dissatisfaction with the RSL's timescales, the tenant will be redirected to;

- The Housing Ombudsman Service – Exchange Tower, Harbour Exchange Square, London E14 9GE , Tel 0300 111 3000, email: info@housing-ombudsman.org.uk
- Advised to contact a designated service or solicitor specialising in housing law.

Part 1 – Housing Conditions Enforcement

1. Summary

- 1.1 The principal legislation used by PHS is the Housing Act 2004 along with new and extended provisions under the Housing and Planning Act 2016. However, there are circumstances where other legislation may be more appropriate in dealing with the identified problem. Officers will be expected to use professional judgement to determine the most appropriate piece of legislation to use. In some cases it may be appropriate to use a range of enforcement tools.**
- 1.2 The key principle is to deal with a complaint in the most efficient and cost effective way possible by using the full range of enforcement powers and to meet the levels of service set out in our *Customer Promise*.**

2. Housing Act 2004 & The Housing Health and Safety Rating System

- 2.1 Where the PHS Enforcement team has reason to enter a property we will *risk* assess the whole property using the housing health and safety rating system (HHSRS).
- 2.2 The Councils overall objective is to remove category 1 hazards and achieve the Decent Homes Standard in accommodation where possible. This is particularly important in premises occupied by vulnerable groups. It is therefore the Councils intention to remediate to achieve this standard where ever possible if formal action is required.
- 2.3 It is the Councils policy to make full use of its powers under a range of statutory instruments as many hazards in Brent can be remedied in this way; the legislation is detailed later in this section.
- 2.4 The 2004 Act places a duty on the Council to take action where a category 1 hazard has been identified. There is a discretionary power to deal with category 2 hazards. An improvement notice must be served where there are Cat 1 Hazards present. High Cat 2 Hazards (D and E) can also be included on the notice.
- 2.5 An improvement notice may be served where Cat 2 hazards exist. Where licensable properties are affected by high Cat 2 Hazards (D and E) an improvement notice shall be served and/or licensing enforcement action shall be taken to address the deficiencies. Officers should use their professional judgement as to whether a Housing Act notice route and/or a civil penalties-rent repayment order solution is to be pursued. Further guidance on this shall subsequently be provided within this document.
- 2.6 The Act provides a range of enforcement tools:-

Improvement Notices – section 11 is used for category 1 hazards, section 12 is used for category 2 hazards, or both category 1 and 2 hazards can be included on the same notice.

An improvement notice should be used where reasonable remedial works can be carried out to reduce the hazard sufficiently.

Prohibition Orders – section 20 for category 1 hazards and section 21 for category 2 hazards, or both category 1 and 2 hazards can be included on the same notice. This order may prohibit the use of part or all of a property for some or all purposes or for occupation by a particular number or description of people. An order may be appropriate where conditions present a risk but remedial action is unreasonable or impractical. It may also be used to limit the number of persons occupying the dwelling, or prohibit the use of the dwelling by specific groups.

In an HMO it can be used to prohibit the use of specified dwelling units.

Hazard Awareness Notices (HAN) – section 28 for Cat 1 and section 29 for Cat 2, or both Cat 1 and 2 hazards can be included on the same notice. This is used where a hazard has been identified but it is not reasonable or appropriate to take formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if it is considered that a follow up inspection is required without being notified by the affected person(s). This notice is not registered as a land charge and has no appeal procedure.

Emergency Remedial Action - section 40 – this is only available for use where there is an imminent risk of serious harm resulting from a category 1 hazard. The authority must enter the premises and undertake any necessary remedial works that are required to reduce the immediate risk. A warrant to enter the premises in order to carry out the work may be granted by a justice of the peace where he/she is satisfied that the authority would not be granted admission.

Emergency Prohibition Order – section 43 – this is only acceptable for use where there is an imminent risk of serious harm, the hazard rates as a category one and where it is not practical to carry out the remedial works as in section 40. It can prohibit the use of all or any part of the premises with immediate effect.

Demolition Order – this can only be used in response to category 1 hazards, but not if the building is listed. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.

Clearance Area – All residential buildings in the proposed area must have at least one category 1 hazard. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.

Suspended Improvement Notices or Prohibition Orders – these notices may be suspended where enforcement action can safely be postponed until a specified event or time. This could, for example, be a period of time or a change in occupancy. Current occupation and wishes must be taken into account. These may also be considered where there is evidence of programmed maintenance by portfolio landlords. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the LHA's involvement and the situation must then be reviewed. It is also recorded as a land charge.

Subject to the templates being available, all statutory notices shall be produced and logged via Acolaid Enterprise and irrespective of how it is produced, a lock file copy of each notice shall be stored on the IDOX document management system.

3. Public Health Legislation

- 3.1 The following legislation is available where the Housing Act 2004 measures are not appropriate, do not sufficiently deal with the problem, or a quicker resolution can be achieved.
- 3.2 There is a duty on officers to deal with some types of problems e.g. serious and e.g. a hazardous environment/statutory nuisances in some circumstances where the most appropriate powers lie beyond the Housing Act 2004 provisions.
- 3.3 Officers should keep abreast of particular changes of legislation and directives as required to undertake duties professionally.

- **Environmental Protection Act 1990 section 80**

Notices may be served if the officer is of the opinion that there is a statutory nuisance at the premises and it is reasonably practicable to do so, bearing in mind the departmental priority of improving living standards within the *private rented sector*. The premises must be deemed prejudicial to health (disease) or a nuisance (crosses a boundary). This notice can be used to remedy the following common defects;

- Damp and mould growth
- Broken or inefficient hot water and heating systems
- Leaks between flats/dwellings
- Clearing putrescible waste from gardens

Case law such as Bristol CC vs. Everett must be referenced as this provided a narrow definition of prejudicial to health to cover disease rather than any wider health and safety element.

- **Housing Act 1985 (as amended)**

Some provisions within the 1985 Act have not been revoked and may be appropriate to use in some circumstances. In particular the overcrowding provisions (Part X) are still available and can be used where the 2004 Act is not sufficient (e.g. single household dwellings, not required to be licensed, or otherwise outside the scope of section 139 of the 2004 Act).

- **The Management of Houses in Multiple Occupation (England) Regulations 2006**

These regulations have been introduced to deal with management issues (mainly common parts) in all HMO other than s.257 HMOs (converted self-contained flats).

Most practicably, action under these regulations will involve summary prosecution for breaches of these regulations in tandem with failure to licence proceedings, as properties already licensed are more readily regulated via breach of licence conditions proceedings.

These are an extremely quick and efficient form of enforcement action and should be used wherever appropriate.

- **The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007**

These regulations can be used to deal with management issues (mainly common parts) in s.257 HMOs (self-contained flats which were converted pre 1991 and the building work undertaken in connection with the conversion did not comply with the 1991 building regulations).

3.4 Supporting Legislation: **The following legislation is also used as part of the day-to-day collection of information, preparing cases for prosecution and gathering evidence.**

- **Housing Act 2004 s.235** – power to require information
- **Local Government (Miscellaneous Provisions) Act 1976 section 16** - Used to formally request information about a premises or a person.
- **Police and Criminal Evidence Act 1984**
- **Criminal Procedures and Investigation Act 1996 as amended**

Subject to the templates being available, all enforcement documentation shall be produced and logged via Acolaid Enterprise and a lock file copy of each document required for possible litigation shall be stored on the relevant IDOX document management system.

4. Enforcement Procedure

4.1 This Enforcement Guidance will cover the general principles of good enforcement practice and provide a framework to enable enforcement action to be prioritised and linked to local housing and environmental conditions. Priorities for enforcement will also reflect local and regional housing strategies and policies.

4.2 PHS is responsible for enforcing a wide range of statutory provisions relating to the state of repair and environmental conditions affecting the health and safety of the occupant and bringing empty properties back into use.

4.3 Where other agencies are required to take enforcement action e.g. LFEPA, Planning and Building Control, PHS will co-ordinate this action to ensure that there is no duplication or inconsistencies in the action required.

4.4 In general any enforcement action will be taken in line with the Regulators Compliance Code and with the principles of good enforcement outlined in the Enforcement Concordat. This framework requires that regulators should ensure there is clear information, guidance and advice available to help those they regulate to meet their responsibilities to comply

4.5 General enforcement policy

4.5.1 This policy deals with the practical application of enforcement procedures that will be used to achieve statutory housing and environmental standards. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from officers.

4.5.2 To ensure consistency and adherence to the enforcement policy there are internal procedures in place for all cases to be monitored and reviewed.

4.5.3 Where formal action is required officers will provide;

- Clear information and advice to all relevant parties
- Ensure an opportunity is given to discuss what is required before formal action is taken (unless urgent action is required)
- Advise the relevant parties of the named officer responsible for dealing with their case.
- Give written explanation of any rights of appeal at the time the notice is served
- Notify the relevant parties about any financial charge that the Council may apply and seek to recover as part of the enforcement process

For Working Flow Charts – See Appendices

5. General Conduct

5.1 Officers will show their identification badges and offer these for scrutiny when visiting people or requesting access to premises. They should also carry their proper authorisation cards with them when inspecting premises.

5.2 All authorisations of enforcement officers must be in writing, specifying the limits of authorisation and will form part of the identification cards shown on visits.

6. Complaints

6.1 In the event that an individual or company is not satisfied with the service they should be directed in the first instance to the Team Manager.

6.2 If this does not resolve the complaint the Council also has a formal complaints system via www.brent.gov.uk

7. Housing Act 2004 Part 1 Enforcement

7.1 The Housing Act 2004 and subsequent HHSRS Regulations 2005 have identified a number of hazard categories that have been found within the home. There are 29 hazards that arise from disrepair, lack of maintenance or poor design. The health effect from these hazards range from death to minor injuries and the HHSRS provides the opportunity to compare unrelated hazards such as fire with other hazards such as damp and mould growth. This is done through the calculation of a hazard score. The higher the score the higher the risk posed by the hazard.

7.2 This enforcement policy sets the following prioritisation scheme for dealing with hazards, this will be subject to regular review. The principal behind this is detailed below.

- All category 1 hazards will be dealt with as a priority over category 2 hazards.
- Where there are multiple category 1 hazards or a mixture of category 1 and high category 2 hazards (i.e. D and E) all will be included on one improvement notice where applicable.
- In some circumstances the use of other enforcement tools should be considered to deal quickly with a defect or deal with a defect which may not achieve a High Category 2 e.g. where damp and mould can be addressed via the landlords obligation to address disrepair within a licensable property.

7.3 Vulnerable Groups

7.3.1 Enforcement action should normally be taken on the basis that the property will at some time in the future be occupied by a vulnerable person, the main facts which influence this decision is that;

7.3.2 Brent's private rented sector (PRS) currently represents around 1/3rd of the housing stock (I.e. approx. 40,000 properties) and is still growing. It is now bigger than the Registered Social Landlords (RSL) sector within the Borough. The corporate vision is that *"Brent will be a thriving, vibrant place, where our diverse community lives in an environment that is safe, sustainable and well maintained."*

Recent research commissioned by the Council confirms that whilst there is generally good accommodation for PRS tenants, supply is very limited, costs are relatively high and anti-social behaviour challenges prevail in some tenures/localities. Furthermore, tenants living in poor accommodation often feel 'trapped' due to a lack of viable alternatives.

7.4 Notice of Entry

7.4.1 There has been a number of decisions by the RPT that indicate that it is necessary to serve a S.239 Notice of Entry notice on the landlord before visiting a premises for Part 1 HA 2004 enforcement investigations.

7.4.2 Where you are invited in to do an inspection by the tenant, the policy is that ordinarily there is no need to serve a separate section 239 notice above and beyond the initial appointment letter.

When sending an initial appointment letter this should be indicated as being enacted under s.239 Notice of provisions, clearly stating the date, time, time and reason for inspection. The initial inspection letter and section 239 notice shall be produced and

logged via Acolaid Enterprise as per all other statutory notices wherever possible. Part 2/3 HA 2004 licensing inspections can be carried out via unannounced attendance, but relevant authorisation must be available to show occupants on request.

7.5 Section 8 Statement of reasons

- 7.5.1 Under section 8 of the Housing Act 2004, a statement must be prepared detailing which notice provisions are being considered. The statement must also include why the other options have been discounted at this stage. In making these decisions regard may be given to:
- The seriousness of the situation and any imminent risk to health and safety
 - The current occupation and the impact the decision may have on the social exclusion of certain groups of people,
 - The turnover of tenants or occupants to the property,
 - The management of the property,
 - The occupants' views,
 - The owners' views,
 - The number of hazards within the property and whether they are category 1 or category 2
 - The enforcement policy and procedures, the private sector housing strategy and housing strategy.
 - The decent homes standard
 - Consultation and views of other services
- 7.5.2 Once a decision has been made the appropriate notice procedure must be followed. When taking any form of action a covering letter and the statement of reasons under section 8 must also accompany the notice and the schedule of works.
- 7.5.3 The Residential Property Tribunal has been giving great weight to these statements and have criticised non-specific standardised statements, it is therefore important to make these quite individual in each case.

7.6 Consultation

- 7.6.1 Officers will usually consult interested parties (including tenants) on their proposals for Category 1 and Category 2 hazards to be addressed. The exception may be where the issue is urgent or dangerous and cannot wait while a consultation process is undertaken. These comments may include alternative works or other matters such that officers may revise the schedule or time period for compliance before serving the Notice.
- 7.6.2 If an Improvement Notice under the Housing Act 2004 is considered the most appropriate course of action the case officer should usually send a Pre notice letter to the landlord (prepared via Acolaid Enterprise) explaining the findings of the inspection and hazard scoring and invite them to make a representation so their views can be taken into consideration. The letter should give the landlord a reasonable time to make their representations to the case officer.

- 7.6.3 During this consultation period the case officer should be drafting up the notice and schedules ready for service at the end of the consultation period. If a representation is made then they should be documented and incorporated into the statement of reason as part of the consultation with the landlord/person responsible.
- 7.6.4 The Pre notice letter will indicate that a Notice is to be served but we are consulting with them to consider their views and agree works and timescales for the Notice schedules. Any agreed works and timescales shall be drafted into the notice which must be drafted and ready to be served immediately after the expiry of the consultation period. The Pre notice letter will also indicate a charge of £300 for serving of the notice that will apply.
- 7.6.5 If the landlord/person responsible does not make a representation within the consultation period then a notice must be served and the charge will apply with immediate effect.

7.7 Charging

- 7.7.1 There will be a charge for Notices served under the Housing Act 2004, excluding management regulations.
- 7.7.2 The Housing Act 2004, s49: *Power to charge for certain enforcement action* and section 50: *recovery of charge under s49* permits the Council to charge and recover expenses incurred in respect of certain enforcement action exercised under Chapter 5, Part 1 of the Act.
- 7.7.3 These include improvement notices (sections 11 & 12), prohibition and emergency prohibition orders (sections 20, 21 and 43), emergency remedial action (section 40) and demolition orders (sec 265, Housing Act 1985).

8. Level of remedial works required

- 8.1 As a minimum, category 1 hazards must be reduced to a low category 2.
- 8.2 Where this is not possible all reasonable steps must be taken to reduce the hazards as far as reasonably practicable. In some cases, such as listed buildings, category 1 hazards may remain. This scenario should have been considered when deciding which course of action is most appropriate and may influence the officer's decision as to which type of enforcement action to take.
- 8.3 When deciding on the remedial works, regard must be had to the seriousness of the hazard, the ideal that the property should achieve, the decent homes standard, current Building Regulations and the level of work required that is reasonable to reduce the hazard significantly without incurring excessive cost.
- 8.4 For the hazard of fire, where the property is an HMO, section 10 of the Housing Act 2004 states that the LHA must ordinarily consult with the Fire Authority before taking any action and deciding on the remedial works. For further guidance regarding the lead enforcement role of PHS or the LFEPA in various building categories etc, please check the Lacors Housing guidance manual.

- 8.5 Wherever possible enforcement action should result in the property becoming a Decent Home. In some rare circumstances this may not be achievable in such cases this should be discussed with the team manager.
- 8.6 Further details and standards can be found by referring to specific HHSRS technical guidance

9. Prosecution

- 9.1 Where there is a summary offence, breach of a notice or an order the officer must investigate the offence and prepare the case for prosecution. This may involve interviewing relevant people under caution, following the relevant parts of the Police and Criminal Evidence Act 1984.
- 9.2 In making a decision whether to prosecute or not officers will have regard to the Code for Crown Prosecutors (Prosecutors employed by the Crown Prosecution Service). This is to ensure that fair and consistent decisions about prosecutions are made. However there is a presumption to prosecute unless there are extraordinary circumstances.
- 9.3 The code of practice details two tests, which govern the decision-making process. A case must pass both tests to show that prosecution is appropriate, the evidential test and public interest test.
- 9.4 Where a prosecution is taken Legal should request the Court to consider a compensation claim on behalf of the tenant. The defendant should be informed that you are intending to request the Court to consider this if the prosecution is successful.
- 9.5 Other legal remedies such as injunctions/unlawful eviction proceedings should be explored where necessary against a landlord where there has been an illegal eviction.

10. Works in Default

- 10.1 The Housing Act 2004 and other legal powers outlined above make provision for the Council to carry out the works to a property where the person responsible has failed to comply with a notice. The WID process flowcharts follow at the end of the document as appendices.
- 10.2 WID and Prosecutions should be carried out simultaneously where statutory notices have not been complied with AND there is a possibility of homelessness or an occupier having to leave their home as a result of a continuing problem.
- 10.3 In deciding whether works in default is an option, the officer must consider the imminent risk to health and safety and whether undue delay would put the occupier, visitors or the public at increased risk. They must also consider what the minimum works required would be to remove the risk.
- 10.4 The cost of the works must be assessed and the Councils financial standing orders and procurement procedure followed. At present, There is a 30% surcharge over and above the cost of the works to cover for the administrative obligations involved in the event of Works in Default being commenced. The responsible person(s) must be advised of this in writing before commencement.

Part 2 – Property Licensing Enforcement

1. Introduction

- 1.1 The Housing Act 2004 provides for three types of licensing within the private rented sector: mandatory licensing of certain Houses in Multiple Occupation (HMOs), additional licensing of HMO's and the selective licensing of other residential accommodation. Brent is operating a variety of these licensing schemes and as of 1 January 2015, has introduced a borough wide additional scheme and a selective licensing scheme covering the designated wards of Harlesden, Willesden Green and Wembley Central.
- 1.2 Many landlords are responsible and provide adequate housing with good management, but there are some that lack the skills, knowledge and/or willingness to manage their properties professionally. It is these types of property that often cause the problems.
- 1.3 Mandatory licensing is aimed at certain types of HMO with 3 or more storeys and they must be occupied by 5 or more people who constitute more than one household. There must be an element of sharing facilities or amenities. Section 257 HMOs are also included within this remit.
- 1.4 Additional licensing is aimed at all other HMOs occupied by 3 or more people who constitute more than one household throughout the borough. Section 257 HMOs are also included within this remit.
- 1.5 Selective licensing is not descriptive specific in that there is a requirement to licence all other residential accommodation other than HMO's that fall under the mandatory/additional scheme in a designated area. This includes flats, houses, HMO's and single family properties.
- 1.6 The licensing function has been introduced in order to:
 - Ensure landlords are 'fit and proper persons' or employ agents who are
 - Establish that adequate management is in place
 - Ensure the accommodation is adequate for the number of occupiers
 - Allow for tenants' health, safety and welfare to be safeguarded and for high risk properties and their landlords to be identified via enforcement action under Parts 2 and 3 of the 2004 Act as well as under Part 1 of the said Act.

2. Aims of Property licensing

- 2.1 Brent Council aims to ensure fairness and transparency when administering the property licensing schemes, and in particular seeks to ensure that co-operative and compliant landlords are not disadvantaged compared with landlords who do not co-operate, and/or operate unsafe or poorly managed properties. This is reflected in the fees system which allows for longer license periods for well managed properties and requiring licenses to be renewed more regularly for those that are poorly managed, providing a financial saving to good landlords.
- 2.2 The council aims to publicise any Licensing Schemes, to assist landlords in running their businesses in compliance with the legislation.
- 2.3 The council aims to provide guidance and assistance to enable landlords to understand the requirement to licence properties and to comply with the licensing legislation.
- 2.4 The council aims to grant property licences in the maximum number of cases, within the requirements stipulated by the Housing Act 2004.
- 2.5 The council aims to take robust action when it gains evidence that there has been a failure to licence a property that is required to be licensed, to ensure that compliant landlords are not disadvantaged.
- 2.6 The council aims to respond to licensing customers at all times in accordance with the Council's Customer Care Policy.
- 2.7 The fee must only take into account all the costs incurred by the council in carrying out their functions under Part 2 and 3 of the Act. Brent Council has therefore developed a fee structure that reflects the work involved in processing an application and granting or refusing a licence.
- 2.8 The fees will be reviewed at regular intervals to reflect how the scheme evolves and any additional costs incurred by the council, e.g. annual increases in council costs.

3. Offences for failing to licence a licensable property

- 3.1 The Housing and Planning Act 2016 has now introduced civil penalties of up to a maximum of £30,000 in respect of the following offences:
 - Failure to comply with an Improvement Notice
 - Failure to licence or be licensed in respect of Houses in Multiple Occupation (HMOs)
 - Failure to licence or be licensed in respect of the Landlords Selective Licensing Scheme
 - Failure to comply with licensing conditions
 - Failure to comply with an Overcrowding Notice
 - Failure to comply with a regulation in respect of an HMO
 - Breaching a Banning Order

Funds arising from these penalties are retained for housing enforcement activities.

3.2 The same Act also introduces the option of applying for a Rent Repayment Order (RRO) in respect of the following offences:

- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Breaching of a Banning Order
- Using violence to secure entry to a property
- Illegal eviction or harassment of the occupiers of a property

Where rent is paid by the Council, an RRO award is retained by the Council, whilst an award to tenants paying their own rent is due to the tenant.

4. Inspections

- 4.1 The council aims to administer Property Licensing Schemes efficiently and effectively, and as such, the majority of applications will be considered without the need for any further inspections.
- 4.2 However, all licensed HMO properties must be inspected within the licence period to check that the information supplied is correct and that the property is free from serious hazards. In most instances, such post – licensing inspections will be carried out via the Licensing Team, who will then pass on cases requiring attention to Cat 1 hazards and/or other major non-conformities to the Enforcement Team.
- 4.3 Licensing does not preclude the council from taking any of the enforcement actions described in Part 1 of the Housing Act 2004 in relation to any hazards found and in many cases an improvement notice will be the most appropriate course action.

5. Enforcement – Civil Penalties and Prosecutions

- 5.1 The Housing and Planning Act 2016 contains several provisions relating to licensing of privately rented homes and housing enforcement related to this type of tenure. They include such measures as the ability for housing authorities to impose a civil penalty in lieu of prosecution, as a means of dealing with rogue landlords.
- 5.2 A civil penalty can only be imposed as an alternative to prosecution, as the legislation does not permit a Local Authority to impose a civil penalty and prosecute for the same offence. Similarly if a civil penalty has been imposed, a person cannot then be convicted of an offence for the same conduct.
- 5.3 The decision on when to prosecute and when to issue a civil penalty shall be decided on a case by case basis, in accordance with the **work process flow charts** which have been updated to include reference to the issuing of civil penalties as an alternative to prosecution for relevant offences under the Housing Act 2004.
- 5.4 Where a civil penalty is imposed, an appeal can be lodged at the First Tier Property Tribunal (FTPT). A Local Authority will then need to demonstrate ‘beyond reasonable doubt’ that an offence has been committed. Enforcement officers shall serve the

required statutory notices (at least 2 to be served), deal with defendant representations and work jointly with Brent Legal Services to defend any appeals at the FTPT, all in accordance with the **work process flow charts**.

6. Enforcement – Rent Repayment Orders

- 6.1 Under Housing Act 2004 provisions, Rent Repayment Orders (RROs) allowing Local Authorities to recover up to 12 months Housing Benefit/Universal credit paid to any person in connection with occupying a rented home. Similarly, tenants paying their own rent could apply to the FTPT for an RRO, once a conviction was secured by the Local Authority.
- 6.2 RROs have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences. Under the new legislation an RRO can be applied for when the landlord has committed one of the offences listed in paragraph 3.2 above even without a conviction. However, where an application for an RRO is made and the landlord has not been convicted for the relevant offence, the FTPT will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.
- 6.3 As a conviction via the courts can only be secured on proving an offence beyond reasonable doubt, the safest way to secure an RRO is to apply after an offence has been successfully prosecuted. Essentially, where an offence has been prosecuted and hence a civil penalty cannot be imposed, a Rent Repayment Order shall still then be applied for in appropriate cases.
- 6.4 If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be re-paid to the Local Authority. If the tenant paid the rent themselves, then the rent must be repaid to the tenant. If the rent was paid partially through Housing Benefit/Universal credit then an RRO award is repaid proportionally on an equivalent basis. Where an RRO award is at least partially claimable by the Council, an application shall be made via the Council to the FTPT. If the rent was paid in full by a tenant, then an RRO application has to be made by the tenant.
- 6.5 Whilst there is no statutory obligation on local housing authorities to support a tenant's RRO application, there is potential scope for providing such support either directly or via partner organisations on a 'no win no fee' basis. At present, only a small proportion of tenants qualified to make an RRO application after a landlord has been convicted do follow through on this. Providing adequate support for such tenants will not only be beneficial to this [at times] exploited clientele, but also ease the potential burden on the Council's limited housing supply/financial support for private tenancy deposits etc.
- 6.6 Where a landlord has been sanctioned for an illegal eviction/harassment etc offence via an RRO as well as a prosecution, this sends a message to any prolific offenders within the borough, that there will be no benefit in taking advantage of vulnerable tenants.

7. Enforcement – Banning Orders

7.1 Chapter 3 of the Housing and Planning Act 2016 introduces provisions for the Secretary of state to create a central database of landlords and agents who are fined or convicted of an offence. Local Authorities will be responsible for entering names on the database and maintaining the contents which includes adding details if a banning order has been imposed. All local authorities will have access to the database for the purposes of identifying landlords, agents and owners with properties in more than one borough. If implemented by the DCLG, this national database should be available by October 2017.

7.2 Section 15(1) of the Act provides the power to a Local Authority in England to apply for a banning order against a person who has been convicted of a banning order offence. It is not yet known what will constitute a banning order offence and it is envisaged that this will be defined in further Secretary of State Guidance imminently. A banning order under section 14(1) of the Act will prevent a person from:

- letting any dwelling
- engaging in letting agency work
- engaging in property management work
- doing two or more of these activities.

An Order is limited to England and must specify the duration of the order and it must last for at least 12 months.

7.3 Under the auspices of the Mayor of London, The Greater London Authority has introduced a criminal landlord database steering group. The group with members from Brent, Camden, Kingston, Newham, Southwark and Sutton, are tasked with developing a London wide rogue landlord register, to be adopted by all London boroughs in October 2017. It is anticipated that the London wide database to be administered via the GLA, should then feed into the DCLG's national database, as and when Local Authorities are required to make their inputs.

7.4 The purpose of the rogue landlord database is to enable local housing authorities to record information about and target enforcement action against any landlord who has:

- received a banning order under the Housing and Planning Act 2016
- been convicted of a banning order offence; or
- received 2 or more civil penalties over a 12 month period

It is not uncommon for rogue landlords/agents operating in Brent to be active within other London boroughs, as well as in some cases further afield within England.

7.5 The impact of these recommendations will re-enforce the Council's strong enforcement stance on landlords who do not comply with their statutory obligations and enables the Council to penalise the worst landlords by direct economic sanctions. The intention is that this will rebalance the private rental sector away from rogue landlord exploitation, towards a fairer and more equitable deal for their tenants, without a net increase in cost for the Council.

8. Enforcement – Tenancy Protection Considerations

- 8.1 The 2014 Licensing Scheme reports to Cabinet noted that there was potential for a negative impact of landlords being regulated via licensing enforcement provisions on tenants. This might arise from landlords deciding to leave the rental market rather than engage with licensing enforcement, or from evictions (potentially including illegal evictions) following or in anticipation of enforcement action. There is little evidence that landlords have withdrawn from renting in response to such interventions.
- 8.2 Although Housing and Planning Act 2016 provisions allow for an extension of PHS enforcement activities, it is crucial to note that good landlords will not be adversely affected. On the contrary rogue landlords will be relieved of the proceeds of their crimes, be driven out of the market and better compensation will now be available for their victims, i.e. tenants at the exploited end of the market.
- 8.3 Whilst there is little evidence that enforcement has led to homelessness applications, there is evidence that tenants have at times moved on to other homes within Brent or elsewhere. To establish a clearer picture of on this, Future of London (FoL) undertook a study, the findings of which will be taken into account in shaping the council's tenancy engagement approach.
- 8.4 The FoL study, looked specifically at the effect of unannounced inspections by PHS Enforcement Officers on tenants. The research, which comprised field work, data analysis and interviews with a number of stakeholders (including tenants themselves), painted a mixed picture. Some tenants' situations have improved as a result of an inspection, while others have deteriorated. Information on eviction and displacement has produced a complex range of tenant pathways, with dependent factors including awareness of rights and support structures, and level of tenant vulnerability.
- 8.5 Despite data and information limitations, the research had some clear actions for Private Housing Services to take forward:
- Do more to raise private tenant awareness of their rights before, during and after the inspections.
 - Improve and better promote tenant liaison services to tenants.
 - While the council's concern must be housing decently its vulnerable communities in priority need, people living in poor-quality HMOs are vulnerable in a different way – from poor conditions and exploitative landlords. A closer and more cooperative relationship between PHS, Housing Needs and the plethora of voluntary sector groups embedded in communities will help to protect all of Brent's communities.
- 8.6 At the time of writing, a number of unlawful eviction cases are being addressed via PHS Enforcement, Housing Needs and SSP Law working together in order to attend to the various homelessness emergencies, address the living standards concerns and collate evidence for civil and criminal litigation proceedings. The extended reach of civil penalties, rent repayment orders and banning orders in such circumstances will allow for much greater efficiency and effectiveness in meeting the overall objective of seeking to ensure that private tenants live in a premises that are "*...safe, sustainable and well maintained...*". Of particular note, is that private sector tenants will become increasingly aware of their rights through publicity on evictions thwarted and rent repayment orders awarded to rogue landlord victims.

For Working Flow Charts – See Appendices

9. Enforcement – Proceeds of Crime Act

- 9.1 The Proceeds of Crime Act 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a result of their criminal activity. The PHS Enforcement Team will use this legislation where appropriate and in consultation with legal services

10. Interim Management Orders and Final Management Orders

- 10.1 An interim management order is made for the purpose of securing any action that the authority considers necessary, to protect the health, safety and welfare of the occupants.
- 10.2 An order can also be served in circumstances that the authority thinks are appropriate with a view to ensuring the proper management of the house pending the licence being granted.
- 10.3 The authority has a duty to make an interim management order in respect of an property where there is no reasonable prospect of it being licensed in the near future or it is necessary to protect the health, safety and welfare of the occupants.
- 10.4 Where a licence has been revoked for any reason and the property remains a licensable property an interim management order must be made if there is no reasonable prospect of the property regaining its licence.
- 10.5 Once an interim management order has been served the local authority must take over the management of the property for up to 12 months. This includes carrying out any remedial works necessary to deal with the immediate risks to health and safety.
- 10.6 If there is still no prospect of a licence being granted after 12 months then a final management order must be made which may be in force for up to 5 years. If after 5 years there is no prospect of the property being licensed a further management order must be made.
- 10.7 The council is under a duty to make Interim and Final Management Orders where necessary. The council team will instigate this action where necessary **but as a last resort**. All practical steps will be taken to assist the owner of the property to satisfy the licensing requirements.
- 10.8 Management orders can be varied or revoked at any time as a result of a request from the owner or on the local authorities initiative.

11. Publicity

Media coverage will normally be sought in the following cases:-

- The offence is widespread in the area and coverage will assist in securing compliance by others;
- To draw attention to particular serious hazards;
- Coverage is otherwise in the public interest;
- A press release will generally be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors, as well as the boroughs environment,

12. Supporting Documentation

Supporting Documentation

A copy of the Regulators Compliance code is available on request or may be downloaded from <https://www.gov.uk/government/publications/regulators-code> .

A copy of the Enforcement Concordat: Good Practice Guide is available on request or may be downloaded from:


<http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/bre/inspection-enforcement/implementing-principles/regulatory-compliance-code/enforcement/page46822.html>

A copy of the DCLG guidance on civil penalties can be accessed via:

<https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>

For viewing of the DCLG Guidance on rent repayment orders please click onto:

<https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016>

 Brent	<p style="text-align: center;">Cabinet 11 September 2017</p> <p>Report from the Chief Finance Officer</p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p>London Business Rates Pilot Pool</p>	

1.0 Introduction

- 1.1.** This report provides an update following the July Finance Review reported to Cabinet on 24 July on the proposal for an expanded London business rates retention pilot via a pan-London pool in 2018/19. A draft prospectus from London Councils is enclosed in Appendix A and sets out how it is envisaged that a pilot pool could operate in 2018/19, should the government renew its commitment to this approach.
- 1.2.** The report sets out the founding principles of a potential pool, options for allocating the financial benefits and the proposed governance and administrative arrangements for operating a potential pool.
- 1.3.** The net one-off financial gain in 2018/19 from participating in the pool has been estimated at £229m for all London Boroughs and Greater London Authority. On current estimates the choice of distribution would give Brent a one-off financial benefit of between £4m and £4.8m.

2. Recommendations

- 2.1.** That Cabinet note the report and the draft prospectus from London Councils enclosed in Appendix A.
- 2.2.** That Cabinet note the two founding principles of the London Pool where no authority can be worse off than they would otherwise be under the current

scheme and that all London boroughs will share some of the financial gain arising from the pilot pool.

- 2.3.** That Cabinet delegate authority to the Chief Finance Officer in consultation with the Leader of the Council to indicate an in principle decision to participate in a pilot business rates pool in 2018/19 and enter into negotiations in respect of the legal, governance and administrative framework, the sharing of any financial benefits other details in respect of the operation of the pool.

3. Background

- 3.1.** As reported to Cabinet on 24 July, the Government's policy intentions with regard to 100% retention of business rates remain unclear following the General Election. However, the draft prospectus enclosed in appendix A sets out an approach by which all London Boroughs and the Mayor of London could remain in a position to negotiate a 2018/19 pilot pool.
- 3.2.** The benefits this would deliver include early retention of 100% of growth across London, savings from the scrapping of any levy on growth, the potential transfer of some Central List properties to the London pool increasing the capacity to benefit from growth and possibly trialling greater flexibility over some mandatory reliefs. In addition, there could be broader strategic benefits to developing London's governance arrangements, broadening our ability to influence CLG and HM Treasury.
- 3.3.** The draft prospectus identifies two founding principles that are envisaged to be the basis for agreement whereby:
1. no authority participating in the pool could be worse off than they would otherwise be under the 50% scheme; and
 2. all members would receive some share of any net financial benefits arising from the pilot pool.
- 3.4.** In addition, four objectives are proposed to inform the distribution of any aggregate financial benefit that may accrue from being in a pool:
- **incentivising growth** (by allowing those boroughs where growth occurs to keep some proportion of the additional resources retained as a result of the pool)
 - **recognising the contribution of all boroughs** (through a per capita allocation)
 - **recognising need** (through the needs assessment formula); and
 - **facilitating collective investment** (through an investment pot designed to promote economic growth and lever additional investment funding from other sources).

- 3.5.** The enclosed draft prospectus sets out more detail about the founding principles of a potential pool agreement; options for allocating the financial benefits; and the proposed governance and administrative arrangements for operating a potential pool.

4. Options Appraisal

- 4.1.** Assuming the pool generates some level of additional financial benefit, the question of how to share this will be central to any final pooling agreement. The latest estimated net benefit to participating in the pool is expected to be in the region of £229 million in 2018/19, based on London Councils' modelling using boroughs' own forecasts.

- 4.1.** The objectives set out in section 3.4 would drive very different distributions of the direct benefits received by boroughs. The pure "incentives" approach would obviously favour those with the highest growth rates. Distribution according to need and population creates a more even spread of resources, but arguably provides less incentive to promote growth, and may therefore not optimise the opportunity for London in the longer term. It is proposed that a distribution mechanism should be a blend of all four of these objectives.

- 4.2.** In deciding the balance between the four objectives, and therefore the relevant weighting between the measures listed above, there are countless possible variants. However, following initial discussions with Group Leaders, four potential options are illustrated below:

- A. An even split percentage between the four pots (25:25:25:25).
- B. Reducing the strategic investment pot to 10% of the total, while the "reward", "needs" and "population" pots are equally weighted (30:30:30:10).
- C. Greater "incentive weighting" with equal weighting for the other three pots (40:20:20:20)
- D. Greater "needs" and "population" weightings (each 30%) with equal remaining weightings of 20% for "incentives" and "investment" pots (20:30:30:20)

- 4.3.** The potential net benefit for each borough from this model is set out in the charts in Appendix A and summarised in the table below. Under the 100% pilot pool it is estimated that there might be £470m of retained growth: £229m more than under the current scheme (after ensuring no borough is worse off as a result of participating).

Table 1 – Distribution options for estimated £229m net benefit of pooling in 2018-19

Option	A	B	C	D
GLA share (£m)	£62	£75	£66	£66
Aggregate borough share (£m)	£110	£131	£117	£117
Investment pot (£m)	£57	£23	£46	£46
TOTAL (£m)	£229	£229	£229	£229
Minimum borough gain (£m)	£1.2	£1.5	£1.1	£1.4
Maximum borough gain (£m)	£12.4	£14.9	£19.6	£10.1
London Borough of Brent gain (£m)	£4.0	£4.8	£4.1	£4.3

Source: London Councils' modelling using London Boroughs' data supplied by borough finance directors or where not available by applying the latest 2017-18 forecasts to 2018-19.

- 4.4.** Consideration of the options in the context of balancing the objectives of incentives and need will be discussed further by the October Leaders' Committee and Congress meeting. Clearly option B benefits Brent from a financial point of view but provides the lowest investment pot for the pool. That said, as every borough will favour the option that meets their own interests and needs there is no guarantee that this would be the preferred option.
- 4.5.** The financial gains are based on estimates using forecasts from London Boroughs and therefore the figures in the table above are illustrative and a lower set of figures is entirely possible. However, the example serves to illustrate the potential direct financial benefit of joining a pool on the pilot basis being offered.
- 4.6.** Assuming the pilot goes ahead as currently proposed, whatever option is ultimately chosen, and therefore the amount of additional business rates income due to Brent, a process needs to be agreed for allocating the money. However, the Council would need to exercise some caution in developing proposals too soon given the current uncertainties describe above. In order to develop a broad range of potential options a consultation process will be considered, including with the business community. The role of scrutiny will also be important as part of this process. Proposals would then be brought forward as part of the budget setting process, subject to all the elements of a pilot pool being agreed within the required timescales.

5. Timetable

- 5.1.** A 2018-19 pilot would require agreement with Government at or around the Autumn Budget – likely to be in November 2017. This, in turn, would necessitate initial agreement in principle at the meetings of the Leaders' Committee and Congress of Leaders on 10th October 2017 on the basis that each authority had been consulted by London Councils and had either previously authorised that decision to proceed with participation in the pilot, or that their authority's Leader had authority to do so.

- 5.2.** The draft prospectus forms the basis for internal consideration and discussion within each of the 34 prospective pooling authorities over the summer, in order for each Leader and the Mayor to be in a position to consider each authority's in principle position about the pool and to indicate this at the Congress of Leaders on 10th October, in the event that the Government wishes to pursue a pilot pool in London.
- 5.3.** A final detailed pooling agreement would then be negotiated with DCLG, with the likely deadline being the time the Local Government Finance Report is published in February 2018. Respecting the tight timeframes for the pilot's commencement in April 2018 and the likelihood that an agreement would need to be reached with the Government in the Autumn, it is probable that further local decisions required from the 34 prospective pooling authorities relating to the legal framework to be implemented, could follow in the intervening period but all these matters would need to be resolved in a timely manner prior to April 2018 to allow for implementation.

6. Conclusion

- 6.1.** The pilot would only proceed on a voluntary basis, and would require the unanimous agreement of all 34 authorities for it to proceed, which will clearly not be straightforward. However, as discussions at London-wide level are at a more advanced stage than it is appropriate to set out the relevant considerations here, together with appropriate delegations of authority. It is important to understand that if business rates are pooled across London the essential features of the system are still similar. Business rates growth will be retained by the local authorities, and the cost of a fall in total business rates will be suffered by those authorities. These are exactly the same opportunities and risks as exist under devolution without a pool, except that they apply at a London-wide level rather than at the individual borough level. Participating in a pilot pool would not bind the council to joining a pool once the full system comes into effect, so it might also be viewed as a relatively low risk way of testing the new system, especially as DCLG have promised a 'no detriment' guarantee to authorities so doing.
- 6.2.** Provided that the draft prospectus results in a sufficiently broad consensus to pursue the policy a formal agreement would need to be drafted and consulted upon, leading to an agreement in principle by the October Leaders' Committee and Congress of Leaders and then signed off by each authority as part of its formal budget setting process. Therefore, at this stage, Cabinet is asked agree in principle whether to participate in a pool and it is recommended that Cabinet delegates to the Chief Finance Officer, in consultation with the Leader of the Council, authority to enter into negotiations in respect of the legal, governance and administrative frameworks and the sharing of financial gains and to report back to Cabinet as the position becomes clearer.

7. Financial Implications

- 7.1.** The financial implications are set out throughout the report.
- 7.2.** The net one-off financial gain in 2018/19 from participating in the pool is estimated at £229m for all London Boroughs and Greater London Authority. On current estimates the choice of distribution would give Brent a one-off financial benefit of between £4m and £4.8m.
- 7.3.** The financial gains are based on estimates using forecasts from London Boroughs and therefore the figures are largely illustrative and a lower set of figures is entirely possible. However, the example serves to illustrate the potential direct financial benefit of joining a pool on the pilot basis being offered.

8. Legal Implications

- 8.1** The principles, but not the detailed arrangements and legal framework, that will apply to a pilot are set out in the draft prospectus and this report. Agreement in principle to participation in the pilot will enable Brent to participate in negotiations but will not commit Brent to participating in the pilot.

9. Background papers

9.1. Cabinet report:

24 July 2017 July Finance Review

10. Contact Officer

- 10.1.** Conrad Hall
Chief Finance Officer
conrad.hall@brent.gov.uk

London Business Rates Pilot Pool 2018-19 – Draft Prospectus

Introduction

1. This draft prospectus sets out how it is envisaged that the London Business Rates pilot pool would work in practice, were the 33 Leaders/Mayors and the Mayor of London to agree to form a pool in 2018-19.
2. The Government established pilots in 6 areas of the country in April 2017, including London where the GLA's level of retained business rates increased from 20% to 37%, replacing TfL transport grant and Revenue Support Grant. An expanded London pilot in 2018-19, which would require all 33 London Boroughs and the Mayor of London to agree to pool, would seek at least to replicate the common features of the deals in the other 5 pilot areas: Greater Manchester; Liverpool City Region; West Midlands, West of England and Cornwall.

Founding principles

3. It is proposed that there are two founding principles that would require agreement at the outset by all pooling members.

1) Nobody worse off

4. The first founding principle of the agreement would be that ***no authority participating in the pool can be worse off than they would otherwise be under the 50% scheme.***
5. DCLG civil servants have indicated an expectation that a London pilot pool would be underpinned by the same safety net arrangements and “no detriment” guarantee currently offered to existing pilots in 2017-18. This ensures that the pool, as a whole, cannot be worse off than the participating authorities would have been collectively if they had not entered the pool.
6. Existing Enterprise Zones and “designated areas”, along with other special arrangements, such as the statutory provision to reflect the unique circumstances of the City of London, would be taken into account in calculating the level of resources below which the guarantee would operate. For boroughs in an existing pool¹, DCLG have also indicated that the basis of comparison would include the income due from that pool.
7. The impact of the guarantee would be to ensure that the minimum level of resources available for London, as a whole, could not be lower than it would otherwise be. In order to then ensure that no *individual authority* is worse off, the first call on any additional resources generated by levy savings and additional retained rates income,

¹ Of the 33 London authorities in 2017-18 this includes Barking & Dagenham, Havering and Croydon

would be used to ensure each borough and the GLA receives at least the same amount as it would have without entering the pool.

8. The level of Revenue Support Grant (RSG) for each borough has been set by the 4-year settlement (to 2019-20). For each borough this would be replaced by retaining additional rates (just as the GLA has done this year). In addition Public Health Grant (PHG) and the Improved Better Care Fund (iBCF) would also be replaced by rates, leading to an adjustment of expected baselines and top-ups or tariffs (as appropriate). While the composition of each borough's "core funding" (retained rates plus RSG, Public Health Grant and iBCF) will therefore change, the overall quantum will not. This revised position is then the baseline against which the "no detriment" guarantee is calculated. Each borough – whether its business rate income grows or declines during the operation of the pilot pool – will receive, as a minimum, the same amount of cash it would have received under the existing 50% system.

2) All members share some of the benefit

9. Growing London's economy is a collective endeavour in which all boroughs make some contribution to the success of the whole. In recognition of the complex interconnectedness of London's economy, it is proposed that the second proposed founding principle would be that ***all members would receive some share of any net benefits arising from the pilot pool.***
10. The net financial benefit of pooling consists of retaining 100% of growth (rather than 67% across London under the current scheme), and in not paying a levy on that growth (which tariff authorities and tariff pools currently pay). The principle would mean that *any aggregate growth* in the pool overall – because of the increased retention level – would generate additional resources to share, with each pooling member benefit to some extent.
11. In addition, it could be possible to transfer of some Central List properties located in London (for example, the London Underground network) to the London pool, thereby increasing the capacity of the pool to benefit from growth on those properties. This would be explored with government as part of the pool negotiation.

Sharing the benefits of pooling

Objectives

12. Assuming the pool generates some level of additional financial benefit, the question of how to share this will be central to any final pooling agreement. The latest estimated net benefit to participating in the pool is expected to be in the region of £230 million in 2018-19, based on London Councils' modelling using boroughs' own forecasts.
13. Discussions with the Executive and informally with Group Leaders, have identified four objectives that could inform the distribution of such gains:

- **incentivising growth** (by allowing those boroughs where growth occurs to keep some proportion of the additional resources retained as a result of the pool)
 - **recognising the contribution of all boroughs** (through a per capita allocation)
 - **recognising need** (through the needs assessment formula); and
 - **facilitating collective investment** (through an investment pot designed to promote economic growth and lever additional investment funding from other sources).
14. A “pure” way to **incentivise growth** would be for the London local authorities where growth occurs to retain the full benefit, including any levy savings, after ensuring all authorities had been brought up to the level of funding they would otherwise have received under the current 50% scheme. This option would see the greatest reward go to those whose business rates grow, but would produce no net benefit for the minority of boroughs where no (or negative) growth is expected.
15. A simple **per capita distribution** using the latest population estimates from the ONS², would recognise the requirement to work collectively to grow London’s economy and ensure a share of the benefit for all authorities.
16. While the role of incentivising growth is important, some recognition of **increasing need** and demand for services has also been identified as a priority. Economic and business growth also drives, and is reinforced by, increasing demand for services across the capital. One measure that could be used to distribute any net benefit could therefore be to reflect the Government’s current assessment of need: Settlement Funding Assessment (although this will clearly be subject to change in future following any “Fair Funding” review).
17. Recognising the requirement for **collective investment** to promote further economic growth could be facilitated by retaining resources in a strategic investment pot. Such an approach is also likely to be viewed favourably by Government, as it helps address the original policy objectives behind business rate retention and would require closer working and governance arrangements to be developed between the Mayor and the 33 borough Leaders for the purposes of establishing and operating the pool, and in delivering the desired outcomes.
18. Individually, these principles would drive very different distributions of the direct benefits received by boroughs. The pure “incentives” approach would obviously favour those with the highest growth rates. Distribution according to SFA and population creates a more even spread of resources, but arguably provides less incentive to promote growth, and may therefore not optimise the opportunity for London in the longer term. It is proposed that a distribution mechanism should be a blend of all four of these objectives.

² The 2014-based Sub-National Population Projections for 2018

19. In deciding the balance between the four objectives, and therefore the relevant weighting between the measures listed above, there are countless possible variants. However, following initial discussions with Group Leaders, four potential options are illustrated below:

- A. An even split percentage between the four pots (25:25:25:25).
- B. Reducing the strategic investment pot to 10% of the total, while the “reward”, “needs” and “population” pots are equally weighted (30:30:30:10).
- C. Greater “incentive weighting” with equal weighting for the other three pots (40:20:20:20)
- D. Greater “needs” and “population” weightings (each 30%) with equal remaining weightings of 20% for “incentives” and “investment” pots (20:30:30:20)

20. The potential net benefit for each borough from this model – based on the latest information available on estimated income for 2018-19 – is set out in the charts at Appendix A and summarised in the table below. Under the 100% pilot pool it is estimated that there might be £470m of retained growth: £229m more than under the 50% scheme (after ensuring no borough is worse off as a result of participating).

Table 1 – Distribution options for estimated £229m net benefit of pooling in 2018-19

Option	A	B	C	D
GLA share (£m)	£62	£75	£66	£66
Aggregate borough share (£m)	£110	£131	£117	£117
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TOTAL (£m)	£229	£229	£229	£229
Minimum borough gain (£m)	£1.2	£1.5	£1.1	£1.4
Maximum borough gain (£m)	£12.4	£14.9	£19.6	£10.1

Source: London Councils’ modelling using London Boroughs’ data supplied by borough finance directors or where not available by applying the latest 2017-18 forecasts to 2018-19.

21. Leaders are invited to consider the options in the context of balancing the objectives of incentives and need, and be in a position to indicate a preference for the weighting by the October Leaders’ Committee and Congress meeting.

Investment pot principles

22. If an “investment pot” is created, the final amount of funding available will not be known until after the final audited outturn figures are confirmed for 2018-19 – likely to be in September 2019. A final methodology for allocating resources to specific projects is therefore not necessarily required at the outset of the pooling agreement. However, it will be important to consider the criteria and process for developing and approving proposals, in order to maintain a balance between simplicity of operation, strategic impact and broad appeal.

23. More immediately, it is proposed that the founding pool agreement includes *guiding principles* for the use of such an investment pot, for approval by all members of the pool. As such, it is proposed that investment proposals approved would:
- promote increased economic growth, and increase London's overall business rate income; and
 - leverage additional investment funding from other sources.
24. It is proposed that these principles would be agreed as part of the founding agreement for the pool – and would therefore require unanimous support. It is then assumed that decisions on the allocation of the pot would be taken by the Congress of Leaders and the Mayor annually in accordance these principles.

Governance

25. Leaders and the Mayor have previously endorsed the view that commitment to the collective management of devolved business rates would require unanimous support, and have identified Congress as the appropriate body formally to recognize those commitments.
26. However, the Congress of Leaders has no power to bind authorities. Local decisions would need to be taken by each authority to agree the terms of the legal agreement which would underpin the arrangements.
27. Participation in a pool in 2018-19 would not bind boroughs or the Mayor indefinitely. As with existing pool arrangements, the founding agreement would need to include notice provisions for authorities to withdraw in subsequent years.
28. Subsequent decisions (e.g. the application of a strategic investment pot) could be subject to the voting principles designed to protect group, sub-regional or Mayoral interests, such as those previously endorsed by Leaders and the Mayor in the London Finance Commission (both 2013 and 2017), and set out in London Government's detailed proposition on 100% business rates in September 2016. This will require the development of formal terms of reference for Congress to underpin collective decision-making in accordance with the decision principles previously agreed. As mentioned in paragraph 22, any such decisions would not be required until the level of available resources is confirmed after all accounts have been audited (i.e. September 2019).
29. Establishing a business rates pool in London will require each authority participating in the pool to agree to do so; and to also agree the terms upon which they will participate jointly with other members, including to appoint a lead authority as accountable body for the pool and to decide how the pool should operate. While the legal framework for the operation of the pool is yet to be determined in consultation with the authorities and the Government, should the London local authorities each resolve to delegate the exercise of their relevant functions to a joint committee, such

as Leaders' Committee, this would require the Leaders' Committee governing agreement to be formally varied which requires the agreement of all 33 authorities for the variation to be effective.

Accounting and reporting arrangements

Lead authority

30. As in other existing pools, a lead authority would be required to act as the accountable body to government and would be responsible for administration of the pooled fund. The same authority – or another – could also hold any properties transferred to London from the Central List, as there is currently no legislative provision for a “regional list”. The role of the lead authority/authorities could receive political oversight from the Leaders and Mayor of London; London Councils and the GLA could provide technical support.
31. The lead authority responsibilities from existing pool agreements typically include:
- Receiving payments from pool members and making payments to central government on behalf of pool members on time.
 - Maintaining a cash account on behalf of the pool and paying interest on any credit balances.
 - Liaising with and completing all formal pool returns to central government.
 - Administering the schedule of payments between pool members in respect of the financial transactions that form part of the pool's resources.
 - Providing the information required by pool members in preparing their annual statement of accounts in relation to the activities and resources of the pool.
 - Leading on reporting to understand the pool's position during and at the end of the financial year.
32. The lead authority would, therefore, be responsible for the net tariff payment to central government as well as the internal tariff and top up payments to the pool authorities. The partner billing authorities would make payments to the lead authority based on an agreed schedule, which could be made on the same schedule of payment dates agreed for tariff and top up payments.
33. It is likely that the resources required to perform this function would be 1 FTE post, which would likely be a senior accountant with considerable experience and understanding of collection fund accounting and the business rates retention scheme.

Reporting

34. In order to perform the functions of the lead authority, each member authority of the pool would need to provide timely information as well as making payments on time to the agreed schedule.

35. Forecast (NNDR1) and outturn (NNDR3) figures will still need to be produced, as per the existing NDR Regulations 2013, in order to enable budget processes to be complete, payments determined that need to be made to the lead authority and to government (by the lead authority) and to the GLA during the course of the year as well as transfers to General Funds.
36. The pool would use NNDR1 returns to establish the schedule of payments to be made to the lead authority and for the calculation of any notional levy savings to be made. However, it would not be until the outturn position is known (the NNDR3 form) that actual reconciliation would be made and the final growth/decline for the pool as a whole, and individual pool members, would be established. This will be in September 2019 after accounts have been audited for the financial year 2018-19.
37. The NDR income figures in the forms determine the growth/decline for that year and it is this figure that would determine the amount to be shared between pool members or between local authorities and central government in the current system.

The treatment of appeals

38. Variances against forecast in the non-domestic rating income are reflected in the forecast surplus or deficit of the collection fund at the start of the following year (information which is collected as part of NNDR1). Appeals provisions impact each year on the calculation of the NNDR income figure: a higher provision in a year, everything else being equal, reduces the NNDR income figure determining growth/decline for that year.
39. A separate pooled collection fund would be required to be established that would sit with the lead authority. A key issue will be the treatment of Collection Fund surpluses and appeals provisions within the pool. The key principle pooling authorities would have to agree is that the benefits (or costs) of actions undertaken by the boroughs prior to entering the pool should remain with the borough so that no borough can be worse off than they would have been under the 50% scheme. So – for example – if a provision established in 2013-14 proves not to be necessary and is released during 2018-19, the borough should receive at least as much as it would have under the existing 50% scheme, plus its share of any additional retained revenues.
40. The pool's collection fund account would have to continue beyond the life of the pool until all appeals relating to the pool period were resolved. Provisions released after the operation of the pilot would be distributed on the basis of the pool's founding agreement – i.e. the borough where the provisions originated would receive at least as much as it would under the 50% retention system, with any additional resources being shared according to the pool's agreed distribution mechanism. There would therefore be no "gaming" benefits to individual boroughs of setting higher (or lower) provisions. The lead authority would be responsible for administering this.
41. Further work will be undertaken to set out how the accounting and reporting requirements would work in practice, which is likely to mean either additional lines on

the existing NNDR form or an additional "London pool" form administered by the lead authority. This will be confirmed as part of the final pooling agreement.

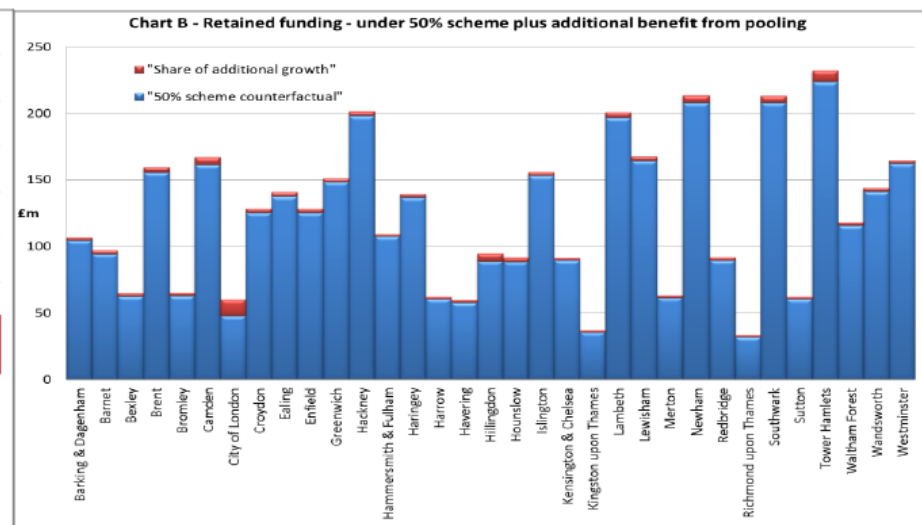
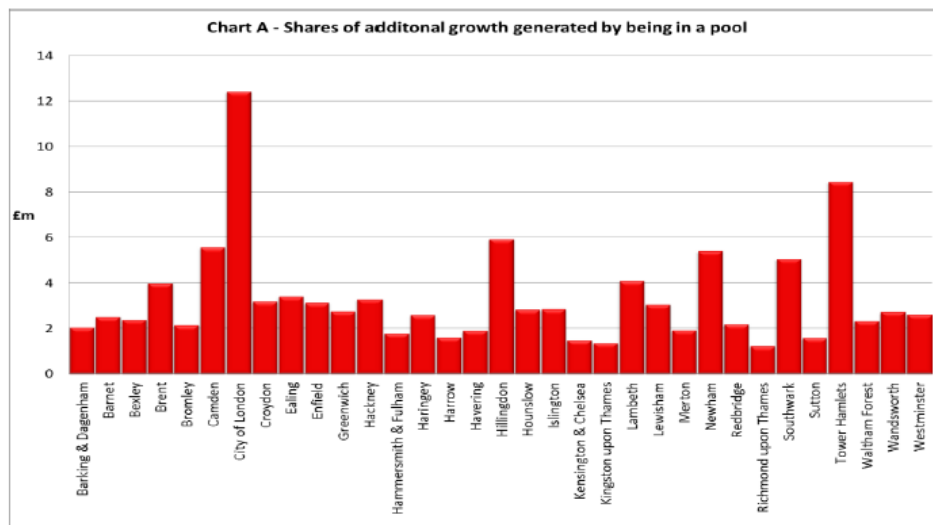
Timetable

42. A 2018-19 pilot would require agreement with Government at or around the Autumn Budget – likely to be in November 2017. This, in turn, would necessitate initial agreement in principle at the meetings of the Leaders' Committee and Congress of Leaders on 10th October 2017 on the basis that each authority had been consulted and had either previously authorised that decision to proceed with participation in the pilot, or that their authority's Leader had been given delegated authority to do so.
43. This draft prospectus forms the basis for internal consideration and discussion within each of the 34 prospective pooling authorities over the summer, in order for each Leader and the Mayor to be in a position to consider each authority's in principle position about the pool and to indicate this at the Congress of Leaders on 10th October, in the event that the Government wishes to pursue a pilot pool in London.
44. A final detailed pooling agreement would then be negotiated with DCLG, with the likely deadline being the time the Local Government Finance Report is published in February 2018. Respecting the tight timeframes for the pilot's commencement in April 2018 and the likelihood that an agreement would need to be reached with the Government in the Autumn, it is probable that further local decisions required from the 34 prospective pooling authorities relating to the legal framework to be implemented, could follow in the intervening period but all these matters would need to be resolved in a timely manner prior to April 2018 to allow for implementation.

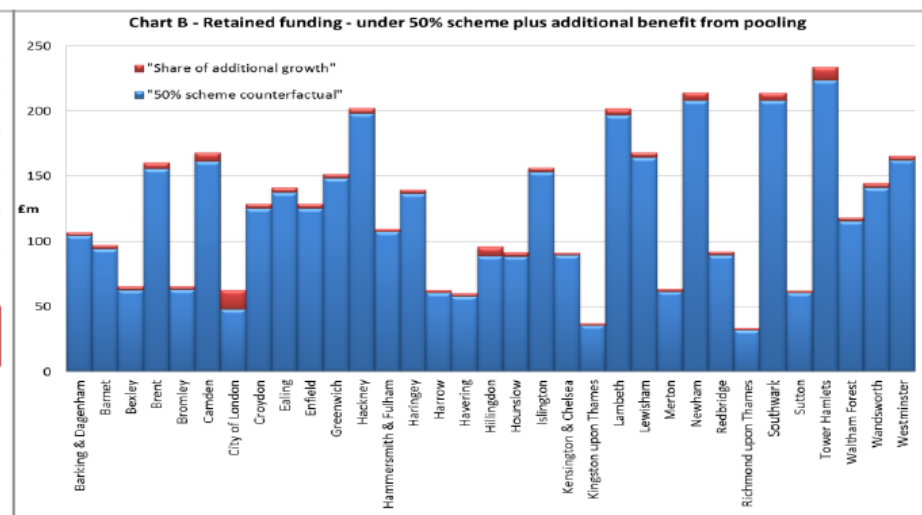
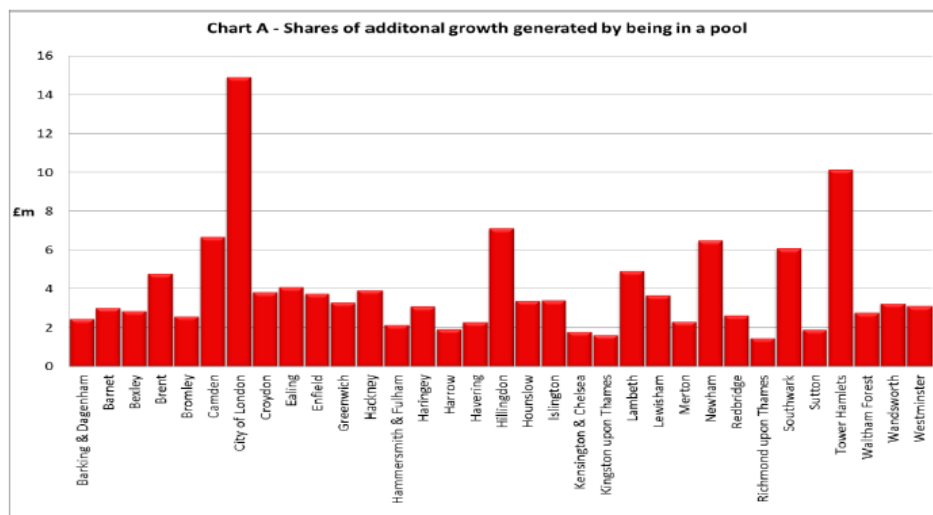
Appendix A – Modelled Options

1. This appendix shows the impact of varying weightings on the overall distribution of any net additional benefit from being in the pool. It assumes the latest growth estimates for 2018-19 across London boroughs (combining where available figures from a recent survey of treasurers and, where not available, the latest published estimates of growth in 2017-18 applied as if in 2018-19). The overall net benefit being distributed is £229m.
2. The charts below show the distribution of growth under four different scenarios for the relative weightings between the four potential distribution “pots” described above - i.e. incentives; needs (SFA); population (ONS 2018 projection) and investment pots.
 - Option A: weights each pot at 25%
 - Option B: Incentives (30%), Needs/Population (30% each) and Investment (10%)
 - Option C: Incentives (40%), Needs/Population (20% each) and Investment (20%)
 - Option D: Incentives (20%), Needs/Population (30% each) and Investment (20%)
3. For each option we have illustrated both the cash gain for each borough (red, left-hand bar charts) and the marginal gain over the retained funding under the existing 50% position (red and blue, right-hand bar charts).

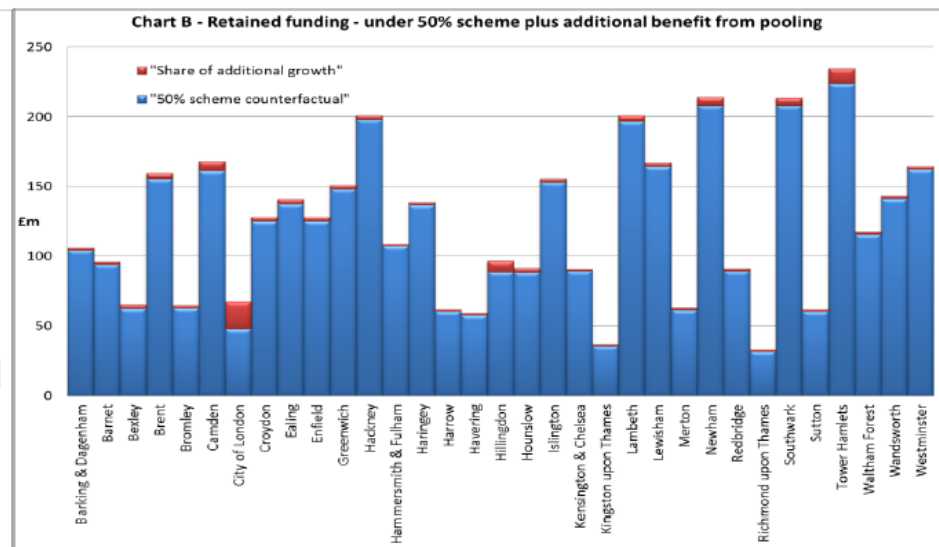
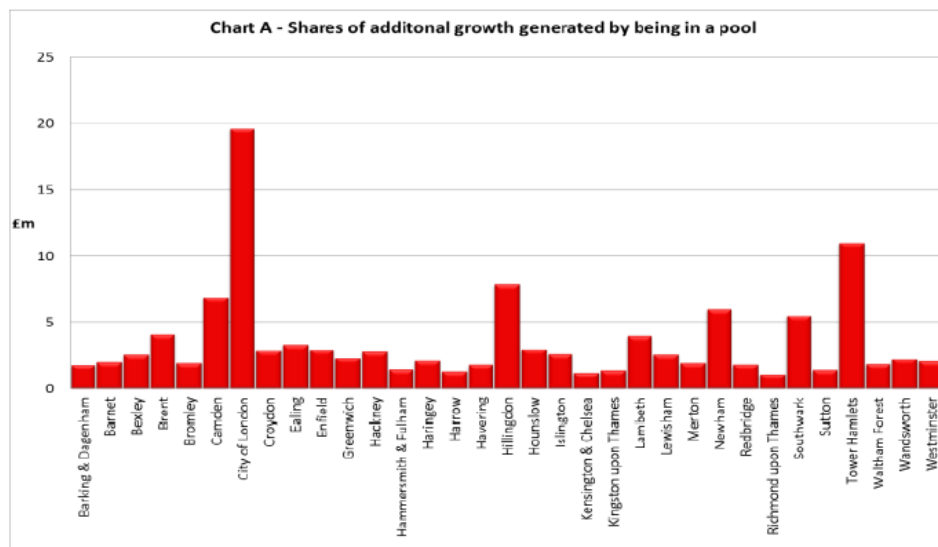
Option A: Equal split between pots – 25%/25%/25%/25%



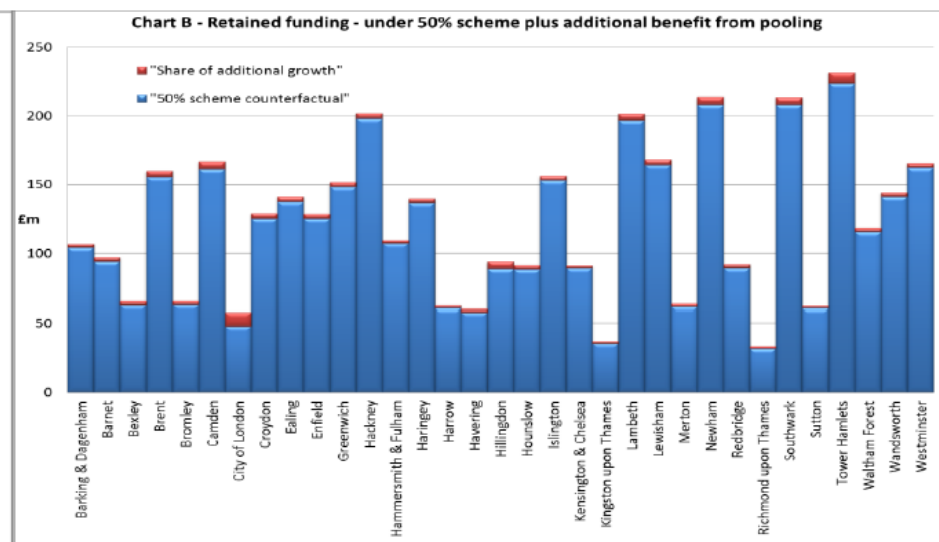
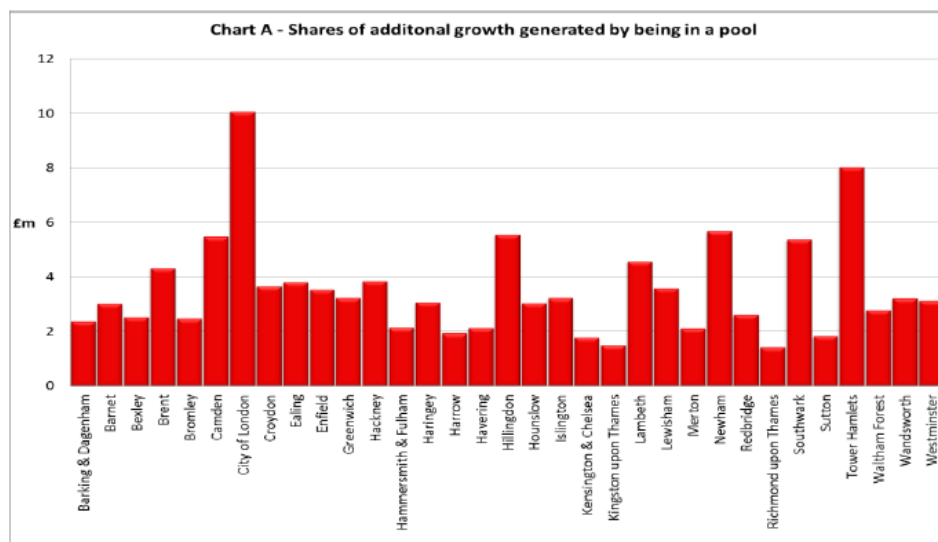
Option B: Reduced “investment pot”: 30%/30%/30%/10%




Option C: Greater “incentive” weighting: 40%/20%/20%/20%



Option D: Greater “Needs/population” weighting: 20%/30%/30%/20%



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 <p>Brent</p>	<p style="text-align: center;">Cabinet 11 September 2017</p> <p style="text-align: center;">Report from the Strategic Director of Resources</p>
<p>For Action Wards Affected: [ALL]</p>	
<p>Award of Telephony Contracts</p>	

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

1.0 Summary

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

2.0 Recommendations

- 2.1 That Members award the contract for Lot 1: Telephony to Voicenet Solutions T/A 8x8 Solutions for a term of 5 years;
- 2.2 That Members award the contract for Lot 2: Automated Call Distribution to Voicenet Solutions T/A 8x8 Solutions for a term of 5 years;
- 2.3 That Members award the contract for Lot 3: Mobile Telephony to Vodafone Limited for a term of 2 + 1 years, and;
- 2.4 That Members award the contract for Lot 4: Automated Switchboard to Netcall Telecom Limited for a term of 5 years.

3.0 Detail

Background

- 3.1 This report concerns provision of telephony and associated services to the London Boroughs of Brent, Lewisham and Southwark, and the Local Government Association. The report requests approval to award contracts in respect of supplying telephony, automated call distribution, mobile telephony and an automated switchboard to the four organisations. The services are divided into four contracts, one for each element of the service requirement.
- 3.2 Brent procured its current telephony service in 2012, in readiness for the move to the Civic Centre. This contract expires at the end of April 2018, and it is proposed that the services to be delivered under the new contracts will replace this. The current Automated Switchboard arrangements also expire at the end of April 2018. Brent's current contract with Freedom Communications for Automated Call Distribution expires at the end of October 2018, after which it is proposed that the service will be provided under the new contract.
- 3.3 The service period for all four contracts is proposed to commence on 1st May 2018, with each borough and the LGA receiving services at the end of its current contracts. The contract periods will be five years, with the exception of Mobile Telephony, which will be for two years with a possible one year extension. This contract does not include the Southwark requirements, as these are already committed to O2.
- 3.4 The new services will require transition from the participating organisations' current arrangements, which are:

	Brent and LGA	Lewisham	Southwark
Telephony	Vodafone	Unify	Mitel
Automated Call Distribution	Freedom Communications	Unify	Sabio
Mobile Telephony	incl in Vodafone above	Vodafone	O2
Automated Switchboard	Netcall	Netcall	Netcall

The service specifications take into account the transition arrangements and the end dates of the relevant contracts. The service specifications also identify the requirement for Southwark as optional pending formalisation of arrangements for Southwark to join the Shared IT service in November 2017.

- 3.5 All together across the current Shared Service and the LGA in the region of 5,500 end users are supported across approximately 100 sites. This will increase from 1st November 2017 when the Shared Service takes over the support of the London Borough of Southwark. This will result in the support of a further 4,500 end users across an additional 50+ sites.

Requirements

- 3.6 The councils' and LGA's requirement is split into four separate service contracts as follows:
1. Telephony
 2. Automated Call Distribution
 3. Mobile Telephony
 4. Automated Switchboard
- 3.7 Cabinet approval to award these contracts is being sought as the value of each of 1, 2 and 3 above for Brent is above the High Value contract threshold of £500,000, with the total value of Brent's element for all 4 contracts being £2.53m. For contract 3, Mobile Telephony, the total potential value including the extension is considered for the purposes of this threshold.

Outline of Tender Process

- 3.8 Tenders for the contracts were invited from the Crown Commercial Service (CCS) Framework RM1045 Network Services (the "Framework Agreement"). Lot 4 (Inbound Telephony Services), Lot 5 (IP Telephony Services) Lot 6 (Mobile Voice and Data Services) and Lot 10 (Integrated Communications) were used as described below. The tender opportunity was divided into the 4 services and tenders invited as follows:

Telephony (from framework Lots 5 and 10)
Automated Call Distribution (from framework Lots 5 and 10)
Mobile Telephony (from framework Lot 6)
Automated Switchboard (from framework Lot 4).

- 3.9 Tenders were invited on 21st June 2017, using the CCS eSourcing system.
- 3.10 In accordance with the requirements of the Framework Agreement, the Invitation to Tender stated that the selection of Suppliers to be awarded each contract would be made on the basis of the most economically advantageous combination, and that in evaluating tenders, the Council would have regard to the following:
- Functionality (40%)
 - Service Delivery (60%)

These quality criteria were then weighted against tender price in the ratio 40:60 quality:price.

- 3.11 These percentages applied to the tenders for Telephony, Automated Call Distribution and Automated Switchboard.

3.12 For the Mobile Telephony tender, different percentages were used, to reflect the less complex nature of the service. The weightings in this case were:

- Functionality (10%)
- Service Delivery (90%)

These quality criteria were then weighted against tender price in the ratio 30:70 quality:price.

Evaluation Process

3.13 The tender evaluation was carried out by a panel of officers from Brent Lewisham and Southwark.

3.14 All tenders had to be submitted electronically no later than noon on 28th July 2017. 4 tenders were submitted for telephony, 5 for Automated Call Distribution, 1 for Mobile Telephony and 1 for the Automated Switchboard. Each member of the evaluation panel read the tenders scoring sheets to note down their preliminary scores and any comments on how well each of the award criteria was addressed. Officers were satisfied that for all Lots, including those attracting only one bidder, that contractors were capable of providing the relevant services and that bids were competitive.

3.15 The suppliers were invited to attend presentation and clarification meetings on 2nd, 3rd and 4th August, where they presented their solutions and the panel asked, and received answers to, some clarification questions.

3.16 Subsequent clarifications were requested following the meetings, and upon receipt of this, the panel were able to finalise the scoring. The detail of the scoring is in Appendix 2.

3.17 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers for each lot are included in Appendix 2. It will be noted that Tenderer G was the highest scoring tenderer for the Telephony and Automated Call Distribution tenders, Tenderer F was the highest scoring for Mobile Telephony and Tenderer E was the highest scoring tenderer for the Automated Switchboard. Officers therefore recommend the award of contracts for Telephony and Automated Call Distribution to Voicenet Solutions T/A 8x8 Solutions, a contract for Mobile Telephony to Vodafone Limited and a contract for the Automated Switchboard to Netcall Telecom Limited.

3.18 It is anticipated that the contracts will commence in October 2017, with service delivery commencing in May 2018. As the proposed contract represents a call-off under a framework agreement, a mandatory standstill period is not required.

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that contracts for supplies, services or works exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 4.2 The value to Brent of two of these contracts over the total contract period is above this threshold.
- 4.3 The costs of each of the contracts are shared in accordance with the proportional use by each borough. The methodology for apportionment varies according to the nature of the service. Lewisham are presenting a separate report to their Mayor & Cabinet to seek approval to award the contract.
- 4.4 The total value of the contracts across the shared service is as follows:

Contract	Cost running costs over the contract term	One off implementation costs	Total cost
Telephony	£3,015,610	£580,301	£3,595,911
Automated Call Distribution	£2,230,590	£158,416	£2,389,006
Mobile Telephony	£491,976	0	£491,976
Automated Switchboard	£394,750	0	£394,750
Total	£6,132,926	£738,717	£6,871,643

- 4.5 The cost of the Brent element of the contracts is as follows:

	Total running costs over the contract term	One off Implementation costs	Total cost	Ongoing cost per annum
Telephony	£904,683	£174,090	£1,078,773	£180,937
Automated Call Distribution	£955,967	£67,893	£1,023,860	£191,193
Mobile Telephony	£268,351	0	£268,351	£134,175
Automated Switchboard	£157,900	0	£157,900	£31,580
Total	£2,268,901	£241,983	£2,528,884	£537,885,

- 4.6 The current expenditure by Brent on these services is as follows:

£445k telephony managed service
£180k mobile data
£65k voice calls and sms

£83k ACD licences
£28k automated switchboard
£801k per annum total

- 4.7 Excluding one off implementation costs, this procurement represents a saving to Brent of £263k (or 33%) against the existing budget for these services. These savings will contribute to the Council's procurement savings target in 2018/19, after allowing for brief overlaps between existing and new contracts. The one off implementation costs will be funded by Digital Services' Capital Budget.

5.0 Legal Implications

- 5.1 The value of all four proposed call off Contracts is higher than the EU threshold for Supplies and the award of these contracts is therefore governed by the Public Procurement Regulations 2015 (the "Procurement Regulations").
- 5.2 The award of contracts for Telephony, Automated Call Distribution and Mobile Telephony are subject to the Council's own Standing Orders in respect of High Value Contracts and Financial Regulations and Cabinet approval to award these contracts is required. The contract for Automated Switchboard is subject to the Council's own Standing Orders in respect of Medium Value Contracts and whilst Cabinet approval is not technically required for the award of this contract, Cabinet approval is nonetheless also sought for the award of this contract.^{3.7}
- 5.3 The Procurement Regulations allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process.
- 5.4 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Chief Officer and provided that the Chief Legal Officer has advised that participation in the framework is legally permissible. Legal Services have reviewed the Framework and is able to confirm that participation in the Framework is legally permissible.
- 5.5 Brent Council will be entering into the 4 contracts on behalf of itself and the other boroughs and the LGA. Agreements are in place for Brent Council to seek reimbursement from Lewisham and the LGA in respect of their element of the contracts. Brent Council is finalising agreement with Southwark to join the Shared IT Service in November 2017. As detailed in paragraph 3.4, the service specifications for the contracts therefore identify the requirement for Southwark as optional pending the formalisation of joining arrangements.

6.0 Equality Implications

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

7.0 Staffing/Accommodation Implications

- 7.1 The services procured under the contracts will be used by existing staff. Technical training for the relevant staff will be delivered under the contracts. Go live support and end user training will be provided for the new telephony service, with supplementary support from the ICT Shared Service.

8.0 Background Papers

8.1 Appendices

Appendix 2

Contact Officer(s)

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Strategic Director of Resources

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

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APPENDIX 2

Evaluation Scoring Lot 1 Telephony

Table 1

	Contractor A	Contractor B	Contractor F	Contractor G
Total Lot Price (£)	£3,395,232.00*	£3,731,828.20	£4,664,550.25	£3,690,911.00
Price Score	100.00%	90.98%	72.78%	91.99%
Weighted Price Score (60%)	60.00%	54.59%	43.67%	55.19%

Table 2

	Contractor			
Criteria	A	B	F	G
Functionality (40%)	25.07%	26.88%	26.67%	27.63%
Service Delivery (60%)	33.75%	50.00%	50.00%	50.00%
Total Quality Score	58.82%	76.88%	76.67%	77.63%
Weighted Quality Score (40%)	23.53%	30.75%	30.67%	31.05%
Weighted Price Score (60%) from Table 1 above	60.00%	54.59%	43.67%	55.19%
Total Score	83.53%	85.34%	74.34%	86.24%

*Hosted solution, therefore incurring additional costs for the Shared Service.

Evaluation Scoring Lot 2 Automated Call Distribution

Table 1

	Contractor B	Contractor C	Contractor D	Contractor F	Contractor G
Total Lot Price (£)	£3,586,960.00	£2,462,652.00	£2,963,258.00	£2,991,065.00	£2,389,006.00
Price Score	66.60%	97.01%	80.62%	79.87%	100.00%
Weighted Price Score (60%)	39.96%	58.21%	48.37%	47.92%	60.00%

Table 2

	Contractor				
Criteria	B	C	D	F	G
Functionality (40%)	26.25%	26.17%	28.32%	28.79%	26.79%
Service Delivery (60%)	45.00%	38.75%	45.00%	45.00%	45.00%
Total Quality Score	71.25%	64.92%	73.32%	73.79%	71.79%
Weighted Quality Score (40%)	28.50%	25.97%	29.33%	29.52%	28.72%
Weighted Price Score (60%) from Table 1 above	39.96%	58.21%	48.37%	47.92%	60.00%
Total Score	68.46%	84.18%	77.70%	77.44%	88.72%

Evaluation Scoring Lot 3 Mobile Telephony

Table 1

	Contractor F
Total Lot Price (£)	£491,976.00
Price Score	100.00%
Weighted Price Score (70%)	70.00%

Table 2

	Contractor F
Criteria	F
Functionality (10%)	6.16%
Service Delivery (90%)	67.50%
Total Quality Score	73.66%
Weighted Quality Score (30%)	22.10%
Weighted Price Score (70%) from Table 1 above	70.00%
Total Score	92.10%

Evaluation Scoring Lot 4 Automated Switchboard


Table 1

	Contractor E
Total Lot Price (£)	£394,750.00
Price Score	100.00%
Weighted Price Score (60%)	60.00%

Table 2

	Contractor F
Criteria	F
Functionality (40%)	26.67%
Service Delivery (60%)	45.00%
Total Quality Score	71.67%
Weighted Quality Score (40%)	28.67%
Weighted Price Score (60%) from Table 1 above	60.00%
Total Score	88.67%

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 Brent	<p>Cabinet 11 September 2017</p> <p>Report from the Strategic Director of Resources</p>
<p>For Action</p> <p>Wards affected: ALL</p>	
<p>National Non-Domestic Rates – Applications for Discretionary Rate Relief</p>	

1.0 Summary

- 1.1 The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of discretionary rate relief is based on policy and criteria agreed by Cabinet on 15 November 2016. New applications for relief have to be approved by the Cabinet.
- 1.2 The report details new applications for relief received since Cabinet last considered such applications in November 2016

2.0 Recommendations

- 2.1 That the applications for discretionary rate relief detailed in Appendix 2 to this report be approved.

3.0 Detail

- 3.1 Details of the Council's discretion to grant rate relief to charities, registered community amateur sports clubs and non-profit making organisations are contained in the financial and legal implications' sections (4 and 5).
- 3.2 Appendix 1 sets out the criteria and factors to consider for applications for NNDR relief from Charities and non-profit making organisations. This was agreed by Cabinet at its meeting on 15 November 2016.

- 3.3 Appendix 2 lists new applications from local and non local charities that meet the criteria. These receive 80% mandatory relief and where they meet the criteria the council will award local charities up to 100% discretionary relief in respect of the remaining 20% balance. The council will award non local charities 25% relief in respect of the remaining 20% balance. It also shows the cost to the Council if discretionary relief is awarded.
- 3.4 The criteria for awarding discretionary rate relief focuses on ensuring that the arrangements are consistent with corporate policies and relief is directed to those organisations providing a recognised valued service to the residents of Brent, particularly the vulnerable and those less able to look after themselves. Further detail is set out in Appendix 1. Should relief be granted entitlement will remain until 31 March 2020 unless there are any changes to the organisation. The scheme will be reviewed in late 2019 when organisations will be required to re-apply for relief.
- 3.5 The policy states that the council would not normally award discretionary relief to Housing Associations in particular offices occupied by them. However with regards to the application by Catalyst HA it is in respect of a community centre and it can be argued that it is not “occupied” by Catalyst as such although they are in paramount control of the centre, hence them being the ratepayer. The centre is used for community events, employment advice, youth work, elders forum, arts, homework clubs, development activities, peer mentoring, etc., all of which benefit the community (as opposed to Catalyst). In this instance it is therefore recommended that relief be awarded.
- 3.6 Charities and registered community amateur sports clubs are entitled to 80% mandatory rate relief and the council has discretion to grant additional relief up to the 100% maximum
- 3.7 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. However the council’s policy limits relief for these to 25%

4.0 Financial Implications

Discretionary Rate Relief

- 4.1 From 1 April 2013 the council funds 30% of the amount of mandatory and discretionary relief awarded to charities and non-profit making organisations, with 50% being met by central government and 20% by the GLA.
- 4.2 The Council, where it has decided to grant relief, has followed a general guideline of granting 100% of the discretionary element to local charities and 25% of the discretionary element to non-local charities. Any additional awards of relief will reduce income to the Council by 30%.
- 4.3 In respect of non profit making organisations the council has agreed where the organisation meets the criteria to award 25% discretionary rate relief. The cost to the council of awarding this relief is 30% of the amounts granted.

- 4.4 The costs therefore of awarding relief to the charitable organisations detailed in Appendix 2 is £4,236.74. This will in effect reduce the council's projected income from its retained Business Rates income from 2017/18 onwards.
- 5.0 Legal Implications**
- Discretionary Rate relief**
- 5.1 Under the Local Government Finance Act 1988, charities are only liable to pay 20% of the NNDR that would otherwise be payable where a property is used wholly or mainly for charitable purposes. This award amounts to 80% mandatory relief of the full amount due. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, registration with the Charity Commission is conclusive evidence of this. Under the Local Government Act 2003, registered Community Amateur Sports Clubs also qualify for 80% mandatory relief.
- 5.2 The Council has discretion to grant relief of up to 100% of the amount otherwise due to charities, Community Amateur Sports Clubs, and non-profit making organisations meeting criteria set out in the legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science, literature, the fine arts, or recreation. Guidance has been issued in respect of the exercise of this discretion and authorities are advised to have readily understood policies for deciding whether or not to grant relief and for determining the amount of relief. Details of the current policy are contained in Appendix 1
- 5.3 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow Brent to grant the relief for a fixed period. One year's notice is required of any decision to revoke or vary the amount of relief granted, if in the case of a variation, it would result in the amount of rates increasing. The notice must take effect at the end of the financial year.
- 5.4 The operation of blanket decisions to refuse discretionary relief across the board would be susceptible to legal challenge on grounds that the Council would be fettering its discretion. The legal advice provided to officers and Members is that each case should be considered on its merits.
- 6.0 Diversity Implications**
- 6.1 Applications have been received from a wide variety of diverse charities and organisations, and an Impact Needs Analysis Requirement Assessment (INRA) was carried out in 2008 when the criteria were originally agreed. As there were no changes made to the criteria in September 2013 an Equality Impact assessment was not required. All ratepayers receive information with the annual rate bill informing them of the availability of discretionary and hardship rate relief.
- 7.0 Staffing/Accommodation Implications (if appropriate)**
- 7.1 None

Background Papers

Report to Cabinet 15 November 2016 – National Non-Domestic Relief –
Review of Discretionary Rate Relief Policy

Contact Officers

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ALTHEA LODERICK

Strategic Director of Resources

Appendix 1

ELIGIBILITY CRITERIA FOR APPLICATIONS FOR NNDR DISCRETIONARY RELIEF FOR CHARITIES & FROM NON PROFIT MAKING ORGANISATIONS

Introduction

The following details the criteria against which the Local Authority will consider applications from non profit making organisations. In each case the individual merits of the case will be considered.

- (a) Eligibility criteria**
- (b) Factors to be taken into account**
- (c) Parts of the process.**

(a) Eligibility Criteria

- The applicant must be a charity or exempt from registration as a charity, a non-profit making organisation or registered community amateur sports club (CASC).
- All or part of the property must be occupied for the purpose of one or more institutions or other organisations which are not established or conducted for profit and whose main objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
- The property must be wholly or mainly used for the purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

(b) Factors to be taken into account

The London Borough of Brent is keen to ensure that any relief awarded is justified and directed to those organisations making a valuable contribution to the well-being of local residents. The following factors will therefore be considered:

- a. The organisation should provide facilities that indirectly relieve the authority of the need to do so, or enhance or supplement those that it does provide
- b. The organisation should provide training or education for its members, with schemes for particular groups to develop skills
- c. It should have facilities provided by self-help or grant aid. Use of self-help and / or grant aid is an indicator that the club is more deserving of relief
- d. The organisation should be able to demonstrate a major local contribution.
- e. The organisation should have a clear policy on equal opportunity.

- f. There should be policies on freedom of access and membership.
- g. It should be clear as to which members of the community benefit from the work of the organisation.
- h. Membership should be open to all sections of the community and the majority of members should be Brent residents
- i. If there is a licensed bar as part of the premises, this must not be the principle activity undertaken and should be a minor function in relation to the services provided by the organisation.
- j. The organisation must be properly run and be able to produce a copy of their constitution and fully audited accounts.
- k. The organisation must not have any unauthorised indebtedness to the London Borough of Brent. Rates are due and payable until a claim for discretionary rate relief is heard

(c) Parts of the process

No Right of Appeal

Once the application has been processed, the ratepayer will be notified in writing of the decision. As this is a discretionary power there is no formal appeal process against the Council's decision. However, we will re-consider our decision in the light of any additional points made. If the application is successful and the organisation is awarded discretionary rate relief, it will be applied to the account and an amended bill will be issued.

Notification of Change of Circumstances

Rate payers are required to notify any change of circumstances which may have an impact on the award of discretionary rate relief.

Duration of award

The new policy will award relief to 31 March 2017. Prior to the end of this period applications will be sent inviting recipients to re-apply, this will ensure the conditions on which relief was previously awarded still apply to their organisation. This will help ensure that the Council's rate records remain accurate.

Withdrawal of relief

One year's notice has to be given by the Council for the withdrawal of relief

Unlawful activities

Should an applicant in receipt of discretionary rate relief be found guilty of unlawful activities for whatever reason, entitlement will be forfeited from the date of conviction.

Type of Charitable/Non-Profit Making Organisation	Current Policy
---	----------------

		Discretionary Relief Limited to
1	Local charities meeting required conditions (80% mandatory relief will apply)	20% (100% of remaining liability)
2	Local Non-profit-making organisations (not entitled to mandatory relief)	25%
3	Premises occupied by a Community Amateur Sports Club registered with HM Revenue & Customs. (80% mandatory relief will apply)	20% (100% of remaining liability)
4	Non-Local charities (80% mandatory relief will apply)	25% (of remaining liability)
5	Voluntary Aided Schools (80% mandatory relief will apply)	20% (100% of remaining liability)
6	Foundation Schools (80% mandatory relief will apply)	20% (100% of remaining liability)
7	All empty properties	NIL
8	Offices and Shops occupied by national charities	NIL
9	An organisation which is considered by officers to be improperly run, for what ever reason, including unauthorised indebtedness.	NIL
10	The organisation or facility does not primarily benefit residents of Brent.	NIL
11	Registered Social Landlords (as defined and registered by the Housing Corporation). This includes Abbeyfield, Almshouse, Co-operative, Co-ownership, Hostel, Letting / Hostel, or YMCA.	Nil
12	Organisations in receipt of 80% mandatory relief where local exceptional circumstances are deemed to apply.	Up to 20% (100% of remaining liability)


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Appendix 2

New Applications for Discretionary Rate Relief – Local Charities

	100% Relief to be awarded	Charge	Bill net of statutory relief	Cost to Brent at 30%
	<u>Organisation</u>			
33015871	Stonebridge Boxing Club 2 nd Floor, Kassinga House Winchelsea Road NW10 8UN 1/4/2017 – 31/3/2018 1/4/2016 – 31/3/2017	£23,231.50 £21,246.75	£4,646.30 £4,249.35	£1,393.89 £1,274.81
33039466	Association of Women in UK 3 rd Floor, Allenby House Temple Road NW2 6PJ 1/4/2017 – 31/3/2018	£11,017.00	£2,203.40	£661.02
32791120	Catalyst Housing Ltd Church End & Roundwood Community Centre 103 Church Road NW10 9EG 1/4/2017 – 31/3/2018 (see para 3.5)	£10,426.60	£2,085.32	£625.60
33021901	Darul Taclim Cultural Community Centre 106 High Road NW10 2PP 1/4/2017 – 31/3/2018	£4,690.30	£938.06	£281.42
Total		£70,612.15	£14,122.43	£4,236.74

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 Brent	<p align="center">Cabinet 11 September 2017</p>
	<p align="center">Report from the Strategic Director of Resources</p>
<p align="right">Wards Affected: All Wards</p>	
<p align="center">Authority to Tender Contract for Insurance Services</p>	

1.0 Summary

- 1.1 This report concerns the future provision of the Council's Insurance Services contracts. The report requests approval to invite tenders in respect of the proposed Insurance Services contracts to start 1 October 2018, as required by Contract Standing orders 88 and 89.
- 1.2 The report also seeks authority to extend the contracts that form the current programme of insurance. This is to allow for time to tender a new insurance programme, including the insurable risks formerly covered under separate arrangements made by the Brent Housing Partnership (BHP).
- 1.3 The insurable risks of the formerly outsourced housing services under BHP are to form part of this procurement as the service is scheduled to be brought back under the Council's control.

2.0 Recommendations

- 2.1 That Cabinet delegate authority to the Strategic Director of Resources to invite expressions of interest, invite tenders in respect of the Council's Insurance Services contracts, and evaluate them in accordance with the approved evaluation criteria in 3.6 following the procurement process.
- 2.2 That Cabinet give approval to the extension of the current insurance services contracts for a period of twelve months: From 1 October 2017 to 30 September 2018.

3.0 Detail

- 3.1 The current Insurance Service contracts provide for comprehensive insurance cover for the Council for the following risk classes;
- Motor
 - Claims handling
 - Property
 - Casualty (including Employer's and Public Liability)
 - Engineering and Inspection
 - Terrorism
 - Business Travel
 - Property All Risks
- 3.2 The contract was last tendered in 2012 when Zurich Municipal was awarded the contract for a 3 year term with an option to extend for two further years. The option to extend has been exercised with the current contract due to expire on 30 September 2017.
- 3.3 Therefore to enable the new contract to be in place, an extension under waiver has been requested until 30 September 2018.
- 3.4 The period of extension will enable the broker to be fully engaged in the process, allowing the Council to understand the requirements and liabilities for BHP, as well as conduct a process to have a supplier(s) in place.
- 3.5 In order to allow for the maximum number of participants to respond to this invitation to tender, it is intended to extend the existing arrangement by twelve (12) months by endorsement in order to commence the new contract on improved terms with the start of a new Long Term Agreement on 1 October 2018.
- 3.6 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet. The timeline of the processes are detailed in the table below:

Ref.	Requirement	Response
(i)	The nature of the service.	Insurance Contract Services
(ii)	The estimated value.	£5-6 million
(iii)	The contract term.	3 year contract term with an option to extend for a further 2 years
(iv)	The tender procedure to be adopted.	OJEU – Open Procedure

Ref.	Requirement	Response	
(v)	The procurement timetable.	Indicative dates are:	
		Adverts placed OJEU Notice	18 January 2018
		Publish the Tenders on the e procurement portal	22 January 2018
		Tender preparations and clarifications	22 January to 5 March 2018
		Deadline for tender submissions	5 th March 2018
		Panel evaluation	5 March to 3 June 2018
		Report recommending contract award	July 2018
		Cabinet approval	August 2018
		[Cabinet call in period of 5 days (mandatory unless excluded by the Cabinet) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	August 2018
		Contract Mobilisation	6 th August 2018
		Exit Procedures	3 rd September 2018
		Contract start date	1 st October 2018

Ref.	Requirement	Response
(vi)	The evaluation criteria and process.	<ol style="list-style-type: none"> 1. As the Open Procedure is the preferred tender procedure, there will be no shortlisting of providers, but all providers will be required to complete a selection questionnaire demonstrating that they meet the Council's financial standing requirements, technical capacity, technical expertise, industry and regulatory compliance. 2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria: <ul style="list-style-type: none"> • Price 60% • Quality: 40% consisting of: <ul style="list-style-type: none"> - Extent of cover, - Product evaluation, - Adequacy of product cover, - Policy wordings, exclusions, terms & conditions, - Claims handling conditions, - Risk management support, Training, - Local Authority experience and exposure. Direct or indirect provider, - Regulatory compliance, risk spread and reinsurance provision. Financial Security rating adequacy, - Efficiency & Continuous improvement, - Range of Services, added value. - Contract terms offered.
(vii)	Any business risks associated with entering the contract.	Insurance company Financial risks: These are not envisaged as they are covered by – FCA regulations and FSA application.
(viii)	The Council's Best Value duties.	The Corporate Best Value Strategy is to provide best Value services and to serve our community. The competitive tender for Insurance Cover will ensure Value for money.
(ix)	Consideration of Public Services (Social Value) Act 2012	See Section 8 below

Ref.	Requirement	Response
(x)	Any staffing implications, including TUPE and pensions.	None
(xi)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

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

3.8 The procurement route will be subject to EU procurement rules (OJEU) rules and in view of the limited market for Insurance Services in local government, officers consider that the most appropriate procurement route under the Public Contract Regulations 2015 is the Open Procedure, enabling the market to complete all the work involved in pricing risk and producing documentation.

3.9 The procurement of insurance policies can be complex and the use of brokers is common in this area across both the public and private sectors. JLT Specialty Limited have therefore been engaged to provide professional support, access specialist limited markets and input into the tender process. JLT are the Council's Risk and Insurance adviser.

3.10 Aligning the presentation of Brent's risk profile favourably with market expectations will put the Council in a position to benefit from keen premium rates, terms and conditions. On this basis, it is intended to request tenders on the basis of 3 year initial contract period with an option to extend to 5 years at the council's discretion.

3.11 Insurance providers are restricted in the length of the contract period they can offer on insurance policies due to the nature of risks evolving. Therefore to take advantage of the current premium levels, and to gain cost savings by entering into a multi-year commitment, officers intend to request a Long Term Agreement (LTA) with the successful provider. The LTA provides a basis of an agreement by which premium levels are calculated for subsequent years. Any premium increase will only be pegged against policy performance (Brent's claims experience) and not entirely on market experience.

4.0 Financial Implications

4.1 Given the likely size of the contract Cabinet approval will be required under the Council's Contract Standing Orders. The estimated 5 year value of the services contracts including BHP risks is between £5 and £6 million.

- 4.2 The one year extension of the existing contract allows the council time to assess and incorporate the insurance requirements of Brent Housing Partnership as this function merges back into the organisation. This will increase the size of the tender making the contract more attractive to suppliers. There is also the potential for synergies in cover and self-insurance arrangements which would deliver value for money for the council.
- 4.3 It is anticipated that the cost of this contract will be funded from existing resources. Insurance costs are met by existing central insurance budgetary provisions.
- 4.4 The property portfolio is set to grow over the contract period due to the Council's agenda to increase its housing units. This will bring added cost pressure.

5.0 Legal Implications

- 5.1 The Council has power under section 1 of the Localism Act 2011 to enter into a contract for the provision of insurance cover to protect its assets, liabilities and risks
- 5.2 The contract falls within the definition of a service contract under The Public Contracts Regulations 2015 ('PCR'). As the estimated value of the contract set out in 4.1 above is above the threshold for service contracts under the PCR, the procurement is subject to the full application of the EU procurement regulations in that the procurement must be advertised in the Official Journal of the European Union (OJEU) and a competitive procurement process undertaken prior to award of the contract. Paragraphs 3.3 to 3.6 of this report sets out the procurement procedure that will be followed, namely open procedure under the PCR. As the value of the contract is in excess of £500,000, it is deemed a high value contract under the Council's Contracts Standing Orders ('CSO'). The CSO provides that Cabinet approval must be sought for invitation to tender for High Value Contracts (CSO 88) and the pre-tender considerations set out in paragraph 3 above (CSO 89).
- 5.3 Once the tendering process is undertaken, Officers will report back to the Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.4 As this procurement is subject to the full application of the EU rules, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the EU procurement regulations before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information 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.

- 5.5 Recommendation 2.2 seeks Cabinet approval to extend the Council's existing insurance contract. Under the PCR modifications (variations, extensions, or amendments) to existing contracts may be made without commencing a new procurement in certain circumstances. Regulation 72(1) (e) provides that contracts may be modified where irrespective of the value, the modifications are not substantial. On the basis of the contents of paragraph 3.3 and 4.2 of this report, it is considered that the extension of the contract is permitted under regulation 72(1)(e) of the PCR 2015.

6.0 Equality Implications

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

7.0 Staffing/Accommodation Implications

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

8.0 Public Services (Social Value) Act 2012

- 8.1 One of the lots to be tendered is the block contents insurance policy which gives access to council tenants who otherwise would have limited access to insurance. Insurers are usually reluctant to provide this cover individually because of a poor claims experience, however, the facility is made available because of the buying power of the Council and economies of scale.

9.0 Background Papers

None

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