



Cabinet

Monday 12 November 2018 at 4.00 pm

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

Membership:

Lead Member Councillors:

Portfolio

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

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 significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then 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 of 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 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 is the subject of a registrable personal interest.

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 or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Minutes of the Previous Meeting 1 - 10

To approve the minutes of the previous meeting held on 15 October 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 Reference of item considered by Scrutiny Committees (if any)

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

Community Well-being reports

7 St. Raphael's Estate - Housing Options Appraisal 11 - 56

The report seeks approval for the work that will lay the foundations for improving life on the St Raphael's Estate.

Ward Affected:
Stonebridge

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: Hakeem Osinaike, Operational Director Housing
Tel: 020 8937 2023
Hakeem.Osinaike@brent.gov.uk

Children and Young People reports

8 School Place Planning Strategy 2019-2023 57 - 102

The report provides Cabinet with a new School Place Planning Strategy covering the period 2019 to 2023.

Ward Affected:
All Wards

Lead Member: Lead Member for Schools,
Employment & Skills (Councillor Amer Agha MB
BS, MSc, PHCM)

Contact Officer: Shirley Parks, Head of
Partnerships, Planning and Performance
Tel: 020 8937 4529
Shirley.Parks@brent.gov.uk

Regeneration and Environment reports

9 Statement of Gambling Principles 2019-2022 103 - 232

The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005(the Act). Section 349 of the Act requires all licensing authorities to prepare and publish every three years a Statement of Gambling Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.

The current Statement of Principles was agreed in November 2015.

Ward Affected:
All Wards

Lead Member: Lead Member for Community
Safety (Councillor Tom Miller)

Contact Officer: Yogini Patel, Senior
Regulatory Service Manager
Tel: 020 8937 5262
yogini.patel@brent.gov.uk

10 Brent Design Guide Supplementary Planning Document (SPD1) Adoption. 233 - 302

The paper outlines the consultation responses received between 24 May 2018 and 5 July 2018 on the draft Brent Design Guide Supplementary Planning Document (SPD1).

Ward Affected:
All Wards

Lead Member: Lead Member for Regeneration,
Highways, Planning (Councillor Shama Tatler)

Contact Officer: Joris van der Starre, Principal
Urban Design Officer
Tel: 020 8937 2303
Joris.vanderStarre@brent.gov.uk

Resources reports

11 Business Rates and Associated IT Support Contract Award 303 - 318

The report requests authority to award a contract for the provision of Business Rates and associated I.T. Support as required by Contract Standing Order No 88

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

12 Delegation of Decision and Award of a Printing Services Contract for the ICT Shared Service Authorities 319 - 326

The report relates to the provision of printing services to the ICT Shared Service London Boroughs of Brent, Lewisham and Southwark, and to the Local Government Association. The authorities are seeking a single supplier to be responsible for the printing services, including multifunctional devices, the print room in Brent Civic Centre, and offsite hybrid mail and bulk printing.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Prod Sarigianis, Head of Digital Services
Tel: 020 8937 6080
prod.sarigianis@brent.gov.uk

Chief Executive's reports

13 Changes to Local Government Association Membership 327 - 330

On 4 July 2017, the Local Government Association (LGA) General Assembly, passed a resolution to create a new incorporated LGA, set up as an unlimited company, in place of the unincorporated association.

The report sets out the background to this decision and seeks Cabinet approval for the Council to participate in the new arrangements.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Peter Gadsdon, Director, Performance, Policy and Partnerships
Tel: 020 8937 1400
peter.gadsdon@brent.gov.uk

14 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 paragraph 3, Part 1 of Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

- Item 11 - Business Rates and Associated IT Support Contract Award (Appendix 1)

15 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 in accordance with Standing Order 60.

Date of the next meeting: Monday 10 December 2018



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

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



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 15 October 2018 at 4.00 pm

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

Also present: Councillors S Butt, Johnson, Kabir, W Mitchell Murray and Colacicco

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Minutes of the Previous Meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 September 2018 be approved as an accurate record of the meeting.

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

There were no matters arising.

5. **Petitions (if any)**

Cabinet heard a petition from Mr Joel Grant. Speaking on behalf of residents of Bruce Road, Casselden Road, Hazeldean Road, Alric Avenue and Selwyn Road, Mr Grant asked Cabinet to consider the introduction of controlled parking zone arrangements to resolve ongoing parking issues.

6. **Draft Budget Proposals 2019/20 – 2020/21**

Councillor M Butt (Leader of the Council) introduced this item and asked the Deputy Leader of the Council, Councillor M McLennan, to present the report. Councillor M McLennan stated that this report sets out for consultation and scrutiny the draft budget proposals for 2019/20 and 2020/21.

Councillor M McLennan stated that the budget would be agreed at the Full Council meeting in February 2019. She stated that the report also set out the overall financial position facing the Council for the next four years and highlighted the

significant risks, issues and uncertainties. Councillor M Butt stated that the report set out the approach to consultation with residents, businesses and other key stakeholders.

Councillor Krupesh Hirani, Cabinet Member for Public Health, Culture and Leisure, outlined the implications on the ring-fenced Public Health grant but also how Brent winning the London Borough of Culture bid would also attract funding.

Councillor Shama Tatler, Cabinet Member for Regeneration, Highways, Planning, referring to a recent statement by the Prime Minister, stated that the implications of the Government's austerity agenda were definitely not over in Brent. She stated that local authorities were being given more and more responsibility from central government but without the necessary funding meaning that the Council is now faced with hard decisions.

Councillor Amer Agha, Cabinet Member for Schools, Employment & Skills, stated that the Council was now being more creative in how it allocates funding. He highlighted that school results and inspection findings in Brent were now the best they have ever been thanks to dedicated staff, not increased budgets.

Councillor Eleanor Southwood, Cabinet Member for Housing and Welfare Reform, stated that residents should be assured that the Council is committed to addressing the housing crisis in Brent. Housing supply is the only solution. She stated that the Council would support those negatively affected by Universal Credit via the Council's Council Tax Support Scheme.

Councillor Tom Miller, Cabinet Member for Community Safety, stated that there is no appetite in Brent to set an illegal budget. He stated that the Government's austerity drive had impacted on all public services. He stated that although knife crime is falling in Brent, the crime epidemic in London was particularly worrying.

Councillor Krupa Sheth, Cabinet Member for Environment, stated that innovative solutions in response to austerity had been necessary in the Environment Directorate, for example the introduction of the Neighbourhood Manager role.

Councillor Mili Patel, Cabinet Member for Children's Safeguarding, Early Help and Social Care, stated that the Government austerity drive had placed the Children's and Young People's Directorate in a very difficult position.

Councillor Harbi Farah, Cabinet Member for Adult Social Care, stated that the budget proposals represented extremely difficult choices in Adult Social Care.

Councillor M Butt, Leader of the Council, thanked Cabinet Members for their contributions. He then invited non-Cabinet members who wished to speak on this item.

Councillor Sandra Kabir, Queensbury Ward, thanked the Cabinet for the proposals, stating that the proposals represented painful choices. In response to comments about knife crime in Queensbury, Councillor Tom Miller, Cabinet Member for Community Safety, agreed to meet with the Queensbury Ward Councillors.

Councillor Robert Johnson, Northwick Park Ward, thanked Cabinet members for their proposals. He urged the Cabinet to engage with staff who know how services operate and where pressure points would be.

Councillor M Butt, Leader of the Council, stated that clearly, the financial context is exceptionally challenging. However, in developing draft proposals for consultation in even the most sensitive areas of service provision managers have sought to identify creative ways to achieve efficiencies without damaging service provision.

Councillor M Butt stated that Leaders of the London Boroughs had discussed the impact of Government Austerity at the London Council's Leaders' Committee meeting.

RESOLVED:

- i. Cabinet noted the overall financial position.
- ii. Cabinet agreed to consult on the budget proposals as set out in Appendices A, B, C, D of the report.
- iii. Cabinet noted that detailed information on each of the budget proposals as set out in Appendix E of the report.
- iv. Cabinet agreed to consult on council tax increases of 4.99% in 2019/20, subject to the legislative uncertainty set out in the report, and 3.99% in 2020/21.
- v. Cabinet endorsed the approach to consultation and scrutiny between October 2018 and January 2019, as set out in the report.
- vi. Cabinet endorsed the changes to the technical budget assumptions underpinning the budget as set out in the report.
- vii. Cabinet agreed the estimated Collection Fund balance relating to Council Tax for 2019/20 as a surplus of £0.9m and noted the current estimated balance relating to NNDR for 2019/20 as zero (no surplus or deficit) as set out in the report.
- viii. Cabinet noted the position on the School funding reform proposals, as set out in the report.
- ix. Cabinet noted the budget proposals for the Housing Revenue Account, as set out in the report.

7. Quarter 2 Financial Forecast 2018/19

Councillor M McLennan, Deputy Leader of the Council, introduced the report setting out the current forecasts of income and expenditure against the revenue budget for 2018/19 and other key financial data.

She highlighted a forecast overspend of £1.5m in the Children & Young People department but stated that all other Council departments are forecast to spend to budget, although there are some expenditure pressures and risks. Work is underway to ensure that these overspends are constrained, and reduced where possible.

RESOLVED:

- i. Cabinet noted the overall financial position and the actions being taken to manage the issues arising as set out in the report.

8. Kingsbury Library and Flats, 522-524 Kingsbury Road NW9 9HE Lease

Councillor M McLennan, Deputy Leader of the Council, introduced the report seeking approval to enter into a new lease for a term of up to 10 years and to delegate authority to the Strategic Director of Resources to agree and specify the terms of the lease

RESOLVED:

- i. Cabinet delegated authority to the Strategic Director of Resources to negotiate and agree the terms of a lease, for a period of up to 10 years.

9. Review of Local Council Tax Support Scheme for 2019/20

Councillor Eleanor Southwood, Cabinet Member for Housing and Welfare Reform, introduced the reporting reminding Members that, since April 2013, all Councils in England and Wales are required to operate a local Council Tax Reduction Scheme. These local schemes replace the former national Council Tax Benefit (CTB) scheme.

Councillor Southwood stated that Brent introduced its current scheme ("Council Tax Support") in 2013 and it has remained in place with only minor changes since then. Councils are required to review and confirm or change their scheme each year. This report covers the review of the Brent scheme for 2019/20.

She stated that the report proposes retaining the existing scheme for 2019/20.

RESOLVED:

- i. Cabinet agreed that Brent's Council Tax Support ("CTS") scheme remained unchanged in 2019/20.
- ii. Cabinet noted the factors which would be relevant for consideration regarding the future of the local scheme beyond 2019/20.

10. Brent Borough Plan 2019-23

The Leader of the Council, Councillor M Butt, introduced the report presenting the draft Borough Plan 2019-23, setting out a vision, strategic priorities, and set of commitments for Brent, to be consulted upon before adoption by Full Council.

Councillors Miller and Tatler welcomed the draft Plan and its outward facing nature saying that previous borough plans had been too inward facing.

RESOLVED:

- i. Cabinet considered and agreed the draft Borough Plan in Appendix 1 of the report for public consultation, before reporting to Full Council for adoption in February 2019.

11. **Reference of item considered by Scrutiny Committees**

The Leader of the Council, Councillor M Butt, asked Members of Cabinet to note the recommendations from the Resources and Public Realm Scrutiny Committee relating to the potential sale of Wembley Stadium, and the allocation of Community Infrastructure Levy.

RESOLVED:

- i. Cabinet considered the following recommendations made by the Resources and Public Realm Scrutiny Committee:
 - a. That subject to the confirmation of the sale of Wembley Stadium, the London Borough of Brent write to the Valuation Office at the point the stadium passes to the new owners to ask that its business rates valuation were reconsidered. If the stadium was to be used purely to generate private profit the full amount possible should be returned to the taxpayers of London (through the London business rates pilot pool).
 - b. That Cabinet give due consideration of geographical spread when allocated Strategic Community Infrastructure Levy (CIL) monies to projects in future.

12. **Consultation on Admissions Arrangements for Community Schools for 2020/21**

Councillor Amer Agha, Cabinet Member for Schools, Employment & Skills, introduced the report seeking Cabinet approval to consult on proposed changes to the Admission Arrangements for Brent Community Schools for 2020/21. Councillor Agha stated that the changes proposed are:

- a) to reduce the Published Admission Numbers of the primary schools set out in paragraph 4.2 and
- b) to introduce a criterion that gives priority to children previously in state care outside of England and who have ceased to be in state care as a result of being adopted.

RESOLVED:

- i. Cabinet agreed to carry out statutory consultation on the proposed changes to Community Schools Oversubscription Criteria as set out in the report, to take effect for the academic year 2020/21.
- ii. Cabinet noted that the results of the consultation would be reported back to the Cabinet for final decision on the proposals in February 2019.

13. **Approval to Tender for a Targeted Service to Promote Education, Employment and Training for Young People**

Councillor Mili Patel, Cabinet Member for Children's Safeguarding, Early Help and Social Care, introduced the report concerning the provision of targeted services that promote education, employment and training for young people at risk of becoming NEET (Not in Education, Employment or Training). She stated that the report requests Cabinet approval to invite tenders in respect of these services as required

by Contract Standing Orders 88 and 89, and seeks delegated authority to award the contract.

RESOLVED:

- i. Cabinet approved the Invitation to Tender process for a Targeted Service to Promote Education, Employment and Training for Young People on the basis of the pretender considerations, set out in the report.
- ii. Cabinet approved officers evaluating the tenders referred to above on the basis of the evaluation criteria set out in the report.
- iii. Cabinet delegated authority to the Strategic Director of Children and Young People, in consultation with the Lead Member for Children's Safeguarding, Early Help and Social Care, to award a contract for a Targeted Service to Promote Education, Employment and Training for Young People for the reasons detailed in the report for a term of 3 years, with the option to extend by 2 years.
- iv. Cabinet noted the delivery arrangements for the Targeted Service to Promote Education, Employment and Training for Young People and the estimated budget as set out in the report.

14. **Approval to Tender a Contract for Speech and Language Therapy**

Councillor Mili Patel, Cabinet Member for Children's Safeguarding, Early Help and Social Care, introduced the report setting out the commissioning and delivery models considered for the provision of speech and language therapy to support children with Special Educational Needs and Disabilities (SEND) in mainstream schools, children's centres and linked early years settings.

Councillor Patel stated that the report seeks Cabinet approval to invite tenders for the provision of Speech and Language Therapy to support children and young people with Special Educational Needs and Disabilities (SEND) in mainstream schools, children's centres and linked early years settings, as required by Contract Standing Orders 88 and 89.

RESOLVED:

- i. Cabinet approved the preferred commissioning approach and delivery model for a contract that delivers Speech and Language Therapy to support children with SEND in mainstream schools, children's centres and linked early years settings as set out in the report.
- ii. Cabinet approved the invitation of tenders for the contract referred to above on the basis of the pre-tender considerations as set out in the report.
- iii. Cabinet approved that officers evaluate the tenders referred to above on the basis of the evaluation criteria set out in section (vi) of the report
- iv. Cabinet delegated authority to award the contract for Speech and Language Therapy for children with SEND in mainstream schools, children's centres and linked early years settings to the Strategic Director, Children and Young People, in consultation with the Lead Member for Children's Safeguarding, Early Help and Social Care as detailed in the report.

15. **Proposal To Join 'Capital Letters' - A Lettings Company Owned by a Consortium of London Authorities**

Councillor Eleanor Southwood, Cabinet Member for Housing and Welfare Reform, introduced the report stating that the housing pressures on low income households in London have perhaps never been higher, and a more co-ordinated effort is required from Councils across London to source an improved supply of suitable accommodation to meet demand.

She stated that London Housing Directors and London Councils have been working on a model which would enable better outcomes for homeless / at risk households and for Councils.

Councillor Southwood stated that this report sets out the reasons for joining “Capital Letters”, a proposed joint endeavour between a group of London boroughs to jointly procure affordable Private Rented Sector accommodation across London, delivering at least the same level or potentially more PRS accommodation. The aim is to reduce costs and increase the supply of accommodation to use for the prevention and relief of homelessness or to end a main homelessness duty. One of the objectives is improved outcomes for homeless families.

Members of Cabinet discussed the need for political oversight of the Company.

RESOLVED:

- i. Cabinet noted the £39 million over three years potentially being made available by the Ministry of Housing, Communities & Local Government specifically for pan-London collaboration on the procurement of accommodation for homeless households.
- ii. Cabinet approved the decision for the Council to join a letting company to be named Capital Letters London Ltd, a Company Limited by Guarantee that would be established by the London boroughs, as an A member.
- iii. Cabinet to request that that London Councils put in place appropriate political oversight.

16. **Local Implementation Plan (LIP3)**

Councillor Shama Tatler, Cabinet Member for Regeneration, Highways, Planning, introduced the report stating that the current Mayor’s Transport Strategy (MTS) was published on 13 March 2018. She stated that the MTS sets out the Mayor’s plans to transform London’s streets, improve public transport and create opportunities for new homes and jobs. To achieve this, the Mayor wants to encourage more people to walk, cycle and use public transport, aiming for 80 per cent of all trips in London to be made on foot, by cycle or using public transport by 2041.

Councillor Tatler stated that each London borough is required to develop a Local Implementation Plan (LIP). The LIP sets out how the borough will deliver the MTS, take forward local transport policies, and target resources and investment to meet the relevant objectives at local level.

RESOLVED:

- i. Cabinet noted the timetable and process for preparation of the Brent Council's LIP3.
- ii. Cabinet approved the submission of the draft LIP3 to Transport for London (TfL) for their consideration by the 2 November 2018 deadline and approval by the Mayor of London in March 2019.
- iii. Cabinet delegated authority to the Strategic Director for Regeneration and Environment, in consultation with the Lead Member for Regeneration, Highways and Planning, to make any further minor amendments following comments from Transport for London (TfL) and resubmit for approval in March 2019 or earlier, in February 2019, should substantive changes be required

17. **Brent Local Implementation Plan (LIP) Annual Spending Submission 2019/20 - 2021/22**

Councillor Shama Tatler, Cabinet Member for Regeneration, Highways, Planning, introduced the report by stating that the primary source of funding for schemes and initiatives to improve transport infrastructure and travel choices in Brent is Local Implementation Plan (LIP) funding, 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 mode aim and Transport Strategy outcomes to deliver 'Healthy Streets and Healthy People'.

Councillor Tatler stated that this report seeks to update on the provisional LIP allocation and the 2019/20 Corridors, Neighbourhoods and Supporting Measures LIP programme proposed to be submitted to TfL. Following approval by TfL, the schemes and initiatives within the approved LIP programme will be implemented subject to receiving the full funding allocation.

RESOLVED:

- i. Cabinet noted the content of the report and Brent's 2019/20 provisional allocation of £2,147,000.
- ii. Cabinet approved the proposed 2019/20 programme of LIP Corridors, Neighbourhoods and Supporting Measures schemes through application of the prioritisation matrix, as set out in the report and, subject to TfL approval in December 2018, instructed the Head of Highways & Infrastructure to deliver the programme using the allocated budget and resources available.
- iii. Cabinet authorised the Head of Highways & Infrastructure to undertake any necessary statutory and non-statutory consultation and in consultation with the Lead Member for Regeneration, Highways and Planning consider any objections or representations regarding the proposed schemes. Provided there were no objections or representations, or the Head of Highways & Infrastructure in consultation with the Lead Member for Regeneration, Highways and Planning considered the objections or representations as groundless or unsubstantiated, the Head of Highways & Infrastructure was authorised to deliver the schemes. Otherwise, the Head of Highways & Infrastructure was authorised to refer objections or representations to Cabinet for further consideration.

- iv. Cabinet noted the scheme allocations were provisional and that schemes may be subject to change during development and following the consultation process.
- v. Cabinet authorised the Head of Highways & Infrastructure in consultation with the Lead Member for Regeneration, Highways and Planning to vary scheme allocations where necessary within the overall LIP budget, and in accordance with financial regulations.
- vi. Cabinet authorised the Head of Highways and Infrastructure to deliver schemes that receive any additional in-year funding as approved by TfL, subject to the outcome of consultation and to brief the Strategic Director for Regeneration and Environment Lead Member for Regeneration, Highways and Planning.

18. **On-Street Parking Management – 2018/19 Programme**

Councillor Shama Tatler, Cabinet Member for Regeneration, Highways, Planning, introduced the report providing Cabinet with an update on the On-Street Parking Management Review, further to the report to Cabinet on 12 February 2018.

She stated that the report provides details of an analysis of feedback from the public to identify levels of demand for introducing new Controlled Parking Zones (CPZs) and reviewing existing CPZs.

RESOLVED:

- i. Cabinet noted the petitions received and online requests for changes to parking management in the Borough for the period between 6 November 2017 and 14 August 2018.
- ii. Cabinet approved the 2018/19 programme regarding the proposed new and review Controlled Parking Zone (CPZ) schemes as set out in Appendix 2 to the report for implementing changes to on-street parking arrangements to go out to public consultation.
- iii. Cabinet delegated authority to the Strategic Director for Regeneration and Environment to decide whether to approve the said proposed CPZ schemes and any necessary Traffic Management Orders resulting therefrom in consultation with the Cabinet Member for Regeneration, Highways and Planning following the public and statutory consultation processes.
- iv. Cabinet noted the financial implications within this report and agreed a budget provision of £91,000 to deliver the programme, subject to consultation.
- v. Cabinet authorised the Strategic Director for Regeneration and Environment to make arrangements to contact the lead petitioners to inform them of the responses on behalf of the Council in relation to their respective petitions, as set out in the report.
- vi. Cabinet noted that the online information, guidance and application process for parking changes would continue to remain in place, and that requests would be considered when developing future programmes.

19. **Exclusion of Press and Public**

None

20. **Any other urgent business**

None.

The meeting ended at 5.27 pm

COUNCILLOR MUHAMMED BUTT
Chair

	Cabinet 12 November 2018
	Report from the Strategic Director of Community Well-being
St. Raphael's Estate - Housing Options Appraisal	

Wards Affected:	Stonebridge
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:	Two: <ul style="list-style-type: none"> • St Raphael's Estate Map • Brent Equality Analysis St Raphael's
Background Papers:	<ul style="list-style-type: none"> • Better homes for local people (The Mayor's Good Practice Guide To Estate Regeneration February 2018)
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Richard Barrett Head of Estates Regeneration Email: Richard.Barrett@brent.gov.uk Tel: 0208 937 1330 Jill Rennie Senior Project Manager Email: Jill.Rennie@brent.gov.uk Tel: 0208 937 2556

1.0 Purpose of the Report

- 1.1 This Cabinet report seeks approval for the work that will lay the foundations for improving life on the St Raphael's Estate. Through robust consultation and engagement, tenants and the community will decide on the best way of doing this.
- 1.2 The Council will put its whole weight behind helping residents to build the thriving, clean, crime-free neighbourhood they want. Depending on the outcomes of consultation, there will be the opportunity to build brand new homes that properly meet the needs of families who live on St Raphael's whilst continuing to play our part in tackling London's shortage of good quality and genuinely affordable housing.
- 1.3 Residents are generally positive about life on the estate, but there is a strong sense that it could, and should, be a much nicer place to live. In talking with the

people who live there, we have heard that, overall, there are three main local priorities:

- Clean, safe streets and open spaces, with crime and anti-social behaviour a thing of the past;
- Better connections and transport links with the rest of the borough; and
- Good quality homes of which to be proud.

1.4 Despite the financial pressures arising from Government budget changes imposed upon local authorities the Council has a unique opportunity to make a difference on the estate. Through our engagement to date we have heard that there are issues that the local residents would wish the Council to address and equally the Council would wish to get to work with the community on making things better, starting with engaging the community in a proper masterplanning process.

2.0 Recommendations

2.1 To work with residents and tenants to set up a governance structure which will oversee this project.

2.2 To agree to officers progressing work on the St Raphael's Estate to assess potential housing improvement and development opportunities for the estate.

2.3 To agree to delegate authority to the Strategic Director of Community Well-being in consultation with the Lead Member for Housing and Welfare Reform for the award of contract for a Multi-disciplinary Design Team and other key consultants as required including cost consultants.

2.4 To agree that an Estate ballot, will take place prior to any final decision to proceed with option 2.

2.5 To note that officers are working on establishing a partnership arrangement with Network Homes and Peabody Trust to take forward any future development of the St Raphael's Estate with any final agreement subject to approval by Cabinet.

2.6 To note that officers will provide an update to Cabinet at appropriate points in the programme.

3.0 St Raphael's Estate

Background

3.1 St Raphael's Estate sits within Stonebridge ward. It is bounded by the North Circular Road on the south and east, Drury Way to the east, industrial premises to the north, and the River Brent to the west. The estate in its entirety is made up of circa 1174 properties within the existing estate boundary, of which Brent Housing Management own and manage 807 dwellings & 27 blocks. The estate also includes properties which are managed and owned by Network Homes (a Registered Provider) and private individuals, as well as privately owned homes, including properties that have transferred from council ownership, e.g. through Right to Buy. This estate also includes a number of commercial units.

- 3.2 The map at Appendix 1 shows the whole estate and identifies three distinct areas, which reflect different mixes of ownership types. A summary of the breakdown of the stock is below:

Area A:

Tenure Type	No. of Units
Council Rented	522
Leaseholder	134
Private Properties	118
Network Homes (private properties)	19
Grand Total	793

Area B:

Tenure Type	No. of Units
Council Rented	126
Leaseholder	24
Private Properties	91
Grand Total	241

Area C:

Tenure Type	No. of Units
Private Properties	113

- 3.3 There are the following non-residential uses and activities within St Raphael's, this is not an exhaustive list, and will be developed through consultation going forward:

- The Living Room
- Abracadabra Preschool
- Henderson House
- Commercial uses
- Sufra
- Hephzibah Day Nursery
- Children's Centres
- Phoenix Arch School
- St Patricks Church
- St Raphael's Estate Residents Association
- Unlocking Potential
- Young Creatives
- An Employment and Skills project

Council Housing Stock Condition

- 3.4 St. Raphael's estate is a mixture of construction types: cavity wall & solid wall, with the majority of the stock constructed between 1967 to 1982. The estate consists of four property types: houses, bungalows, flats (in low level blocks) and maisonettes.

- 3.5 A stock condition survey was undertaken during August and September 2018. The findings of the survey reveal the properties to be in a reasonable state of repair.
- 3.6 A financial forecast of expenditure to fund stock investment over thirty years has been prepared. The thirty year spend profile shows a total of £32.7m investment is likely to be required for the 806 Council properties. The level of investment required per property, per annum (at £1353) is considered to be in line with expectations with respect to an estate that is maintained and meets the decent homes standard. No major investments are required in the next 5 years. Beyond this however, more investment is required, particularly from years 11 to 30, when asset replacements would be due as they end their life-cycle. The previous spend on responsive repairs for the last five years is an average of £624 per property, per annum. This is considered to be a reasonable level of average expenditure.
- 3.7 Although repair costs are reasonable, void costs are relatively higher than properties elsewhere in the borough. This suggests an underreporting of repairs by tenants and perhaps a worse property condition than what is apparent from the survey by tenants but more investigation would need to be done to understand why this is the case.

Overcrowding

- 3.8 There are currently 286 households living on the estate who are on the Council's Housing Register for re-housing. The reason for their housing need is broken down in the table below.

Housing Need	Number of households
Elderly Sheltered	2
Homeless	29
Management Transfer	1
Medical	3
No Priority	221
Overcrowding	22
Under Occupation	8
Grand Total	286

- 3.9 The majority of these households (221) have not been awarded any priority on the Council's Housing Register. This is because although they are living in overcrowded accommodation, they only lack one bedroom.
- 3.10 The Council changed the Allocation Scheme in 2014, so that only households who are overcrowded by two bedrooms or more would be placed into a priority band for social housing. This decision was made because there were over 20,000 households on the housing register, the majority of whom were in a priority band because they were lacking one bedroom. As the Council will typically only have 600 units of social housing available to let each year, and around 40% of these are one bedroom units, the majority of households will never be successful in securing social housing. It was therefore agreed that

only households who were overcrowded by 2 bedrooms or more would be prioritised for a move to social housing.

- 3.11 For those 221 families on St Raphael's who are overcrowded by one bedroom, given the wider housing crisis and the lack of social housing supply, unless their situation changes, the Council will not be able to help them with their overcrowding issues unless it was through estate re-development, similar to what the Council has done on South Kilburn.

Beyond housing – the strengths and weaknesses of the estate as a whole

- 3.12 The Council's Regeneration Strategy and Housing Strategy identified that there is a clear and pressing need to tackle deprivation and reduce economic and social polarisation on St Raphael's and the Council would continue to tackle socio-economic issues as part of any plan for St Raphael's. The Council is already delivering with partners a range of support at The Living Room, and would review how these issues can be further addressed as part of a wider plan that takes all issues – housing, environmental and economic together.

- 3.13 The Council is committed to improving the housing, environmental and economic outcomes for those who live on the St Raphael's Estate. The Council is aware from both the feedback and from its own knowledge of the Estate that there are environmental, safety and socio-economic issues for St Raphael's. For example, the Community Profile for St Raphael's identifies some specific challenges for its residents:

- 38% of children are living in poverty in St Raphael's compared with 19% across England
- 25% of people have no qualifications in St Raphael's compared with 22% across England, 18% in London and 19% in Brent
- 27% are in full time employment compared with 39% across England, 40% in London and 36% in Brent

- 3.14 The Council also knows that there are other issues.

- St Raphael's is identified as having a low PTAL (public transport accessibility level), and only 56% of households have a car (compared to 74% nationally).
- The nature of the roads and river surrounding St Raphael's can make it feel isolated even although it is relatively close to Wembley, which is exacerbated by the limited retail offer on the Estate.
- There are also issues in regards to the air quality and noise from the North Circular. The parts of the estate immediately beside the North Circular have high poorer air quality (65-90 NO₂ (ug/m³) – reducing down to <30 NO₂ (ug/m³) further into the Estate and there are areas which have noise at 65-75 dB (potentially some properties >75 dB) - reducing down to 0-55 dB further into the Estate.

- 3.15 The Council is also aware that personal robbery is a prevalent crime on St Raphael's estate, which increased by 107% from last year, compared to an increase of 52% in the rest of the borough. Also increasing, but to a lesser extent, are assault of wounding/Grievous Bodily Harm (GBH). There is also

recorded gang activity on the estate. The Council's Community Safety and Housing Management teams are working very closely with the Metropolitan Police to try and tackle these issues. However, the design and nature of the estate is likely to be a contributing factor in these crimes.

What do we know about what residents think about St Raphael's

- 3.16 To understand what should be improved the Council needs to understand how people feel about life on the Estate. In addition to the housing customer satisfaction surveys and tenancy audits that are done regularly, we commissioned a specific piece of engagement work through Your Shout over summer 2018 in preparation for this report.

Housing Customer Satisfaction Surveys

- 3.17 The Housing Management service carries out annual customer surveys, and as part of this year's survey, the Council commissioned a larger sample of St Raphael's residents. The number of people contacted across St Raphael's was 118. The survey revealed that residents living on the St Raphael's estate indicate significantly lower than average levels of satisfaction; 65% are satisfied with their neighbourhood as a place to live (74% on average in the borough) and only 55% are satisfied with the overall appearance of their neighbourhood (73% on average in the borough).
- 3.18 The survey also identified a specific range of issues which may be driving those lower levels of satisfaction, including:
- Rubbish or litter – 52% indicate this is a major problem (33% on average across the borough)
 - Disruptive children / teenagers – 47% indicate this is a problem (20% a major problem) - (38% / 12% on average across the borough)
 - Abandoned or burnt out vehicles – 33% indicate this is a problem (11% a major problem) - (21% / 6% on average across the borough)
 - Other crime – 52% indicate this is a problem (28% major problem) – (39% / 14% on average across the borough)

Tenancy Audits

- 3.19 Tenancy verification checks highlighted a number of similar estate and environmental issues. In particular, resident's feedback that anti-social behavior (ASB) is common around the estate with many young people congregating in the communal areas and causing noise nuisance as well as distress for other residents. Residents also told us that to effectively mitigate the ASB incidents caused by the young people on the estate, the Council should invest in enhancing the provision of local facilities for local young people to enable them to exercise their energy in a positive way.

Engagement with the community of St Raphael's over summer 2018 – Your Shout

- 3.20 In addition, because the Council is clear that any decision on the future of the St Raphael's estate cannot be taken until local residents have had their say on

the future of the estate, the Council commissioned 'Your Shout' (a company who undertake community consultation for the built environment) to carry out conversations on St Raphael's in August and early September 2018. The aim was to get an initial view on the issues on the estate to feed into this report. Your Shout:

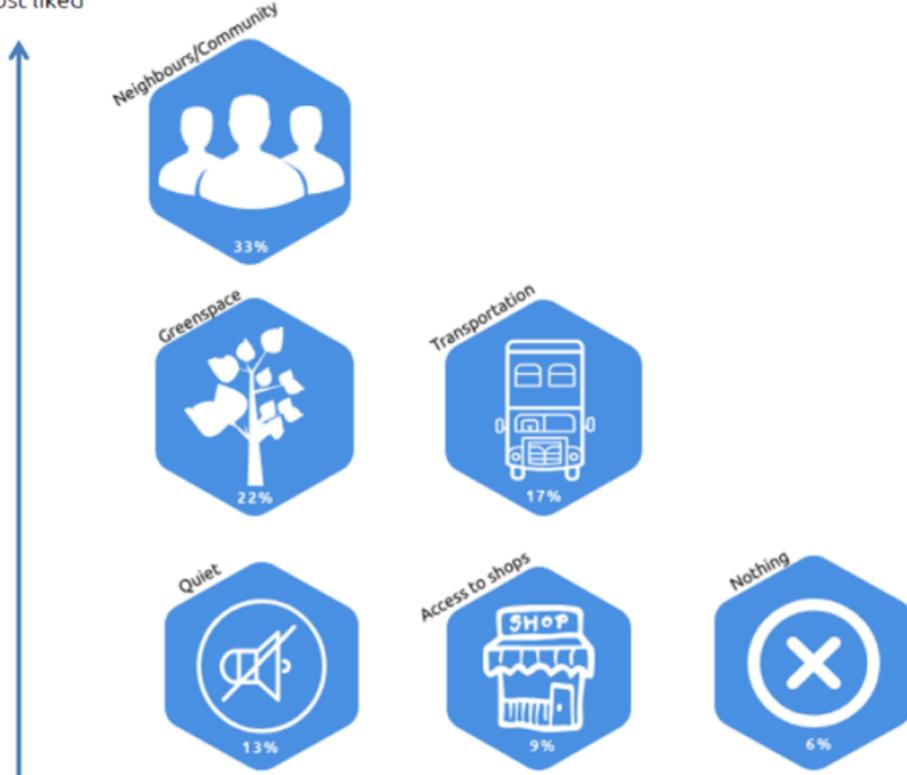
- visited the estate on four occasions to speak to local residents, businesses, shop owners etc
- held two drop in sessions,
- had 5 meetings with specific groups/organisations
- 112 people completed the 'We want your views' paper survey, and
- 112 people completed the 'about you' survey.
- 1 person got in touch to leave their feedback over the phone.
- 3 people emailed their feedback.
- 49 people attended the drop in sessions (these people were part of the 112 people who completed the paper survey).
- 8 people completed the online survey.

3.21 This is the very start of the Councils engagement. Given the size of St Raphael's this is a limited sample size, and is not representative. As with all communities, contrary and mixed perceptions exist and we will ensure meaningful engagement opportunities for as many people as possible exist at the next stage including ensuring comprehensive representation of community groups.

3.22 What is clear from the responses was that there were a range of issues raised including environmental, social and physical issues. The report identified a number of things which were liked and disliked about St Raphael's and what the community would like to see improved. Some aspects were both liked and disliked. Below are some infographics taken from the report. The feedback will provide a foundation for the Council to build upon for future engagement.

Question 6: What do you like most about St Raphael's Estate?

Most liked



Question 7: Is there anything you dislike about St Raphael's Estate?

Most disliked



Question 8 + 9:
 What would you like to see improved about St Raphael's Estate?
 Any other feedback, or suggestions, you would like to give us?



- 3.23 Within the Your Shout feedback there are some real positives such as people like their neighbours/ community; the green space, the transportation (despite the objectively measured issues such as low PTAL), the quiet and access to shops.
- 3.24 However, as shown in the Your Shout feedback there are a range of issues particularly linked to public realm and security which are - crime/drug/gangs, generally unclean, lack of parking/traffic, parks not looked after, nowhere for kids to play, bin area dirty, noise, feels unsafe, fly tipping and street lights do not work. Respondents also said that they would also like to see safety and the public realm improved being – facilities for youth, parks/greenspace, CCTV/security/patrols, upkeep/modernise, the bin area, parking and pavement/roads. Similar issues are also seen in the Housing Customer Satisfaction Survey.
- 3.25 A number of the above issues are being addressed through our day to day neighbourhood services arrangements. However, the current design of the estate and other socio-economic issues means that to make a real difference might require a longer term and more radical solution.
- 3.26 The Council understands that redeveloping an estate embodies more than the development of new homes and amenities. It can breathe new life into the community by addressing issues that are giving concern to residents, such as overcrowded living conditions, providing young people with a learning environment, designing out crime and enhancing residents' general wellbeing.
- 3.27 These should be supplemented by improving the employability of local residents, removing barriers to prosperity and improving skills and life chances,

whilst fostering community cohesion. These objectives will help revitalise and achieve a more sustainable community, and build upon the good work which is already taking place on the Estate

4.0 Housing Need in Brent

Housing Need

- 4.1 There is a housing crisis in London, the scale of which in Brent is set out below.
- 4.2 The West London Alliance Strategic Housing Market Assessment (SHMA) was produced in August 2018 and concluded that there are 12,200 households currently in affordable housing need in Brent who are unable to afford their own housing. This is the broadest definition of need. Of these households:
- 3,657 currently occupy affordable housing that does not meet the households' current needs, mainly due to overcrowding (this would include the 221 households already identified in this report on the St Raphael's estate)
 - 2,331 households who would be described as concealed, young persons and/or couples living with family when they would prefer to move out for example, and two couples sharing what is normally a single family home
 - 6,212 households who are currently in accommodation they either cannot or are struggling to afford.
- 4.3 As at 25 September 2018, there were 3,504 households in priority Bands A-C on the Council's Housing Register. Bands A-C highlight the numbers of households in the most acute need. They are the households that are eligible to bid for Council housing. A further 17,669 are in Band D, who are deemed to be in need, but less need, for example, the 221 households on St Raphael's who lack one bedroom.
- 4.4 The number of households in Temporary Accommodation (TA) is a sub-set of Band A-C. In September 2018, there were 2,421 homeless households living in TA.
- 4.5 The highest demand is for two and three bedroom houses and, for families in Band C, this means an average wait of 9 and 16 years respectively. There are over 450 families in Bands A-C requiring a 4 bedroom property or larger and, for families in Band C, this is a wait of 18 years.
- 4.6 Demand for social housing by far exceeds supply and is the reason for these long waits. In the 12 month period between 1 April 2017 to 31 March 2018, only 618 units of social housing have become available for allocation, and nearly half of them (270 units) were 1 bed properties. The number of family sized properties that were let were as follows; 193 units were 2 bed, 106 units were 3 bed, 44 units were 4 bed, 1 unit was a 5 bed property and finally 4 units were 6 bed properties.
- 4.7 The fundamental point is that there is not enough social housing, and the housing which is available in the private sector is becoming more expensive and unaffordable to many people.

Meeting Housing Demand – Housing Supply

- 4.8 The Council is very aware of these challenges. They are clearly set out in its Housing Strategy, its Regeneration Strategy and the Borough Plan 2019-2023. The supply of new housing is a huge challenge that requires the Council and partners to look at every opportunity and every delivery route to increase the supply of affordable new homes. The draft London Plan sets Brent a target of 29,150 new homes over the period 2019/20 to 2028/29 of which the Strategic Target for affordable housing is 50% (14,575)
- 4.9 The Housing Strategy and now the Borough Plan 2019-2023 outline the Council's commitment to tackling this challenge, specifically the commitment is to deliver 5,000 new affordable, good quality homes with decent space provision to high safety standards in the next five years, including:
- Improving relationships with local housing associations so that they can contribute to this target
 - Building 1,000 of these homes directly, and
 - Aiming to ensure that 50% of housing built in Brent is affordable.
- 4.10 Underpinning this objective is a clear plan which will:
- Increase Council house building and other affordable supply through I4B. As part of this, the Council has recently put together a plan to deliver 1,000 new homes within the next three years. This plan underpins the Council's bid for additional borrowing capacity and grant funding from the GLA.
 - Transform the way we work with Housing Associations to maximise their delivery in the Borough, and
 - Working with private developers to ensure wherever possible the affordable housing they deliver meets the needs of Brent residents.
- 4.11 Although this is a significant commitment, underpinned by a clear delivery plan, even if the Council delivers these numbers, there will still be a significant gap as described in the previous section. The Council therefore has to look at options that are capable of delivering additional significant numbers.
- 4.12 St Raphael's estate was built when land was in abundance and therefore the build density is low. This presents an opportunity, for the Council to consider what options are available to maximise housing supply on the estate. By doing so, the Council can start to address the housing needs on the estate, as demonstrated above. Initial indications are that, with careful planning and support of residents on the estate, redevelopment options could produce significantly more homes, of the right size and which are genuinely affordable, than the current residents of the estate require.

Meeting wider demands - improving the socio-economic outcomes for tenants and the community

- 4.13 Physical regeneration, in itself, does not and cannot eradicate the wider socio-economic issues evidenced above and identified through the wider engagement with the local community above. However physical regeneration can provide the opportunity to deliver a wider and more far reaching solution to intractable issues and can address poor design of the physical environment which can make these issues more difficult to manage. It can also be used to fund and provide additional and renewed infrastructure that will enable the local

community to become involved in the self-management of the estate in which they live.

- 4.14 The Council has a successful track record of regenerating its own estates and encouraging similar approaches with Housing Associations located within the Borough. Barham Park Estate is a recently completed regeneration programme which has delivered new homes, retail and community space in an area previously recognised as having similar ASB issues to that which exist on St. Raphael's. South Kilburn is recognised as an exemplar regeneration programme delivering a new mixed neighbourhood and delivering not only new homes but also an infrastructure and public realm which addresses the entrenched problems experienced on this estate for a number of years. The Council works with external agencies such as South Kilburn Trust and the Council's own Employment, Skills & Enterprise Team to address some of the "soft" regeneration issues.
- 4.15 St. Raphael's is an opportunity for the Council to utilise its experience of these successful estate regeneration issues, subject to community support, to bring forward solutions for the issues identified through a mixture of "soft and physical regeneration.
- 4.16 A redevelopment of St Raphael's would include placemaking and the inclusion/improvement of the infrastructure which the community needs to thrive, including making the best use of the greenspaces. For example it would be better to have greenspaces which are seen as being safe and overlooked so that they are well used and enjoyed by the residents of the estate.

5.0 Options to respond to this initial Tenant Engagement and Feedback

- 5.1 Any form of change inevitably and understandably introduces a certain level of concern and consequently it is often the default option of no change that is automatically selected. People naturally prefer the known as opposed to the unknown even when they are aware of imperfections in the current situation.
- 5.2 Therefore before any organisation embarks upon change it should have a rationale for so doing. In the case of an intervention in a residential estate such as St. Raphael's it is important to set out the ultimate goals for this engagement.
- 5.3 In summary the tenants and residents of St. Raphael's Estate have stated that there are good things about living on the Estate, but the Council recognises that there are problems affecting residents on the estate which include, overcrowding, future investment in the Council's housing stock, public realm issues and safety. In response to this, the Council is committed to improve the housing, environment and economic outcomes for those who live on the St Raphael's Estate. It should also be recognised that this may also be an opportunity for the Council to be able to deliver more homes for the borough through the better utilisation of one of its larger Council owned estates which has not been subject to any form of significant physical intervention since original build.

Options Appraisal

5.4 Set out below are the two options which would address the issues identified on the estate. The option which is eventually selected could be a variant of the two set out below. The further views of local residents and the financial impact of each option will need to be assessed and will influence the eventual outcome alongside a ballot. It is important to note that the options will require the inclusion of private for sale homes in order to provide funding for the re-provision and increase in social housing. These homes will however be built and sold by the Council and its Partners i.e. Peabody Trust and Network Homes as opposed to private developers, therefore any surplus profit goes to social housing. The council does not believe that remaining with the current status quo is an option, due to the issues which have been set out above which the Council is seeking to tackle.

1. **Refurbishment with Limited New Build**– This option would retain but increase the height of the existing blocks but could also possibly add new blocks on available land as in-fill to the existing estate. This option would not likely to be able to deliver the best outcomes for St Raphael’s that a re-development could as it would eat into and not re-provide greenspace. It would not facilitate the re-provision of better community facilities.
2. **Re-development** - This option would be the most radical and would likely involve the re-modelling of the estate and also increase the overall numbers of homes located on the Estate and at the same time, address the socio-economic issues affecting residents on the estate through improvements to the infrastructure on the estate. This would require a ballot

Proposed Route to Developing the option(s)

5.5 To reach a decision on either option the Council will need to have a full engagement and consultation process with tenants and the local community, including ensuring a comprehensive representation of community groups. The intention is to employ an agency which will act as Independent Adviser to the tenants and other residents, who would work with residents on these options, with a view to assisting them in arriving at a preferred option. We would support residents to set up a tenants and residents’ board, as part of the governance structure for this specific purpose. We would envisage that this would be a Tenants/Residents/Stakeholders Board with an agreed terms of reference, which initially could draw from an existing group on the Estate. This Board would then be fully involved in the decision making process for St Raphael’s.

5.6 As well as the engagement of an independent Tenant & Resident Adviser the Council would seek to initially engage a Design masterplanner and cost consultant to review the impact of the options. Clearly this would be “At Risk” work for the Council as the end option is unknown. However, to address the fear of the unknown it is suggested that this would be helpful in providing tenants and residents with a clearer understanding of what could be achieved. For example, there is an opportunity to investigate the feasibility of remediating part of the open space on the Estate which secured, a now lapsed, approved planning application to build a block of flats on an area within the estate. This

could potentially serve both as an example of what the homes on the estate may look like in the future but also enable the Council to meet some immediate housing needs on the estate.

- 5.7 The options above are similar in that they both would require further professional input from a range of consultants. For the purposes of this report as the second option is clearly the most interventionist of the two, this report goes on to set out how this could be approached in order to ensure tenants and residents have the appropriate amount of information in order to make an informed choice/vote.

Guiding Principles for Any Future Redevelopment

- 5.8 Any change is bound to create a sense of uncertainty as such the Council would establish in conjunction with the Tenants/Residents/Stakeholders board guiding principles which will inform the work undertaken to review options. This will be informed by the financial plan of the options as the guiding principles will need to be financially viable. Out of the development of the options Brent Council will develop an Offer to Tenants and Residents based upon the Mayor of London's Guidance on Good Estate Regeneration and the Council's own exemplar offer to South Kilburn, which goes beyond the Mayor's guidance, depending on the option chosen.
- 5.9 These guiding principles could include the offer which would be made to our secure tenants, as well as those who are leaseholders on the Estate. The Council would expect to not only maintain but increase the amount of social housing on the Estate, with all secure tenants having the opportunity of a new home of the right size on the Estate if their current home is redeveloped. The increase in social housing would enable people to move into the estate from temporary accommodation. The Council would need to consider if there would be the need to have temporary moves to facilitate any development. The principles would also set out the expected amount of other forms of affordable housing, along with improved infrastructure to be delivered. This could include the better use of the greenspaces to meet the needs of the community.

Next Steps

- 5.10 Members will need to be aware of the steps that officers will need to take in order to ensure that the local community is able to make an informed choice and for a ballot to take place at the appropriate time.
- 5.11 The section below outlines the actions that will need to take place following this report, if approved. As Option 2 is the more radical proposal the next steps below focus on this outcome, and will be pursued up until the point of the outcome of an estate ballot. Option 1, however, would not likely require a ballot as it would not involve demolition of existing residential units.

Step 1 - Community Involvement

- 5.12 It is envisaged that this work will take a tenant, community and Council partnership approach.

- 5.13 Governance arrangements would be set up to ensure that tenants and the community were formally engaged in this process and are at the forefront of decision-making. It is a priority that engagement with residents and the local community is meaningful and inclusive, so that they are an integral part of the decision making process. We would envisage that this would be a Tenants/Residents/Stakeholders Board with an agreed terms of reference, which initially could be drawn from an existing group on the Estate. This Board would then be involved in the decision making process for St Raphael's

Step 2 - Masterplan and Consultation

- 5.14 External Consultants will need to be engaged to review the options for St Raphael's which could lead to the development of a Masterplan for the Estate. This would include comprehensive consultation and engagement with all of the community.
- 5.15 Cabinet is asked to provide delegated authority to the Strategic Director of Community Well-being in consultation with the Lead Member for Housing and Welfare Reform for the award of contract for a Multi-disciplinary Design Team and other key consultants as required including cost consultants. As discussed above, this would be "At Risk" work for the Council. Step 2 will be concurrently run alongside step 3.

Step 3 - Partnership Arrangements

- 5.16 Whilst this would remain a Council led proposal, with the Council retaining the lead role in the design and planning stages (and maintaining its overall ownership of the estate), it is believed that it should be possible to streamline the procurement and appointment process by an early engagement with key partners. This could lead to speeding up delivery, offering access to finance and creating a more balanced estate than one which is a mono-tenure Council managed estate. Whilst the South Kilburn model has worked through the Council engaging with delivery partners to deliver and manage new private and affordable housing, on St Raphael's the Council will seek to explore with its partners and Council wholly owned companies such as I4B and First Wave Housing, to be able to deliver/manage private sale or market rent housing products, as well as retention of social housing by the Council alongside Network Homes and Peabody Trust.
- 5.17 The two partners that the Council would like to start engagement with are Network Homes and the Peabody Trust. Within the Estate there is a small block owned by Network Homes. It is therefore sensible to seek the involvement of a partner such as Network Homes, who also have extensive experience of estate regeneration and are a large landlord operating within the Borough. Similarly, an organisation such as the Peabody Trust would bring experience, finances and a pipeline of new homes, which will be open to residents of St Raphael's to move into. They have recently expressed an interest in becoming more active in the Borough and are seen as a good fit with the Council's ethos as they promote social rent as an option within their suite of tenures.
- 5.18 Apart from owning homes on the estate and/or sharing the Council's ethos of promoting social rent, Network Homes and Peabody Trust have notable resources and substantial technical and development expertise that the Council

does not currently have. They are both members of the G15 (15 largest Housing Associations in London), which is an indication of their strengths, capabilities and commitment to building more social housing. Network Homes and Peabody Trust could utilise their existing or future housing, where possible, to assist with rehousing residents who may wish to move away from St Raphael's.

- 5.19 Introducing acceptable partners into the regeneration scheme would not only help to speed up the delivery phase and provide financial assistance it would have the added benefit of creating a more balanced estate than one which is a mono-tenure Council managed estate. At this time the proposal would be that a partnership would be with social housing providers.
- 5.20 Early indications are that the GLA would be interested in engaging on any proposals to re-develop St. Raphael's. It is proposed that they would be invited to be a part of any Steering Group/ Board eventually established.

Step 4 - Estates Ballot

- 5.21 An Estate Ballot would be required for option 2. A Resident Ballot Requirement (RBR) on projects involving delivery of 150 or more new homes where GLA funding is provided came into effect from 18th July 2018. The Council is committed to following the Mayor of London's requirements.
- 5.22 The area to be included as part of an estate regeneration or for the ballot will be developed as part of the Masterplan work.

Step 5 – Planning

- 5.23 This report proposes that a Masterplan will be developed for St Raphael's. The Design Team would also work on an outline planning permission for the Estate, with a detailed planning application for a first phase which could be submitted for planning should there be a positive ballot outcome.
- 5.24 It is important that potential estate regeneration at St Raphael's features in the emerging Local Plan as this is the main document used to decide planning applications. The emerging Local Plan can provide a supportive and positive framework for estate regeneration, which in consultation with local residents, will be examined independently and will provide certainty for the Council, residents and any partner organisations as a statutory document. This would not, however, override the outcome of any estate ballot on regeneration.

Summary of High Level Timescales

- 5.25 Should there be approval to proceed, officers would expect to complete a Masterplan within approximately 10 months. A ballot would then be expected to take a further 14 weeks (the table below sets this out). In order to develop the Masterplan work, governance arrangements with tenants and the local community would need to be established early. As part of the Design Team, or as separate engagements, there would be a specific role for a consultant(s) who would set out a programme for consultation and engagement, including setting in place the governance arrangements.

	1-35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56
Appointment of an independent body																						
Completion of Masterplan Work																						
Landlord Offer Completed																						
Residents register to vote																						
Preparation of consultation material																						
Consultation																						
Voting Period (including 1 election day)																						
Result																						

6.0 Financial Implications

- 6.1 The consultation described with tenants and the community and the engagement of the necessary specialist advisers to help develop and draw up more detailed proposals can be managed within the existing budget. This will include a design team and similar advisers used to co-designing options and proposals in collaboration with residents, as set out in the report, and legal and financial advisers and so on.
- 6.2 Developing proposals to a sufficient point that a well-informed ballot can be held requires the council to commit financial and other resources. This investment will be at risk: if the eventual result of a ballot is not to proceed with the proposed regeneration then it will not be possible to recoup it. It is reasonable for the council to commit funds in this manner, as it would not otherwise be possible to develop proposals to address what the report has identified as a pressing policy priority.
- 6.3 The total cost of the development of the estate, if it does in time proceed, cannot reasonably be forecast at this stage. The consultation process now proposed will impact significantly on the eventual proposals and hence costs.
- 6.4 However, the underpinning fiscal principle for the financing of the scheme should be that it is self-financing, along the same lines as used in South Kilburn. In general terms, although the detail will need to be worked up as part of the consultation, this means that the council would fund the initial and upfront costs, recouping them over time through receipts from sales of those units developed for private sale, thereby cross-subsidising the costs of building more social and affordable units. The Council would also seek grant where possible.
- 6.5 This is essentially the model that a private developer would use, with the fundamental difference that the council would not seek a profit element as a private developer would do. The contributions of the partners described in this report would also need to be factored into the financial model.
- 6.6 The gross costs of either scheme cannot be known at this point, not least because the consultation processes described in this report would impact significantly on the planning and design proposals and hence costs. However, it is evident that regeneration on the scale proposed would be a very substantial financial proposition indeed, and one beyond the council's ability to finance

without some mechanism to recycle the capital receipts from sales. As an illustration, for every £100m of gross costs of all the necessary construction and other works the approximate annual revenue cost of debt servicing and repayment of the principal would be of the order of say £5m. The actual gross cost of the scheme cannot yet be known, but could easily be several times the £100m illustrated above.

- 6.7 Financially, it is therefore evident that private sales will need to be generated in order to finance and cross-subsidise the council's policy objectives of increasing the supply of social and affordable housing.

7.0 Legal Implications

- 7.1 Section 105 of the Housing Act 1985 makes it a requirement for the Council as landlord to consult with those tenants who are likely to be substantially affected by matters of housing management. The terms of section 105 of the 1985 Act provide that matters of improvement and demolition is a matter of housing management.
- 7.2 When authorising the progress of a regeneration scheme following a successful ballot outcome, the Council will also require Cabinet approval to apply to the Secretary of State to enable the Council to obtain vacant possession of properties subject to secure tenancies by relying on Ground 10A of Schedule 2 to the Housing Act 1985 when applying to the Court for possession of such properties. Consideration will need to be given as to whether the Council will allow an option to obtain possession of such properties by making a compulsory purchase order.
- 7.3 The Mayor of London gave his approval on 18 July 2018 to introduce the funding condition in relation to the Resident Ballot Requirement by updating the GLA's Affordable Housing Capital Funding Guide, which contains the rules and procedures for GLA investment partners that use funding from the GLA to provide affordable housing. The funding condition requires resident ballots to be undertaken in strategic estate regeneration projects involving any demolition where GLA funding is sought. It also states that any GLA funding that is used in significant estate regeneration projects involving any demolition should be conditional on recipients of funding providing evidence that a positive vote through a ballot of eligible residents has been secured. The Mayor for London has confirmed that some aspects of the funding condition will require the GLA to exercise discretion, including when considering applications for exemption from the Resident Ballot Requirement for estate regeneration projects. It is not envisaged that an application for exemption from the Resident Ballot Programme will be sent to the GLA by Brent Council in respect of the forthcoming regeneration of the St Raphael's Estate.
- 7.4 In regard to any potential Strategic Partnership with other public sector party/developer, whilst each case must be judged on its merits, the Council has previously received Counsel's advice that provided the arrangement with the public sector body is structured in such a way as to properly fall within Regulation 12(7) of the Public Contracts Regulations 2015 (contracts which establish or implement co-operation between contracting authorities) there is no award of a public contract and thus no requirement under the Public Contracts Regulations 2015 to advertise or conduct a competition for the

selection of the public sector body partner. Both Network Homes and Peabody Trust have confirmed that they are classed as a contracting authorities.

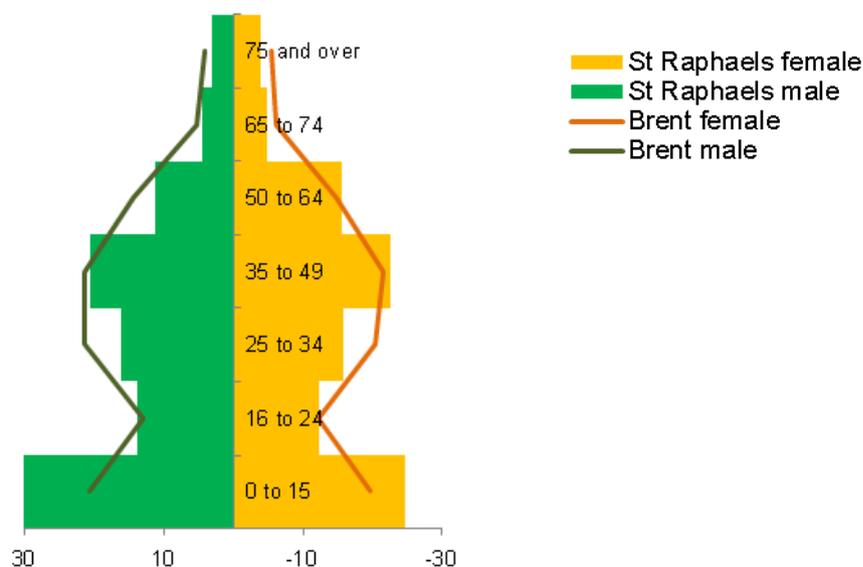
7.5 The recommendations contained within this report will require the procurement of a range of consultancy contracts e.g. procurement of the multi-disciplinary design team. Officers will need to observe the requirements of Contract Standing Orders and Financial Regulations in their procurement and award, to include ensuring that where it is proposed to use frameworks, their use is confirmed to be legally permissible. It is likely that all such contracts can be procured and awarded using powers delegated under Part 3 of the Constitution although it will be noted in Recommendation 2.2 that Officers would intend to seek specific Cabinet delegation to the Strategic Director of Community Well-being in consultation with the Lead Member for Housing and Welfare Reform for the award of contract for the multi-disciplinary design team and other key consultants.

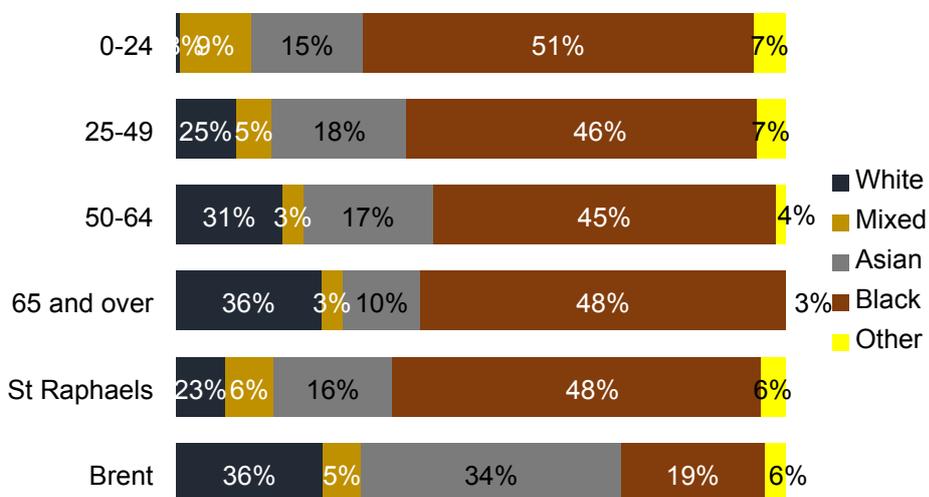
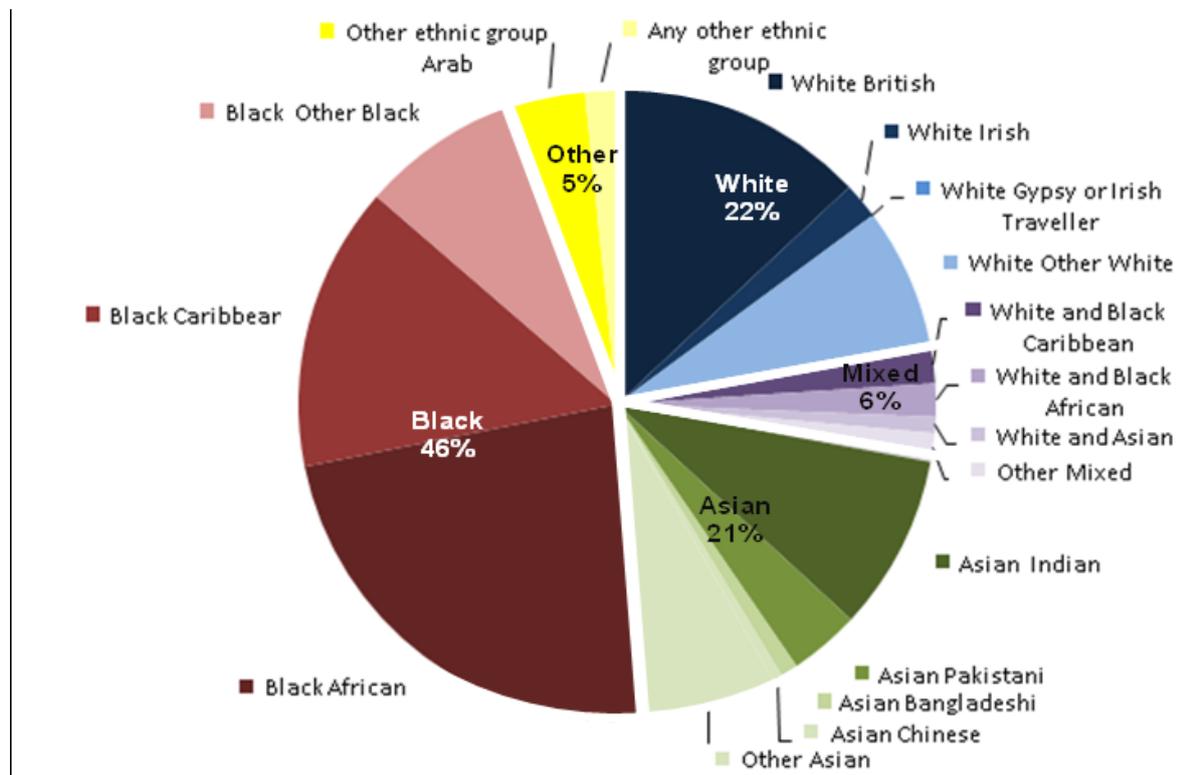
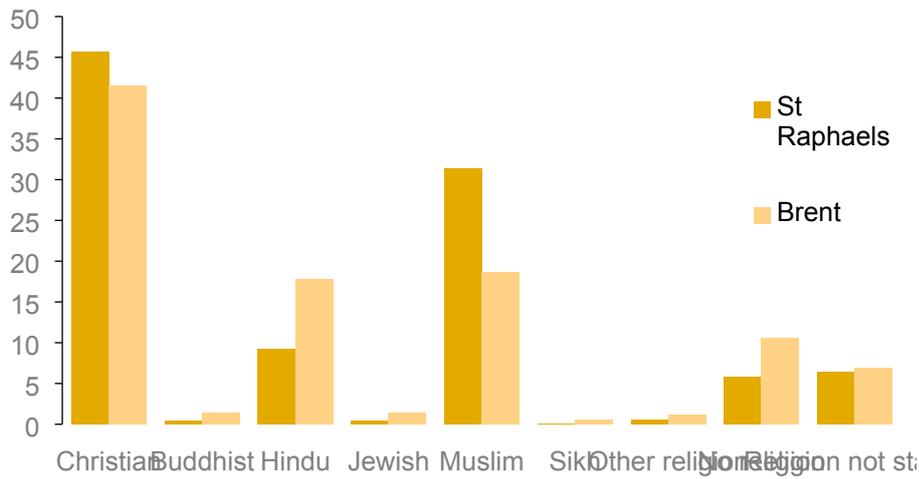
7.6 The legislative framework that governs the process of review for the Local Plan is contained within the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) England Regulations 2012.

8.0 Equality Implications

8.1 The Public Sector Equality Duty means we have to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity for those with protected characteristics, and foster good relations between those with and without protected characteristics.

8.2 The following demographic data is extracted from the 2011 census, from LSOAs approximately coinciding with the boundaries of the St Raphael's area.





Ethnic profile by age above

8.3 An initial equality analysis has been undertaken (appendix 2). As options develop this will be reviewed and will take an iterative approach as plans develop. The guiding principles and the Offer to Tenants and Residents will also need to be considered in the equality analysis.

8.4 A base line of current empirical data should be developed which could then be used in the future to test the success of the preferred option.

9.0 Consultation with Ward Members and Stakeholders

9.1 Consultation with the Lead Member for Housing and Welfare Reform and Ward Councillors has taken place. Officers and the lead Cabinet Member have met the Ward Members as well as the Ward Councillors being invited to participate in the St Raphael's Conversation, with Councillors meeting with Your Shout.

9.2 Section 3 above details engagement to date with residents and stakeholders on St Raphael's. Stakeholders were invited to participate in the St Raphael's Conversation (undertaken by Your Shout).

10.0 Human Resources/Property Implications

10.1 Depending on the option, a new staffing complement would be required to take forward the regeneration.

10.2 It is envisaged that any internal team established will be made up of dedicated Estate Regeneration officers working alongside officers from Housing, Planning, Transport, Finance and Legal Services. Also likely to be required will be external consultancy support e.g. legal, cost consultant, technical land and building specialists. Departments would need to provide an identified time resource to this programme with named officers. This is in addition to a Full Design Team.

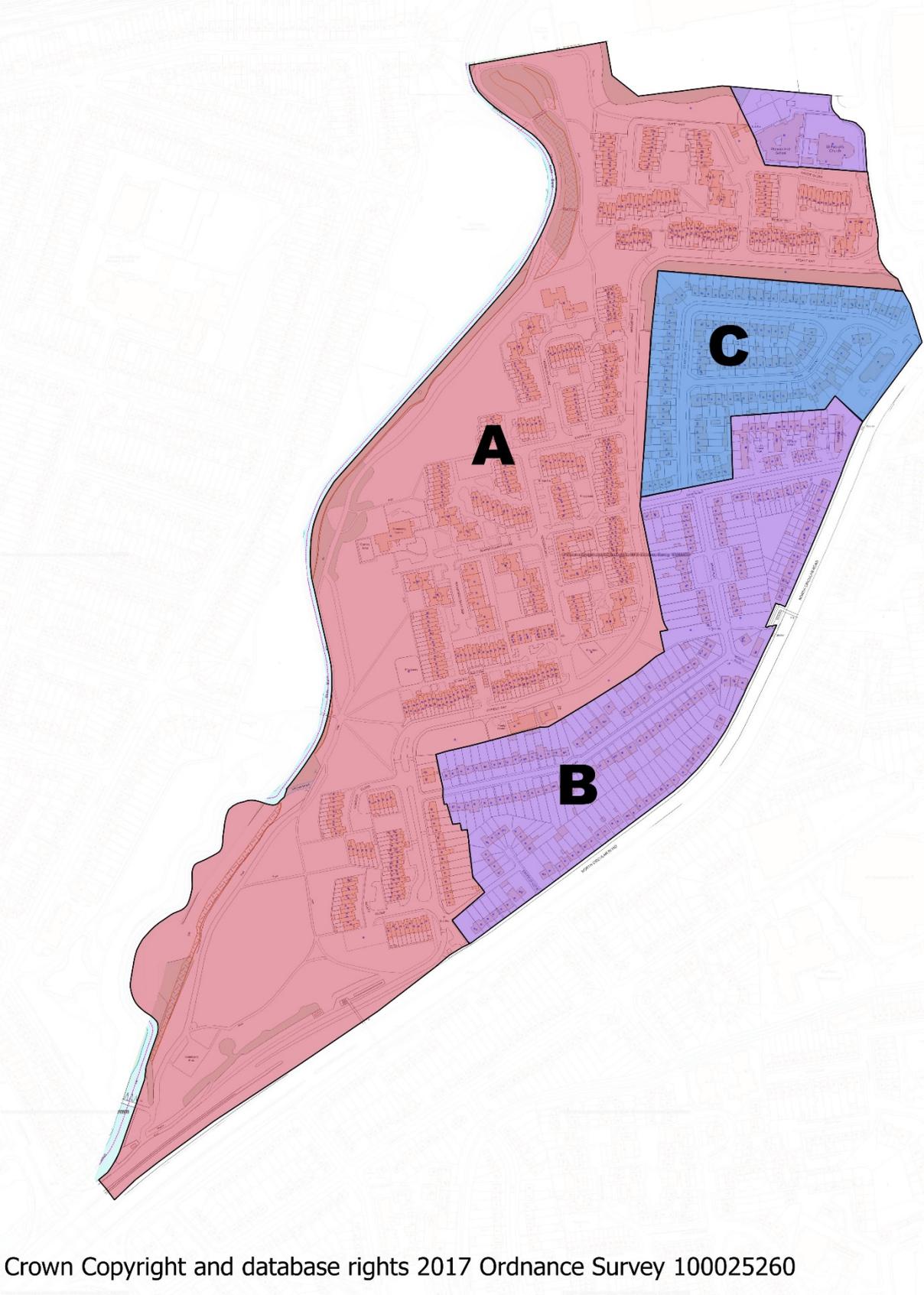
Report sign off:

PHIL PORTER

Strategic Director of Community Wellbeing

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St Raphael's Estate Map



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EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	St. Raphael's Estate - Housing Options Appraisal
DEPARTMENT:	Joint Community Well-being and Regeneration & Environment
TEAM:	Estates Regeneration
LEAD OFFICER:	Richard Barrett/Jill Rennie
DATE:	24/10/2018

NB: Please ensure you have read the accompanying EA guidance and instructions in full.

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

The Council is to seek approval from Cabinet to progress work on the St Raphael's Estate to assess potential housing improvement and development opportunities for the estate. At this time the options are:

- **Refurbishment with Limited New Build**– This option would retain and increase the height of the existing blocks but could also possibly add new blocks on available land as in-fill to the existing estate. This option would not likely to be able to deliver the best outcomes for St Raphael's that a re-development could as it would eat into and not re-provide greenspace. It would not facilitate the reprovision of better community facilities.
- **Re-development** - This option would be the most radical and would likely involve the re-modelling of the estate and also increase the overall numbers of homes located on the Estate and at the same time, address the socio-economic issues affecting residents on the estate through improvements to the infrastructure on the estate. This would require a ballot

The detail of these options have not been developed as this will form part of an in-depth consultation and engagement process.

At this time the Council is seeking approval from Cabinet to progress work to assess potential housing, transport, environmental and community improvements, and development opportunities for the Estate. Through robust consultation and engagement, tenants and the community will decide on the best way of doing this.

Ultimately the Council is seeking to help residents to build the thriving, clean, crime-free neighbourhood they want with the opportunity to build brand new homes that properly meet the needs of families who live on St Raphael's whilst continuing to play our part in tackling London's shortage of good quality and genuinely affordable housing.

The Cabinet report provides detail of why the proposals are needed, but from work to date the following is known.

There are currently 286 households living on the estate who are on the Council's Housing Register for re-housing. The majority of these households (221) have not been awarded any priority on the Council's Housing Register.

The Council is aware from both the feedback and from its own knowledge of the Estate that there are environmental, safety and socio-economic issues for St Raphael's. For example, the Community Profile for St Raphael's identifies some specific challenges for its residents:

- 38% of children are living in poverty in St Raphael's compared with 19% across England
- 25% of people have no qualifications in St Raphael's compared with 22% across England, 18% in London and 19% in Brent
- 27% are in full time employment compared with 39% across England, 40% in London and 36% in Brent

The Council also knows that there are other issues.

- St Raphael's is identified as having a low PTAL (public transport accessibility level), and only 56% of households have a car (compared to 74% nationally).
- The nature of the roads and river surrounding St Raphael's can make it feel isolated even although it is relatively close to Wembley, which is exacerbated by the limited retail offer on the Estate.
- There are also issues in regards to the air quality and noise from the North Circular. The parts of the estate immediately beside the North Circular have high poorer air quality (65-90 NO₂ (ug/m³) – reducing down to <30 NO₂ (ug/m³) further into the Estate and there are areas which have noise at 65-75 dB (potentially some properties >75 dB) - reducing down to 0-55 dB further into the Estate.

The Council is also aware that personal robbery is a prevalent crime on St Raphael's estate, which increased by 107% from last year, compared to an increase of 52% in the rest of the borough. Also increasing, but to a lesser extent, are assault of wounding/Grievous Bodily Harm (GBH). There is also recorded gang activity on the estate. The Council's Community Safety and Housing Management teams are working very closely with the Metropolitan Police to try and tackle these issues. However, the design and nature of the estate is likely to be a contributing factor in these crimes.

The Housing Management service carries out annual customer surveys, and as part of this year's survey, the Council commissioned a larger sample of St Raphael's residents. The number of people contacted across St Raphael's was 118. The survey revealed that residents living on the St Raphael's estate indicate significantly lower than average levels of satisfaction; 65% are satisfied with their neighbourhood as a place to live (74% on average in the borough) and only 55% are satisfied with the overall appearance of their neighbourhood (73% on average in the borough).

The survey also identified a specific range of issues which may be driving those lower levels of satisfaction, including:

- Rubbish or litter – 52% indicate this is a major problem (33% on average across the borough)
- Disruptive children / teenagers – 47% indicate this is a problem (20% a major problem) - (38% / 12% on average across the borough)
- Abandoned or burnt out vehicles – 33% indicate this is a problem (11% a major problem) - (21% / 6% on average across the borough)

- Other crime – 52% indicate this is a problem (28% major problem) – (39% / 14% on average across the borough)

The Council commissioned 'Your Shout' (a company who undertake community consultation for the built environment) to carry out conversations on St Raphael's in August and early September 2018. The aim was to get an initial view on the issues on the estate to feed into the Cabinet report.

Within the Your Shout feedback there are some real positives such as people like their neighbours/ community; the green space, the transportation (despite the objectively measured issues such as low PTAL), the quiet and access to shops.

However, as shown in the Your Shout feedback there are a range of issues particularly linked to public realm and security which are - crime/drug/gangs, generally unclean, lack of parking/traffic, parks not looked after, nowhere for kids to play, bin area dirty, noise, feels unsafe, fly tipping and street lights do not work. Respondents also said that they would also like to see safety and the public realm improved being – facilities for youth, parks/greenspace, CCTV/security/patrols, upkeep/modernise, the bin area, parking and pavement/roads. Similar issues are also seen in the Housing Customer Satisfaction Survey.

The West London Alliance Strategic Housing Market Assessment (SHMA) was produced in August 2018 and concluded that there are 12,200 households currently in affordable housing need in Brent who are unable to afford their own housing.

At this time, we have an understanding of how residents on St Raphael's have a different demography to the Brent average, however this information is taken from 2011 and does need to be reviewed to see how it can be updated.

2. Who may be affected by this policy or proposal?

All those who reside or have an interest in St Raphael's Estate.

- Secure tenants, those living in temporary accommodation, private renters, leaseholders, owners, Network Homes tenants and other residents.
- Commercial owners, leaseholders and tenants, and those who frequent these establishments.
- The nurseries - Abracadabra Preschool and Hephzibah Day Nursery – those who own, work and attend/has a child attending.
- Sufra (a community "Food Bank & Kitchen") – those who own, work and use the service
- Phoenix Arch School (a special school for children aged 5 to 11) – those who work and attend/has a child attending.
- The Children's Centre – those who work and attend/has a child attending.
- St Patricks Church – those who work and attend.

There are also a number of activities or groups which takes place on the Estate, where those who run or attend would be affected.

- Unlocking Potential (works within London communities to transform the life chances of marginalised children and young people (4-25yrs) who have social, emotional and mental health needs (SEMH).)

- Young Creatives
- An Employment and Skills project
- The Living Room
- Henderson House
- St Raphael's Estate Residents Association

This is not an exhaustive list, and will be developed through consultation going forward.

Council staff may also be affected in terms of where services are being delivered on the St Raphael's Estate and staff working on this project.

3. Is there relevance to equality and the council's public sector equality duty? If your answer is no, you must provide an explanation.

Yes

- Eliminate unlawful discrimination, harassment and victimisation

Through this process we will review decisions to understand the effect on protected groups, to ensure that there are not unintentional effects.

- Advance equality of opportunity between people who share a "protected characteristic" and those who do not

The Work on St Raphael's is to improve the Estate, providing improved infrastructure and new housing opportunities. Improvements to the Estate and new housing is to benefit all on St Raphael's including protected groups, but the detail has to be developed to understand what the effects will be.

- Foster good relations between people who share a protected characteristic and those who do not

Consultation and engagement will be a key part of this process and we will encourage an inclusive approach to tackle any prejudice and to promote understanding

- Duty to make reasonable adjustments to remove barriers for disabled people.

This work will provide opportunities to remove barriers for disabled people. Through the design process there will be consideration of how barriers can be removed.

4. Please indicate with an "X" the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Note – at this time until the options are developed we will not know this, but it is the intention that the options will be positive for as many people as possible. Negative impacts, from previous experience, could be along tenure lines or geographically based where an area is

not included in the proposals – until options are developed these cannot be known and only once options are developed can these be reviewed to identify if there are negative impacts. We note that there is the potential for negative and neutral/none impacts upon individuals but the over assessment is expected to be the majority will have a positive impact across all characteristics.

Characteristic	IMPACT		
	Positive	Neutral/None	Negative
Age	x		
Sex	x		
Race	x		
Disability	x		
Sexual orientation	x		
Gender reassignment	x		
Religion or belief	x		
Pregnancy or maternity	x		
Marriage	x		

5. Please complete **each row** of the checklist with an “X”.

SCREENING CHECKLIST		
	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	x	
Does the policy or proposal relate to an area with known inequalities?	x	
Would the policy or proposal change or remove services used by vulnerable groups of people?	Cannot answer at this time	
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	x	
If you have answered YES to ANY of the above, then proceed to section B. If you have answered NO to ALL of the above, then proceed straight to section D.		

SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

The analysis has been started, but is incomplete and ongoing, and will be further developed once further information is available and as the options are developed.

We will also need to further review the equality information we hold and gather further information.

The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.

A key part of the work will be the establishment of a Tenants/Residents/Stakeholders Board, which would be fully involved in the decision making process for St Raphael's.

A Multi-disciplinary Design Team will also be engaged which will have consultation and engagement as a key component of their work

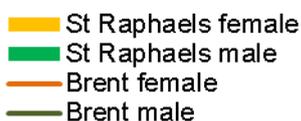
The below is information we have to understand the demographics of the Estate, but which we will need to further develop.

The following demographic data is extracted from the 2011 census, from LSOAs approximately coinciding with the boundaries of the St Raphael's area.

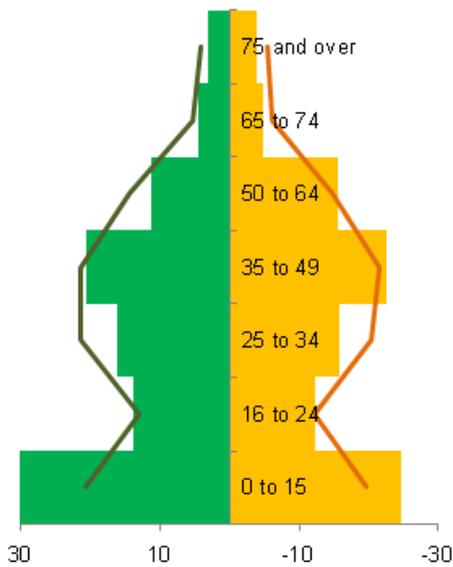
Age

St Raphael's estate has a large proportion of children (under 16); over 27 percent of the population is made up of children, compared to 20 percent in Brent.¹

Figure One: Age and sex



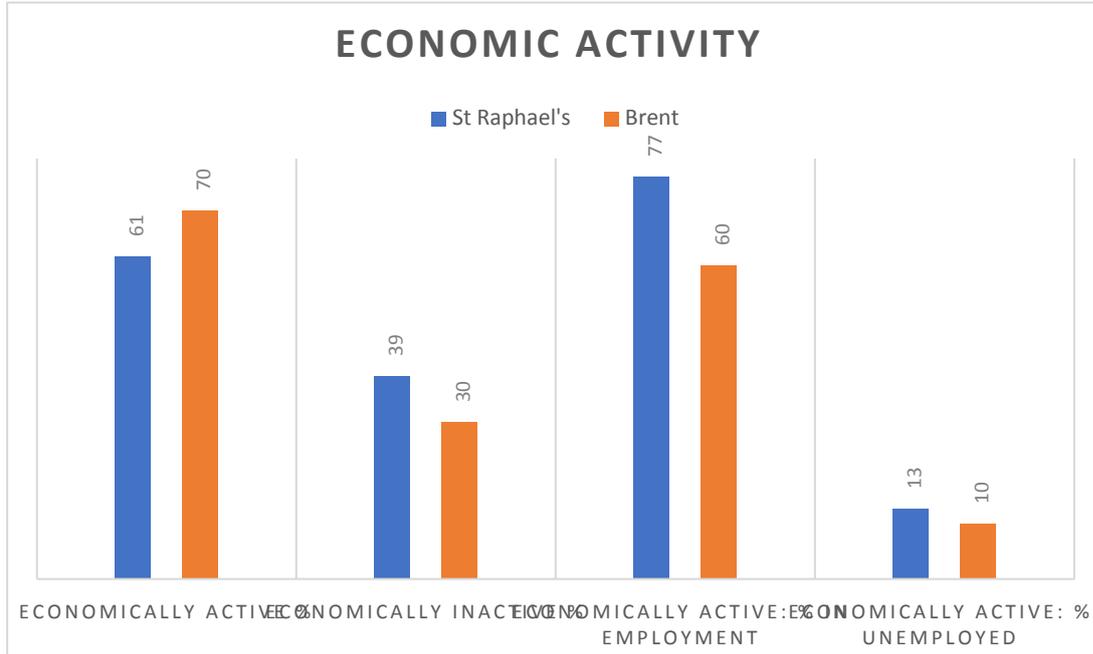
¹ Census 2001



Employment Activity

In St Raphael's, 61 percent of the population is economically active. This is lower than 70 percent, the average for Brent. However, the percentage of economically inactive in St Raphael (39 percent) is higher than the Brent average (30 percent).²

Figure two: Employment activity



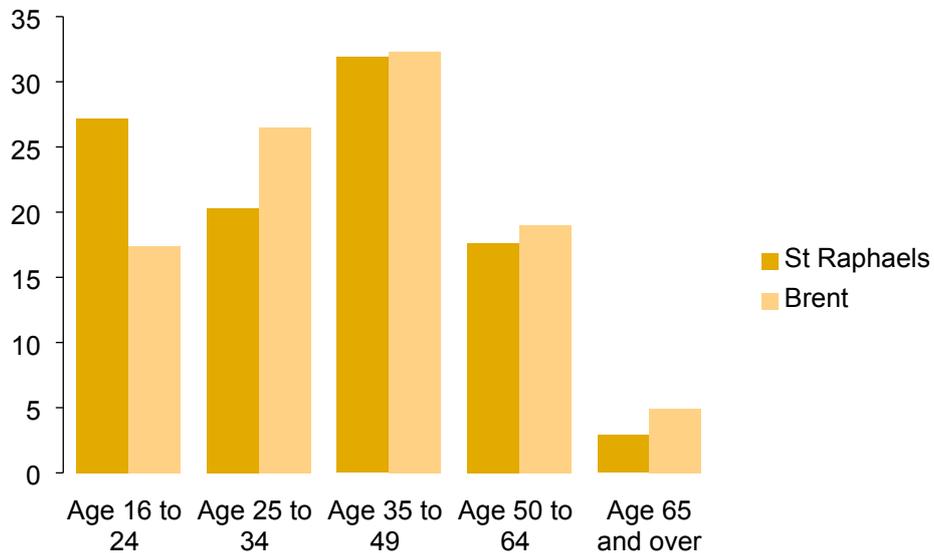
Working pattern by age

The proportion of the working population employed part-time is 35 percent, higher than 28

² Brent economic activity taken from: <https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=170>. St Raphael's economic activity taken from: <https://londondatastore-upload.s3.amazonaws.com/instant-atlas/Isaa-atlas/atlas.html>. The comparison of data is saved as 'Economic Activity'.

percent, the working population employed part-time in Brent. This proportion varies with age; those aged between 16 and 24 have a much larger proportion employed part-time, 27 percent compared to 17 percent in Brent. For all other age groups, the proportion of those employed part-time is lower than that for Brent, with the largest difference in those age between 25 and 34 with 20 percent employed part-time compared to 27 percent in Brent.

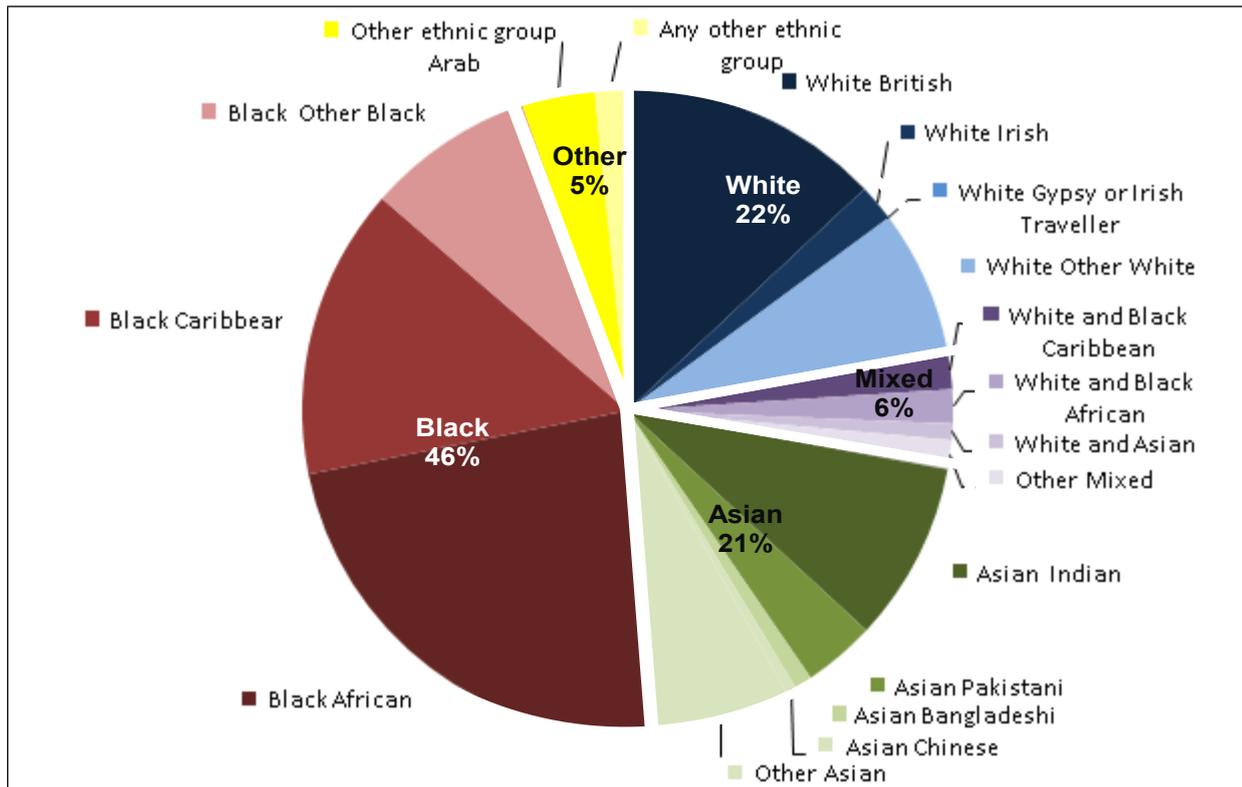
Figure three: Percentage of those working, working part-time by age-group



Ethnicity

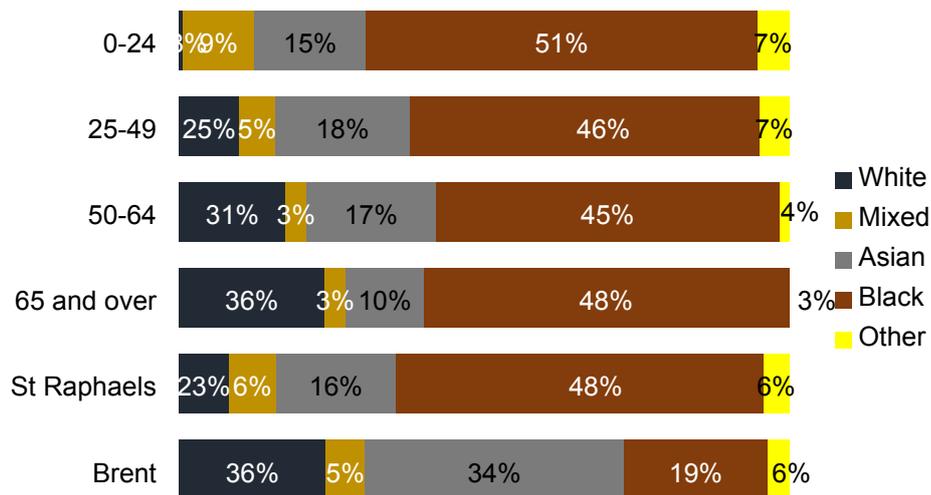
Almost half (46 percent) of St Raphael’s estate is Black, with Black African making up 23 percent of the whole population. The White population is the second largest population group, making up 22 percent of St Raphael’s, followed by the Asian population, 21 percent.

Figure four: Ethnic profile



The ethnic profile varies with age; although the Black population remains fairly constant comprising around half the population in all age groups, the White population proportion increases with age doubling from 18 percent of the under 25s to 36 percent of the 65 and over. The Mixed population proportion increases as age decreases, tripling from three percent of those aged 50 and over to nine percent of the under 25s.

Figure five: Ethnic profile by age

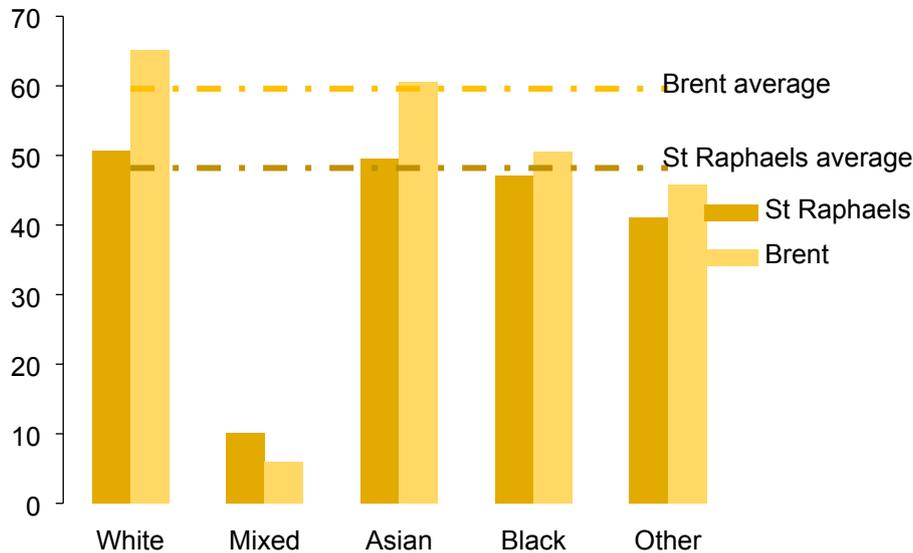


Employment by ethnicity

Employment varies by ethnicity in Brent and in St Raphael's. The employment rate for White and Asian people is higher than average for both Brent and St Raphael's. The employment rate for Black people is slightly lower than average in St Raphael's. In Brent the employment

rate for Black people is a lot lower than the average employment rate. Employment rates in St Raphael's are lower by ethnicity than the employment rates for Brent except for those with Mixed ethnic background.

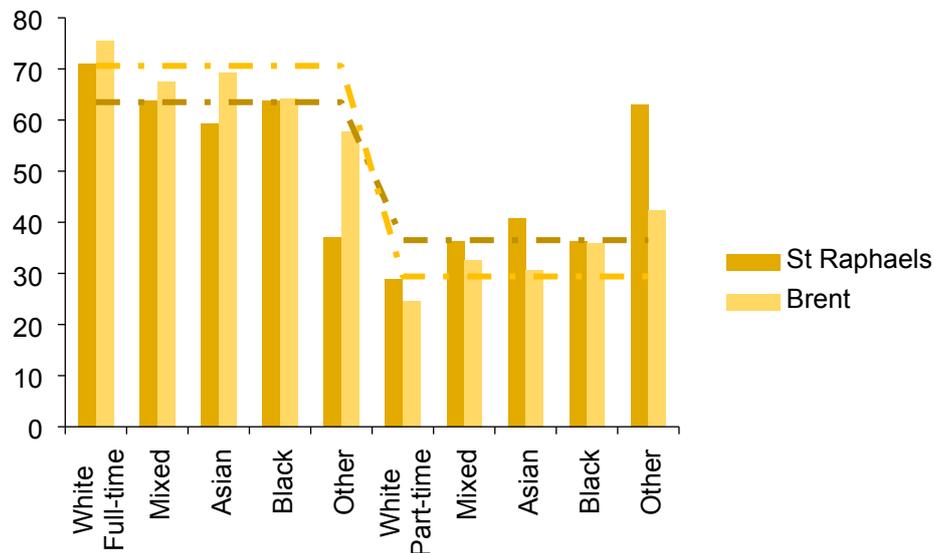
Figure six: Employment rate by ethnicity



Working pattern by ethnicity

For all ethnicities apart from Black, there is a lower proportion of people in employment working full-time in St Raphael's than in Brent. White people have a higher than average proportion of full-time workers, and those from Other backgrounds have a much lower proportion of full-time workers than the average for St Raphael's. Brent is different with a lower than average proportion of full-time workers from Mixed, Black and Other ethnicities.

Figure seven: Working pattern by ethnicity – dotted line shows the average



Country of birth

Almost half (48 percent) of St Raphael's' residents were born outside the UK, which is less than the 56 percent of Brent residents born outside of the UK.³ Of the 48

³ This information was taken from the 'Diversity in Brent Profile 2017'. This can be found at

percent of St Raphael's residents born outside the UK, 18 percent were born in Africa, and 15 percent in Asia and the Middle East. This differs from the 10 percent of Brent residents born in Africa, and 23 percent born in Asia.

Figure eight: Country of birth

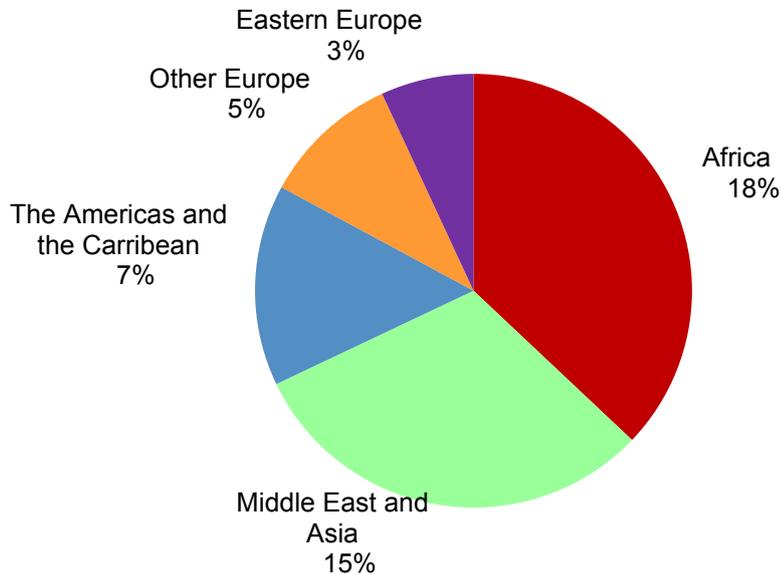
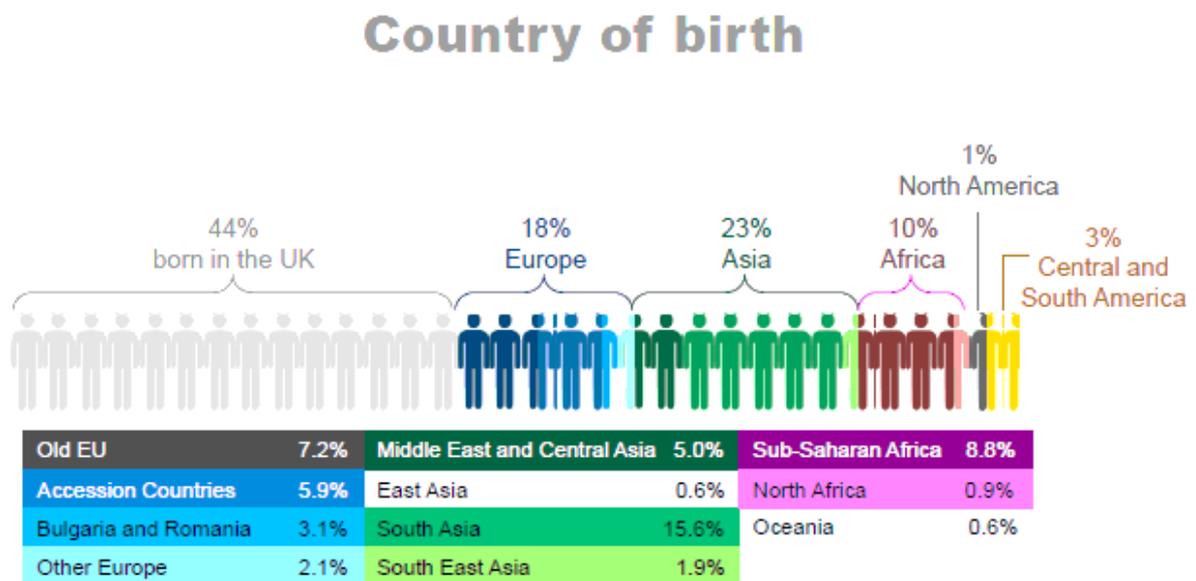


Figure nine: Country of birth - Brent⁴



The majority of people born outside the UK in St Raphael's were under 25 (61 percent). As age increased, the number of people born outside the UK decreased, ranging from 536 children aged under 16 to 17 people aged 65 and over. This differs from the Brent data as

<https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=668>.

⁴ This information was taken from the 'Diversity in Brent Profile 2017'. This can be found at <https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=668>.

the majority (49 percent) of those born outside the UK are between the ages of 25 to 49. Foreign born people make up 31 percent of the working age population in St Raphael's, lower than the 49 percent, the proportion for Brent.

Figure ten: Age of people born outside the UK in St Raphael's

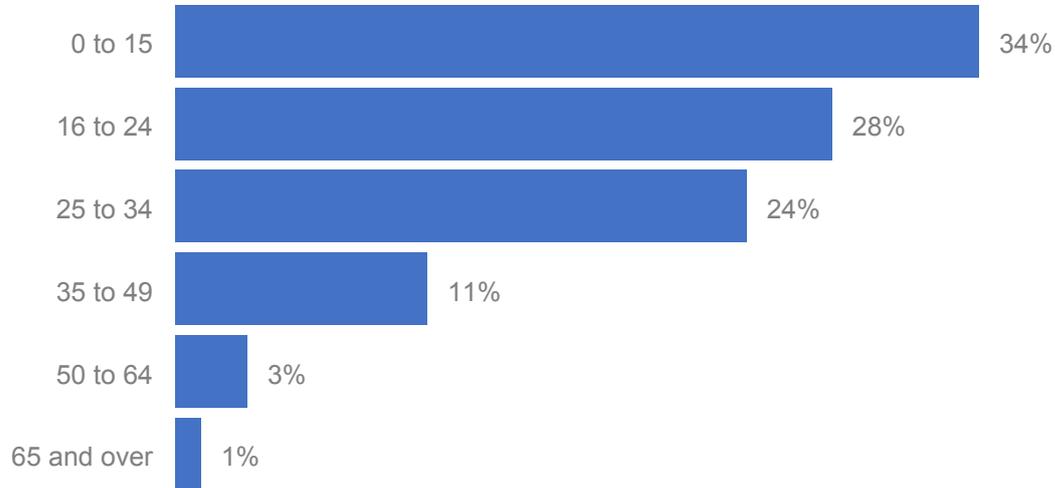
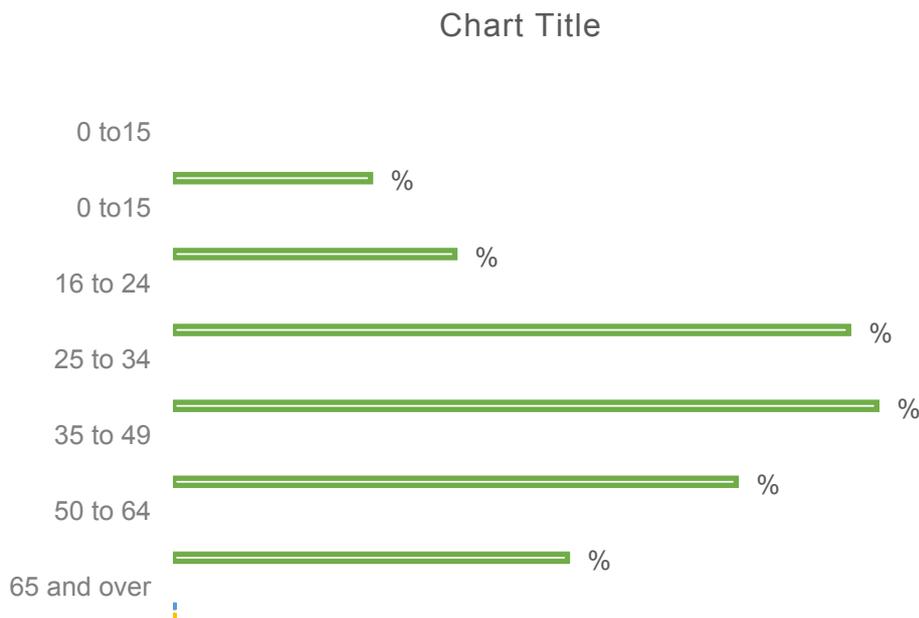


Figure eleven: Age of people born outside the UK in Brent⁵

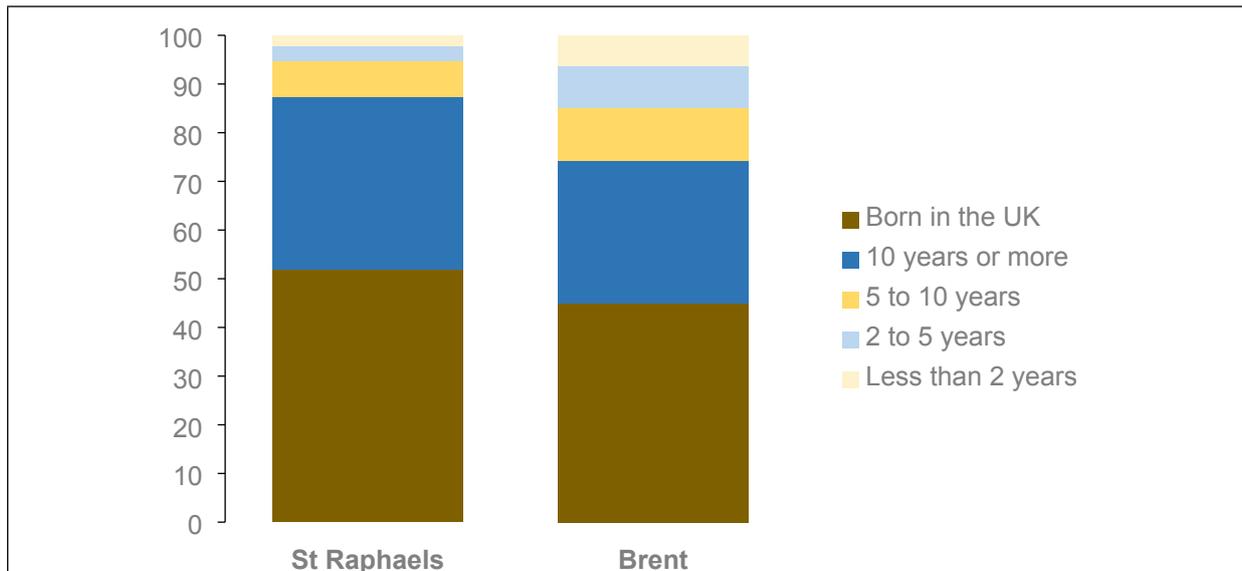


Time lived in UK

Over a third of St Raphael's residents born abroad had lived in the UK for over 10 years. This is higher than the Brent average of 29 percent. Only 2 percent had been in the UK for less than two years.

Figure twelve: Length of time lived in the UK

⁵ This information was taken from the London Datastore 'Country of Birth – Population Pyramid tool'. This can be found at <https://data.london.gov.uk/dataset/country-of-birth---population-pyramid-tool>.



Language

In Brent, 8.0 percent of residents cannot speak English. The percentage of people in St Raphael's that cannot speak English is lower at 6.8 percent. The percentage is the same for the working age population, and in numbers, 142 people do not speak English.

After English, which is spoken as a main language by 81.5 percent of St Raphael's, the most spoken language is Gujarati (5.9 percent), followed by Arabic (3.7 percent). Similarly in Brent, Gujarati (8 percent) is the most spoken language, followed by Arabic (3 percent) and Polish (3 percent).⁶

Figure thirteen: Main languages spoken in St Raphael's

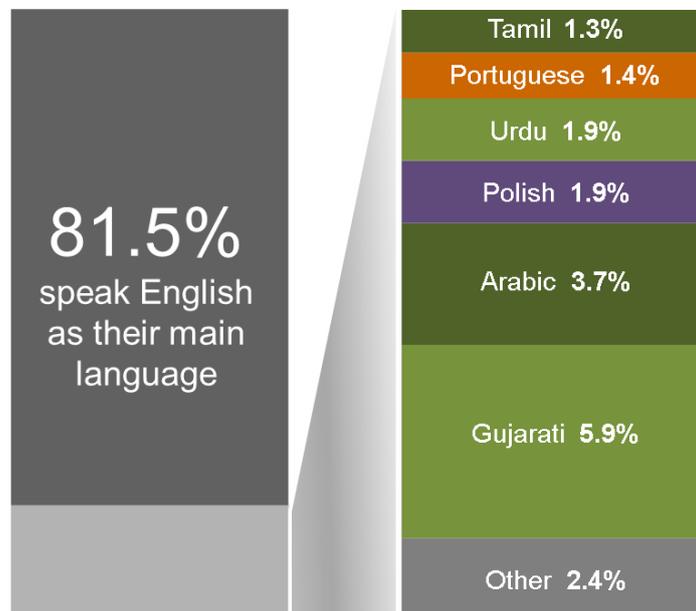
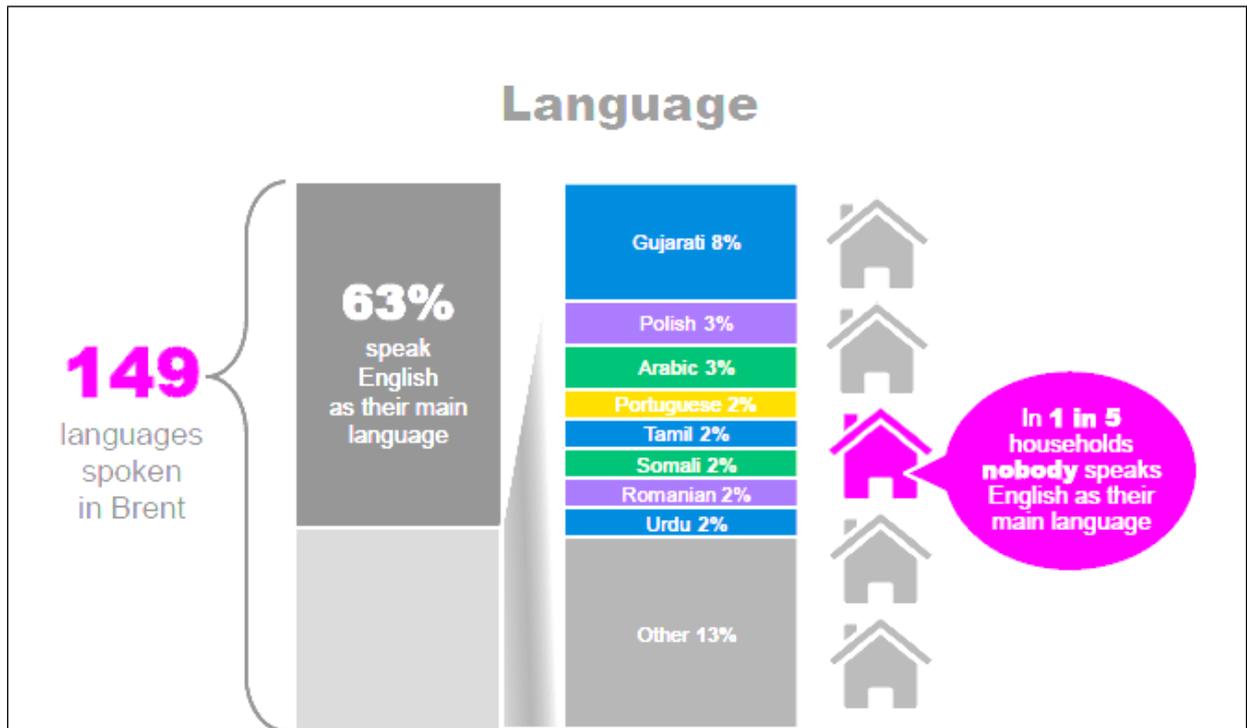


Figure fourteen: Main languages spoken in Brent⁷

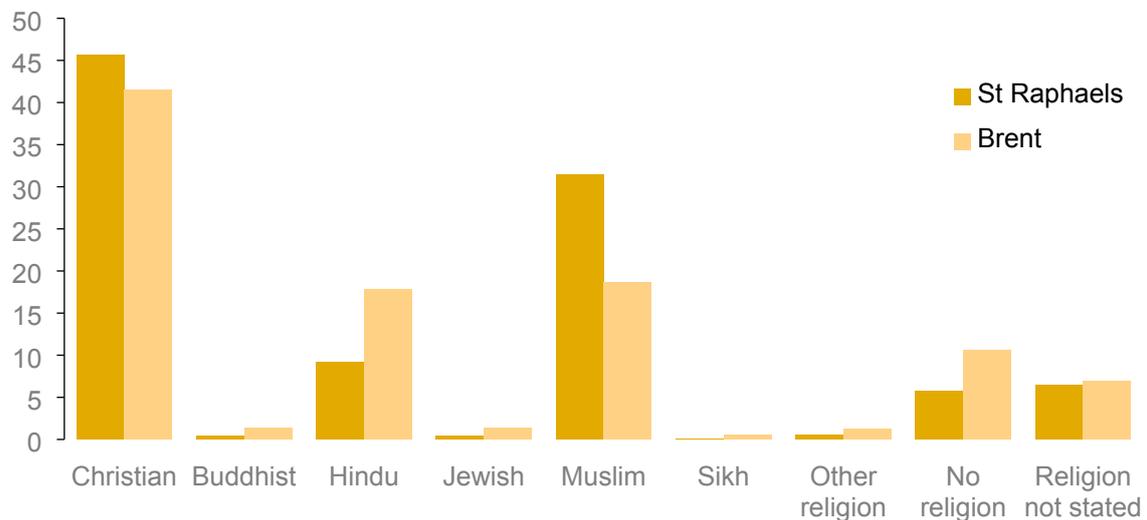
⁶ This information was taken from the 'Diversity in Brent Profile 2017'. This can be found at <https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=668>.

⁷ This information was taken from the 'Diversity in Brent Profile 2017'. This can be found at <https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=668>.



Religion

There is a higher proportion of Muslims and a slightly higher proportion of Christians in St Raphael's than in Brent. There are fewer Hindus and fewer people with no religion.



Household composition

There are 170 single parent households with dependent children on St Raphael's estate. As a proportion of households on the estate, this (16 percent) is almost twice as many as the proportion of single parent households in Brent (9 percent). The majority of these households (95 percent) in St Raphael's are headed up by single female parent, which is similar to the 94 percent of single females making up the single parent households in Brent.

Half (49 percent) of the single parents in St Raphael's do not work and a quarter (25 percent) work part-time, with the remaining quarter (26 percent) working full-time. Likewise for Brent, almost half (46 percent) of the single parent households are not working, a quarter (25 percent) of these parents work full-time, with the remaining (29 percent) working part-time.⁸

Figure fifteen: St Raphael's Single parents with dependent children working pattern

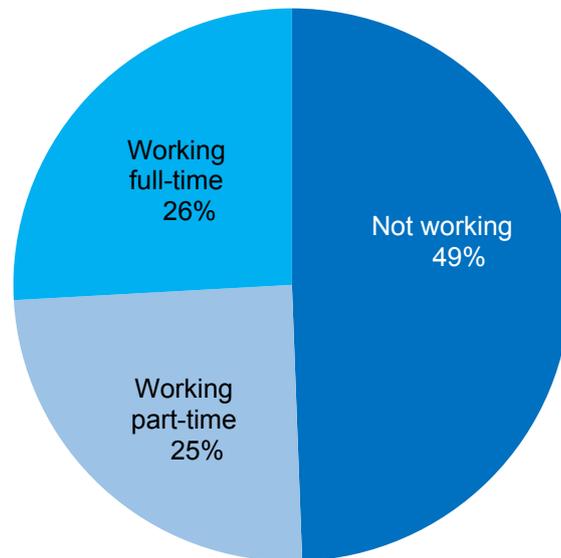
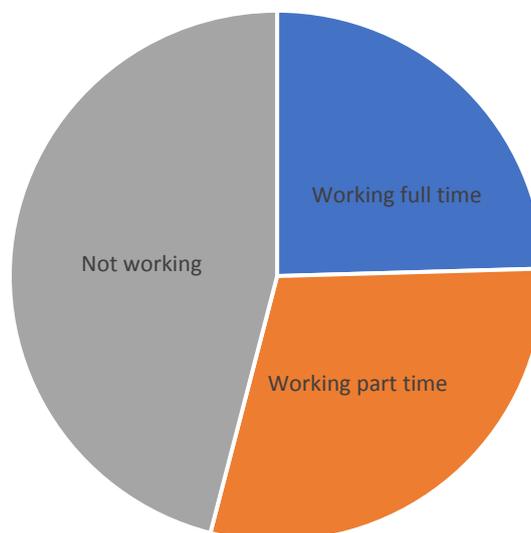


Figure sixteen: Brent's Single parents with dependent children working pattern⁹



Almost a third of the households in St Raphael's comprises of one couple families¹⁰. Of these families, 13 percent do not have children. There are 481 couple families with

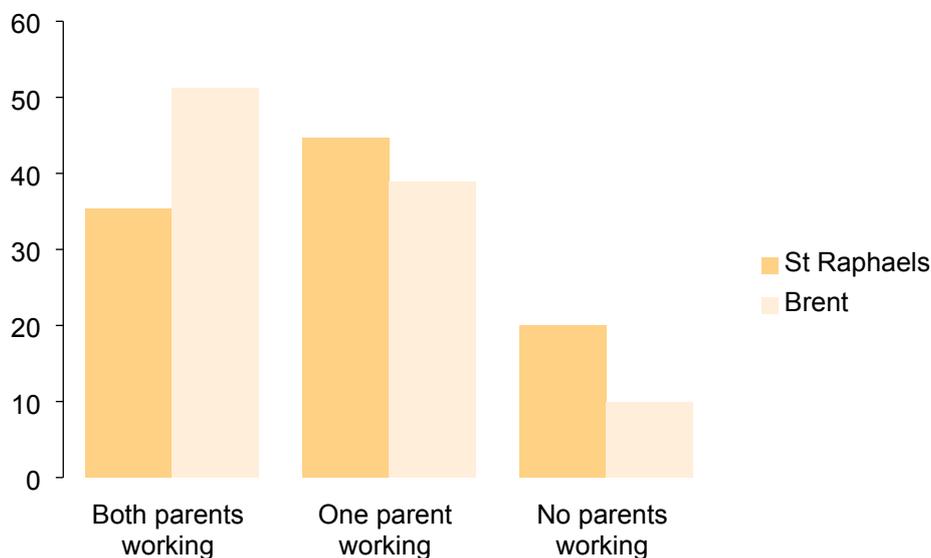
⁸ This information was taken from the '2001 to 2011 Census Borough Lone Parents Households with Dependent Children' report. This can be found at <https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=151>

⁹ This information was taken from the '2001 to 2011 Census Borough Lone Parents Households with Dependent Children' report. This can be found at <https://intelligence.brent.gov.uk/Pages/DocumentDisplayView.aspx?ItemID=151>

¹⁰ A couple here could be married, in a same sex civil partnership, or cohabiting

dependent children in St Raphael's. Of these 20.0 percent have no parents working, more than twice as many as Brent, 9.9 percent. There is a lower percentage of families with both parents working, 35 percent compared to 51 percent in Brent.

Figure seventeen: Families with children and employment status



Disabilities

There are 2,409 residents aged 16 and over on St Raphael's estate. Of these, 528 say their activities: 259 are limited a lot and 269 a little.

Table one: Employment by disability for St Raphael's and Brent

		In employment	Unemployed	Economically inactive
Activities limited a lot	St Raphael's	8.5	3.1	88.4
	Brent	13.2	2.4	84.5
Activities limited a little	St Raphael's	28.6	6.3	65.1
	Brent	32	6.1	61.9
Activities not limited	St Raphael's	56.5	12	31.6
	Brent	67.4	7.2	25.5

- For each "protected characteristic" provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state "not applicable".

AGE	
Details of impacts identified	The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.

	<p>We are aware that there are facilities for young people - nurseries and a children's centre on the St Raphael's estate, as well as the Phoenix Arch School. We also know that different age groups can require different facilities both in the community and within the home.</p> <p>We are aware of the feedback to date in regards to young people and the desire for facilities for young which will be fed into our work.</p> <p>We are aware that as at 2011 the population of children was above the Brent average</p> <p>We would seek to ensure that there is representational engagement throughout the process</p>
DISABILITY	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We are aware that Phoenix Arch School is a special school for children aged 5 to 11. We are also aware that different facilities and the way in which individuals are able to carry out their day to day activities need to be considered for those who have disabilities.</p> <p>We would seek to ensure that there is representational engagement throughout the process</p>
RACE	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We would seek to ensure that there is representational engagement throughout the process, including considering how the ethnic profile changes based on age for some ethnicities.</p>
SEX	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p>

	<p>We would seek to ensure that there is representational engagement throughout the process</p> <p>The make-up of single parent families should be considered as the majority are female headed families.</p>
SEXUAL ORIENTATION	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We would seek to ensure that there is representational engagement throughout the process</p>
PREGANCY AND MATERNITY	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We would seek to ensure that there is representational engagement throughout the process</p> <p>We are aware that there are facilities - nurseries and a children's centre which maybe used by those who are pregnant or on maternity leave, or require those facilities in order to return to work.</p>
RELIGION OR BELIEF	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We would seek to ensure that there is representational engagement throughout the process</p> <p>There is St Patricks Church and we would seek to understand if there were any other religious establishments on St Raphael's. We will be mindful of the religious composition including in regards to when consultation events are held.</p>
GENDER REASSIGNMENT	

Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We would seek to ensure that there is representational engagement throughout the process</p>
MARRIAGE & CIVIL PARTNERSHIP	
Details of impacts identified	<p>The judgement to date on the potential impact of the policy or proposal on groups with each protected characteristic is based on the intention that housing, transport, environmental and community improvements, and development opportunities will on the whole have a positive impact, however until the options are developed this cannot be analysed.</p> <p>We would seek to ensure that there is representational engagement throughout the process</p>

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

No

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

Engagement has only just begun. Further engagement will be carried out and we will seek that this is representative of the people who will be affected.
 We have data from the Your Shout engagement and will review what other data we hold from engagement, to analyse how representative this engagement was so that this can be built on.

5. Please detail any areas identified as requiring further data or detailed analysis.

A full engagement and consultation process will need to be undertaken following any approval from Cabinet.
 Further background information will be required
 This will allow for a full EA to be carried out.

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

This is unknown at present

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

This will be developed once an option is agreed.
 As we are developing the option we will continually review to see if we are representationally engaging with the community and reviewing how proposals impact on protected characteristics

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

A full EA cannot be completed at this time as the options need to be developed and engagement with the local community needs to take place.
 The options have an opportunity to have positive effects on all of the community, but it will be a key part of the process to ensure that there is robust engagement and that we review impacts of proposals on protected characteristics.
 Socio-economic considerations are important as part of this work as will be a consideration of engagement with those individuals who do not speak English or English is not the main language

SECTION D – RESULT

<i>Please select one of the following options. Mark with an "X".</i>		
A	CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED	X
B	JUSTIFY AND CONTINUE THE POLICY/PROPOSAL	
C	CHANGE / ADJUST THE POLICY/PROPOSAL	
D	STOP OR ABANDON THE POLICY/PROPOSAL	

SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

Action	Expected outcome	Officer	Completion Date
To have a full engagement and consultation process with tenants and the local community, that is representational	Final proposal meets the needs of the current and future community as far as possible. We ask as part of consultation processes for personal data in order to monitor if we are engaging representationally	Jill Rennie (lead)	TBC – this will be dependent on the outcome of Cabinet but anticipate summer 2019
To establish a Tenants/Residents/Stakeholders Board	That the community has been fully involved in the decision making process for St Raphael's.	Jill Rennie (lead) but this will be led by the community	TBC – this will be dependent on the outcome of Cabinet but anticipate Q4 18/19
A Multi-disciplinary Design Team will also be engaged which will have consultation and engagement as a key component of their work	Final proposal meets the needs of the current and future community as far as possible	Jill Rennie (lead)	TBC – this will be dependent on the outcome of Cabinet but anticipate by Q4 18/19
To gather more background data to understand the composition of the Estate	To understand the composition of the community	Jill Rennie (lead)	TBC – this will be dependent on the outcome of Cabinet but anticipate completion summer

			2019 but will be an on-going process to completion with as much information gathered as soon as possible
Further actions will be added as the work progresses, the above are those required to begin		Jill Rennie (lead)	

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Jill Rennie
REVIEWING OFFICER:	Patrick Doherty
HEAD OF SERVICE:	Richard Barrett

 Brent	Cabinet 12 November 2018
Report from the Strategic Director of Children and Young People	
School Place Planning Strategy 2019 – 2023	

Wards Affected:	All
Key or Non-Key Decision:	Information
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	N/A
No. of Appendices:	One: <ul style="list-style-type: none"> • London Borough of Brent School Place Planning Strategy 2019-2023
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Email: Brian.Grady@brent.gov.uk Tel: 020 8937 4713 Shirley Parks, Head of Forward Planning, Performance and Partnerships Email: Shirley.Parks@brent.gov.uk Tel: 020 8937 4259

1.0 Purpose of the Report

1.0 This report provides Cabinet with a new School Place Planning Strategy covering the period 2019 to 2023. The School Place Planning Strategy 2019-23 includes the latest projections for primary and secondary school places and demand for places for children with Special Educational Needs and Disabilities (SEND) and early years provision.

2.0 Recommendations

That Cabinet:

- 2.1 Approve the new School Place Planning Strategy 2019–2023 provided as Appendix 1.
- 2.2 Note that demand for Reception places is expected to continue to reduce over the next five years before recovering to the 2018 level of demand in 2022/23.

- 2.3 Note that demand for secondary places is increasing with a need for an additional 13 forms of entry by 2023/24 to meet demand and ensure there is sufficient capacity to manage in-year admissions. This capacity could be provided through a combination of new schools and expanded provision.
- 2.4 Note the anticipated increase in demand for places that meet the needs of children and young people with SEND places and planned strategies for addressing this need.
- 2.5 Note the strategy for ensuring sufficient Early Years provision.

3.0 Detail

- 3.1 In October 2014 Cabinet approved the Brent School Place Planning Strategy 2014-2018 that was underpinned by a commitment to improving the educational outcomes of all children and young people in Brent. Over the last four years, Brent's self-improving school-led system has become firmly embedded in the Borough, with a shared responsibility for school effectiveness and improvement between the Local Authority and schools. Since 2014 the number of good and outstanding schools in Brent has increased from 78% to 96% in September 2018. Within this context, the 2019-2023 School Place Planning Strategy presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver the best quality of education provision to support the best outcomes for Brent children. The Brent School Place Planning Strategy 2019-2023 sets the following expectations:
- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
 - All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
 - The Council and schools work together to meet the challenge of providing sufficient school places
 - The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2020
 - All schools operate in good quality, safe premises
 - Children are educated close to home
 - Schools work with the local communities they serve
 - The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
 - The Council and schools make efficient use of resources.
- 3.2 The Brent School Place Planning Strategy 2019-2023 provides an assessment of school place demand across the Borough based on the latest pupil projections. The projections that Brent and most other London authorities use to inform place planning are provided by the Greater London Authority (GLA). The GLA projections are refreshed each year and are informed by centrally held demographic data, such as the Office of National Statistics (ONS) census data and fertility and birth rates, as well as locally held information, such as migration

patterns and planned housing growth that is provided by the Local Authority. The methodology also takes account of the percentage of children who historically move into the following academic year in an area. This is particularly important in Brent where there is a high level of pupil mobility and migration to schools in other boroughs. The GLA projections are an indicator of need that can be revised if key factors change, such as the birth rate or the new housing trajectory.

- 3.3 The latest forecasts reflect adjustments the GLA has made to the projection model in 2018 due to an over estimation by Office of National Statistics (ONS) of 0-4 year olds in London over the period 2012-2016. Based on analysis of the ONS mid-year population estimates, the GLA has reduced its population estimates of 0-4 year olds for London in 2016 by 24,000. The impact on Brent and other London boroughs is a reduction in pupil populations compared to previous projections.

4.0 Primary Place Need

- 4.1 Following unprecedented growth in demand for primary school places in Brent from 2006-2015, demand for Reception places across the Borough plateaued in September 2016 and reduced in September 2017. The latest Greater London Authority (GLA) projections (based on January 2018 school census) indicate that demand for Reception will continue to reduce before recovering to the 2018 level of demand in 2022 (Appendix 1). This pattern of reducing primary demand in Brent is consistent with many other London boroughs. Full detail of the primary projections can be found in Appendix 1.
- 4.2 Brent has five primary planning areas based on the geographic grouping of schools. By dividing the Borough into planning areas officers can more easily ensure that places are provided near to where children live, although in reality some children travel across planning areas to attend school. Demand for school places can also be highly localised as parents seek entry to schools perceived as popular.
- 4.3 Brent aims to maintain a minimum 5% spare places to ensure that there are sufficient places to respond to in-year movement and migration. Forecasts for planning areas 2, 4 and 5 are showing sustained lower demand and increasing spare places. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools. The 2019-23 School Place Planning Strategy identifies a number of areas where, in the context of increasing spare places, a review of primary provision is planned to ensure that provision is sustainable over the next five years. In the short-term the Local Authority will be supporting schools in managing reduced school intakes with measures such as temporarily reducing Published Admission Numbers (PANs).
- 4.4 Only Planning Area 3 is indicating a significant shortage of places over the next five years due to the intensive house building programme in the Wembley Central and Alperton growth areas. A new free school, Ark Somerville Primary School, has been approved by the Department for Education (DfE) to open in this area on the York House site in Wembley to meet future demand.

5.0 Secondary Place Need

- 5.1 The number of children in Brent primary schools increased by 12.8% between May 2008 and May 2017 (from 23,488 to 26,502). Demand for places in Year 7 increased in 2017 and is expected to continue to increase as the significant growth in pupil numbers in the Primary phase in Brent progresses into the secondary phase. The 2019-23 School Place Planning Strategy identifies the need for an additional 13 forms of entry by 2023/24. Brent aims to retain 5% spare places in Year 7 to meet demand and ensure there is sufficient capacity to manage in-year admissions.
- 5.2 Additional secondary places can either be met by the expansion of existing schools or by the provision of new Free Schools. A number of secondary schools have expressed an interest in expanding. The local authority cannot direct any secondary schools to expand as they are all either voluntary aided schools or academies. The expansion of an academy requires the approval of the Regional Schools Commissioner.
- 5.3 The costs of expanding secondary schools to meet demand for places would need to be met by the Council from Basic Need grant funding or other sources available to the Council should that be insufficient. Secondary expansion is generally more complex and costly than that for primary. The current working assumption is an indicative cost of £4.5m per form of entry for additional secondary provision.
- 5.4 Two new Free Schools were approved by DfE in November 2016 that, if located in Brent, will expand secondary capacity. The 'North Brent' Free School (working title) is expected to open in September 2020 on the Chancel House site, providing 6 forms of entry. The Avanti Free School, an all-through school, will provide 6 secondary forms of entry and 2 primary forms of entry. This school will have a Hindu ethos and is expected to attract students from a wide geographic area and, therefore, to have limited impact on Brent's basic need. A site for this school has not yet been identified and it may not be located in Brent.
- 5.5 There is a risk to the Council in assuming that new Free School developments will help to address the forecast shortfall in secondary places. For example, if the 'North Brent' Free School does not open in 2020, the Council will nevertheless have the statutory duty to provide the necessary school places. Council officers are engaging with Brent secondary schools to discuss potential expansions to meet anticipated demand.

6.0 SEND and Alternative Provision Place Need

- 6.1 Demand for places that meet the needs of children and young people with SEND is increasing. This is in part in proportion to the overall rise in pupil numbers, but also due to increased diagnosis and the extension of services to children and young people aged 0-25 with SEND. Increased demand is indicating the need for additional local provision.

- 6.2 4% of children and young people resident in Brent have an EHCP, compared to 2.9% of the national school-age population. The number of children and young people with EHCPs increased by 8.6% from 2016 to 2017 and by 6.0% from 2017 to 2018. As of January 2018 there were 2076 (SEN2 Return) Brent resident children and young people with an EHCP, of whom 1900 were attending a school (Reception to year 14) and 176 were attending a further education provision (age-range 16-25). The main areas of identified growing need are Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) difficulties.
- 6.3 Many children with EHCPs can have their needs met in a mainstream setting. However, over the past three years the proportion of children and young people with EHCPs attending a mainstream setting has reduced. In 2018 (SEN2 return) 45% of children and young people with EHCPs attended a mainstream provision compared to 49% in 2016. The number of children and young people with EHCPs attending a special provision, including SEND units and Additionally Resourced Provisions, has increased from 51% in 2016 to 55% in 2018.
- 6.4 The number of places in Brent special schools has increased since 2010. There are also 7 mainstream schools with Additionally Resourced Provision (ARP), providing 81 primary places and 31 secondary places. However, despite an increase of 162 special places since 2012 to bring the number of places available to 809, there are not sufficient local places for Brent children with SEND and Brent continues to be reliant on sourcing places in out-of-borough maintained special schools or Independent schools. This provision is expensive and can limit children and their families' access to local support networks.
- 6.5 Increased cohorts of primary children with EHCPs will be moving through to the secondary phase over the next five years. A new Free School sponsored by Brent Special Schools Academy Trust (BSSAT) will provide 100 places for children aged 5-18 with complex ASD needs. The school is expected to open on The Avenue site in September 2020. However, to ensure sufficient local places, additional secondary special places are required to cater for pupils with ASD/MLD/SLD.
- 6.6 A new independent provision, the Corner School, will open in 2018 to cater for up to 35 primary aged children who have social, emotional and/or mental health difficulties (SEMH). The school will provide access to mental well-being therapeutic support. Brent will commission places at this provision (along with other local authorities) to reduce the number of primary aged children with an SEMH need being placed out of the Borough.
- 6.6 The Council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school. Overall, exclusion figures for all Brent pupils have shown a decrease over the last 5 years (since 2014-15) for both fixed term and permanent exclusions. This is very positive and does not reflect the national trend. Support is available from the Council for Brent schools to reduce the number of exclusions, with a focus on early identification and

prevention strategies working closely alongside pastoral teams in mainstream settings.

- 6.7 Brent continues to place secondary aged pupils in Alternative Provision both in and out of the Borough. Some have been excluded and some require provision that includes a vocational element to best meet their needs. Schools also commission places in Alternative Provision to meet the needs of individual pupils. Planning has begun on the development of additional Alternative Provision within the Borough based at the Roundwood Centre to increase the availability of local, high quality provision, including individualised packages for secondary age pupils.

7.0 Early Years

- 7.1 Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. There has been an overall increase in the number of places with PVI providers in the Borough and a reduction in places in maintained and childminder provision. In 2018 there are 5077 places at PVI providers, compared to 4186 in 2015. The number of places in maintained and childminder provision has reduced from 4426 to 4263 over the same period. There is a good balance of free entitlement places being delivered across different setting types. Free childcare for 30 hours per week for 3 and 4 year olds with working parents became a statutory entitlement in September 2017 and implementation of this has been successful, with 94% take-up achieved in the summer term 2018. There is evidence of increased numbers of children with SEND accessing specialist nursery places. However, additional specialist nursery places will be required to meet the challenge of children with SEND accessing the 30 hour offer.

8.0 Financial Implications

- 8.1 Mainstream school places are funded from the annual Dedicated School Grant based on pupil numbers as per the October school census in the preceding year. This means that, although there is a time lag, the revenue cost of mainstream pupil growth is recognised and funded by the DfE.
- 8.2 School budgets are devolved to respective school governing boards but are under pressure from real terms funding reductions to the DSG. As schools are funded on the basis of pupil numbers, it is likely that small schools and those with falling numbers on roll will find it most difficult to balance their budgets in the medium term. Larger and growing schools are more likely to successfully manage the funding reductions.
- 8.3 Expanding the number of funded places in Alternative Provision and high needs provision will have revenue implications, as they are funded from the High Needs Block of the Dedicated Schools Grant (DSG). The High Needs funding guidance for 2019/20 onwards indicates that Brent is unlikely to receive sufficient growth funding to meet the demand pressures. Consequently expanding in-borough provision must be managed from within existing High Needs block resources. In order to help manage the financial pressure new in-

borough provision must replace current out-of-borough arrangements at lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund.

8.4 There are no further primary school expansions included in the Council Capital Programme. Capital investment to support the delivery of additional secondary school places projected as needed is being considered through the Capital Investment Panel. In terms of capital funding, since the 2011/12 financial year, the Council has received £161.17m from Basic Need, Targeted Basic Need and Targeted Capital Fund grant allocations from central government to provide school places, the most recent allocations are as follows:

- 2017/18 Basic Need Grant Allocated - £15.32m (allocation increased in January 2018)
- 2018/19 Basic Need Grant Allocated - £0
- 2019/20 Basic Need Grant Allocated - £5.34m
- 2020/21 Basic Need Grant Allocated - £0
- 2018/19 Special School Capital Grant Allocated - £1.7m

8.5 Basic Need capital grant and the Special School Capital Grant are not time bound or ring-fenced and can be used for any capital purpose. However, the ESFA has stated that it is expected to be used for investment in schools, joining up with other capital resources when it is beneficial for schools to do so. Based on current knowledge, it is expected that there will be insufficient basic need capital grant funding to meet the demand for secondary school places in the coming years.

8.6 The nature of secondary and SEN education means that the development of additional places in these phases presents additional complexities, and thus higher costs than for primary expansions. Predicting the future costs of providing places remains inherently difficult to forecast. The nature of any construction work required to provide additional school places, combined with the site location and layout all affect the cost per place. As proposals to address the forecast demand set out in the School Place Planning Strategy are developed, further reports will be provided to Cabinet with relevant financial information as required.

9.0 Legal Implications

9.1 The Council has a general statutory duty under Education Legislation to ensure that there are sufficient school places available to meet the needs of the population in its area. The Council must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and increase parental choice. To discharge this duty the Council has to undertake a planning function to ensure that the supply of school places balances the demand for them.

9.2 In addition to securing school places for pupils aged five to 16, the Local Authority has related statutory responsibilities in relation to children and young

people with special educational needs and disabilities (SEND) where the Council has to make suitable provision to meet their needs and early years provision, where responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds, as well as children's centres, overlaps with school provision.

- 9.3 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event that a school place is not available. Schools are not required to maintain classes over the planned admission number but revert to the usual admission number when children leave.
- 9.4 Statutory processes should be followed for any proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser). Governing boards can propose smaller expansions without the need to follow the statutory process. Proposals may also be required for some cumulative expansions. A review of any earlier enlargements that were made without the need for statutory proposals would need to be made before determining if the statutory process should be followed. This means adding those enlargements made:
- in the 5 year period that precedes the proposed expansion date
 - since the last approved statutory proposal to enlarge the school (within this 5 year period)
 - exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years)
 - add the making permanent of any temporary enlargement.
- 9.5 The above provision, which appeared in 2007 legislation, has been removed from 2013 regulations. The status of this change has not been tested in the courts. It is therefore advisable that the Council still takes such earlier enlargements into account in order to avoid the risk of a public law challenge until the legal position is clarified.
- 9.6 Under the current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the Council as admission authority must consult the Governing Board of the school where it proposes to either increase or keep the same PAN.
- 9.7 Under Section 19 of the Education Act 2006 and School Organisation Regulations the Council can decide to propose an enlargement or amalgamation, follow the statutory process and resolve to do so without requiring the consent of the Governing Board whose redress would be to object to the schools adjudicator.
- 9.8 Under section 37 of the Education Act 2011 if the Council considers a new school needs to be established in its area, the Council must seek proposals for the establishment of an Academy.

9.9 Given there is a presumption that any new school site provided by a local authority would be for a sponsored academy, the Council would in general be expected to grant a 125 year lease at a peppercorn rent to the academy. This approach is intended to be consistent with the existing guidance on community schools converting to academies where a local authority grants to the new academy a 125 lease of the community school site at a peppercorn rent. If in the alternative the Council is asked by the Department for Education to provide a new site for a free school it would also be expected to grant a peppercorn lease to the free school in accordance with Department for Education Guidance updated January 2014.

10.0 Equality Implications

10.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.

10.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

10.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

10.4 The School Place Planning Strategy 2019-23 aims to ensure that there are sufficient and suitable school places for all Brent children and that their changing diverse and special education needs are met. It also aims to raise the education standards for all and address inequality due to social disadvantage, disability (including multiple complex needs) and/or other protected characteristics, and contributes to the delivery of the Council's equality duties.

10.5 The strategy will be reviewed and updated every year to reflect changing demographics and to ensure that the diverse and special education needs of Brent children continue to be effectively met. The findings and the equality analysis screening of the Strategy show that there is currently a slowdown in demand for primary school places but a demand increase for secondary school places. Demand for Special Education Needs school places in the Borough is

also increasing and while the proposed changes will help alleviate some of the pressure, the report highlights the increasing need for additional provision of school places in Brent for children with Autism and Social Emotional and Mental Health needs.

11.0 Consultation with Ward Members and Stakeholders

- 11.1 Ward members will be consulted on the impact of this strategy where planning area capacity is reviewed.

Report sign off:

GAIL TOLLEY

Strategic Director of Children and Young People



**LONDON BOROUGH OF BRENT
SCHOOL PLACE PLANNING STRATEGY
2019-2023**

November 2018

BRENT SCHOOL PLACE PLANNING STRATEGY 2019 – 23

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1. Introduction

As the champion for all children and young people in the borough, Brent Council has statutory duties to promote the wellbeing, safety and achievement of Brent children and to promote high standards that help all children to fulfil their potential. Brent Council also holds the statutory duty to ensure sufficient school places for Brent children.

This strategy sets out how Brent will deliver sufficient school places in context of the Council's statutory duties, ensuring that school place delivery supports the achievement of the best outcomes for Brent children.

1.1 Brent Context

Brent is one of the most culturally diverse areas in England. The dynamic mix of communities continues to enrich and inform the social, economic and cultural make-up of the borough. In 2017/18 the largest ethnic groups of statutory school age are: Asian Indian (17%), Black Somali (9%), White Eastern European (9%), Black Caribbean (7%), White British (6%); Asian Pakistani (6%) and Asian Sri Lankan (3%). Brent schools experience high levels of mobility and in-migration with a large proportion of under 16s born outside the United Kingdom (19%). In addition to new arrivals, socio-economic pressures placed on many of Brent's families combined with a housing stock which relies heavily on privately rented accommodation, contribute to relatively high levels of pupil turnover in many of our schools. The proportion of Brent pupils who are disadvantaged is 27% just below the national and London averages (based on pupil premium allocations).

1.2 School Effectiveness in Brent

Over the last four years, Brent's self-improving system has become firmly embedded in the borough, with a shared responsibility for school effectiveness and improvement between the Local Authority and schools.

As a result, the quality of education provision is high. There has been an increase in Brent schools rated as good or outstanding by Ofsted from 78% in 2014 to 96% in September 2018, compared to a national average of 89% and a London average of 93%. This level of school inspection performance places Brent in the top quartile, top quintile and eighth percentile of performance of Local Authority areas in England and the second quartile of Local Authority areas in London. Two schools (one maintained primary and one secondary sponsored academy) are currently judged as requires improvement and one primary sponsored academy is judged as inadequate. All nursery and special schools and pupil referral units have been judged as at least good and all special schools in the borough are rated as good or outstanding.

In 2017, Brent's Strategic School Effectiveness Partnership Board approved a new Strategic Framework for School Effectiveness in Brent 2017-20. The Framework sets the following measures of success which will be supported by the delivery of this Place Planning Strategy:

- All Brent schools are judged Good or Outstanding
- All Brent headteacher are vacancies filled
- Governance has contributed to Good or Outstanding Leadership and Management judgements at all Brent schools
- The attainment gap between Brent schools is reduced by 30 percentage points at Key Stage 2 and by 15 points at Key Stage 4

- The attainment gaps at Key Stage 2 and Key Stage 4 are reduced by 50 per cent for Black Caribbean boys, Somali pupils, and Travellers of Irish heritage, and the progress for middle attaining pupils with SEND is above the national averages.

Within this context, the 2019-2023 School Place Planning Strategy presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver the best quality of education provision to support the best outcomes for Brent children. The Strategy outlines the projected demand for school places in Brent based on the latest forecasts. These will be updated annually to ensure that any new factors that impact on pupil forecasts are taken into account and refine the Council's understanding of future place need.

The 2019-2023 School Place Planning Strategy sets the following expectations:

School Place Planning Strategy Measures of success

- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
- All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
- The Council and schools work together to meet the challenge of providing sufficient school places
- The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2020
- All schools operate in good quality, safe premises
- Children are educated close to home
- Schools work with the local communities they serve
- The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
- The Council and schools make efficient use of resources.

2. Executive Summary

2.1 Demand for Mainstream Provision

Much of the focus on demand for mainstream provision is on places in Reception for infant and primary schools and Year 7 for secondary schools. These year groups reflect key points when demand patterns can shift. However, planning for school places also takes into account in-year growth as a result of in-migration and new housing.

2.1.1 Demand for Primary Places

Following unprecedented growth in demand for primary school places in Brent from 2006-2015, demand for Reception places across the Borough plateaued in September 2016 and reduced in September 2017. The latest Greater London Authority (GLA) projections (based on January 2018 school census) indicate that demand for Reception will continue to reduce before recovering to the current level in 2022. This pattern of reducing primary demand in Brent is consistent with many other London boroughs.

Implementation of the Brent 2014-18 School Place Planning Strategy saw over 3150 places created to successfully meet increasing demand. This means that Brent has sufficient capacity to meet the future forecast increase in demand in mainstream primary places. In the short-term the Authority will be supporting schools in managing reduced school intakes with measures such as temporarily reducing admission numbers. The 2019-23 School Place Planning Strategy identifies a number of areas where, in the context of increasing spare places, a review of primary places is planned to ensure that provision is sustainable over the next five years (see Section 6).

In other areas, where there are a number of new housing developments, growth in demand is anticipated that could change school place demand patterns. Brent's housing target in the London Plan is set to significantly increase. While new growth areas may be identified over the period of this School Place Planning Strategy, the majority of these homes will be located in the Borough's growth areas: Alperton, South Kilburn, Wembley, Church End and Burnt Oak Colindale. These areas are being kept under close review. This includes Wembley Park where the Ark Somerville Primary Free School will be located. This school is expected to open in 2022 when projections indicate sufficient basic need demand for the school.

2.1.2 Demand for Secondary Places

Demand for places in Year 7 increased in 2017 and this is expected to continue as the significant growth in pupil numbers in the Primary phase in Brent progresses into the secondary phase. The 2019-23 School Place Planning Strategy identifies the need for an additional 13 forms of entry (see section 5) by 2023/24. This additional capacity could be provided through a combination of permanent school expansions, temporary bulge classes and new free schools.

The Council is working with secondary schools that have expressed interest in expanding. In addition two new free schools that were approved by DfE in November 2016 will help to meet increasing secondary demand. The North Brent Free School, which will provide 900 secondary places, is expected to open in September 2020 on the Chancel House site. The Avanti Free School, an all-through school, is expected to provide a combined capacity of 1320 places (60 per primary year group and 180 per secondary year group). The school will be unable to open until a permanent site is identified by the Education and Skills Funding Agency (ESFA). The Avanti Free School will have a Hindu ethos and is expected to attract students from a wide geographic area. As it is difficult to find sites, the Avanti Free School may not be located in Brent.

2.2 Special Provision

Demand for places that meet the needs of children and young people with SEND is increasing in part in proportion to the overall rise in pupil numbers, but also due to increased diagnosis. The prevalence of Autism Spectrum Disorder (ASD) continues to rise and, as more children survive premature birth or severe disabilities, the number of children of school age presenting with significant additional needs is also increasing. Increased cohorts of primary children with Education, Health and Care Plans (EHCPs) are now moving through to the secondary phase. To meet this demand and reduce dependence on out-of-borough independent special schools, which are expensive and can mean stressful journeys for vulnerable children and limit the access of children and their families to support networks, Brent is planning to

commission additional secondary special places to cater for pupils with ASD/MLD/SLD. This is in addition to a new special free school sponsored by the Brent Special School Academy Trust (BSSAT) that is due to open in September 2020 and will provide 100 places for children aged 5-18.

Brent is also working alongside an independent provider to access school places for primary aged pupils with social, emotional and mental health difficulties (SEMHD) as this remains a growing area of need. The Corner School, will open in 2018 to cater for primary aged children and will provide up to 35 places. The school will provide access to mental well-being therapeutic support. Brent will commission places at this provision (along with other local authorities) to reduce the number of primary aged children with an SEMH need being placed out of the Borough.

At secondary level, a new Alternative Provision is being developed which will offer a more bespoke curriculum for pupils whose SEMHD needs cannot be met within mainstream. Planning has begun on the development of additional Alternative Provision within the Borough based at the Roundwood Centre to increase availability and the quality of provision, including individualised packages for secondary age pupils. Both of these new provisions will offer access to mental well-being therapeutic support, and at secondary will include vocational options alongside a core academic curriculum.

2.3 Childcare and Early Education

Alongside the statutory duty to provide school places the Council has an allied duty to secure sufficient childcare and early education. In addition to the existing entitlements of 15 hours of free early education for some two year olds and all 3 and 4 year olds, in September 2017, a statutory entitlement to 30 hours of free childcare and early education for all 3 and 4 year olds from working families was introduced. Implementation of the new entitlement in Brent was successful and take-up reached 94% of eligible families by the summer of 2018. Over the coming years, monitoring and review of this will be key, not only to maintain existing momentum but also to assess the impact of this on existing 2 year and 3 & 4 year 15 hour places as take-up of these has not followed the upward trajectory of the extended entitlement.

Since September 2017, the Council has administered the free entitlement for both schools and private, voluntary and independent (PVI) providers. This enables a full overview of early years provision, including take up across the Borough and at ward level and allows development of targeted actions to address gaps.

2.4 Post-16 Provision

The Education and Skills Act 2008 requires all young people in England to continue in education or training until at least their 18th birthday. The Council works in partnership with schools and the local Further Education college, the College of North West London, to ensure that young people have access to a range of opportunities to continue their education or training at a wide range of post-16 providers or through apprenticeships.

3. School Place Planning - Frequently Asked Questions

3.1 The Council's Role in School Place Planning

1. What is the Council's role in providing school places?

In addition to the statutory duties set out in the introduction above, the Education and Inspections Act 2006 places a duty on local authorities to act as commissioners, rather than providers of schools places. The Council has a statutory responsibility to ensure that there are sufficient school places available for all Brent children and young people who need one. The Council also has overarching responsibilities for school admissions, co-ordinating admissions at Reception, Year 3 (from infant to junior school) and at secondary transfer in Year 7.

In addition to securing school places for pupils aged five to 16, the Council has related statutory responsibilities in relation to:

- **Children and young people with special educational needs and disabilities (SEND)** where the Council has to make suitable provision to meet their needs
- **Early years provision**, where the Council has responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds
- **Post 16 education and training** where the Council leads the local 16 to 19 partnership and takes overall responsibility for the sufficiency and suitability of provision, so that all young people can stay in education or training until at least their 18th birthday.

The Local Authority works with all schools and multi-academy trusts to deliver its statutory duties, as well as the local Dioceses and the Regional Schools Commissioner where this involves academies and free schools.

2. Can the Council open new schools?

It is not possible for the Council to open new community schools (Education Act 2011). All new schools are academies or free schools that are approved by the Secretary of State. Once the Council identifies a need for a new school it may use one of the following two routes to establish it:

- The **academy presumption** route whereby the Council would put forward a school proposal which it would advertise and promote to potential academy sponsors. Under this route, the Council would supply the site and use its own capital to build the school.
- The Council could 'support' a **free school** promoter to apply to the DfE to build a school, which could be on a Council owned site. The decision would be entirely at the discretion of the DfE, but schemes that help to meet school place pressures are more likely to succeed.

3. Who decides if a school will close, expand or amalgamate?

The Council has the power to instruct community schools to expand, but not academies, foundation or voluntary aided schools. The Council also has the power to close community schools or to require them to amalgamate. These are not powers that Brent has exercised hitherto as the aim, wherever possible, is to work collaboratively with schools. In the case of Academies any expansion must be approved by the Regional Schools Commissioner.

3.2 Pupil Projections

4. Where do the projections come from?

The projections that Brent and most other London authorities use to inform place planning are provided by the Greater London Authority (GLA):

- The GLA projections are informed both by centrally held demographic data, such as census, fertility rate and birth rate data provided by the Office of National Statistics (ONS), together with locally held information on migration patterns and planned housing growth (ward level housing development data provided by the Borough).
- The projection model calculates the number of children resident in each ward who are expected to attend each school by each national curriculum year from Reception to Year 11. The number of children projected for each new intake is calculated as an average of the proportion of children in those wards that attended the school in the previous 3 years multiplied by the ward level age population data. This helps to smooth out any unusual variations that are unlikely to reoccur each year. For other year groups the model calculates the current proportion of children in the ward attending the school and applies this to the ward level population data. School level projections are then aggregated to planning area projections and Borough totals.
- The methodology also takes account of the percentage of children who historically move into the following academic year in an area. This is particularly important in Brent where there is a high level of pupil mobility and migration to schools in other boroughs.

5. Are the projections accurate?

The GLA projections are a good indicator of place need, but they remain a statistical model which should be seen as a valuable tool rather than a definitive position. There are a number of factors which can lead to the projections being revised up or down:

- Underlying data, such as birth rates and migration patterns and the impact of local regeneration projects, can change significantly in a short period of time. The GLA projections for Reception numbers in Brent have been revised downwards, for example, this year, due to a change in ONS migration data used in the projection model.
- Secondary projections are more secure as they largely take account of children already in the system. However, the percentage of children who historically move into the following academic year is a particularly important factor in Brent which is currently a net exporter of secondary pupils. This may change if pressures on secondary places in neighbouring boroughs lead to an increase in demand beyond that in the current projections.
- The Local Authority monitors both current and emerging local and national factors, such as Brexit, that can impact on school place demand.

6. What do the projections tell us about demand for primary places?

The January 2018 projections indicate that the demand for Reception places will reduce between 2018 and 2022 before recovering to 2018 level of demand. They show that there will be spare places across the Borough during this period.

7. What are primary planning areas and why do we have them?

The Council has a duty to provide a “reasonable offer” of a school place to all children. In the primary phase a “reasonable offer” is one that is within 2 miles of home. By dividing the Borough into five primary planning areas officers can more easily ensure that places are provided near to where children live. However, they are only a guide to help officers. In reality children can travel across planning areas to attend school, particularly when they live close to the borders.

8. What are secondary planning areas?

Secondary aged children are expected to travel longer distances to school. A reasonable offer for a secondary place is one that is within 3 miles of home, which given the size of Brent and the good transport links mean that children can travel to any school. However, secondary planning areas allow the Council to understand localised pressures for schools and where additional places would help more children attend a school near to where they live.

9. What do the projections indicate in the secondary phase?

The January 2018 projections indicate that demand for Year 7 places will increase as larger primary cohorts move through the system. Projections indicate growth in Year 7 of 9.5% between 2018 and 2026.

10. How does the Council forecast demand for special provision?

In order to understand demand for special school places, the Council analyses current and historical data to track trends in the number of children with EHCPs. This includes assessment of pupil numbers by year group and type of need, as well as the type of provision attended. Analysis of trends is used to predict likely future patterns of demand.

3.3 Providing Additional Places

11. Is it better to provide temporary or permanent classes?

Generally it is more cost effective to provide permanent places if they are needed for the longer term, but there are times where site and time constraints mean that this is not possible. There are also occasions where the bulge in numbers only applies to one cohort of students. In these circumstances, it is better to provide a temporary bulge class.

Expansion in the secondary phase is more complex than primary, partly because specialist facilities (e.g. sport, science, technology) may need to be provided alongside standard classrooms. Students also need to access these facilities during the building process which makes decant more challenging and can impact on cost.

12. Is it better to expand existing schools or provide new schools?

Where additional school places are needed, the Council seeks to provide places that provide high quality provision. This could be through expanding existing schools or through new schools. There are benefits to both:

- Expanding existing schools that are judged to be good or better by Ofsted gives the Council greater confidence that provision will be good and that it will be popular. It also

helps to maintain stability in the existing school system. However, it is important that the challenges of expansion are well managed to avoid impacting on standards in good or outstanding schools and on any particular groups of children and young people who are under-achieving.

- New schools offer a chance to provide new learning environments and to attract high quality providers. However, the Council does not control the provision of free schools. The Regional Schools Commissioner, acting on behalf of the Secretary of State, decides if a school should open. In a borough such as Brent there are also considerable challenges in finding sites for new schools.
- Expansions of existing provision are funded by the Council from Basic Need grant funding or the Special Provision Capital Fund for Additionally Resourced Provision and SEND units for pupils with EHCPs. New schools are largely funded by the Education and Skills Funding Agency.

3.4 Spare places

13. How does the Council manage spare places?

When demand for school places falls significantly and the number of spare places increases, this can cause difficulties for individual schools, in particular with regards to managing school budgets. Where this occurs, the Council analyses a range of local data, including recent intakes, parental preferences, availability of places within the local area and school standards, before recommending strategies that support schools within a local area to ensure the sustainability of provision.

4. Brent's Operating Principles for School Organisation

The following operating principles underpin Brent's approach to school place planning.

Principle 1: *We will only undertake expansions at high quality schools where leadership is secure.*

Principle 2: *We will seek to expand schools that have high levels of parental preferences for admission, in particular schools that are regularly oversubscribed.*

Principle 3: *We will seek to minimise disruption to schools during expansion, paying particular attention to impacts on vulnerable groups, and support school leaders to manage the challenges.*

Principle 4: *We will expect expanded and re-structured schools generally to meet government guidance on space standards but will be prepared to consider innovative design solutions to achieve this.*

Principle 5: *We will develop local capacity to sponsor or promote new schools, working with academies in all phases.*

Principle 6: *We will as far as possible incorporate proposals for additional school places into new regeneration schemes.*

Principle 7: *We will consider how community benefits from school facilities can be maximised when we expand or build new schools.*

Principle 8: *We will consult with local communities as part of the planning process to minimise/mitigate the impact of new school developments.*

Principle 9: *We will build inclusive provision into expansion and new school proposals and work with neighbouring authorities on the planning of special school places.*

Principle 10: *We will continue planning secondary school places on a borough wide basis with the ambition to make Brent's secondary offer attractive to all parents, but will also consider secondary places by planning area.*

Principle 11: *We will continue planning primary places using planning areas.*

Principle 12: *We will promote federations between schools, both to address any quality issues and to address the future viability of one form of entry primary schools, and will work towards the amalgamation of separate infant and junior schools.*

Principle 13: *We will actively consider two-site schools and large schools where there is leadership and management capacity and where this is a genuine expansion and not a new school.*

Principle 14: *We will not currently seek to develop more all-through schools.*

Principle 15: *We will consider expanding voluntary aided schools only where there is local Brent demand, working with the relevant partners.*

Principle 16: *After assessing educational suitability, schemes for expansion or new schools will be judged in terms of value for money, deliverability and strategic fit with wider investment programmes.*

5. The Need for Secondary Places

5.1 Demand Overview

The significant growth that has been seen in the Primary phase since 2010 began to move through to the secondary phase in 2016. Table 1 shows secondary projections by year group against current capacity. Year 7 intakes are forecast to increase up to 2023/24. While they are forecast to then reduce, intakes will remain around 10 forms of entry higher than in 2018/19.

Table 1: Secondary capacity and projections January 2018

		Year 7	Year 8	Year 9	Year 10	Year 11
2018/2019	Capacity	3478	3352	3316	3298	3290
	Projections	3310	3134	3129	3044	3104
	surplus/deficit	168	218	187	254	186
2019/2020	Capacity	3508	3478	3352	3316	3298
	Projections	3386	3312	3137	3143	3075
	surplus/deficit	122	166	215	173	223
2020/2021	Capacity	3508	3508	3478	3352	3316
	Projections	3450	3383	3309	3144	3176
	surplus/deficit	58	125	169	208	140
2021/2022	Capacity	3508	3508	3508	3478	3352
	Projections	3564	3453	3389	3322	3176
	surplus/deficit	-56	55	119	156	176
2022/2023	Capacity	3508	3508	3508	3508	3478
	Projections	3684	3591	3480	3426	3377
	surplus/deficit	-176	-83	28	82	101
2023/2024	Capacity	3508	3508	3508	3508	3508
	Projections	3703	3712	3620	3518	3487
	surplus/deficit	-195	-204	-112	-10	21
2024/2025	Capacity	3508	3508	3508	3508	3508
	Projections	3591	3728	3737	3652	3573
	surplus/deficit	-83	-220	-229	-144	-65
2025/2026	Capacity	3508	3508	3508	3508	3508
	Projections	3592	3609	3744	3761	3699
	surplus/deficit	-84	-101	-236	-253	-191
2026/2027	Capacity	3509	3508	3508	3508	3508
	Projections	3624	3613	3630	3771	3811
	surplus/deficit	-115	-105	-122	-263	-303

Table 1 identifies the additional places required to meet the forecast pupil population. However, an operating margin of 5% spare places is recommended to ensure that there is sufficiency to support in-year pupil movement and forecast growth in pupil cohorts as they move through the system.

Table 2 shows Year 7 forecasts against current capacity and identifies that an additional 13 forms of entry are needed to meet demand and secure a 5% operating margin. Table 2 indicates that there is a need for additional capacity from 2019/20. The 'North Brent' Free

School (project name), which is planned to open in 2020, will help to meet increased demand until 2022/23, when a further 4 forms of entry will be required. This pattern of demand suggests that expanding provision in existing secondary schools is the best option to meet the additional capacity required beyond the 'North Brent' Free School. If the 'North Brent' Free School did not open as planned, additional places would be needed.

Table 2: Year 7 Projected Intakes, Current Capacity and Forms of Entry required

Year	Year 7 projected intake	Year 7 places available	Surplus/ Deficit of places	Surplus/ deficit %	Additional Forms of Entry (FE) required to ensure 5% spare places	Additional FE required with North Brent Free School providing 6FE from 2020	Cumulative FE required assuming places are provided as needed to meet demand
2018/19	3310	3478	168	5%	0	0	0
2019/20	3386	3508	122	3%	2	2	2
2020/21	3450	3508	58	2%	4	0	0
2021/22	3564	3508	-56	-2%	8	2	0
2022/23	3684	3508	-176	-5%	12	6	4
2023/24	3703	3508	-195	-6%	13	7	1
2024/25	3591	3508	-83	-2%	9	3	0
2025/26	3592	3508	-84	-2%	9	3	0
2026/27	3624	3508	-116	-3%	10	4	0

5.2 Actions to increase capacity

The 'North Brent' Free School that was approved by DfE in 2016 will provide essential capacity offering 180 places per year (6FE). The school is expected to be established from September 2020 on the Chancel House site, close to the North Circular, which was selected by the ESFA after an extensive site search.

A further free school, the Avanti Free School, an all-through school offering 60 primary places per year group and 180 secondary places per year group, was approved by DfE in 2016. The school will be unable to open until a permanent site is secured by the Education and Skills Funding Agency (ESFA). The Avanti Free School will have a Hindu ethos and is expected to attract students from a wide geographic area. As it is difficult to find sites, it is possible that the Avanti Free School is not located in Brent.

The Council is working with existing secondary schools that have expressed an interest in expanding to meet increased demand.

5.3 Secondary Planning Areas

Brent divides its secondary schools into 3 planning areas that reflect geographical groupings of schools – Secondary Planning Area North, Secondary Planning Area West and Secondary Planning Area South (Figure i).

The data by planning area suggest that the greatest pressure on Year 7 places will be in the planning areas in the North and West, rather than in the South where the North Brent Free School will be located. However, this analysis reflects historical preference and school attendance patterns, which are expected to change in the future as pupils attend the new school.

Figure i: Secondary Planning Areas

- | | |
|--|--|
| ① Alperton Community School | ⑨ Michaela Community School |
| ② Ark Academy | ⑩ Newman Catholic College (Boys) |
| ③ Ark Elvin Academy | ⑪ Preston Manor High School |
| ④ Capital City Academy | ⑫ Queens Park Community School |
| ⑤ Clarendon High School | ⑬ St. Gregory's Catholic Science College |
| ⑥ Convent of Jesus and Mary Language College (Girls) | ⑭ The Crest Academy |
| ⑦ JFS | ⑮ Wembley High Technology College |
| ⑧ Kingsbury High School | |



Secondary Planning Area North

Wards	Fryent / Barnhill / Kenton / Northwick Park / Preston / Queensbury / Welsh Harp
Schools	Claremont High School, JFS, Kingsbury High School, St Gregory's Catholic Science College

Demand: Based on historical preference patterns, demand for Year 7 places is expected to increase in this area. While a shortfall is forecast from 2018/19, in reality pupils will travel to other secondary schools across the Borough.

Planned action: The feasibility of expanding schools in this area is currently being explored.

Table 3: Secondary Planning Area North 2018 Projections and Current Capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2018/2019	Capacity	1098	1098	1082	1064	1064
	Projections	1164	1083	1092	1071	1062
	surplus/deficit	-66	15	-10	-7	2
2019/2020	Capacity	1098	1098	1098	1082	1064
	Projections	1213	1163	1091	1097	1081
	surplus/deficit	-115	-65	7	-15	-17
2020/2021	Capacity	1098	1098	1098	1098	1082
	Projections	1224	1206	1167	1092	1103
	surplus/deficit	-126	-108	-69	6	-21
2021/2022	Capacity	1098	1098	1098	1098	1098
	Projections	1264	1217	1211	1169	1099
	surplus/deficit	-166	-119	-113	-71	-1
2022/2023	Capacity	1098	1098	1098	1098	1098
	Projections	1305	1261	1226	1216	1180
	surplus/deficit	-207	-163	-128	-118	-82
2023/2024	Capacity	1098	1098	1098	1098	1098
	Projections	1298	1299	1269	1228	1226
	surplus/deficit	-200	-201	-171	-130	-128
2024/2025	Capacity	1098	1098	1098	1098	1098
	Projections	1252	1292	1306	1270	1239
	surplus/deficit	-154	-194	-208	-172	-141
2025/2026	Capacity	1098	1098	1098	1098	1098
	Projections	1256	1251	1305	1316	1290
	surplus/deficit	-158	-153	-207	-218	-192
2026/2027	Capacity	1098	1098	1098	1098	1098
	Projections	1255	1249	1259	1308	1325
	surplus/deficit	-157	-151	-161	-210	-227

Secondary Planning Area West

Wards	Alperton / Barnhill / Preston / Sudbury / Tokyngton / Wembley Central
Schools	Alperton Community School, Ark Academy, Ark Elvin Academy, Michaela Community School, Preston Manor Upper School, Wembley High Technology College

Demand: Secondary Planning Area West includes two major growth areas in Wembley Central and Alperton and demand for Year 7 places is expected to increase in this area. Wembley is set to drive the economic regeneration of Brent as a high quality, urban, connected and sustainable city quarter. Up to 14,400 new homes are planned around Wembley National Stadium and Wembley town centre up to 2026. Alperton is being promoted for mixed-use regeneration, which will include over 5000 new homes.

Planned action: Alperton Secondary School has expanded by 2FE in 2018 using the school's Stanley Avenue site. Ark Elvin has recently moved into a new school building that provides accommodation for an increased admission number of 270. It is anticipated that the school will in time fill to this capacity. The feasibility of expanding other schools in this area is currently being explored.

Table 4: Secondary Planning Area West 2018 Projections and Current Capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2018/2019	Capacity	1326	1212	1192	1192	1192
	Projections	1268	1227	1173	1138	1163
	surplus/deficit	58	-15	19	54	29
2019/2020	Capacity	1356	1326	1212	1192	1192
	Projections	1279	1278	1231	1182	1148
	surplus/deficit	77	48	-19	10	44
2020/2021	Capacity	1356	1356	1326	1212	1192
	Projections	1323	1291	1282	1238	1194
	surplus/deficit	33	65	44	-26	-2
2021/2022	Capacity	1356	1356	1356	1326	1212
	Projections	1376	1340	1303	1294	1250
	surplus/deficit	-20	16	53	32	-38
2022/2023	Capacity	1356	1356	1356	1356	1326
	Projections	1436	1411	1366	1331	1321
	surplus/deficit	-80	-55	-10	25	5
2023/2024	Capacity	1356	1356	1356	1356	1356
	Projections	1485	1474	1439	1392	1361
	surplus/deficit	-129	-118	-83	-36	-5
2024/2025	Capacity	1356	1356	1356	1356	1356
	Projections	1462	1521	1499	1463	1420
	surplus/deficit	-106	-165	-143	-107	-64
2025/2026	Capacity	1356	1356	1356	1356	1356
	Projections	1483	1503	1548	1530	1496
	surplus/deficit	-127	-147	-192	-174	-140
2026/2027	Capacity	1356	1356	1356	1356	1356
	Projections	1514	1515	1522	1569	1554
	surplus/deficit	-158	-159	-166	-213	-198

Secondary Planning Area South

Wards	Brondesbury Park / Dollis Hill / Dudden Hill / Harlesden / Kensal Green / Kilburn / Mapesbury / Queens Park / Stonebridge / Willesden Green
Schools	Capital City Academy, Convent of Jesus and Mary Language College, Newman Catholic College, Queens Park Community School, The Crest Academy

Demand: There are currently spare places in this planning area, although demand is expected to increase over the next few years.

Planned action: The establishment of the 'North Brent' Free School is anticipated in this area in 2020. The school is sponsored by the Wembley Multi-Academy Trust that includes Wembley High Technology College which is an oversubscribed outstanding school. It is anticipated that current preference patterns will change as pupils will travel from other areas to the school. If required, there is a potential for other schools in this area to expand.

Table 5: Secondary Planning Area South 2018 Projections and Current Capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2018/2019	Capacity	1054	1042	1042	1042	1034
	Projections	878	825	864	834	879
	surplus/deficit	176	217	178	208	155
2019/2020	Capacity	1054	1054	1042	1042	1042
	Projections	893	871	816	865	846
	surplus/deficit	161	183	226	177	196
2020/2021	Capacity	1054	1054	1054	1042	1042
	Projections	904	885	857	813	878
	surplus/deficit	150	169	197	229	164
2021/2022	Capacity	1054	1054	1054	1054	1042
	Projections	923	894	872	857	827
	surplus/deficit	131	160	182	197	215
2022/2023	Capacity	1054	1054	1054	1054	1054
	Projections	943	917	888	879	874
	surplus/deficit	111	137	166	175	180
2023/2024	Capacity	1054	1054	1054	1054	1054
	Projections	918	938	912	895	896
	surplus/deficit	136	116	142	159	158
2024/2025	Capacity	1054	1054	1054	1054	1054
	Projections	875	913	931	917	913
	surplus/deficit	179	141	123	137	141
2025/2026	Capacity	1054	1054	1054	1054	1054
	Projections	874	881	917	946	945
	surplus/deficit	180	173	137	108	109
2026/2027	Capacity	1054	1054	1054	1054	1054
	Projections	877	871	876	924	964
	surplus/deficit	177	183	178	130	90

5.4 Cross-border movement

The GLA projections reflect the percentage of children who historically move from Year 6 to Year 7 in the following academic year. Brent has traditionally been a net exporter of pupils, in part due to Brent's proximity to other boroughs. In the south of the Borough 40% of Brent parents chose out-of-borough secondary schools for their children starting school in September 2018 (Table 6). Neighbouring boroughs are facing similar school place challenges and it is likely that Brent parents will find it increasingly difficult to access places in out-of-borough secondary schools. Additionally, parental perception of Brent secondary schools that are currently under-subscribed is expected to change as Ofsted judgements and standards have improved. The combination of these factors could mean that the demand for places in Brent secondary schools may increase beyond that currently shown in Table 2.

Table 6: Secondary Transfer by Secondary Planning Area

LA of Offered School 2018	Brent Resident School Planning Area			
	PA North	PA South	PA West	Total
Brent Total	680	1069	923	2672
Brent %	77.45%	60.64%	86.75%	72.12%
Barnet	82	110	34	226
Camden	1	98	2	101
Ealing	1	35	28	64
Hammersmith and Fulham	1	43	7	51
Harrow	85	52	48	185
Herts	8	3	3	14
Hillingdon	5	4	2	11
Hounslow	2	5	3	10
Kensington and Chelsea	2	51	4	57
Slough	4	2	5	11
Westminster	4	286	3	293
Other LAs	3	5	2	10
Non-Brent Total	198	694	141	1033
Non-Brent %	22.55%	39.36%	13.25%	27.88%
Grand Total	878	1763	1064	3705

6. The Need for Primary Places

6.1 Overview

Between 2006 and 2017, Brent saw an unprecedented increase in the demand for primary school places. The primary pupil population (Reception to Year 6) increased from 20,822 in January 2006 to 26,823 in January 2017, an increase of 28.8% (Graph 1). This trend changed in 2017 when the number of children admitted to Reception reduced for the first time in 11 years. Reception intakes are forecast to reduce further from 2018/19 to 2021/22 before increasing again (Table 8).

Graph 1 – Primary numbers on roll and projections as at January each year

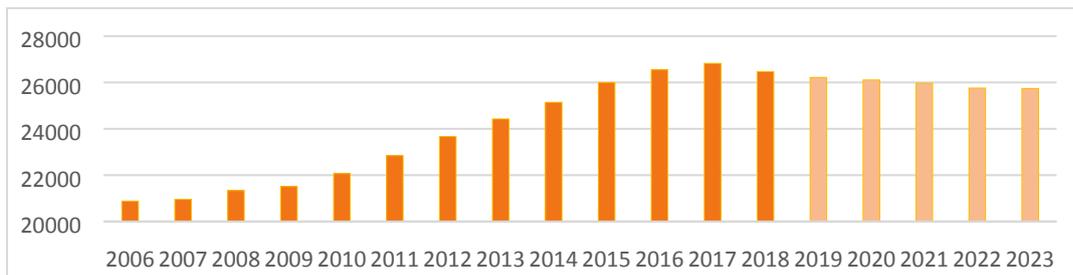


Table 7 shows that borough-wide, there are sufficient places to meet anticipated demand across all year groups up to 2023/24 and to manage mobility. However, spare capacity is not evenly distributed across all planning areas (see below).

Table 7: Primary Forecasts 2018 and Current Capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2018/2019	Capacity	4,247	4,132	4,187	4,214	4,062	3,887	3,977
	Projections	3,706	3,671	3,802	3,882	3,789	3,673	3,694
	surplus/deficit	541	461	385	332	273	214	283
2019/2020	Capacity	4,277	4,247	4,132	4,217	4,214	4,062	3,887
	Projections	3,719	3,674	3,642	3,830	3,852	3,759	3,633
	surplus/deficit	558	573	490	387	362	303	254
2020/2021	Capacity	4,277	4,277	4,247	4,132	4,217	4,214	4,062
	Projections	3,707	3,676	3,634	3,638	3,792	3,813	3,710
	surplus/deficit	570	601	613	494	425	401	352
2021/2022	Capacity	4,277	4,277	4,277	4,247	4,132	4,217	4,214
	Projections	3,666	3,675	3,643	3,640	3,614	3,755	3,766
	surplus/deficit	611	602	634	607	518	462	448
2022/2023	Capacity	4,277	4,277	4,277	4,277	4,247	4,132	4,217
	Projections	3,727	3,675	3,673	3,679	3,643	3,609	3,735
	surplus/deficit	550	602	604	598	604	523	482
2023/2024	Capacity	4,277	4,277	4,277	4,277	4,277	4,247	4,132
	Projections	3,798	3,738	3,678	3,712	3,683	3,642	3,593
	surplus/deficit	479	539	599	565	594	605	539

Table 8 shows forecast Reception intakes against capacity. The latest pupil forecasts suggest that Reception cohorts will continue to fall for a further three years before beginning to increase again (in 2022/23). The GLA primary projections for Brent for January 2018 also reflect a change in assumptions about migration patterns within the forecasting model, resulting in lower forecasts than previous projections.

As the Reception intakes reduce, the number of spare places is expected to increase to 14% by 2021/22. This is expected to be temporary, with the number of spare places reducing as intakes increase. Brent aims to have a minimum of 5% spare places to manage in-year migration and to ensure the authority can respond to any sudden increase in demand. This avoids the need to open temporary provision or bulge classes, which is neither educationally desirable nor cost effective.

A number of measures are in place to support schools during the period of reduced intakes. These include temporarily reducing admission numbers or placing an informal cap on admission numbers and considering temporary alternative use of spare accommodation.

Table 8: Reception forecasts and available places

Year	Reception projected intake	Reception places available	Spare places	% spare places	Spare places as forms of entry
2018/19	3706	4247	541	13%	18
2019/20	3719	4277	558	13%	19
2020/21	3707	4277	570	13%	19
2021/22	3666	4277	611	14%	20
2022/23	3727	4277	550	13%	18
2023/24	3798	4277	479	11%	16
2024/25	3869	4277	408	10%	13
2025/26	3920	4277	357	8%	12
2026/27	3977	4277	300	7%	10
2027/28	4062	4277	215	5%	7

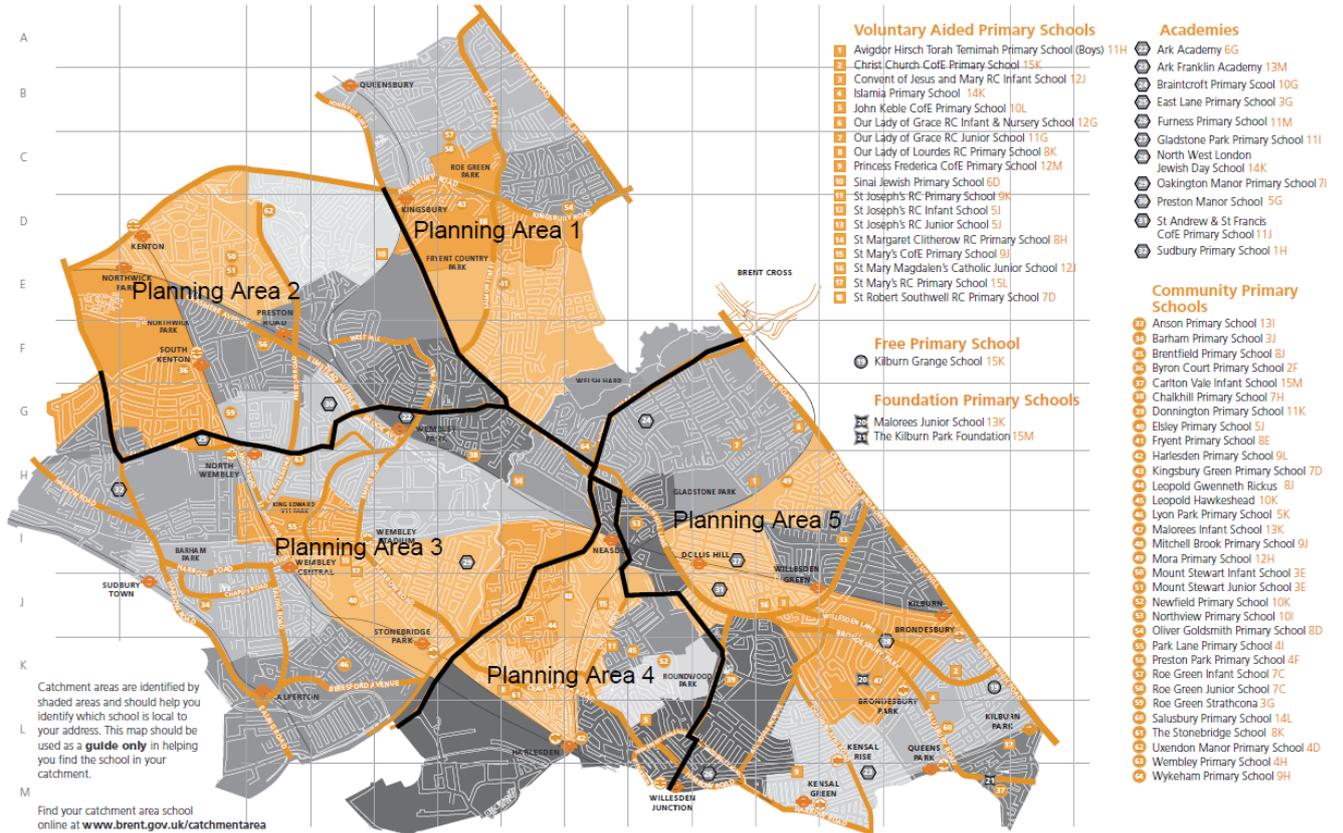
Table 9: Births in Brent (by calendar year)

Year	2014	2015	2016	2017
Births in Brent	5078	5204	5146	5208

6.2 Primary Planning Areas

The Borough is divided into 5 Primary Planning Areas (see Figure ii). This supports the Council in providing a school place within a reasonable travelling distance for primary children. The match of demand to the supply of places varies across planning areas and year groups.

Figure ii: Brent Primary Planning Areas



Primary Planning Area 1

Wards	Fryent / Queensbury / Welsh Harp
Schools	Fryent Primary School, Kingsbury Green Primary School, Oliver Goldsmith Primary School, Roe Green Infant School, Roe Green Junior School, St Robert Southwell RC Primary School, Wykeham Primary School

Demand: The January 2018 forecasts show Reception intakes remaining relatively steady over the next 5 years. A shortfall of places is forecast for some cohorts as they move through the system (based on in-migration assumptions). It is anticipated that places in neighbouring planning areas will accommodate these pressures.

Planned action: There are no plans to increase capacity in this Planning Area 1. The DfE has decided not to proceed with Floreat Free School that had been expected to open in this area by September 2019 providing 420 Reception to Year 6 places.

Intakes at Fryent Primary School have been lower than the school Published Admission Number over the past few years. An Additionally Resourced Provision for children with Autistic Spectrum Disorder (ASD) at Fryent has been developed in temporary spare accommodation.

Table 10: Planning Area 1 January 2018 GLA projections and capacity

Planning Area 1		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2018/2019	Capacity	510	480	510	510	540	510	510
	Projections	487	491	480	516	534	505	491
	surplus/deficit	23	-11	30	-6	6	5	19
2019/2020	Capacity	510	510	480	510	510	540	510
	Projections	498	498	496	501	519	536	507
	surplus/deficit	12	12	-16	9	-9	4	3
2020/2021	Capacity	510	510	510	480	510	510	540
	Projections	503	502	497	507	500	516	532
	surplus/deficit	7	8	13	-27	10	-6	8
2021/2022	Capacity	510	510	510	510	480	510	510
	Projections	480	506	499	506	506	497	510
	surplus/deficit	30	4	11	4	-26	13	0
2022/2023	Capacity	510	510	510	510	510	480	510
	Projections	481	489	506	511	508	505	496
	surplus/deficit	29	21	4	-1	2	-25	14
2023/2024	Capacity	510	510	510	510	510	510	480
	Projections	486	489	489	516	511	505	505
	surplus/deficit	24	21	21	-6	-1	5	-25

Primary Planning Area 2

Wards	Barnhill / Kenton / Northwick Park / Preston
Schools	Byron Court Primary School, Mount Stewart Infant School, Mount Stewart Junior School, Preston Manor Lower School, Preston Park Primary School, Roe Green Infants School (Strathcona), Sinai Jewish Primary School, Uxendon Manor Primary School, Wembley Primary School

Demand: The January 2018 forecasts indicate that Planning Area 2 will have a high number of spare places across all year groups over the next 5 years and around 4FE spare places in Reception. After several years of place pressures in the area, parents will have increased choice of provision.

Planned action: This planning area is adjacent to Planning Areas 1 and 3 and spare capacity could absorb any increase in demand in these areas. A review of provision is planned in this area to ensure the long-term sustainability of provision. This could include temporary reductions to published admission numbers.

Table 11: Planning Area 2 January 2018 GLA projections and capacity

Planning Area 2		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2018/2019	Capacity	780	720	750	720	750	660	750
	Projections	653	565	672	680	692	621	693
	surplus/deficit	127	155	78	40	58	39	57
2019/2020	Capacity	780	780	720	780	720	750	660
	Projections	650	638	553	687	673	680	609
	surplus/deficit	130	142	167	93	47	70	51
2020/2021	Capacity	780	780	780	720	780	720	750
	Projections	657	635	625	566	678	659	667
	surplus/deficit	123	145	155	154	102	61	83
2021/2022	Capacity	780	780	780	780	720	780	720
	Projections	645	644	624	640	561	662	649
	surplus/deficit	135	136	156	140	159	118	71
2022/2023	Capacity	780	780	780	780	780	720	780
	Projections	653	638	635	642	637	550	655
	surplus/deficit	127	142	145	138	143	170	125
2023/2024	Capacity	780	780	780	780	780	780	720
	Projections	663	647	629	652	639	624	543
	surplus/deficit	117	133	151	128	141	156	177

Primary Planning Area 3

Wards	Alperton / Sudbury / Tokyngton / Wembley Central
Schools	Ark Academy, Barham Primary School, Chalkhill Primary School, East Lane Primary School, Elsley Primary School, Lyon Park Primary School, Oakington Manor Primary School, Park Lane Primary School, St Joseph's RC Infant School, St Joseph's RC Junior School, St Margaret Clitherow RC Primary School, Sudbury Primary School

Demand: Planning Area 3 includes two major growth areas in Wembley Central and Alperton. Wembley is set to drive the economic regeneration of Brent as a high quality, urban, connected and sustainable city quarter and up to 14,400 new homes around the Wembley National Stadium and Wembley town centre area up to 2026. Alperton is being set to provide up to 5000 new homes. As a result of new housing, Reception intakes are expected to increase over the next 5 years. As the new housing comes on stream, it is likely that there will be a need for additional capacity in the area.

Planned action: Whilst the January 2018 GLA projections indicate an increase in demand for Reception places in Planning Area 3, the level of increase is lower than previously forecast. There are sufficient primary school places to satisfy short-term increases in demand, with spare places in other planning areas absorbing any short-term pressures. Additional capacity is required from 2022 onwards and will be provided through a new primary free school in Brent. The ESFA has confirmed that the Ark Somerville Primary school will be located on the York House site in Wembley Central and will come on-stream when demand indicates that it is required.

Table 12: Planning Area 3 January 2018 GLA projections and capacity

Planning Area 3		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2018/2019	Capacity	940	940	940	940	820	790	850
	Projections	880	884	894	890	801	791	790
	surplus/deficit	60	56	46	50	19	-1	60
2019/2020	Capacity	970	940	940	940	940	820	790
	Projections	887	880	876	914	883	807	771
	surplus/deficit	83	60	64	26	57	13	19
2020/2021	Capacity	970	970	940	940	940	940	820
	Projections	895	890	875	896	906	890	788
	surplus/deficit	75	80	65	44	34	50	32
2021/2022	Capacity	970	970	970	940	940	940	940
	Projections	917	905	891	899	892	914	871
	surplus/deficit	53	65	79	41	48	26	69
2022/2023	Capacity	970	970	970	970	940	940	940
	Projections	962	943	919	930	906	912	899
	surplus/deficit	8	27	51	40	34	28	41
2023/2024	Capacity	970	970	970	970	970	940	940
	Projections	1008	989	957	960	937	930	896
	surplus/deficit	-38	-19	13	10	33	10	44

Note: Includes East Lane at 4 FE

Primary Planning Area 4

Wards	Harlesden / Kensal Green / Stonebridge / Willesden Green
Schools	Brentfield Primary School, Harlesden Primary School, John Keble CE Primary School, Leopold Primary School, Mitchell Brook Primary School, Newfield Primary School, Our Lady of Lourdes RC Primary School, St Joseph's RC Primary School, St Mary's CE Primary School, Stonebridge Primary School

Demand: The January 2018 projections forecast Planning Area 4 to have high levels of spare places over the next five years. In the longer term, the LA expects demand to increase in this area as new housing comes on stream. This includes the Old Oak redevelopment scheme. Initial plans were for 870 additional units by 2026. However, the Old Oak and Park Royal Development Corporation (OPDC) has indicated that all numbers and timescales are to be revised as new sites have since been added to the masterplan. The LA is in continual dialogue with the OPDC to understand the likely impact on provision in Brent.

Planned action: Demand in this area will be kept under review to ensure provision is sustainable. The Council will be supporting schools in this area to manage reduced demand, which could include temporary reductions to published admission numbers.

Table 13: Planning Area 4 January 2018 GLA projections and capacity

Planning Area 4		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2018/2019	Capacity	765	735	735	762	730	735	705
	Projections	598	578	620	650	637	646	616
	surplus/deficit	167	157	115	112	93	89	89
2019/2020	Capacity	765	765	735	735	762	730	735
	Projections	611	584	567	594	629	627	646
	surplus/deficit	154	181	168	141	133	103	89
2020/2021	Capacity	765	765	765	735	735	762	730
	Projections	597	595	573	544	578	620	628
	surplus/deficit	168	170	192	191	157	142	102
2021/2022	Capacity	765	765	765	765	735	735	762
	Projections	585	582	585	552	532	571	623
	surplus/deficit	180	183	180	213	203	164	139
2022/2023	Capacity	765	765	765	765	765	735	735
	Projections	590	579	579	566	547	530	582
	surplus/deficit	175	186	186	199	218	205	153
2023/2024	Capacity	765	765	765	765	765	765	765
	Projections	602	587	580	564	564	549	544
	surplus/deficit	163	178	185	201	201	216	221

Planning Area 5

Wards	Brondesbury Park / Dollis Hill / Dudden Hill / Kensal Green / Kilburn/ Mapesbury / Queens Park / Willesden Green
Schools	Anson Primary School, Ark Franklin Academy, Avigdor Hirsch Torah Temimah Primary School, Braintcroft Primary School, Carlton Vale Infant School, Christchurch CE Primary School, Convent of Jesus and Mary Infant School, Donnington Primary School, The Furness Primary School, Gladstone Park Primary School, Islamia Primary School, Kilburn Grange Primary School, Malorees Infant School, Malorees Junior School, Mora Primary School, North West London Jewish Day School, Northview Primary School, Our Lady of Grace Infant and Nursery School, Our Lady of Grace RC Junior School, Princess Frederica CE Primary School, Salusbury Primary School, St Andrew & St Francis CE Primary School, St Mary Magdalen's RC Junior School, St Mary's RC Primary School, The Kilburn Park Foundation School

Demand: The January 2018 projections show reducing Reception intakes and an increasing number of spare places in Planning Area 5 over the next 5 years. Many children living in this planning area attend schools in neighbouring authorities, such as Camden and Westminster.

This planning area covers the South Kilburn regeneration region. It is anticipated that the South Kilburn master plan will maximise housing developments, which could lead to an increase in pupil demand as new housing comes on stream.

Planned action: As part of the South Kilburn regeneration programme, school place demand in Planning Area 5 will be kept under review.

Table 14: Planning Area 5 January 2018 GLA projections and capacity

Planning Area 5		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2018/2019	Capacity	1,252	1,257	1,252	1,282	1,222	1,192	1,162
	Projections	1,088	1,152	1,135	1,147	1,126	1,109	1,104
	surplus/deficit	164	105	117	135	96	83	58
2019/2020	Capacity	1,252	1,252	1,257	1,252	1,282	1,222	1,192
	Projections	1,073	1,073	1,148	1,134	1,147	1,109	1,099
	surplus/deficit	179	179	109	118	135	113	93
2020/2021	Capacity	1,252	1,252	1,252	1,257	1,252	1,282	1,222
	Projections	1,056	1,053	1,064	1,124	1,131	1,127	1,094
	surplus/deficit	196	199	188	133	121	155	128
2021/2022	Capacity	1,252	1,252	1,252	1,252	1,257	1,252	1,282
	Projections	1,038	1,036	1,044	1,043	1,123	1,111	1,114
	surplus/deficit	214	216	208	209	134	141	168
2022/2023	Capacity	1,252	1,252	1,252	1,252	1,252	1,257	1,252
	Projections	1,041	1,026	1,035	1,030	1,045	1,112	1,104
	surplus/deficit	211	226	217	222	207	145	148
2023/2024	Capacity	1,252	1,252	1,252	1,252	1,252	1,252	1,252
	Projections	1039	1026	1,022	1019	1032	1034	1106
	surplus/deficit	213	226	230	233	220	218	146

7. The Need for SEND and Alternative Provision Places

7.1 Brent SEND Overview

Brent's objective is to enable each young person to realise their potential in an appropriate, inclusive setting whether in a mainstream school, a SEND Additionally Resourced Provision (ARP), a SEND Unit or a special school. ARPs and SEND units on mainstream school sites are designed to allow young people to participate within the mainstream school where appropriate. In all settings, young people are encouraged to become independent, autonomous learners, accessing the right level of support at the right time, and with their parents/carers fully involved in decisions about their future.

There is a rich range of high quality specialist provision in Brent encompassing 3 specialist nurseries, 4 Special Schools and a number of Additionally Resourced Provisions and SEN Units in both primary and secondary mainstream schools (Table 15). A number of children are placed in out-of-borough schools, although the vision is for Brent's children to go to a good or outstanding school locally, whenever possible, as this allows them access to local resources, and to foster social/emotional links locally.

Table 15: Current Special School and Additionally Resourced Provision (ARP) in Brent

School	Type of Provision	Type of School	Special Need	Number of Places (September 2018)
The Manor School	Special	Primary	MLD/ASD	170
The Manor School (Satellite provision - The Avenue Campus at Queens Park High School)	Special	Primary Academy	MLD/ASD	21
Phoenix Arch School	Special	Primary	ASD/SEMH	50
The Village School	Special	All through	PMLD/SLD/ASD	270
The Village School (Satellite Provision Hope Centre)	Special	Primary	PMLD/SLD/ASD	21
Woodfield School	Special	Secondary	MLD/ASD	165
Kingsbury Green Primary School	ARP	Primary	HI	18
Oakington Manor Primary School	ARP	Primary	ASD	15
Oakington Manor Primary School	ARP	Primary	SLCN	20
Alperton Community School	ARP	Secondary	MLD	0
Preston Manor High School	ARP	Secondary	ASD	12
Preston Manor High School	ARP	Secondary	SLCN	12
Kingsbury High School	ARP	Secondary	HI	7
Fryent Primary School	ARP	Primary	ASD	21
Sudbury Primary School	ARP	Primary	ASD/SLCN	7
Grand Total				809

7.2 Demand for special provision

The Children and Families Act 2014 introduced wide ranging reforms relating to services for children and young people age 0-25 with SEND, including Education Health and Care Plans

(EHCPs), which are co-produced with parents and carers and children, and the SEN support category.

Demand for special provision in Brent has been growing over the last 3 years. The number of children and young people with EHCPs increased by 8.6% from 2016 to 2017 and by 6.0% from 2017 to 2018. As of January 2018 there were 2076 (SEN2 Return) Brent resident children and young people with an EHCP, of whom 1900 were attending a school (reception to year 14) and 176 were attending a further education provision (age-range 16-25). 4% of children and young people resident in Brent have an EHCP, compared to 2.9% of the national school-age population. Table 16 shows the increase in EHCPs since 2016 against category of need. Notable increases over this period are in ASD, MLD and SLD.

Table 16: Distribution of EHCPs by need

SEN Description of Need (EHCP)	2016	2017	2018
ASD - Autistic Spectrum Disorder	571	608	656
SEMH - Social, Emotional And Mental Health	167	163	175
HI - Hearing Impairment	59	72	62
MLD – Moderate Learning Difficulties	383	413	411
MSI - Multi-Sensory Impairment	4	4	4
OTH - Other Difficulty/disability	6	8	17
PD - Physical Disability	89	106	104
PMLD - Profound & Multiple Learning Difficult	36	48	52
SLD - Severe Learning Difficulties	127	172	177
SPLD - Specific Learning Difficulty	39	37	38
SLCN - Speech, Language And Communication Needs	297	306	352
VI - Visual Impairment	25	29	28
TOTAL CYP with EHC Plan at school age (Reception to Y11)	1772	1824	1900
Post 16-25 with EHC Plan	33*	136	176
TOTAL EHCP school age + Post 16	1805	1960	2076

Many children with EHCPs can have their needs met in a mainstream setting. However over the past three years the proportion of children and young people with EHCPs attending a mainstream setting has reduced. In 2018 (SEN2 return) 45% of children and young people with EHCPs attended a mainstream provision and 55% of children and young people with EHCPs attended a special provision, including SEND units and ARPs (Table 17).

Table 17: Brent resident children and young people with an EHCP (SEN2 2018)

Year	Number of CYP with EHCP/Statement	Mainstream school	Special setting (including ARPs)
2016	1772	871	901
		49%	51%
2017	1824	873	951
		48%	52%
2018	1900	847	1053
		45%	55%

Note: Young people in post 16 settings not included

The numbers of children with SEND is expected to continue to increase as overall pupil numbers rise and given increasing diagnosis. Based on an anticipated annual increase in EHCPs of 5%, the number of EHCPs is expected to increase to 2403 by 2021 (Table 18).

Table 18: Forecast number of EHCPs

Numbers EHCPs	2019	2020	2021
Reception to NCY11	1995	2095	2199
Post 16-25	185	194	204
Total	2180	2289	2403

Special schools in the Borough cater for a wide range of complex SEND (see Table 16). However, despite an increase of 162 places since 2012 to bring the number of places available to 809, Brent is reliant on sourcing places in out-of-borough maintained special schools or Independent schools (Table 19). Notwithstanding the expansion of Brent special schools, there are currently 147 pupils attending out-of-borough maintained special schools, and 143 pupils attending independent provision also outside of the Borough. For some pupils, such as those with significant Hearing or Visual Impairments, this is the best way for them to access provision that meets their needs. However, many are placed in out-of-borough provision because there is no appropriate place for them in Brent (see below).

Table 19: EHCP pupils in and out of borough by school type (SEN2 2018)

Provision	Primary	Secondary	Total
Brent mainstream, maintained/academy incl. PRU	429	237	666
Brent special provision (including ARPs)	408	328	736
Out-of-borough mainstream	51	122	173
Out-of-borough special (including ARPs)	80	67	147
Out-of-borough Independent and non maintained special School	40	103	143
Other (eg. EY settings, Alternative Provision placement)	15	20	35
Total	1023	877	1900

Table 20 shows the number of children and young people placed in independent primary and secondary provision out of the Borough by the top four incidence of special educational need.

Table 20: Top categories of need for out-of-borough placements

ASD		SEMH		SCLN		MLD	
Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary
14	58	7	19	1	8	2	7

The cost of placing children and young people out-of-borough is high. Placement costs in independent schools ranged from £28,000 to £84,000 in 2017/18, with an average cost of £48,000. Providing transport to independent provision is currently costing the Council in excess of £1.4 million. Notwithstanding the financial case, there is a strong educational and social rationale for the Council to place students within its own boundaries. The time taken to

travel to more distant schools can be stressful for children and young people, especially those with physical needs, added to which traffic delays can lead to further stress and loss of education. It is generally preferable for children and young people to stay local in order to develop friendship groups within their own communities, where parents can also build resilience and support in local networks.

Once children are placed out-of-borough, and have settled in a new school, it is very difficult to bring them back to local provision. This has meant long term reliance on out-of-borough and independent placements often until children and young people are 19 or older. Some children have such specific needs that they cannot be met other than in very specialist provision, but there is considerable scope to reduce expensive and distant out-of-borough placements.

The Council therefore needs to develop in-borough secondary provision to meet the needs of a higher proportion of ASD/MLD/SLCN pupils. The key opportunity is to place these pupils in local provision at the point of secondary transfer in Year 7. Using 2017/2018 Year 7 transition numbers as a guide, 19 Brent pupils with ASD/MLD could have had their needs met in the Borough if the provision had been available. Table 21 indicates the gap in provision at Year 7 across the Borough. Woodfield is the only secondary provision meeting this kind of need, but is limited to 21 pupils in Year 7 in forthcoming years.

Table 21: Secondary special places demand and places required

	Sep-18	Sep-19	Sep-20	Sep-21
Number of ASD/MLD/SLD pupils requiring specialist provision in Year 7:	40	41	46	55
Year 7 places available at Woodfield	21	21	21	21
Year 7 places required	19	20	25	34

In developing additional places for children and young people with EHCPs, Brent is engaging with parents and carers of children and young people with SEND to ensure that services meet their needs and achieve the best outcomes. Brent works in partnership with schools and other providers to develop special provision in the Borough. This includes expansions of special schools, developing capacity in mainstream schools and provision delivered by free schools and other providers.

Expansions in special school places within Brent are now at maximum capacity. To meet increasing demand, within the last 5 years, expansions have taken place at The Village School (35 additional places); The Manor School (40 additional places); Woodfield School (24 additional places), and Phoenix Arch Primary Special (5 additional places). These expansions have catered for some of the SEND population increase to date. From September 2018 a new satellite provision of The Village is providing 21 further places covering the Key Stage 1 age-range.

Planned action:

- Brent Special School heads through the Brent Special School Academy Trust (BSSAT) have collectively sponsored a new Special Free School for 100 places for children aged 5 to 18, which will in part reduce the number of children in future being placed out-of-borough. The school is planned to open in September 2020 on The Avenue site in NW6.

In the interim, the Manor school has opened a satellite provision at Queen's Park Community School for children with ASD/MLD admitting 21 from September 2017.

- The charity "Unlocking Potential" is opening a new independent primary school, the Corner School, for children with SEMH in 2018. It will provide initially 15 places, rising to 35 in total. Brent will commission places at this provision (along with other local authorities) to reduce the number of primary aged children with a SEMH need being placed out of the Borough (Table 20).
- The Council is developing proposals for secondary special places to meet increasing demand, with an initial focus on providing secondary places for children and young people with ASD/MLD/SLD. Currently only Woodfield admits pupils with these needs, transferring from special primary provisions (both in and out-of-borough). There is a need to create 120 places across years 7 to 11, in provision that would grow from Year 7 upwards (24 places per year). This could be provided through a new school, satellite provisions run by existing special schools or SEN units/ARPs at mainstream schools.
- The Council is continuing to work with primary schools to develop ARP provision to meet demand for a small number of SEMHD/ASD places.
- Brent is scoping options to provide additional provision for young people with ASD/SLD aged 16-25 to support their successful transition to adulthood. This will include developing vocational pathways for young people aged 19-25 with ASD/SLD/complex needs so they can be supported locally to develop their independence and participation in community life. Working with local FE colleges, including the College of North West London, that have specific provision for young people with SEND will continue to be a focus within SEND place planning at post 16. In addition the Council will further develop pathways of work experience placements, apprenticeships and more supported internships for young people aged 16-25, working with FE colleges and special schools within the Borough and in collaboration with local businesses.
- There are increased numbers of EHCP pupils accessing special early years provision. Added to which, the challenge of the 30 hour offer is putting pressure on existing places. At Willows Nursery in 2017/18 3 parents were claiming 30 hours but in 2018/19 this has increased to 6. The Council is currently considering the impact of the 30 hours offer, to ensure sufficient capacity, but it is likely that additional special nursery places will be required. The Council will work with partners to ensure that the early years system is flexible enough to help meet the needs of parents and the challenge of the 30 hour offer.

7.3 Alternative provision

The Council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school place.

Overall, exclusion figures for all Brent pupils have shown a decrease over the last 5 years (since 2014-15) for both fixed term and permanent exclusions. This is very positive and does not reflect the national trend. Support is available for Brent schools to reduce the number of exclusions, with a focus on early identification and prevention strategies working closely alongside teams in mainstream school settings.

Planned action:

To meet the needs of children with Social Emotional and Mental Health difficulties Brent is:

- Working with Roe Green Junior and Sudbury Primary in delivering preventative programmes commissioned by schools for KS1 and KS2 children at risk of exclusion. These programmes offer short term respite places for pupils with a view to re-integration. The Council is proposing to develop further provision of this type, within other mainstream settings, as re-integration rates following this type of respite are positive.
- Working with Brent River College (Pupil Referral Unit) that provides 6 places for Key Stages 1 and 2, as well as provision for secondary aged pupils, and is commissioned directly by schools to provide preventative places for children at risk of permanent exclusion.
- Working with the Brent Special School Academy Trust (BSSAT) to develop Alternative Provision that schools can commission for young people subject to fixed term exclusions or for respite for those whose SEMH needs cannot be met within mainstream. The intention is for this to be based on the Roundwood site and for the provision to offer vocational courses alongside a core curriculum.
- Working with schools to develop access to mental health support in line with the government's Green Paper on Mental Health in Schools. In the first instance, this will involve commissioning places at a new independent school, the Corner School, which will initially take Primary aged pupils and offer a therapeutic nurturing environment, much along the lines of Islington's Family school. This has the advantage of being located in Brent and will be able to work closely with mainstream schools to support re-integration wherever possible. The Corner School will support young children with complex SEMH needs who are at risk of permanent exclusion.

8. Childcare and Early Years Education

8.1 Early Years provision

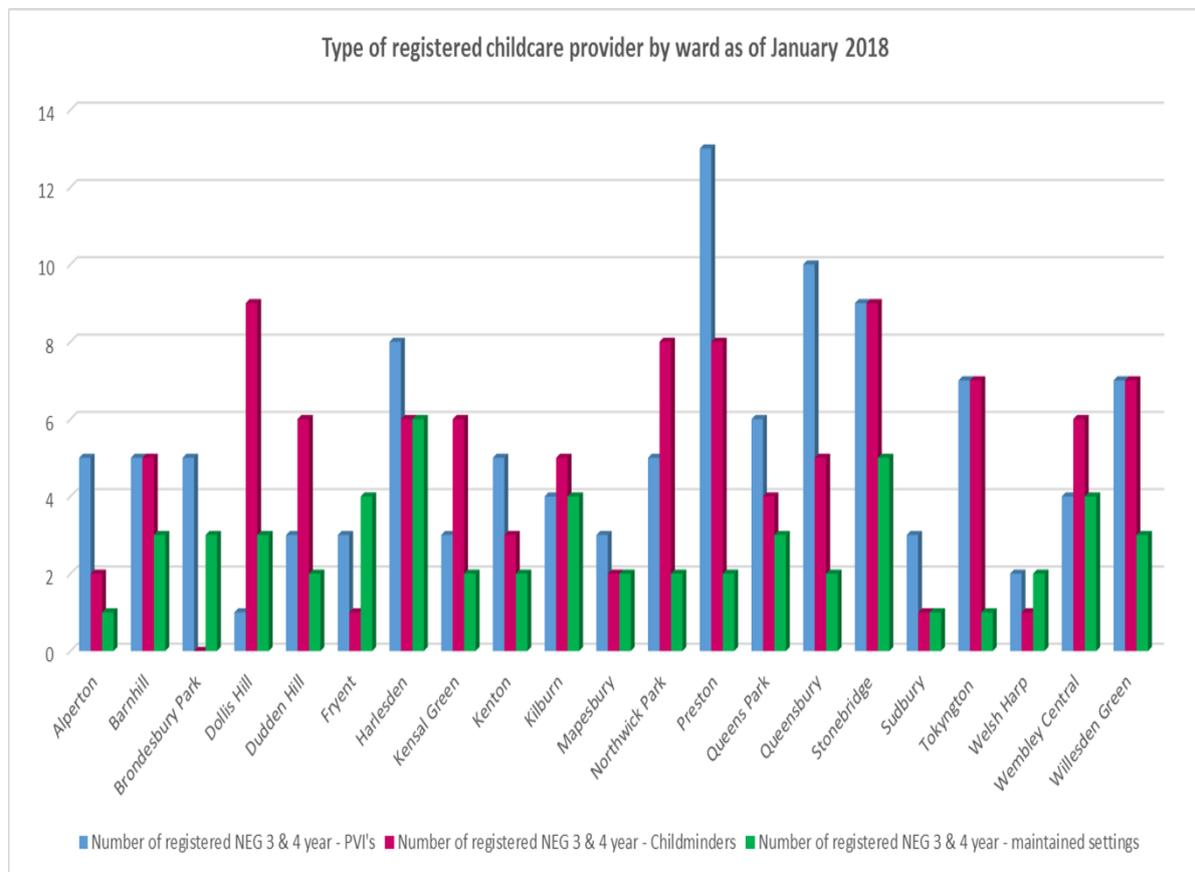
Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. The updated Brent Childcare Sufficiency Assessment 2018-2021 shows that there has been an overall increase in the number of PVI providers in the Borough and a reduction in places in maintained and childminder provision. In 2018 there are 5077 places at PVI providers, compared to 4186 in 2015. The number of places in maintained and childminder provision has reduced from 4426 to 4263 over the same period. There is under-fives provision across all ward areas with 343 providers offering childcare places for 0-5s. There are, however, variances across ward areas in the registered place capacity of providers with a difference of 626 registered places between the wards with the greatest and fewest places.

There is a good balance of free entitlement places being delivered across different setting types with 45% of free entitlement places for three and four year olds being delivered in maintained settings and the remainder being delivered across a mixture of PVI and childminding settings.

Alongside this, overall quality of provision has increased with 96% of providers across the sector now judged as good or outstanding by Ofsted. This is echoed by parental feedback with 92% of parents either agreeing or strongly agreeing that the quality of provision is good.

Provision for school aged children is largely delivered on site at school settings with many schools running a system of clubs rather than formal childcare provision. Registered childcare for school aged children is less consistently available across the Borough with 5 ward areas having no before school provision, 3 having no after school provision and over half of wards having no holiday provision in ward.

Graph 2: Type of Registered Childcare provider by ward (January 2018)



8.2 Demand for Early Years provision

Lower than national average take-up rates of the free NEG entitlements and lower attainment levels by priority groups have been areas of concern in Brent in recent years, particularly with regard to the free entitlements to early education for eligible two year olds and the universal entitlement for all 3 and 4 year olds. Free childcare for 30 hours per week for 3 and 4 year olds with working parents became a statutory entitlement in September 2017 and implementation of this has been successful, with 94% take-up achieved in the summer term 2018.

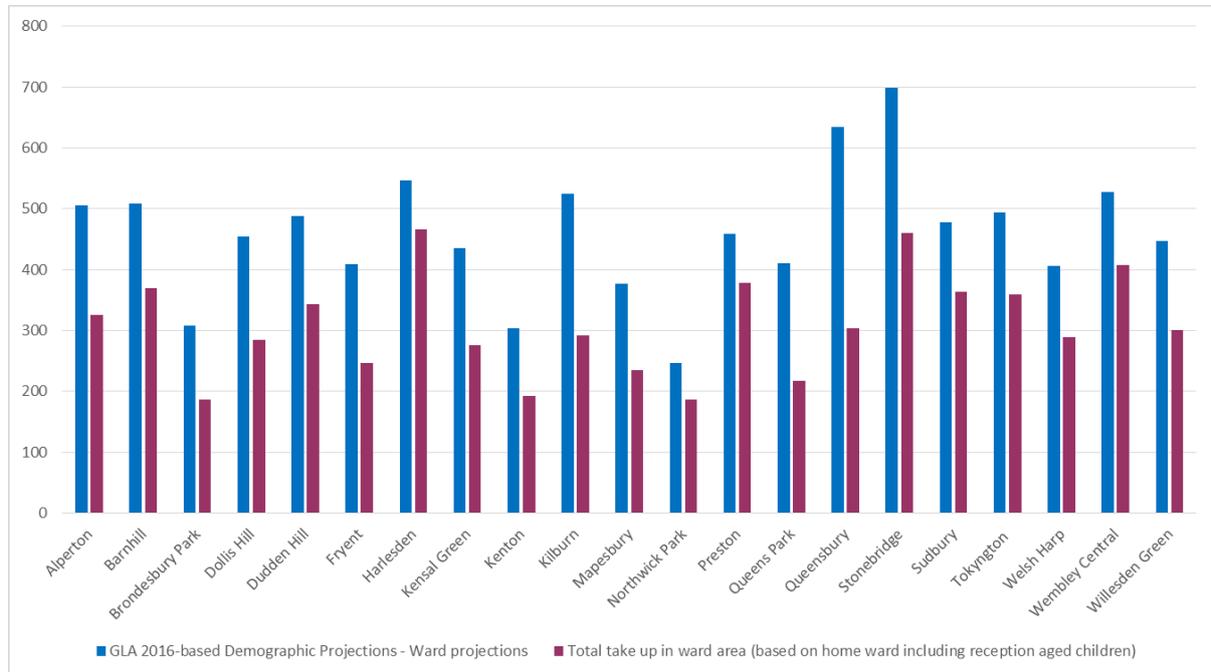
There is evidence of increased numbers of children with EHCPs accessing special early years provision. The challenge of the 30 hour offer appears to be placing pressure on existing places for children with SEND and it is likely that additional special nursery places will be required.

Raising take up levels for eligible 2 year olds and all 3 and 4 year olds of their entitlement to 15 hours free early education remains a key priority for the Borough in order to ensure that all children can benefit from high quality early years education.

In acknowledgment of the fact that this cannot be achieved without taking a ‘whole area’ approach, rather than addressing individual issues in isolation, the Progress for All project will be launched in September 2018 and run until December 2020. This project will involve four key strands: access, quality, home learning and employers. Work around the strands will be undertaken at ward level, enabling a tailored approach that takes into consideration the particular characteristics of each ward.

Sufficiency of early years provision will need to be closely monitored, in particular for eligible 2 year olds, with delivery of 30 hour places being embedded across both PVI and maintained settings in the Borough. Take-up of the two year entitlement is not increasing as hoped and the impact on this of the extended entitlement needs to be understood fully so that actions to increase uptake can be scoped.

Graph 3: Take up of Early Year provision



 Brent	Cabinet 12 November 2018
Report from the Strategic Director of Environment & Regeneration	
Statement of Gambling Principles (2019-2022)	

Wards Affected:	All
Key or Non-Key Decision:	Non-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:	Three: <ul style="list-style-type: none"> • Statement of Principles for Gambling • Gambling Consultation Response Table • Equalities Impact Assessment
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Yogini Patel Senior Regulatory Service Manager Email: Yogini.Patel@brent.gov.uk Tel. 0208 937 5262

1.0 Purpose of the Report

- 1.1 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005(the Act). Section 349 of the Act requires all licensing authorities to prepare and publish every three years a Statement of Gambling Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.

- 1.2 The current Statement of Principles was agreed in November 2015.

2.0 Recommendations

- 2.1 That the Cabinet note the revised Statement of Gambling Principles (31 January 2019 – 30 January 2022) at Appendix 1; and
- 2.2 Comment on the revised Statement of Gambling Principles.
- 2.3 The Council’s Statement of Principles is a so-called ‘shared function’ which means that it has to be formally proposed by Cabinet before it can be approved by Full Council.

2.4 In order to fulfill this legal requirement, the Cabinet propose that the revised Statement of Gambling Principles can be forwarded to the Full Council on 26 November 2018 for approval.

2.5 Furthermore, the Council must publish its revised Statement for a period of four weeks prior to it coming into effect on 31 January 2019, on the Council's website, in the local newspaper, on the public notice board at Council's offices and make it available for public inspection.

3.0 Report Summary

3.1 The Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.

3.2 Gambling operators are required to produce robust risk assessments using local area profiles to minimise gambling related harm. Local Area Profiles such as deprivation index, unemployment, hostels, housing, pay day loan shops, schools etc. for Brent have been introduced which includes interactive maps for gambling operators to use in order to produce their risk assessments.

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

3.3 Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include Wembley High Road, Harlesden High Street, Kilburn High Road etc., which have high footfall as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

3.4 A twelve week consultation has been undertaken which ended on 27th September 2018. Consultation responses are attached in Appendix 2.

3.5 Eight responses have been received. Relevant amendments have been undertaken. Counsel has undertaken a critique of Statement of Gambling Principles as well as commented on specific responses received from Association of British Bookmakers and William Hill. As a result minor amendments have been undertaken based on Counsel's advice.

4.0 Detail

4.1 The Gambling Act 2005 came into force in 2007, at which point Brent Council, as a *Licensing Authority*, became responsible for the licensing of gambling premises. These include betting premises including tracks and premises used by the betting intermediaries, adult gaming centres (AGCs) premises, Family entertainment Centres (FEC) premises, regulating gaming and gaming machines in alcohol licenced premises, granting permits for prize gaming, registering small society lotteries etc.

- 4.2 Brent currently licences ninety four (94) gambling premises in the borough which includes betting shops and adult gaming centres.
- 4.3 To facilitate this function Licensing Authorities are required to publish a Statement of Principles. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 4.4 The aim of the Statement of Principles is to:
- set expectations on how gambling will be regulated in the local area
 - set out how the Authority intends to support responsible operators and take effective actions against irresponsible operators by granting, refusing and attaching conditions to premises licences
 - support licensing decisions that may be challenged in a court of law
 - reinforce to members on the licensing Committee the powers available to the local authority as the licensing authority.
- 4.5 When preparing a Statement of Principles, Licensing Authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any Licensing Authority departing from the guidance should have strong and defensible reasons for doing so in order to avoid the potential risks and costs that would arise from any Judicial Review.
- 4.6 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 2. Ensuring that gambling is conducted in a fair and open way
 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 4.7 However, Licensing Authorities cannot consider matters relating to:
- moral objections to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds alone;
 - planning status of premises. A gambling licence application must be considered independently of any requirement for planning consent; and
 - demand. The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.
- 4.8 A Statement of Principles is attached at Appendix 1
- 4.9 The revised statement takes account of the Gambling Commission's Guidance and relevant codes of practice.

4.10 Minor amendments to Statement of Principles have been undertaken based on Counsel's advice with approval of the Lead Member for Community Safety and Strategic Director of Environment & Regeneration. If any further minor amendments to the Statement of Principles are required, these will also be undertaken with the approval of the Lead Member for Community Safety and Strategic Director of Environment & Regeneration.

4.11 In summary, there are no significant changes to the policy itself but we have introduced Local Area Profiles which includes interactive maps for operators to use in order to produce robust risk assessments. Where areas are identified as posing a significant risk to gambling related harm, the operators will be asked to consider relocating their premises to a more suitable location.

5.0 Financial Implications

5.1 There are no financial implications from the revised Statement of Gambling Principles.

5.2 The revised Statement of Gambling Principles will be published online, therefore there are no anticipated costs from publication or distribution of the final document.

6.0 Legal Implications

6.1 In accordance with section 349 of the Act and regulations made under the Act, the Council must publish its revised Statement for a period of four weeks prior to its coming into effect on the Council's website and make it available for public inspection. The Council must also advertise the fact that the revised Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices and/or at a public library in the Borough. The Council's revised Statement will come into force on 31 January 2019.

7.0 Equality Implications

7.1 Section 2.8 of the Statement of Principles deals with equality matters.

7.2 Equality Impact Assessment is completed and is attached at Appendix 3.

8.0 Consultation with Ward Members and Stakeholders

8.1 Licensing Committee members have been consulted on 4th July prior to 12 week public consultation.

8.2 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents have been consulted. Consultation responses are attached in Appendix 2. Changes have been made to the draft Statement where consultation responses are agreed with.

8.3 The Statement of Gambling Principles has been sent to Counsel for final ratification.

8.4 Once we receive response from Counsel, textual changes to the Policy will be undertaken where necessary.

9.0 Human Resources/Property Implications (if appropriate)

9.1 None specific

Report sign off:

AMAR DAVE

Strategic Director of Environment and Regeneration

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APPENDIX 1



Statement of Gambling Principles

2019 – 2022

Under Section 349 Gambling Act 2005

Executive summary

Brent Council has been responsible for licensing gambling premises since 2007 and this is the fifth edition of our Statement of Principles for gambling. As a licensing authority, we work in partnership with the Gambling Commission and other agencies to regulate gambling in the Borough.

The Gambling Commission tends to focus on gambling operators and issues of national or regional importance whereas Brent is responsible for regulating gambling premises, permits, notices and registrations that take place in our borough.

This policy has been reviewed taking into consideration our local area profile to allow us to remain responsive to our local environment and to identify current and emerging risks of gambling-related harm in Brent. The changes made will allow this authority to undertake evidence-based decisions based on relevant information to address local gambling issues that may affect Brent.

Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health, stress or anxiety, substance misuse and by those in financial difficulties.

The cost to society (i.e. the excess fiscal costs caused by people who are problem gamblers beyond that are normally incurred otherwise by members of the public) are felt through health, housing and homelessness, unemployment and imprisonment. Using the 2012 Health Survey for England as a basis the total excess costs in Brent exceed £2 million.

This Statement sets out our expectations of operators of gambling premises with clear reference to the local area profile, which is an assessment of the key characteristics of Brent in the context of gambling-related harm. As a licensing Authority we will continue to identify current and emerging risks in order to address the issues identified by keeping this Statement of Principles under review. The Council supports the recent Government proposals to reduce the maximum stakes for fixed odds betting terminals for category B2 machines to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.

This Statement of Principles should be read in conjunction with the 2005 Act, its Regulations and the latest edition of the Gambling Commission's Guidance to Local Authorities.

The revisions made in this Statement and the creation of our local area profile will ensure that responsible gambling premises can continue to operate and provide a valued leisure activity whilst at the same time, we have the tools available to address problems at gambling premises if they do occur as well as protect vulnerable people from harm or exploitation by gambling.

In summary the Council recognises the contribution made by the gambling industry to the economy but it needs to ensure that sufficient measures are put in place to protect players, children and vulnerable groups.

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Statement of Principles for Gambling 2019-2012

1. Introduction

1.1 About Brent Council – General

- 1.1.1 Brent is located in North West London and covers an area of approximately 4,325 hectares. It is crossed by two of the main arterial routes into London and is divided by the North Circular Road. Brent adjoins seven other London Boroughs which includes, Harrow, Camden, Ealing, Barnet, Westminster, Kensington & Chelsea and Hammersmith. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoins four of the capital's 14 Inner Boroughs.
- 1.1.2 Brent has a population of 319,000 which is an increase of 19% on the 2001 census. The borough can be broadly characterised as more affluent in the north and generally more deprived in the south, reflecting its origins as the former boroughs of Willesden and Wembley, which were combined to become the London Borough of Brent. A map of the borough showing the main transport routes can be found in Figure 1 below.
- 1.1.3 Brent's population is a young one with 40% of residents being under the age of 30 and 25% under 19 years of age. There are significant regeneration projects underway in Brent: in Park Royal - Europe's largest industrial estate - situated in the southwest of the borough, Wembley, home of the National Stadium and Alperton. The land surrounding the National Stadium is the subject of ambitious development plans and is increasingly an exciting destination for living and entertainment, with new restaurants, bars, cinemas, shops and the Wembley Arena with Public Square.
- 1.1.4 However, there are still significant parts of southern Brent that remain chronically deprived with many people effectively excluded from the more affluent mainstream. Even the traditionally more wealthy areas of north Brent have pockets of disadvantage and may be at risk of decline.
- 1.1.5 Brent is a multi-ethnic and multicultural borough as Brent has the 2nd largest proportion of black, Asian and minority ethnic (BAME) people in England and Wales, and 44.9% of Brent's population were born in the UK and 65.0% have a UK passport. Brent also has high levels of poverty. In 2014, the median income in Brent was £31,601. Within London, Brent ranks as the 6th lowest borough in terms of median household income, and there is a wide variation between wards in the borough.
- 1.1.6 Currently, there are ninety four (94) licenced gambling premises in Brent.

1.2 Borough Map

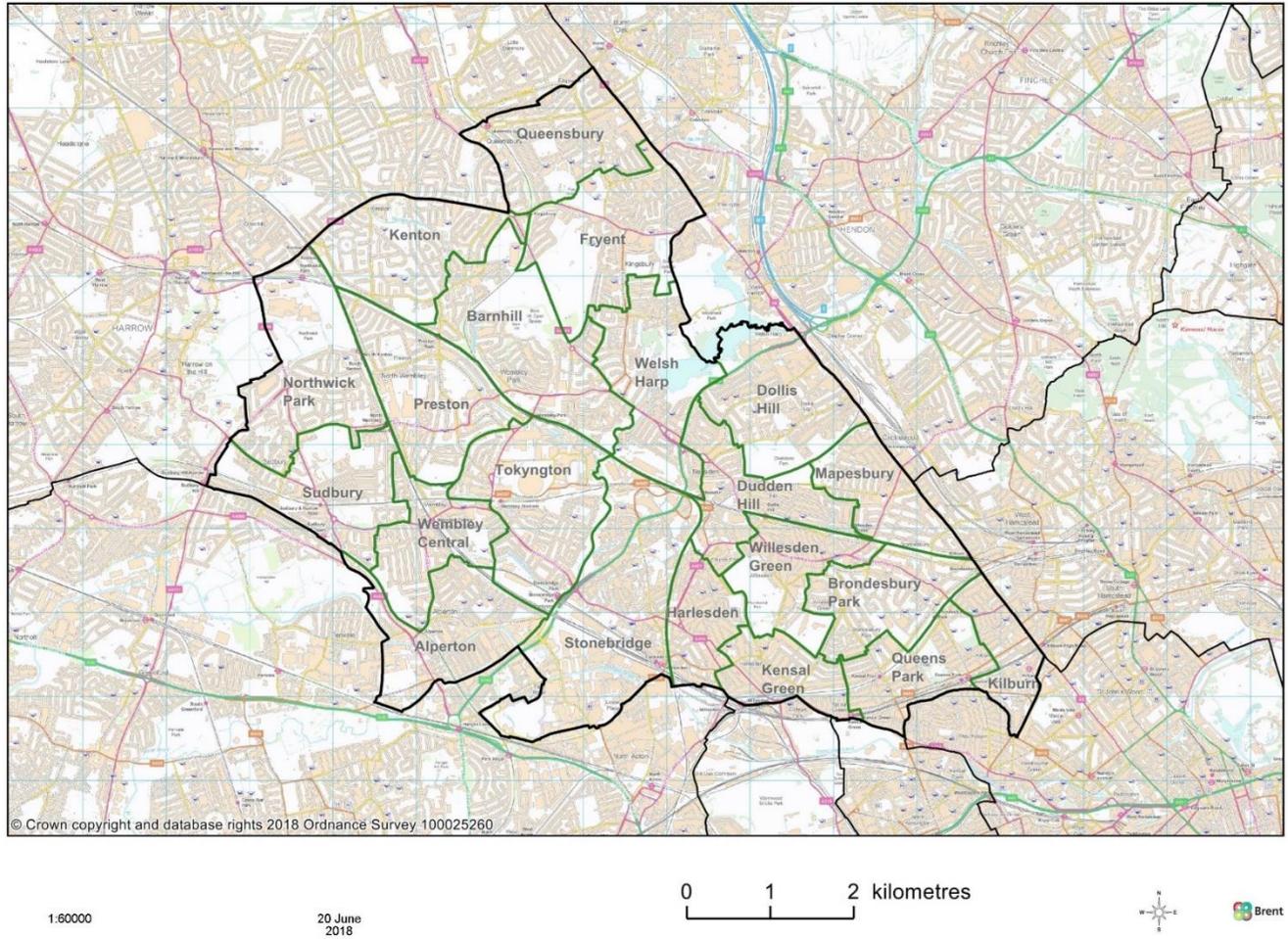


Figure 1: London Borough of Brent Map

1.3 Brent's vision and priorities

1.3.1 Our vision is to build a better Brent together. The Borough Plan aims to make Brent a:

- safer ,more attractive and more environmentally-friendly borough
- borough with good quality housing and engaging arts and leisure facilities
- more inclusive borough, for those who live and work in Brent including our children, young people and vulnerable residents
- borough with greater opportunities for people to achieve work and prosper
- healthy borough where residents are supported and cared for when they need it most.

1.3.2 There are three corporate priorities to support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, its partners and community.

- Better Locally
 - Building resilience, promoting citizenship, fairness and responsibility among local people as well as strengthening a sense of community among people who live and work in Brent.
 - Promoting cohesion and integration in our communities
 - Ensuring that everyone has a fair say in how services are delivered, that they are listened to and taken seriously
 - Ensuring that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
 - Building partnership – between local service providers, local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.
- Better Place
 - Ensuring Brent is a better place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
 - Continuing to reduce crime, especially violent crime and making people feel safer
 - Increasing the supply of affordable, good quality housing
 - Supporting good quality, accessible arts and leisure facilities.
- Better Lives
 - Ensuring that people have the best possible life regardless of the starting position
 - Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
 - Ensuring that our schools are among the best and that our children and young people achieve to their potential
 - Enabling people to live healthier lives and reducing health inequalities

- Supporting vulnerable people and families

2. Purpose and Scope of this Policy

2.1 Policy Aims

2.1.1 The aim of this policy is-

- To inform licence applicants how this Authority will make licensing decisions and how licensed premises are likely to be able to operate within its area.
- To set out how the local authority intends to support responsible operators and take effective actions against irresponsible operators.
- To inform local residents, businesses and licensed premises users, the protections afforded to the local community within the Act by this Authority.
- To support licensing decisions that may be challenged in a court of law.
- To reinforce to elected members on the Licensing Committee the powers available to the local authority as the licensing authority.

2.2 Consultation for Statement of Gambling Principles

2.2.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re- published.

2.2.2 Brent Council has endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies consulted is attached in Schedule 6.

2.2.3 The Gambling Act requires that licensing authorities consult the following parties about the statement:

- (a) the Chief Officer of Police for the borough;
- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; and
- (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

2.2.4 In addition to the consultees mentioned above, the Licensing Authority may also consult the following:

- Responsible Authorities such as the Fire Authority, child protection;
- Gambling Commission;
- Interested parties such as trade associations;

- Interested parties such as residents associations.

2.2.5 The consultation on this revised statement of principles will take place between 5 July 2018 and 27 September 2018 and will have regard to the HM Government Code of Practice on Consultation published July 2008. The full list of comments made and the consideration by the Council of those comments will be made available upon request.

2.3 Licensing Authority functions

2.3.1 Under the Gambling Act 2005, this Authority is responsible for local gambling regulation. This statement of principles deals with the range of regulatory functions in relation to gambling activities. These include:

- the licensing of premises where gambling activities are to take place by issuing premises licences;
- issuing provisional statements;
- regulating members' clubs and miners' welfare institutes which wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
- issuing club machine permits to commercial clubs;
- granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receiving notifications from alcohol licensed premises for the use of two or fewer gaming machines;
- issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where there are more than two machines;
- registering small society lotteries below prescribed thresholds;
- issuing prize gaming permits;
- considering notices given for temporary use of premises for gambling;
- receiving occasional use notices of betting at tracks;
- providing information to the gambling commission regarding details of licences issued (see section above on 'information exchange');
- maintaining registers of the permits and licences that are issued under these functions; and

- exercising of its powers of compliance and enforcement under the 2005 act in partnership with the gambling commission and other relevant responsible authorities.

2.4 Statutory framework

2.4.1 As a licensing authority, this Council has a broad range of discretionary powers in regulating gambling. These include granting, reviewing, refusing and attaching conditions to premises licences or revoking them as a result.

2.4.2 In addition to the Act, this licensing authority has responsibilities under the Licensing Act 2003. There are some inter-dependencies between the two Acts in terms of the framework for decision making and the procedures that must be followed. However, the licensing objectives under the two Acts are not identical. The Council will aim to permit the use of premises for gambling in so far as we believe it is:

- In accordance with any relevant codes of practice;
- In accordance with any relevant Guidance issued by the Gambling Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with the Licensing Authority's Statement of Licensing Principles

2.5 Licensing Authority Decisions

2.5.1 Brent Council's Alcohol and Entertainments Licensing Committee is established to administer functions under the Licensing Act 2003 and is delegated with the powers under the Act to make all decisions relating to premises licences.

2.5.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-licensing committees and delegated certain functions and decisions to those sub-committees.

2.5.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences, permits and notices where no representations have been made. These will be delegated to council officers by the licensing committee.

2.5.4 Applications where there are relevant representations will be dealt with by the licensing committee/sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and all those persons who have made representations agree that a hearing is not necessary.

2.5.5 The table at Schedule 5 sets out the delegation of functions under the Act to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to Full Committee.

2.6 Reviewing and updating the policy statement

2.6.1 This Statement of Gambling Policy will be effective for a maximum of three years and will be reviewed thereafter. However, it may be reviewed earlier in the event of a change of policy, for example a change in local planning policy. The Council is required by law to consult on any changes to the policy.

2.6.2 Before the statement or revision comes into effect, the Council is obliged to publish a notice of its intention to publish a statement or revision. Such notice will ensure that applicants and persons wishing to make representations have the necessary information to do so. The Council will make available all necessary information on its website. Such information will:

- include a register of the premises licences that have been issued, where and at what times the register may be inspected;
- specify the date on which the statement or revision is to be published;
- specify the date on which the statement or revision will come into effect;
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected;
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: be published in a local newspaper circulating in the area covered by the statement; in a local newsletter, circular, or similar document circulating in the area covered by the statement; on a public notice board in or near the principal office of the authority; on a public notice board on the premises of public libraries in the area covered by the statement.

2.6.3 A database of premises licences is also available on the Commission's website at www.gamblingcommission.gov.uk.

2.7 Human Rights Act 1998

2.7.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement and reviewing this policy.

2.7.2 The council will have particular regard to:

- (a) Article 6 – that in determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;

- (b) Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may affect a person’s private life); and
- (c) Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law) and people should not be deprived of their possessions except in the public interest.

2.7.3 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. The Council may request as much information as it requires to satisfy itself that all the requirements as set out in the principles that it applies are met.

2.8 Diversity and equality

2.8.1 Subject to the general requirements of the Act, this Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act.

2.8.2 Brent is a diverse borough. Certain applications may impact differentially on groups who share, and do not share, particular characteristics, such as race, gender, age, disability, sexuality or religious beliefs. Applicants are expected to demonstrate such impacts have been understood and addressed in their application.

2.8.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to eliminate discrimination and promote good relations will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

2.9 Exchange of Information

2.9.1 Licensing Authorities play an important role in sharing information about gambling activity at a local level. This informs the Commission’s overarching view of gambling activity and to identify risks and feed information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it is able to make available to licensing authorities upon request, to support them in carrying out their regulatory responsibilities under the Act.

2.9.2 All licensing authorities are required to submit annual returns to the Commission, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

2.9.3 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which

includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 2.9.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

2.10 Declaration

In producing the final statement, this licensing authority declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

3. The licensing Framework

3.1 Introduction to the Gambling Act 2005

- 3.1.1 The Gambling Act 2005¹ (the “Act”) requires this Licensing Authority to draft, consult on and publish a Statement of Gambling Principles in relation to its responsibilities under the Act. Once published, this policy called the statement of Gambling principles will be kept under constant review and in any case, will be re-published after every three years. Before any revision of the statement of gambling principles is published this authority will carry out a full consultation exercise. This statement has been revised following the 3 year review and is for the period 2019-2022.
- 3.1.2 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005¹ (the “Act”) which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it satisfies the criteria listed below. However, gambling is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria that must be fulfilled for gambling are:
- (a) in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
 - (b) reasonably consistent with the licensing objectives; and
 - (c) in accordance with the authority’s statement of licensing principles
- 3.13 The Act requires all licensing authorities to publish a Statement of Principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission’s guidance to licensing authorities contains further detail on the form of the council’s statement of principles.

- 3.14 Section 25 (1) of the Gambling Act states that the Gambling Commission shall from time to time issue guidance as to the manner in which local authorities are to exercise their functions and in particular, the principles to be applied by local authorities in their functions under this Act.
- 3.15 Section 25(2) states that a local authority shall have regards to the guidance issued under section 25(1).
- 3.16 It must be noted that there must be strong, robust and evidence based reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.
- 3.17 This Statement of Principles follows the principles laid down in the Gambling Commission's Guidance to local authorities and can be accessed via <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- 3.18 The council's statement of principles is intended to have regard to the three licensing objectives set out in the Act. These objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.
- 3.19 Licensing Authorities have broad discretionary powers to regulate gambling in their areas. These include:
- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the area;
 - Grant, refuse and attach conditions to premises licences; and
 - Review premises licences and attach conditions or revoke them as a result.
- 3.20 This Commission has wider functions under the Act, and the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Council's functions. For example, the Commission is exclusively responsible for issuing operating and personal licences, the former of which is a necessity before the Council can determine an application for a premises licence.

3.21 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

3.2 The Gambling Commission

3.2.1 The Commission is a statutory body and the national regulator of gambling, with the following statutory functions:

- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions and ensuring that holders of licences adhere to their terms;
- publishing codes of practice; and
- publishing statutory guidance to licensing authorities.

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

(0121) 230 6666

www.gamblingcommission.gov.uk

3.3 Roles and responsibilities

3.3.1 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

3.4 The licensing framework

3.4.1 Types of Licence

The Act creates three types of licence:

- (a) operating licences, which are required by businesses in order to provide gambling facilities lawfully
- (b) personal licences, which are required by some people working in the gambling industry

- (c) premises licences, which are required to authorise premises to provide gambling facilities

3.5 Operating licences

These are linked to different types of gambling activity and include:

- Casino operating licence;
- Bingo operating licence;
- General betting operating licence;
- Gaming machine general operating licence for adult gaming centre or for family entertainment centre.

3.6 Personal licences

A holder of a personal licence may be authorised to perform certain functions. It can authorise the holder to perform specified operational function relating to the provision of gambling machines or a person who provides gambling facilities. The Commission can impose licence conditions on personal licences. These licences are usually held by people in key management positions such as strategy, marketing, finance and compliance. These licences are not specific to one venue.

3.7 Premises Licences

Premises licences are issued by the licensing authority to enable premises to be used for gambling. These include:

- casinos premises
- bingo premises
- betting premises, including tracks
- adult gaming centres
- licensed family entertainment centres

4 Principles to be applied by Licensing Authorities

4.1 Licensing Objectives

4.1.1 In exercising its functions under the Act, this Council must have regard to the licensing objectives which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

- ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.1.2 The Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”
- 4.2 **Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 4.2.1 This authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the process for an Operators’ licence.
- 4.2.2 However, the location of a premises is an important factor when determining a premises licence application. Therefore, this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has a high levels of organised crime, careful consideration will be given to whether it is appropriate for gambling premises to be located there and if so what conditions may be necessary to minimise the risk of crime.
- 4.2.3 Operators should also be aware of and take into account issues of local crime and anti-social behaviour.
- 4.2.4 Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
- The configuration, design and layout of the premises, paying particular attention to steps taken to ‘design out’ crime
 - The arrangements in place to control access
 - Security arrangements within the premises, including whether CCTV is installed (or intended) and if so the standard of the CCTV and the positioning of the cash registers.
 - Training provided to staff around crime prevention measures
 - The level of staff intended to be provided at the premises, including whether door supervisors are employed
 - The arrangements for age verification checks
 - The provision of adequate sanitary accommodation
 - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
 - Steps proposed to prevent disorderly behaviour associated with the premises including by street drinkers outside the premises.
 - The likelihood of any violence, public disorder or policing problems if the licence is granted.

4.2.5 The above list is not exhaustive. Reference will also have to be made to issues raised by the local area profile detailed in section 6 of this policy.

4.2.6 It is noted that the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way

4.3.1 The Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail below.

4.3.2 Any suspicions raised that gambling is not conducted in a fair and open way will be brought to the attention of the Commission. Similarly, any concerns relating to fair trading legislation will be brought to the attention of Trading Standards.

4.4 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

4.4.1 This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children [excepting category D machines]). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas, restrictions on signage etc.

4.4.2 Licensees and applicants will be expected to demonstrate that they have given careful consideration to measures intended to protect children. This Authority will give appropriate consideration to measures intended to protect children such as:

- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted.
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

4.4.3 This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases the applicant for a licence should consider what changes are or might be required to mitigate this. Such changes include:

- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances/machines
- The use of floor walkers to monitor use of machines

4.4.4 The intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering the premises which are adult only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.

4.4.5 The Commission's general licence conditions and associated codes of practice include requirements as part of the Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under age gambling and monitor the effectiveness of these.

4.4.6 In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures at the premises and in the locality concerned, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.

4.5 Protecting vulnerable adults

4.5.1 The Act does not prohibit groups of adults from gambling in the same way that it does children.

4.5.2 The Commission does not define 'vulnerable adults', it does for regulatory purposes assume that this group includes people who may gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to drugs or alcohol.

4.5.3 The Commissions general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees:

- To make information readily available to customers on how to gamble responsibly and how to access information about and in respect of gambling problems.
- For customer interaction where they have concerns about a customer's behaviour may indicate problem gambling.
- To participate in the national multi-operator self-exclusion scheme
- To take all reasonable steps to refuse service or otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
- To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.

4.5.4 In order that this authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.

4.5.5 This Authority will want to understand the steps taken by the applicant to monitor the effectiveness of these policies and procedures.

4.6 Choosing a suitable location

4.6.1 Location of the premises has already been raised within this policy under the first licensing objective. However, locations carry broader considerations that can potentially impact on each of the licensing objectives and beyond. This Authority recognises that betting shops have always been situated in areas of high population where there are likely to be high numbers of children. This in itself is not a problem where appropriate steps have been taken to minimise the risks of children being attracted to gambling.

4.6.2 This Authority will give careful consideration to any application in respect of premises that are located in close proximity to:

- Schools
- Parks, playgrounds and open spaces
- Stations and transport hubs where large number of children may be expected to congregate
- Leisure facilities, youth clubs and community centres
- Hostels or other accommodation for vulnerable children, young persons and adults
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, council housing offices, addiction clinics or help centres, places where alcohol and drug dependent people may congregate etc.
- Faith premises and places of public worship (including churches, temples, mosques etc.) which may tend to be frequented by children and/or vulnerable people.
- Areas that are prone to young people congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti/tagging underage drinking and public drinking etc.
- Recorded instances of attempted underage gambling.

4.6.3 The licensing authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:

- in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

5. Brent Profile

5.1 Health in Brent

- 5.1.1 Substance Misuse- in Brent, the estimated prevalence of opiate and/or crack cocaine use was 8.3 per 1,000 of the population aged 15 to 64 in 2011/12. This was similar to the England average rate, 8.4 per 1,000 of the population. The number of adults in treatment in Brent has risen slightly from 1,696 in 2013/14 to 1,739 in 2014/15, equating to an increase of 3%.
- 5.1.2 Although 31.4% of the population aged 16 and over abstain from alcohol use, almost twice the national average of 16.5%, of greater concern is the proportion of high risk drinkers in Brent which at 7.1% is above the national average of 6.7%.
- 5.1.3 The rate of alcohol related harm hospital stays was 610, which is higher than the England average
- 5.1.4 Mental Health Disorders - One in four people in the UK will experience a mental health problem each year. Common Mental Health Disorders (CMDs) include depression and anxiety. In 2012/13, 3.4% of the population in Brent CCG aged 18 and over had a recorded diagnosis of depression.
- 5.1.5 This was below the England average which was 5.8%. Estimates of self-reported daily anxiety show that 18.8% of Brent residents consider themselves to have high levels of daily anxiety compared to the England average of 20% (2013/14). Estimates show that in Brent in 2014, 33,959 people aged 18 to 64 years were thought to have a CMD. By 2030, this is projected to increase to 36,265 people, an increase of 7%.
- 5.1.6 Severe and enduring mental health and conditions include long term illnesses such as schizophrenia, personality disorder, and bipolar disorder. In 2011/12, the prevalence of severe and enduring mental health conditions in Brent was 1.1% of the adult population, which is above both the London (1%) and England (0.8%) averages.

5.2 Concerns surrounding Fixed Odd Betting Terminals (FOBT's)

- 5.2.1 This Council is concerned about the amount of money which is being spent on FOBTs in the borough, which suffers from high levels of deprivation in certain areas. At present there are an estimated 200 B2 gaming machines in Brent, an estimate based on the 87 betting shops multiplied by the legal maximum allowed. There is no borough-specific data about gambling participation.
- 5.2.2 Brent Council is keen to reduce gambling related harm. There is little borough-specific data available, but problem gambling prevalence rate among adults in Great Britain is 0.8% or approximately 430,000 people. Problem gamblers can already access treatment services in primary and secondary care including specialised mental health services. At present, there isn't a commissioned service through Public Health in Brent and

therefore residents have to rely on the national helpline. National Gambling Helpline records data for around 7% of Helpline and Netline calls each year. From April 2013 – March 2016 it is estimated that approximately 3,742 people from Brent contacted the helpline. In addition, Gamcare provided 46 Brent residents with face-to-face counselling.

- 5.2.3 Research has shown that there is a relationship between the spatial distribution of licensed betting offices (LBO's) and problem gambling, although other factors could be driving this. The sample of those playing B2 machines in the research demonstrates 'rates of problem gambling are higher among those who live in LBO concentrations and suggests that those living within LBO concentrations may be considered an at-risk or vulnerable group'¹.
- 5.2.4 It should be noted that the cost-benefit analysis in the impact assessment by DCMS argues that the reduction of the maximum stake to £2 will result in benefits of reduced gambling-related harm and there could be a reduced expenditure on government programmes which mitigate harm such as healthcare and mental health, welfare, housing and criminal justice². A reduction of the stake to £2 for category B2 machines would bring it in line with all other categories of gaming machines apart from B1 machines used in Casinos

5.3 Risk Assessments

- 5.3.1 In February 2015, the Gambling Commission revised its 'Licence Conditions and Codes of Practice (LCCP)' which formalised the need for operators to consider local risks, specifically the Social Responsibility Code 10.1.1, requires that all existing and proposed premises licence holders carry out risk assessments in accordance with the licensing objectives. These risk assessments will then underpin the measures required in order to mitigate those risks. The relevant assessments are required to take the licensing authority's statement into consideration in order to alleviate the risks.
- 5.3.2 From 6 April 2016, the LCCP has required all existing licensees that provide gambling facilities at their premises, to assess risks to the licensing objectives and have policies, procedures and control measures in place to reduce those risks.
- 5.3.3 The Gambling Commission believes that gambling related harm are often not recognised and in their view require greater attention³. They also identify those who are likely to be more vulnerable to gambling harm. Those with the strongest vulnerability are:

¹ Gaynor Astbury & Heather Wardle, Secondary Analysis of Machines Data: Examining the effect of proximity and concentration of B2 machines to gambling play (Geofutures, 2016) p32

² Impact Assessment Consultation on Proposals for Changes to Gaming Machines, DCMS pp.12-14

³ Gambling-related harm as a public health issue - Briefing paper for Local Authorities and local Public Health providers February 2018

- Ethnic Groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health

It is also identified that the wider group of people around a gambler may be negatively impacted. This includes the wellbeing of partners, children, friends, employees, the community and the economy.

5.3.4 In December 2016 the Institute for Public Policy Research (IPPR) published research on the cost of gambling related harm in Great Britain⁴.

5.3.5 The report estimated that the **direct cost** of problem gamblers to the public purse was between £260 million and £1.2 billion per year⁴. The estimates on this are wide, the availability of relevant data was limited, and it only captures the fiscal impact and not more personal or social costs. Although this data is national and may not necessarily directly relate to local areas, providers should demonstrate their awareness of the potential for such harms in the locality of their application and propose measures to mitigate them.

Department	Cost of range England	Cost of range Great Britain
Health:		
Hospital inpatient services	£110m-£290m	£140m-£610m
Mental health primary care	£10m-£20m	£10m-£40m
Secondary mental health services	£20m-£50m	£30m-£110m
Welfare and employment:		
JSA claimant costs and lost labour tax receipts	£30m-£80m	£40m-£160m
Housing:		
Statutory homelessness applications	£10m-£30m	£10m-£60m
Criminal Justice:		
Incarcerations	£30m-£90m	£40m-£90m

Table 1: Direct cost of problem gamblers

Licensees must take into account any relevant matters identified in the licensing authorities Statement of Principles when carrying out their risk assessments.

5.3.6 A local risk assessment should also be undertaken or updated by a licensee, when applying for:

- A new premises licence

⁴ Cards on the table: The cost to government associated with people who are problem gamblers in Britain, IPPR, December 2016

- When applying for a variation of an existing premises licence
- To take into account any local significant changes in the local area
- When there are significant changes with their premises that may affect the existing local risk assessment.

Local risk assessments shall be kept on the premises and made readily available to all relevant staff and authorised officers.

5.4 Local Area Profile

5.4.1 The local area profile has been proposed in order to help inform specific risks that operators will need to address in their risk assessments. It ensures gambling operators consider all of the relevant data in order to safeguard anyone who is in direct or non-direct contact with gambling but equally to protect those most at risk.

5.4.2 The following criteria should be considered when carrying out local risk assessments. Research shows a higher prevalence of problem gambling in deprived areas⁵.

5.4.3 The areas to be considered for the local area profile are:

- **Deprivation**
 - Income
 - Employment
 - Education, Skills & Training
 - Health & Disability
 - Crime
 - Barriers to Housing & Services
 - Living Environment
 - Income deprivation affecting children
 - Income deprivation affecting older people
- **Crime & Disorder Data in relation to Local Anti-social Behaviour (ASB)**
- **Local Amenities**
 - Bank/Building Societies
 - Education Establishments
 - Places of Worship
 - Betting Shops, Adult Gaming Centres (AGC's) & Bingo premises
 - Premises Licensed under the Licensing Act 2003
 - Pay day/Loan establishments/Pawn shops/Cash convertors
 - Vulnerable Housing/Emergency accommodation/Supported Housing
 - Substance Misuse & Drug & Alcohol recovery services
 - GP's/Surgery
 - Job Centres

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https://www.researchgate.net/publication/315788709_Examining_the_effect_of_proximity_and_concentration_of_B2_machines_on_gambling_play (pg90)

5.5 Instructions on use of the Maps

5.5.1 Deprivation

In relation to **deprivation**, both the overall and individual maps should be reflected upon by visiting www.linktomaps.com

5.5.2 ASB

The **ASB** data map should also be used to identify high levels of issues in the Borough in relation to the positioning of the proposed or existing gambling site. The map can be found by visiting

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

A static version of the same map can be found by visiting www.linktomaps.com

5.5.3 Local Amenities

In terms of **local amenities**, the following interactive map should be used, taking into account all of the above amenities in relation to the premises

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

5.5.4 It is Brent's position that all areas shaded as the '*most deprived*' on the 'Index of Multiple Deprivation (IMD)' map and all areas shaded as the 'most deprived' on 'ASB data map', should be considered as being at high overall risk of gambling related harm and therefore inappropriate for further gambling establishments. Operators would therefore be asked not to consider locating new premises or relocating existing premises within these areas. Nevertheless, any application made in such an area will be determined on its individual merits.

5.5.5 Where operators do locate areas where they contemplate placing a new premises, the local amenities interactive map can be used to identify specific risks which should be the subject of mitigation or control measures in the form of a local risk assessment.

5.6 Risk Assessments - Further Considerations

5.6.1 This Licensing Authority recommends that the following matters are considered by operators when making their risk assessments:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may reflect benefit payments
- Arrangement for local localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to licensed premises such as other gambling outlets, banks, payday loan shops, post offices, alcohol & entertainment facilities etc.

- Known problems in the area such as problems arising from street drinkers, young people participating in anti-social behaviour, drug dealing activities etc.

5.6.2 For matters related to children and young person risk assessments should address the following:

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, religious institutions, entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, cafes, shops and any other place where children are attracted.
- Areas that are prone to young people participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc.
- Recorded incidents of attempted underage gambling.

5.6.3 For matters relating to vulnerable adults risk assessments should address the following:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangements for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

This list is not exhaustive and other factors not in this list or listed elsewhere in the statement of principles must be taken into consideration.

5.7 Assessing Applications

5.7.1 Whilst applications will continue to be assessed on their own merit, the local area profile maps that have been provided alongside this document must be taken into consideration if an application is to be made to Brent Council.

5.7.2 Where risks are present, mitigation or control measures should be identified in operating schedules and risk assessments when making an application. It is vital that an open discussion on concerns raised by the local authority, are also addressed.

5.7.3 The application should have regard to the three Licensing Objectives.

5.7.4 Factors Taken Into Consideration by Local Authority

The following list which is not exhaustive are some of the factors that will be taken into account when considering an application:

- The location of the premises
- How the Local Area Profile map data provided in this document has been addressed
- Hours of Operation
- The size and layout of the premises
- The level of management to be provided
- The input from responsible authorities
- The input of interested parties
- The risk assessment and operating schedule provided

5.8 Conditions to be added to licence

5.8.1 In addition to mandatory and default conditions, Brent Council may also impose conditions at its discretion which are relevant, fair and reasonable in relation to the proposed application.

5.8.2 In addition to this, the Commission's Licence Conditions and Codes of Practice, should be considered by both the local authority and operators. These may be viewed by visiting:
<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

5.9 Summary

5.9.1 New applicants are asked to utilise all of the map data provided in this document relating to deprivation and ASB when making a decision as to whether an application should be made in the first instance.

5.9.2 If operators decide to apply, they should still take into consideration the data relating to deprivation and ASB but should also consider the data relating to local amenities. The data relating to local amenities may also show cause for concern, resulting in the operator deciding against an application at the proposed location.

5.9.3 Lastly, all operators will need to take into consideration neighbouring wards and Boroughs when making a decision to apply for a new licence and/or writing/modifying risk assessments. As discussed, the provided list is not exhaustive, if other factors are identified, these should also be reflected upon in risk assessments.

6 Premises licences

6.1 General principles

6.1.1 This Statement of Principles does not set out to explain the process and procedure for a premises licence, variation or transfer. However, it does set out for the benefit of applicants and all other interested parties some

important matters that this Authority will have regard to when determining applications.

6.1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

6.1.3 Applications for premises licences and club premises certificates must be made on the prescribed form and accompanied by

- The prescribed fee
- The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority).

6.1.4 Application forms and statutory notices can be downloaded from the Commission's website. An application for a premises licence may only be made by persons (which includes companies or partnerships):

- Who are aged 18 or over
- Who have the right to occupy the premises
- Who have an operating licence or applied for an operating licence which allows them to carry out the proposed activity

The premises licence can not be determined until an operating licence has been issued.

6.1.5 Applications must be completed in full and signed and dated. Incomplete applications will not be processed.

6.1.6 Similarly, a licence application and any licence subsequently issued is not valid if the relevant 'application notices' have not been made. These include:

- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
- A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within 10 days of application being made.
- Notice provided to all relevant responsible authorities, including the Commission, within seven days of the application being made.

6.1.7 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications in relation to premises licences.

- 6.1.8 Section 135 of the Act identifies the following bodies as responsible authorities:
- The licensing authority in whose area the premises is wholly or partly situated
 - The Gambling Commission
 - The Chief Officer of Police
 - London Fire Brigade
 - The local planning authority
 - Environmental Health
 - Childrens Safeguarding Team
 - HM Revenue and Customs
 - Any other person prescribed by the Secretary of State
- 6.1.9 The licensing authority expects applicants for new licences or variations to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and have policies, procedures and control measures to mitigate those risks. The licensing authority will request copies of the risk assessments as part of the application process, and will consider both the adequacy of the risk assessment and the control measures proposed, and whether it is proportionate to incorporate the control measures as conditions on the licence.
- 6.1.10 The Commission's Guidance to local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' (see below regarding Casinos), and also that unmet demand is not a criterion.
- 6.1.11 Under s.150 of the Act, the Council will issue premises licences, if appropriate, for the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
 - family entertainment centre (FEC) premises (for category C and D machines).
- 6.1.12 The Council may also issue a FEC gaming machine permit, which authorizes the use of category D machines only.
- 6.1.13 The gambling activity of the premises should be linked to the premises described. For example, in a bingo premises, the licensed gambling activity will be bingo, gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on the licence available in the premises.

6.2 Definition of premises

6.2.1 The Act defines ‘premises’ as including any ‘place’. Section 152 of the Act prohibits more than one premises licence applying to any place. But a single building could be subject to more than one premises licence providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

6.2.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, this Licensing Authority does not consider that areas of a building that:

- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor); or
- are artificially separated (e.g. by low and/or transparent partitions or barriers); or
- are temporarily separated and can be properly regarded as different premises.

When deciding if parts of a building/place constitute premises in their own right, the Licensing Authority also will take into account the definition of “premises” in the Act.

6.2.3 Any premises that are artificially or temporarily separated by ropes or moveable partitions will not be considered as a separate premises. If the premises are located within a larger venue, this authority will require a plan of the venue in which the premises should be identified as a separate unit.

6.2.4 Each application will be considered on its own merit. However, in cases where a proposal is intended to create separate premises with additional gaming entitlement which impacts on the licensing objectives, then this authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

6.2.5 In considering licensing applications, the Licensing Authority will particularly take into account:

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. this may include matters such as the positioning of cash registers and the standard of any CCTV system.
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;

- the likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- the steps proposed by an applicant with regard to the licensing objectives, the associated robust risk assessments as well as any licence conditions proposed by the applicant.

6.3 Access to premises

6.3.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provision for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18, and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18 can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

6.3.2 The relevant access provisions for each premises type is as follows:

Premises	Access provision
Casinos	<ul style="list-style-type: none"> • the principal entrance to the premises must be from a 'street' • no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence
AGC's	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises.
Betting shops	<ul style="list-style-type: none"> • access must be from a 'street' or from other premises with a betting premises licence • no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino or AGC
Bingo premises	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track

Table 2: Access type for each premise

6.4 Access to gambling by children and young people

- 6.4.1 One of the objectives of the Act is protecting children and other vulnerable persons from being harmed or exploited by gambling. It is an offence to invite, cause or permit a child or young person to gamble or to enter certain gambling premises. Children are defined under the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.
- 6.4.2 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:
- casinos are not permitted to admit anyone under 18 ;betting shops are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - AGCs are not permitted to admit those under 18 ;
 - FECs and premises with a liquor licence (for example pubs) can admit under-18s, but they must not play category C machines which are restricted to those over 18 years of age.;
 - clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - all tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.
- 6.4.3 This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007. Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.
- 6.4.4 This Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the Council is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.
- 6.4.5 The under-18s must not have access to areas where category B and C gaming machines are located, and this is achieved through default conditions that require the area to be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an

entrance designed for that purpose supervised at all times to ensure that under-18s do not enter the area, and supervised by either:

- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- arranged in a way that ensures that all parts of the area can be observed.

6.4.6 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

6.4.7 There are other conditions which attach to each type of premises which are set out in Part 9 of the Commission's Guidance and other Parts relating to each type of premises.

6.5 Multiple activity premises – layout and access

6.5.1 With the exception of bingo clubs, tracks on race days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

6.5.2 The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. In considering applications for such premises, this Council will have regard to the following along with other criteria outlined in Guidance from the Commission:

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area; and
- in this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit customers should be able to participate in the activity named on the premises licence.

6.6 Single and combined licences

6.6.1 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.

6.6.2 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track.

6.6.3 To determine whether two or more proposed premises are truly separate, this Authority will consider the following factors in making their decision:

- Is a separate registration for business rates in place for the premises?
- Is the neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway
- Can the premises only be accessed from any other gambling premises?

6.7 Premises Plans

6.7.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises;
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises ;
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

6.7.2 The Regulation states (other than in respect of a track) ‘...the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence’. This includes information on supervision, CCTV, line of sight to all machines and players, Mag locks, use of privacy booths, blue lights etc. However, this minimum requirement is not sufficient to satisfy the licensing objectives, in particular the social responsibility codes, and the Licensing Authority’s policy statement. In such a case, this Council will request more information from the applicant.

6.8 Application for premises variation (s.182(b)): ‘material change’

6.8.1 When considering an application for variations, this Council will have regard to the principles to be applied as set out in s.153 of the Act.

6.9 Representations

- 6.9.1 In dealing with an application, the Council is obliged to consider representations from two categories of person, referred to in the Act as Responsible Authorities and Interested Parties.
- 6.9.2 Representations from other parties are inadmissible. Having determined that the representation is admissible, this Council must consider its relevance.
- 6.9.3 Only representations that relate to the licensing objectives, or those that raise issues under the licensing authority's policy statement, or the Commission's Guidance or Codes of Practice, are likely to be relevant.

6.10 Additional information to be made available

- 6.10.1 In order to ensure that applicants and persons wishing to make representations have the necessary information to do so, the Council will make available all necessary information on its website. Such information will include a register of the premises licences that have been issued, where and at what times the register may be inspected. A database of premises licences is also available on the Commission's website at www.gamblingcommission.gov.uk.

6.11 Premises ready for gambling

- 6.11.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 6.11.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 6.11.3 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this authority will determine applications on their individual merits, applying a two stage consideration process as follows:
- first, whether the premises ought to be permitted to be used for gambling; and
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 6.11.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

6.12 Location

6.12.1 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- the proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons;
- the proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons;
- the proximity of the premises to any youth club or similar establishment; and
- the proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

6.12.2 Where an area has, or is perceived to have, unacceptable levels of crime and/or disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

6.13 Planning & Building Control

6.13.1 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should instead be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. In any event section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

6.14 Duplication with other regulatory regimes:

6.14.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. When considering an application for a premises license, this authority will disregard the likelihood of planning or building regulations being awarded. It will listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

6.14.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under

relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

6.15 Responsible Authorities

- 6.15.1 The Licensing Authority is required to notify all Responsible Authorities of applications and they are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the three licensing objectives.
- 6.15.2 The Responsible Authorities are defined in the Glossary at Appendix G. The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.
- 6.15.3 The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.15.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

6.16 Interested Parties

- 6.16.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence.
- 6.16.2 The Act states that: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - (b) has business interests that might be affected by the authorised activities, or represents persons who satisfy paragraph (I) or (II)
- 6.16.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act 2005 to determine whether a person is an interested party.
- 6.16.4 The principles are:
- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will take account of the examples of considerations provided in the Commission's

Guidance to Licensing Authorities.

- It will however take into account the size of the premises and the nature of the activity that will be taking place in it. Larger premises are likely to affect people over a wider area than smaller premises.
- The widest lawful interpretation will be given to the Gambling Commission's guidance phrase "has business interests" to include partnerships, charities, faith groups and medical practices.

6.16.5 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (provided they satisfy 8.2.3(c) above). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

6.16.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken to ensure that such councillors are not part of the Licensing Sub-Committee dealing with the licence application.

6.17 Body assigned as competent to advise on the protection of children from harm

6.17.1 The Council's local safeguarding Children Board has been identified as competent to advise on the protection of children from harm.

6.17.2 This board is designated as a competent body because the body will be responsible for:

- Providing professional and expert opinion
- Ensure accountability by being answerable to elected members rather than any particular interest group.

7 Premises Licence Conditions

7.1 Introduction

Any model conditions attached by the Licensing Authority to any particular licence will be proportionate and applied when the individual circumstances warrant it and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fair and reasonable in relation to the scale and the type of premises, and
- in the Licensing Authority's consideration be reasonable in all other respects.

7.1.1 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

7.1.2 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's current guidance.

7.1.3 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7.1.4 The above considerations will apply to premises including buildings where multiple premises licences are applicable.

7.1.5 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Commission in this respect.

7.1.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.

7.1.7 Applicants shall offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:

- the premises shall be fitted out and operational within 6 months of the issue of the licence;
- the Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
- there shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
- Challenge 25
 - (a) The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
 - (b) The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
 - (c) The following proofs of age are the only ones to be accepted :
 - (i) Proof of age cards bearing the "Pass" hologram symbol
 - (ii) UK Photo Driving licence
 - (iii) Passport

7.2 Staff competency and training

7.2.1 All staff shall be trained in the premises proof of age compliance scheme and records of the training given shall be retained on the premises and made available for inspection by authorised officers.

7.2.2 The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

7.3 Refusals Book

7.3.1 The Refusals book shall be used to record details of all age-related refusals. The log shall be reviewed monthly by the nominated responsible member of staff and any action taken recorded in the book and signed off.

7.3.2 The Refusals Book to be reviewed monthly by a nominated responsible member of staff and date and time of each examination to be endorsed in the book. This log shall be retained on the premises and made available for inspection by authorised officers.

7.4 CCTV

7.4.1 The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public. The CCTV shall monitor each entrance, exit and the gaming areas.

7.4.2 The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

7.5 Numbers of staff and door supervisors

7.5.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, vulnerable persons, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.

7.5.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.

7.5.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.

7.5.4 It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at casinos or bingo premises are that the Licensing Authority will expect the door supervisors to have:

- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
- an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

- 7.5.5 The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.
- 7.5.6 A book shall be kept at the premises, which is maintained with the following records:
- the full name and address of the door supervisor deployed;
 - the time they commenced and finished duty; and
 - all incidents that the door supervisors dealt with.
- 7.5.7 If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.
- 7.5.8 The term 'door supervisor' means any person:
- guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
 - guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.
- 7.5.9 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases

8 Protection of children and vulnerable persons - premises other than betting premises

8.1 Advertising Gambling Products

8.1.1 Brent Council notes that the Commission's Licence Conditions and Codes of Practice require all advertising of gambling products to be undertaken in a socially responsible manner. Licencees should follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.

8.1.2 The following general principles shall apply to advertising:

- Must be legal and not misleading
- Must not encourage irresponsible or excessive gambling
- Must take care not to exploit children and other vulnerable persons

8.2 Adult gaming centres

8.2.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the relevant

licensing authority. The holder of an AGC premises licence that was issued prior to 13 July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC licence granted after 13 July 2011 may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

8.2.2 Gambling machines provide a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the category D machines on which children are allowed to play.

8.2.3 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- Entry control system
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.2.4 Gaming machines provide opportunities for solitary play and immediate payouts and as such are likely to encourage repetitive and excessive play. Therefore when considering premises licence applications which include gaming machines particular regard will be given to the third licensing objective.

8.3 (Licensed) Family Entertainment Centres

8.3.1 The Act creates two classes of family entertainment centres (FEC). This part of the policy is regarding licensing FECs. Persons operating a licensed FEC must hold a 'gaming machine general operating licence from the Commission and a premises licence from the relevant licensing authority. The FECs make category C and D machines available.

8.3.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.3.3 This Licensing Authority will refer to any operating licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

8.3.4 In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The effectiveness of such policies and procedures will be considered on their merits. The Authority expects measures to train staff on:

- Appropriate action regarding suspected truanting school children on the premises
- Dealing with unsupervised young children being on the premises or children causing perceived problems on or around the premises.
- Staff training on maximum stakes and prizes.

8.3.5 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use of category C machines. The licensing authority will ensure that staffing and supervision arrangements are in place to meet this requirement both at application stage and at subsequent inspections.

8.4 Casinos

8.4.1 Section 166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution but it is aware of the power to do so.

8.4.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5 Bingo Premises

8.5.1 A holder of a bingo licence is able to offer bingo in all its forms. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.2 Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5.3 This Licensing Authority will take account of any current guidance from the Commission as to the suitability and layout of bingo premises.

8.5.4 Where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides the Authority will need to be satisfied that only bingo shall be played at the premises. Close scrutiny will be given to any excluded areas of the premises.

8.5.5 Young persons aged 16 and under may be employed in bingo premises provided their duties are not concerned with the gaming or gaming machines. Licences will not be granted unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures that they will undertake to protect young employees.

8.6 Betting Premises

8.6.1 There are two different types of premises that require a betting licence. The licences for these premises are named “Betting Premises Licence (In Respect Of Premises Other Than A Track)’ and ‘Betting Premises Licence (In Respect Of a Track)’.

8.7 Betting Premises Licence (In Respect Of Premises Other Than A Track)

(a) This type of licence allows premises (i.e. betting offices) to provide ‘off course’ betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.

(b) This section of the policy concentrates on ‘off course’ betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, Cor D and any number of betting machines. This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- the size of the premises;
- the number and location of the machines;
- the number of counter positions available for person-to-person transactions, and
- the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.

(c) The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- (d) There are particular concerns about the use of B2 Fixed Odds Betting Terminals (FOBTs). We recognise that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm. Nevertheless, the applicant in each case will be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.
- (e) Where FOBTs are provided these gaming machines shall be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers/families/friends to provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).
- (f) Where the local area profile identifies any relevant local risk of gambling related harm, operators may consider additional protections for the vulnerable. This might include:
- Removing Automated Teller Machines (ATM's) from the betting office
 - Restricting FOBTs to account based play

- (g) Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. We recognise that longer operating hours may attract more vulnerable people such as those who may be intoxicated or have gambling addictions. Therefore, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be undertaken to protect the vulnerable.
- (h) Children and young persons are not permitted to enter licenced betting premises. Social Responsibility (SR) Code 3.2.7(3) in the licence Conditions and Codes of Practice (LCCP) states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises’ in order to prevent underage gambling.
- (i) As per the Commission’s Guidance we will consider restricting the number and location of betting machines in respect of applications for betting premises licences. When considering the number, nature and circumstances of betting machines an operator wants to offer, the Commission’s Guidance will be followed and take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of the staff to monitor the use of machines.
- (j) This Authority will have regard to the local area profile set out in Section 5 of this policy and to the risk assessment compiled in response to it.

8.8 Betting Premises Licence (In Respect Of a Track)

8.8.1 General

- (i) Tracks are sites (including football stadium, horse racecourses and dogtracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.
- (ii) The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer ‘on course’ betting facilities at a licensed track.
- (iii) Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a ‘main’ premises licence and, in addition, ‘subsidiary’ premises licences for the parts of the track not covered by the main licence.

8.8.2 Children and Young Persons

- (a) Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.
- (b) We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.
- (c) Appropriate measures/ licence conditions may cover issues such as:
 - proof of age schemes;
 - CCTV;
 - the numbers of staff on duty;
 - door supervisors;
 - supervision of entrances/machine areas;
 - the physical separation of, and clear distinction of areas;
 - location of entry;
 - notices/signage.

This list is not mandatory nor exhaustive and is merely indicative of example measures.

8.9 Betting machines (also known as Bet Receipt Terminals) at tracks

- (a) The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:
 - the proliferation of such machines;
 - the ability of track staff to supervise the machines if they are scattered around the track; and
 - preventing persons under the age of 18 from being able to use the machines.

8.9.1 This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting

premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account the:

- size of the premises;
- number and location of the machines;
- number of counter positions available for person-to-person transactions; and
- ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

8.9.2 Condition on rules being displayed at tracks

- (a) The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

8.9.3 Applications and plans for tracks

- (a) Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.
- (b) The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:
 - dog tracks and horse racecourses
 - fixed and mobile pool betting facilities operated by the Tote or track operator; and
 - other proposed gambling facilities.
- (c) The plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- (d) Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective

responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8.10 Travelling Fairs

- 8.10.1 Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.
- 8.10.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

9. Other relevant processes

9.1 Provisional Statements

- 9.1.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).
- 9.1.2 Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence. If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.
- 9.1.3 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional licence stage, or
 - which, in the authority's opinion, reflect a change in the operator's circumstances, or
 - where the premises has not been constructed in accordance with the plan and

- information submitted with the provisional statement application.

This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision. Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

9.2 Reviews

9.2.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

9.2.2 Initiation of review by Licensing Authority

- The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.
- In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.
- In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

9.2.3 Application for review by responsible authorities and interested parties
Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

9.2.4 An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.
- 9.2.5 If the application raises issues that are not relevant to the current Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then the Licensing Authority may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that the Authority is required to permit the use of premises for gambling in so far as we think that permission is in accordance with the matters set out in that section.
- 9.2.6 Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;
- that the grounds are frivolous;
 - that the grounds are vexatious;
 - that the grounds “will certainly not” cause the authority to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;
 - are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
 - are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.
- 9.2.7 The matters which will generally be considered relevant for any review are:
- any relevant current code of practice issued by the Commission;
 - any relevant current guidance issued by the Commission;
 - the licensing objectives;
 - the Council’s Statement of Gambling Principles, and
 - The Gambling Act 2005 and the regulations made thereunder
- 9.2.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the Chief Officer of Police or Chief Constable; and
- Her Majesty’s Commissioners for Revenue and Customs

9.2.9 There is a right of appeal against the Council’s decision.

9.3 Rights of appeal and judicial review

9.3.1 The Council is required by law to give reasons for a rejection of an application, but it is also good practice for it to give reasons for all decisions. Failure to give reasons may result in an appeal of the decision or the suggestion that the Council did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act. It is particularly important that reasons should reflect the extent to which the decision has been made with regard to the licensing authority’s policy statement and this Guidance. Reasons for decisions should be made available to all of the parties of any process. The Council’s decision may be subject to judicial review. Details relating to appeals against decisions by a licensing authority are set out in s.206 - 209 of the Act.

9.4 Who can appeal?

9.4.1 The table below identifies who can appeal different types of premises licence decisions.

Type of decision	Section of Act	Who may appeal
Decision to reject an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.165, s.187 and s.188	The applicant
Decision to grant an application for a premises licence or to vary a premises licence, or an application	s.164, s.187 and s.188	<ul style="list-style-type: none"> • The applicant* • Any person who made representations

for a provisional statement		on the application
Decision to take action or to take no action following a review	s.202	<ul style="list-style-type: none"> • The applicant • Any person who made representations on the application • The person, if any, who applied for the review • The Commission

Table 3: Appealing premises licence decisions

9.5 Who to appeal to

9.5.1 An appeal against a decision of a licensing authority is made to the Magistrates' Court, then to the High Court if necessary. As soon as the appeal decision has been notified to all parties, the Council will implement the Court's decision as soon as possible.

10. Other Consents

10.1 Temporary use notices (TUN)

10.1.1 A TUN allows the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling. The type of premises that might be suitable for a Temporary Use Notice could include hotels, conference centres and sporting venues.

10.1.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments, dominoes, backgammon, mah-jong or bingo.

10.1.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Commission's guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act

"premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises.

10.1.4 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- the type of gaming to be carried on;
- the premises where it will take place;
- the dates and times the gaming will take place;
- any periods during the previous 12 months that a TUN has had effect for the same premises;
- the date on which the notice is given;
- the nature of the event itself.

10.1.5 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.

10.1.6 Appeals

An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' court within 14 days of receiving notice of the authority's decision. There is a further right of appeal to the High Court or Court of Session on a point of law.

10.2 Occasional use notices

10.2.1 An occasional use notice permits licensed betting operators to use tracks for betting on eight days or fewer in a calendar year, where the event is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has very little discretion regarding these notices besides ensuring that the statutory limit of eight days a year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

10.2.2 Tracks are usually regarded as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

10.3 Gaming machines

- 10.3.1 Gaming machines cover all types of machine on which people can gamble, subject to a few exemptions. The Act sets out the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises. There are four categories of gaming machine: categories A, B, C and D with category B divided into a further five subcategories.
- 10.3.2 There is a minimum age of 18 for all players for all category A, C and C machines. However, there is no minimum age for players of category D machines. The holder of any permit must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.
- 10.3.3 The maximum number of machines permitted and in the case of casinos the ratios between tables and machines is set out in Appendix C.

10.4 Permits

- 10.4.1 Licensing Authorities may issue a range of permits for gambling which are designed as a light touch approach to low level ancillary gambling. They are used where stakes and prizes are subject to very low limits and/or gambling is not the main function of the premises. As a Licensing Authority, this Council may only grant or reject an application for a permit. It may not attach any conditions to the permit.
- 10.4.2 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with the Commission's codes of practice on the location and operation of machines.
- 10.4.3 Licensing Authorities may issue the following permits:
- Family entertainment centre gaming machine permits;
 - Club gaming permits and club machine permits;
 - Alcohol-licensed premises gaming machine permits;
 - Prize gaming permits.

10.5 Unlicensed Family Entertainment Centre

- 10.5.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238 of the Act).
- 10.5.2 The Act enables a Licensing Authority to prepare a statement of principles which it proposes to consider when determining the suitability of an applicant

for a permit. In preparing this statement and/or considering applications it may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's guidance advises that given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to child protection issues.

10.5.3 The council may only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council cannot attach conditions to this type of permit but may ask applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes (24.7);
- appropriate measures/training for staff regarding suspected truant school children on the premises; and
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

10.6 Club Gaming and Club Machines Permits

10.6.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.

10.6.2 Members Clubs, Miner's welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.6.3 The Commission's Guidance states: "Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations". The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

10.6.4 There is a fast-track procedure which prevents objections to be made by the Commission or the police, and reduces the grounds on which an authority can refuse a permit. The grounds for refusal are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled;

10.6.5 However, the Council may refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members" or commercial club or miners" welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous 10 years;
- an objection has been lodged by the Commission or the Police.

10.6.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

10.7 Premises licensed to sell alcohol

10.7.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority.

10.7.2 This local authority expects all licensees to adhere to the:

- Code of Practice for gaming machines in alcohol licenced premises
- Code of Practice for equal chance gaming in alcohol licensed premises.

10.7.3 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the Licensing Authority that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

10.7.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives and any guidance issued by the Commission under S.25 of the Gambling Act 2005 and any other relevant matters.

10.7.5 This Licensing Authority considers that such matters will be decided on a case by case basis but will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18s do not have access to the adult-only gaming machines. Measures which will satisfy the authority will include that the adult machines be in direct sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage shall be used with regards to age restriction. Applicants shall provide information leaflets/helpline numbers for organisations such as GamCare.

10.7.6 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

10.7.7 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

10.8 Prize gaming and prize gaming permits

10.8.1 Prize gaming relates to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. The Council can issue a prize gaming permit to authorise the licence holder to provide facilities for gaming with prizes on specified premises.

10.8.2 A casino operating licence permits the licence holder to provide all games of chance, except any form of bingo which, is excluded from the scope of the

casino licence. If a casino wishes to provide bingo generally, it would need to obtain a bingo operating licence, with the proviso that only one premises licence may be issued for any particular premises at any time, so the premises would need to be distinct.

10.8.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any guidance from the Commission. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

10.8.4 The permit holder must comply with the relevant conditions in the Act, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated; the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

10.8.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.

10.8.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

11. Non-commercial and private gaming, betting and lotteries

The Act allows gambling without any specific permissions under limited circumstances as follows:

- non-commercial gambling;
- incidental non-commercial lotteries;

- private gaming and betting.

11.1 Non-commercial gaming

This is allowed if it occurs at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if it is organised by or on behalf of a charity or for charitable purposes; or it enables participation in or support of athletic or cultural activities. It will therefore be possible to raise funds for a local hospital appeal or a charitable sporting endeavour. Events such as race nights or casino nights are also permitted if they comply with the regulations and profits go to a 'good cause'.

11.2 Incidental non-commercial lotteries

- Licensing Authorities are responsible for registering societies to run Small Society Lotteries.
- Incidental non-commercial lotteries, private lotteries and customer lotteries do not require to be registered.
- The definitions of the above types of lottery are contained in Schedule 11 of the Act.
- Other lotteries require an operating licence from the Gambling Commission.

11.3 Private gaming

11.3.1 This can take place anywhere to which the public do not have access, for example, a workplace. Domestic and residential gaming may be permitted subject to the following conditions:

11.3.2 Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling; if it is on a domestic occasion; and if no charge or levy is made for playing.

11.3.3 Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and if more than 50% of the participants are residents.

11.3.4 Private gaming can potentially take place on commercial premises if a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are members of the club.

12. Poker

12.1 Poker can be played legally in the following circumstances:

- in casinos (including under temporary use notice)
- as exempt gaming in clubs and alcohol-related premises;
- under a club gaming permit
- as non-commercial gaming
- as private gaming

12.2 **Poker in casinos**

12.2.1 Poker can be played in casinos licensed by the Commission. Casinos can also run poker tournaments at temporary venues for a limited amount of time under temporary use notices (TUNs). Where a third party organisation is involved in a poker competition held in a licensed casino, the casino operator must bear full responsibility for that competition. Similarly, where an online competition culminates in live competition in a casino, the online partner may provide systems and staff for the event, but responsibility lies with the operator whose premises are being used.

12.2.2 A casino may have a commercial relationship with an agent to promote poker in the casino, but the poker games that result are the responsibility of the casino and not of the agent.

12.3 **Poker in alcohol-licensed premises**

12.3.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.

12.3.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

12.4 **Poker under a club gaming permit**

- 12.4.1 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.
- 12.4.2 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.
- 12.4.3 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
 - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
 - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
 - (b) Two games are linked if:
 - the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
 - the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
 - a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
 - only club members and their genuine guests participate.
 - (c) In respect of other games of chance:
 - the games must be pontoon and chemin de fer only;
 - no participation fee may be charged otherwise than in accordance with the regulations;
 - no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

12.4.4 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

12.5 Poker as non-commercial gaming

12.5.1 This is allowed if it takes places at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

12.5.2 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

12.6 Poker as private gaming

12.6.1 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

12.6.2 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

12.6.3 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers

are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

- 12.6.4 A relevant decided case in another licensing field is that of *Cocks v Mayner* (1893) 58 JP 104, in which it was found that an omnibus said to be available free of charge but whose passengers who were invited to (and in some cases did) make a voluntary contribution was 'plying for hire' without the appropriate licence.

12.7 Advertising

- 12.7.1 The Gambling (Licensing and Advertising) Act 2014 amended the Act so that from 1 November 2014, gambling operators that provide facilities for remote gambling or advertise to consumers in Great Britain will require a licence issued by the Commission. As an example, many poker websites promote other online gambling websites, usually by the provision of a hyperlink to that website. A hyperlink has been deemed to constitute advertising as it brings facilities for advertising to the attention of the person who clicks on the link.
- 12.7.2 It is not an offence to advertise non-remote gambling that is offered by operators not licensed by the Commission. For example, a prize could now include entry into a poker tournament, subject to meeting the appropriate prize limits.

13. Small society lotteries

13.1 Introduction

Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within two categories:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- The Council will need to know the purposes for which a society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, has been established so as to ensure that it is a non-commercial organisation. S.19 of the Act defines a society as such if it is established and conducted:
 - for charitable purposes, as defined in s.2 of the Charities Act 2006;
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;

- for any other non-commercial purpose other than that of private gain.

13.1.1 Participation in a lottery is a form of gambling, and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act. The minimum age for participation in a lottery is 16 and Social Responsibility (SR) code 3.2.9 requires lottery licences to have effective procedures to minimise the risk of lottery tickets being sold to children, including:

- procedures for: checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

13.1.2 The licensee must take reasonable steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

13.1.3 Licensing Authorities may propose to refuse an application for any of the following reasons:

- an operating licence held by the applicant for registration has been revoked; or
- an application for an operating licence made by the applicant for registration has been refused within the past five years;
- the society in question cannot be deemed non-commercial;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in schedule 7 of the Act;
- information provided in or with the application for registration is found to be false or misleading.

13.2 External lottery managers' licence status

13.2.1 External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Commission to promote a lottery on behalf of a licensed society. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors.

13.2.2 Key indicators will include:

- who decides how the lottery scheme will operate;

- who appoints and manages any sub-contractors;
- the banking arrangements for handling the proceeds of the lottery;
- who sells the tickets and pays the prizes;
- who controls promotional aspects of the lottery.

13.2.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences held on its website.

13.3 Lottery tickets

13.3.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM;
- the date of the draw, or information which enables the date to be determined.

13.3.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it. The Commission recommends that licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority has powers to inspect the records of the lottery for any purpose related to the lottery.

13.3.3 The Act stipulates that lottery tickets may only be sold by persons who are aged 16 or over to persons who are aged 16 or over. With regards to where small society lottery tickets may be sold, this Council will adhere to the Commission's recommendations and apply the following criteria to all small society lottery operators:

- lottery tickets must not be sold to a person in any street, bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not;

- tickets may, however, be sold in a street from a static structure such as a kiosk or display stand;
- tickets may also be sold door to door;
- licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

13.3.4 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

13.4 Application and registration process for small society lotteries

13.4.1 On receipt of an application for a small society lottery this Authority will check the:

- society status – the society in question must be ‘non-commercial’;
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

13.4.2 The promoting society of a small society lottery must be registered with the Licensing Authority where their principal office is located throughout the period during which the lottery is promoted. If this Licensing Authority believes that a society’s principal office is situated in another area, it would inform the society and the other Licensing Authority as soon as possible.

13.4.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. Applicants will be asked to provide a copy of their terms and conditions and a declaration, stating that they represent a bona fide non-commercial society.

13.4.4 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.

13.4.5 Because of this possibility, this Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Commission for a society lottery operating licence.

- 13.4.6 By virtue of Schedule 11 paragraph 31(5), societies may not hold an operating licence and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of 3 years during which a large society cannot convert to small society status. Licensing Authorities should check that applicants for registration do not hold (and have not held in the preceding 3 years) a society lottery operating licence granted by the Commission.
- 13.4.7 This authority will also wish to check with the society at the time the annual fee is paid to renew the registration, to ensure that a society does not hold a duplicate registration with this council or another local authority where the aims and objectives of the societies are the same. If that is the case and the combined proceeds exceed or are likely to exceed the threshold limits for small society lotteries, the society will be advised to apply to the Commission for a society lottery operating licence. This Licensing Authority will also notify the Commission.
- 13.4.8 Once the application for registration has been accepted and entered on the local register, the Licensing Authority must then notify both the applicant and the Commission of this registration as soon as practicable. The Commission would prefer to receive this information electronically via email to info@gamblingcommission.gov.uk.
- 13.4.9 Registrations run for an unlimited period, unless the registration is cancelled. If a Licensing Authority cancels the registration of a society they are required by paragraph 53 of Schedule 11 of the Act to notify the Commission.

13.5 Refusal of an application

- 13.5.1 Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application. A Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. Licensing Authorities should inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence.
- 13.5.2 In summary, Licensing Authorities may propose to refuse an application for any of the following reasons:
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years;
 - the society in question cannot be deemed non-commercial;
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act;
 - information provided in or with the application for registration is found to be false or misleading.

13.6 Revocation of a small society's registered status

13.6.1 A Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. A revocation cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion. Representations that may result after such a decision will be handled in accordance with local procedures.

13.7 Appeals

13.7.1 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 to the Act then requires the authority to notify the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.

13.7.2 The applicant or society may appeal to the Magistrates' Court against the decision within 21 days following receipt of the notice of the decision to lodge an appeal. On appeal they may choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.

13.7.3 The Society or its external lottery managers must submit returns containing certain information to the Licensing Authority. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

13.7.4 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery; the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

13.7.5 This Council requires returns to be submitted electronically at

business.licence@brent.gov.uk.

14. Chain gift schemes

14.1 It is an offence to invite others to join a chain gift scheme or to participate knowingly in the promotion or administration of such a scheme. These schemes are similar to pyramid selling schemes, but escape the ban on them because they do not involve the sale of any product. If this Council becomes aware of such a scheme operating in the Borough, the Trading Standards team will investigate to ascertain if an offence under the Consumer Protection from Unfair Trading Regulations 2008 has been committed. A person found guilty of the offence could be liable to a fine or imprisonment.

14.2 Street collectors selling game cards

14.2.1 If this Council becomes aware of street sellers in the borough approaching the public to sell them game cards 'to raise money for good causes', it will ask the Trading Standards to investigate. It will be unlikely that the product being sold is a legal lottery. This is because societies selling larger lotteries are not permitted to sell lottery tickets in the street.

15. Compliance and Enforcement Matters

15.1 Good practice in regulation

15.1.1 The Council has a duty to have regard to the statutory principles of good regulation as set out in the Regulators' Code. These provide that regulation should be carried out in a way that is:

- (a) Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- (b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - a. Consistent: rules and standards must be joined up and implemented fairly;
 - b. Transparent: regulators should be open and keep regulations simple and user friendly; and
 - c. Targeted: regulation should be targeted only at cases in which action is needed; it should focus on the problem and minimise side effects.

15.1.2 The Regulator's Code is enshrined in the Council's own Enforcement Policy with which every enforcement officer is required to adhere. As per the Commission's Guidance for licensing authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

15.1.3 This licensing authority has adopted and implemented a risk-based inspection programme based on:

- the licensing objectives;
 - relevant codes of practice;
 - guidance issued by the gambling commission, in particular at part 36; and
 - the principles set out in this statement of licensing policy.
- 15.1.4 As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted primarily on those activities and premises which give rise to the most serious risks or where risks are least well controlled. This will be intelligence led approach. Regard will also be had to the local area profile set out in this policy.
- 15.1.5 This risk based approach will also be applied to inspections of premises to ensure that high risk premises requiring greater level of attention will be targeted whilst low risk premises will receive a lighter touch. Premises will be assessed on the basis of
- The type and location of the premises
 - The past operating history of the premises
 - The confidence in management
 - The arrangements in place to promote the licensing objectives
- 15.1.6 Where appropriate to do so, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will normally be sought through early engagement, mediation, education and advice. In cases where this is not possible officers will seek to achieve compliance through the most appropriate route having regards to all the relevant matters. Where appropriate, regard will be given to primary authority directions.
- 15.1.7 When a decision of whether or not to prosecute is required then this Authority will follow the principle criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:
- Whether the standard of evidence is sufficient for a realistic prospect of conviction
 - Whether a prosecution is in the public interest.
- 15.1.8 The main enforcement and compliance role for this licensing authority in terms of the Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Commission.

- 15.1.9 This Licensing Authority recognises that certain bookmakers and other licensed premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual within the organisation/company, and whom the authority may contact first should any compliance queries or issues arise.

15.2 Enforcement Related Fees

- 15.2.1 Licensing Authorities compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits. The Act requires licensing authorities to “aim to ensure that the income from fees ... As nearly as possible equates to the costs of providing the service to which the fee relates and work, including the cost of dealing with illegal gambling in a Licensing Authority’s area”. This Council will closely track its costs to demonstrate how it arrived at the fee and will review such fees annually.

15.3 Application Forms

- 15.3.1 This Council has provided information on how to make applications for licences and other permissions under the Act. Linked to this information is an online application form as well as a list of ‘responsible authorities’ and their appropriate contact details. As there are no prescribed application forms for family entertainment centres, prize gaming, or licensed premises gaming machine permits, this Council will accept applications for these licences in the hard copy which can be downloaded from www.brent.gov.uk/business .

15.4 Enforcement officers and authorised persons

- 15.4.1 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:
- the premises are wholly or partly situated in the authority's area; and
 - the officer is designated by the authority as an authorised person for the purposes of s.304.

- 15.4.2 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority’s policy statement.

15.5 Powers of entry

- 15.5.1 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on

the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting.(s.307).

15.5.2 If in doubt, this Licensing Authority will:

- (a) seek legal advice about also securing a warrant issued by a justice of the peace to enter a premises in respect of which an application has been made for a family entertainment centre (FEC) gaming permit to consider the application, or to enter a premises in respect of which a FEC gaming machine permit has effect, in order to determine compliance with gaming machine permit requirements (s.309);
- (b) enter premises with 'on-premises' alcohol licence to determine if any gaming that is taking place satisfies the conditions for exempt gaming in s.279 of the Act, to ascertain that any bingo taking place meets the requirements of the Act, or to ascertain the number and category of gaming machines being made available for use on the premises (s.310);
- (c) enter premises in respect of which an application has been made for a prize gaming permit, to consider the application, or to enter a premises in respect of which a prize gaming permit has effect in order to determine whether prize gaming on the premises complies with the requirements of the Act and regulations under it (s.311).

15.5.3 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

15.5.4 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the things being done are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence.

15.6 Illegal gambling

15.6.1 The prevention of illegal gambling is an enforcement priority for the Council. Combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed. The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

15.7 Test purchasing and age verification

- 15.7.1 The Council will carry out test purchasing to detect whether children and your persons are accessing adult only gambling premises or are engaged in gambling intended for adults. Appropriate enforcement action will be taken against offenders.

15.8 Primary Authority

- 15.8.1 The PA scheme, administered by the Better Regulation Delivery Office (BRDO) provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.
- 15.8.2 Since October 2013, the PA has been extended to include age-restricted sales of gambling in England and Wales. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing. The inspection plans are designed to be largely uniform and to bring consistency to proactive test purchasing in those betting shops. These arrangements underpin the primary objectives of the Act in relation to protecting children from gambling-related harm and preventing them from accessing gambling facilities. PA plans do not prohibit licensing authorities undertaking reactive test purchasing. PA does not apply to the police or the Commission.

15.9 Prosecutions

- 15.9.1 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.
- 15.9.2 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

CONTACT

Planning, Transport & Licensing
Licensing Team
London Borough of Brent
Civic Centre
Engineers Way
Wembley HA9 0JF

(020) 937 5262

business.licence@brent.gov.uk

www.brent.gov.uk

Schedule 1: Summary of machine provisions by premises

Premises type	Machine category							
	A	B1	B2	B3	B4	C	D	
Large casino(machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)							
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)							
Pre-2005 Act casino(no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead							
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)							
Bingo premises ¹	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines	
Adult gaming centre ²	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines	
Licensed family entertainment centre ³							No limit on category C or D machines	
Family entertainment centre (with permit) ³							No limit on category D machines	
Clubs or miners' welfare institute (with permits) ⁴	Maximum of 3 machines in categories B3A or B4 to D							
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)							Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines	

Table 4: Summary of machine provisions by premises

1 Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3 Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation

and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4 Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5 Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Schedule 2: Summary of gaming machine categories and entitlements

Link to summary of gaming machine categories and entitlements

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx>

Schedule 3: Summary of gaming entitlements for clubs and alcohol-licensed premises

Link to summary of gaming machine categories and entitlements

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>

Schedule 4: Summary of offences under the Gambling Act 2005

General offences regarding the provision of gambling facilities

Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

Offence Regarding cheating at gambling

Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42
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Offence committed towards or by under 18s

Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:	
private / non-commercial gaming and betting	
participating in lotteries	
participating in football pools	
using a category D gaming machine	S.46
participating in equal chance gaming at premises subject of a prize gaming permit or an FEC premises licence	S.48
participating in prize gaming at a fair or an unlicensed FEC	
This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling.	
It is also an offence on the part of a young person to gamble with the exception of situations listed above.	
Inviting or permitting a child or young person to enter:	
a casino	
a betting premises (except for betting areas of horse and greyhound tracks on race days)	S.47
an adult gaming centre	
areas of a family entertainment centre where category C gaming machines are situated.	S.49
This offence is committed at all times when the premises listed above are being used in reliance on the premises licence.	
It is also an offence on the part of a young person to enter the premises listed above.	

For a summary list of all offences under the Gambling Act 2005 please use the following link:
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-D-Summary-of-offences-under-the-Gambling-Act-2005.aspx>

Schedule 5: Delegations of functions under the Gambling Act 2005

The Council's Licensing Committee is responsible for discharging the majority of the Council's licensing functions under the Gambling Act 2005. The notable exceptions are the final approval of the Council's Statement of Gambling Principles (also known as Statement of Licensing Policy) and policy not to permit casinos. Both of these functions are reserved to full Council.

In practice, and in accordance with relevant statutory provisions, all those decisions which can be, have been delegated to officers. Further, the Alcohol and Entertainment Licensing Sub-Committee is responsible for considering and determining applications and other matters which cannot be determined by officers. That Sub-Committee can also consider and determine any other matters referred to it for determination by officers (e.g. matters which can be considered by officers but which is considered more appropriate for the Sub-Committee to do so).

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Schedule 6: List of Consultees to Statement of Licensing Principles

Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:

Responsible Authorities

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Planning Authority, Brent Council
- Environmental Health, Brent Council
- Safeguarding Children's Board, Brent Council
- HM Customs and Excise
- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- Brent Community Safety Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- Brent Drug and Alcohol Action Team
- Brent Youth Offending Service National Probation Service
- National Association of Citizen Advice Bureaux
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Residents and Tenants Associations
- Help the Aged

Persons or Bodies representing the interests of those carrying on gambling businesses in the borough:

- Current holders of licences, permits, registrations etc. in the borough
- Gaming Machine Suppliers
- Association of British Bookmakers
- British Amusement Catering Trade Association
- British Casino Association
- Casino Operators Association
- The Association of Licensed Multiple Retailers
- British Beer and Pub Association
- British Institute of Innkeeping
- GamCare
- Brent Chamber of Commerce
- The Football Association
- Federation of Licensed Victuallers
- The Bingo Association
- The Working Men's Club & Institute Union
- Responsibility in Gambling Trust
- Remote Gambling Association
- The Lotteries Council

Others

- General Public - via Council Website and Press Release

This is not an exhaustive list

Schedule 7: Glossary of terms

Applications	Applications for licences and permits
Authorised local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of who have been authorised for a purpose relating to premises in that authority area. The following are considered authorised persons:</p> <p>Inspectors are appointed under the Fire Precautions Act 1971</p> <p>Inspector appointed under the Health and Safety at Work, etc. Act 1974.</p> <p>Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995;</p> <p>A person in a class prescribed in regulations by the Secretary of State.</p>
Automated Roulette Equipment	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g. Roulette</p> <p>(b) Plays live automated game, i.e. operates without human intervention</p>
Automatic condition	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no desecration not to include or modify them.
AWP machines	Amusement with Prizes Machines.
BACTA	British Amusement Catering Trade Association.
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary „on course“ betting facilities.
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<p>(a) Regional Casino Premises Licence</p> <p>(b) Large Casino Premises Licence (c) Small Casino Premises Licence</p>

	(d) Casino permitted under transitional arrangements.
Club Gaming Machine Permit	Permit to enable the preemies to provide gaming machines (3 machines of Categories B C or D).
Code of Practice	Means any relevant code of practice under section 34 of the Gambling Act 2005.
Complex Lottery	An arrangement where: (a) Persons are required to pay to participate in the arrangement; In the course of the arrangement, one or more prizes are allocated to one or more members of a class; (b) The prizes are allocated by a series of processes; and (c) The first of those processes relies wholly on chance.
Council	Brent Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run

	<p>without a licence from the Gambling Commission. There are 4 types:</p> <p>(a) Small Society Lottery (required to register with Licensing Authorities)</p> <p>(b) Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair</p> <p>(c) Private Lotteries e.g. Raffle at a student hall of residence</p> <p>(d) Customer Lotteries e.g. Supermarket holding a hamper raffle</p>
External Lottery Manager	An individual, firm or company appointed by the small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery
Fixed Odds Betting	General betting on tracks,
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events. Categories – See Appendix E
Guidance	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998 Articles: 1, 6, 8 and 10	<p>Article 1: Protocol 1 – the right to peaceful enjoyment of possessions.</p> <p>Article 6: - the right to a fair hearing</p> <p>Article 8: - the right of respect for private and family life</p> <p>Article 10: - the right to freedom of expression.</p>
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events (commonly charity fund raising event, lottery held at a school fete or at a social event such as a dinner dance)
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act (Schedule 7)
Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence. A person who:

	<p>(a) Lives sufficiently close to the premises to be likely affected by the authorised activities.</p> <p>(b) Has business interests that might be affected by the authorised activities.</p> <p>(c) Represents persons in either of the above groups.</p>
Irrelevant Representations	<p>Where other legislation can cover the representation.</p> <p>Demand in premises licensing</p>
Large Lottery	<p>Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries on one calendar year exceed £250.00. This requires an Operating Licence.</p>
Licensed Lottery	<p>Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission.</p> <p>Operating Licences will be required.</p>
Licensing Authority	The London Borough of Brent
Licensing Committee	A committee of 10 to 15 councillors appointed by the Council to represent the Licensing Authority.
Licensing Sub Committee	A sub committee of members appointed from the licensing committee to whom the functions of the licensing committee can be
	delegated under the Act to determine applications.
Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:</p> <p>(a) Identify the promoting society</p> <p>(b) State the name and address of the member of Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and</p> <p>(c) State the date of the draw, or enable the date of the draw to be determined.</p>
Mandatory Condition	<p>Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.</p>

Members Club	A club that must: (a) have a least 24 members (b) be established and conducted „wholly or mainly“ for purposes other than gaming (c) be permanent in nature (d) Not established to make commercial profit controlled by its members equally
Notifications	Notification of temporary and occasional use notices
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not private gain.
Non Commercial Society/small society lotteries	A society established and conducted: (a) for charitable purposes. (b) for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or (c) for any other non commercial purpose other than that of private gain
Occasional Use Notice	Betting may be permitted on a „track“ without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting – Tracks	Betting that takes place on a track while races are taking place.
Operating Licences	Licence to permit individual and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as „any place“. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks adult gaming centres and family entertainment centres.
Private Lotteries	3 Types of private Lotteries: (a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of
	the Society. (b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises. (c) Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	<input type="checkbox"/> Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. <input type="checkbox"/> The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: Expects to be constructed Expects to be altered Expects to acquire a right occupy
Racino	Casino located at a racecourse.
Regulations:	Regulations made under the Gambling Act 2005

Relevant Representations	Representations that relate to the Licensing Objectives or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Code of Practice.
Responsible Authorises	Responsible authorises can make representations about licence applications, or apply for review of an existing licence. For the purposes of this Act, the following are responsible authorises in relation to premises: (a) The Council Licensing Authority whose area the premises must wholly or mainly be situated; (b) The Gambling Commission; (c) Metropolitan Police (d) London Fire and Emergency Planning Authority, (e) Planning Authority, Brent Council; (f) Environmental Health, Brent Council (g) Brent's Safeguarding Children's Board (h) HM Customs and Excise. N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.
SIA	Security Industry Authority
Simple Lottery	An arrangement where: (a) Persons are required to pay to participate in the arrangement In (b) the course of the arrangement, one or more prize are allocated to one or more members of a class; and (c) The prizes are allocated by a process which relies wholly chance.
Skills with Prize	A machine on which the winning of a prize is determined only by the Player's skill and there is no element of chance, e.g. trivia game machine Formula 1 simulators, shooting game Skills Machine are unregulated.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less

	and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Society	The society or any separate branch of such a society, on whose
Statement of Principles	Matters taken into account when considering an applicant's suitability for an application for FEC Permits etc.
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that „wholly or principally“ provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

Vessel; and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races i.e. images generated by computer to resemble races or other events.
Vulnerable	Include people who gamble more than they want to; people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk. persons who are under the influence of alcohol and/or are drunk.
Young Person	An individual who is not a child but who is less than 18 years old.
	<p>Football temporary use notice</p> <p>Family entertainment centre gaming machine permit</p> <p>Club/miners welfare institute: equal chance gaming</p> <p>Club gaming permit</p> <p>Club machine permit</p> <p>Equal chance gaming, on – licensed premises</p> <p>Gaming machines: automatic entitlement, on – licensed premises</p> <p>Licensed premises gaming machine permit</p> <p>Travelling fair gaming machine</p> <p>Prize gaming permit</p> <p>Other prize gaming</p> <p>Ancillary equal chance gaming at travelling fairs</p> <p>Private gaming and betting</p> <p>Non commercial prize gaming</p> <p>Non commercial equal chance gaming</p>

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APPENDIX 2

GAMBLING CONSULTATION RESPONSES

Date Received	Agency	Response to Consultation	Action Taken
6 July 2018	BACTA	<p>General Request</p> <ul style="list-style-type: none"> • Consultee requested to speak to someone about the Local Area Profile and use of the maps 	<p>Request resolved</p> <ul style="list-style-type: none"> • Licensing Enforcement Officer contacted the consultee to explain the local area profile and use of the maps. The consultee was unable to view the overlapping data sets on the map, when used in conjunction with each other. This technical issue was resolved with the Intelligence unit who had created the maps in the first instance.
6 July 2018	Gamcare	<p>Provides a general list of factors to consider:</p> <ul style="list-style-type: none"> • Provide a risk map • Consider vulnerable persons/places when making decisions on new gambling premises applications • Local risk assessments to be provided by gambling premises • Appropriate staff Training and support 	<p>Checked and considered</p> <ul style="list-style-type: none"> • Introduced in latest version of policy in relation to local Area Profile maps • Introduced in latest version of policy in relation to local risk assessments and Local Area Profiles. • Local risk assessments must be provided by gambling premises • At all times, operators must be able to demonstrate that staff are

		<ul style="list-style-type: none"> • Adequate staff and managers at premises • Layout, lighting & fitting out of premises • Promotional Material 	<p>competent in all areas/receive appropriate training/support in relation to all areas of gambling</p> <ul style="list-style-type: none"> • Already in place in relation to local risk assessments and to be introduced in relation to Local Area Profiles • Already in place in relation to local risk assessments • Already in place in relation to local risk assessments and legislation
7 July 2018	Councillor	<p>Comments made</p> <ul style="list-style-type: none"> • No further licences to be issued • Existing licences monitored • Prominently display risk of irresponsible and compulsive gambling 	<p>Responses to comments</p> <ul style="list-style-type: none"> • The Act does not permit the LA to restrict this. A risk assessment is required to determine whether a new location is suitable but the LA must aim to permit. • Risk based annual inspections undertaken and complaints investigated • We are unable to ask operators to display this information. This would be done on a risk based basis by the operator

		<ul style="list-style-type: none"> • Signpost Gamblers • Underage restrictions • Restrictions for large sums of betting 	<ul style="list-style-type: none"> • All gambling premises have signposts for problem gamblers • All premises already have prominent displays which prohibits under 18's from entering premises • This will be risk assessed by each individual premises based on the issues identified in a particular customer.
18 July 2018	Planning Officers	<p>Minor amendments requested</p> <ul style="list-style-type: none"> • Para 1.3 clarify the vision and priorities are from the borough plan • Para 4.2.3 typo local crime • Para 5.5.1 Issues with navigating to map www.linktomaps.com • Formatting AGC table incorrect 	<p>Undertaken</p> <ul style="list-style-type: none"> • Amendment made • Typo amended • Issues with link now resolved • Formatting corrected
25 September 2018	Gosschalks on behalf of Association of British Bookmakers (ABB)	<p>Comments and amendments requested</p> <ul style="list-style-type: none"> • The gambling principles should simply outline the principles the LA will apply when exercising its functions. 	<ul style="list-style-type: none"> • The Statement has not been changed based on Counsel's advice. The Counsel's advice is 'The literal approach taken by ABB would mean that The Licensing Authority could not set out the population of its area, or point out the health characteristics of its population. There is nothing in the statutory

		<ul style="list-style-type: none"> • The executive summary is critical and inconsistent with the LA's duty contained in S.153 of the GA that it should 'aim to permit'. The exec summary should remove all pejorative (judgemental) statements and introduce the policy on the basis that each application will be judged on its own merit with the authority aiming to permit. • The figures quoted in the exec summary are from the Campaign for Fairer Gambling. There is no evidence to support the figures or the extrapolated (generalised) figures thereafter. • The 'aim to permit' principle mentioned too late in the policy (pg 17) it should be under 'statutory framework' para 2.4. • References to the LA seeking to promote the licensing objectives. Under the GA LA's required to 'have regard' to the objectives. No requirement for LA or applicant to seek to promote the objectives. Granted licences required to be reasonably consistent with the objectives. References to promoting the objectives should all be re-drafted (paras 2.8.3, 3.18, 3.3.3 and 5.7.3) 	<p>provisions that require such a narrow approach by the Licensing Authority.'</p> <ul style="list-style-type: none"> • This aspect of the executive summary remains unchanged based on Counsel's advice which is 'the summary is neither irrational nor unlawful to point out gambling related harms...' • References related to 'Campaign for Fairer Gambling' have been removed. • The 'aim to permit' is now stated earlier in the Statement. • The Statement has been amended to read 'have regard to'.
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		<ul style="list-style-type: none"> • Paras 2.8.2 – 2.8.3 to be redrafted or deleted. Not clear what they mean. • Para 3.18 indicates the SOP is intended to promote the 3 objectives, this is incorrect, the SOP should outline the principles that the LA will adopt when exercising its function. • Para 3.19 is a misstatement of the law, should be re-drafted so that it is clear about S.153. S.153 of the GA requires a LA to aim to permit subject to 4 criteria. It does not give the LA power to issue a SOLP, set expectations about regulation, grant, refuse and attach conditions to premises licences or review them. • Para 3.31 and 3.32 are repeats of 3.1.2. and 3.13 – should be deleted. • Para 3.34 repeats para 3.19 (the misstatement) – to be deleted. • Para 4.2.4 – the penultimate bullet point – <i>‘steps proposed to prevent antisocial behaviour, associated with the premises such as street drinking litter and obstruction of the highway’</i> should be deleted. This is an issue of nuisance and not relevant considerations for the GA. This is recognised in para 4.2.6. • Paras 4.4.5 & 4.4.6 indicated that the LA requires documentary evidence of policies 	<ul style="list-style-type: none"> • These paragraphs have been re-drafted as suggested by Counsel. • The Statement has been amended to ‘have regard to’ • Para 3.19 has been amended to rectify this as suggested by Counsel, the first three words in the paragraph have been deleted. • These paragraphs have been deleted. • Paragraph 3.34 deleted. • The paragraph has been changed to read <i>‘Steps proposed to prevent disorderly behaviour associated with the premises including by street drinkers outside the premises’</i> • As suggested by Counsel, the paragraph
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		<p>& procedures in place to meet operating licence conditions. This is unnecessary, the GC would be satisfied of these matters when granting the operator’s licence. The LA should not trespass on matters for the GC, unless there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that would make these policies and procedures relevant considerations.</p> <ul style="list-style-type: none"> • Para 4.6.1 – the penultimate bullet point referring to antisocial behaviour & nuisance should be deleted – not a relevant consideration for a GA applications. • Para 5.2 ‘Concerns surrounding fixed odds betting terminals’ to be deleted. This is a matter of opinion and has no place in the SOP. Also, no evidence to support Campaign for Fairer Gambling’s figures and unclear where the figure 1.4% of the adult population having played virtual gaming came from. Unsubstantiated. 	<p>has been improved by adding a few words – <i>‘In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures at the premises and in the locality concerned, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.</i></p> <ul style="list-style-type: none"> • The Counsel’s advice is <i>‘There is nothing wrong with this. It refers to young people who are protected by the licensing objectives.’</i> Therefore, the paragraph remains unchanged. • Counsel’s response is that the licensing authority is entitled to be concerned about FOBTs and their association with harm. Hence, the statement remains unchanged in relation to
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		<ul style="list-style-type: none"> • Para 5.2.3 referring to relationship between the spatial distribution of licensed premises and problem gambling. The ABB doesn't accept there is a relationship. Evidence shows betting offices have existed in areas of high footfall and high population for over 50 years, largely without problem. • All of section 5.2 should be deleted. • 5.3 (Risk Assessments) – 5.31 & 5.32 should remain. The paras that follow should be deleted, they are nothing to do with gambling in Brent. There is no need for the figures in 5.35 to be included. • 5.4 – should be re-drafted. Concentrates on matters that are irrelevant for a consideration of risk to the objectives 	<p>this aspect. References to Campaign for Fairer Gambling have been removed as we cannot verify their figures.</p> <ul style="list-style-type: none"> • As per Counsel's advice the footnoted report has been checked and reference is correct – therefore, Counsel cannot see any harm in including it. Therefore, the Statement on this paragraph remains unchanged. • This section is not deleted based on Counsel's response. • The wording in the paragraph has been changed. <p>Counsel feels that the matters mentioned are relevant. He agrees that research shows a higher prevalence of problem gambling in deprived areas. A link referencing the research has been added</p>
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		<ul style="list-style-type: none"> • Para 5.5 should be deleted in full. Relates to deprivation & anti-social behaviour. Anti-social behaviour is nuisance which is not an issue for consideration of the GA. • Para 5.5.4 should be deleted in full. Applications should be determined on their own merits, LA's cannot express in advance the opinion that a specific area is 'inappropriate' for further gambling premises. • Para 5.6 (risk assessments – further considerations) – List of bullet points to be re-drafted. These refer to matters that are not relevant when assessing risk to the objectives. • Para 6.13 refers to gaming machines being 'an ancillary offer on the premises' this should be re-drafted as this is not a correct reflection of the social responsibility code provision. This para to be re-drafted. 	<ul style="list-style-type: none"> • Counsel disagrees with ABB and states that anti-social behaviour is a good proxy measure for disorder. The paragraph remains unchanged. • Counsel feels that the Licensing Authority is concerned about problem gambling in deprived communities and is entitled to reflect this in its policy. The para is strengthened by adding <i>'Nevertheless any application made in such an area will be determined on its individual merits'</i>. • Based on Counsel's advice this para remains unchanged. Para 5.6.4 has been deleted. • This para has been re-drafted.
26 September 2018	William Hill	Comments and amendments requested	

		<ul style="list-style-type: none"> • Para 5.2.1 – Do not believe estimates from a lobbying group (Campaign for Fairer Gambling) should be used as they are incorrect. These figures should be removed. • Paras 5.3.4 & 5.3.5 – Estimates in these paras are countrywide and there is no benefit of them being in a local policy. These paras and the tables below should be removed. • Para 5.5.4 & 6.1.2 are contradictory. 5.5.4 Identifies areas as the ‘most deprived’ and would be inappropriate for further gambling premises whereas 6.1.2 states the ‘aim to permit’. All premises should be treated on own merits there should not be any ‘no go zones’. A relocation of an existing premises where the operator had run the premises well, and proposed to provide a similar facility in the same area should not be rejected, the para goes on to suggest that the application should not even be considered. This is not the correct approach based on the ‘aim to permit’ principle. • Para 7 – Licence Conditions – It should be made clear that the conditions <i>could</i> be added to the licence. Current text may suggest that they apply to all existing premises. • Para 8.7 – Refers to additional protections for the vulnerable, to include removing 	<ul style="list-style-type: none"> • References to Campaign for Fairer Gambling have been removed. • Paras have been amended. • Counsel feels that the Licensing Authority is concerned about problem gambling in deprived communities and is entitled to reflect this in its policy. The para is strengthened by adding ‘<i>Nevertheless any application made in such an area will be determined on its individual merits</i>’. • Para amended.
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		<p>ATM's and restricting FOBT's to account based play. It is not reasonable to restrict play to account based play only, on a local basis, the system for play must remain the same across all local authorities. The Gambling Commission or Government are the authorities who will determine how such machines are played.</p>	<ul style="list-style-type: none"> Based on Counsel's advice, the para is amended.
27 September 2018	Salvation Army	<p>Amendments requested & comments made</p> <ul style="list-style-type: none"> Welcomed the fact that the Salvation Army was consulted but would ask the LA to broaden the consultation list to more faith groups. Para 2.8.2 – this para is welcomed. Comments in paras 3.18, 3.3.3, 4.1.1, 4.4, 5.6.2, 5.6.3, 6.4, 6.5.1, 6.12.1, 6.15, 6.17, 7.1.2, 7.1.3, 7.1.5 and 8. References that gambling premises should not be cited close to schools is welcomed. Para 3.18 – Councils commitment to prevent gambling from becoming a source of crime or disorder and protection children & vulnerable people is welcomed. But further recommendations made: <ul style="list-style-type: none"> Self-barring schemes – would welcome high levels of supervision over machine areas and excellent staff training. Would recommend stringent door controls to ensure children don't gamble and that door supervisors 	<p>Comments noted</p> <ul style="list-style-type: none"> No response required – positive comment No response required – positive comment No response required – positive comment Self- barring schemes – these already exist in all gambling premises Stringent door controls and door supervisors – All gambling premises have prominent displays which prohibits children from entering the premises. The LA cannot request that gambling premises supply door supervisors unless a review is undertaken based on

		<p>are made compulsory at gambling premises and that they are all CRB checked.</p> <ul style="list-style-type: none"> ○ Encourages all Councils to consider insisting that all gambling premises staff are CRB checked as well as specialist training on dealing with underage children and vulnerable persons <ul style="list-style-type: none"> • 5.2 & 5.5.4 – Comments noted and welcomed as have concerns over the impact of FOBT machines. • ATM's should not be cited inside licensed premises, but if they are they should be in a designated 'non gambling' area. • Note that Brent has not passed 'no casino' resolution. (8.4.1) 	<p>evidence that there are issues with children entering the premises</p> <ul style="list-style-type: none"> • The LA cannot request that gambling premises carry out CRB checks on all staff unless a review is undertaken based on evidence that there are issues within the premises which can be associated to staff. Training is based on local risk assessments which would identify particular issues with children in the area and ways to combat this. • No response required – positive comment • The LA cannot prevent ATM's from being cited in premises but there is already a restriction in place that prevents persons from gambling and withdrawing money simultaneously. • No response required
2 October 2018	Gambling Commission	Minor amendments to be made	Undertaken

		<ul style="list-style-type: none">• Link to gaming prizes instead of table in policy• Include statement that stipulates that all gambling premises will hold a local risk assessment at the premises.	<ul style="list-style-type: none">• Links to gaming prizes changed• Statement included
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APPENDIX 3

Appendix 3

London Borough of Brent

Statement of Gambling Principles - Equalities Impact Assessment (EqIA)

Department:	Regeneration and Growth
Service Area:	Planning, Transport & Licensing
Person Responsible:	Yogini Patel
Timescale for Equality Impact Assessment:	n/a
Name of service/policy/procedure/project, etc.	Statement of Gambling Principles 2019-2022
Is the service/policy/procedure/project:	Policy
Predictive or Retrospective	Predictive
Adverse Impact/Not found/Found	Not Found
Service/policy/procedure/project etc, amended to stop or reduce adverse impact	n/a
Is there likely to be a differential impact on any group?	No
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers	No
2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities	No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability	No
4. Grounds of faith or belief: Religion/faith including people who do not have a religion	No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	No
Consultation concluded	Yes
Person responsible for arranging the review	Yogini Patel
Person responsible for publishing results of Equality Impact Assessment:	Yogini Patel
Person responsible for monitoring	Yogini Patel
Date results due to be published and where	
1. What is the service/policy/procedure/project etc to be assessed?	Policy -Statement of Gambling Principles 2019-2022

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/policies in this area

Brent Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for granting premises licences for gambling in the Borough. The Act created the Gambling Commission as a national regulatory body to enforce stronger gambling regulations. S.349 of the Act requires the council to publish a statement of the principles that it proposes to apply when exercising its functions under the Act. This statement must be published every three years. The statement must be reviewed from time to time and if the council thinks it necessary in the light of a review, revise the statement and publish any revision of it before it comes into effect. The council is required to consult widely on the statement and any revision of it. The Statement was last revised in 2015. Brent Council has reviewed its Statement of Principles and undertaken a public consultation exercise in order that the latest version can be agreed by the Full Council in November 2018 and published in January 2019.

Consultees included the chief officer of police, one or more persons representing the interests of persons carrying on gambling businesses in the authority's area, and one or more persons representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Activities covered by legislation and this policy include:

- (a) The licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- (b) Issue *Provisional Statements*
- (c) Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- (d) Issue *Club Machine Permits to Commercial Clubs*
- (e) Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- (f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- (g) Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- (h) Register *small society lotteries* below prescribed thresholds
- (i) Issue *Prize Gaming Permits*
- (j) Receive and Endorse *Temporary Use Notices*
- (k) Receive *Occasional Use Notices*
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- (m) Maintain registers of the permits and licences that are issued under these functions

The Council exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities

The existing policy sets out the general approach the council will take when considering applications for licences. The Act provides a clear focus on the three licensing objectives which are:

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (b) Ensuring that gambling is conducted in a fair and open way;
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling

This draft Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.

Gambling operators are required to produce robust risk assessments using local area profiles to minimise gambling related harm. Local Area Profiles such as deprivation index, unemployment, hostels, housing, pay day loan shops, schools etc. for Brent have been introduced which includes interactive maps for gambling operators to use in order to produce their risk assessments.

Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include Wembley High Road, Harlesden High Street, Kilburn high Road etc., which have high footfall as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

3. Are the aims consistent with the Council's Comprehensive Equality Policy?

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The Council recognises that many people enjoy gambling as part of their entertainment, leisure and sporting activities from which economic and social benefits arise for businesses. Appropriately licensed and regulated gambling should help to exclude illegal gambling. Gambling creates employment in the borough, but it also presents risks to children, vulnerable adults, existing problem gamblers, and in certain circumstances being the cause of crime and disorder.

Most of the gambling establishments are owned by large businesses. There are very few owned by people from the disadvantaged groups, although they account for a large proportion of users. We will continue to monitor gambling operations to detect any adverse effect on these groups.

The Council in its role as licensing authority recognises the importance of its decision making process, the input of all stakeholders, and the application of this Statement of Principles in relation to the Gambling Policy to deal with the competing interests of business and local communities. The Council will therefore seek to strike a balance between the different aspirations and requirements of businesses, local residents and the many visitors to the borough

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your

judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).

The initial screening on the policy review found that there was no adverse impact on any of the protected equalities groups from the implementation of this policy, or the changes/amendments under consideration as part of the review.

The evidence is based on:

- Data obtained through inspecting gambling premises
- Crime data supplied by the Police
- Public consultation - a four week public consultation was carried out with responsible authorities, key stakeholders This included members, statutory consultees, residents and business representatives groups.

There were five responses to the consultation and their comments have been taken on board.

Race

None of the evidence reviewed highlighted any adverse impacts concerning race.

Gender

None of the evidence reviewed highlighted any adverse impacts concerning gender

Disability

None of the evidence reviewed highlighted any adverse impacts concerning disability.

Faith/Belief

None of the evidence reviewed highlighted any adverse impacts concerning faith/belief.

Sexual orientation

None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation.

Age

None of the evidence reviewed highlighted any adverse impacts concerning age.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable).

No.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Public consultation was conducted via the online consultation portal on the LB Brent website.

The results of this consultation informed the final draft of the Statement of Gambling Principles.
8. Have you published the results of the consultation, if so where?
The results have not been published to any external audience. However, each of the respondents has been written to.
9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner
No.
10. If in your judgement the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations
There is no adverse impact.
11. If the impact cannot be justified, how do you intend to deal with it?
N/A
12. What can be done to improve access to/take up of services?
N/A
13. What is the justification for taking these measures?
N/A
14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible on the front page
The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.
15. What are your recommendations based on the conclusions and comments of this assessment?
Should you:
1. Take immediate action - No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No
16. If equality objectives and targets need to be developed, please list them here
N/A
17. What will your resource allocation for action comprise of?
N/A

Appendix 1

Data Sources:

POLICE DATA	LEVEL
All crime with a gambling flag	Postcode Level
Grouped crime with a gambling flag	Postcode Level
PREMISES	
All licenced premises	Postcode Level

Appendix 2

Key Stakeholders:

ORGANISATION	REMIT	ROLE
LB Brent	All Members	Member
MPS	Brent Community Safety Partnership Team	Police Constable
MPS	Licensing Police	
Safer Neighbourhood Group	Representative Group	Chair
LB Brent	Public Health	Director
Sudbury Town Residents Association	Representative Group	Deputy Chair
Age UK Brent	Advocacy & support	Head of Advocacy
Crime Reductions Initiative (CRI)	Advocacy & support	Manager
Gambling establishments located in the borough	Premises licence holders	Premises licence holders

	Cabinet 12 November 2018
	Report from the Strategic Director of Regeneration and Environment
Brent Design Guide Supplementary Planning Document (SPD1) Adoption	

Wards Affected:	All except parts of those wards in Tokyngton, Stonebridge, Harlesden, Kensal Green that fall within the Old Oak and Park Royal Development Corporation boundary
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:	Three: <ul style="list-style-type: none"> • Consultation Statement • Brent Design Guide • Equality Analysis
Background Papers:	<u>Two:</u> <ul style="list-style-type: none"> • Design Guide for New Development Supplementary Planning Guidance (SPG17) • Consultation Draft Design Guide May 2018 (SPD1)
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Rob Krzyszowski Spatial Planning Manager Email: Rob.Krzyszowski@brent.gov.uk Tel: 020 8937 2704 Joris van der Starre Principal Urban Designer Email: Joris.vanderStarre@brent.gov.uk Tel: 020 8937 2303

1.0 Purpose of the Report

1.1 The paper outlines the consultation responses received between 24 May 2018 and 5 July 2018 on the draft Brent Design Guide Supplementary Planning Document (SPD1). The consultation responses received have resulted in minor amendments, with revised text now providing clearer guidance. When adopted by Cabinet the document will replace the existing Design Guide for New Development (SPG17) adopted in 2001, which will need to be revoked.

2.0 Recommendations

- 2.1 Cabinet approves the proposed amendments as set out in Appendix 1 and adopts the Brent Design Guide Supplementary Planning Document (SPD1) as set out in Appendix 2.
- 2.2 Cabinet revokes the existing Design Guide for New Development (SPG17) adopted in 2001.

3.0 Detail

- 3.1 The Design Guide for New Development Supplementary Planning Guidance (SPG17) was adopted in October 2001. Since its adoption, local circumstances, national, regional and local planning policies have substantially changed. Many of these changes go beyond limitations and good practice which were considered appropriate when SPG17 was adopted.
- 3.2 It is good practice for Local Planning Authorities to periodically review development plan policies to ensure that they are up to date. The same is true of associated supplementary guidance. This is likely to result in sustaining its elevated status as a material consideration in the determination of planning applications. The date of the existing SPG17 hinders the weight that can be attached to it with regards to parts of its content, even though it is still referred to in the determination of planning applications.
- 3.3 Its replacement with the Brent Design Guide Supplementary Planning Document (SPD1) seeks to provide up-to-date guidance. It takes account of current policy and good practice urban design principles and Brent's ambition to support well-designed development. It is part of the suite of documents that seek to continue to raise the quality of the development that will take place in the Borough. It sets out guidance specific to Brent and the need for a design response tailored to these circumstances.
- 3.4 On 23 June 2017 the Strategic Director Regeneration and Environment in consultation with the then Cabinet Member for Regeneration, Growth, Employment and Skills approved the draft SPD1 for consultation. Authority for the Strategic Director to make these decisions was delegated by Cabinet decision related to the paper 'Updating the Council's Planning Strategy' agreed 13 February 2017.
- 3.5 Following significant changes to the previous version, on 18 May 2018 the Strategic Director Regeneration and Environment in consultation with the Cabinet Member for Regeneration, Highways and Planning approved the updated draft SPD1 for consultation once more.
- 3.6 The 2017 consultation resulted in 13 responses and the 2018 consultation received 11. Appendix 1 takes account of representations received and proposes amendments to the document. It is recommended that SPD1 (amended) as set out in Appendix 2 is adopted by Cabinet. To provide clarity on the status of the existing SPG17, it is recommended that Cabinet formally revoke this document so that it is no longer regarded as a material consideration in the determination of planning applications.

4.0 Financial Implications

- 4.1 There are not considered to be any significant financial implications. A notification of adoption will be sent to responders and relevant organisations on the planning policy database. The adopted supplementary planning document will be available to download from the Council's website, which will reduce the requests for paper copies. Financial costs of meeting these commitments have been accounted for in the Spatial Planning budget.

5.0 Legal Implications

- 5.1 Regulations provide for Local Planning Authorities to adopt supplementary planning documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary planning documents cannot introduce new policy or allocate sites for development. Regulations¹ set out a period of three months to challenge the adoption of an SPD through judicial review. The risk of this happening is considered small.

6.0 Equality Implications

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

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

- 6.2 An Equalities Impact Assessment screening opinion was undertaken (Appendix 3). This identified that allowing occupants to extend their homes and make amendments to ensure homes better met their needs would have a positive impact for those with the following protected characteristics: disability, age, race, religion and maternity / pregnancy.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Public consultations were undertaken twice for six weeks between 6 July and 17 August 2017 and between 24 May 2018 and 5 July 2018. Notice was provided on the Council's website. The draft SPD1 was made available on the Council's website to download and hard copies were available at local libraries. In addition, relevant stakeholders on the Council's Planning Policy consultation database were notified (residents' groups and statutory consultees; consistent with the regulations).
- 7.2 Thirteen responses were received to the 2017 consultation and eleven to the 2018 consultation (excluding 'no comment' responses). These are set out in

¹ Regulation 11(2)(d) of The Town and Country Planning (Local Planning) (England) Regulations 2012

detail in Appendix 1, along with officer comments and where appropriate recommended amendments to SPD1. Other proposed amendments to the document are also recommended for the final version to be adopted, reflecting it no longer being a consultation document and to improve the users' understanding of what is being sought.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None arising specifically from the SPD. The SPD will apply equally to private developments as it will to Council or other public sector developments.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment

Appendix 1

Brent Design Guide Supplementary Planning Document (SPD1)

Consultation Statement

November 2018

This Consultation Statement has been prepared in accordance with Regulation 12(a) and (b) of the Town & Country Planning (Local Planning) (England) Regulations 2012.

Background

The Brent Design Guide for New Development Supplementary Planning Guidance (SPG17) was adopted in October 2001. Since the adoption of the 2001 SPG, local circumstances, national, regional and local planning policies have all substantially changed. There has also been a plethora of design guidance produced at a national and London wide level in this period.

The Brent Design Guide (SPD1) provides advice on key urban design principles. It gives a positive message that Brent essentially welcomes and encourages new development of high quality design and recognises the benefits that it can bring. It aims to assist developers, designers, local communities, planning officers and the Planning Committee to better understand what is expected of new development depending on its surrounding context.

Area of coverage

The London Borough of Brent, with the exception of areas in which the Old Oak and Park Royal Mayoral Development Corporation is the local planning authority.

Consultation

A previous draft version of the SPD1 had undergone public consultation from 6th July to 17th August 2017. However, significant changes were recommended which mean that the document had to be consulted on once more. These changes included a change of the structure, clarifications and more extensive guidance, including significantly more images, illustrating the guidance with good and bad examples. The revised SPD1 will be better fit for purpose in guiding development to achieve high quality design.

The updated Draft SPD1 has undergone public consultation (Regulation 13 stage) between 24th May and 5th July 2018. In accordance with the council's Statement of Community Involvement, during the consultation period:

- the SPD and this consultation statement was available on a dedicated website www.brent.gov.uk/SPD1, at Brent Civic Centre and in Brent Libraries

- interested groups on the Local Plan consultation database were emailed and invited to comment
- the consultation was publicised via social media

These comments have been considered and revisions have been made to the final SPD. A summary of comments received, together with any recommended changes to the SPD, can be found below.

The Brent Design Guide (SPD1) was presented to Cabinet in November 2018 for its consideration and adoption.

Consultation Responses and Changes

Consultation responses to the latest public consultation in 2018 and subsequent changes made to the document are set out below.

Respondent	Network Rail
Response	No comments
Officer Response	Noted
Recommendation	No change
Respondent	Sanjai Mehta
Response	I'm in favour of the design guide and principles laid out in the document. However, is this not a case of closing the stable door after the horse has bolted? You can see examples of the poor design that you have documented all over the borough and whilst I get that the aim is to prevent these mistakes happening again, who is going to police this and what is going to happen to those existing bad designs? Often planning applications will use an existing building as the basis of their case for their design and with so many examples already in the borough, what is to stop a bad design being approved at appeal? It would be great to see a regeneration plan associated with this design doc that deals with the current poor environment.
Officer Response	Support for the document welcomed. The aim is indeed to prevent mistakes happening, wherever possible. Improved guidance is a first step to better applications.
Recommendation	No change
Respondent	Sport England
Response	Sport England have reviewed the revised document and note the lack of reference to Active Design. Some Active Design principles, however, are included to some extent within the document albeit not referenced as such or related to the Active Design Guidance. As a result, Sport England's comments are as set out in its previous representation sent on 8th August 2017 which is attached for convenience. Sport England recommend that the Draft Brent Design Guide Supplementary Planning Document has clear references to Active Design, its principles and the Active Design Checklist to inform development proposals. This would build upon the reference to Public Health England and the TCPA document referred to on page 6 of the Draft Design Guide. In regard to the Active Design Checklist, there could be a requirement for any development proposal coming forward to have it assessed in line with the checklist to ensure that proposals can really have a positive impact on the health of a community. Alternatively, the Design Guide could include a paragraph as follows:

	<p>The design and masterplanning of development proposals will embrace the role they can play in supporting healthy lifestyles by facilitating participation in sport and physical activity. To do so they will, as far as is relevant to the specific development proposal, adhere to the following Active Design principles:</p> <ul style="list-style-type: none"> ▪ Activity for All <i>Enabling those who want to be physically active whilst encouraging those who are inactive to become active.</i> ▪ Walkable Communities <i>Creating the conditions for active travel between all locations.</i> ▪ Connected Walking, Running and Cycling Routes <i>Prioritising active travel through safe integrated walking, running and cycling routes.</i> ▪ Co-Location of Community Facilities <i>Creating multiple reasons to visit a destination and minimising the number and length of trips and increasing the awareness and convenience of opportunities to participate in sport and physical activity opportunities..</i> ▪ Network of Multifunctional Open Space <i>Providing multi-functional spaces opens up opportunities for sport and physical activity and has numerous wider benefits.</i> ▪ High Quality Streets and Spaces <i>Well designed streets and spaces support and sustain a broader variety of users and community activities</i> ▪ Supporting Infrastructure <i>Providing and facilitating access to facilities and other infrastructure to enable all members of society to take part in sport and physical activity.</i> ▪ Active Buildings <i>Providing opportunities for activity inside and around buildings, rather than just between buildings.</i> ▪ Management and Maintenance <i>A high standard of maintenance is essential to ensure the long term attractiveness of sports facilities along with open and public spaces.</i> <p>More information on Active Design, including the guidance and checklist, can be found via the following link; www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design</p> <p>Overall, Sport England strongly advise that the Council consider the health and wellbeing of future residents and acknowledge that the built environment and urban design of a place can be a significant factor in creating healthier communities. In consequence, Sport England recommend that the Council amend the Draft Brent Design Guide Supplementary Planning Document to incorporate Active Design, including its principles and checklist.</p>	
Officer Response	Noted. We'll add reference to Active Design guidance	
Recommendation	p.22: "Local streets, including the vast majority of residential streets, should be designed to prioritise pedestrians and placemaking, providing for parking and access to vehicles at low speed. <u>They should be designed to accommodate the principles of Active Design (Sport England, 2015).</u> "	
Respondent	Historic England	
Response	<p>Historic England welcome the aspirations of the document "to balance the best of existing places with the benefits of change and new development, respecting the local character and build on the existing natural and built environment." We particularly agree with the first principle that for design to be considered successful, it should respond to the local context, respect existing character of the landscape, streetscape, architectural and historic environment. To achieve this, a full understanding of the local context and any elements of historic character and significance should always be the starting point when developing schemes and plans.</p> <p>Taking a contextual approach is also highly relevant in regeneration areas such as Wembley and Alperton. While the quantum of development may be much greater, in large part because the historic environment is less sensitive and of a lower significance, development should still have regard to the existing context so that it is coherent with the townscape surrounding it, and has a genuine sense of place. Drawing on the historic environment is a proven way to support good place making in regeneration areas, with schemes like Deptford Market Yard, Kings Cross and Bankside all highlighted in our recent publication on Good</p>	

	<p>Growth in London.¹ We would encourage you to ensure that this is clear within the Design Guide, as it is ambiguous at present. Historic England will be producing a Place Making Strategy in the coming months which will provide further advice that is likely to be useful to you on this point.</p> <p>In terms of assessing local character we would encourage you to undertake a borough characterisation study. Historic England commissioned Land Use Consultants to assess characterisation across London and produce some best practice guidance on how to produce this type of study.² The LUC report illustrates that Brent is in a minority of Boroughs without a borough wide characterisation study, which in our view would greatly support the delivery of the principles in the Design Guide. Historic England also commissioned Allies and Morrison to do a broad brush characterisation of London, with a view to assessing how different character types can support greater densities of development. Some of this RIBA award winning work has been integrated into the draft London Plan (2017) and may also be of use when considering how to implement the principles in this Design Guide.³</p> <p>Historic England promotes Historic Area Assessments as a useful tool for understanding smaller areas of local character.⁴ We have produced reports on Old Oak and Kingston Town Centre which illustrate how this approach can inform plans for future growth areas, which may prove useful to the Council or developers of major sites.⁵ Finally, we would also strongly encourage you to highlight within the Design Guide how local communities can get involved with assessments of local character – particularly neighbourhood forums and amenity groups. Tools such as Place Check, and the Oxford Tool Kit, are designed to empower communities who are often best placed to understand the deep rooted character of the places they live and work in.⁶ Recent work on the Harlesden Neighbourhood Plan illustrates the benefits of encouraging Neighbourhood Forums to do this type of exercise.</p> <p>In relation to tall buildings (p. 6) you should note that the 2007 EH/CABE guidance has been superseded. In 2015 Historic England has produced our advice note 4: Tall Buildings, which is our most up-to-date advice on this subject.⁷ We recommend that you update the reference in your document to reflect the above change. Similarly, in addition to promoting CGIs and physical models to illustrate the design of tall buildings, we would encourage you to consider how 3d digital models could be used to understand impacts and support better plan and decision making in relation to tall buildings. We look forward to engaging with you further on this issue through your forthcoming Tall Building Strategy, Local Plan site allocations and master plans.</p> <p>In relation to public realm, we have recently updated our Streets for All guidance, both nationally and locally.⁸ These documents provide best practice advice on how to maintain and enhance the qualities of the public realm, which often makes a key contribution to local character. This guidance may help add some local nuances to your Design Guide to respond to particular problems with the public realm that you may identify in Brent. Associated with this you may wish to give further consideration to your advice on lighting, which is generic at present. With the increased use of LED light fittings, which are more flexible than previous technologies, it is possible to represent places through the considered use of light, for example drawing attention to cultural and historical destinations and focal points. The City of London recently produced a draft document looking at this issue which may be of interest to you in this regard.⁹</p>
Officer Response	<p>Support for the document welcomed. Brent is in the process of undertaking a Characterisation Study. This will undergo public consultation together with the new Local Plan, so the public will be able to be involved.</p> <p>Brent is signing up to VUcity, which will provide 3D support to the Tall Building Strategy, Site Allocations and masterplans.</p>
Recommendation	<p>p.4: <u>“For larger scale planned regeneration of extensive areas, like the Wembley Park masterplan and parts of the Alperton masterplan, a new urban character can be created, while drawing on the existing context and historic character and ensuring it is coherent with the townscape surrounding it. Brent’s upcoming Characterisation Study will assist with identifying character, but detailed local context and character analysis will still be required.”</u></p> <p>p.6: <u>“and other policies and guidance including ‘Historic England Advice Note 4; Tall Buildings’ Design Council CABE’s Guidance on Tall Buildings (2007).”</u></p>

Respondent	Highways England
Response	No comment
Officer Response	Noted
Recommendation	No change
Respondent	Natural England
Response	No comment
Officer Response	Noted
Recommendation	No change
Respondent	DBplanners
Response	<p>The 45 degree rule is too vague and out of date, especially for measurements taken from rear gardens. We have a recent application that has faced issues whereby a garden depth of 33m from the nearest neighbour is not consider sufficient gap because the 45 degree is taken from the end of the 33m garden depth. However, the SPD1 suggests that 18m for new development back to back is acceptable for 2-storey development, with each new house having a garden depth of 10m, with windows facing each other at 20m. And yet under the previous SPG17 and vague SPD1 if applied to the end of a garden, even a 40m or 50m rear garden would still cause issues for a new 2-storey building to be sited behind the immediate boundary of the garden because it would breach the 45 degree even though from back to side the gap would be 40m or 50m.</p> <p>To apply the 45 degree rule beyond 18m or 20m which is in line with the back to back rule, is considered fairer and more reflective of overall design guide policy. If a gap of 20m is retain between the back elevation of an existing house and the side elevation of a new house that should be considered sufficient to prevent overbearing and as it's a new side elevation there would be no windows anyway so privacy is not an issue either. Also it appears officers apply the rule differently across applications with some taking the 45degree from front or rear windows and others from the end of a garden, irrespective of the gardens length. The policy as set out in the SPD1 will reduce the available small sites options that the draft London Plan now seeks to promote.</p>
Officer Response	The 45 degree guide is very precise and intended to cover the amenity of private outdoor space. It also protects the prospects of future development on adjacent sites. In this example the property with the long garden could in future develop part of it, without all or most of the opportunity going to whoever develops a site first, so the 45 degree rule is fairer.
Recommendation	No change
Respondent	TfL (Transport for London)
Response	The document is broadly in line with the strategic transport policies of the London Plan. However measures that promote the uptake of cycling and walking and help to deliver the Healthy Streets approach set out in the Mayors Transport Strategy, should be integrated into the design of all new development. Of particular relevance would be TfL's Streetscape Guidance, London Cycle Design Standards (LCDS) in relation to cycle parking design and draft London plan policy D7 public realm. 4.2 Parking – TfL note that in areas of high Public Transport Accessibility (PTAL) and in and near town centres the guidance's stated aim is for car-free developments. TfL welcomes the promotion of car free development; however, the guidance should also refer to the other areas where this would be sought, as set out in the draft London Plan, and the maximum standards which would apply elsewhere in the borough.
Officer Response	Will include reference to Healthy Streets and guidance documents. Parking standards are provided in the Development Management Policies document and it is felt no further guidance on the standards are needed in this Design Guide document. The appropriateness of car-free development outside town centres and high PTAL areas will be assessed on a case-by-case basis.
Recommendation	p.22: "Local streets, including the vast majority of residential streets, should be designed to prioritise pedestrians and placemaking, providing for parking and access to vehicles at low speed. <u>They should be designed to accommodate the principles of Active Design (Sport England, 2015) and Healthy Streets. Of particular relevance would be TfL's Streetscape Guidance, London Cycle Design Standards and London Plan policy D7 Public Realm.</u> "
Respondent	TfL Commercial Development (acting in its capacity as a local landowner)
Response	<p>Density Height and massing (P6) – It is welcome that the document identifies that new development should 'optimise the potential of sites'. TfL CD is working on a number of development sites within the London Borough of Brent which are suitable for optimising residential led development due to their proximity to transport infrastructure. TfL looks forward to working further with Brent to deliver development designed to a high quality on sites within its ownership.</p> <p>Tall buildings (P6+7) – The draft guide acknowledges 'the role tall buildings can play in increasing densities in certain locations.' Currently the locations defined for tall buildings as set out in the Wembley and Kilburn areas are tightly defined, and the current Local Plan does not encourage such buildings (30m+) outside of these tightly defined areas. The draft design guide states that "in areas of Brent that are more suburban in character, new tall buildings are unlikely to be appropriate." TfL owns land to the North of Brook Avenue in Wembley Park which lies within the Wembley Growth Area and is potentially suitable for a tall building. However, this falls just outside the area which the Brent Local Plan identifies</p>

	<p>as acceptable for tall buildings. This draft design guide SPG and further consultation on a revised Brent Local Plan should give the council an opportunity to analyse the existing character of places and establish new approaches to assess the acceptability of tall buildings of high quality design in line with Draft London Plan policies.</p> <p>P17 Parking – The draft guide states that in areas of high public transport accessibility and near town centres, car-free development may be appropriate. Much of TfL’s land in the borough, including the disused rail sidings to the north of Wembley Park has high PTAL ratings and is appropriate for car-free residential development.</p> <p>P28 Amenity and Services – The draft guide states that there should be an 18m distance between buildings to promote adequate garden sizes and privacy. Well-designed high density development may not require a gap of 18m between buildings but can still promote adequate amenity spaces and protect privacy. Higher density developments should be assessed on a case by case basis taking into account the design quality of the scheme and the position of windows and room type.</p>
Officer Response	<p>Noted. The upcoming Characterisation Study, Tall Building Strategy and new Local Plan, including policies on Tall Buildings, Growth Areas and Site Allocations, do indeed provide the opportunity to analyse the existing character of places and establish new approaches to assess the acceptability of tall buildings. This may result in the TfL-owned site being identified as suitable for tall buildings. Sites with high PTAL may be appropriate for low-car or car-free development; which will be identified on a case-by-case basis.</p> <p>The SPD already states that “Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.”</p>
Recommendation	<p>p.7: “In the areas of Brent that are more predominantly suburban in character, new tall buildings are unlikely to be appropriate.”</p>
Respondent	<p>Brent Cyclists</p>
Response	<p>Overall, the plan prioritises motor traffic space and speeds over the safety and space for vulnerable road users. The plan must mention separate safe cycle infrastructure, in particular on collector roads. The plan must not propose "shared space" as a universal solution, shared space puts vulnerable road users into conflict with motor vehicle traffic without doing anything to limit motor vehicle traffic numbers or speeds. The plan must state that motor vehicle movements are to be minimised and give examples of solutions to achieve this, including car-free developments, 20mph zones, filtered permeability, minimising on-street parking.</p> <p>Section 4.2 Parking – We do not support the statement that "Positive parking solutions include on-street parking". Brent Council should discourage on-street parking, especially where this takes from space which would otherwise be used for pedestrian or cycle infrastructure, and preserves public space for the storage of personal property (motor vehicles). We support the proposal of "car-free developments", this must be taken on an area wide approach to avoid car parking "spilling over" into neighbouring residential areas. Brent must not allow parking which takes pavement space from pedestrians in new designs.</p> <p>Section 4.5 Public Realm – We support the statement that "Local residential streets, which make up the majority of streets, should be designed to ensure pedestrian priority over vehicles and actively limit vehicular speeds through street layout and materials." This should be stronger, and state that local residential streets must not be through routes for motor vehicle traffic (i.e. permeable filtering), and must be 20 mph or below. We strongly oppose the statement that "Streets should be designed as shared space where possible". Shared space does not work, it allows motor traffic to bully vulnerable road users. Instead separate infrastructure must be provided for cycling and walking unless motor vehicle traffic speeds and numbers are very low (< 20 mph and < 2000 pcu per day). We support the statement that "Pedestrians, cyclists and public transport should generally take priority over private cars." However the current proposals will not achieve this. We disagree with the statement that "Tarmac is not an appropriate material for any shared surface or any footpath." Tarmac is suitable, and often cheaper and much harder wearing than "fancier" alternatives. Fancy paving does not make a street safe: physical separation, low motor vehicle numbers and speeds, make a street safe. We do not support the inclusion of images showing on-street parking in new developments.</p> <p>Section 4.6 Larger Developments – We strongly disagree with the statement that "Dead-end routes, for any mode of transport, should be avoided wherever possible. Routes for all modes of transport should be combined in the same location (streets) wherever possible, as opposed to separating pedestrian routes and vehicle access." Instead filtered permeability must be supported, and encouraged by the SPD, This will keep vehicle flows and rat running low, while making streets safe and attractive for vulnerable road users. We disagree with the statement that "[sites] should provide ease of movement for all, within and through the site; facilitating desire-lines wherever possible." Through routes for motor vehicle traffic should be removed in new residential developments, instead filtered permeability must be supported,</p>

	<p>and encouraged by the SPD.</p> <p>Section 4.7 Urban Design Checklist – We strongly oppose the checkpoint "Does the development provide a mix of positive parking solutions, including a significant level of on-street parking?" Instead minimal on-street parking should be provided, especially where this takes from space which would otherwise be used for pedestrian or cycle infrastructure, and preserves public space for the storage of personal property (motor vehicles).</p> <p>Section 5.3 Services, bins and bike storage – We support the statement that "Development will be expected to provide adequate provision for cycle parking in accordance with London Plan policies." However this must be strengthened as follows: "Development will be expected to provide adequate safe and secure cycle parking, for residents and visitors, in accordance with London Plan policies."</p>
Officer Response	<p>Noted.</p> <p>The Design Guide SPD is predominantly a design guide and, although there is overlap, it is not a transport / highways focused guidance document. Reference to Healthy Streets and guidance documents, including London Cycling Design Standards and West London Cycle Parking Guidance, will be included.</p> <p>Parking – Parking is intended to cover not just that of the private car, but also that for bicycles. The document promotes measures to reduce car use and ownership (such as car-free and car-lite developments) and encourages more active modes of travel such as walking and cycling. It does not go into further specific measures as its focus is towards buildings and their place/interaction with the local environment. Car parking is covered by Brent’s Development Management Policy DMP12 and London Plan policies D7 and T6, which may alleviate your concerns. The Council embraces car free development where parking management measures are in place and alternatives modes of travel are either existing or to be provided. Where development is located in areas of high public transport accessibility but no parking management for the immediate areas is proposed then reduced levels of parking will be implemented. The Council is in the process of updating the Local Plan, which will include public consultation in due time.</p> <p>Public realm – The SPD provides design guidance for new development and reflects existing policies. Deciding on speed limits, implementation of filtered permeability and new cycle routes is outside of the scope of the document. Highway and transport design guidance and transport policies will be used in designing infrastructure.</p> <p>Larger Developments – Filtered permeability can be used in combination with continuous routes that provide the quickest routes along desire lines for pedestrians and cyclists.</p> <p>Urban Design Checklist – On-street parking increases street activity and is essential for visitor parking and deliveries. Alternative travel options can reduce negative impacts of cars on the street scene.</p> <p>Services, bins and bike storage – We can clarify cycle parking provision requirements as suggested.</p>
Recommendation	<p>p.17: Visual example of well-designed on-street cycle parking will be included instead of one of the on-street car parking images.</p> <p>p.17: “New development should provide a mix of positive parking solutions for cars, motorcycles and bicycles, including a suitable level of on-street parking for cars and bikes wherever possible.</p> <p>p.21: “Streets should be designed for people and provide for a pleasant place to be in, as shared space where possible, following ‘Manual for Streets’ guidance and Transport for London’s (TfL) ‘Healthy Streets’ approach will be used in their design.”</p> <p>p.21: “Where sShared surface streets are provided they should be designed to ensure pedestrian priority is clear to all and pedestrians feel and be safe and comfortable for all vulnerable road users to share the street with vehicles.”</p> <p>p.22: “Local streets, including the vast majority of residential streets, should be designed to prioritise pedestrians, cyclists and placemaking, providing for parking and access to vehicles at a low speed environment. They should be designed to accommodate the principles of Active Design (Sport England, 2015) and Healthy Streets. Of particular relevance would be TfL’s Streetscape Guidance, London Cycle Design Standards, West London Cycle Parking Guidance and London Plan policy D7 Public Realm.”</p> <p>p.22: “facilitating desire-lines for pedestrians and cyclists wherever possible, potentially using filtered permeability where appropriate.”</p> <p>p.25: 4.2a “Does the development provide a mix of positive parking solutions for cars, motorcycles and bicycles, including a significant suitable level of on-street parking for cars and bikes?”</p> <p>p.29: "Development will be expected to provide adequate provision for safe and secure cycle parking, for residents and visitors, in accordance with London Plan and sub-regional policies."</p>
Respondent	Environment Agency
Response	No comment

Officer Response	Noted
Recommendation	No change
Respondent	St George Ltd
Response	<p>In August 2017 St George responded to the draft Brent Design Guide SPD consultation, providing comments on a range of matters. We are pleased to note that the current consultation draft addresses almost all of these comments.</p> <p><u>Chapter 2 – Context and Character</u></p> <p>St George welcomes where it states that “<i>development will take appropriate cues from its surrounding area</i>” (p.4). However, St George considers it important that, especially for larger independent sites, flexibility is given for design to come forward which does not necessarily mimic local design characteristics such as style, forms and material but responds appropriately to these local cues. This will allow high quality places to be delivered that create their own sense of place.</p>

We are pleased to note that the Draft Design Guide includes part of the Alperton masterplan area as somewhere that a new urban character can be created. The Draft SPD does not specify which parts of the masterplan area this relates to. The former Northfields Industrial site falls within the Alperton masterplan area and is also identified in the Core Strategy as suitable for release from its Strategic Industrial Land designation. Now the subject of a planning application for its redevelopment to provide a new community, this part of the masterplan has the potential to bring about larger scale regeneration of the area.

On this basis, St George considers that this part of the masterplan should be included as somewhere that a new urban character can be created. As a result, the Draft Design Guide should apply its guidance on these new urban character areas flexibly to allow for new (and good) design to come forward.

Landscape: St George supports an approach which promotes development that encapsulates positive existing landscape features into its design. In some instances it may not always be possible to capture all of these features and so it is suggested that the guidance reads *"the existing landscape character should inform new development and positive landscape features, including trees, watercourses and views, should be retained where possible"*.

3.1 Density, Height and Massing

Tall buildings: In its Core Strategy Issues and Options consultation in March 2018, the LBB sought comments on the appropriate locations for tall buildings. As part of our response to this, we proposed that appropriate locations for tall buildings should be identified and tested through the design process. This will mean that as local character changes over time, tall buildings can come forward in areas that might otherwise have been deemed to be inappropriate at the beginning of the plan period.

Where the guidance states that *"buildings are expected to step down in scale towards the site boundaries and nearby lower buildings, to effectively limit the impact of the change in scale and respect the surrounding character"* (p.6), it is considered that flexibility should be introduced to allow for instances where it is appropriate for tall buildings to come forward on site boundaries.

St George agrees with the statement on p.6 which says that tall buildings have a role to play in increasing densities. This is at odds with the statement on p.7 which says that *"tall buildings can generally be seen from far away and have a wide visual impact on local character, while having little impact on the density of the area"* (our emphasis).

Bulk, scale and massing: St George agrees that buildings should not impact negatively on the local and wider area and that homogenous design and facades should be avoided. This proposed section of the guidance prescribes ways in which the appearance of massing can be reduced through approaches such as dividing buildings into a clear base, middle and top section. Care should be taken to not be overly prescriptive in this section, to provide flexibility for when good design comes forward which does not necessarily incorporate these approaches but ensures that development does not appear overbearing or bulky. Such instances may particularly be the case where large-scale planned regeneration is being delivered which has a new urban character.

3.2 Animated facades

Active frontages: Active frontages are welcomed as they can play an important role in making places feel safe and vibrant. However, it is considered that buildings on street corners should aim to be dual fronted, this is to allow for instances where it is not feasible to deliver this. Regarding habitable rooms at ground floor level, the guidance should be mindful that developments may need to incorporate

design features which protect the privacy of residents but may not strictly adhere with other aspects of the SPD. On this basis, flexibility should be introduced to this section.

Regarding ground floor apartments to be delivered with their own private front doors, flexibility should be inserted into this section of the guidance to allow for instances where it is not possible to provide front gardens for each home. The guidance should allow flexibility for ground floor apartments to be accessed from an internal core in the event this can be achieved through good design.

3.3 Urban grain

Plot widths: Given the scale of development expected to come forward in regeneration areas such as Alperton and Wembley, and that these areas are expected to have their own urban character (p.4), it is suggested that this aspect of guidance should allow some flexibility for when different plot widths would be more appropriate.

Direction and human scale: Poor design of large buildings blocks can result in a development which is bulky and overbearing and it is agreed that this should be resisted. Good design, which breaks up massing is crucial to delivering successful places in terms of appearance. However, a range of scales of development is expected to come forward in the borough, including larger developments which can successfully support varying plot sizes. These may not necessarily suit a design based on the appearance of houses so it is considered prudent to insert flexibility into this aspect of the guidance to allow for instances where it is appropriate for other designs to come forward.

3.5 Proportions

Dimensions: Creating a design which assimilates well into the existing built form is important. It is considered that there may be occasions where the use of more traditional dimensions of windows may not be appropriate and that, through good design, an alternative solution can be found. Where this is the case, the SPD should allow for this.

Void-mass ratio: The guidance should allow for instances where development including uses such as shops and restaurants comes forward which, traditionally, has larger areas of glazing.

4.1 Block structure and active frontage

Non-residential uses: Confirmation is sought on whether it is intended to apply this aspect of the guidance to industrial uses. Noting that industrial uses do not always lend themselves to providing active frontages or including small pockets of retail, it is considered worthwhile making clear that this part of the guidance should not be applied to industrial uses.

4.4 Front gardens

It is agreed that front gardens can fulfil a wide range of important uses including environmental, visual, social and personal. In some instances, gardens or privacy strips less than 2m deep which are proposed to be landscaped can provide a successful buffer between private and public land. On this basis, it is suggested that the wording is amended to state "*Unless already proposed to be landscaped, gardens or 'privacy strips' that are too small (less than 2m deep) are less likely to be planted*".

5.1 Privacy and amenity

The proposed guidance states that "*a distance of 9m should be kept between gardens and habitable rooms or balconies*". It is not uncommon for large-scale residential development to deliver homes which have balconies positioned next to each other. Where this occurs, the appropriate use of screens ensures that residents' privacy is maintained. On the basis that such large-scale development will

	<p>come forward in the borough, it is considered that the draft guidance should allow for this where the privacy of residents can be protected.</p> <p>On p.27, the draft guidance states that <i>"if a development exceeds 25 degrees from the nearest rear habitable room window of adjoining existing property a sunlight and daylight study will be required"</i>. The corresponding illustrations show a 45 degree angle, which is a commonly applied rule. On this basis, we trust that the accompanying text should actually state "45 degrees" as opposed to "25 degrees".</p> <p>5.2 Private outdoor space</p> <p>St George welcomes the addition of guidance on private outdoor space, as suggested in our comments on the previous Design SPD consultation. As such, we welcome the spirit of this aspect of the guidance which seeks to ensure that residents have sufficient external private outdoor space. However, we consider that there may be occasions where sufficient external private outdoor space can be provided which does not meet the specific criteria and so flexibility should be introduced to allow for this.</p> <p>This section of the draft SPD also provides guidance on balconies and their positioning on buildings. It states that balconies should <i>"generally not [be] used at higher levels where they are subject to extreme weather conditions"</i>. Similarly, flexibility should be inserted to allow for balconies to be positioned at higher levels. Through good design, this type of private outdoor space can be provided higher up on buildings in a way that that prevents them from experiencing extreme weather conditions.</p> <p>5.4 Space standards</p> <p>The draft SPD states that <i>"the number of units per core and storey should not normally exceed 8 in order to encourage neighbourly interaction"</i>. This is recommended in the London Design Guide. On this basis we consider that, as a recommendation, this section of the draft guidance is acceptable.</p> <p>Regarding the internal corridors, the draft SPD states that they should be 1.5m wide as a minimum and have windows which open to promote cross ventilation and maximise daylight. Given the function of corridors (as a means of access to homes) it is not considered necessary for these to benefit from daylight. Moreover, more effective ventilation can be provided mechanically as opposed to from windows. This is based on our experience of delivering a number of schemes where internal corridors have successfully benefitted from mechanical ventilation.</p>
Officer Response	<p>Noted. Support is welcomed. We aim to clarify unclear elements in this response.</p> <p>Context and character – Northfields does create a new character and the relevant planning application is being determined ahead of SPD1 being adopted. The document cannot go into the detail of describing every relevant site in the borough. Retention of important landscape features is always possible, but every application will be judged on its merits.</p> <p>Density, height and massing – The reference from p.7 refers to areas that are not identified as appropriate for tall buildings. One or two tall buildings in a low-rise area will have no significant impact on density, but a huge impact on character. The proposed guidance is not very prescriptive and the minimum deemed necessary to ensure quality development.</p> <p>Animated facades – The guidance is worded very flexibly and identifies potentially unavoidable parts of inactive frontage. Private front doors do not require front gardens and are an essential part of active frontage and good design.</p> <p>Urban Grain – In areas where a new character can be appropriate, the new character will still benefit from the visual advantages of a finer grain and breaking up large building blocks effectively. The reference to houses relates to layout and access and vertical expression and is noted to only apply where possible. This is considered a good design principle that relates to massing and active frontage.</p> <p>Proportions – The guidance only refers to local character, so most relevant where traditional window dimensions exist. Even where they do not, traditional dimensions will rarely be inappropriate. The New London Vernacular is a good example of a modern style that incorporates traditional window dimensions and void-mass ratios. The guidance does suggest fitting in with existing character and traditional shopfronts (with larger areas of glazing). Shopfronts SPD3 is the relevant guidance document that provides more detail for these situations.</p> <p>Block structure and active frontage – The application for industrial uses would depend on the site and will be considered on a case-by-case basis. For an industrial use only application within a protected</p>

	<p>industrial site, active frontage will be less important and more difficult to achieve than for mixed-use applications along mixed use streets.</p> <p>Front gardens – As identified in the SPD, it is expected that developers will provide planting in any front gardens. Too narrow gardens/privacy strips may nevertheless be less likely to be maintained and provide less privacy. Therefore, a 2m minimum is recommended, but this may depend on the existing street situation as stated.</p> <p>Privacy and amenity – The 9m is intended to be between the balcony and gardens opposite, as shown in the diagram on p.28, not between balconies on the same façade, where privacy screens will be appropriate. The 25 degree reference is based on the BRE Report, 'Site layout planning for daylight and sunlight'(BR209),</p> <p>Private outdoor space – The guidance is considered to provide a suitable minimum and reflects existing policies. Any proposals will be judged on their merits. The reference of balconies on higher levels related to projecting balconies specifically. Set-back/internal balconies may still be appropriate up to a certain level.</p> <p>Space standards – The number of units per core are a maximum and relate specifically to neighbour interaction. Appropriate layout and massing may require tall buildings to have less units per floor in order to create suitable slender buildings. The text can be clarified. Windows and daylight to corridors are an aspiration, but it is agreed that these are not always essential. The text can be amended. The guidance on single-aspect units should also be clarified, including a diagram.</p>
Recommendation	<p>p.15: "Development should consist of buildings fronting onto streets in the form of perimeter blocks, avoiding single aspect dwellings typologies.</p> <p>p.30: "The number of units per core and storey should not normally exceed 8 in order to encourage neighbourly interaction. <u>Tall buildings may need to reduce the amount of flats per floor in order to create slender buildings and to minimise single-aspect flats.</u> Internal communal corridors should be 1.5m wide minimum and <u>ideally</u> have windows which open to promote cross ventilation and maximise daylight. <u>Housing development</u> The design must maximise dual aspect homes and <u>limit the number of single aspect units normally avoid single aspect dwellings.</u> The design must seek to avoid north-facing single aspect units, in particular north and south facing ones. <u>Genuine dual aspect dwellings require different facades to provide the necessary benefits and adhere to London Plan Policy D4 and paragraph 3.4.5 'single aspect dwellings'.</u> A stepped façade or corner window does not constitute dual frontage."</p> <p>p.30: New diagram</p>
Respondent	Quintain Ltd
Response	<p>General Comments:</p> <p>Prescriptive detail – Whilst Quintain recognise good design is clearly important and as a company it is at the centre of all development proposals we bring forward, the level of prescription within the SPD appears to be contrary to paragraph 59 of the NPPF which states "design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally".</p> <p>Many of the Principles within the SPD are considered to be sound and supported however, the detailed supporting text goes significantly further than the overarching Principle that is it supporting and in many cases is not justified. Each development should be judged on a case-by-case basis, rather than applying a 'one size fits all' approach. The SPD also appears to fail to recognise the adopted and emerging London Plan housing policies and targets as well as the Borough's diverse housing stock and organic design and its ability and capacity to accommodate well designed, high density developments. The SPD is very backward looking and, outside the two growth areas of Wembley and Alperton, expects the Borough to be developed along very traditional suburban principles with new developments required to reflect existing character including height, scale and massing (Section 2- Context and Character).</p> <p>The SPD should recognise that there will be other sites coming forward within the Borough which are large enough and suitably located to enable them to define their own character and should not therefore be expected to merely replicate the existing character of the surrounding area. For example to ensure Brent meets its future housing targets sites with good PTAL ratings in sustainable locations must be allowed to be developed at higher density, with greater height and innovative design providing applicants can demonstrate the environmental impacts of doing so are acceptable. The SPD must recognise this approach is appropriate in certain locations within the Borough to ensure the most productive use of previously developed land will be expected from developers. We therefore consider that before the SPD is adopted a new section must be prepared that sets out the Council's principles for urban, high density developments that will come forward within the Borough over the next 5 – 10 years. Without such guidance the SPD will be used by those wishing to prevent large scale regeneration projects from coming forward within the Borough. If the SPD is adopted in its current form, the document will make it very challenging for Brent to meet its required housing targets. A more balanced approach is therefore</p>

required which not only protects the Borough's existing character, particularly in areas that are recognised for their historic importance, whilst also ensuring new developments always make the most beneficial and productive use of land in order to deliver the significant number of new homes that are required in the most innovative and appropriate manner. Below we have provided a summary of concerns with the current drafting of the SPD. This list isn't exhaustive but provides an indication of our concerns.

Principles and Paragraphs – All Principles and paragraphs within the SPD should be numbered for ease of reference.

Images – The use of images throughout the SPD is considered to be very selective and used subjectively. They are not reflective of many other types and forms of development that would be suitable in the Borough, nor do they recognise that good design can evolve and does not always have to be a pastiche of existing styles of development to be successful or relate to the surrounding context.

Viability Impact – The impact of all of the SPD requirements, in whatever form they are adopted, must be fully considered when assessing the viability and deliverability of other key Brent targets, such as affordable housing. We do not consider this important inter-relationship has been fully assessed.

Section 2- Context and Character

This section states that, 'For larger scale planned regeneration of extensive areas, like the Wembley Park masterplan and parts of the Alperton masterplan, a new urban character can be created.' We support the reference to Wembley Park and the recognition that it is creating a new urban character but this reference should be moved to 'Section 1- Introduction' to recognise that Wembley Park and Alperton have distinct urban characteristics that are different to the majority of areas within the Borough of Brent, and this is relevant to all sections of the SPD. Furthermore, reference should be made to potential new planned regeneration sites within the Borough that are likely to emerge during the lifetime of the SPD.

Section 3.1- Density, Height and Massing

Heights on all other sites – The SPD refers to the forthcoming Tall Buildings Strategy for Brent, therefore it would be useful if the SPD could highlight what this strategy aims to achieve and what the timescales are for publishing the draft strategy, if known. The strategy should be a Borough-wide review and not just focus on Wembley and Alperton, but all areas that have potential to accommodate Brent's housing need and mixed-use developments with good transport links that benefit from existing or planned infrastructure. The SPD refers to CABE's Guidance on Tall Buildings (2007), however as this is 11 years old much of the document is considered to be outdated and unsuitable for basing forthcoming design guidance upon. An alternative to the Tall Buildings Strategy could be a criteria based policy on tall buildings to ensure future developments justify why a tall building is appropriate for that specific location. Landscape and grounding of tall buildings is also crucial to their integration within a development. Therefore, we suggest this is considered within the forthcoming strategy. We do not support the following statement within this section of the SPD, 'In the areas of Brent that are more suburban in character, new tall buildings are unlikely to be appropriate. Tall buildings are defined as structures that are taller than the local context or 30m and over.' There could be a significant range in heights between a structure that is taller than the local context and 30 metres. For example, if a four storey building was proposed on a site predominantly surrounded by two-storey houses, the proposed wording would classify this as a tall building.

Bulk, scale and massing – We do not support the statement in the SPD that buildings with a single storey base relate best to the human scale and double height glass facades should be avoided. Double height facades are considered to be appropriate in highly commercial areas such as town and city centres and are an attractive characteristic for larger retailers. A single storey façade on a large anchor store would look very incongruous and not provide the street presence that such an important building needs.

Section 3.3- Urban Grain

Direction and human scale - We do not support the statement that, 'apartment blocks should be designed in a similar way to houses wherever possible. Individual entrances to ground floor apartments, as well as a vertical expression in the design of facades and windows will assist with giving the impression of a fine grain.' The requirement for apartment blocks to be designed in a similar way to houses will only be appropriate on small scale and mid-rise developments and would not be an appropriate design solution for taller and high density buildings.

Section 3.6- Materials

The SPD discourages materials such as concrete, metal and predominantly glass facades and states that concrete and render are known to become unattractive because of weathering and should be avoided externally. However, similarly it can be argued that the use of glass, metal and concrete on façades can be appropriate and provide a high quality finish and appearance, such as Brent Civic Centre. This section should be revised to appreciate that concrete, render and glass can be used in buildings if designed to a high standard and used appropriately.

	<p>Section 4.1- Block structure and active frontage Non-residential uses – We appreciate the ambition to have active frontages surrounding ‘big box’ retail but the SPD needs to recognise the difficulties in achieving this with regards to servicing and accessing requirements and the fact that, the provision of small retail units/kiosks will often not be commercially viable.</p> <p>Section 4.5- Public Realm Within Section 4.5 of the SPD, an additional reference should be made to the requirement for public seating to be provided at intervals of every 50 metres to ensure accessibility requirements are considered and provided within all new developments.</p> <p>Section 5.2- Private Outdoor Space We support Brent’s statement that “private and communal amenity space should be provided in accordance with the Mayor’s latest guidance” however the reference to Brent’s adopted guidance and in particular the DMP requirement to provide 50sqm of external amenity space for family housing and 20sqm for other flats needs to be reviewed in light of the Borough’s new housing targets and the changing expectations of many households. As experienced when developing sites in Wembley, all of which are considered to demonstrate good and innovative examples of how private and communal amenity space can be provided, it has been very challenging to meet Brent’s current standards. Furthermore, it is unrealistic to expect that these standards will be achieved for all units if Brent is to meet its housing targets.</p> <p>Section 6.1- Building for Life The SPD states that development should perform positively against the recommendations set out in the latest Building for Life (BfL12) guidance. As stated within the guidance, the core focus for BfL12 is developments between 25-50 homes per hectare. Whilst there are supplementary design prompts for more urban locations (classified as 3 or more storeys) we do not consider BfL12 is appropriate for the majority of new developments that will be coming forward within Brent, the vast majority of which must and will be at a far more dense and urban scale than 25-50 homes per ha.</p>
Officer Response	<p>Noted. Elements of support welcomed.</p> <p>Detail – The SPD is considered to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. The detailed supporting text is considered necessary to achieve the design principles and quality required, as per NPPF, London Plan and Brent policies. The guidance is required to judge the developments on, a case-by-case basis. The SPD is considered to describe what is required when, where and why and worded flexibly where appropriate. The NPPF requires developments to “respond to local character and history, including the surrounding built environment and landscape setting”. Likewise, the London Plan requires development to “respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and shape that responds successfully to the identity and character of the locality”. The SPD describes areas where new character, including tall buildings, can be appropriate. The Tall Building Strategy and new Local Plan will provide more detail on this. We can include another reference to Local Plan site allocations in the introduction.</p> <p>Principles and Paragraphs – The principles and sub-elements are numbered in the checklists, but can also be numbered within the chapters. Together with chapter numbers, paragraph numbers and page numbers this should be sufficient, in the interests of layout and readability.</p> <p>Images – The images have been carefully selected to clearly illustrate the relevant development principles and consist of a mix of scales and styles, representative of those within the borough, depicting various aspects of design quality or lack thereof as relevant.</p> <p>Viability Impact – It is considered that good quality design as described is viable and essential. Viability assessments may be necessary on a case-by-case basis. The emerging new Local Plan will be subject to a full viability analysis.</p> <p>Context and character – The document cannot go into the detail of describing or listing all sites within the borough. The upcoming Characterisation Study, and Local Plan with site allocations will assist with identifying character, although each development and its local character will be assessed on a case-by-case basis.</p> <p>Density, height and massing – The Tall Building Study aims to identify appropriate sites for tall buildings. It will be published alongside the emerging Local Plan. It will take into account PTAL and character. The reference to the Tall building guidance will be updated to the latest version (2015). Any new policy on tall buildings will be included in the Local Plan. The definition of a tall building always has to be based on the local context. In the example of continuous 2 storey housing, a building below 30m can indeed be considered tall. What constitutes significant will be judged on a case-by-case basis.</p>

	<p>Urban Grain – In areas where a new character can be appropriate, the new character will still benefit from the visual advantages of a finer grain and breaking up large building blocks effectively. The reference to houses relates to layout and access and vertical expression and is noted to only apply where possible. This is considered a good design principle that relates to massing and active frontage.</p> <p>Materials – Due to the poor weathering of concrete it is not considered an appropriate material for external facades. The extensive use of glass can also be inappropriate, as explained in the sections on proportions and massing.</p> <p>Block structure and active frontage – the opportunities and needs for wrapping active frontage will be judged on a case-by-case basis.</p> <p>Public realm – The need for public seating will change per location and seats every 50m are not considered necessary or viable throughout the borough.</p> <p>Private outdoor Space – The amenity space requirement for family housing is a Local Plan policy, simply repeated in the SPD. It is considered reasonable to ensure family sized dwellings are suitable for long term occupation by families with children.</p> <p>Building for Life – Building for Life principles are generic and equally relevant for higher density developments.</p>
Recommendation	<p>p.3: "This Design Guide explains what is required to comply with various policies within the Local Plan and will be adopted as a Supplementary Planning Document. Planning applications in the Borough will be assessed against it to ensure the design principles have been met. <u>Local Plan site allocations may provide specific design guidance or advice.</u>"</p> <p>p.4: "development will take appropriate cues from its surrounding area, including form, style and materials. Scale and height needs to respect the relationship <u>positively respond to adjoining areas</u> of established character <u>and distinctiveness</u>. For larger scale planned regeneration of extensive areas, like the Wembley Park masterplan and parts of the Alperton masterplan, a new urban character can be created <u>while drawing on the existing context and historic character and ensuring it is coherent with the townscape surrounding it.</u>"</p> <p>p.6: "Principle: New development, height, massing and façade design should generally respect <u>positively respond to</u> the existing context and scale; facilitating good urban design."</p> <p>p.6: "and other policies and guidance including 'Historic England Advice Note 4; Tall Buildings' Design Council CABE's Guidance on Tall Buildings (2007)."</p> <p>p.7: "Heights on all other sites: Building heights should fit in with <u>positively respond to</u> existing character."</p> <p>p.7: "In all other areas, development should fit in with <u>positively respond to</u> its context and create attractive streets and spaces by respecting human scale in its <u>ground floor treatment</u>, height and massing. In the drive for efficient use of land, sensitive design should ensure new development does not look out of place or overly change <u>respects</u> the character of the wider surroundings. This includes <u>limiting carefully considering</u> building heights and massing and designing blocks and buildings to reduce <u>minimise</u> any negative visual impact."</p> <p>p.7: "In the areas of Brent that are more <u>predominantly</u> suburban in character, new tall buildings are unlikely to be appropriate."</p> <p>p.7: "New development should respect <u>positively respond to</u> the height of adjoining buildings and local area. Building heights that are out of context and fail to fit in with <u>do not respond positively to</u> local character are not acceptable."</p> <p>p.7: "Any 'landmark' buildings should make positive contributions through exceptional design and detailing, rather than not necessarily through increased height."</p> <p>p.7: "as outlined in the Urban Design Compendium (HCA)."</p> <p>p.7: New images</p> <p>p.14: "Density, height and massing - New development height and massing should generally respect <u>positively respond to</u> the existing context; facilitating good urban design"</p> <p>p.14: "b. Do building heights fit in with <u>positively respond to</u> existing character, limit increases in <u>sensitively consider</u> height and step down effectively?"</p>
Respondent	Woodland Trust

Response	<p>The Trust welcomes and supports Brent's commitment to the protection of trees and desire for more street trees in the Brent Design Guide. The pictures and text you have added since the 2017 draft are most welcome, but I would suggest that the title of Section 4.3 is widened out to cover all trees in a development, not just street trees. As I suggested in the 2017 consultation, I would recommend a new introductory paragraph as follows:</p> <p>"There is now a wealth of evidence on the many benefits of high tree canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity. Larger forest type trees provide greater benefits and older trees generally support more biodiversity."</p> <p>Practical guidance and references - In your consultation statement for the 2017 consultation, in your response to my submission, Brent agreed that "Guidance documents can be included in the guidance references section." However, I note the documents I suggested are not in Section 6.3. I'd therefore recommend that the following references are added to 6.3 in the box "Good Practice Publications":</p> <p>Residential Development and Trees (Woodland Trust, 2015) www.woodlandtrust.org.uk/publications/2015/07/residential-developments-and-trees/ ; BS 5837: 2012 Trees in relation to design, demolition and construction. If you have space I'd also suggest you include: TDAG's Trees in the Townscape and Trees in the Hard Landscape</p>
Officer Response	Noted. Support welcomed. We can include text and references as suggested. The tree officer also provided input into recommendations below.
Recommendation	<p>p.19: <u>"Street trees - Principle: New development should provide suitable street trees to new streets and spaces and retain existing trees where possible. There is now a wealth of evidence on the many benefits of high tree canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity. Larger forest type trees provide greater benefits and older trees generally support more biodiversity. There will be a presumption in favour of the retention of trees of a high and moderate quality. Where it is agreed not to be possible to retain such trees then measures should be taken to provide adequate space elsewhere on site for suitable replacement planting. Developers will need to demonstrate that they have provided sufficient space below ground to provide adequate rootable soil volume for the tree(s) to reach their optimal size and life expectancy as well as suitable set back to allow for the tree to grow in its natural form. Sustainable drainage systems and other green infrastructure benefits can also be designed into tree planting schemes, further enhancing the positive impact of an arboreal landscape... Indicative trees within private gardens that would not be provided by the developer should not be included on plans or proposals."</u></p> <p>p.34: <u>"Residential Development and Trees (Woodland Trust, 2015) ; Trees and Design Action Group (TDAG.org.uk) publications:</u></p> <ul style="list-style-type: none"> - <u>Trees in the Townscape</u> - <u>Trees in Hard Landscapes</u> - <u>Species Selection for Green Infrastructure"</u>
Respondent	John Cox
Response	<p>(1) Change references from 'tarmac' to 'asphalt'</p> <p>(2) Require large-scale developers at public consultations to document their consideration of 'alternatives at a formative stage' (the Supreme Court phrase) even if one specific design is being promoted. These should also be documented in their planning application material</p> <p>(3) Make a distinction somewhere between:</p> <ul style="list-style-type: none"> - welcoming distinctive and even custom-manufactured materials on permanent work, like brickwork of structures, but - acknowledging that long-term maintenance of hard surfaces and other periphery area need generic materials, given the likelihood of breakages and vandalism, and the need for piecemeal replacement over the following years.
Officer Response	<p>1) Following consultation with Highways, the references to tarmac/asphalt will be omitted.</p> <p>2) The focus should be on the proposed scheme in its final form.</p> <p>3) The SPD is not seeking custom-manufactured materials, but merely 'generic' paving of high quality, as described, which can easily be removed and re-laid after maintenance.</p>
Recommendation	Remove references to tarmac.

Previous Consultation Responses and Changes

Consultation responses to the previous public consultation in 2017 and subsequent changes made to the document are set out below.

Respondent	Natural England
Response	<p>Advise to consider the following:</p> <p>Biodiversity enhancement This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p>Landscape enhancement The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>Protected species Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>
Officer Response	<p>Biodiversity: new guide to include guidance on trees, green front gardens and roof gardens. Landscape: new guide to include guidance on green and blue infrastructure and character, including townscape. Protected species and SEA regulations noted.</p>
Recommendation	Amend guide to include biodiversity and landscape guidance.
Respondent	GVA
Response	<p>We write regarding the 'Draft Brent Design Guide Supplementary Planning Document (SPD 1)' consultation currently being undertaken by London Borough Brent (LBB). This representation is in support of the draft document and is on behalf of our client, Regent Land & Development Ltd, who hopes to bring forward the redevelopment of a number of sites within the Borough.</p> <p>The purpose of this representation is to outline our support for a more flexible interpretation of design, as well as the recognised need for different design approaches in "transitional" and "transformational" areas, as outlined in the draft document. We subsequently consider that the Draft SPD1 is more supportive of growth than the existing 'Design Guide for New Developments (SPG 17)', which will be revoked. A summary of the key principles which we support is provided below.</p> <p><input type="checkbox"/> Section 4.1.1 Bulk, Scale and Mass – we welcome the encouragement of denser forms of development in transitional and transformational areas, subject to high design quality. We also support a flexible stance towards overlooking, overshadowing and daylight and sunlight, provided that the development does not result in a severe impact on neighbouring residential amenity. We consider that this flexibility is necessary where sites are highly constrained and any impact on residential amenity is offset by other regeneration benefits.</p> <p><input type="checkbox"/> Section 4.1.2 Height – the identification of transitional and transformational areas as potentially suitable locations for a tall building is welcomed. Notwithstanding this, we consider that the bullet point "<i>Opportunities for buildings above 30 metres will be found in transformational areas</i>" is overly restrictive and contradicts previous points relating to site context. We therefore seek the removal of this bullet point.</p> <p><input type="checkbox"/> Section 4.1.3 Privacy – we support a less rigid application of the Council's minimum separation distances in transitional and transformational areas, subject to good design and an acceptable impact in relation to overshadowing, daylight and sunlight. We appreciate the recognition that other design measures can also successfully contribute to preserving neighbouring residential amenity.</p> <p><input type="checkbox"/> Section 4.1.4 Amenity Space – the adoption of a more flexible stance towards Brent's Policy DMP 19 is welcomed, particularly where 20 sqm of external amenity space per flat is sought. We</p>

	<p>consider that it is often not feasible to meet this target where a high density flatted form of development is proposed. Notwithstanding this, recent consents in Brent demonstrate that a lower provision of amenity space has been considered acceptable where the amenity space is viewed as high quality.</p> <p>In summary, we welcome the Council's decision to update their residential design guidance in light of new national and regional policy, as well as changes within the Borough. We strongly support the need for more site-specific design guidance and consider that this will assist in driving growth and regeneration and raising the quality of development in Brent.</p>
Officer Response	<p>Support welcomed. Guidance will continue to be flexible, site-specific and based on local context and character.</p> <p>Bulk, scale and mass: Principle remains to optimise development potential, subject to context, character and design.</p> <p>Height: As above, opportunities for height are based on the local context and local policies. Specific opportunities for tall buildings and specific design principles will be identified in the forthcoming Tall Building Strategy and Local Plan site allocations.</p> <p>Privacy: Flexibility in terms of privacy and amenity will be retained.</p>
Recommendation	No change
Respondent	Historic England
Response	You may be interested to see the report recently published by Historic England 'Translating Good Growth for the Historic Environment'. This is on our website at: https://historicengland.org.uk/get-involved/protect/keep-it-london/
Officer Response	Noted
Recommendation	No change
Respondent	Woodland Trust
Response	<p>"Planting and Trees</p> <p>There is now a wealth of evidence on the many benefits of high tree canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity. Larger forest type trees provide greater benefits and older trees generally support more biodiversity."</p> <p>I was pleased to note the need to retain trees, but this could be strengthened with specific reference to BS 5837: 2012 <i>Trees in relation to design, demolition and construction</i>.</p> <p>Furthermore, I would suggest strengthening the third bullet point in "<i>Loss of Existing Trees</i>" as follows (addition in red): "Where it is agreed that trees may be removed, then measures should be taken for their replacement of an appropriate type and size within the site that would replace the volume of lost canopy cover with immediate effect."</p> <p>Practical guidance and references</p> <p>The Woodland Trust is a member of the Trees and Design Action Group (TDAG) - a unique multi-disciplinary group of professionals and organisations from both the private and public sectors that is seeking to promote the benefits of trees within the built environment. TDAG published <i>Trees in the Townscape</i> This contains 12 principles of best practice aimed at designers, developers and planners to encourage integrated, joined up thinking, strategies, policies and implementation relating to trees in the urban realm. TDAG have also recently published a practical guide for the retention and planting of trees in urban situations, including new development - <i>Trees in the Hard Landscape</i></p> <p>TDAG publications are referenced in the London Plan, and <i>Trees in the Townscape</i> is endorsed by a number of local authorities; therefore, I recommend that Brent Council considers referencing TDAG guidance, as well as the Woodland Trust's <i>Residential Development and Trees</i> report, in its Design SPD.</p>
Officer Response	Noted. Reference to removal of trees to be removed. Guidance documents can be included in the guidance references section.
Recommendation	As above
Respondent	Sports England
Response	Sport England recommend that the Draft Brent Design Guide Supplementary Planning Document has clear references to Active Design, its principles and the Active Design Checklist to inform development proposals. This would build upon the reference to Public Health England and the TCPA document referred to on page 6 of the Draft Design Guide. In regard to the Active Design Checklist, there could be a requirement for any development proposal coming forward to have it assessed in line with the checklist to ensure that proposals can really have a positive impact on the health of a community. More information on Active Design, including the guidance and checklist, can be found via the following link; http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/
Officer Response	Noted. Guidance documents can be included in the guidance references section.
Recommendation	As above
Respondent	Zerine Tata
Response	Further to your email of 3rd July 2017, I would like to inform the Council that the single most thing

	<p>which worries the residents of Wembley is the increase in higher rise buildings. The Regeneration of the Stadium and Wembley High Road areas are very reluctantly being accepted by the residents, but that is not to say we are at all happy about it. What we find very difficult to accept and what makes us really angry is the Council passing planning applications for higher rises, which are outside of the "Regeneration" areas and encroach on purely residential areas of houses, bungalows, maisonettes and small blocks of flats. Any blocks of flats in these areas should not be taller than the houses around them, which normally would be three floors including the ground floor. Throughout the borough, there are many brown filled sites and sites with existing derelict high rises on them, such as the ones on the corner of Harrow Road and North Circular, which can be developed into higher rises. There are two high rises which have been derelict for decades, when are they going to be developed? There is absolutely no need to ruin residential neighbourhoods by allowing developers to build higher rises, such as the redevelopment of Heron House on Wembley Hill Road, with the possibility of another high rise opposite at St Joseph's Social club which has also been purchased by the same developer. To have yet another two higher rises each on either side of Wembley Hill Road, right next to the "Regeneration" area would be unjustified and cause great anger and disappointment amongst all the resident living in the areas, who have already had to suffer all the disadvantages of having so many high rises in the Regenerations areas. We all hope that the Council Planning department will look more considerably at all planning applications for high rises and take some account of the wishes of the residents.</p>
Officer Response	<p>Noted. High rise buildings will need to respect the local context and only occur in sites identified as appropriate for tall buildings in Local Plan policies, site allocations and adopted masterplans including the Wembley Area Action Plan. The forthcoming Tall Building Strategy will identify sites and further design principles and will be reflected in the new Local Plan and Site Allocations.</p>
Recommendation	<p>Add further guidance and policy references in a tall building section.</p>
Respondent	<p>Gary Lawyer</p>
Response	<p>My biggest concern is not so much how many flats are being built, (though I wholeheartedly agree with your views Zerine) but the actual infrastructure that is not being updated / adapted to suit the additional thousands of new residents coming into the area. On a Saturday afternoons the Harrow Road from the A406 towards Wembley is one continual queue due to LDO shoppers, this is of course compounded by locals trying to go home! To relieve some of the queues, it would make sense to lift the time restrictions on the bus lanes to peak times only to allow traffic to flow that more easily, plus encourage people to return to the LDO instead of saying never again! I am all for one for traffic control but with another 5,000 homes planned between now and 2020 (from wembleypark.com) this problem is going to manifest into complete shutdown. With 1,000's of new jobs created, PLUS 1,000's of new residents (11,500 total flats envisaged if I am not mistaken in total) it does not take long to work out the additional traffic and people movements each and every day, on top of those visiting the stadium, LDO and SSE arena. We as locals are used to avoid peak times on event days, but it could potentially be that every day could be like an event day with the amount of additional people coming / leaving the area each day. If each flat houses 3-4 people, that is 34-46,000 people, if a quarter of those use a car that is almost 12,000 additional car movements each day. If half go the school or work that is around 20,000 people movements each day. This is every day, and excludes LDO shoppers and employees! I have also noticed the re-timing of the traffic lights since the LED types have been installed these have compounded the problem! A total re-think of the Harrow Road, and A406 trunk roads needs to be carried out. I know parking restrictions for event days are in place to encourage people to use public transport but we are not talking about event days, but each and every day.</p> <p>SOLUTION: Have Park and Ride schemes been considered? Bicester village and many others have such a scheme which eliminates traffic problems in the village yet gets shoppers into the shopping areas quickly and safely. The two high rises at the Harrow Road / A406 junction have (as Zerine rightly states) been empty for many years and is the first thing that new shoppers see when visiting Wembley! If these two monstrosities were two multi storey car parks with a Park 'n Ride scheme (with a minimal cost to the customer) it would eliminate the vast majority of congestion on the Harrow Road at a stroke! The scheme would be open for shoppers as well as football / concert goers and would enable traffic to disperse EASILY and QUICKLY at the end of a match or concert instead of all the road closures and coned re-directions that currently happens and make traffic dispersal ten times worse! If people paid less for this scheme than parking in the car parks nearer to the "event" then this would encourage people to use it. I am sure that there would be many companies willing to sponsor the scheme also thus bringing in even more revenue! I am confident that not only would this suggestion work, it would greatly improve the A406/Harrow Rd junction as well as encouraging people to return! I have thought about this idea for a long time and would like to think that someone somewhere within the Council will put it forward for consideration, something needs to be done, and this is something that could work!</p>
Officer Response	<p>Noted. Decisions on specific site-related transport improvements are not within the scope of the design guidance document.</p>
Recommendation	<p>No change</p>
Respondent	<p>TfL</p>

Response	<p>I can confirm that the guidance set out in the document is broadly in line with the strategic transport policies of the London Plan. However, the Council is encouraged to maintain a constrained approach to car parking. Additionally, measures which promote the uptake of cycling and walking and help to deliver the Healthy Streets approach set out in the draft Mayor's Transport Strategy, should be integrated into the design of all new development. Of particular relevance is TfL's Streetscape Guidance and the London Cycle Design Standards (LCDS) in relation to cycle parking design.</p> <p>4.14.1 Residential Parking</p> <p>TfL welcome that developments which propose large areas of hardstanding and marked out spaces will be discouraged. 'Home Zone' parking areas are to be encouraged as an alternative, with measures to reduce vehicle speeds proposed to be integrated into design. The SPD should also investigate how design can encourage pedestrian and cycle trips as part of a wider modal shift from private vehicles to sustainable and active modes of transport.</p> <p>4.14.2 Retail and Office Parking Areas</p> <p>TfL would like to this opportunity to remind Brent Council to ensure that parking for bulk retail and offices uses should be kept to a minimum. Travel to and from such uses should be encouraged to take place via sustainable transport modes.</p> <p>4.15 Cycle Parking & Storage</p> <p>Cycle parking should be provided in line with London Plan standards, and be in accordance with the London Cycle Design Standards (LCDS) in regard to overall design, location, style and access. This may encourage the uptake of cycling as an attractive alternative to private car use.</p>
Officer Response	Noted. Car-free development will be mentioned. Shared space, including Homezones, will be encouraged. The draft London plan policies, based on TfL's guidance and LCDS, will be referenced.
Recommendation	As above
Respondent	Manish Bakhda
Response	<p>I wish to comment and request changes to section 4.13 of the draft. Currently, the draft mentions no guidance on building close to existing mature trees. In essence it does not prevent planning approval of new developments that are unreasonably close to existing trees. The risk of fire spreading across a proposed development via the proximity to existing trees has been overlooked. Hence whilst it is possible to build within inches of existing trees using pile foundations, it does not mean that it is safe to do so from a fire risk perspective or from a storm risk perspective (where the risk arises from falling branches or the tree itself onto the proposed buildings in storm conditions). I strongly believe this is an oversight in the draft (which I suspect was written before the Grenfell fire and before the heightened concerns on fire risk in public buildings). I would kindly request that a table of recommended minimum distances from existing mature trees be included in the final Design Guide. Clearly, the distances would depend on the type of trees and height of buildings. I have attached an example from another borough as a guide to illustrate. A new section could be added to the Design Guide and called something like "Distances to existing trees". I would be grateful if you could kindly point me to Brent's existing planning guidelines on new developments close to trees. Is there a similar document or guidance on minimum distances to existing trees that planning currently use?</p>
Officer Response	Noted. Fire regulations are not within the scope of the design guidance document. New trees are not considered to pose increased fire risk. The condition of old trees may be assessed by tree officers and if they are deemed to pose danger then appropriate action will be undertaken.
Recommendation	No change
Respondent	Network Rail
Response	<p>Network Rail would request that there is a minimum 2 metres gap between buildings and structures within a proposal area and the railway boundary; this should be 3m if the proposal area is adjacent to the 25kv overhead power lines. Less than 2m (3m) from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land. This would not be acceptable. All the works undertaken to facilitate design and layout of proposals should be undertaken wholly within an applicant's land ownership footprint.</p>
Officer Response	Noted. This level of detail is not considered appropriate for this general guidance document. A strong emphasis on site-specific design and local context will be included in the document. Network Rail may provide comments to specific applications where relevant.
Recommendation	No change
Respondent	Terence O'Rourke
Response	<p>Sections 1 and 2: Introduction and Good design in existing policy context</p> <p>1. St George Developments Ltd (St George) aims to achieve the highest standard of design and public realm in all its developments which are distinctive in the market place. St George supports the Council's decision to prepare a Design Guide to promote best practice and to assist in the achievement of high quality design in the borough, and believes that it could be a very useful tool for both the Council and applicants.</p> <p>Section 3: Design approach – using the guide</p> <p><i>Paragraph 3.1.3 Transformational areas</i></p>

2. St George is supportive of the approach outlined in paragraph 3.1.3 in relation to development area typologies and recognition of ‘*Transformational*’ areas. These are defined as ‘*the larger scale planned regeneration of extensive areas...for example the Wembley Park masterplan*’. The reference to Wembley Park is helpful but further clarity of the areas that the Council considers to be ‘*transformational*’ would be useful. Along with Wembley Park, Alperton is one of only two Housing Zones within the Borough and is the subject of a comprehensive master plan to bring about the large scale regeneration of the area. To be consistent, St George suggests that both Alperton and Wembley Housing Zones should be referred to within the definition of transformational areas.

3. In transformational areas, the Council recognises that ‘*a more flexible interpretation towards design responses will be accepted*’ as well as ‘*having greater scope for flexibility on issues such as separation and other standards.*’ The Council’s approach to transformational areas is entirely supported and appropriate given their scale, complexity and the need to make a positive contribution to the wider regeneration of the Borough.

Paragraph 3.2.2 Presentation standards and consultation

4. The Draft Design Guide states that ‘*for outline applications, design codes for major developments such as elevation detailing should be included.*’ St George is supportive of the use of design codes to ensure a consistent standard of design is applied. It is considered however that design codes should be prepared at conditions stage rather than at outline application stage to reflect the fact that the detailed design approach is often set by the first Reserved Matters submission.

5. In addition, the Guide outlines that for full applications, architect’s drawings should ideally be to RIBA Stage 4. While St George appreciates the intention of the Council to require more detailed drawings at an earlier stage of the process, St George supports RIBA Professional Guidelines which require drawings up to RIBA Stage 3, and consider RIBA Stage 4 unnecessary on this basis. This will also reduce the need for Non-material Amendment and Minor Material applications at a later stage.

Section 4 Design Guide

Paragraph 4.1 Design and layout

6. The approach to the transformational typology areas has not been applied consistently through the document, having only been applied to those design criteria up to Paragraph 4.2. The current Draft Design Guide distinguishes between the typologies and acknowledges there to be greater flexibility with regard to the following in transformational locations:
Bulk, scale & mass; Height; Outlook; Amenity Space; Balconies and; Roof terraces.

7. This greater level of flexibility for transformational areas is supported. *Paragraph 4.2 – 4.16 Non-designated heritage assets, Building typologies etc.*

8. However, from paragraph 4.2 of the Draft Design Guide, it is noted that ‘*the following sections are applicable of all types of development in Brent.*’ This specifically relates to the following:
Non-designated heritage assets; Building Typologies, Shared Surfaces, Relationship of buildings & entrances to public areas, Affordable Housing Design, Residential Density, Secured by Design, Residential quality, Elevations, Frontages and Access, Materials, System Build; Environmental; Noise; Landscape; Parking; Cycle parking & storage and; Waste recycling & storage.

9. The unique nature and scale of transformational areas requires a bespoke design approach to achieve the highest quality of place which is contingent on flexibility being applied when considering applications. This applies to the matters cited above. St George believes that the inherent flexibility required for these areas is an important consideration.

Paragraph 4.7 Residential density

10. The draft guidance states that ‘*the Council will take a positive approach to allowing the efficient use of land and above the density levels identified in the matrix (London Plan Housing SPG) provided the quality of the development and its characteristics will support high amenity for its occupants and will not unacceptably undermine those of the neighbouring area.*’ St George welcomes and supports the efficient use of available land to facilitate housing delivery in the borough and promoting higher densities where appropriate and supported by high quality design.

11. This is reflected in the Housing White Paper published by the Department for Communities and Local Government entitled ‘*Fixing our broken housing market*’ (February 2017) which sets out the future direction of national planning policy. This highlights that ‘*not all development makes good use of land, especially in areas where demand is high and available land is limited. London, for example, is a relatively low-density city especially in its suburbs.*’ The Housing White Paper (Paragraph 1.51) outlines that amendments to the National Planning Policy Framework (Paragraph 1.53) will seek to ‘*address the particular scope for higher-density housing in urban locations that are well served by public transport (such as around many railway stations).*’ Transformational areas are clear examples of locations deemed appropriate for higher densities of development and more efficient use of land in order to optimise housing delivery.

Paragraph 4.9 Residential internal areas

12. Whilst Paragraph 4.9 refers to an endorsement for ‘*new development and residential conversions and standards in the Mayor’s Housing SPG*’, the Draft Design Guide contains the following additional requirements:
- ‘*The number of units per core and storey may not exceed 8 in order to encourage neighbourly*

interaction and occupier ownership;

- *Internal communal corridors will be 1.5 metre wide minimum, have windows which open to promote cross ventilation and maximise daylight;*
- *The design must maximise dual aspect units (with a target of achieving more than 50% across the site) and limited the number of single aspect units;*
- *The design must seek to avoid north facing single aspect units.'*

13. In relation to the recommended number of homes per core referenced in Paragraph 4.9, St George is supportive of the wording contained in Standard 12 of the Mayor's Housing SPG where it states that *'each core should be accessible to generally no more than eight units on each floor'*. This allows for an element of flexibility where site constraints require a bespoke design approach. There may be instances, for example to accommodate a greater number of smaller homes around a core, where it is desirable to include more homes than 8 around a single, or connected cores. The wording contained in the Draft Design Guide however, does not allow for this flexibility.

14. Paragraph 4.9 outlines that *'internal communal corridors will be 1.5m wide minimum, have windows which open to promote cross ventilation and maximise daylight.'* St George is supportive of the wording contained in the Mayor's Housing SPG which states *'where dwellings are accessed via an internal corridor, the corridor should receive natural light and adequate ventilation where possible.'* This allows for flexibility where required to achieve high quality development, and should also be reflected in the Draft Design Guide, particularly in transformational areas.

15. Similarly, Paragraph 4.9 of the Draft Design Guide states that where possible *'the design must maximise dual aspect units (with a target of achieving more than 50% across the site).'* St George is supportive of the Council's approach outlined in Paragraph 4.7 where it suggests that *'the Council will take a positive approach to allowing the efficient use of land.'* The Mayor's Housing SPG acknowledges in paragraph 2.3.40 that there may be situations where single aspect dwellings are appropriate such as to achieve an active frontage on an existing north facing street. St George recommends that a similar acknowledgment is made in the Draft Design Guide, particularly in relation to transformational areas.

16. St George is supportive of the flexible approach to be applied to transformational areas consistent with the approach set out in Paragraphs 4.1 to 4.2 of the Draft Design Guide. St George considers that this should also apply to the standards cited in Paragraph 4.9. The nature of transformational areas is that they are often complex with a range of constraints, thus requiring pragmatism in producing high quality design solutions.

17. The Mayor's Housing SPG refers to the need to optimise housing potential where *'optimisation can be defined as developing land to the fullest amount consistent with all relevant planning objectives.'* Furthermore, it is highlighted that *'the London Plan includes a density matrix as only part of a wider policy to optimise development on sites in different settings, with different levels of public transport and accommodating homes of different sizes. The density ranges are sufficiently wide to accommodate the spectrum of policy considerations which must be taken into account when optimising development at a particular location.'*

18. In optimising the potential of transformational areas, there is an overriding need to produce a high quality design which reflects the individual characteristics of these areas. St George endorses high quality design through the adoption of best practice design standards but there needs to be a recognition that transformational areas in particular require a slightly different treatment to achieve wider place making objectives. A degree of flexibility may therefore be required to accommodate the complexities of individual sites in these locations.

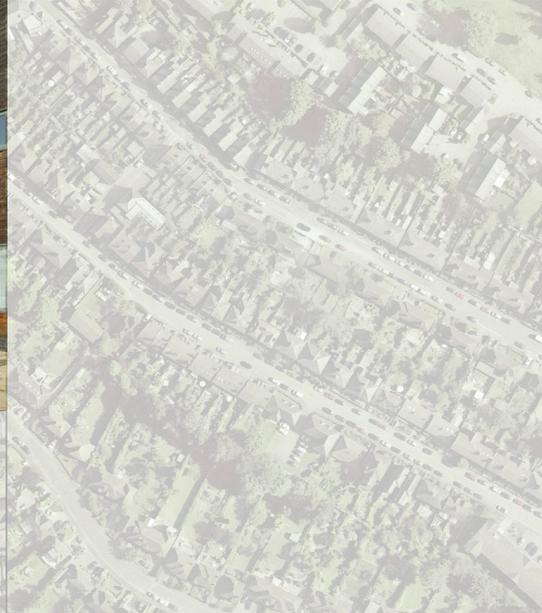
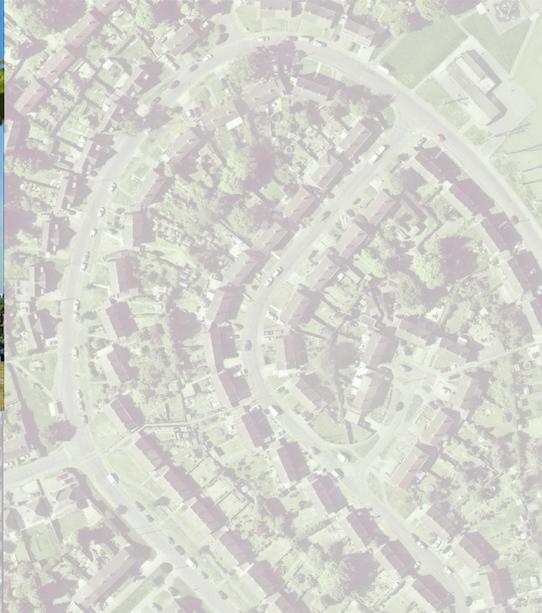
19. In applying the density matrix contained in Policy 3.4 and Table 3.2 of the Mayor's Housing SPG, the SPG notes that these standards *'should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (eg employment or commercial floorspace), local character and context, together with local circumstances, such as improvements to public transport capacity and accessibility. The London Plan is clear that the Sustainable Residential Quality (SRQ) density matrix should not be applied mechanically, without being qualified by consideration of other factors and planning policy requirements.'*

20. In summary, the London Plan and Mayor's Housing SPG recognise that whilst design standards provide a helpful platform, there are different approaches to achieving high quality design which require a degree of flexibility. The nature of transformational areas is that they often have unique characteristics that require a tailored and innovative design response that does not compromise design quality in the process. St George is supportive of this approach and consider this similarly applies to the standards cited in Paragraph 4.9.

21. Paragraph 58 of the **National Planning Policy Framework** which outlines the need to *'optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and other transport networks.'* In this context it is important that detailed design guidance strikes the right balance in order to accommodate development which makes efficient use of brownfield land, optimises housing delivery and the creation of high quality homes and public spaces. The application of additional prescriptive standards as presently contained in

	<p>Paragraph 4.9 does not reflect the approach to design and development outlined in the Mayor's Housing SPG, the London Plan and the National Planning Policy Framework.</p> <p><i>Paragraph 4.10 Elevations, frontages and access</i></p> <p>22. In relation to active frontages, the Draft Design SPD states that <i>'active frontage must be maximised with no more than 20% of the total frontage (max. of 15 metres) on each side of a perimeter block or development or to be inactive.'</i> St George supports the principle of active frontages. It is suggested that the wording of the Guide could be refined to <i>'target no more than'</i> rather than <i>'with no more than'</i> to allow for bespoke design solutions which may be required to accommodate specific site constraints in transformational locations.</p> <p><i>Paragraph 4.13.4 Landscape</i></p> <p>23. St George supports a design approach which provides areas of high quality, varied and multifunctional public open space as well providing valuable open space for existing communities, with a clear focus on the needs of new residents. St George considers that recognition should be made within the Draft Design Guide to the balance between the provision of public open space and equally the provision of private amenity space.</p> <p>24. The Draft Design Guide outlines that <i>'front gardens would not normally account for amenity space if their purpose is also to provide defensive space.'</i> St George remains committed to providing high quality and well-designed front gardens which share a clear language of hard and soft materials and suggests that front gardens can provide high quality amenity space. It is recommended that greater flexibility should be allowed to the contribution front gardens make to amenity space based on their design.</p> <p>25. The Draft Design Guide states that <i>'the presumption is that in new development all existing trees (that are considered to be of sufficient quality) are retained.'</i> St George is committed to sustainable development and endeavours to retain existing trees wherever possible. This is not always possible and the Draft Design Guide should acknowledge where existing trees are of a poor quality that there is scope to significantly enhance the landscaping through the provision of new trees.</p> <p><i>Paragraph 4.14.2 Undercroft parking</i></p> <p>26. St George is supportive of paragraph 4.14.2, which states that <i>'undercroft parking will only be acceptable where active frontages and secured by design balanced with high quality design is employed.'</i> This promotes the efficient use of development land.</p> <p>Conclusion</p> <p>27. In conclusion St George welcomes the Council's new Draft Design Guide in principle but considers that some elements of the document are unduly prescriptive and inhibit the flexibility that it is vital for transformational areas.</p> <p>28. St George trusts that the above representations will be taken into account and will assist the Council in revising its Draft Design Guide and St George would be pleased to provide further clarification on any of the points raised in this response.</p>
Officer Response	<p>Support welcomed and noted.</p> <p>Transformational areas: Reference to these areas will be deleted to avoid confusion in identifying the locations of these sites and to avoid the creation of new planning policy. The guidance describing higher density developments will remain. A strong emphasis on site-specific design and local context will be included in the document.</p> <p>Presentation standards: It is the intention of the Council to require more detailed drawings at an early stage to aid the understanding of the implications of proposals sought at outline application.</p> <p>Design and layout: Design quality is sought equally for all types of development, including high density development. The description of guidance will aim to be relevant to various types of sites and development.</p> <p>Density: Reference to the London Plan density matrix will be removed. A strong emphasis on site-specific design and local context will be included in the document.</p> <p>Residential quality: the guidance proposed is deemed fair and necessary to achieve residential quality. Guidance may be applied flexibly if site-specific constraints require it. Flexibility is more likely to apply to small (infill) sites where only one design solution may be possible. Large sites have the flexibility to design for quality as sought by the guidance.</p> <p>Active frontage: The quantified limit of inactive frontage will be removed in the guidance, to focus on the 'target of' full active frontage.</p> <p>Landscape: The reference to front gardens as defensive space or amenity space will be removed from the document. Reference to unsuitable existing trees will be included.</p> <p>Undercroft parking: This type of parking is by definition inactive and incompatible with secured by design principles. This sentence will be removed to avoid confusion.</p>
Recommendation	Add strong emphasis on site-specific design and local context. Remove reference to density matrix and transformational areas. Amend text on active frontage, undercroft parking and front gardens.
Respondent	Gulfraz Qayyum
Response	<p>P9: 2:1 Rule</p> <ul style="list-style-type: none"> • The 2:1 Rule is an archaic and arbitrary rule which should be wholly dispensed with • Brent is the only council in the whole of the UK to adopt the 2:1 Rule

	<ul style="list-style-type: none"> • Brent is the only council out of the 34 councils in Greater London to adopt the 2:1 Rule • The gives rise to a “postcode lottery” and unfairly inhibits extensions for the residents of Brent. With the prohibitive costs of moving house and housing crisis, we should not be unduly restricting house extensions • This matter is particularly acute in Brent given the particular demographics e.g. ethnic minorities with a greater propensity for larger family sizes and greater incidence of cross generational cohabitation • There is no research basis for the 2:1 Rule and Building Research Establishment (BRE) does not endorse its use over the 45 Degree Rule P9: 45 Degree Rule • The 2:1 Rule should be replaced whole heartedly with the 45 Degree Rule instead of being tentatively introduced with so many subjective caveats and unclear and potentially conflicting statements that water down this otherwise sensible addition. For example, “45 degree angle <i>may be acceptable</i> if it compiles [sic] with daylight and sunlight studies” is not required • Please refer to BRE’s “Site layout planning for daylight and sunlight: a guide to good practice” which has extensive and universally accepted studies corroborating the use of the 45 Degree Rule without compromising amenity to light • Excluding Brent, 72% of all Greater London councils adopt the 45 Degree Rule. The rest do not preclude its use and nor do they use 2:1 as the starting basis • The Planning Advisory Service (PAS), advisors to local councils on planning matters, endorse the use of BRE guidelines • Another way of tackling any potential concerns is to adopt the 45 Degree Rule, but put the burden on the planners to argue if this would impact amenity to light, conflict with existing characteristics or result in excessive massing. Otherwise, the use of the ubiquitous 45 Degree Rule would unlikely to be fairly adopted in planning assessments P18: BRE • I welcome reference to BRE as “Brent’s preferred methodology”. However BRE stands for Building Research Establishment and not “Building Regulations Establishment” as has been noted
Officer Response	Noted. The Design Guide SPD1 is intended for new development. For residential extensions, SPD2 Residential Extensions and Alterations would apply. The BRE typo will be omitted.
Recommendation	Correct ‘Building Regulations Establishment’ typo to ‘Building Research Establishment’ in guidance references.
Respondent	Patrick O Connor, Willesden Green Town Team.
Response	<p>It would be helpful if the Design Guide provided guidance on the following areas:</p> <ul style="list-style-type: none"> - Satellite dishes & TV aerials: As a result of a denser housing population, there is a risk of more satellite dishes being installed. Outside of Conservation Areas, it would be helpful to include guidance on the location of the dishes and TV aerials, such as avoiding dishes being installed on the front of properties or TV aerials that are unusually tall. This would preserve (to an extent) the street scape. - Rubbish bins: Multi-occupied properties (such as period conversions) will require more rubbish bin storage. The Design Guide should provide guidance to factor this into the design of front areas to ensure that multiple bins are not an overbearing feature of the street scape. - Cycle parking: It would useful to include guidance or a requirement regarding the provision of cycle parking in front areas (where space permits).
Officer Response	These comments will be addressed in an amended section on bins and bike storage and services.
Recommendation	Include guidance on bins, bike parking and satellite dishes.
Respondent	Rob Murphy, AECOM
Response	So glad that you are looking at this, so often the wind comfort gets left off, then we end up with nasty, windy unused streets, or worse people getting blown off their feet, like the trouble at Bridgwater place up in Leeds. I guess this is only going to get more of an issue as buildings in London get taller. I agree that the BRE does often feel like the Building <i>Regulation</i> Establishment, but it’s probably worth a change to <i>Research</i> . I know the BRE have standards for Daylight and Sunlight mentioned in the bullet points to come, but for wind it’s really a Bristol Uni Method, I think this is the method that’s being proposed. I’ve seen it referenced as “Building Aerodynamics by Tom Lawson”.
Officer Response	Noted
Recommendation	Correct ‘Building Regulations Establishment’ typo to ‘Building Research Establishment’ in guidance references.



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	6.2. Achieving design quality	
	6.3. Policy and guidance references	

Brent Council aims to create places where people choose to live, learn, work and relax. It seeks to create vibrant communities with mixed uses, activities, house types and tenures. To meet housing needs over the coming years, thousands of homes will need to be provided across Brent. It is essential that these will be well designed.

“Planning policies and decisions should ensure that developments..are visually attractive as a result of good architecture, layout and effective landscaping... Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.” (NPPF 2018, paragraphs 127+130)

Good design can add environmental, economic, social and cultural value on a range of scales, from masterplanning to the detailed design of streets and buildings. Brent wants to balance the best of existing places with the benefits of change and new development, respecting the local character and the existing natural and built environment.

Buildings, streets and spaces should be of the highest quality. The principles in this guide should ensure that new development creates a positive sense of place and that they will work best for existing and new residents, businesses and visitors. The guide is illustrated with examples that show how to meet the relevant design principles and what to avoid. Each chapter has a checklist to facilitate assessment.

This Design Guide explains what is required to comply with various policies within the Local Plan and will be adopted as a Supplementary Planning Document. Planning applications in the Borough will be assessed against it to ensure the design principles have been met. Local Plan site allocations may provide specific design guidance or advice.



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Principle 2:

Development should respond to the local context and respect the existing character of the landscape, streetscape, architectural and historic environment.

Good design shows:

- How the development relates to the local area in terms of scale, massing and materials
- An analysis of the local context, for example the historic environment
- The final appearance including the quality and durability of the materials
- Understanding the site characteristics, working with the constraints and making the most of key features such as topography, watercourses and views

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a. Landscape

The existing landscape character should inform new development and positive landscape features, including trees, watercourses and views, should be retained.



For the majority of planning applications, including larger independent sites and sites where higher density development than existing may be appropriate, development will take appropriate cues from its surrounding area, including form, style and materials. Scale and height needs to positively respond to adjoining areas' character and distinctiveness. For larger scale planned regeneration of extensive areas, like the Wembley Park masterplan and parts of the Alperton masterplan, a new urban character can be created, while drawing on the existing context and historic character and ensuring it is coherent with the townscape surrounding it. Brent's upcoming Characterisation Study will assist with identifying character, but detailed local context and character analysis will still be required.

In order to create character or vitality within the streetscape, developers are encouraged to reuse existing buildings that would be deemed a historical asset regardless of designation.

b. Streetscape

New development should be integrated within the existing settlement and reflect the existing character, including building lines, front gardens, scale, massing and rhythm.



c. Architecture

Local architectural character and design should be protected and enhanced, including building typology and style, height, roofscape, materials, details and proportions.



d. Historic environment

Development should preserve and enhance the historic environment, including:

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- Listed buildings and structures,
- Non-designated heritage buildings and features,
- Conservation Areas, and
- Townscape and landscape character.

3 Building Context



Principle 3.1

New development height, massing and facade design should positively respond to the existing context and scale; facilitating good urban design.

a. Sites appropriate for tall buildings

Tall buildings will only be encouraged in areas identified as appropriate for tall buildings and be of outstanding design, following best practice guidance.

Tall buildings are defined as structures that are more than 6m taller than the local context or 30m and over. New development should optimise the potential of the site while respecting the existing context and character and make efficient use of land through good design. The emerging London Plan requires that particular consideration is given to site context, PTAL and infrastructure capacity. Appropriate density can often be achieved without tall buildings.

Brent acknowledges the role tall buildings can play in increasing densities in certain locations. Brent's forthcoming Tall Building Strategy, Local Plan site allocations and local policies such as the Wembley Area Action Plan and Alperton Masterplan identify sites where tall buildings may be appropriate, provided they are of outstanding design quality and meet relevant design guidance.

In these large regeneration areas, development can create its own character that is different from the existing context. Buildings are expected to step down in scale towards the site boundaries and nearby lower buildings, to effectively limit the impact of the change in scale and respect the surrounding character.

Tall buildings on sites identified as appropriate for tall buildings will still need to be of a suitable height and design for the local area and take into account their visibility from further away. Proposals for tall buildings should have regard to good design as outlined in the London Plan, Brent's forthcoming Tall Building Strategy, Local Plan and other policies and guidance including 'Historic England Advice Note 4; Tall Buildings'

Tall building design should pay attention to how the building will be viewed from a range of locations, near views and from afar. CGIs and physical models should be provided at pre-application stage to aid officers' understanding. All rooftop plant and machinery should be screened with cladding and/or landscaping to avoid unsightly appearance.



Slender massing and exceptional design quality are required for tall buildings ✓



A cylindrical shape and facade with depth, variety and interest ✓



A tall building in an inappropriate location, not respecting the existing context and character ✗



A tall building visible from afar and its negative impact on the existing character ✗

b. Heights on all other sites

Building heights should positively respond to existing character.

In all other areas, development should positively respond to its context and create attractive streets and spaces by respecting human scale in its ground floor treatment, height and massing. In the drive for efficient use of land, sensitive design should ensure new development respects the character of the wider surroundings. This includes carefully considering building heights and massing and designing blocks and buildings to minimise visual impact.

In the areas of Brent that are predominantly suburban in character, new tall buildings are unlikely to be appropriate.

The height of buildings, and their relation to the surrounding buildings, has a big impact on the experience from the street, in particular the relation of the building to the human scale. New development should positively respond to the height of the adjoining buildings and local area. Building heights that are out of context and do not respond positively to the local character are not acceptable.

Tall buildings can generally be seen from far away and have a wide visual impact on local character. Any 'landmark' buildings should make positive contributions through exceptional design and detailing, not necessarily through increased height. Wayfinding should not depend on building height.

Streets should generally have similar building heights on each side and height to width ratios should generally stay within 1:1.5 and 1:3, as outlined in the Urban Design Compendium. Developers need to thoroughly analyse context and the relationship to existing buildings. Further information on context and character will be provided in Brent's forthcoming Characterisation Study.



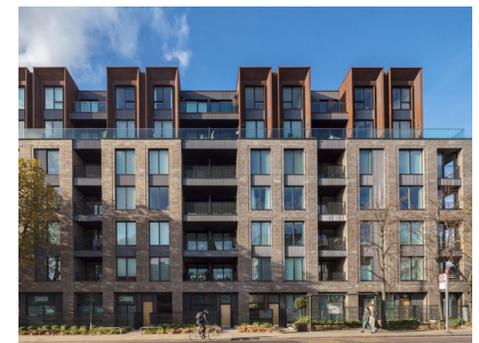
A big jump in height, without regard for the existing context



High buildings along a narrow street, creating an oppressive atmosphere



A double height glass facade at odds with the human scale is detrimental to street character



Building facade and mass broken up to reduce its visual impact and create a base, middle and top



c. Bulk, scale and massing

Development massing should limit its visual impact by effectively breaking up facades, creating a varied roofscape and relating positively to existing surroundings.

Large developments should effectively break facades and building mass into smaller components to fit in better with their surroundings and the human scale. Varied roofscape and facades can assist with this by introducing smaller elements, rhythm, depth and visual interest. Depth in facades can be created by bay windows, balconies and dormers.

Buildings should generally be divided into a clear base, a middle and a top section, usually the roof. All elements should be elegant in terms of materials and detailing. The form and design of a building should ensure it is not bulky or homogeneous. Tall buildings should be slender. A single storey base relates best to the human scale and double height glass facades should be avoided.

Buildings that would not impact negatively on the local and wider area but are nevertheless taller than neighbouring buildings should minimise their visual impact, through appropriate roofscape and architectural design.

Development should not preclude or compromise future development nearby and should not normally rely on adjoining sites for light and outlook.

Principle 3.2

Development should ensure active frontage and maximise doors and windows to active ground floor rooms.

Streets that are well overlooked and have active ground floors feel safer and more pleasant. A sense of supervision also deters potential crime and anti-social behaviour. Development should ensure animated facades towards public routes and spaces, avoid blank walls and inactive frontage and limit gaps in building lines. Buildings on street corners should be dual fronted, with active and attractive facades to both streets.

Inactive frontage which reduces the amount, size or visibility of windows of habitable rooms should be minimised as much as possible. This includes garage doors, ground floor bathroom windows and raised ground floors. Protruding building elements such as bin stores can limit the visibility of windows and should be avoided.

Where limited areas of inactive frontage are unavoidable, active frontage should be prioritised along primary routes, public spaces and pedestrian and cycle only routes and opposing inactive frontages should be avoided. Any inactive frontage (including ventilation and extraction grilles) must be treated with high quality detailing and materials.

Apartment buildings should be designed to provide private front doors onto the street for ground floor apartments, ideally with private front gardens, animating the streetscene and providing benefits to residents. Using maisonettes or private entrances (via staircase) to first floor apartments can provide similar benefits to more residents. Rear access and internal access to ground floor apartments should be avoided where possible.

Communal entrances should be designed as active frontages with direct access to the public realm on street frontages and public spaces. They should be clearly articulated within the elevation to provide a clear and visible entrance.

Where residential development is located above retail or commercial uses, main access should normally be provided from the front street. Retail frontages should be fully integrated with the architecture of the building and comply with Brent's SPD3 Shopfronts.

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Active ground floor with bay windows providing additional supervision ✓



Animated facades with bay windows ✓



Apartment building turning the corner with genuine dual frontage ✓



Blank side gables are inappropriate ✗



Undercroft parking in inappropriate location creating inactive frontage ✗



Integral garages often create inactive frontage on the ground floor ✗

Principle 3.3

New development should respect existing urban grain and human scale.

a. Plot widths

Existing fine grain and narrow plot widths should be respected and maintained wherever possible.

b. Direction and human scale

Large building blocks should be effectively broken up to limit the impact of bulk and massing and respect the human scale.

Urban grain is the pattern of plot sizes that makes up the built environment. These plot sizes are reflected in the architecture, with each plot normally containing one building. Therefore, plot widths, and narrow plots (fine grain) in particular, influence the character of the area. The traditional development pattern is generally fine grain, which relates best to the human scale.

Modern development plots are often significantly larger than traditional plots. To create the visual advantages of a finer grain and to respect the human scale, the design of large building blocks should be broken up effectively.

Apartment blocks should be designed in a similar way to houses wherever possible. Individual entrances to ground floor apartments, as well as a vertical expression in the design of facades and windows will assist with giving the impression of a fine grain.



New development that expresses a fine grain through architectural treatment



An overly coarse grain is apparent through monotonous height and facade design



A development that emphasises vertical direction through depth, roofscape and materials



A long and high block with horizontal emphasis does little to relate to the human scale



Principle 3.4

Building roofs should be designed to minimise the impact of height and positively respond to the character of the area

a. Streetscene

Buildings should generally fit in with the existing character of roof types within the streetscene and minimise the visual impact from street level.

The majority of areas within the Borough are characterised by pitched roofs, which create a suitable end to the building. Typical roof types include gable roofs, hipped roofs and mansard roofs. Roof forms of new development should fit in with the established character of the street or area. Dormers are an efficient use of roofspace that maintain the advantages of pitched roofs and have less visible impact than an additional storey.

Buildings must have an uncluttered, simple roof profile with all elements such as plant enclosures, solar PVs, maintenance gantries, lift overruns, safety balustrades etc., forming an integral part of the overall building form and designed with minimal visual impact from street level.



A varied roofscape and depth that breaks the building into smaller parts ✓



A large monotonous facade and roofscape do little to relate to the human scale ✗



Gable roofs part of contemporary design ✓



A hipped roof with chimneys ✓



A mansard roof with setback windows ✓



Dormers, adding rooms but not height ✓

b. Setback top floors

In areas where flat roofs are appropriate, buildings should minimise the visual impact from street level and respect human scale, i.e. through set back top floors.

Setting back upper floors can make the buildings look smaller from street level and therefore less overbearing or more acceptable. The setback floor(s) will still be visible from further away, but may act as a suitable top section, distinct from the middle part of the building. Setback floors should remain in character with the rest of the building and contemporary top floors on buildings of traditional style should be avoided.



Top floor setback sufficiently to reduce the visual impact from street level



Top floors set back, reducing visual impact



Overhanging flat roofs needlessly add to the bulk and massing of the scheme



An unattractive, dominant feature roof that increases visual impact of the building



Principle 3.5

Buildings, including window dimensions and void-mass ratio, should be well proportioned; respecting local character.

a. Dimensions

Buildings should fit in with local character by using similar dimensions, especially for windows.

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Window dimensions are an important part of character and using traditional dimensions assists in fitting in with local character. Traditional dimensions generally have a strong vertical emphasis, both the shape of the void in the wall and the sub-division of panes within this. In Conservation Areas multi-pane sash windows are generally most appropriate and PVC windows, which are considerably thicker, should be avoided.

b. Void-mass ratio

Buildings should normally fit in with local character by using a similar void-to-mass ratio; avoiding either too small windows or too much glass.

The proportion of windows to solid walls is called the void-mass ratio. This is usually quite constant within an area and forms part of the character. To fit in with this, new development should use a similar proportion and facade layout. Generally, overly large glazing or smaller than usual windows should be avoided, particularly on front elevations. This will also assist with providing sufficient daylight and reducing overheating. Windows should be sufficiently recessed from the facades.



Traditional window dimensions with multi-pane windows



Window proportions and styles do not fit in with the local character



Traditional void-mass ratios as part of the local character



Using traditional void-mass ratios to fit in with the local context



Too much glass and a horizontal direction does not fit in with the local character



Poor void-mass ratio with too few and too small windows



Principle 3.6

Building materials should be durable, attractive and respect local character.

The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. Within Brent, the predominant building material used is brick, with smaller amounts of roughcast, pebbledash and render. Brick has over time proved to be a successful material, with strong aesthetic credentials to assist in creating high quality neighbourhoods. Brick and other natural materials and elements of small dimensions create visual interest through patterns and depth.

Natural materials such as brick and stone generally weather well and retain their beauty over time. Materials such as concrete are known to become unattractive because of weathering and should be avoided externally. Newer materials that have not yet shown how well they age should be minimised. Render has a risk of staining due to wet conditions and its use should be limited. Roof types should normally fit in with the surroundings whether that is flat or pitched and in slate or clay tile. The colour and texture of the brick should complement the local context.

Sustainable technologies, for example solar panels should be integrated into the design from the outset rather than retrofitted. Wherever possible the (re-)use of materials from sustainable sources will be encouraged.



Brick facade with tile roof



Stone facade with slate roof



A traditional streetscene with natural materials that have stood the test of time



A new brick development is likely to weather well and remain attractive



A predominantly glass facade



Metal cladding and non-recessed windows



Concrete has proven not to weather well and should be avoided in new buildings



Render that has become unattractive due to staining



3.7 Building Context: checklist

- 3.1 Density, height and massing – *New development height and massing should positively respond to the existing context; facilitating good urban design.*
- Are tall buildings located in areas identified as appropriate for tall buildings and of outstanding design, following best practice guidance?
 - Do building heights positively respond to the existing character, sensitively consider height and step down effectively?
 - Does the development massing limit its visual impact by effectively breaking up facades, creating a varied roofscape and relating to positive existing surroundings?
- 3.2 Animated facades – *Development should ensure active frontage and maximise doors and windows to active ground floor rooms.*
- Does the development ensure active ground floors along public spaces and routes by maximising doors and windows to active rooms on the ground floor?
 - Do buildings on street corners present dual frontage, with active and attractive facades to both streets?
 - Do apartment buildings provide active frontage, with private ground floor entrances from the street for ground floor apartments?
- 3.3 Urban grain – *Development should respect existing urban grain and human scale.*
- Are existing fine grain and narrow plot widths respected wherever possible?
 - Are large building blocks effectively broken up to limit the impact of bulk and massing and respect the human scale?
- 3.4 Roofscape – *Roofs should be designed to minimise the impact of height and positively respond to the character of the area.*
- Do buildings reflect the positive existing character of roof types within the streetscene and minimise the visual impact from street level?
 - Where pitched roofs are not appropriate, do buildings set back top floors, minimise the visual impact from street level and respect human scale?
- 3.5 Proportions – *Building designs, including window dimensions and void-mass ratio, should be well proportioned; respecting local character.*
- Do buildings fit in with local character by using similar dimensions?
 - Do buildings fit in with local character by using a similar void-to-mass ratio, avoiding either too small windows or too much glass?
- 3.6 Building materials – *Materials should be durable, attractive and respect local character.*
- Do buildings fit in with local character by using similar materials?
 - Do buildings use sustainable, natural materials that are durable, weather well and remain attractive over time?

Principle 4.1

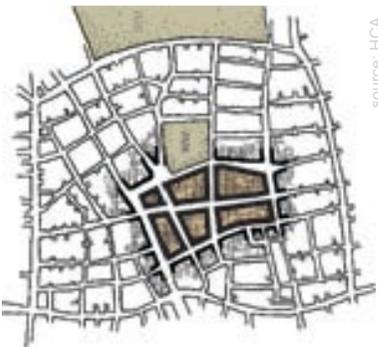
New development should create well-dimensioned perimeter blocks wherever possible, providing active frontage and maximising sunlight into amenity space.

a. Perimeter blocks and dual aspect flats

Development should consist of buildings fronting onto streets in the form of perimeter blocks, avoiding single aspect dwellings.

Perimeter blocks comprise of buildings facing the public streets, with private backs (such as rear gardens) against the rear boundary of other properties. They provide the basis for well-overlooked and active streets and more quiet and secure rear gardens or service yards. Development blocks should be dimensioned to facilitate continuous frontage to all sides whilst avoiding deep buildings with central corridors and single-aspect dwellings.

Dual frontage allowing cross-ventilation is essential to avoid overheating, damp and poor air quality. It also enables living rooms to face towards the best side, whether to make use of good views or southern orientation, or to avoid noise or poor views, including car parks or service yards. Development forms that will result in a large proportion of single-aspect dwellings are generally not acceptable.



A connected network of perimeter blocks



Perimeter blocks providing active frontage to all streets and spaces



A dual aspect apartment block integrated into a perimeter block



The same apartments and perimeter block seen from above



Direct access from the street to ground floor apartments with private front gardens



A lack of ground floor entrances and private front gardens creates an inactive street



A long perimeter block providing a good length of continuous frontage



Perimeter blocks creating frontage and a legible street layout

b. Non-residential uses

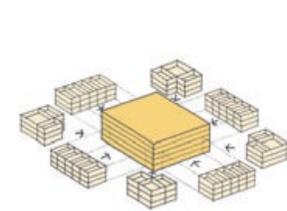
Non-residential uses should be treated the same as residential uses; incorporated into the streetscene and wrapped with other uses as necessary to provide active frontage.

Uses such as 'big box' retail generally have a small proportion of active frontage. They should be designed to have other active uses, like smaller shops or homes, around them to maximise active frontage towards public streets and spaces. Setting back buildings significantly, for instance to provide car parking areas to the front, should be avoided.

New development, and offices in particular, should be designed to avoid overheating and use natural ventilation wherever possible. Large areas of glazing, particularly south-facing, should generally be avoided. Windows should be openable wherever possible and external shading used appropriately, while taking care to fit in with local character.

Routes and spaces intended for the public should be designed as open, public and fully accessible.

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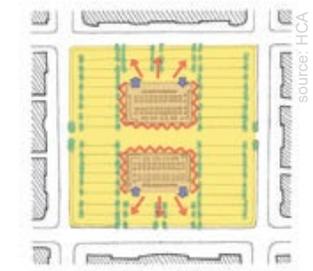
source: HCA

The principle of wrapping big box uses ✓



source: HCA

Big box uses integrated into a perimeter block ✓



source: HCA

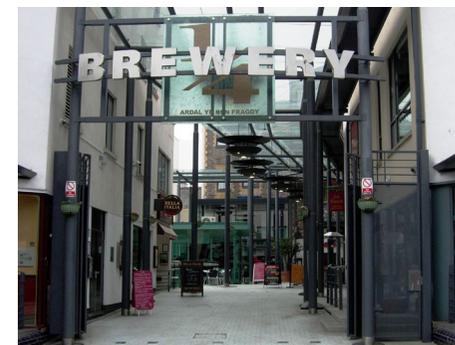
A big box creating poorly fronted streets ✗



High streets are true public spaces that allow for a mix of uses and activities ✓



Public space attracting public activities ✓



A poor example of a covered privatised space that is not public and accessible ✗



A negative example of stairs and level differences restricting movement and views ✗

Principle 4.2

New developments should provide a suitable amount of parking in a mix of parking solutions that are convenient, efficient and facilitate good urban design.

a. Positive parking solutions

New development should provide a mix of positive parking solutions for cars, motorcycles and bicycles, including a suitable level of on-street parking for cars and bikes wherever possible.

The layout and location of parking areas are key features affecting the overall quality of residential and commercial schemes. Positive parking solutions include on-street parking, underground parking and under-deck parking. On-street parking is more efficient, may be beneficial for the streetscene and is essential for visitors.

In areas of high public transport accessibility and near town centres, car-free development may be appropriate, in which case access to a car-club may be required. For other areas, developers should refer to Brents Parking Standards.

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A shared surface solution with on-street parking softened with street trees ✓



On-street bicycle parking is important for visitors and can increase cycle use ✓



On-street parking, leaving space for green front gardens ✓



Efficient parking inbetween homes ✓



An innovative example of under-deck parking, providing garden space above parking for a traditional terrace ✓



Under-deck / basement parking can provide a positive solution for more central, higher density schemes ✓

b. Negative parking solutions

New development should minimise the amount of negative parking solutions, including front garden parking.

Negative parking solutions include rear courts, front garden parking, undercroft parking, and integral garages.

Rear parking courts should be avoided wherever possible, but if they are necessary they should be dead-end routes that serve a minimal number of cars, with the entrance well overlooked by ground floor windows. They should be well landscaped with semi-mature trees and shrubs across the court.

To maintain and increase street quality, on-plot parking areas at the front of new development are not accepted.

Where parking associated with retail and office uses is considered necessary, parking areas should be located to the side and rear of the scheme or in basements or on roofs, to maximise active frontage onto the main street(s). The entrance should also be on the main street frontage to encourage pedestrian accessibility.

Landscape needs to be considered carefully with trees, landscaping, permeable surfaces and seating areas to make areas more pleasant to live and work in.



Rear parking street causing inactive space without supervision of cars or people ❌



Front garden parking dominating the streetscene, instead of green gardens ❌



Front garden parking and hardstanding dominating the streetscene ❌



On-street parking is preferred by residents but if not designed in it causes problems ❌



Undercroft parking eliminates active frontage on the ground floor ❌



Integral garages cause a lack of active frontage on the ground floor ❌



Double garages are rarely used for parking and cause inactive frontage ❌



Large rear courts are rarely used and can attract crime or anti-social behaviour ❌

Principle 4.3

New development should provide suitable trees to new streets and spaces and retain existing trees where possible.

There is now a wealth of evidence on the many benefits of high tree canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; as well as the more obvious benefit of improving biodiversity. Larger forest type trees provide greater benefits and older trees generally support more biodiversity.

There will be a presumption in favour of the retention of trees of a high and moderate quality. Where it is agreed not to be possible to retain such trees then measures should be taken to provide adequate space elsewhere on site for suitable replacement planting.

Developers will need to demonstrate that they have provided sufficient space below ground to provide adequate rootable soil volume for the tree(s) to reach their optimal size and life expectancy as well as suitable set back to allow for the tree to grow in its natural form. Sustainable drainage systems and other green infrastructure benefits can also be designed into tree planting schemes, further enhancing the positive impact of an arboreal landscape

Development should integrate green infrastructure from the beginning of the design process and contribute to urban greening. Good quality landscape design and tree planting in new development are fundamental to the local environment.

Street trees, like front gardens, provide a wide range of environmental and visual benefits and contribute heavily to creating attractive street character. They are an efficient way to increase kerb appeal and development value. New streets should be tree-lined wherever possible.

Existing mature trees can provide enormous value and character to development sites and should be retained wherever possible, unless identified as unsuitable by the relevant tree officer. To achieve their optimal amenity value they should be incorporated into public open space or at least visible within the public realm.

Developers should provide street trees within the public realm of sufficient size (semi-mature) to provide the visual benefits and increase their chance of survival. All trees included on development layouts are expected to be specified and provided.



A tree-lined street with trees within paving areas ✓



A large specimen tree within generous open space allowing the tree to flourish ✓



A tree-lined street with trees inbetween on-street parking ✓



A tree-lined street including planters ✓



Street trees located within the footpath ✓



A hard environment that would benefit from planting and street trees ✗

Principle 4.4

New dwellings should have green front gardens wherever possible; taking into account existing context and character.

Front gardens fulfil a wide range of important uses, including environmental, visual, social and personal. Most of these benefits are only achieved through green front gardens. Hardstanding for parking or storage should be minimised as much as possible.

To encourage the use of front gardens for decorative planting and to optimise their visibility from the street, boundary treatment is important. Low decorative railings or low walls are suitable boundaries for front gardens. Higher walls and fences and high hedges are not suitable as they obscure visibility and deter planting.

The dimensions of front gardens also play a large role in their use. Gardens or 'privacy strips' that are too small (less than 2m deep) are less likely to be planted and will provide minimal privacy. Infill development should respect the existing street character.

Residents generally aim for gardens to fit in with the existing character of the street, developers should provide planting in front gardens, to set the precedent and create the green character of the street. All front garden areas should have a detailed landscape design which includes boundary treatments, planting and paving.



Front gardens with only planting functioning as a suitable boundary ✓



Front gardens designed as green gardens from the outset are likely to remain green ✓



Medium-sized front gardens with planting clearly visible through a low railing ✓



Needlessly high walls and railings reduce the interaction between building and street and give the impression the area is unsafe ✗

Principle 4.5

Street design and public realm should reflect the street hierarchy and accommodate for movement and the street as a place accordingly.

The design of streets and the public realm should reflect the right balance of movement and place functions relevant to their place in the route hierarchy. Streets that are not primary roads should be designed as places and attractive destinations, in addition to accommodating through traffic.

Local residential streets, which make up the majority of streets, should be designed to ensure pedestrian priority over vehicles and actively limit vehicular speeds through street layout and materials.

Streets should be designed for people and provide for a pleasant place to be in. 'Manual for Streets' and Transport for London's (TfL) 'Healthy Streets' approach will be used in their design. Standard highway designs can be appropriate for roads higher up in the route hierarchy although other road users and placemaking remain key design considerations. Pedestrians, cyclists and public transport should generally take priority over private cars.

Where shared surface streets are provided they should be designed to ensure pedestrian priority and be safe and comfortable for all vulnerable road users. Design speeds should be very low.

Narrow and constrained streets should ensure sufficient access for refuse and emergency vehicles. Further information on street design, including minimum pavement widths, can be found in the Brent Placemaking Guide (2011).



Paving and planting creating an attractive public realm ✓



Concrete block paving creating a durable and attractive footpath surface ✓



secondary route with natural traffic calming measures ✓



An attractive shared surface homezone ✓



A local street that emphasises pedestrian priority through its surface materials and lack of kerbs ✓



A collector road should still have building frontage, cycle lanes and pedestrian crossing facilities ✗



Local street with attractive materials, planting and on-street parking ✓



Local street with attractive materials, planting and on-street parking ✓

Principle 4.6

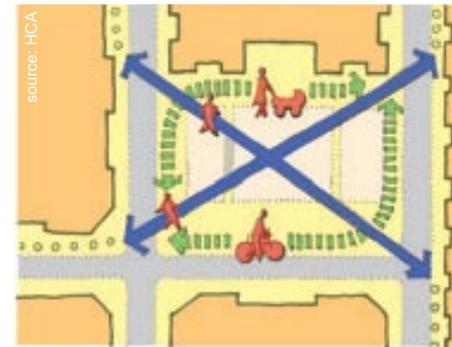
Larger sites should integrate with their surroundings and provide a clear network of routes, views, open space and landscape.

a. Routes

Development should have a clear route hierarchy and facilitate ease of movement and access for all.

Local streets, including the vast majority of residential streets, should be designed to prioritise pedestrians, cyclists and placemaking, providing a low speed environment. They should be designed to accommodate the principles of Active Design (Sport England, 2015) and Healthy Streets. Of particular relevance would be TfL's Streetscape Guidance, London Cycle Design Standards, West London Cycle Parking Guidance and London Plan policy Public Realm.

Site layouts should integrate routes through the site, including access to potential future development sites. Dead-end routes, for any mode of transport, should be avoided wherever possible. Routes for all modes of transport should be combined in the same location (streets) wherever possible, as opposed to separating pedestrian routes and vehicle access.



Desire lines for pedestrians are the shortest routes possible

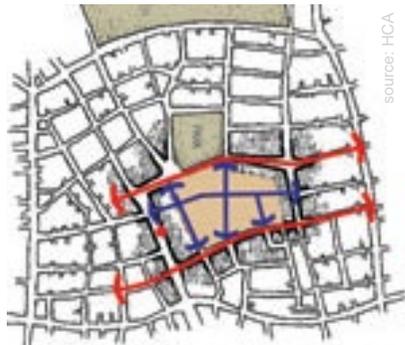


Gated communities and private roads are impermeable and unacceptable

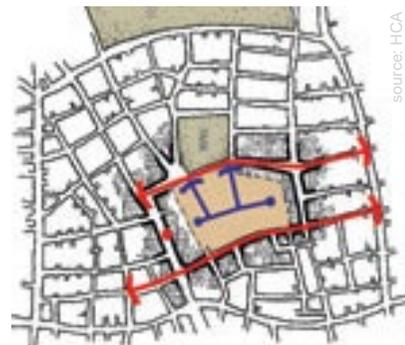


Development should ensure the layout and route hierarchy are easy to understand for those visiting the site or passing through. It should provide ease of movement for all, within and through the site; facilitating desire-lines for pedestrians and cyclists wherever possible, potentially using filtered permeability where appropriate.

All routes should be public and free to use at any time and gated developments are not acceptable. Cul-de-sacs and private roads should be avoided wherever possible.



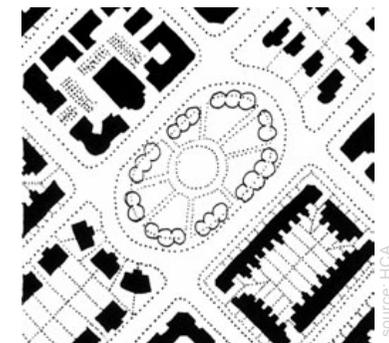
A good example of a connected, permeable network of routes



A poor example of a disconnected, inward looking development



Shared space for all modes of transport



Perimeter blocks allow for good legibility



b. Open space

A suitable range of open space should be an integral part of new development.

Larger development should include a sufficient range of well-designed open spaces, varying in scale and character. Parts of streets, designed as shared space, with quality planting, seating and paving and sheltered from car movement can be valuable, attractive open space.

Well-designed landscaping can provide for several uses at once. For instance, an area used for sustainable urban drainage could also provide for biodiversity, visual amenity and informal play. It is important to locate open spaces so that they are well-overlooked and easily accessible to residents. Sufficient, well-placed seating should be included.



A simple green open space can be used for play, recreation and visual amenity



Well-designed streets can also be used for play and as a meeting space



c. Views

The potential for attractive views should inform the layout of new development; integrating the development with its context.

Development should line up new streets and building massing to maintain or create attractive public views of key buildings or features wherever possible. Protected views of the Wembley Arch, as identified in the Wembley Area Action Plan (2015) should be respected.



A street lined up to provide a vista to a heritage building, providing a visual stop



A street lined up to provide a vista to a heritage building, providing a visual stop



Attractive, useable, accessible and overlooked public space



The Wembley stadium arch is an iconic element that can be seen from many places in Brent



d. Landscape structure

Landscape design, including green and blue infrastructure and sustainable drainage systems (SUDS), should be an integral part of new development.

Green infrastructure, including parks, fields, hedges and trees, can provide attractive views, recreation and biodiversity. A range of well-designed green infrastructure of different types and sizes should be integrated into development, including linear parks and tree-lined streets.

Blue infrastructure, including rivers, streams, canals, ponds and swales can provide valuable visual amenity and should be designed as such, with public routes and building frontage along it. Sustainable urban drainage systems (SUDS) aim to manage the flow of surface water run-off (rain water). They can include attractive natural features such as swales and ponds, but also underground storage tanks where necessary.

Blue infrastructure and SUDS should be considered as part of early masterplanning as they may not easily be integrated afterwards. They should combine visual amenity with their drainage function wherever possible. Developers should refer to Policy DMP 9B or subsequent Local Plan policy on on-site water management and surface water attenuation.



A green route, with active frontage along a green open space ✓



A blue and green route ✓



Attractive Sustainable Urban Drainage ✓



SUDS that double up as an area for play and visual amenity ✓

- 4.1 Block structure and active frontage – *New development should create well-dimensioned perimeter blocks wherever possible; providing active frontage and maximising sunlight into amenity space.*
- Does the development consist of a clear network of through routes and buildings fronting these routes in the form of perimeter blocks?
 - Are apartment buildings treated the same as houses, incorporated into the streetscene and designed with dual frontage wherever possible?
 - Are non-residential uses incorporated into the streetscene and wrapped with other uses where necessary to provide active frontage?
 - Are routes and spaces designed as open, public and fully accessible space?
- 4.2 Parking – *New developments should provide a suitable amount of parking in a mix of parking solutions that are convenient, efficient and facilitate good urban design.*
- Does the development provide a mix of positive parking solutions for cars, motorcycles and bicycles, including a suitable level of on-street parking for cars and bikes?
 - Does the development minimise the amount of negative parking solutions, including front garden parking?
- 4.3 Street trees – *New development should provide street trees to all streets and retain existing trees where possible.*
- Do development layouts incorporate existing mature trees and tree groups in the public realm wherever possible, providing visual amenity?
 - Do streets and spaces incorporate semi-mature street trees of a suitable specification within the public realm?

- 4.4 Front gardens – *New dwellings should have green front gardens; taking into account existing context and character.*
- Do new dwellings have green front gardens with suitable low boundary treatments, encouraging use for planting?
 - Do new dwellings have green front gardens of suitable dimensions, encouraging use for planting whilst making efficient use of space?
- 4.5 Public realm – *Street design should reflect the street hierarchy and accommodate for movement and the street as a place accordingly.*
- Do streets designs reflect the right balance of movement and place functions relevant to their place in the route hierarchy?
 - Do the design and materials of the public realm reflect pedestrian priority over vehicular movement?
- 4.6 Larger sites – *Larger sites should integrate with their surroundings and provide a clear network of routes, views, open space and landscape*
- Does the development have a clear route hierarchy and facilitate ease of movement and access for all?
 - Is open space an integral part of new development?
 - Does the potential for attractive views inform the layout of new development; integrating the development with its context?
 - Is landscape design, including green and blue infrastructure and sustainable drainage systems (SUDS), an integral part of new development?

5 Amenity and Services

Principle 5.1

New development should provide adequate privacy and amenity for new residents and protect those of existing ones.

Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.

For sites within an existing street scene, the distance between front elevations should normally be determined by the character of road widths or set-backs from roads in the area. Windows may be designed to direct views in certain ways and to avoid overlooking in other directions.

Privacy should be balanced with active frontage and overlooking of public spaces. Too small privacy strips or too small overlooking distances cause people to leave the blinds closed, reducing animated facades and active frontage as well as views from within the home. Front gardens of 2-4m depth can provide the right balance.



Medium sized front gardens providing sufficient privacy for people to leave their ground floor curtains open ✓

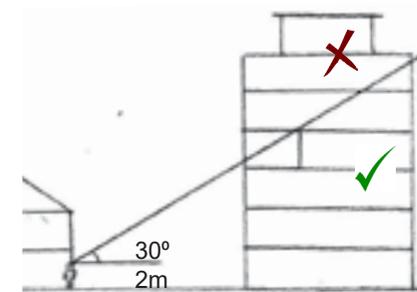


A narrow privacy strip will not provide much privacy and is unlikely to be planted ✗

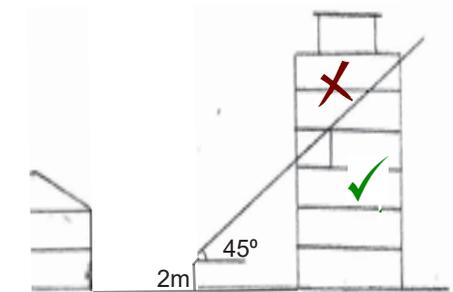
Development should ensure a good level of daylight, sunlight and outlook, throughout the day and the year and minimise the impact on surrounding properties and spaces. At the date of publication, Brent supports the use of 'Site Layout planning for daylight and sunlight: a guide to good practice' produced by BRE (BRE209). Daylight and sunlight should be evaluated from the initiation of the project. The comfort and safety implications associated with wind should be evaluated for all tall buildings and those significantly taller than their surroundings.

The building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.

The 2:1 guidance for two storey extensions outlined in the Residential Extensions and Alterations SPD2 applies for commercial developments next to residential as well as between residential developments. This requires new buildings and extensions to not extend further beyond the neighbouring building line than half the distance to the centre of the nearest habitable room. Towards public streets and spaces, it is expected that buildings continue the established building line.



The 30 degree rule



The 45 degree rule

Principle 5.2

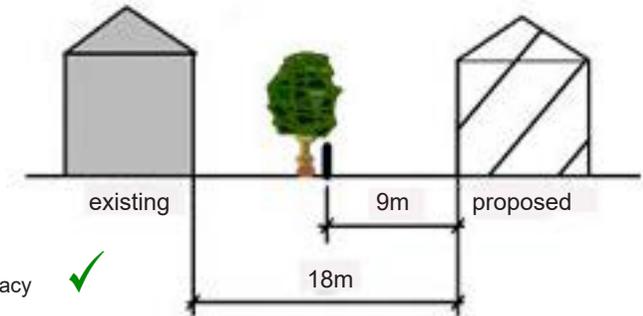
New development should provide good levels of private outdoor space and well-designed communal amenity space for new residents.

Private and communal amenity space should be provided in accordance with the Mayor's latest guidance and other Brent adopted guidance. Brent's policy DMP19 states that the standard sizes of external amenity space to satisfy residents' needs are:

- 50 m² for family housing (3 bedrooms or more) including ground floor flats
- 20 m² for other flats

Private amenity space should be accessible to all dwellings from a main living room, ideally without level changes. It should also be planned to take maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot achieve the full requirement of the policy, the remainder should be provided in the form of communal amenity space. Privacy of private spaces should be considered. Communal spaces should benefit from good levels of natural surveillance.

Apartments and duplexes at ground floor should be provided with a minimum 1.5m deep front garden with an additional 0.5m strip for planting against the public realm. Projecting balconies need to be well spaced to avoid over shadowing of balconies below and generally not used at higher levels where they are subject to extreme weather conditions. Minimum width and depth for balconies and private external spaces is 1.5m.



18m and 9m distances promote adequate garden sizes and privacy ✓

Roofs should be used as amenity space and support biodiversity wherever possible. They can also play a positive role in improving townscape by greening urban areas with the ecological benefits of reducing the impacts of climate change. Set-backs from the building edge will be required where roof gardens would be unacceptable in terms of overlooking impacts on neighbours' amenity or undermining the established character of the area.

Communal amenity spaces should be designed by a landscape architect and will be expected to create a usable and attractive environment, including tree planting and landscaping. They should include playable spaces and features complying with the London Plan Play and Recreation SPG. Amenity space that lacks clear landscape proposals and consists of simple grassed or hard surfaced areas is not acceptable.



Generous balconies; allowing for various uses and views ✓



Generous balconies, internal and external to the facade; adding depth ✓



Useable communal space with seating, visual and ecological benefits ✓



Roof gardens are efficient use of space and can aid leisure and biodiversity ✓

Principle 5.3

Services, bin and bike storage, should be designed as part of the building envelope wherever possible; minimising visual impact on the streetscene.

Sufficient storage, including for bins and bikes, should be provided in a safe, convenient location, sheltered from the weather. Development will be expected to provide adequate safe and secure cycle parking, for residents and visitors, in accordance with London Plan and sub-regional policies.

Bin and bike storage elements should normally not protrude from the front of buildings as this can limit visibility of ground floor windows and doors and has a negative impact on active frontage and passive supervision. Positive solutions include communal bin storage, potentially underground within the streetscene, to the rear of properties with suitable access or within the building envelope, away from facades providing active frontage.

New development will be expected to comply with Brent's "Waste and Recycling Storage and Collection Guidance for Residential Properties", including the amount of waste storage and the maximum distance for residents and operatives to wheel rubbish to and from storage areas.

Other services, such as meter boxes, gutter pipes and satellite dishes, should be designed in a way that minimises their visual impact and best fits in with the building and the local character. This involves attention to size, colour, materials and location. Meter boxes can be placed out of sight or in a similar colour to the building. Gutters and drainpipes can be provided in a suitable colour or integrated within the façade early in the design process.

In a Conservation Area, metal gutters and drainpipes can minimise harm to the existing character. For apartment blocks, communal satellite dishes should be provided out of sight where possible.



Drain pipes not designed in from the start are likely to detract from the facade



Apartment buildings should provide communal communications facilities



Secure on-street bicycle parking can eliminate the need for on-plot solutions and retain active frontage



Inactive protruding elements to the front of the building, blocking views from and to ground floor doors and windows



Principle 5.4

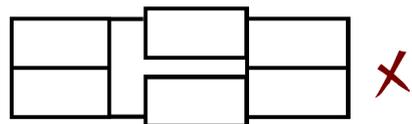
New development should provide adequate space, access and orientation and adhere to the relevant space standards.

Development should comply with national Technical Housing Standards, the London Plan and the Mayor’s Housing SPG. 90% of housing needs to meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’ and 10% M4(3) ‘wheelchair user dwellings’.

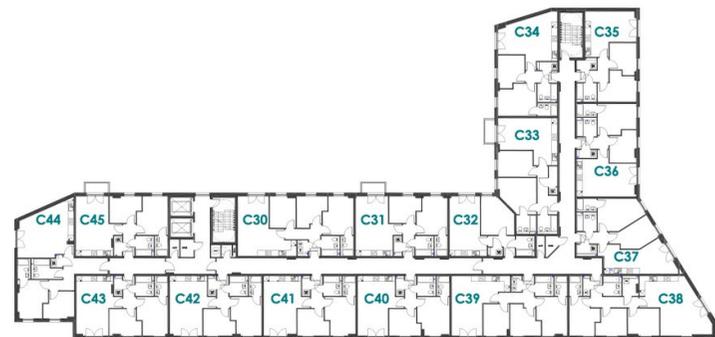
In addition:

- The number of units per core and storey should not normally exceed 8 in order to encourage neighbourly interaction. Tall buildings may need to reduce the amount of flats per floor in order to create slender buildings and to avoid single-aspect flats. Internal communal corridors should be 1.5m wide minimum and ideally have windows which open to promote cross ventilation and maximise daylight. Housing development must maximise dual aspect homes and normally avoid single aspect dwellings. The design must avoid single aspect units, in particular north and south facing ones. Genuine dual aspect dwellings require different facades to provide the necessary benefits and adhere to London Plan policy D4 and paragraph 3.4.5 ‘single aspect dwellings’. A stepped façade or corner window does not constitute dual frontage.

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Central corridor with single aspect flats vs gallery access, providing dual frontage with opposing facades



A deep block layout with long, narrow corridors, far too many flats per core, no private outdoor space and a majority of single-aspect flats

Principle 5.5

Buildings and spaces should be designed to minimise potential noise and light pollution.

Lighting of buildings should be carefully considered to minimise impact on local character during night-time and to protect residential amenity. Flood-lighting, up-lighting and external lighting on buildings should generally be avoided. Buildings and surrounding areas should be designed to ensure sufficient daylight to avoid a need for electric lighting during daytime.

Lighting in developments and public spaces, whilst ensuring safety and visibility for people at night, should always be directed for its purpose and not create glare or light pollution on residents’ homes. Flood-lit areas and lit-up advertising that detract from local character should be avoided.

Developments should minimise and mitigate the existing and potential adverse impacts of noise. BS4142 2014 emphasises the “characteristics” of sound as well the sound levels, for example the annoyance and repetition. These are particularly useful when assessing developments next to dual carriageways, railways, commercial (early morning deliveries at supermarkets and late night noise at nightclubs and bars) and industrial developments.



Up-lighting of buildings detracts from the local character

- 5.1 Privacy and amenity – *New development should protect the privacy and amenity of existing residents and provide good levels of privacy and amenity for new residents.*
- a. Does development ensure a good level of privacy inside buildings and within private outdoor space?
 - b. Does development ensure a good level of daylight and sunlight and views?
- 5.2 Private outdoor space – *New development should provide good levels of private outdoor space for new residents.*
- a. Are rear gardens well-proportioned and laid out, relate well to habitable rooms of the property?
 - b. Are apartments provided with balconies of sufficient usable size for the occupancy?
- 5.3 Bins and bike storage – *Services, bin and bike storage should be designed as part of the building envelope wherever possible; minimising visual impact on the streetscene.*
- a. Are services such as meter boxes, gutter pipes and satellite dishes designed in a manner that is least visible from the street?
 - b. Is bin and bike storage avoided to the front of dwellings, separate from the building envelope?
- 5.4 Space standards – *New development should provide adequate space, access and orientation and adhere to the relevant space standards.*
- a. Does development meet the relevant space standards?
 - b. Does development meet the standards on access, layout and orientation?
- 5.5 Lighting and noise – *Buildings and spaces should be designed to minimise potential noise and light pollution.*
- a. Do buildings generally avoid external lighting and light pollution?
 - b. Is lighting within the public realm, such as street lights and advertising signs, kept to a minimum and directed away from residential windows?

Principle 6.1 - Building for Life 12:

Development should perform positively against the recommendations set out in the latest Building for Life (BfL12) guidance.

**Integrating into the neighbourhood**

1. Connections
Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site?
2. Facilities and services
Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?
3. Public transport
Does the scheme have good access to public transport to help reduce car dependency?
4. Meeting local housing requirements
Does the development have a mix of housing types and tenures that suit local requirements?

Creating a place

5. Character
Does the scheme create a place with a locally inspired or otherwise distinctive character?
6. Working with the site and its context
Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?
7. Creating well defined streets and spaces
Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?
8. Easy to find your way around
Is the scheme designed to make it easy to find your way around?

Street & home

9. Streets for all
Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?
10. Car parking
Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?
11. Public and private spaces
Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?
12. External storage and amenity space
Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

There are four key steps that will improve design in developments in Brent:

Expertise

It is strongly advised that skilled architects, landscape architects, planners and other trained design professionals are engaged in new development proposals. The professional bodies for these organisations can provide appropriate contacts (RIBA, Landscape Institute, RTPI). Websites such as the Housing Design Awards and Built for Life may give indications of those practices that can produce high quality work. The professionals must show evidence of considering policy and guidance to ensure good design quality.

Pre-application and Design Review

It is strongly recommended that pre-application advice is sought which enables developers to discuss the development proposals with Brent officers and potentially the Planning Committee before formally submitting a planning application.

Where applications raise more complex issues, for example taller buildings, large scale regeneration, or where it is likely to impact on a sensitive setting, design review by a panel (of external independent experts across a variety of disciplines) is likely to be recommended, e.g. CABE Design Review Panel. This is strongly encouraged at the pre-application stage. More than one design review may be necessary. Weight shall be given to comments from the design review process

Ensuring a quality development

The Council is keen to ensure the delivery of quality after the grant of planning permission. The transfer of land ownership after planning approval can sometimes lead to reduced design quality. Appropriate design details of the development (design codes) should be conditioned to reflect the quality of the approved submission.

Presentation Standards and Consultation

In order that the planning authority and the public can make a balanced assessment of submitted schemes, the applicant will be expected to submit the following (in addition to the normal set of scaled plans) for applications for major developments and applications affecting a listed building or within a conservation area:

- A Design and Access Statement which is detailed enough for applicants to explain how the proposed development is a suitable response to the site and its setting, whilst demonstrating that it can be adequately accessed by prospective users. Planning Practice Guidance and CABE provide guidance on the context.
- Contextual drawings and graphics such as street elevations and perspectives that illustrate the proposed development.
- Developers will be expected to examine the character of an area as part of the overall design process. The Greater London Authority's Character and Context SPG sets out good methodology to interpret the character of an area.
- For outline applications, design codes for major developments such as elevation detailing should be included. In larger scale developments a masterplan should be agreed and conditioned for use in setting the design quality for subsequent reserved matters applications.
- For full applications, architect's drawings (ideally RIBA Stage 4) at 1:50, or in some cases 1:20 that provide sufficient clarity on particular design features e.g. the colour and quality of brick or stone work, the width of window reveals or how a glazed atrium might connect to a historic building.
- The Planning Committee will be determining major applications therefore high quality, clear information that assists in their understanding of the development proposal such as 3D images including CGIs (computer generated images) will help the committee make an informed decision.
- For large schemes a 3D computer generated model should be provided in a format to be agreed with the local planning authority.

National Policy and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance
- Manual for Streets 1 (DfT, 2007)
- Manual for Streets 2 (CIHT, 2010)

London Policy and Guidance (GLA)

- London Plan (2016)
- Draft London Plan (2018)
- Housing SPG (2016)

Brent Council Policy and Guidance

- Local Plan - Development Management Policies (2016)
- Local Plan - Core Policies (2010)
- Brent Placemaking Guide (2011)
- Residential Extensions SPD2 (2018)
- Shopfronts SPD3 (2018)
- Wembley Area Action Plan (2015)
- Conservation Areas Character Appraisals & Design Guides
- Advertisements (other than shops) SPG8 (2004)

Good Practice Publications

- Building for Life 12 (Design Council CABE / HBF / Design for Homes, 2016)
- Built for Life website (builtforlifehomes.org)
- Design and Access Statements: how to write, read and use them (CABE, 2006)
- Space to Park (URBED / University of Edinburgh / Design for Homes, 2014)
- Space to Park website (spacetopark.org)
- Urban Design Compendium, part I & II (Homes & Communities Agency)
- Urban Design Lessons (Homes & Communities Agency (HCA), 2014)
- Building Research Establishment (BRE)
- Residential Development and Trees (Woodland Trust, 2015)
- Trees and Design Action Group (TDAG.org.uk) publications:
 - Trees in the Townscape
 - Trees in Hard Landscapes
 - Species Selection for Green Infrastructure

This document is prepared by:

Spatial Planning
Brent Council
November 2018

www.brent.gov.uk/spd1



Brent Design Guide - Supplementary Planning Document (SPD1)

Equality Analysis

November 2018

Screening Data

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

The Brent Design Guide Supplementary Planning Document (SPD1) will when adopted replace an existing Brent Design Guide for New Development Supplementary Planning Guidance (SPG17) which was adopted in October 2001. This document sets urban design principles and advice that will ensure that the quality of built development that comes forward in the Borough is improved. It is supplementary to planning policies in the 2010 Brent Core Strategy, plus other policies within the Brent Local Plan such as the Development Management Policies and the London Plan.

The overarching objectives of the SPD1 are:

- a) To support growth which creates a good environment for new and existing residents and businesses; and
- b) The expectation that developers will demonstrate how their proposals make a positive design contribution to the Borough as a whole and relate well to the surrounding area.

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

The proposal will impact on local residents and local businesses, plus other organisations in the area such as social infrastructure providers (e.g. schools, doctors' surgeries, community groups and religious organisations) and Council services. The SPD will be applicable across the whole Borough, except the area within the Old Oak and Park Royal Development Corporation (OPDC) boundary. As such the population characteristics are:

Roughly 50/50 male/female population split.

The population has a white British representation at 16.4%, Asian/Asian British (Indian Sub-continent) at 23.8% and a Black/African/Caribbean/African British population split at 18.8%.

In terms of disability 14.5% of the population have their day to day activities limited by health issues.

In terms of religion 41.5% are Christian, 18.6% are Muslim and 17.8% are Hindu in Brent.

In terms of the age of the population, Brent has 24.9% of the population as younger people (under 20) whilst over 60s represent 14.5% of the population.

It is estimated that the Lesbian, Gay and Bi-sexual (LGB) population in Brent between 15,561-21,785; 3112 people experience gender variance and 62 are transgender people.

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

There are a number of ways that the SPD1 could impact on people in different ways because of their equality characteristics. The SPD1 seeks to build on Local Plan policies that provide accessible development. This relates not only to its physical accessibility, e.g. promoting measures to assist those with a disability, or perhaps with children in buggies, e.g. level access, improving the visibility of features such as main entrances, but also through encouraging mixed use developments that include affordable housing and a range of other uses to create a sustainable neighbourhood. This should ensure greater social integration and reduce the need to travel. This should therefore impact positively on those groups that historically are poorer economically (such as black and minority ethnic groups) who might not be able to afford car travel or public transport, or might otherwise live in areas that do not have a high level of social infrastructure due to weaker economic demand, e.g. certain shops.

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

It is not considered that the proposed developments will have a disproportionate adverse impact on groups with protected equality characteristics. More detail is set out below in Section 5.

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

No, neither directly or indirectly as a result of the SPD1.

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

The guidance relates to the Borough as a whole (except the area within the Old Oak and Park Royal Development Corporation boundary) which has some areas of high levels of deprivation as measured by the Indices of Multiple Deprivation.

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

As set out above, the guidance will be sensitive or important for some people because of their equality characteristics.

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

The SPD1 relates to a multiplicity of strategic priorities and equality and human rights objectives as set out in the Equalities Action Plan 2015. These include:

Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay. This will be delivered through an emphasis on providing mixed use developments that contain a variety of economic activities, rather than solely focussing on residential uses.

Making sure that our children and young people have access to the best education and training, achieve to their potential and have the best start in life. This will be delivered through an emphasis on providing mixed use developments that contain a variety of uses, including provision of well-designed educational facilities rather than solely focussing on residential uses.

Enabling people to live healthier lives and reducing health inequalities. The guidance seeks to promote urban design that improves the general environment and therefore provides better health outcomes for residents, workers and those visiting the Borough. This will include giving greater priority to the pedestrian environment, greening and improving air and water quality.

Making sure that Brent is an attractive place to live, with a pleasant, sustainable environment, clean streets and well-cared for parks and green spaces. This one of the most significant elements of the SPD1, providing for a high quality, desirable place which people want to live in, work in and visit.

Continuing to reduce crime, especially violent crime, and making people feel safer. The SPD1 will reduce the opportunities for crime by providing places built along good urban design principles. These include defining private and public space, building properties and places that provide the opportunity for increased passive surveillance of the public realm. It also involves providing facilities that reduce for instance instances of petty vandalism by providing play and youth facilities.

Increasing the supply of affordable, good quality housing. The guide seeks to provide an efficient use of land, thus creating better opportunities for providing additional amounts of housing and therefore associated affordable housing.

Building community resilience and promoting citizenship. This is being achieved through making the Borough a much more desirable place in which people want to live and stay, thus creating stable, rather than transient communities with little interest in their surroundings.

Making sure that everyone in the borough is able to participate in local democracy, has a fair say in the way that services are delivered, and is listened to and taken seriously. The SPD1 will be subject to consultation and an opportunity for comment before it is adopted by Cabinet.

Recommend this EA for Full Analysis?

No

Analysis

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

5.1 Age (select all that apply)

Positive

The SPD seeks to provide inclusive communities. For the younger, this will be through encouraging appropriate amenity facilities on site, e.g. play space within residential developments. For all groups the need to provide accessible communities will result in easier movement which will be beneficial to those with a disability (generally older people) or those with other accessibility issues (e.g. parents with small children). The incorporation of Lifetime Homes standard (as covered now by Building Regulations) will provide for more convenient level access and wider doorways which will be better for families with children in buggies and also for older people who might not be disabled but have issues related to accessibility currently.

5.2 Disability (select all that apply)

Positive

New homes will reduce issues related to respiratory diseases as dwellings will be better insulated, better ventilated and cheaper to heat and light. At least 10% which are wheelchair accessible/easily adapted for wheelchair use.

5.3 Gender Identity (select all that apply)

Neutral

There are not considered to be any specific gender identity issues related to the SPD.

5.4 Marriage and civil partnership (select all that apply)

Neutral

There are not considered to be any specific gender identity issues related to the SPD

5.5 Pregnancy and maternity (select all that apply)

Positive

The new homes built will be to Lifetime Homes standard (as covered now by Building Regulations). These provide for more convenient level access and wider doorways which will be better for families with children in buggies and also for older people who might not be disabled but have issues related to accessibility currently.

5.6 Race (select all that apply)

Positive

As identified the area has a high representation of BME groups. The regeneration of the area should be positive for these groups due to the improvements which will be made to improve many aspects related to the quality of life.

5.7 Religion or belief (select all that apply)

Neutral

The provision of facilities for these groups is part of a sustainable community design, but the SPD does not identify in its own right specific facilities required.

5.8 Sex (select all that apply)

Neutral

No significant differences has been identified in relation to sex aspects, other than those related to specific other characteristics, e.g. pregnancy and maternity.

5.9 Sexual orientation (select all that apply)

Neutral

No significant impacts either negative or positive has been identified in relation to this characteristic.

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

No

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

The SPD1 has taken and identified best practice in relation urban design guidance at a national and regional level.

What did you find out from consultation or data analysis?

Public consultation has provided a range of views on numerous elements of the previous SPD1. These have been taken into account where appropriate. They focused on design and did not relate to equality issues.

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

Yes, the consultation was open to the entire population of the Borough, which as identified is very diverse.

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

Officers have a high appreciation of the impacts that guidance and planning policies can have on impacting on equalities and have sought for the guidance to be as positive as it can about promoting inclusive design.

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

This will be followed through by planning officers in their consideration of planning applications and an attempt to ensure that equalities aspects are positively addressed through proposed developments.

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

Not applicable

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

Not applicable

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	Cabinet 12 November 2018
	Report from the Strategic Director of Resources
Business Rates and associated IT Support Contract Award	

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 1 is exempt 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)”
No. of Appendices:	Three: <ul style="list-style-type: none"> • Contractor List (Exempt) • Tender Evaluation Scores • Equality Analysis
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Margaret Read, Operational Director Resources, Email: Margaret.Read@brent.gov.uk Tel: 0208 937 1521

1.0 Purpose of Report

- 1.1 This report requests authority to award a contract for the provision of Business Rates and associated I.T. Support as required by Contract Standing Order No 88.
- 1.2 This report also summarises the procurement process undertaken and following the completion of the evaluation of final tenders, recommends to whom the contract should be awarded.

2.0 Recommendations

- 2.1 That Cabinet award the contract for the provision of Business Rates and associated IT Support Services to Capita Business Services Ltd with effect from 1 May 2019 for a period of five years with an option to extend

for a further three years.

- 2.2 That delegated powers provided through regulations issued under the Deregulation and Contracting Out Act 1994 for the assessment and collection of Business Rates be granted to Capita Business Services Ltd with effect from the 1 May 2019.

3.0 Detail

- 3.1 The Council invited tenders for the provision of the Business Rates and associated I.T. Support Services in accordance with the competitive with negotiation tendering procedure following prior approval by Cabinet on 13 November 2017 having regard to a detailed options appraisal.
- 3.2 The existing Revenues and IT Support contract with Capita Business Services Limited began in 2011 and is scheduled to expire on 30th April 2019. The scope of the existing contract includes the collection of Council Tax from approximately 109,000 domestic properties, Business Rates from 9,000 businesses in the Borough and the provision of I.T. specific to the Revenues and Benefits service. The contract was for a 5 year period with provision for extension by a further 3 years for which the extension period has been fully utilised.
- 3.3 A decision was taken by Cabinet in November 2017 to bring the Council Tax service in house but to retender the Business Rates service. The proposed scope for the new contract which is scheduled to commence on 1 May 2019, includes the Business Rates service with associated IT Support, telephone call handling and printing.

The tender process

- 3.4 The new contract will be let for a five year term with an option to extend for a further three year period.
- 3.5 Using the competitive with negotiation tendering procedure (which permits the Council to either elect to award a contract on the basis of an initial tender or to negotiate with suppliers, as appropriate), advertisements were placed in the Official Journal of the European Community (OJEU) on 3 May 2018 seeking initial expressions of interest. This elicited initial viewing by twenty five organisations. Selection questionnaires for short listing and an information pack containing the specifications and tender approach were made available at the same time and two suppliers subsequently returned completed questionnaires.
- 3.6 Checks were carried out on the basis of the contractors' financial viability, economic standing, business probity and technical ability and on 30 July 2018 the two suppliers, as detailed in Appendix 1, were invited to tender.
- 3.7 The tendering instructions stated that the contract would be awarded on

the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the evaluation criteria and weightings as set out below:

- Price (50%), apportioned between price (47.5%) and social value (2.5%);
- Quality (50%) apportioned as shown in Table 1 (“Quality Evaluation Criteria and Weightings”) below;

Table 1 – Quality Evaluation Criteria and Weightings

Quality		50%
b1	Staffing Arrangements (including location, recruitment and selection and training and development) and profile over the contract term	10%
b2	Core IT Systems and Applications, (including any relevant infrastructure, hardware, software, procedures and support)	8%
b3	Billing, Collection and Enforcement Organisation and Processes to Maximise the Net Debit and Collection	10%
b4	Performance Monitoring, Management Reporting and Statistical Information for Service Delivery	3%
b5	Audit, Security and Governance Arrangements	3%
b6	Year End and Printing	4%
b7	Transition and Exit Arrangements	4%
b8	Open Book Arrangements and Change Control	2.5%
b9	Social Value	2.5%
b10	Identification and management of risks (including business continuity planning and disaster recovery)	3%

Evaluation process

- 3.8 The initial tender evaluation was carried out by a pre-determined panel with representatives from Corporate Finance, Brent Digital Services and Brent Customer Services and expert advice being provided by Employment, Skills and Enterprise, IT Security and Governance and Pensions.
- 3.9 All initial tenders had to be submitted no later than 5.00 p.m. on 20 August 2018 and all tenders were opened on that day. Following a review of the two tenders received, it was determined that both were non-compliant with requirements set out within the Instructions to Tender.
- 3.10 Clarification of tenderers proposals was also sought with a view to facilitating a comparative evaluation of initial tenders, as far as reasonably practicable. Clarification responses received in conjunction with the initial tender submission were then evaluated by the Tender

Evaluation Panel that concluded that the bids remained non-compliant. The panel also considered and determined in accordance with the Instructions to Tenderers and as part of the evaluation that there was a requirement for a performance bond for the tendered service.

- 3.11 As both initial tenders were non-compliant, the Council elected to negotiate with Tenderers concerning the qualified matters of their tender and where appropriate, certain other aspects of their submissions. Following the conclusion of negotiations, an invitation to submit final tenders was issued to both tenderers on 9 October 2018 requiring submission of final tenders by 12.00 pm on 16 October 2018.
- 3.12 On that date, compliant final tenders were received from the 2 Tenderers and these were provided to members of the Tender Evaluation Panel. The Panel then met to evaluate the extent to which the award criteria was addressed in relation to submitted method statements revised pursuant to negotiations. Evaluation scores previously determined by the Tender Evaluation Panel for initial tenders which were unchanged for the final tender submissions, were retained.
- 3.13 The Tender Evaluation Panel evaluated final tenders in compliance with the evaluation methodology issued with the Invitation to Submit Final Tenders. This specified that prices submitted for payment annually in advance would be applied for that purpose.
- 3.14 The scores obtained by Tenderers A and B for their final tenders are included in Appendix 2 with the names of the tenderers contained in Appendix 1.
- 3.15 Following evaluation of final tenders, officers recommend the award of the Business Rates and associated IT Support Service contract to Capita Business Services Ltd.
- 3.16 The contract will commence on 1 May 2019 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.2 below.

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders require that contracts for supplies and services exceeding £2M shall be referred to the Cabinet for approval of the award of the contract.
- 4.2 The estimated value of this contract is over this threshold as it potentially amounts to £3M if the contract runs for the full term permitted by any extension period.
- 4.3 It is anticipated that the cost of this contract will be funded from within the existing contract budget held by Brent Customer Services, subject to the details outlined in this section of the report.

- 4.4 The recommended Contractor shall deliver the service remotely using their offices situated at Bromley.
- 4.5 Each of the tenderers was asked to submit pricing schedules for payment profiles as follows:
- Quarterly in advance
 - Annually in advance

Following a review of the pricing submitted, it was determined that quarterly in advance offered the Council the most appropriate balance between value for money and risk having regard to the prices submitted.

- 4.6 The current annual cost of the Business Rates service from information relating to the Revenues and IT Support Service contract is approximately £360,000 after applying forecast indexation for the current contract year. The average annual cost under the new contract arrangement is £390,000. This would therefore represent an increase of £30,000 per annum which will be met from within the Brent Customer Services budget. There will also be one final contract payment to be made during 2019/20 relating to the existing contract with Capita which expires on 30 April 2019 which is anticipated to be approximately £191,195 based upon forecast indexation. This cost will also be met within the existing budget.
- 4.7 The cost of the new contract arrangements indicated in paragraph 4.6 above excludes annual indexation for the Business Rates service which shall be applied to the contract price annually.
- 4.8 The Contractor shall be responsible for annual collection of circa £140M Business Rates. Consequently, any changes to performance could have a significant effect on the Council's overall financial status. Provision has been made within the contract for collection performance targets with financial incentives and deductions in place to address any variations that may occur.

5.0 Legal Implications

- 5.1 The value of this contract over its lifetime is higher than the EU threshold for Services and the award of the contract therefore is governed in full by the Public Contracts Regulations 2015 ("the EU Regulations"). The award of the contract is also subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations.
- 5.2 As indicated in the Cabinet Report dated 13 November 2017 requesting authority to tender this contract, the Council must observe the EU Regulations relating to the requirement of a mandatory standstill period **before** the contract can be awarded. Therefore, once Cabinet has determined which tenderer should be awarded the contract, all tenderers

will be issued with written notification of the contract award decision. The intention is to do this by electronic means and as a result a minimum 10 calendar day standstill period will then be observed before the contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision.

- 5.3 Following award of the contract, the Council will be required to publish a contract award notice in the Official Journal of the European Community within 30 days of the contract award.
- 5.4 There are no direct implications arising from the observance of the standstill period. However, any unscheduled events could have an impact on the Council's proposed implementation timetable and may ultimately affect the Council's ability to award the contract and commence service delivery from the proposed contract commencement date of 1May 2019.
- 5.5 Officers are of the opinion that the Transfer of Undertaking (Protection of Employment) Regulations 2006 as amended ("TUPE") shall apply to the letting of this contract. As the recommendation is to award the contract to Capita Business Services Ltd, there shall be no TUPE implications for its existing staff.
- 5.6 Pensions issues in relation to Capita staff are addressed in Section 9 of this report.
- 5.7 The Council's powers to enter into this contract derive from section 70 of the Deregulation and Contracting Out Act 1994. In accordance with regulations made under that Act, the Council is able to delegate the performance of its Business Rates Billing, Collection and Enforcement functions to a third party. Under the 1994 Act, much of the statutory function can generally be delivered by a third party. With most Council contracts, the Council retains responsibility for performing the statutory function whilst the contractor simply performs a service to further the delivery of the statutory function. As a result of the 1994 Act applying, the Council can therefore delegate the function of assessing Business Rates, as well as the service of collecting it.

6.0 Equality Implications

- 6.1 The recommendations within this report have been subject to screening (please see Appendix 3 to this report) and officers are of the opinion that there are no current equality implications arising from these.

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. As service delivery will remain unchanged for Business Ratepayers, consultation with Brent stakeholders has not been conducted.

8.0 Staffing / Accommodation Implications

- 8.1 Much of the current Business Rates service including associated IT Support and printing, is included within the contract currently provided by the Council's existing contractor (i.e. Capita Business Services Limited).
- 8.2 Under existing contractual arrangements with Capita, the Business Rates service is provided predominantly from the Capita offices in Bromley with the I.T. elements of the service being predominantly provided from Capita's data centre in West Malling, Kent.
- 8.3 If the recommendations within this report are approved, staff delivering the Business Rates service shall be located at Bromley and associated I.T. support arrangements shall be operated predominantly from West Malling, Kent.

9.0 Pensions Implications

- 9.1 The requirements of the Best Value Authorities Staff Transfers (Pensions) Direction 2007 have been incorporated within the contractual provisions. These specifically require the Council to ensure that the contract provides protection for the pension rights of former Brent Council staff. However at the time of Final Tender submission, there were no former Brent Council employees engaged by Capita for the Business Rates service that would be entitled to pension protection under the Best Value Authorities Staff Transfers (Pensions) Direction 2007.
- 9.2 For staff that were not formerly employed by Brent Council, pension provision is secured through the Pensions Act 2004 together with any existing contractual rights they may have to a pension.

10.0 Public Services (Social Value) Act 2012

- 10.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.
- 10.2 As Indicated at paragraph 3.7, the Council has adopted a 5% weighting for social value, with 2.5% attributable to the price element of social value and 2.5% attributable to the quality element of social value. Various social value proposals have been put forward by the preferred bidder, including an annual contribution to Brent based community funds to

support local causes, student work placements, volunteer led workshops for the local community and the creation of locally advertised apprenticeships to be based in their Bromley offices.

11.0 Background Papers

11.1 None.

Report sign off:

ALTHEA LODERICK
Strategic Director of Resources

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

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Tender Evaluation Scores

Final Tender Evaluation Scores

Quality		Quality Weighting 50%	Contractor A	Contractor B
b1	Staffing Arrangements (including location, recruitment and selection and training and development) and profile over the contract term	10%	7.5%	7.5%
b2	Core IT Systems and Applications, (including any relevant infrastructure, hardware, software, procedures and support)	8%	6%	6%
b3	Billing, Collection and Enforcement Organisation and Processes to Maximise the Net Debit and Collection	10%	7.5%	7.5%
b4	Performance Monitoring, Management Reporting and Statistical Information for Service Delivery	3%	2.25%	2.25%
b5	Audit, Security and Governance Arrangements	3%	2.25%	2.25%
b6	Year End and Printing	4%	3%	3%
b7	Transition and Exit Arrangements	4%	3%	3%
b8	Open Book Arrangements and Change Control	2.5%	2.5%	1.875%
b9	Social Value	2.5%	1.875%	1.875%
b10	Identification and management of risks (including business continuity planning and disaster recovery)	3%	2.25%	2.25%

FINAL TENDER EVALUATION SCORES AFTER APPLYING WEIGHTINGS

	Total Weighted Quality Score applying 50% weighting
Contractor A	38.125%
Contractor B	37.5%

FINAL TENDER PRICE GRID

Contractor	Tendered Price for five year term	Adjusted Tender Price for Evaluation Purposes	Total Weighted Pricing Score applying 47.5% weighting
Contractor A	£1,923,592	£1,923,592	47.5%
Contractor B	£2,595,971	£2,610,871	34.996%

FINAL TENDER SOCIAL VALUE GRID

Contractor	Social Value for five year term	Total Weighted Social Value Score applying 2.5% weighting
Contractor A	£143,790	0.78%
Contractor B	£460,465	2.5%

OVERALL WEIGHTED SCORE FOR FINAL TENDER PRICE EVALUATION

Contractor	Total Weighted Score
Contractor A	48.3%
Contractor B	37.5%

OVERALL WEIGHTED SCORE FOR FINAL TENDER PRICE AND QUALITY EVALUATION

Contractor	Total Weighted Score
Contractor A	86.425%
Contractor B	75%

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Equality Analysis

Business Rates and Associated I.T. Support Contract

Stage 1 Screening Data

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

The Business Rates service is currently outsourced and is included within an existing contract package comprising Council Tax and associated IT Support. On 30th April 2019, the existing contract arrangement expires and the Business Rates service element has been retendered with a new contractual arrangement intended to apply from 1st May 2019.

The key features of the proposal are as follows:

1. To commence the provision of the Business Rates service under new contractual arrangements.
2. To establish a wider range of online forms for Business Ratepayers to access than currently exists.
3. To provide Business Ratepayers with 24/7 access to view and update their account information (subject to appropriate controls) and view their bills.

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

Business Ratepayers and their advisors – However, as the current service offer will be maintained and supplemented by the above proposed developments, there is no potential adverse impact currently anticipated.

Suppliers of services to Capita – New or renewed arrangements may need to be established in relation to the new contractual arrangements.

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

The proposal is not currently anticipated to impact on Business Ratepayers in different ways because of their equality characteristics as the current levels of service provision will continue.

There is no impact anticipated for Brent Council staff arising from the proposals.

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

It is not currently anticipated that there will be a potential for a disproportionate impact on some equality groups as the existing service provision will continue with the additional developments proposed and as set out in 1 above.

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

This is not currently anticipated as the existing service will continue and be supplemented by the developments referred to in 1 above.

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

No, although employees of the companies and organisations that access the service may be from within the following protected characteristic groups:

Race, Religion or belief, Age, Sexual Orientation, Marriage and Civil Partnership, Maternity and Pregnancy.

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

It is not currently anticipated that this will be the case for Business Ratepayers, as the proposal will not change the Business Rates service offering aside from the additional developments proposed and referred to in 1 above.

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

Yes

Working with partners to find new ways of providing services that are more finely tailored to individual, community and local needs (Access to all key services 24/7 via digital channels).

Recommend this EA for Full Analysis?

No, as there is no change to the core provision of the service other than in relation to the additional developments referred to in 1 above. Consequently, it is not currently anticipated that there will be anyone that may be subject to an adverse impact arising from the proposals.

 <p>Brent</p>	<p>Cabinet 12 November 2018</p> <hr/> <p>Report from the Strategic Director of Resources</p>
<p>Delegation of Decision and Award of a Printing Services Contract for the ICT Shared Service Authorities</p>	

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:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Prod Sarigianis Head of ICT Shared Service Email: Prod.Sarigianis@brent.gov.uk Tel: 020 8937 6080

1.0 Purpose of the Report

- 1.1 This report relates to the provision of printing services to the ICT Shared Service London Boroughs of Brent, Lewisham and Southwark, and to the Local Government Association. The authorities are seeking a single supplier to be responsible for the printing services, including multifunctional devices, the print room in Brent Civic Centre, and offsite hybrid mail and bulk printing. The contract will be for four years with extensions of up to three years.
- 1.2 The report outlines the further competition process under Crown Commercial Service Framework RM3781 and requests the delegation to the Strategic Director of Resources, in consultation with the Deputy Leader, of the authority to award a contract following completion of the tender and evaluation process.

2.0 Recommendations

- 2.1 That Cabinet notes the procurement of an ICT Shared Service contract for managed print services, including multifunctional devices, the print room in Brent Civic Centre, and offsite hybrid mail and bulk printing, on the basis of the criteria set out in paragraph 3.6 of this report.

2.2 That Cabinet delegates authority to the Strategic Director of Resources, in consultation with the Deputy Leader, to award a contract for printing services, for the reasons set out in 3.7 of this report.

3.0 Detail

3.1 The three ICT Shared Service authorities have requirements for day to day office printing (multifunctional devices or MFDs), as well as bulk printing for specific service areas such as Council Tax Statements, Payslips, and Benefit Statements. These services are currently delivered under various existing contracts within each borough, as follows:

Authority	Service	Contractor	Expiry
Brent	Bulk Printing MFDs and Print Room	Capita Business Services Ltd Xerox UK Limited	30/04/2019 31/07/2019
Lewisham	Bulk Printing MFDs	Financial Data Management plc Xerox UK Limited	30/04/2019 31/07/2019
Southwark	Bulk Printing Bulk Printing MFDs	Revs and Bens: Northgate Housing Rents: Capita SIS Ltd Itec Connect Limited	30/06/2019 30/04/2019 31/10/2020
Local Government Association	MFDs	Xerox UK Limited	31/07/2019

3.2 The multifunctional devices (MFDs) for all organisations are managed by the ICT Shared Service. The bulk printing contracts are managed by the main service areas that use them, other than the Southwark Capita Secure Information Solutions Limited contract for Housing printing, which sits with IT as it was formerly part of Southwark's overarching ICT contract with Capita.

3.3 The bulk printing requirements vary slightly for each authority, as some have separate specialist contracts for some areas, and some may not require the services at all. In Brent, under the current contracting arrangements, Digital Services manages the MFD element of printing, and Customer Services manages the bulk printing, as part of the Capita Revenues and Benefits contract. The procurement is being led by Digital Services, in consultation with the relevant service areas for each authority. The intention would be that Brent enters into the contract with the other authorities and Local Government Association able to access the contract.

3.4 Although some of the authorities may not initially require a service under the contract, they may opt to use it at a later date.

3.5 Commencement of services under the contract will be on 1 May 2019, following the expiry of the Capita and Financial Data Management contracts in the table

above. As the other contracts expire, their services will commence under the contract.

3.6 The following table has details of the procurement including the evaluation criteria.

Ref.	Requirement	Response	
(i)	The nature of the service.	Provision of printing services for the ICT Shared Service authorities and the LGA.	
(ii)	The estimated value.	£7.37m for the initial four year term, £13.3m over the entire possible seven year term.	
(iii)	The contract term.	Four years, plus a possible further three years/	
(iv)	The tender procedure to be adopted.	Further competition exercise from CCS Framework RM3781 (Multifunctional Devices, Managed Print and Content Services and Records and Information Management), Lot 2 Multifunctional Devices and Print Management Software and Services.	
v)	The procurement timetable.	Indicative dates are:	
		Invitation to Tender	20 September 2018
		Deadline for tender submissions	25 October 2018 (12 noon)
		Panel evaluation and supplier selection	26 October to 7 November 2018
		Cabinet approval of delegation of award	12 November 2018
		Contract Award	19 November 2018
		Call in period of 5 days	26 November 2018
		Contract Mobilisation	November/December 2018
		Contract service start date	1 May 2019
(vi)	The evaluation criteria and process.	<p>The Tenders will be evaluated by officers from IT and the Services that use bulk printing in the different authorities. The panel will evaluate the tenders against the following criteria:</p> <p>Price: 60%</p> <p>Quality Criteria: 40%</p>	

Ref.	Requirement	Response																										
		<p>Consisting of:</p> <table border="1" data-bbox="608 248 1406 949"> <tr> <td>Implementation and Transition Approach</td> <td>14%</td> </tr> <tr> <td>Mobilisation: Resources and Experience</td> <td>8%</td> </tr> <tr> <td>Managed Service</td> <td>10%</td> </tr> <tr> <td>Support and Maintenance (Customer site equipment)</td> <td>10%</td> </tr> <tr> <td>Account Management and Performance Reporting</td> <td>5%</td> </tr> <tr> <td>Security and Confidentiality</td> <td>5%</td> </tr> <tr> <td>Social Value</td> <td>2.5%</td> </tr> <tr> <td>Bulk Printing: Delivery Approach</td> <td>22.5%</td> </tr> <tr> <td>Bulk Printing: Exit Arrangements</td> <td>4%</td> </tr> <tr> <td>Office Printing: Service and Fleet Proposal</td> <td>14%</td> </tr> <tr> <td>Office Printing: Brent Print Room Proposal</td> <td>5%</td> </tr> <tr> <td>Total Quality</td> <td>100%</td> </tr> <tr> <td>Quality weighted 40%</td> <td>40%</td> </tr> </table> <p>These criteria and percentages are within the scope of the framework rules.</p>	Implementation and Transition Approach	14%	Mobilisation: Resources and Experience	8%	Managed Service	10%	Support and Maintenance (Customer site equipment)	10%	Account Management and Performance Reporting	5%	Security and Confidentiality	5%	Social Value	2.5%	Bulk Printing: Delivery Approach	22.5%	Bulk Printing: Exit Arrangements	4%	Office Printing: Service and Fleet Proposal	14%	Office Printing: Brent Print Room Proposal	5%	Total Quality	100%	Quality weighted 40%	40%
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Office Printing: Service and Fleet Proposal	14%																											
Office Printing: Brent Print Room Proposal	5%																											
Total Quality	100%																											
Quality weighted 40%	40%																											
(vii)	Any business risks associated with entering the contract.	<p>The implementation of the bulk printing services will need to ensure that data transfer and templates are correctly set up, in order to enable the businesses to deliver essential services, whilst keeping customer data secure.</p> <p>The office multifunctional devices are also an essential tool for many staff, and planned rollout and testing are needed.</p> <p>The lead time between award and service commencement will enable the above.</p>																										
(viii)	The Council's Best Value duties.	The council has a duty to make arrangements to secure continuous improvements in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This procurement will assist the council in fulfilling this duty.																										
(ix)	Consideration of Public Services (Social Value) Act 2012	Social Value proposals will be evaluated as part of the process. As the bulk printing element is very likely to be fulfilled outside the boroughs, a proportionate percentage weighting that it is considered will deliver best value has been allocated to this.																										
(x)	Any staffing implications, including TUPE and pensions.	See section 8 below.																										
(xi)	The relevant financial, legal and other considerations.	See sections 4 5 below.																										

3.7 For the reasons stated in (vii) in the above table, it is important that there is as long an implementation period as possible for the services. There have been extensive clarifications during the tender period, and to allow time for officers to respond to these and for the tenderers to assimilate the additional information, the tender period has been extended. This change to an already tight timetable means that the earliest that Cabinet would be able to approve the award would be January 2019. In order to maximise the lead time between award and service delivery, this report is seeking the delegation of the award approval, which will enable mobilisation to commence in November 2018.

4.0 Financial Implications

4.1 The estimated value of the contract over the initial four year term is £7.37m, or £1.97m per annum. The four year total is less than four times the annual value because not all services will be included in the contract from the commencement date, as described in paragraph 3.5 above. The annual value is distributed among the ICT Shared Service authorities as follows:

Brent:	£0.63m
Lewisham:	£0.45m
Southwark:	£0.89m

4.2 It is anticipated that the cost of the contract will be funded from existing resources within the authorities' budgets.

4.3 The current annual spend in Brent is as follows:

MFDs and Print Room	£0.35m
Revenues and Benefits Bulk Printing	<u>£0.31m</u>
	£0.66m

4.4 The estimated contract values in 4.1 above are based on achieving a 5% saving through the competitive tender. The contract should present an attractive opportunity to the market, leading to competitive pricing and the aggregation of the three boroughs' volumes may lead to operational economies of scale. It should be noted, however, that the two current Brent contracts have both already had substantial savings taken out of them during their term, which is why the savings estimate for this procurement is no greater than 5%.

4.5 The inclusion of a hybrid mail service which can be used by staff to send correspondence to a remote location for printing and mailing will also lead to savings. Such savings would be predominantly against the costs of postage, as the use of hybrid mail produces mailings of the quality that enables access to the lower postage costs for machine readable, sorted mail.

4.6 The increased use of online facilities by customers will reduce the costs of bulk printing over time, and similarly the electronic exchange of information will reduce office printing. Both of these factors will lead to a reduction in contract costs.

5.0 Legal Implications

- 5.1 The estimated value of this contract over its lifetime is higher than the EU threshold for Services and Supplies and therefore the contract for printing must be procured in accordance with the Public Contracts Regulations 2015 (the “EU Regulations”). The printing contract is being procured using a framework established pursuant to the EU Regulations and in accordance with Contract Standing Order 86(e)(ii), the Director of Legal and HR Services has confirmed that the procurement under the Framework is legally permissible and in accordance with EU Regulations.
- 5.2 Whilst Contract Standing Orders permit Officers to commence a mini-competition under a framework, the award of any contract is subject to the Council’s usual Standing Order requirements in respect of High Value contracts and Financial Regulations. As a result Cabinet approval is required for any award. For the reasons detailed in paragraph 3.7 however, approval is sought to delegate the award of the printing contract to the Strategic Director of Resources in consultation with the Deputy Leader.

6.0 Equality Implications

- 6.1 It is a specification requirement that the office printing solution conforms to accessibility standards, with an adjustable user interface for improved disability access.
- 6.2 Social value delivery proposals have been requested as part of the tender process, and will be evaluated as part of the supplier selection process. These may include proposals that will improve equality of opportunity for residents of the three boroughs.

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 The service specification and evaluation methodology have been produced following consultation with and input from service users in all three of the ICT Shared Service boroughs.
- 7.3 The tender evaluation panel will include representatives of each of the boroughs.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 The services are currently provided by external providers and there are no direct staffing implications for the Council arising from the tender process. However, as part of the procurement process, employee liability information has been sought from current contractors and provided to the tenderers. A number of staff are likely to transfer pursuant to the Transfer of Undertaking (Protection of Employment) Regulations 2006 (“TUPE”) including staff in the print room in Brent Civic Centre. Access to the Local Government Pension

Scheme through an admission agreement will be offered to former local authority staff. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase, which will be at least five months between contract award and service commencement.

9.0 Public Services (Social Value) Act 2012

- 9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement. However, given the nature of the procurement the ability to incorporate social value is limited although officers have requested social value proposals which will be evaluated.

Report sign off:

ALTHEA LODERICK
Strategic Director of Resources

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	<p>Cabinet 12 November 2018</p>
	<p>Report from the Director of Performance, Policy and Partnerships</p>
<p>Changes to Local Government Association Membership</p>	

Wards Affected:	All
Key or Non-Key Decision:	Non 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:	None
Background Papers:	None
Contact Officers:	<p>Peter Gadsdon Director of Performance, Policy and Partnerships Email: Peter.Gadsdon@brent.gov.uk Tel: 020 8937 6095</p> <p>Tom Welsh Head of the Chief Executive's Office Email: Tom.Welsh@brent.gov.uk Tel: 020 8937 6607</p>

1.0 Purpose of the Report

- 1.1 The London Borough of Brent is currently a member of the Local Government Association (LGA), which is a member subscription organisation. It has been constituted as an unincorporated association since its inception in 1997. On 4 July 2017, the LGA General Assembly, passed a resolution to create a new incorporated LGA, set up as an unlimited company, in place of the unincorporated association.
- 1.2 The purpose of this report is to set out the background to this decision and to seek Cabinet approval for the Council to participate in the new arrangements.

2.0 Recommendations

- 2.1 That Cabinet agrees to the council being a member the new Local Government Association Unlimited Company.
- 2.2 That Cabinet authorises the council's Chief Executive to provide formal written agreement to the Local Government Association (LGA) to dissolve the

unincorporated Local Government Association at such date thereafter as the LGA Leadership Board shall determine.

3.0 Detail

Background

- 3.1 The LGA is a politically led, cross party organisation which works on behalf of councils providing a range of services from training, leadership programmes, peer challenge, support to councillors and ensuring that local government has a voice within central government. The LGA General Assembly meets once a year, and at its meeting on 4 July 2017, agreed to set up a new incorporated LGA to take on the activities, assets and liabilities of the existing LGA. It was also resolved that the existing unincorporated LGA would remain in place until member councils had formally agreed to join as founding members of the new incorporated entity.
- 3.2 The new company came into effect on 1 April 2018, with the current unincorporated structure also still in existence as planned.
- 3.3 In a follow up report at its 2018 meeting on 3 July this year, the General Assembly resolved to initiate the envisaged process of transferring staff, contracts, assets and liabilities to the new LGA Company. It is planned for the incorporated LGA to become fully operational as the membership body for the Local Government Association from 1 April 2019. Member councils are therefore being asked to provide formal written agreement to authorise the LGA Leadership Board to determine the date upon which the current unincorporated association is formally closed down, once it is satisfied that the transition is complete. Agreement is formally needed from two thirds of the LGA's members.

The LGA's rationale for change

- 3.4 The LGA envisages that the proposed new structures and dissolution of the former unincorporated organisation will ultimately benefit its members through assisting the LGA to become more financially sustainable and commercially agile, particularly in the face of what is a challenging economic time for local authorities.
- 3.5 In particular, as an unincorporated association, the LGA has no legal status, cannot hold property, enter into contracts or be part of a tax or VAT group. This has led to a complexity of arrangements which has seen two separate LGA companies owning LGA properties in both Westminster and Farringdon, rather than the association itself.
- 3.6 The LGA has outlined what it believes to be the prospective benefits as follows:
 - 3.6.1. An incorporated LGA would have a legal persona and would be able to enter into contracts and own properties and shares;
 - 3.6.2. The transfer of the properties within a company group would be exempt from capital gains tax;

- 3.6.3. The transfer of the properties to the LGA would mean that the income they generate would be for the purposes of meeting the objects of the LGA which, as a local authority association, would be exempt from tax on income and capital gains;
 - 3.6.4. Under the new arrangements, the value of the LGA's assets would sit between the member councils and the pension deficits with a net asset position once the refurbishments are complete;
 - 3.6.5. The proposed structure would enable the establishment of a VAT group and remove the need to charge VAT on transactions between the LGA and IDeA or any other companies in the group; and
 - 3.6.6. An incorporated entity offers greater protection to individual members of the Leadership Board and Executive against any personal liability.
- 3.7 These benefits were identified through the work of a Task and Finish Group which the LGA set up in 2016 to review the way in which the LGA and associated companies are set up, their purposes and inter-relationships and the flows and incomes to, from and between different entities.

Impact on the London Borough of Brent

- 3.8 There has been no indication that the membership package will be materially affected in future, with the LGA indicating that it is seeking to ensure that it is able to invest in services to support its membership whilst keeping subscriptions for members low. Subscriptions for members are renewed annually which provides the council with the freedom and flexibility to review its membership position in future should the membership offer change substantively.
- 3.9 The benefits package that the LGA provides to its members includes: access to support and advice for councillors through our political group offices; access to up-to-the-minute news, briefings and daily news headlines on the LGA website through our suite of subscription e-bulletins; support on national media relations including in times of crisis; access to a wide range of free or discounted events; access to legal advice, opinions and guidance on complex issues; opportunities to join one of our many special interest groups and use of facilities at Local Government House, including free meeting room hire.
- 3.10 It is expected that all of the processes preparatory to the operation of the new incorporated membership body will have been completed by 1 April 2019, and that the unincorporated LGA would be dissolved at the appropriate moment after this point.

4.0 Financial Implications

- 4.1 The council's 2018/19 subscription, including discounts, is £43,079, the same as the 2017/18 level.

- 4.2 At present it is unknown if the subscription amount will increase as a result of the new arrangements. However the position will be reviewed annually and the LGA have indicated that the amount will be kept low for members.

5.0 Legal Implications

- 5.1 As a member of an unincorporated association, the council is liable for a share of the Association's assets and liabilities if dissolved. This is stated in Section 21 of the LGA's Constitution. Being a member of the new unlimited company puts the Council in the same position under the proposed Articles of Association. The new Articles replicate the current Constitution with amendments to reflect the new underlying corporate structure.
- 5.2 The council will be able to appoint up to 4 councillors as Member Authority Representatives to attend the General Assembly. The council will be able to terminate its membership of the new company on 12 months' notice terminating on 31 March in any year.
- 5.3 The council's Constitution requires that Cabinet take any decision which will result in the setting up of a company.

6.0 Equality Implications

- 6.1 The public sector equality duty requires public bodies to pay due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 The Equality Act 2010 and the Public Sector Equality Duty (outlined above) cover the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 6.3 There are not thought to be any direct equalities implications arising from the report at this stage.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 None.

Report sign off:

PETER GADSDON

Director of Performance, Policy and Partnerships