



Cabinet

Monday 21 May 2018 at 4.00 pm

Boardrooms 3-5 - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

**Lead Member
Councillors:**

Portfolio

Butt (Chair)	Leader of the Council and Lead Member for Community Safety
McLennan (Vice-Chair)	Deputy Leader
Agha	Lead Member for Schools, Employment and Skills
Farah	Lead Member for Adult Social Care
Hirani	Lead Member for Public Health, Culture and Leisure
M Patel	Lead Member for Children's Safeguarding, Early Help and Social Care
Krupa Sheth	Lead Member for Environment
Southwood	Lead Member for Housing and Welfare Reform
Tatler	Lead Member for Regeneration, Highways and Planning

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

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for Absence	
2 Declarations of Interest	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.	
3 Minutes of the Previous Meeting	1 - 4
To approve the minutes of the previous meeting held on 9 April 2018 as a correct record.	
4 Matters Arising (if any)	
To consider any matters arising from the minutes of the previous meeting.	
5 Petitions (if any)	
To discuss any petitions from members of the public, in accordance with Standing Order 66.	
6 Appointments to Committees and Other Bodies	
To receive details of the Executive appointments to be made to Cabinet Committees, Joint Committees and Outside Bodies along with the proposed appointment of any Chairs and Vice-Chairs where necessary.	
Members are asked to note that details of these appointments will be circulated as a supplementary paper in advance of the meeting.	
7 Reference of item considered by Scrutiny Committees (if any)	
To consider any reference reports from any of the Council's three Scrutiny Committees.	

Resources reports

8 National Non Domestic Rates – Applications for Discretionary Rate Relief 5 - 16

The report details new applications for relief received since September 2017. The Council has the discretion to award rate relief to charities or non-profit making bodies as well as 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.

Ward Affected:

Alperton;
Fryent;
Stonebridge;
Wembley
Central;
Willesden
Green

Lead Member: Deputy Leader (Councillor Margaret McLennan)

Contact Officer: Richard Vallis, Revenues and IT Client Manager

Tel: 020 8937 1503, richard.vallis@brent.gov.uk

Regeneration and Environment reports

9 Flexible Car Clubs 17 - 36

This report sets out how the introduction of a flexible car club could be beneficial for Brent with regards to providing an alternative to the private car, reducing private car ownership and congestion, and bringing about a change in travel behaviour.

Ward Affected:

All Wards

Lead Member: Lead Member for Environment (Councillor Krupa Sheth)

Contact Officer: Rachel Best, Transportation Planning Manager

Tel: 020 8937 5289, rachel.best@brent.gov.uk

10 Funding decision for Olympic Way Improvements

Report to follow

Children and Young People reports

11 Authority to Award Contracts for Targeted Mental Health Services in Schools (TaMHS) and Emotional Health Services for Children with Disabilities, Children in Care and Care Leavers 37 - 42

This report makes recommendations regarding the procurement of contracts for the provision of Emotional Health and Wellbeing services. It seeks approval to directly award a contract to Central and North West London NHS Trust for 12 months for Targeted Mental Health Services in schools (TaMHS) funded by DSG as well as approval to directly award a contract to Central and North West London NHS Trust for Emotional Health and Wellbeing services for children with disabilities, Looked After

Children and Care Leavers for 12 months.

Ward Affected:
All Wards

Lead Member: Lead Member for Children's Safeguarding, Early Help and Social Care (Councillor Mili Patel)

Contact Officer: Brian Grady, Operational Director Safeguarding, Partnerships and Strategy

Tel: 020 8937 4713 brian.grady@brent.gov.uk

12 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:

13 Any Other Urgent Business

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

Date of the next meeting: Monday 18 June 2018



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

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET
Monday 9 April 2018 at 6.00 pm

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

ALSO PRESENT: Councillors Ketan Sheth and Long

1. **Apologies for Absence**

None.

Councillor Muhammed Butt, Leader of the Council, conveyed apologies from Carolyn Downs, Chief Executive, Amar Dave, Strategic Director, Phil Porter, Strategic Director, and Conrad Hall, Chief Finance Officer.

2. **Declarations of Interest**

None.

3. **Minutes of the Previous Meeting**

RESOLVED:

That the minutes of the previous meeting, held on 12 March 2018, be approved as an accurate record.

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

None.

5. **Petitions (if any)**

None.

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

None.

7. **Highways Capital Scheme Programme 2018-19**

Councillor Ellie Southwood, Cabinet Member for Environment, introduced the report, stating that in 2017/18 approximately £6.2m has been spent improving the condition of Brent's highways, including resurfacing an estimated of 6.44 miles of

road and reconstructing about 7.54 miles of pavement. Councillor Southwood stated that this equates to about 2% of the road network and 1.5% of the pavements. This investment includes £5.3m of Brent capital (carry forward of £0.45m from 16/17, a base 17/18 allocation of £3.5m and an additional £1.35m) and £0.90m of TfL capital funding for Principal (A road) maintenance.

Councillor Ellie Southwood stated that during 2018/19 it is proposed to allocate £3.5m of Brent capital to maintain the highway network, subject to approval of the Budget and Council Tax report.

It was **RESOLVED**:

- 7.1 That the proposed highways maintenance programme for 2018/19 as detailed in Appendix B, be approved; and
- 7.2 That any changes to this and future highways capital programmes, be approved by the Strategic Director of Regeneration & Environment in consultation with the Cabinet Member for Environment.

8. Report seeking approval to acquire a long leasehold from Network Rail. Land at Queens Park - South Kilburn Regeneration Programme

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

Councillor Tatler stated that this report concerns the land assembly necessary to bring forward the Queens Park/Cullen House development project, which is part of the South Kilburn Regeneration Programme sitting in Phase 3a/3b. The Site comprises of Keniston Press (now demolished), Premier House, Salusbury Road public car park, Cullen House and the Falcon Public House together defined as "Queens Park/Cullen House" and Network Rail Land.

It was **RESOLVED**:

- 8.1 That the purchase of a long leasehold interest in the Network Rail land delineated in red at Appendix 3, on the terms as set out in Appendix 2, and entry into a long lease with Network Rail be approved;
- 8.2 That it be noted that the acquisition of the Network Rail land is subject to Network Rail obtaining a full Licence Condition 7, which is part of Network Rail's operating Licence and therefore completion is approximately six months from approval;

- 8.3 That the land acquired by the Council in order to facilitate the development, shall be acquired for planning purposes pursuant to section 227 Town and Country Planning act 1990; and
- 8.4 That the Council may use its powers in accordance with section 203 of the Housing and Planning Act 2016 to override third party rights.

9. **Authority to Award Contracts for Six Extra Care Schemes**

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, introduced the item stating that this report updates Cabinet on the procurement of 6 Extra Care Schemes at:

- Beechwood Court – Wembley
- Rosemary House – Willesden
- Harrod Court - Kingsbury
- Tulsi House – Sudbury
- Willow House – Wembley
- Newcroft House – Wembley.

Councillor Hirani stated that, in accordance with Contract Standing Orders 88, this report seeks Cabinet authority to award a care and support contract for 3 of the Extra Care Schemes and notifies Cabinet of the proposal to re-procure the care and support contract for the other 3 of Extra Care Schemes. Additionally, delegated authority to award the re-procured contract is sought.

This report summarises the rationale for this request and the impact on the wider community as well as the financial implication on the London Borough of Brent. The report also outlines the tendering process which was conducted through the Accommodation plus Dynamic Purchasing System (DPS).

It was **RESOLVED**:

- 9.1. That the contract to deliver care and support at Willow House, Newcroft House and Rosemary House (WNR) be awarded to London Care PLC for the period of 5 years with an option to extend by up to two further years, commencing in May 2018;
- 9.2. That the intention to cease the current procurement in relation to the contract to deliver care and support at Beechwood Court, Harrod Court and Tulsi House (BHT) and to re-procure this contract for the reasons detailed in Appendix 5, be noted; and
- 9.3. That authority be delegated to the Strategic Director of Community Wellbeing in consultation with the Lead Member for Community Wellbeing to award a contract to deliver care and support at Beechwood Court, Harrod Court and Tulsi House for a period of five years with an option to extend by up to a further two years for the reasons detailed in paragraph 3.21 of the report.

10. **Overview and Scrutiny Home Care Task Group**

Councillor Muhammed Butt, Leader of the Council, welcomed Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee, to the meeting.

In his introduction, Councillor Sheth thanked Councillor Hirani and Phil Porter for their contribution to the work of the task group.

Councillor Sheth stated that on 19 September 2017, members of the Community and Wellbeing Scrutiny Committee agreed to set up an overview and scrutiny task group to review policy around the commissioning of home care in Brent.

He stated that the task group had a focus on four areas: resources, health and wellbeing outcomes, partnerships and relationships, and the quality of home care. Members of the task group engaged with a number of stakeholders as part of their review.

Councillor Sheth stated that the scope of the enquiry by the scrutiny task group was limited to its terms of reference as set out in the scoping paper and report. In essence, the purpose of the scrutiny task group was to develop recommendations for the Cabinet based on what the task group thinks are the important priorities for a future home care commissioning model, how the challenges can be addressed, and how the local authority's existing policies might need to be updated.

Councillor Muhammed Butt thanked Councillor Sheth for his introduction and work leading the task group. Councillor Butt thanked the other task group members - Cllr Pat Harrison and Cllr Jean Hossain.

It was **RESOLVED**:

10.1 That the contents of the report and the three recommendations made to the Cabinet, be noted.

11. Exclusion of Press and Public

None.

12. Any Other Urgent Business


Before closing the meeting Councillor Muhammed Butt, Leader of the Council, reminded Cabinet Members that this was the final Cabinet meeting before the May 2018 Local Elections. Councillor Butt thanked his Cabinet colleagues for their work on Cabinet and thanked the Chief Executive and Council Management Team colleagues for their support.

None.

The meeting ended at 6.15 pm

COUNCILLOR MUHAMMED BUTT

Chair

 Brent	Cabinet 21 May 2018
	Report from the Strategic Director of Resources
National Non-Domestic Rates – Applications for Discretionary Rate Relief	

Wards Affected:	Willesden Green, Alperton, Stonebridge, Fryent, Wembley Central
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	2
Background Papers:	Report to Cabinet 15 November 2016 – National Non-Domestic Relief – Review of Discretionary Rate Relief Policy
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Richard Vallis, Revenues & IT Client Manager Tel: 020 8937 1503, Richard.Vallis@brent.gov.uk

1.0 Purpose of the Report

- 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 September 2017.

2.0 Recommendations

- 2.1 That the applications for discretionary rate relief detailed in Appendix 2 to this report be approved.
- 2.2 That 100% rate relief be awarded to Meanwhile Space in respect of any empty rates they become liable for at Ujima House, 388 High Road, Wembley HA9 6AR whilst they are leaseholders of the property, the relief being awarded in

accordance with section 49 of the Local Government Finance Act 1988. As detailed in sections 3.7 – 3.10 of this report

- 2.3 That 50% discretionary rate relief be awarded to Hackspace for 12 months commencing from their date of occupation in respect of business rates due at Ujima House, 388 High Road, Wembley HA9 6AR as detailed in sections 3.7 – 3.10 of this report.

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, where they meet the criteria the council will award local charities up to 100% discretionary relief in respect of the remaining 20% balance and 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 (other than in the case of the relief recommended in respect of Hackspace in recommendation 2.3) 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 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
- 3.6 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%

Ujima House, 388 High Road, Wembley HA9 6AR

- 3.7 Applications have been received from 2 non-profit making organisations, Meanwhile Space and Hackspace, in respect of prospective rate liability at Ujima House, 388 High Road, Wembley. Ujima House was purchased by the council in 2017 with a view to redevelopment in approximately 3 years' time. In the meantime a tenant has been sought but little interest has been received from any commercial organisations. Whilst the property remains empty the council is incurring empty rates on the building, these totalling £115,000 for 2018/19.

- 3.8 Talks have been held with Meanwhile Space, a Community Interest Company whose social mission is to bring empty space back into use providing employment opportunities and a controlled chance for people to either succeed or fail at growing their own business. They are looking to lease the whole of the property for 3 years (with a 2 year break clause) and would look to let parts to start-up businesses as well as established businesses. They have found an “anchor” tenant, Hackspace who would occupy the ground and first floors. Hackspace are a not for profit organisation whose objectives are to promote and encourage technical, scientific, and artistic skills through social collaboration and education, and to provide and maintain shared community workspace and equipment in Greater London. However as a not for profit organisation they would struggle to pay the full business rates on the area and have applied for 50% discretionary rates relief for the first 12 months of their occupation. In order to encourage their occupation of the building which will attract other start up businesses to the building it is recommended that this is granted. The amount of relief for 12 months would be approximately £25,000, the cost to Brent being £16,000.
- 3.9 Meanwhile Space as the lessee would be liable for empty rates due on any unoccupied areas and have requested that any empty rate charges they become liable for be remitted as they do not have the funds to pay these. Their exact liability for empty rates for the 3 year period is unknown, if the premises were empty for the whole of the 3 year period this would amount to £445,000. Conversely if the premises were fully occupied for the whole of the 3 year period they would have no empty rate liability. It is likely that any empty rate liability they incur will be at the start of their lease whilst they find tenants, and again at the end of the lease as tenants vacate to find alternative accommodation. Whilst the council cannot award discretionary rate relief in respect of empty rates it can award hardship relief, the costs of awarding this relief being the same. Without awarding this relief the whole proposal would be in jeopardy with it being likely that Meanwhile Space would walk away from this project. Therefore, in view of the difficulties the council has faced in finding an alternative tenant for the building, it is recommended that relief be awarded in respect of any empty rates Meanwhile Space become liable for.
- 3.10 To illustrate the potential savings to the council, let’s assume that Meanwhile Space’s empty rate liability for the 3 year period is £100,000. The council would meet 64% of the cost of awarding relief, i.e., £64,000 over 3 years. However the council will save £115,000 a year in not having to pay empty rates and instead will gain rates income from Hackspace and other occupiers - estimated at £60,000 pa. The table below summarises the financial gain to the council:-

Savings	Year 1	Year 2	Year 3	Total
Not paying empty rates	£115,000	£115,000	£115,000	£445,000
Rates Income from occupiers	£60,000	£60,000	£60,000	£180,000
Total	£175,000	£175,000	£175,000	£525,000
Costs				
Awarding relief from empty rates to Meanwhile Space	£34,000	£10,000	£20,000	£64,000

Awarding relief to Hackspace for 12 months	£16,000	NIL	NIL	£16,000
Total	£50,000	£10,000	£20,000	£80,000
Net Savings	£125,000	£165,000	£155,000	£455,000

4.0 Financial Implications

- 4.1 From 1 April 2013 the council funded 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. From 1 April 2018 the council is part of a pan London business rates pool whereby 100% income from business rates is split between the council and the GLA. The council's share is estimated at 64%, so from 1/4/2018 the council will meet 64% of any discretionary rate relief awarded.
- 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% for years prior to 1/4/2018 and 64% post 1/4/2018.
- 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 for years prior to 1/4/2018 and 64% post 1/4/2018.
- 4.4 The costs therefore of awarding discretionary relief to the charitable organisations detailed in Appendix 2 is £6,127.56. These costs will in effect reduce the council's projected income from its retained Business Rates income from 2018/19 onwards.
- 4.5 The cost to Brent of awarding hardship relief to Meanwhile Space and discretionary rate relief to Hackspace in respect of Ujima House is estimated at £80,000 over the 3 years - £16,000 for 12 months relief for Hackspace and £64,000 for Meanwhile Space's estimated liability for empty rates over the 3 years (£100,000). However this will be offset by the council not incurring empty rate charges (£115,000 pa) and the rates income it will receive from the occupiers (£60,000 pa).

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.

Hardship Relief

- 5.5 Under Section 49 of the Local Government Finance Act 1988, the Council can reduce or remit any amount a person is liable to pay by way of NNDR, if it is satisfied that the ratepayer would otherwise sustain hardship and if it is reasonable to do so having regard to the interests of Council Tax payers. Council Tax payers are affected by decisions under this section because 64% of the cost of exercising this power has to be funded by the Council.
- 5.6 Case law relating to similar provision in earlier legislation indicates that this discretion should be exercised on the basis of adequate financial information from applicants for relief to enable the Council to assess the capacity of the ratepayer to pay the amounts due.
- 5.7 Government guidance indicates that exercise of discretion in favour of a ratepayer should be exceptional and identifies a number of factors to be taken into consideration in exercising this discretion. The guidance also states that while it would not be proper for the authority to have a blanket policy, as all applicants should be considered on their merits, however, rules may be adopted for the consideration of hardship issues.

6.0 Equality 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 Consultation with Ward Members and Stakeholders

7.1 None, although ward members support the applications from the applications recommended for approval

8.0 Human Resources/Property Implications (if appropriate)

8.1 None

Report sign off:

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 years' 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 whatever 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 – 20% relief

	100% Relief to be awarded	Charge	Amount of relief (20%)	Cost to Brent (30% pre 1/4/2018, 64% post 1/4/2018)
	<u>Organisation</u>			
33083290	Joy House Suite 28, 1 st Floor Trinity House Heather Park Drive HA0 1SU 15/1/2017 -31/3/2017 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£579.52 £2,826.10 £2,908.70	£115.90 £565.22 £581.74	£34.77 £169.57 £372.31
33092111	Community Health Action Trust Unit 9 Moran House 449 451 High Road NW10 2JJ 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£862.20 £887.40	£172.44 £177.48	£51.73 £113.59
33091896	Community Health Action Trust Unit 10 Moran House 449 451 High Road NW10 2JJ 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£3,400.90 £3,500.30	£680.18 £700.06	£204.05 £448.04
3309193X	Help Somalia Foundation Unit 12a Moran House 449 451 High Road NW10 2JJ 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£2,778.20 £2,859.40	£555.64 £571.88	£166.69 £366.00
Note: Stonebridge Boxing Club – after further consideration 10% relief to be awarded for 13/14 and 14/15 and 20% relief for 2015/16, this reflecting a phased introduction of their activities (20% relief already agreed from 1/4/2016)				
33015871	Stonebridge Boxing Club 2 nd Floor, Kassinga House 37-41 Winchelsea Road			

	NW10 8UN 15/1/2014 – 31/3/2014 1/4/2014 – 31/3/2016 1/4/2015 – 31/3/2016	£4,192.55 £20,605.50 £21,075.75	£419.25 £2,060.55 £4,215.15	£125.78 £618.17 £1,264.54
33089865	Stonebridge Boxing Club Car Park space, Kassinga House 37-41 Winchelsea Road NW10 8UN 1/4/2015 – 31/3/2016 1/4/2016 – 31/3/2017 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£168.00 £169.40 £181.43 £200.89	£33.60 £33.88 £36.29 £40.18	£10.08 £10.16 £10.89 £25.72
Total		£67,196.24	£10,959.45	£3,992.09

New Applications for Discretionary Rate Relief – National Charities 5% relief

	100% Relief to be awarded	Charge	Amount of relief (5% of charge)	Cost to Brent (30% pre 1/4/2018 and 64% post 1/4/2018)
	<u>Organisation</u>			
33095708	Shree Swaminarayan Sidhant Saajivan Community Centre 215 Kingsbury Road NW9 8AQ 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£18,202.00 £18,374.00	£910.10 £918.70	£273.09 £587.97
33095691	Shree Swaminarayan Sidhant Saajivan G Floor Abji Bapashree House 213 Kingsbury Road NW9 8AQ 1/4/2017 – 31/3/2018 1/4/2018 – 31/3/2019	£26,345.00 £27,115.00	£1,317.25 £1,355.75	£406.73 £867.68
Total		£90,036.00	£4,501.80	£2,135.47

	Cabinet 21 May 2018
	Report from the Strategic Director of Regeneration and Environment
Flexible Car Clubs	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part exempt - *Appendix B 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: <i>“Information relating to the financial or business affairs of a particular person (including the authority holding the information)”</i> .
No. of Appendices:	2
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Rachel Best, Transportation Planning Manager Tel: 020 8937 5249, Email: rachel.best@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report sets out how the introduction of a flexible car club could be beneficial for Brent with regards to providing an alternative to the private car, reducing private car ownership and congestion, and bringing about a change in travel behaviour.
- 1.2 The Brent Long Term Transport Strategy (LTTS) 2015 – 2035 is committed to working with car club operators to reduce trips by privately owned cars. Car clubs are recognised as a demand management measure to reduce overall car dependence, encourage use of more sustainable modes of travel and provide for London’s urban mobility needs. Growth in car club use could bring about additional benefits such as improved air quality due to reduced congestion and private car ownership, as well as promoting more active and sustainable travel meeting the objectives of the Mayor’s Transport Strategy. Use of public transport, walking and cycling have all seen an increase in use as a result of a shift to car clubs from private car use¹.

¹ Transport for London (2015), ‘A car club strategy for London: Growing car clubs to support London’s transport future’

- 1.3 This report sets out a proposal to enter into a contract with DriveNow UK Limited, a flexible car club provider, and outlines how this would benefit Brent in improving its public realm, reducing congestion, increasing the number of electric vehicles, widening the transport provision in the borough, and supporting regeneration. It would also offer a value for money travel option for many.
- 1.4 The contract will ensure the service provider operates in a way that does not negatively impact our highway network.

2.0 Recommendations

That Cabinet:

- 2.1 Notes the content of this report and agrees the recommendation to implement a flexible car club in the borough.
- 2.2 Approves entering into a quarterly 3 year contract with DriveNow UK Limited for a three year duration on such terms as the Strategic Director of Regeneration & Environment in consultation with the Cabinet Member for Regeneration, Highways and Planning consider appropriate.
- 2.3 Approves an exemption from the usual tendering requirements of Contract Standing Orders in respect of the direct award of the contract(s) detailed in 2.2 above for the good financial and/or operational reasons set out in paragraph(s) 9.3 and 9.4.

3.0 Background

- 3.1 There are three car club models in operation in London. Both operators in Brent, ZipCar and Enterprise, operate using a Back-to-Base business model meaning that the vehicles operate from fixed locations, have to be reserved in advance and must be returned to the same location.
- 3.2 The other two business models (Station to Station and Flexible) differ in that they are 'One Way' meaning that users do not require the vehicle to be returned to the same location it was collected from.
- 3.3 Station-to-Station: Vehicles operate from fixed locations, but can be returned to another fixed location, not needing to be the same location it was hired from. As with Back-to-Base they have to be reserved in advance.
- 3.4 Flexible: Vehicles are 'location less' and can be parked on the road without the need for a designated bay. There is no requirement for the car to be returned to the same spot or area. There is also no need to book in advance, therefore providing on demand usage if there is an available car in the vicinity.
- 3.5 To ensure that the best possible service is provided to Brent residents, Council support, promotion and coordination is necessary to enable a consistent

approach to car clubs to be taken forward. Allowing car clubs to develop on their own based on demand and supply could risk an inconsistent set of services being developed. This may in turn make it harder for residents to access as well as negatively impacting on the highway network and kerb space availability.

- 3.6 In addition, Section 16 of the Traffic Management Act 2004 requires local authorities to manage the road network in the most effective way with particular focus on “securing (and facilitating) the expeditious movement of traffic on the authority’s road network”. Implementation of a car club could play a key role in reducing congestion on the road network in Brent.

4.0 Benefits

- 4.1 The draft Mayor’s Transport Strategy (MTS) makes direct reference to car clubs and their role in reducing private car ownership but still enabling Londoners to travel by car when necessary. Car clubs are key in bringing about a change in travel behaviour that does not rely on owning a car whilst a flexible car club gives residents choice to travel by different modes.
- 4.2 Brent Council already promotes car club use through the planning system requiring S106 monies to fund car club spaces near new developments as a means of increasing densities through reducing parking requirements.
- 4.3 Car clubs attract a diverse range of people based on analysis by Carplus² of respondent postcodes using Mosaic consumer classification. Trends also indicate a widening of the flexible car club member profile to include a larger proportion of older members and those with families. This would align with the diverse nature of Brent.
- 4.4 Improving the Urban Realm:
- 4.4.1 Car clubs, when used by people who would otherwise choose to own a car, will assist in freeing up kerb space by removing privately owned vehicles from the road network. Each flexible car club vehicle replaces up to 10.5 private cars on the road if private vehicles are ‘given up’ in favour of using car clubs³ according to the annual survey of car club members (2016/17) undertaken by Carplus. This enables kerbside space to be utilised for other purposes, such as bike hangers or pocket parks.
- 4.4.2 A study of flexible car-sharing operator car2go found that the average age of vehicles disposed of by its members was 14.4 years⁴. The removal of older vehicles will assist in improving the air quality of our streets and making them more pleasant environments. The T-Charge came into force on 23 October 2017 and users of vehicles that do not meet minimum Euro emission standards must pay to drive in central London. A flexible car club offer, in addition to other

² Carplus Annual Survey 2016/17

³ Carplus Annual Survey 2016/17

⁴ Martin, E. and Shaheen, S., ‘Impacts of Car2go in 5 cities in North America’, (University of California) p15 Table 9

car clubs, could influence the number of people who choose not to replace their old car with a newer one. Of new DriveNow UK Limited (“DriveNow”) members, 27% deferred purchase of a new car⁵.

4.5 Increasing the number of electric vehicles:

4.5.1 DriveNow currently have a partial electric fleet (the largest in London with 50 vehicles) and are aiming to have 80% (1,500 vehicles) of their fleet electric by 2025 as charging infrastructure increases. DriveNow are members of Source London and will therefore complement the Source London charging network Brent Council is currently establishing. DriveNow also work in direct partnership with Chargemaster to offer flexible car clubs alongside open electric vehicle charge points at new developments.

4.6 Reducing congestion:

4.6.1 Flexible car clubs aid in reducing congestion by providing an alternative to the private car, thereby lowering private car ownership, overall mileage and reducing inefficient journeys. Monitoring of DriveNow vehicles currently operating in London shows that the vehicles are used outside of peak times, typically after 9am and after 7pm. This is likely to be as a result of the per-minute pricing mechanism that incentivises customers to drive at less congested times.

4.6.2 Members of flexible car clubs were asked about the frequency that they used a variety of modes of transport before and after joining a car club. The results showed that there was a small increase in journeys undertaken by bicycle, train, Underground, and on foot following membership of a car club⁶. This highlights that car clubs can influence travel behaviour by encouraging use of more sustainable and active modes of travel which helps reduce congestion.

4.7 Improving transport provision:

4.7.1 Current public transport provision in Brent lacks the orbital routes needed by our residents. DriveNow customers tend to use its service for orbital journeys that are difficult via public transport, supplementing the existing public transport provision. The flexible car club model is most suited to integration into a multi-modal transport network because customers can drive one-way and do not have to return using the same mode. Therefore customers are able to combine different modes of transport for their journeys, as opposed to having to commit solely to public transport or car use.

5.0 DriveNow

5.1 DriveNow is a joint venture between BMW and Sixt. BMW provides the vehicles and in-car technology and Sixt provides the IT-back office and large fleet management operation.

⁵ Carplus Annual Survey 2016/17

⁶ Carplus Annual Survey 2016/17

- 5.2 DriveNow has over 900,000 members and 6,000 vehicles in eight European countries, including the UK. In London, DriveNow already operates in four boroughs (Hackney, Haringey, Islington and the southern part of Waltham Forest) and is set to sign agreements with Barnet, Westminster and Tower Hamlets. There are more than 30,000 members in London and there are already 450 members of DriveNow living in Brent.
- 5.3 DriveNow are the only flexible car club operator currently in the United Kingdom.
- 5.4 DriveNow operates using an app or a card so is simple and easy to use. The app enables you to locate a vehicle; the app or card enables you to open and start it and then drop it off in any business area. Business areas are mapped to local parking requirements. Membership is across the whole organisation so you can use vehicles in other countries as well as in the UK.
- 5.5 The DriveNow fleet used in London consists of MINIs, BMW 1 series and BMWi3s and the fleet has been diesel free, consisting solely of petrol and electric vehicles for the past 2 years. They operate with 16% of the London fleet being fully electric utilising charge points that use a type-2 European charger (standard cable) such as Source London. The fleet can adapt based on the customer base to ensure the fleet is used and a quality service is provided to customers.
- 5.6 DriveNow caters for families and booster seats are available in the boot of all BMW 1 series and MINI 5 door vehicles. Pets can also be transported in DriveNow vehicles provided that the car is returned in a clean condition.
- 5.7 DriveNow use incentivised pricing. There is a one-off registration fee of £4.99 with no ongoing monthly or annual membership fees and use can be brought by the minute (33p per minute for a MINI; 39p per minute for the BMWi3), the hour or at a daily rate. Insurance, fuel, and parking are all included in the price and the electric vehicle fleet are exempt from the Congestion Charge. If a vehicle has less than 25% of fuel remaining, customers are credited with 20 minutes if they re-fuel and return the car with over 90% in the tank.

6.0 Operational Management

- 6.1 DriveNow requires a contract to be entered into enabling them to provide a service to our residents. The contract would not give DriveNow exclusivity meaning that Brent would be able to appoint alternative or additional operators in the future if they so wished.
- 6.2 A limit on the maximum number of permits that DriveNow can purchase can be included as part of the contract. When this limit is breached significant financial penalties are paid by DriveNow to ensure that vehicle numbers are kept at an appropriate level for the borough. Details of the contract to be determined following approval from Cabinet.
- 6.3 A new 'Car Club' permit would need to be introduced specifically for DriveNow vehicles. Users would be able to park DriveNow vehicles in any on-street

resident or shared use parking bay in the borough, except in pre-agreed exclusion zones. Brent would be able to decide the location of these exclusion zones, which could be subject to change to suit circumstances. For example, users could be prevented from parking in the Wembley Event Day Protected Parking zone on event days. Users would not be able to park in on-street bays that have a specific permit type, e.g. disabled, car club etc., on yellow lines, or in prohibited parking areas. Users could park in pay & display bays or off-street car parks but would be required to pay the standard charges.

6.4 Brent Council has a choice of two contracts, both of which last three years subject to conditions for operation and are non-exclusive enabling Brent to invite other operators to provide a flexible car club service to its residents if it wishes:

- Annual Payment Contract
- Quarterly Variable Contract

6.5 Annual Payment Contract

6.5.1 DriveNow purchases Car Club parking permits for a pre-agreed number of vehicles⁷ that enable these to be parked in the business area, i.e. Brent. The vehicle can be parked in any on-street residents' parking bay or shared use bays across the business area.

6.5.2 A 15% flexibility in the number of vehicle parked in the business area is permitted. Additional permits will be purchased when the number of vehicles above the 15% flexibility has been reached for two consecutive quarters. At the end of each year of the contract the average number of vehicles parked from the quarter preceding yearly renewal will be used to purchase annual permits for the next year.

6.6 Quarterly Variable Contract

6.6.1 The expected vehicle numbers are decided between Brent Council and DriveNow in the quarter before the contract comes into force. An up-front 'Annual Pre-Payment' is made for a proportion of the expected average vehicle numbers (e.g. 25%) parked in the borough. Each quarter an 'Additional Quarterly Fee' is paid on the difference between actual average vehicle numbers parked in the borough throughout the previous quarter and the number of up-front Car Club permits. A 'Maximum Daily Vehicle Total' can be set by Brent Council. For every day that this daily total is exceeded an additional payment is made by DriveNow on top of the 'Annual Pre-Payment' and the 'Additional Quarterly Fee'.

6.6.2 The benefits with the Quarterly Variable Contract is as the fleet grows larger across the city the mechanisms in this contract ensure that DriveNow does not let large volumes of its vehicles build up in a single borough.

6.7 Financial examples for each contract type are shown in Appendix B.

⁷ Some boroughs have offered a discount of 50% for permits of electric vehicles.

- 6.8 DriveNow have a support team who are responsible for redistributing vehicles in an area when needed, to ensure that there is no long term clustering, that residents are not prevented from parking in their own controlled parking zone (CPZ), and that access to electric vehicle rapid chargers or charging hubs by residents is not blocked.
- 6.9 DriveNow would also be required to provide Brent with a white list of its vehicles including the make and model, proof of ownership, and confirmation that the vehicles are roadworthy and insured.
- 6.10 To enable monitoring, DriveNow will provide Brent with access to an online portal which will show the number of vehicles in the borough and where they are being parked. DriveNow will also provide a variety of data including, but not limited to: number of registered members in Brent, number of active users in Brent, number of hires broken down by those that start in the borough, those that end in the borough as well as those starting and ending in the borough, the average duration of each hire, and the average distance travelled per hire.

7.0 Corporate Priority Alignment

- 7.1 One of the targets in the LTTS is to increase the number of car club vehicles available to Brent residents by 20% by 2035. This ties in with the second objective which aims to reduce conventional vehicular trips on the network particularly at peak times. Therefore, the introduction of DriveNow in the borough would be key to helping achieve our local transport objectives.
- 7.2 Introduction of a flexible car club in Brent, particularly one which includes electric vehicles as part of its fleet, will also help in delivering the three key priorities of the Brent Borough Plan 2015-2019:
- 7.3 Better locally
 - 7.3.1 There is considerable variation in equality across Brent and the introduction of a flexible car club may go some way to addressing this inequality by making independent car travel a viable option for many.
- 7.4 Better place
 - 7.4.1 Brent acknowledges that there are instances when its residents will need to travel by car. A flexible car club would act as an alternative to private car ownership and would also in this way balance the needs of road users.
 - 7.4.2 Poor air quality and increasing levels of congestion in the borough have come about due to reliance on the private car. A flexible car club alongside public transport, private hire vehicles, walking and cycling would enhance the travel offer for Brent residents.
- 7.5 Better lives
 - 7.5.1 Introduction of a flexible car club would help those for whom car ownership is not an option but who still sometimes need access to a car – be it to access

employment opportunities, visit friends/family, travel to medical appointments etc.

- 7.6 It is expected that this proposal will align with the Brent 2020 vision for the borough and in particular will support regeneration, business and housing growth, as well as, employment and skills in the borough, as it will offer a value for money travel option for many.

8.0 Financial Implications

- 8.1 The contract will ensure that all costs related to the provision and maintenance of the fleet as well as associated electricity consumption for the electric fleet and delivery of the car club service will be managed by DriveNow. There will be no cost to Brent Council.

- 8.2 Provided that an equivalent number of car owners switch to a Car Club vehicle, there would be no loss of car parking spaces. There would also be no need to create car club specific parking bays due to the nature of flexible car clubs. In the immediate future, it is not anticipated there will be a reduction in parking permit income.

- 8.3 Brent Council and DriveNow would agree the number of vehicles (permits) that would be able to park in the borough which in turn would dictate the amount of the annual pre-payment made to the Council. If the number of vehicles is exceeded one of the following would apply dependent on the contract type (annual vs quarterly):

- Annual: When the number of vehicles is greater than the expected number plus 15 per cent for two consecutive quarters, DriveNow will purchase additional permits. At the end of each year, the average number of vehicles parked from the preceding quarter is used to determine the number of permits required for the following year.
- Quarterly: A top-up fee would be paid each quarter for the difference in the number of actual average vehicle numbers parked in the borough throughout the previous quarter and the number of permits purchased at the start.

- 8.4 Brent has the option of setting a maximum daily vehicle total and should this be surpassed, DriveNow would be required to pay an additional payment for every day that is exceeded. This is on top of the costs detailed in paragraph 8.3 and is to ensure that too many cars do not end up being left in Brent.

- 8.5 There would be no effect on the number of parking permits available to residents. Provided an equivalent number of car owners switch to Car Club vehicles, the scheme would not generate additional net income. However, our Long Term Transport Strategy and the Mayor's Transport Strategy is looking to reduce the number of trips on the highway network which could, in the long term, impact on car ownership and therefore parking permit income.

9.0 Legal Implications

- 9.1 It is proposed at Recommendations 2.2 that Brent Council enters into agreement with DriveNow. The proposed contract with DriveNow is for a duration of three-years.
- 9.2 The report at paragraph 8.1 indicates that DriveNow will be responsible for all costs related to the provision and maintenance of the fleet as well as associated electricity consumption for the electric fleet and delivery of the car club service. It also makes clear that there will be no cost to the Council and that DriveNow will be able to charge users for the use of its vehicles. Such contract is likely to be regarded as a service concession contract, the consideration given by Brent Council consisting of or including the right to exploit the service or services to be provided under the contract.
- 9.3 This report also requests approval for an exemption from the usual tendering requirements of Contract Standing Order 84 (f) in order to allow a direct award of a contract to DriveNow. Subject to paragraph 9.4 below, Cabinet has the power to do this by virtue of Contract Standing Order 84(a), provided that Members are satisfied that there are good operational and/or financial reasons for doing so. Members are referred to paragraph 5.3 and should be satisfied that these provide good operational and/or financial reasons.
- 9.4 In addition, Members may only grant an exemption from tendering where there is no breach of domestic or European legislation. Concession contracts fall under the Concession Contracts Regulations 2016. The threshold for application of the Concession Contracts Regulations 2016 is £4,551,413. As the estimated value of the concession contract (based on the total turnover of the concessionaire generated over the duration of the contract net of VAT) is estimated to be less than this sum, the contract will not be subject to the full requirements of the Concession Contracts Regulations 2016. However award of service concession contracts is subject to over-riding obligations of non-discrimination, fairness and transparency and there is EU case law to suggest that service concessions should be subject to some form of advertised process.
- 9.5 Brent would require DriveNow to have a licence under the London Local Authorities Act 1990, Street Trading. This licence would cover DriveNow as a whole to operate in the borough over the three year contract period and would be renewable for an administration fee. Brent is not permitted to make a profit from such licences and so the fee is likely to be nominal to encourage use of sustainable modes of transport but will need to cover cost-recovery.
- 9.6 All DriveNow fleet will be licensed for use on the road by the Driver and Vehicle Licensing Agency (DVLA) and the driver insured.
- 9.7 A Controlled Parking Zone Traffic Management Order will be required. In relation to this Order the Council is required to give notice of its intention to modify the Traffic Management Order by publishing a draft and the Council will be required to consider any representations made.

9.8 Section 45 Road Traffic Regulations Act 1984 would be used to provide for designated parking of vehicles specified in the order.

10.0 Diversity Implications

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

10.2 An Equality Analysis (EA) is attached as Appendix A. It will be noted that there are no known negative diversity implications. Provision of a flexible car club scheme will enable those residents in Brent who need/want to use a car to travel, access to one, thereby having a positive effect.

11.0 Consultation with Ward Members and Stakeholders

11.1 The Brent LTTS 2015-2035 makes specific reference to working and supporting with car club operators. Public consultation was undertaken for the draft LTTS and included liaising with relevant stakeholders, a questionnaire as well as a number of events, including with Ward Members. It is considered representation from different sections of the community have been received and endorsed for these proposals.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment

Equality Analysis Flexible Car Clubs

Department Regeneration & Environment	Person Responsible Monica Li
Created February 2018	Next Review February 2019

Screening Data

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

Car clubs are recognised as a demand management measure to reduce overall car dependence, encourage use of more sustainable modes of travel and provide for London's urban mobility needs. Growth in car club use could bring about additional benefits such as improved air quality due to reduced congestion and private car ownership, as well as promoting more active travel – use of public transport and private hire vehicles, walking and cycling have all seen an increase in use as a result of a shift to car clubs from private car use¹. Outer London in particular has been identified as having considerable potential for the growth in car clubs due to private car ownership being higher.

The draft Mayor's Transport Strategy (MTS) makes direct reference to car clubs and their role in reducing private car ownership but still enabling Londoners to travel by car when necessary. The Brent Long Term Transport Strategy (LTTS) 2015 – 2035 is committed to working with car club operators to reduce trips by privately owned cars and includes a targets to increase the number of car club vehicles available to Brent residents by 20 per cent by 2035.

There are currently two car club operators in Brent, ZipCar and Enterprise, with both operating a Back-to-Base business model meaning that the vehicles operate from fixed locations, have to be reserved in advance and must be returned to the same location. DriveNow would offer a flexible model meaning that vehicles are 'location less' and can be parked in any on-street parking bay without the need for a designated bay. There is no requirement for the car to be returned to the same spot. There is also no need to book in advance, therefore providing on demand usage if there is an available car in the vicinity.

Car clubs are key in bringing about a change in travel behaviour that does not rely on owning a car whilst a flexible car club gives residents choice to travel by different modes.

Sources:

- Draft Mayor's Transport Strategy (2017)

¹ Transport for London (2015), 'A car club strategy for London: Growing car clubs to support London's transport future'

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

The introduction of a flexible car club will have the greatest benefit for those who can drive and who do not currently have access to a vehicle and whose mobility is constrained by lack of public transport options.

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

- Yes

The Carplus Annual Survey has highlighted that members of flexible car clubs tend to have certain demographic characteristics with regards to age and sex – they are predominantly male and over a third are aged between 35 and 44 years. If these characteristics continue to be representative of flexible car club users, then those that have these characteristics are more likely to be impacted by this proposal.

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

- Age
- Pregnancy and maternity
- Sex
- Other (socio-economic characteristics)

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
- Pregnancy and maternity
- Sex
- Other (socio-economic characteristics)

Those who are unable to drive due to age or other reasons, and those who share the characteristics typically associated with members of flexible car clubs are likely to be impacted.

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

- No

The introduction of a flexible car club would not change or remove services used by vulnerable groups of people. The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis.

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

- Yes

The proposal for a flexible car club would relate to an area with known inequalities and have an impact on residents from deprived areas and disadvantaged backgrounds and other socio-economic groups.

Brent ranks 39th out of all English local authorities in terms of deprivation. Fourteen of Brent's Lower Super Output Areas (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.

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
- Pregnancy and maternity
- Sex
- Other (socio-economic characteristics)

Implementation of a flexible car club will be borough-wide and will provide a new option for those who do not currently have access to a car. It will also impact more on certain equality characteristics due to its nature.

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

- Yes

To know and understand all our communities.

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

Recommend this EA for Full Analysis?

Yes

Comments

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

- Brent Joint Strategic Needs Assessment Deprivation (2015) – presentation
- Office for National Statistics (2012), *2011 Census*
- Office for National Statistics, (2017), *2016 mid-year population estimates*
- Steer Davies Gleave, (2017) *Carplus Annual Survey of Car Clubs*

2016/17: London

- Draft Mayor's Transport Strategy (2017)

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

Based on the Carplus Annual Survey for London, 32 per cent of car club members are aged between 35 and 44 years with nearly a quarter (24 per cent) aged between 30 and 34 years. Overall, over three quarters (77 per cent) are aged 45 and under.

In Brent, taking into account only those aged 17 and over, 20 per cent of the population is aged between 35 and 44 years, and over half of the population is aged under 45 years. These proportions are lower than the equivalent for car club members indicating that car club members are more likely to be from certain age groups.

The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

Sources:

- ONS 2016 mid-year estimates
- Steer Davies Gleave, (2017) *Carplus Annual Survey of Car Clubs 2016/17: London*

5.2 Disability (select all that apply)

- Neutral

The introduction of a flexible car club in the borough will benefit those who are disabled and able to drive who may need access to a car. However, a car club will automatically exclude anyone whose disability prevents them from driving. The impact is not considered to be negative as this group is already excluded from driving.

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 affected (either positively or negatively). The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

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 affected (either positively or negatively). The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

5.5 Pregnancy and maternity (select all that apply)

- Positive

The introduction of a flexible car club could aid those who are pregnant as well as mothers who do not have access to a car, make journeys which would otherwise be difficult using public transport.

The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

5.6 Race (select all that apply)

- Neutral

It has not been possible to determine whether race affects whether someone will join a flexible car club. The Carplus Annual Survey analysed respondent postcodes using Mosaic to determine the characteristics of flexible car club members but it is not possible to infer race from this.

There is no evidence to suggest that residents from this protected characteristic will be affected (either positively or negatively). The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

5.7 Religion or belief (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be affected (either positively or negatively). The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

5.8 Sex (select all that apply)

- Positive

Based on the Carplus Annual Survey for London, the majority (69 per cent) of car club members are male. If this trend were to continue, men are more likely to benefit from the implementation of a flexible car in the borough.

The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

Sources:

- Steer Davies Gleave, (2017) *Carplus Annual Survey of Car Clubs 2016/17: London*

5.9 Sexual orientation (select all that apply)

- Neutral

There is no evidence to suggest that residents from this protected characteristic will be affected (either positively or negatively). The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

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 **Page 32** ward to nearly 78 per cent in Queen's Park ward. Economic inactivity includes those who are retired, studying, looking after the family or home, as

well as those who are sick or disabled.

The introduction of a flexible car club in the borough may help in increasing mobility for those groups who rely on public transport in areas where accessibility to the public transport network is low and for those on lower incomes.

Sources:

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

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

What did you find out from consultation or data analysis?

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

The Brent LTTS 2015-2035 makes specific reference to working with car club operators. Public consultation was undertaken for the draft LTTS and included liaising with relevant stakeholders, a questionnaire as well as a number of events. These were designed to represent different sections of the community to determine whether the objectives of the LTTS were relevant and apt for transport in Brent in the future.

No further consultation has been undertaken as part of the proposal to implement a flexible car club in the borough. No designated parking bays will be needed as part of a flexible car club and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

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

- No

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

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

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

There are no negative impacts identified by the equality analysis at this stage, of the introduction of a flexible car club in the borough. The nature of flexible car clubs means that no designated parking bays will be needed and therefore no statutory consultation is necessary. Should any consultation take place, this will be on a site by site basis, prior to implementation.

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


The introduction of a flexible car club does not have any outstanding identified negative impacts.

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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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	Cabinet 21 May 2018
	Report from the Strategic Director of Children and Young People
Authority to Award Contracts for Targeted Mental Health Services In Schools (TAMHS) and Emotional Health Services for Children with Disabilities, Children in Care and Care Leavers	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	n/a
Background Papers:	None
Contact Officer:	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Brian.Grady@brent.gov.uk 020 8937 4713

1.0 Purpose of the Report

- 1.1 This report makes recommendations regarding the procurement of contracts for the provision of Emotional Health and Wellbeing services.
- 1.2 This report seeks approval to directly award a contract to Central and North West London NHS Trust for 12 months for Targeted Mental Health Services in schools (TaMHS) funded by DSG.
- 1.3 This report also seeks approval to directly award a contract to Central and North West London NHS Trust for Emotional Health and Wellbeing services for children with disabilities, Looked After Children and Care Leavers for 12 months.
- 1.4 There are opportunities to develop jointly commissioned Emotional Health and Wellbeing services with Brent Clinical Commissioning Group. These direct contract awards will enable service alignment and continuity whilst further work is done to develop a joint commissioning strategy with Brent CCG.

2.0 Recommendation(s)

That Cabinet:

- 2.1 Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a 12 month contract for Targeted Mental Health Services in schools for the operational reasons set out in paragraph 3.2.
- 2.2 Approves the award of a 12 month contract for Targeted Mental Health Services in schools from 1st August 2018 to 31st July 2019 to Central and North West London NHS Foundation Trust for the value of £237,000.
- 2.3 Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a 12 month contract for Emotional Health and Wellbeing services for children with disabilities aged 0-18, Looked after Children and Care Leavers for the operational reasons set out in paragraph 3.6.
- 2.4 Approves the award of a 12 month contract for Emotional Health and Wellbeing services for children with disabilities aged 0-18, Looked After Children and Care Leavers from 1st September 2018 to 31st August 2019 to Central and North West London NHS Foundation Trust for the value of £235,000.

3.0 Background

Targeted Mental Health services in schools (TaMHS)

- 3.1 TaMHS provides school based support for children aged 5 to 16 and their families who are experiencing social, emotional and mental health difficulties. It is funded from the Dedicated Schools Grant with some schools commissioning directly through their individual school budgets. Evaluation of the service demonstrates positive impact and outcomes for children and families. The service is valued by schools. The service currently employs 4 FTE therapists who are allocated to a specific school for half a day or a day each week providing a range of support.
- 3.2 Approval from Cabinet to grant an exemption from the requirement to tender and approve to award a contract to Central and North West London NHS Trust from 1st August 2018 to 31st July 2019 would ensure that the existing provision to schools continue for the next academic year whilst options for delivery of Emotional Health and Wellbeing services to schools are explored in collaboration with schools.

Mental Health Services for Children with Disabilities, Looked After Children and Care Leavers

- 3.3 From 2014, the Council has contracted with West London Mental Health Trust to deliver mental health support for children with disabilities aged 0-13. This

service has provided direct therapy work with children and consultation support to social workers and foster carers in the Brent Council LAC & Permanency service.

- 3.4 Since the contract was first awarded, the priority needs of Brent children and young people have changed. There has been an increased demand for emotional health and wellbeing support for children with disabilities aged 14-18, as well as an increased need for support for Looked After Children and Care Leavers. West London Mental Health Trust have issues with varying the current service to respond to these changing needs under the current contract and have faced challenges in recruiting workers to do more direct intervention with children and young people.
- 3.5 Negotiations with Central and North West London NHS Trust have identified the skills and capabilities to deliver a new service model, which will focus on direct therapeutic support to a wider age range of children with disabilities, Looked After Children and Care Leavers.
- 3.6 The benefits of a Direct Award to Central and North West London NHS Trust include:
- Services covered by this contract would be delivered by the same provider that Brent CCG commissions to deliver specialist Child and Adolescent Mental Health Services (CAMHS), Central and North West London NHS Trust.
 - Contracting with one provider will therefore improve access to joined up interventions across a continuum of Emotional Health and Wellbeing services including specialist CAMHS, for children with disabilities, Looked After Children and Care Leavers.
 - Current council partnership work with Central and North West London NHS Trust will enable future service development and delivery in response to the changing needs of Brent children and young people.
 - Central and North West London NHS Trust have a successful track record in recruiting specialist CAMHS workers with the skills and capabilities to work with older children with disabilities and Looked After Children and Care Leavers.

4.0 Financial Implications

- 4.1 The existing contract for Targeted Mental Health Services in schools with the Central and North West London NHS Foundation Trust has an annual contract value of £237k and is funded from the Dedicated Schools Grant (DSG) and income from schools who buy into the service.
- 4.2 The existing contract for mental health support services for children with disabilities with West London Mental Health Trust has an annual contract value of £235k and is funded from the General Fund.

4.3 Direct award of these contracts removes the potential to achieve savings following re-procurement of the contracts. The department will need to identify alternative savings to achieve the 10% procurement target against these two contracts.

5.0 Legal Implications

5.1 Approval is sought to directly award contracts for a period of 12 months each. These services are classified as Schedule 3 Services under the Public Contracts Regulations 2015 ("PCR 2015"). The estimated value over the lifetime of the proposed contracts are respectively £235,000 and £237,000 and consequently below the threshold for full application of the PCR 2015.

5.2 The proposed contracts are classified as a Medium Value Contracts under the Council's Contract Standing Orders and Financial Regulations and should thus be procured through a competitive tender exercise. As detailed in paragraphs 3.2 and 3.6, officers have indicated that there are considered to be good operational reasons not to tender the contract but instead award to the provider identified in Recommendations. In the circumstances, an exemption from the requirement to tender in accordance with Contracts Standing Orders and Financial Regulations is sought. Cabinet is permitted to grant such an exemption pursuant to CSO 84(a) if it considers that there are good operational and/or financial reasons

5.3 The Equality Act 2010 (the Act) introduced a new public sector equality duty requiring the Council in the exercise of its functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

5.4 Members are referred to Section 6 below and will note that no negative diversity implications have been identified.

6.0 Equality Implications

6.1 An Equalities Analysis screening exercise was undertaken prior to contract specification and there were no negative implications for any protected groups identified. None are likely to arise as a result of the decisions in this report.

7.0 Consultation with Ward Members and Stakeholders

7.1 As this report affects all wards, consultation with specific ward members has not been conducted.

- 7.2 Children in Care and Care Leavers have been consulted on the emotional health and wellbeing services and support that they need. Their feedback has been incorporated into the revised contract specification for this award.
- 7.3 The feedback from children and young people who received TaMHS support in 2017/18 has informed the development of the revised contract specification for this award.
- 7.4 Consultation with children and young people and professionals through Brent Children's Trust Child and Adolescent Mental Health Services group has informed the development of both contracts service specifications.
- 8.0 Human Resources/Property Implications (if appropriate)**
- 8.1 There are no direct staffing or accommodation implications for the Council arising from the Recommendations.

Report sign off:

GAIL TOLLEY

Strategic Director of Children and Young People

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