



Cabinet

Monday 14 January 2019 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 Tel:020 8937 5446; Email: 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 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

Item	Page
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1	Apologies for Absence	
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2	Declarations of Interest	
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Members are invited to declare at this stage of the meeting, 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 - 4
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To approve the minutes of the previous meeting held on Monday 10 December 2018 as a correct record.

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

5	Petitions (if any)	
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To discuss any petitions from members of the public, in accordance with Standing Order 66.

6	Reference of item considered by Scrutiny Committees (if any)	
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To consider any reference reports from any of the Council's three Scrutiny Committees.

Children and Young People reports

7	Local Authority determination of arrangements for school admissions 2019	5 - 50
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The report seeks agreement to the proposed admission arrangements and scheme of co-ordination for Brent community schools for 2020/21 in accordance with statutory requirements.

Ward Affected:
All Wards

Lead Member: Lead Member for Schools,
Employment and Skills (Councillor Amer Agha)
Contact Officer: Brian Grady, Operational
Director, Safeguarding, Partnerships and
Strategy
Tel: 020 8937 4713
Email: Brian.Grady@brent.gov.uk

Community Well-being reports

8 **Proposal to establish a charitable organisation for the London Borough of Culture 2020** 51 - 60

The report outlines plans for establishing a Charitable Trust which will lead on fundraising to deliver the London Borough of Culture (LBOC) 2020 and its legacy through ensuring its key programmes are sustainable and embedded into the community.

Ward Affected:
All Wards

Lead Member: Lead Member for Public Health, Culture and Leisure (Councillor Krupesh Hirani)
Contact Officer: Lois Stonock, Artistic Director, London Borough of Culture
Tel: 020 8937 2571
Email:lois.stonock@brent.gov.uk

9 **Review of Estate Cleaning**

The report sets out proposals for the future service delivery of the Estate Cleaning Service. To Follow

Ward Affected:
All Wards

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

Regeneration and Environment reports

10 **Regulatory Enforcement Policy and Service Standards as Required by the Regulators' Code** 61 - 92

The report seeks approval of an updated Enforcement Policy and a set of Service Standards, as required by the Regulators' Code following formation of the Council's Regulatory Hub.

Ward Affected:
All Wards

Lead Member: Lead Member for Community Safety (Councillor Tom Miller)
Contact Officer: Simon Legg, Senior Regulatory Service Manager, Regeneration
Tel: 020 8937 5522
Email:Simon.Legg@brent.gov.uk

11 **Sustainability, Growth and Proposed Changes to Parking** 93 - 112

The report summarises the outcome of the informal consultation agreed by Cabinet on the proposed changes to resident parking permits, including pricing changes, and to the charge for Essential User Permits

issued to external organisations. In addition the report considers the issue of a proposed diesel surcharge, reviewing the evidence on the environmental and health impacts of pollutants emitted by diesel vehicles with the potential assessed for a surcharge scheme to be introduced, to persuade vehicle owners in Controlled Parking Zones to consider a switch to less-polluting vehicles; informed by the Council's agreed Air Quality Action Plan.

Ward Affected:
All Wards

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

Contact Officer: Gavin F Moore, Head of
Parking and Lighting
Tel: 020 8937 2979
Email: gavin.f.moore@brent.gov.uk

12 Brent Neighbourhood Community Infrastructure Levy – Review

113 - 154

The report provides an overview of Brent's Neighbourhood Community Infrastructure Levy (NCIL) programme, and makes recommendations for improvements following a review undertaken during 2018.

Ward Affected:
All Wards

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

Contact Officer: Nkechi Okeke-Aru,
Programme Management Office
Tel: 020 8937 1824
Email: Nkechi.Okeke-Aru@brent.gov.uk

Resources reports

13 Quarter 3 Financial Forecast 2018-19

155 - 170

The report sets out the current forecasts of income and expenditure against the revenue budget for 2018/19 and other key financial data.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor
Margaret McLennan)

Contact Officer: Benjamin Ainsworth, Head of
Finance
Tel: 020 8937 1731
Email: benjamin.ainsworth@brent.gov.uk

14 Capital Budget Setting and Capital Pipeline Proposals 2019/20 – 2021/22

171 - 200

The report outlines the Council's updated approach to prioritising future capital investment, ensuring it is in line with aspirations and reflective of the priorities and circumstances within Brent. It also explains the framework within which the Council's long-term capital investment plans have been prioritised and brought forward for consideration as part of the

financial planning and budget setting process.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Daniel Omisore, Head of Finance -Capital
Tel: 020 8937 3057
Email: daniel.omisore@brent.gov.uk

15 2018/19 Mid-Year Treasury Report

207 - 222

The report updates Members on recent treasury activity.

Ward Affected:
All Wards

Lead Member: Deputy Leader (Councillor Margaret McLennan)
Contact Officer: Daniel Omisore, Head of Finance -Capital
Tel: 020 8937 3057
Email: daniel.omisore@brent.gov.uk

16 NNDR Applications for Discretionary Rate Relief

223 - 232

The report details new applications for rate relief from charities and non-profit making bodies received since Cabinet last considered such applications in May 2018.

Ward Affected:
Alperton, Fryent,
Stonebridge,
Wembley Central,
Willesden Green

Lead Member: Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)
Contact Officer: Margaret Read, Director of Brent Customer Services
Tel: 020 8937 1521 Email: margaret.read@brent.gov.uk

17 Exclusion of Press and Public

No items identified in advance of the meeting.

18 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 11 February 2019



- Please remember to set your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 10 December 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

1. **Apologies for Absence**

None.

2. **Declarations of Interest**

None declared.

3. **Minutes of the Previous Meeting**

RESOLVED:-

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

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

None.

5. **Petitions (if any)**

None.

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

None.

7. **Approval to proceed with the South Kilburn District Energy Network**

Councillor Margaret McLennan, Deputy Leader, introduced the report asking Members to consider the most practical proposal for the delivery of the Council's obligations in respect of the South Kilburn District Energy Network (the SK DEN).

Councillor McLennan stated that the report outlines the proposal for the South Kilburn District Energy Network (the SK DEN). Members considered further detailed technical background to the South Kilburn District Energy Network project.

RESOLVED:

That Cabinet:

- i. Approved the procurement a suitable partner to manage and operate the South Kilburn District Energy Network, on the basis of the Council forming a company with this partner for the reasons set out in the report.
- ii. Delegated to the Chief Finance Officer, in consultation with the Deputy Leader (as lead Member for Finance) authority to agree relevant pre-tender considerations for the procurement of a suitable partner and thereafter evaluate tenders on the basis of such pre-tender considerations.
- iii. Delegated to the Chief Finance Officer, in consultation with the Deputy Leader (as lead Member for Finance) authority to select a partner, agree the partnership terms, enter into a partnership agreement and take all steps necessary to establish a company with the partner to manage and operate the South Kilburn District Energy Network.
- iv. Noted that in the event that a suitable partner cannot be procured or it was not possible to agree partnership terms, the backstop arrangement was that the service would, at least initially, be managed and operated in house

8. Stronger Communities Strategy

Councillor Tom Miller, Cabinet Member for Community Safety, introduced the report and *Brent: Stronger Together* - the draft Stronger Communities Strategy 2019-23 for Members' approval.

Councillor Miller stated that the Strategy sets out values and priorities following consultation. He stated that the Strategy is supported by commitments that focus on the priority areas.

Councillor Miller informed Members of Cabinet that the associated action plan would be developed. He stated that delivery against the commitments would be reviewed annually and a progress report would be published.

Councillor Mili Patel, Cabinet Member for Children's Safeguarding, Early Help and Social Care, welcomed the Strategy and in particular action to tackle underachievement.

RESOLVED:

- i. Cabinet considered and agreed the draft strategy and commitments as set out in Appendices 1 and 2 of the report.

9. 2017/18 Annual Complaints Report

Councillor Margaret McLennan, Deputy Leader, introduced the 2017/18 Annual Complaints Report, setting out complaints performance in Brent for the period April 2017 to March 2018. The report, she stated, focuses on the nature of complaints and the learning and improvements from complaints and Ombudsmen cases.

Councillor McLennan stated that a summary of the root cause of complaints and improvement actions by council departments in 2017/18 is provided in Appendix C.

Councillor McLennan stated that the key headlines from complaints performance in 2017/18 are as follows:

- All Stage 1 complaints volume (corporate & statutory – 1,614 cases) has decreased by 4% (↓)
- All Stage 2 complaints volume (corporate & statutory – 220 cases) has decreased by 8% (↓)
- There were 21 LGO cases upheld against Brent in 2017/18, compared with 17 cases in 2016/17 (↑)
- The total amount of compensation paid by Brent (c£73.8k) decreased by 5% (↓)
- The total number of cases awarded compensation (135 cases) decreased by 34% (↓)
- The top 3 root causes of complaints in Brent were customer care (17%), repairs (8%) and parking enforcement (6%).

RESOLVED:

- i. Cabinet noted Brent's performance in managing and resolving complaints.
- ii. Cabinet reviewed progress in 2017/18 with the eight agreed recommendations from the previous annual report in 2016/1, noting that the report which had been developed into a Complaints Service Team Action Plan, would seek to focus on the following in the year ahead:
 - Ongoing monitoring of corrective actions to help ensure promises to put things right were kept
 - Monitoring of the root cause of complaints and supporting service areas to improve complaints hotspots
 - Improving the quality of complaints handling through training, quality checks and support to service areas.

10. **Performance Report, Q2 (July - September) 2018/19**

Councillor Margaret McLennan, Deputy Leader, introduced the report and the performance scorecard setting out the position of the Council's performance in the second quarter of 2018/19.

Councillor McLennan stated that the content and format of the report and scorecard have been revised to focus primarily on the Brent 2020 priorities and then on the Borough Plan priorities.

Cabinet noted that the purpose of this report is to provide a corporate overview of performance information linked to the Brent 2020 and Borough Plan priorities.

Councillor Krupesh Hirani, Cabinet Member for Public Health, Culture and Leisure, praised the positive performance indicator for engagement levels at Willesden Green library despite the building problems earlier in the year.

Councillor Shama Tatler, Cabinet Member for Regeneration, Highways and Planning, informed Cabinet that that three of the Environmental Improvement and Highway Infrastructure indicators have a Red RAG status.

RESOLVED:

That Cabinet:

- i. Noted the performance information contained in the report
- ii. Considered the current and future strategic risks associated with the information provided and agreed remedial actions on strategic risks as appropriate.
- iii. Challenged progress with responsible officers as necessary

11. Exclusion of Press and Public


None.

12. Any other urgent business

This being the last Cabinet meeting of 2018, Councillor Muhammed Butt, Leader of the Council, wished everyone a Merry Christmas and Happy New Year for 2019.

The meeting ended at 4.14 pm

COUNCILLOR MUHAMMED BUTT
Chair

	Cabinet 14 January 2019
	Report from the Strategic Director of Children and Young People
Brent Council's School Admission Arrangements for 2020/21	

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:	Three: <ul style="list-style-type: none"> Appendix 1: List of Primary Community Schools in Brent Appendix 2: Proposed Admissions Arrangements and Scheme of Coordination for 2020/2021 Appendix 3: Consultation on oversubscription criteria for Brent Community Primary Schools for 2020/2021 entry
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

1.0 Purpose of the Report

- 1.1 Cabinet is asked to agree the proposed admission arrangements and scheme of co-ordination for Brent community schools for 2020/21 in accordance with statutory requirements. Admission authorities are required to determine their admission arrangements by 28 February in the determination year.

2.0 Recommendations

That Cabinet:

- 2.1 Agrees the proposed admission arrangements for Brent community schools and scheme of co-ordination for maintained schools in Brent for the 2020/2021 academic year (Appendix 2).

3.0 Detail

- 3.1 This report relates to the admission arrangements and oversubscription criteria of Brent community primary schools only. Brent Council is the admission authority for 30 community primary schools in the Borough (Appendix 1). Voluntary Aided (VA) and foundation schools, academies and free schools are their own admission authority and determine their own admission arrangements and oversubscription criteria.
- 3.2 The School Admissions Code issued under Section 84 of the School Standards and Framework Act is the legal framework for school admissions matters. The Admissions Code requires that admission authorities have a mechanism to rank applications in order of priority. All schools and admission authorities must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements for Brent community schools are determined by the Council as the admission authority.
- 3.3 At its meeting on 15 October 2018, Cabinet granted approval for the council to carry out public consultation to amend its admission arrangements for the academic year 2020/2021.
- 3.4 Consultation was carried out with all relevant parties, as identified in the School Admissions Code 2014, for a period of six weeks between 30 October 2018 and 10 December 2018.

4.0 Outcome of consultation

- 4.1 Consultation was undertaken on the following amendments to the existing admission arrangements:
- a) reducing the Published Admission Number (PAN) for primary schools that have seen a reduction in demand over recent years; and
 - b) the introduction of a criterion for all community schools to give 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.

The consultation document on the proposed changes can be reviewed in Appendix 3.

- 4.2 One formal response to the consultation was received during the consultation period. The respondent was in agreement with the proposed changes.
- 4.3 The proposals to reduce the PAN of both Uxendon Manor Primary School and Harlesden Primary School have been put forward after careful analysis of primary school demand in each school's local area. The impact of this proposal is considered to be low. There are sufficient places in other schools to meet forecast demand if these changes are implemented.
- 4.4 It is anticipated that primary school demand will rise again in the future, in which case the PAN for both schools could be increased without the need for further consultation. The local authority is also able to introduce bulge classes in schools at short notice to respond to unanticipated local demand.

- 4.5 A number of other London LAs are consulting on reducing the published admission number of some primary schools in response to recent reduced demand.
- 4.6 The proposal to introduce a criterion for all community schools to give 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 will have very little impact on the majority of schools. In 2018, 9 places were offered in community primary schools to children under the highest criterion for Looked After Children and Previously Looked After Children. It is expected that the number of children eligible under the new criterion will be at a similar or lower level.
- 4.7 Other local authorities in London and the surrounding area consulting on introducing a similar criterion for 2020/2021 include London Borough of Redbridge, Hertfordshire, Kent and Surrey. Some London authorities have considered introducing this criterion, but have not yet started a consultation, while others have indicated that they will introduce the criterion when it becomes a requirement under a revised School Admissions Code.

5.0 Financial Implications

- 5.1 There are no specific financial implications arising from this report.

6.0 Legal Implications

- 6.1 The Council as admission authority has a duty to undertake consultation on admission policies in order to determine admission arrangements, including admission numbers under Part III of the School Standards and Framework Act 1998 and the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012/8.
- 6.2 Admission authorities must act in accordance with the mandatory requirements of the School Admissions Code 2014 and have due regard to the discretionary elements of the Code. They must also act in accordance with other laws relating to admissions and relevant human rights and equalities legislation
- 6.3 Oversubscription criteria must be reasonable, clear, objective and comply with all relevant legislation, including equalities legislation. Highest priority in the oversubscription criteria must be given to looked after children and previously looked after children (Regulation 7, Admission Arrangements Regulations 2012). Subject to these requirements it is for the admission authority to decide which criteria would be suitable according to the local circumstances. The criterion proposed to be consulted upon to give priority to children previously in state care outside England, is not referenced by legislation or the School Admissions Code 2014, but may be considered for inclusion as the School Admissions Code does not give a definitive list of acceptable oversubscription criteria.
- 6.4 The local authority must determine admission arrangements for 2020/21 by 28 February 2019.

7.0 Equality Implications

- 7.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.2 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.
- 7.3 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. The Admissions Criteria ensure fair access to school places. Cabinet is referred to the contents of this report for further information, in particular section 4.0.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 This report affects all wards.

9.0 Human Resources/Property Implications (if appropriate)

- 9.1 There are no human resources or property implications.

Report sign off:

BRIAN GRADY

Operational Director - Safeguarding, Partnerships and Strategy

On behalf of:

GAIL TOLLEY


Strategic Director of Children and Young People

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List of Primary Community Schools in Brent

Anson Primary School	Kingsbury Green Primary School	Oliver Goldsmith Primary School
Barham Primary School	Leopold Hawkeshead	Park Lane Primary School
Brentfield Primary School	Lyon Park Primary School	Preston Park Primary School
Byron Court Primary School	Malorees Infant School	Roe Green Infant School
Carlton Vale Infant School	Mitchell Brook Primary School	Roe Green Junior School
Chalkhill Primary School	Mora Primary School	Salisbury Primary School
Donnington Primary School	Mount Stewart Infant School	The Stonebridge School
Elsley Primary School	Mount Stewart Junior School	Uxendon Manor Primary School
Fryent Primary School	Newfield Primary School	Wembley Primary School
Harlesden Primary School	Northview Primary School	Wykeham Primary School

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	PROPOSED ADMISSION ARRANGEMENTS FOR BRENT COMMUNITY SCHOOLS FOR 2020/2021
	(INCLUDING PRIMARY AND SECONDARY SCHEMES OF CO-ORDINATION)

Contents

Brent Community Primary School Planned Admission Numbers for Admission to Reception in September 2020	2
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How places will be allocated at Brent community schools for September 2020 in Reception (Primary and Infant schools) and Year 3 (Junior Schools)	6
Schemes of co-ordination	9
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<ul style="list-style-type: none"> • Primary (Reception and Junior) 	17
<ul style="list-style-type: none"> • In-year 	28

**Brent Community Primary School Planned Admission Numbers and Grid Reference
Measuring Points for Admission to Reception and Junior in September 2020**

Name of School	Planned Admission Number	Grid Reference Measuring Point	
		Easting	Northing
Anson Primary School	52	523552	185345
Barham Primary School	120	517506	184655
Brentfield Primary School	90	520541	184537
Byron Court Primary School	150	517133	186955
Carlton Vale Infant School	60	524938	182956
Chalkhill Primary School	60	520005	186210
Donnington Primary School	30	522577	184004
Elsley Primary School	120	518869	184738
Fryent Primary School	120	520385	187897
Harlesden Primary School	60*	521141	183461
Kingsbury Green Primary School	90	520010	188549
Leopold Primary School	120	521640	184310
- Gwenneth Rickus Site		520810	184490
Lyon Park Primary School	120	518820	184115
Malorees Infant School	60	523952	184011
Mitchell Brook Primary School	90	521010	184768
Mora Primary School	60	523141	185939
Mount Stewart Infant School	90	517785	187999
Mount Stewart Junior School	90	517785	187999
Newfield Primary School	60	521890	184050
Northview Primary School	30	521580	185500
Oliver Goldsmith Primary School	60	520809	188559
Park Lane Primary School	60	518380	185490
Preston Park Primary School	120	517930	187200
Roe Green Infant School	150	519772	189316
- Strathcona Site		517690	186700
Roe Green Junior School	120	519772	189316
Salisbury Primary School	90	524528	183518
The Stonebridge School	90	520512	183844
Uxendon Manor Primary School	90*	518023	188541
Wembley Primary School	120	518365	186130
Wykeham Primary School	60	521087	186286

* New published admission number for 2020/2021

Oversubscription Criteria for Brent Community Schools in 2020/2021

The criteria set out below apply to the 30 Brent community schools listed on page 2.

Voluntary aided or religious faith schools, foundation schools, free schools and academies have their own admission policies. Parents should visit the website of these schools for a copy of their admission arrangements or visit www.brent.gov.uk/admissions

Applications for children with an Education, Health and Care Plan (EHCP) are made by Local Authority SEN teams. The placement of such children is made after a process of consultation between parents, the school and the Local Authority. Children with an EHCP receive priority over others for admission to the school named on their EHCP. An Education, Health and Care plan is a plan made by the Local Authority under Section 37 of the Children and Families Act 2014 specifying the special education provision required for that child.

Schools should not admit more than 30 pupils in each class for Reception, Year 1 & Year 2. This is to enable the Local Authority to meet its statutory duty of having no more than 30 pupils in each class at Key Stage 1. Three year old children should not be admitted to Reception classes.

The following criteria are clear, fair and objective. It is illegal for schools to discriminate against a pupil on the basis of his/her ethnicity.

Whenever and wherever possible, children are offered a school of their parents' preference and in practice the majority of children go to the school which their parents select for them.

Sometimes, however, there are more applications for a certain school than there are places available. This is described as oversubscription. Whenever this happens, pupils are offered places in the following order of priority:

1. Looked After Children or previously Looked After Children

A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order.

The highest priority must be given to looked after children and all previously looked after children. Previously looked after children are children who were looked after, but ceased to be so because they were adopted, or became subject to a child arrangements order, or special guardianship order. This includes such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after.

2. Children adopted from state care outside of England

Children who appear to Brent Council to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.

3. Linked infant school

Children attending an infant school on the same site as a junior school.

This criterion will only affect admission to a junior school that is on the same site as the infant school the child attends immediately prior to the transfer.

4. Medical or Social needs

Exceptional circumstances to do with significant medical needs and or social needs.

This criterion relates to the child's medical and/or social needs. The application must be supported by written evidence that sets out the particular reasons why the school in question is the most suitable and the difficulties that would be caused if the child had to attend another school. The recommendation for this specific school should demonstrate knowledge of the school in terms of resources and organisation which deems it essential that the named pupil be admitted to the specific school. The Council will not give higher priority to children under this criterion if the required documents have not been submitted.

Medical Needs

Applications made on medical grounds must be accompanied by compelling medical evidence from a hospital consultant at the time of application. The letter from the hospital consultant must provide information about the child's medical condition, the effects of this condition and why, in view of this, the child needs to attend the parent's preferred school. If the school is not the closest to home, the consultant must set out in detail the wholly exceptional circumstances for attending this school and the difficulties if the child had to attend another school. Medical claims will only be considered for one school and this should be named by the consultant. In assessing these applications, advice will be sought from Brent's Special Education Needs Service.

Social Needs

Applications made on social grounds must be accompanied by compelling evidence at the time of application. Social needs claims will be considered where there is involvement from a social worker, or other professional and where it can be demonstrated that the child has exceptional social needs that cannot be met at any other school. Parents' circumstances can have an impact on a child's social needs and evidence of this will be considered.

5. Siblings in catchment area

Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, *living in the catchment area of the school* and who will continue to do so on the date of admission.

This includes half and step brothers and sisters and foster children so long as they live at the same address - but **not** cousins. Siblings attending the same school should have priority over those attending a separate school on the same site.

6. Children of staff

Children whose parent is a member of staff who has been employed at the school for two or more years at the time of application or has been recruited to fill a vacancy for which there is a demonstrable skill shortage.

7. In catchment area

Children living within the school's catchment area.

The catchment area is the defined neighbourhood in which the school is sited. It is generally bounded by major roads and/or railway/tube. The catchment area is defined by the Local Authority and is designed to ensure that each address in the borough falls into the catchment area of one school. Information on which streets make up a catchment area can be obtained from the Local Authority, the school, the Local Authority's website and the Local Authority's composite prospectus.

8. Siblings outside catchment area

Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, and who will continue to do so on the date of admission.

This includes half and step brothers and sisters and foster children so long as they live at the same address - but **not** cousins. Siblings attending the same school should have priority over those attending a separate school on the same site.

9. All other applicants.

‘Tie-break’ Distance Measurement

Where pupils meet the same criteria, places will be offered in order of the distance from home to school which will be measured by straight-line, from the address point in the property to the address point in the school, as determined by LLPG (Local Land Property Gazetteer) data. The measuring system is an integral part of the admission software produced by Servelec Synergy Ltd, uses Ordnance Survey maps and LLPG data and is accurate to 1 centimetre.

Twins, Triplets and other children of multiple births

In the event that the school has one place to offer and the next child on the waiting list is one of twins, triplets or other children of multiple births, the Local Authority will offer both twins, all triplets or children of multiple birth a place even if this means temporarily going over the published admission number.

Split residence

Where a child lives with parents with shared responsibility, each for part of a week, the address where the child lives is determined using a joint declaration from the parents stating the pattern of residence. If a child’s residence is split equally between both parents, then parents will be asked to determine which residential address should be used for the purpose of admission to school. If the residence is not split equally between both parents then the address used will be the address where the child spends the majority of the school week.

Admission to community school nurseries

The timeline and oversubscription criteria for a place in a nursery class in a community school are the same as for a Reception place. The council does not co-ordinate applications for nursery places. Applications for a nursery place in a community school must be made directly to the school by 15th January 2020. Offers will be made on 16th April 2020 by the school. If the nursery is oversubscribed the Community Schools Oversubscription Criteria will be applied.

How places will be allocated at Brent community schools for September 2020 in Reception (Primary and Infant schools) and Year 3 (Junior Schools)

There is no automatic transfer from nursery to Reception class. Parents wanting to apply for a place at Reception **must** complete an application which is available on line or a paper Common Application Form (CAF).

If more applications are received than there are places available, places are offered up to a school's planned admission number to applicants whose application is received by the closing date in accordance with the oversubscription criteria listed on page 3 using an equal preference system (see below).

Equal preferences

Each preference is treated as a separate application. Then using the oversubscription criteria each application is considered and ordered in a list based on how well it meets the oversubscription criteria (page 3).

If applicants qualify for a place at more than one school, a place is offered at the school given the highest ranking by the applicant.

Application forms will be available from September 2019 and the closing date for applications will be 15 January 2020. Offer letters and e-mails will be sent out on 16 April 2020.

Deferred Entry

Parents can request that the date their child is admitted to school is deferred until later in the year in which they apply or until the term in which the child reaches statutory school age. Statutory school age begins the first day of the term after a child's fifth birthday.

Parents wishing to defer entry must contact the school to advise them of this after a place has been offered.

Parents can also request that their child attends part-time until their child reaches statutory school age.

Applications for children outside the normal age group

The Council's policy is for children to be educated within their correct chronological year group, with the curriculum differentiated as necessary to meet the needs of individual children. This is in line with the Department for Education's (DfE) most recent "Advice on the Admission of Summer Born Children", published in December 2014, which states that, "in general, children should be educated in their normal age group, with the curriculum differentiated as appropriate, and that they should only be educated out of their normal age group in very limited circumstances".

If parents/carers believe their child should be educated in a different year group they should submit an application for the 'normal' Reception round for their child, and provide supporting evidence from relevant professionals working with the child and family stating why it is in the child's best interest to be placed outside their normal age appropriate cohort. DfE guidance makes clear that "it is reasonable for admission authorities to expect parents to provide them with information in support of their request – since without it they are unlikely to be able to make a decision on the basis of the circumstances of the case".

For community schools, the Council as the admission authority will decide whether the application will be accepted on the basis of the information submitted. Decisions will be based on the individual circumstances of each case including the view of parents, the relevant head teacher(s), the child's social, academic and emotional development and whether the child has been previously educated out of year group.

There is no guarantee that an application will be accepted on this basis. If the application is not accepted this does not constitute a refusal of a place and there is no right to an independent statutory appeal. Similarly there is no right of appeal for a place in a specific year group at a school. The internal management and organisation of a school, including the placement of pupils in classes, is a matter for the head teacher and senior leadership of individual schools.

Late Applications and changes after the closing date

Application forms must be received by Brent Council by the closing date of 15 January 2020.

Applications received after the closing date will be considered as late applications and will be processed after places have been allocated to applicants who applied on-time. However, in very exceptional circumstances applications received after the closing date may be considered as on time.

Applicants who consider they have exceptional circumstances that prevented them applying between applications opening in September 2019 and the closing date of 15 January 2020 should provide independent written evidence explaining why the application was late no later than 5pm on Friday 7 February 2020.

Additionally, any changes to the application (e.g. order of school preference or change of preferences) received after the closing date will be treated in the same way as late applications.

Changes of Address after the closing date

Changes of address will only be considered after applicants are resident at the new address and evidence to demonstrate this has been supplied. Applications will not be processed from an intended future address except in the case of Crown servants and UK service personnel.

Evidence must be received by 5pm on Friday 7 February 2020 for the new address to be used when processing the application and calculating home to school distances. Any change of address evidenced after 5pm on Friday 7 February 2020 will not be included until after national offer day 16 April 2020.

Waiting Lists

If the school place allocated is not the first preference, the child's name will automatically be placed on the waiting list for schools which have been ranked higher than the offer made. Community school waiting lists will then be maintained by the Council whilst voluntary aided, foundation and academy schools' waiting lists will be maintained by the schools.

Waiting lists are not maintained on a 'first come - first served' basis. Waiting lists are kept in the priority order as explained in the oversubscription criteria.

Places are offered from the waiting list throughout the year. When a place becomes available, it is offered to the first child on the list and, if it is accepted, all other children will move up the list. Children may also move down the waiting list if another family, with a higher priority under the oversubscription criteria, ask for their child's name to be added to the list.

Applicants, who ask for their child's name to be placed on the waiting list for another school after a school place has been allocated, are indicating they prefer this school to the other school already allocated. If at a later date a place is offered from the waiting list, this new offer will supersede any previous offer, which will then be withdrawn.

Looked after children and previously looked after children, and those allocated a place at the school in accordance with Brent's Fair Access Protocol, will take precedence over those on a waiting list.

Lists will be maintained throughout the school year. A child's position on the waiting list does not depend upon the time they have been on the list but will be determined by how they meet the oversubscription criteria.

This means that a child's position on the list can go down as well as up, depending upon the child's circumstances and those of other applicants.

The waiting list will be closed each year and will not roll over. A new application will have to be made for a new academic year.

Appeals

Parents can appeal against any decision made by Brent Council about the school where they would like their child to be educated.

When an appeal form is requested, the child's name is automatically placed on the waiting list for that school, if it is not already included.

A child admitted to a school as a result of a successful appeal will be admitted in precedence to those on the waiting list.

There is no right of appeal against any decision not to offer a place in a nursery.

In-Year Applications

Applications received outside the normal admissions round will be considered in line with the oversubscription criteria.

A place will be offered at the school requested provided there is a vacancy in the appropriate year group. Where the year group is full and it is not possible to meet the parental preference, a place will be offered at the nearest primary school with a vacancy in the year group.

The address used to process the application will be the address where the parent and child normally live and they must be living there at the time of application.

Admission of one child to a primary school does not give a right of admission for brothers or sisters, if places are not available for all at the same time.

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Brent LA Schemes for Co-ordination of Admissions to Year 7 and Reception/Junior in Maintained Schools and Academies in 2020/21

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PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Brent LA Schemes for Co-ordination of Admissions to Year 7 and Reception in 2020/21

Definitions used in the template schemes

“the Application Year”	the academic year in which the parent makes an application (i.e. in relation to the academic year of entry, the academic year preceding it).
“the Board”	the Pan-London Admissions Executive Board, which is responsible for the Scheme
“the Business User Guide (BUG)”	the document issued annually to participating LAs setting out the operational procedures of the Scheme
“the Common Application Form”	this is the form that each authority must have under the Regulations for parents to use to express their preferences, set out in rank order
“the Equal Preference System”	the model whereby all preferences listed by parents on the Common Application Form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil is eligible to be offered a place at more than one school within an LA, or across more than one participating LA, the rankings are used to determine the single offer by selecting the school ranked highest of those which can offer a place
“the Highly Recommended Elements”	the elements of the Template Scheme that are not mandatory but to which subscription is strongly recommended in order to maximise co-ordination and thereby simplify the application process as far as possible
“the Home LA”	the LA in which the applicant/parent/carer is resident
“the LIAAG Address Verification register”	the document containing the address verification policy of each participating LA
“the Local Admission System (LAS)”	the IT module for administering admissions in each LA and for determining the highest offer both within and between participating LAs
“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed
“the Mandatory Elements”	those elements of the Template Scheme to which

	authorities must subscribe in order to be considered as 'Participating Authorities' and to benefit from use of the Pan-London Register
"the Notification Letter"	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2
"the Prescribed Day"	the day on which outcome letters/e-mails are posted/sent to parents/carers. 1 March (secondary) and 16 April (primary) in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
"the Pan-London Register (PLR)"	the database which will sort and transmit application and outcome data between the LAS of each participating LA
"the Pan-London Timetable"	the framework for processing of application and outcome data, which is attached as Schedule 3
"the Participating LA"	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Template LA Scheme presented here.
"the Qualifying Scheme"	the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating arrangements for the admission of children to maintained primary and secondary schools and academies.

PAN LONDON CO-ORDINATED ADMISSIONS SYSTEM

Brent LA Scheme for Co-ordination of Admissions to Year 7 in 2020/21

Applications

1. Brent LA will advise home LAs of their resident pupils on the roll of Brent LA's maintained primary schools and academies who are eligible to transfer to secondary school in the forthcoming academic year.
2. Applications from residents of Brent will be made on Brent LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Brent LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
3. Brent LA will take all reasonable steps to ensure that every parent/carer who is resident in this LA and has a child in their last year of primary education within a maintained school or academy, either in this LA or any other maintaining LA, is informed how they can access this LA's composite prospectus and apply online. Parents/carers who do not live in this LA will have access to this LA's composite prospectus, which will advise parents/carers to contact their home LA if they are unable to apply online.
4. The admission authorities within Brent LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admission authorities within Brent LA, the LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2014.
5. Where supplementary information forms are used by admission authorities in Brent LA, they will be available on Brent LA's website. Such forms will advise parents that they must also complete their home LA's Common Application Form. Brent LA's composite prospectus and website will indicate which schools in Brent LA require supplementary forms to be completed and where they can be obtained.
6. Where an admission authority in Brent LA receives a supplementary information form, Brent LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2014.
7. Applicants will be able to express a preference for six maintained secondary schools or Academies within and/or outside the Home LA.
8. The order of preference given on the Common Application Form will not be revealed to a school within the area of Brent LA. This is to comply with paragraph 1.9 of the School Admissions Code 2014 which states that admission authorities must not give extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements. However, where a parent resident in this LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that

LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.

9. Brent LA undertakes to carry out the address verification process as set out in its entry in LIAAG Address Verification Register. This will in all cases include validation of resident applicants against Brent LA's primary school data and the further investigation of any discrepancy. Where Brent LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **12 December 2019**.
10. Brent LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any evidence requested by the maintaining LA in respect of a preference for a school in its area by **13 November 2019**.
11. Brent LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of Brent LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **13 November 2019**.

Processing

12. Applicants resident within Brent LA must return the Common Application Form, which will be available and able to be submitted on-line, to Brent LA by **31 October 2019**. However, Brent LA will publish information which encourages applicants to submit their application by **18 October 2019 (i.e. the Friday before half term)**, to allow it sufficient time to process and check all applications before the mandatory date when data must be sent to the PLR.
13. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of this LA's scheme, will be uploaded to the PLR by **13 November 2019**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
14. Brent LA will accept late applications only if they are late for a good reason, deciding each case on its own merits.
15. Where such applications contain preferences for schools in other LAs, this LA will forward the details to maintaining LAs via the PLR as they are received. Brent LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
16. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **13 December 2019**.
17. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **12 December 2019**, on the basis that an on-time application already exists within the Pan-London system.
18. Brent LA will participate in the application data checking exercise scheduled between **16 December 2019 and 2 January 2020** in the Pan-London timetable in Schedule 3A.

19. All preferences for schools within Brent LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraph 1.9 of the School Admissions Code 2014. When the admission authorities within Brent LA have provided a list of applicants in criteria order to this LA, Brent LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. [This is the 'Equal Preference System'.]
20. Brent LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in Brent LA's area before uploading data to the PLR.
21. Brent LA will upload the highest potential offer available to an applicant for a maintained school or academy in this LA to the PLR by **3 February 2020**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
22. The LAS of Brent LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **14 February 2020** if this is sooner.
23. Brent LA will not make an additional offer between the end of the iterative process and **2 March 2020** which may impact on an offer being made by another participating LA.
24. Notwithstanding paragraph 23, if an error is identified within the allocation of places at a maintained school or academy in Brent LA, Brent LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Brent LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Brent LA will accept that the applicant(s) affected might receive a multiple offer.
25. Brent LA will participate in the offer data checking exercise scheduled between **17 and 24 February 2020** in the Pan-London timetable in Schedule 3A.
26. Brent LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **25 February 2020**.

Offers

27. Brent LA will ensure that, if there are places available, each resident applicant who cannot be offered a preference expressed on the Common Application Form receives the offer of an alternative school place in accordance with paragraph 2.11 of the School Admissions Code 2014. Where this is the case, Brent will offer a place at the nearest suitable maintained school or academy with a vacancy.
28. Brent LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.

29. Brent LA's outcome letter or e-mail will include the information set out in Schedule 2.
30. On **2 March 2020**, this LA will send by first class post or by e-mail notification the outcome to resident applicants.
31. Brent LA will provide primary schools with destination data of its resident applicants by the end of the Summer term **2020**.

Post Offer

32. Brent LA will request that resident applicants accept or decline the offer of a place by **16 March 2020**, or within two weeks of the date of any subsequent offer.
33. Where an applicant resident in Brent LA accepts or declines a place in a school within the area of another LA by **16 March 2020**, Brent LA will forward the information to the maintaining LA by **23 March 2020**. Where such information is received from applicants after **16 March 2020**, Brent LA will pass it to the maintaining LA as it is received.
34. Where a place becomes available in an oversubscribed maintained school or academy in Brent LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.14 of the School Admissions Code 2014.
35. When acting as a maintaining LA, Brent LA will place an applicant resident in the area of another LA on a waiting list of any higher preference school in this LA's area.
36. Where a waiting list is maintained by an admission authority of a maintained school or academy in Brent LA's area, the admission authority will inform Brent LA of a potential offer, in order that the offer may be made by the home LA.
37. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of an offer for a maintained school or academy in Brent LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
38. When acting as a maintaining LA, Brent LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
39. When acting as a home LA, Brent LA will offer a place at a maintained school or academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
40. When acting as a home LA, when Brent LA is informed by a maintaining LA of an offer which can be made to an applicant resident in Brent LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
41. When acting as a home LA, when Brent LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 39 and 40 shall apply to the revised order of preferences.

42. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
43. When acting as a maintaining LA, Brent LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
44. Brent LA, when acting as a maintaining LA, will maintain waiting lists and allocate places, as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
45. Brent LA, when acting as a home LA, will carry out the initial offer of places which become available after National Offer Day by the week ending **27 March 2020**.
46. Brent LA, when acting as a home LA, after preferences expressed in accordance with paragraph 7 above have been determined, will allow applicants to express additional preferences before the start of the school term. The order of preferences expressed will supersede any existing preferences without an offer.

PAN- LONDON CO-ORDINATED ADMISSIONS SYSTEM

Brent LA Scheme for Co-ordination of Admissions to Reception/Junior in 2020/21

Applications

1. Applications from residents of Brent LA will be made on Brent LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Brent LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
2. Brent LA will take all reasonable steps to ensure that every parent/carer who is resident in Brent LA and has a child in a nursery class within a maintained school or academy, either in Brent LA or any other maintaining LA, is informed how they can access Brent LA's composite prospectus and apply online. Parents/carers who do not live in Brent LA will have access to Brent LA's composite prospectus, which will advise parents/carers to contact their home LA if they are unable to apply online.
3. The admission authorities within Brent LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admission authorities within Brent LA, the LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2014.
4. Where supplementary information forms are used by admission authorities in Brent LA, they will be available on Brent LA's website. Such forms will advise parents that they must also complete their home LA's Common Application Form. Brent LA's composite prospectus and website will indicate which schools in Brent LA require supplementary forms to be completed and where they can be obtained.
5. Where a school in Brent LA receives a supplementary information form, Brent LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2014.
6. Applicants will be able to express a preference for up to six maintained primary schools or academies within and/or outside the Home LA.
7. The order of preference given on the Common Application Form will not be revealed to a school within the area of Brent LA to comply with paragraph 1.9 of the School Admissions Code 2014. However, where a parent resident in Brent LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
8. Brent LA undertakes to carry out the address verification process set out in its entry in the LIAAG Address Verification Register. This will in all cases include validation of resident applicants against Brent LA's maintained nursery and primary school data and the further investigation of any discrepancy. Where Brent LA is not satisfied as to the

validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **11 February 2020**.

9. Brent LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any evidence requested by the maintaining LA in respect of a preference for a school in its area by **5 February 2020**.
10. Brent LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of Brent LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **5 February 2020**.

Processing

11. Applicants resident within Brent LA must return the Common Application Form, which will be available and able to be submitted online, to Brent LA by **15 January 2020**.
12. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Brent LA's scheme, will be up-loaded to the PLR by **5 February 2020**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
13. Brent LA will accept late applications only if they are late for a good reason, deciding each case on its own merits.
14. Where such applications contain preferences for schools in other LAs, Brent LA will forward the details to maintaining LAs via the PLR as they are received. Brent LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
15. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **11 February 2020**.
16. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **10 February 2020**, on the basis that an on-time application already exists within the Pan-London system.
17. Brent LA will participate in the application data checking exercise scheduled between **12 and 26 February 2020** in the Pan-London timetable in Schedule 3B.
18. All preferences for schools within Brent LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraph 1.9 of the School Admissions Code 2014. When the admission authorities within Brent LA have provided a list of applicants in criteria order to Brent LA, Brent LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. [This is the 'Equal Preference System'.]
19. Brent LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in Brent LA's area before uploading data to the PLR.

20. Brent LA will upload the highest potential offer available to an applicant for a maintained school or academy in Brent LA to the PLR by **20 March 2020**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
21. The LAS of Brent LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **27 March 2020** if this is sooner.
22. Brent LA will not make an additional offer between the end of the iterative process and **16 April 2020** which may impact on an offer being made by another participating LA.
23. Notwithstanding paragraph 22, if an error is identified within the allocation of places at a maintained school or academy in Brent LA, Brent LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Brent LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Brent LA will accept that the applicant(s) affected might receive a multiple offer.
24. Brent LA will participate in the offer data checking exercise scheduled between **30 March and 9 April 2020** in the Pan-London timetable in Schedule 3B.
25. Brent LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **14 April 2020**.

Offers

26. Brent LA will ensure that, if there are places available, each resident applicant who cannot be offered a preference expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.11 of the Schools Admissions Code 2014. Where this is the case, Brent will offer a place at the nearest suitable maintained school or academy with a vacancy.
27. Brent LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
28. Brent LA's outcome letter or e-mail will include the information set out in Schedule 2.
29. Brent LA will, on **16 April 2020**, send by first class post or by e-mail notification the outcome to resident applicants.
30. Brent LA will provide nursery and primary schools with destination data of its resident applicants by the end of the Summer term 2020.

Post Offer

31. Brent LA will request that resident applicants accept or decline the offer of a place by **30 April 2020**, or within two weeks of the date of any subsequent offer.

32. Where an applicant resident in Brent LA accepts or declines a place in a school maintained by another LA by **30 April 2020**, Brent LA will forward the information to the maintaining LA by **7 May 2020**. Where such information is received from applicants after **30 April 2020**, Brent LA will pass it to the maintaining LA as it is received.
33. Where a place becomes available in an oversubscribed maintained school or academy in Brent LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.14 of the School Admissions Code 2014.
34. When acting as a maintaining LA, Brent LA will place an applicant resident in the area of another LA on a waiting list of any higher preference school. Where this is not done automatically, it will be done immediately following a request from the home LA.
35. Where a waiting list is maintained by an admission authority of a maintained school or academy in Brent LA's area, the admission authority will inform Brent LA of a potential offer, in order that the offer may be made by the home LA.
36. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of an offer for a maintained school or academy in Brent LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
37. When acting as a maintaining LA, Brent LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
38. When acting as a home LA, Brent LA will offer a place at a maintained school or academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
39. When acting as a home LA, when Brent LA is informed by a maintaining LA of an offer which can be made to an applicant resident in Brent LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
40. When acting as a home LA, when Brent LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 38 and 39 shall apply to the revised order of preferences.
41. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
42. When acting as a maintaining LA, Brent LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
43. Brent LA, when acting as a maintaining LA, will maintain waiting lists and allocate places, as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
44. Brent LA, when acting as a home LA, will carry out the initial offer of places which become available after National Offer Day by the week ending **15th May 2020**.
45. Brent LA, when acting as a home LA, after preferences expressed in accordance with paragraph 7 above have been determined, will allow applicants to express additional

preferences before the start of the school term. The order of preferences expressed will supersede any existing preferences without an offer.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 1

**Minimum Content of Common Application Form for Admissions to Year 7 and
Reception in 2020/21**

Child's details:

Surname

Forename(s)

Middle name(s)

Date of Birth

Gender

Home address

Name of current school

Address of current school (if outside home LA)

Parent's details:

Title

Surname

Forename

Address (if different to child's address)

Telephone Number (Home, Daytime, Mobile)

Email address

Relationship to child

Preference details (x 6 recommended):

Name of school

Address of school

Preference ranking

Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)

Does the child have an Education, Health and Care Plan Y/N*

Is the child a 'Child Looked After (CLA)'? Y/N

Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order or 'Special Guardianship Order'? Y/N

If yes, name of responsible local authority

Surname of sibling

Forename of sibling

DOB of sibling

Gender of sibling

Name of school sibling attends

Other:

Signature of parent or guardian

Date of signature

*Where an LA decides not to request this information on the CAF, it must guarantee that no details of a child with an Education, Health and Care Plan will be sent via the PLR.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 2

Template Outcome Letter for Admissions to Year 7 and Reception in 2020/21

From: Home LA

Date: **2 March 2020 (sec)**

16 April 2020 (prim)

Dear Parent/Carer,

Application for a Secondary / Primary School

I am writing to let you know the outcome of your application for a secondary/primary school. Your child has been offered a place at X School. The school will write to you with further details.

I am sorry that it was not possible for your child to be offered a place at any of the schools which you listed as a higher preference on your application form. For each of these schools there were more applications than places, and other applicants has a higher priority than your child under the school's published admission criteria.

Offers which could have been made for any schools which you placed lower in your preference list, were automatically withdrawn under the co-ordinated admission arrangements, as a higher preference has been offered.

If you would like more information about the reason that your child was not offered a place at any higher preference school, you should contact the admission authority that is responsible for admissions to the school within the next few days. Details of the different admission authorities for schools in the borough of X are attached to this letter. If the school is outside the borough of X, the admission authority will either be the borough in which the school is situated, or the school itself.

You have the right of appeal under the School Standards & Framework Act 1998 against the refusal of a place at any of the schools for which you have applied. If you wish to appeal, you must contact the admission authority for the school within the next few days to obtain the procedure and the date by which an appeal must be received by them.

Please would you confirm that you wish to accept the place at X School by completing the reply slip below. If you do not wish to accept the place, you will need to let us know what alternative arrangements you are making for your child's education.

You must contact this office if you wish to apply for any other school, either in this borough or elsewhere.

Your child's name has been placed on the waiting list for any school which was a higher preference on your application form than the school you have been offered. If you need to find out your child's position on the waiting list please contact the admission authority or the borough in which the school is situated.

*Please return the reply slip to me by **16 March 2020 (sec)** / **30 April 2020 (prim)**. If you have any questions about this letter, please contact me on _____.*

Yours sincerely

(First preference offer letters should include the paragraphs in italics only)

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 3A

Timetable for Admissions to Year 7 in 2020/21

Fri 18 Oct 2019	Published closing date (Friday before half-term)
Thurs 31 Oct 2019	Statutory deadline for receipt of applications
Wed 13 Nov 2019	Deadline for the transfer of application information by the Home LA to the PLR (ADT file).
Fri 13 Dec 2019	Deadline for the upload of late applications to the PLR.
Mon 16 Dec 2019 – Thurs 2 Jan 2020	Checking of application data
Mon 3 Feb 2020	Deadline for the transfer of potential offer information from Maintaining LAs to the PLR (ALT file)
Fri 14 Feb 2020	Final ALT file to PLR
Mon 17 – Mon 24 Feb 2020	Checking of offer data
Tues 25 Feb 2020	Deadline for on-line ALT file to portal
Mon 2 Mar 2020	Offer letters posted/Offer e-mails sent.
Mon 16 Mar 2020	Deadline for return of acceptances
Mon 23 Mar 2020	Deadline for transfer of acceptances to maintaining LAs

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 3B

Timetable for Admissions to Reception/Junior in 2020/21

Wed 15 Jan 2020	Statutory deadline for receipt of applications
Wed 5 Feb 2020	Deadline for the transfer of application information by the Home LA to the PLR (ADT file)
Tuesday 11 Feb 2020	Deadline for the upload of late applications to the PLR.
Wed 12 – Wed 26 Feb 2020	Checking of application data
Fri 20 Mar 2020	Deadline for the transfer of potential offer information from the Maintaining LAs to the PLR (ALT file).
Fri 27 Mar 2020	Final ALT file to PLR
Mon 30 Mar – Thurs 9 Apr 2020	Checking of offer data
Tues 14 Apr 2020	Deadline for on-line ALT file to portal
Thurs 16 April 2020	Offer letters posted/Offer e-mails sent.
Thurs 30 April 2020	Deadline for receipt of acceptances
Thurs 7 May 2020	Deadline for transfer of acceptances to maintaining LAs

Brent Council's Scheme for Co-ordination for In-Year Admissions 2020/21

Definitions

- "the Home LA" the LA in which the child is resident
"the Maintaining LA" the LA which maintains a school to which an applicant has applied

Section 1: Applications

1. Applications for Brent Council's community schools will be made on a Brent In-Year Application Form. This will include all the fields and information specified in Schedule 1 of this scheme. These will be supplemented by any additional fields and information which are deemed necessary by Brent to enable the admission authorities in the LA area to apply their published oversubscription criteria.

Brent Council will process applications for Brent community schools and will offer to coordinate applications for voluntary aided, foundation and academy schools.

2. The admission authorities within Brent Council will not use supplementary forms except where the information available through the In-Year Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary forms are used by the admission authorities within Brent Council, the LA will seek to ensure that these only collect information which is required by the published oversubscription criteria.
3. Where supplementary forms are used, they will be available from the school concerned and available on Brent Council's website. Any supplementary forms must advise parents that they must also complete Brent's In-Year Application Form. Brent Council's admission booklet and website will indicate which of Brent Council's schools require supplementary forms to be completed and where they can be obtained.
4. Where an admission authority in Brent Council receives a supplementary form, it will not consider it to be a valid application until the parent has also listed the school on the In-Year Application Form.
5. Applicants will be able to express a preference for up to six maintained primary schools or academies within Brent Council.
6. Brent Council will carry out address verification for each application.
7. Brent Council will check the status of any child where the application is based on the child being a looked after child, a previously looked after child or a child adopted from state care outside of England.

Section 2: Processing

8. Applicants for Brent Council's maintained schools or academies must complete and return the In-Year Application Form to Brent Council or if applying for a place at a voluntary aided (faith), foundation or academy school to the school directly unless the school has agreed for the coordination of the In-Year Application by Brent Council.
9. Where an application is not fully completed, Brent Council and/or the school will not treat the application as valid until all information is received.

10. If Brent Council receives a common application form with an application for a school that has not agreed to the council co-ordinating In-Year applications, they will send details of the application to the relevant schools via the secure website.
11. Brent voluntary aided, foundation and academy schools will aim to inform the LA of the outcome of any application within **20 school days** from receipt of the application.

Section 3: Offers

12. Where a child is eligible for a place at only one of the nominated schools that school will be allocated to the child.
13. Where a child is eligible for a place at two or more of the nominated schools, they will be allocated a place at whichever of these is the highest ranked preference.
14. Where a Brent resident child is not eligible for a place at any of the nominated schools, the child will be allocated a place at the nearest Brent community school with a vacancy if they are not already on-roll at a suitable school within a reasonable distance/travelling time.

Section 4: Post-offer

15. Brent Council and voluntary aided, foundation and academy schools will request that parents accept or decline the offer of a place within two weeks.
16. Brent Council and Brent voluntary aided, foundation and academy schools will make every reasonable effort to contact the parent to find out whether or not they wish to accept the place. Only where the parent fails to respond and Brent Council and Brent voluntary aided, foundation and academy schools can demonstrate that every reasonable effort has been made to contact the parent, will the offer of a place be withdrawn on behalf of the admission authority.
17. Where a parent accepts or declines a place in a school Brent and the pupil is not a Brent resident, Brent Council will forward the information to the home LA.

Section 5: Waiting lists

18. Applicants will not be automatically placed on the waiting list for school(s) ranked higher on the In-Year Application Form than any school already offered. Applicants will have to complete and return the waiting list form to be placed on the waiting list at any schools once an offer has been made for a preference school.
19. Waiting lists will be maintained and places allocated, as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
20. The waiting list will be closed each year and will not roll over.

School waiting lists do not operate on a 'first-come, first-served' basis. A place on the waiting list, and whether a place will be offered if another child drops out, is determined by the admission's criteria. The child that meets the criteria the closest will be offered a place. The length of time a child is on the waiting list will not give priority over other applicants - it is possible for a child to go down the list as well as up.

Being on a waiting list does not guarantee a place at that school.

In-Year admissions (primary and secondary schools)

Applications for places in any year groups other than the admissions rounds of the normal year of entry to primary and secondary schools (Reception and Year 7) will be treated as In-Year admissions.

Applications to Reception and Year 7 made after 1 September 2020 will also be administered as In-Year admissions.

Governing boards of voluntary aided, foundation and academy schools will have responsibility for administering applications for In-Year admissions for the academic year commencing 1 September 2020. The Council is the admission authority for community schools and will retain responsibility for the management of In-Year admissions to community schools.

Parents / carers seeking a place outside of the normal admissions round for Brent secondary or primary voluntary aided, foundation or academy schools may apply directly to each school in which they seek a place unless Brent is coordinating applications for In-Year. A list of the schools that Brent will be coordinating will be available on the website www.brent.gov.uk/admissions

Parents/carers seeking a place in a Brent Community School must apply to the Council.

Applications for entry to schools in Reception and Year 7 will be administered by the Local Authority until 31st August 2020, after which they will be administered as In-Year applications.

The LA will transfer the waiting lists for Reception and Year 7 to voluntary aided, foundation and academy schools by 1st September 2020.

Voluntary aided, foundation and academy schools will maintain their own waiting lists. Governors will apply their determined arrangements and rank applicants to determine to whom an offer will be made when a vacancy becomes available.

The Council will maintain the waiting lists for its community schools.

Schools which are their own admission authority should inform applicants of the outcome of their application within 20 working days of receipt of the application. Schools must offer places in writing and must inform applicants of their right to appeal against the refusal of a place.

Schools will send offer letters and make timely arrangements for the admission of the child, which should be within two weeks of the place being accepted.

On receipt of an In-Year application, schools must notify the Local Authority in which the child resides of both an application and its outcome. This should be within 20 days of receiving the application.

In line with requirements of own admission authority schools, and in order for Brent LA to fulfil its statutory duty to provide information and guidance to applicants seeking a school place, schools must provide regular returns informing the authority of the number of vacancies in each year group on a weekly basis. This will enable the Authority to maintain accurate data on the availability of places in the area. Schools are required to make a 'nil' return where appropriate.

To ensure safeguarding arrangements are in place to identify children missing education (CME), schools are also required to include in their admissions returns a list of those pupils being taken off-roll, together with their confirmed destination.

Voluntary aided, foundation, and academy schools will use a common in-year application form drawn up by the Authority: this will not require that applicants name more than one school or indicate the order of preference, but will facilitate applicants in being able to make applications to more than one school more readily.

Schools using supplementary information forms will need to provide the Local Authority with copies.

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CONSULTATION ON OVERSUBSCRIPTION CRITERIA FOR BRENT COMMUNITY PRIMARY SCHOOLS FOR 2020/2021 ENTRY

October 2018

Introduction

1. In accordance with the School Admission (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 the admission authorities for schools located in the London Borough of Brent are required to consult where changes are proposed to admission arrangements. A consultation period must run for a minimum of 6 weeks and take place between 1 October and 31 January of the year before those arrangements are to apply.
2. This consultation starts on Monday 29 October 2018 and will end on Monday 10 December 2018 and applies to admission to the academic year from September 2020 until August 2021.
3. Brent Council is the admission authority for 30 community primary schools in the borough. These are indicated below with their proposed Published Admission Number (PAN) for 2020 Admission.

Community Primary Schools 2020/21 Academic Year	PAN
Anson Primary School	52
Barham Primary School	120
Brentfield Primary School	90
Byron Court Primary School	150
Carlton Vale Infant School	60
Chalkhill Primary School	60
Donnington Primary School	30
Elsley Primary School	120
Fryent Primary School	120
Harlesden Primary School	60
Kingsbury Green Primary School	90
Leopold Primary School	120
Lyon Park Primary School	120
Malorees Infant School	60
Mitchell Brook Primary School	90
Mora Primary School	60
Mount Stewart Infant School	90
Mount Stewart Junior School	90
Newfield Primary School	60
Northview Primary School	30
Oliver Goldsmith Primary School	60

Park Lane Primary School	60
Preston Park Primary School	120
Roe Green Infant School	150
Roe Green Junior School	120
Salusbury Primary School	90
Stonebridge Primary School	90
Uxendon Manor Primary School	90
Wembley Primary School	120
Wykeham Primary School	60

Feedback

4. The council invites feedback in writing on the two proposals outlined below.
Feedback should be submitted on the form provided and posted to Michael Rollin, Admissions Consultation, PO Box 1057, Wembley, HA9 1HJ or e-mailed to school.admissions@brent.gov.uk
5. Proposed admission arrangements will apply only to those schools listed above. No other changes to admission arrangements are proposed. The full proposed admission arrangements for 2020/21 accompany this consultation paper.

Proposal 1 – Priority for children adopted from state care outside of England

Background

6. On 4 December 2017, the Minister of State for School Standards wrote to all local authorities and admission authorities asking them to consider giving priority in their oversubscription criteria to children who have previously been in state care outside of England, and have ceased to be in state care as a result of being adopted. When the opportunity arises, the Minister intends to amend the School Admissions Code to ensure that children who were previously in state care outside of England, and have ceased to be in state care as a result of being adopted, also receive the same highest priority for admission into a school in England. Until such a time, admission authorities are asked to consider introducing an oversubscription criterion to give these children second highest priority for admission into school, subject to consultation.
7. On the basis that such children are vulnerable as they may have experienced abuse and neglect prior to being adopted, the Department for Education is of the view that these children should be put on an equal footing for the purposes of admission into school with those children who are looked after and previously looked after by a local authority in England. The Department for Education encourages admission authorities to introduce a priority for such children in their admission arrangements now so that it provides the maximum benefit possible for the children concerned, and until changes are formalised in the School Admissions Code.
8. The local authority is proposing to include a priority in its oversubscription criteria for children who were previously in state care outside of England, and have ceased to be in state care as a result of being adopted. The priority will come after the existing priority for looked after children, or previously looked after children and before all other criteria.

Oversubscription Criterion

9. It is proposed that a new criterion be added to the oversubscription criteria as follows:
 - 1) A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order.
 - 2) **Children who appear to Brent Council to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.**
 - 3) Children attending an infant school on the same site as a junior school.
 - 4) Exceptional circumstances to do with significant medical needs and or social needs.
 - 5) Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, *living in the catchment area of the school* and who will continue to do so on the date of admission.
 - 6) Children whose parent is a member of staff who has been employed at the school for two or more years at the time of application or has been recruited to fill a vacancy for which there is a demonstrable skill shortage.

- 7) Children living within the school's catchment area.
- 8) Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, and who will continue to do so on the date of admission.
- 9) All other applicants.

Proposal 2 – To reduce the published admission number (PAN) for Harlesden Primary School and Uxendon Manor Primary School

Background

10. All admission authorities must consult where they propose a PAN decrease. It is proposed to reduce the admission number of the schools set out in the table below. The proposed reductions are in response to concerns raised by the relevant schools that their admission numbers are currently too high given recent patterns of demand.

School	Existing PAN (2018/19 and 2019/20)	Proposed PAN (2020/21)	Reception Offers for September 2018	Reception Numbers on roll January 2018
Harlesden Primary School	90	60	58	52
Uxendon Manor Primary School	120	90	102	74

11. Harlesden Primary School is a three form entry primary school with a PAN of 90 in the Reception year group, located in Primary Planning Area 4. The school was expanded by two forms of entry from a PAN of 30 in 2014 in response to increased demand in the area. Demand in the area has reduced and the school regularly admits around 60 pupils. The school has requested a reduction to its PAN to 60 as the school is undersubscribed each year, which presents challenges for the school's budget in terms of the ratio of pupil funding to teaching staff. There would be sufficient places in Primary Planning Area 4 for forecast Reception demand if the school's PAN reduced.
12. Uxendon Manor Primary School is a four form entry primary school with a PAN of 120 in the Reception year group, located in Primary Planning Area 2. The school was expanded by two forms of entry from a PAN of 60 in 2015 in response to increased demand in the area. Demand in the area has reduced. The school has requested a reduction to its PAN to 90 as the school is undersubscribed each year, which presents challenges for the school's budget in terms of the ratio of pupil funding to teaching staff. There would be sufficient places in Primary Planning Area 2 for forecast Reception demand if the school's PAN reduced.
13. In all cases above, the PAN could be increased in the future without the need to consult.



Brent

CONSULTATION ON OVERSUBSCRIPTION CRITERIA FOR BRENT COMMUNITY PRIMARY SCHOOLS FOR 2020/2021 ENTRY

Consultation Response Form

Proposal 1 – Give admissions priority for children adopted from state care outside of England

Do you agree or disagree with the proposal to give admissions priority to children adopted from state care outside of England? (tick as appropriate)

- ☐ Agree
- ☐ Somewhat agree
- ☐ Neither agree nor disagree
- ☐ Somewhat disagree
- ☐ Disagree
- ☐ Don't Know

Proposal 2 – To reduce the published admission number for Harlesden Primary School and Uxendon Manor Primary School


Do you agree or disagree with the proposal to reduce the published admission number for Harlesden Primary School and Uxendon Manor Primary School? (tick as appropriate)

- ☐ Agree
- ☐ Somewhat agree
- ☐ Neither agree nor disagree
- ☐ Somewhat disagree
- ☐ Disagree
- ☐ Don't Know

Please use the space below for any other comments you would like to make about the proposed changes to the admission criteria.

Your response should be submitted by **Monday 10 December 2018** to:
Michael Rollin, Admissions Consultation, PO Box 1057, Wembley, HA9 1HJ
or e-mailed to school.admissions@brent.gov.uk

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 Brent	Cabinet 14 January 2019
	Report from the Strategic Director of Community Wellbeing
London Borough of Culture 2020 – proposal to establish a Charitable Trust	

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>	Lois Stonock , Artistic Director, Lois.Stonock@brent.gov.uk 020 8937 2571 Sophie Leer , Programme Manager/National Management Trainee Sophie.Leer@brent.gov.uk 020 8937 2577

1.0 Purpose of the Report

1.1 This report will outline the plan for establishing a Charitable Trust which will lead on fundraising to deliver the London Borough of Culture (LBOC) 2020 and its legacy through ensuring its key programmes are sustainable and embedded into the community.

1.2 The report proposes:

- The Council sets up a Trust with broad objectives in line with the LBOC bid: to ensure the bid's legacy and to have meaningful representation from young people on the leadership of the programme through their presence on the board;
- The Trust will be set up with an initial five-year timeline to support the delivery of LBOC and to take a lead role in the delivery of the legacy;

- The Council will be the primary funder for the Trust for the period 2019/2020, setting out clear objectives in the business plan and holding it to account for delivery through a Service Level Agreement;
- The Councils relationship with Trust will end at the end of 2020
- For the legacy period, the Trust will raise funds which will allow it to become more independent and take a lead role in delivering the LBOC legacy post 2020.

2.0 Recommendation(s)

- 2.1 Cabinet approve the establishment of a Charitable Trust and Company Limited by Guarantee to fundraise and deliver LBOC 2020 and the legacy programme.
- 2.2 Cabinet delegate to the Strategic Director of Community Wellbeing in consultation with the Lead Member for Public Health, Culture and Leisure, the Chief Finance Officer and the Director of Legal and HR Services to take all practical steps to establish the company detailed in 2.1 above and register it as a charity to include approval of all relevant legal documentation and appointment of directors.
- 2.3 Cabinet delegate authority to the Strategic Director of Community Wellbeing in consultation with the Lead Member for Public Health, Culture and Leisure to enter into an agreement with the Trust detailed in 2.1 to govern its relationship with and funding of the Trust.

3.0 Detail

3.1 Introduction

- 3.1.1 In February 2018 Brent was awarded the prestigious London Borough of Culture award for the year 2020 by the Mayor of London Sadiq Khan.
- 3.1.2 Brent is using this initiative to place culture firmly at the heart of the Council and the borough.
- 3.1.3 In the bid to be Borough of Culture we called our programme Finding Brent because it will represent a new chance for 'Brent' to become a real and tangible place – to be more than just a council, a river or a ring-road. Whereas the UK City of Culture celebrates places that have existed for hundreds of years, through the London Borough of Culture programme we want to discover our sense of place for the very first time – we want to *find* Brent. We will explore how Brent has become what it is today, and how we connect to the rest of the capital, the UK and the world.
- 3.1.4 2020 will create a moment for Brent to come together for the first time in a way that will change life in the borough for a whole new generation of Londoners. But being such a connected place, what happens in Brent never stays in Brent. Our Borough of Culture year will work across the whole borough and create stories and art that resonate far beyond our boundaries. 2020 will be both the

first year the UK is no longer part of the EU and the year Europe's eyes focus on the borough for the Euro 2020 football championships. The appetite for new, refreshing stories about Britain and its relationship to the rest of the world will therefore be intense, and Brent can be the place to tell them.

- 3.1.5 Winning the bid has been be a huge statement of support for the young people, creative businesses, and arts organisations in the borough. It is an an opportunity to grow the places and spaces in which new culture can thrive. LBOC is giving us a framework for culture that gives permission, space and opportunities for new and lasting culture in the borough.

3.2 Why set up a Trust?

- 3.2.1 Brent is following in the footsteps of other successful cultural programmes including Hull City of Culture and Liverpool Capital of Culture, and proposes that Brent's LBOC programme is supported by its own Trust to help generate funding and ensure a lasting legacy.

- 3.2.2 There are two important benefits that setting up a Trust will have for LBOC 2020.

- 3.2.3 Firstly, a charity will enable the LBOC programme to access a wide range of additional funding which the Council cannot access and it will ensure that the objectives of major trusts and foundations who offer funding are met through a long term plan for change, in a way that a year-long programme alone will not offer. An example of this is the Foyle Foundation who would not support the Thoroughfare project on its own but would consider supporting the Young Ambassadors to help deliver part of the programme on Thoroughfare alongside a longer term development opportunity for young people in Brent to gain employment in the creative industries.

- 3.2.4 The programme budget for 2020 is £4.6m. This includes a mix of different funding sources such as GLA grants, Community Infrastructure Levy, partner contributions, ticket sales, fundraising and Council Contributions (as outlined in the September 2018 Cabinet Paper and listed below). It is anticipated that the additional fundraising spearheaded by the Trust will cover the £1.5m funding gap which is currently underwritten by the council.

Total Expenditure (excluding in kind)	£4.6m
Total Earmarked Income	£3.1m
Total Income to raise	£1.5m

Income from GLA	£1.35m
Income from Brent (incl. NCIL)	£1m
Income from Trusts/Businesses	£0.75m
Income to raise	£1.5m

3.2.5 The council have already agreed (September 2018 Cabinet Paper) to earmark a further £1.5m of non-recurrent funding from usable reserves if fundraising attempts fail to generate the required additional income. A robust governance arrangement is in place to approve any changes in scope with budgetary implications.

3.2.6 Secondly, setting up a charity will mean bringing together a range of board members and talent who will not only be able to fundraise but will also be able to provide insight, ideas and challenge.

3.3 Why set up a Company Limited by Guarantee?

3.3.1 The Charitable Trust needs to be able to conduct business in a way a commercial business would do so such as employing staff, entering into contracts, and securing insurance. To do this it needs to be incorporated and in order to create the incorporation, Officers need to establish a Company Limited by Guarantee which can then apply for charitable status.

3.3.2 With this understanding, Officers are setting up a Company Limited by Guarantee which will gain charitable status once the application has been approved by the Charity Commission. The company and the charity will be one in the same.

3.4 Vision, mission and aims

3.4.1 The LBOC Trust's remit will be to enable and develop the arts infrastructure and provision in Brent. It will facilitate collaboration across the borough between existing and emerging cultural organisations and groups, from grass roots level to established organisations, and support talent development and the establishment of new cultural organisations and projects in the borough.

3.4.2 Vision: The vision of the Trust will be to ensure that creativity and culture are thriving in Brent and that this is representative of and engaged with the borough's diverse community. It will offer opportunities for Brent's young people in the arts and creative industries.

3.4.3 Mission: The mission of the Trust will be to recognise, celebrate and build capacity for creativity and culture in Brent by bringing the creative sector together, providing support for development and growth, and embedding creativity firmly in the civic life of the borough. It will work to empower Brent residents, particularly its young people, to realise their creative potential by providing opportunities for developing and practising creative skills, and finding employment in the cultural sector. It will endeavour to deliver on this commitment to culture.

3.4.4 The aims are:

- To enhance Brent's cultural offer post 2020, and secure Brent's infrastructure and reputation as an inspirational cultural destination which will of been established over 2020;
- To increase community cohesion and cultural participation in Brent, building on the relationships initiated through the 2020 programme;
- To support and enable Brent's residents, particularly its young people, to gain new skills, knowledge, experience and opportunities learning from the experience, and where possible incubate promising initiatives and programmes which have emerged through the 2020 programme;
- To embed culture at the heart of the borough and in the Council sharing best practice and support for collaboration on creative and cultural programming and ideas.

3.5 The new charity

3.5.1 The Trust will be established as a Registered Charity and Company Limited by Guarantee. It will be independent of the Council and governed by a board of trustees.

3.5.2 The Trust will be funded through:

- An agreement with Brent Council; which will detail comprehensive terms and conditions
- Significant voluntary income generated through fundraising;

3.5.3 It is anticipated that the Trust will have a limited life span of five years to ensure that the work of LBOC 2020 can be embedded into the cultural sector within Brent but also to ensure that valuable funding is not being taken away from existing arts and cultural organisations in the borough for the Trust.

3.5.4 The Council's relationship with the council will come to an end in December 2020

3.5.5 The Trust will be governed by a board of Trustees who will govern the charity and be responsible for its activities.

3.5.6 Trustees will be asked to focus their support on shaping the fundraising and legacy of the LBOC 2020 programme. If Trustees make any recommendations on the work of the LBOC 2020 programme, this will be fed back by the Artistic

Director to the SRO board and if needed followed up in the quarterly meetings with the Chief Executive of Brent Council and the Strategic Director for Community Wellbeing.

3.6 Governance

- 3.6.1 The charity will be governed by a board of Trustees and a Chief Executive Officer (CEO).
- 3.6.2 The Artistic Director of LBOC 2020 will be the CEO of the charity and will be responsible to the Board.
- 3.6.3 As an employee of Brent Council the Artistic Director will continue to report to the Strategic Director for Community Wellbeing.
- 3.6.4 The Senior Responsible Officer board (SROs) will remain the primary decision making body through which the Council will approve the direction of its own investment into the charity. The SRO board meets monthly and is chaired by the Chief Executive of Brent Council.
- 3.6.5 The Council's investment into the LBOC 2020 programme will be managed through the Council's established processes to limit risk and ensure transparency (through procurement, legal and financial controls) and delegated authority to the Strategic Director of Community Wellbeing is sought to enter into an agreement with the charity to govern its relationship with and funding of the charity.
- 3.6.6 Officers propose that two seats on the charity's board of trustees be occupied by Brent Council representatives.
- 3.6.7 Officers propose that the Chair of the board of Trustees and the CEO of the charity meet quarterly with the Chief Executive of Brent Council and the Strategic Director of Community Wellbeing to ensure that the requirements of the SLA are maintained.
- 3.6.8 The Council's investment into the programme will be monitored by the Council's finance team and reported on through the monthly SRO meetings.
- 3.6.9 The Council's financial relationship with the Trust will end at the end of 2020.

3.7 The Trustees

- 3.7.1 The Charity will be governed by a board of 13 Trustees.
- 3.7.2 The composition of the full strength board will be as follows:
 - Chair – business leader
 - Deputy Chair – Brent Council
 - Deputy Chair – Brent Council
 - Treasurer

- Communications / media expert
- Arts Leader
- Arts Leader
- Arts fundraiser
- Entrepreneur
- Charity law expert
- Education leader
- Young local creative
- Young local creative

- 3.7.3 Subject to any equality implications including any duties arising under the Equality Act 2010, Officers propose that there is strong presentation of young people under the age of 30 on the board.
- 3.7.4 Officers are working to identify prospective Trustees from within Brent or who have a close connection to Brent to gain their support in order to ensure that the board is made up of individuals who understand the borough's unique character, diversity and history.
- 3.7.5 It is important that each of the Trustees can add value to the board in different ways, and are experts in the posts which they are being recruited into. This will ensure that the board can operate effectively and that decision-making will be thorough.
- 3.7.6 The board of Trustees will be made up of talented and exciting individuals who can inspire and motivate those around them. In order to ensure that all prospective Trustees meet this description, consultants from Achates Philanthropy will be having the initial meeting with them before confirming whether they would be suitable for interview by the Artistic Director and Strategic Director of Community Wellbeing.

4.0 Financial Implications

- 4.1 A key reason for setting up a charity is to ensure that fundraising opportunities for the LBOC 2020 programme and subsequent legacy activities are maximised as a number of institutional funders limit their funding specifically to charities and require multi-year plans for delivery.
- 4.2 The total funding requirement for the events in the build up to and including LBOC 2020 is £4.6m. This includes a £1.5m fundraising target, which the charity would be responsible for securing, but is also underwritten by the council. Setting up the charity as soon as possible is seen to be necessary in maximising the chances of delivering this fundraising target. The setup costs for this charity are expected to be negligible and relate to administration charges levied by the Charity Commission
- 4.3 The proposal is for the charity to continue to operate after the LBOC 2020 events to deliver the start of the legacy for 2 years. This then brings the total operating life of the charity to 5 years.

- 4.4 The council would host the charity and cover the accommodation, legal and insurance related overhead costs in kind. The charity would then need to fund all other operating costs including the cost of the legacy programme via its own raised means.
- 4.5 The Service Level Agreement between the council and the charity will provide the mechanism to enable the council to carry out the financial transactional functions for the charity.

5.0 Legal Implications

- 5.1 The Council's creation of an independent charity as a company limited by guarantee is permitted by the general power of competence given to local authorities by section 1(1) of The Localism Act 2011, which empowers the Council to do anything an individual can do unless prohibited by law and subject to public law principles. Further, section 111 of The Local Government Act 1972 sets out subsidiary powers of local authorities which allow the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 5.2 Companies limited by guarantee are a type of company recognised by The Companies Act 2006 (section 3(3) thereof). They are considered suitable vehicles for not for profit organisations such as charities. Companies limited by guarantee are formed and registered in accordance with the detailed requirements prescribed by The Companies Act 2006.
- 5.3 Once the company is incorporated, its directors (being the charity trustees) are required to apply to the Charity Commission to register it as a charity (section 35(1) of The Charities Act 2011). In order to obtain and retain charitable status, sections 1(1) and 2(1) of The Charities Act 2011 require that the company is established and operated exclusively for charitable purposes that are for the public benefit. To take advantage of charity tax reliefs and exemptions, the company is also required to register with the HMRC and in this respect must satisfy the requirements for charitable status set out in The Finance Act 2010.

6.0 Equality Implications

- 6.1 There are no specific risks in relation to equality.
- 6.2 Throughout the board recruitment process, officers are making efforts to ensure that the make-up of the board reflects Brent's diverse communities.
- 6.3 Regarding the programme's engagement with young people, the definition of 'young people' in this context refers to anyone between the ages of 18 - 30. If this changes and young people under the age of 18 are asked to participate as a Board member for the Trust, officers will consult with the Charity

Commission's guidance and colleagues from the Legal and Equalities team to ensure the correct advice is sought.

- 6.4 Officers will make efforts to consider ways they can foster good relations with people with protected characteristics¹ and those without to ensure that everyone is included and able to access the benefits of LBOC 2020.
- 6.5 Proposals will not be changing or removing any services used by vulnerable groups of people.
- 6.6 The LBOC 2020 programme, including the charitable Trust, is being developed to ensure it meets the public sector Equality Duty under section 149 of the Equality Act 2010. This requires that public bodies have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 6.7 The Trust will also be managed in accordance with Brent Council's current Equality Strategy 2015-2019 which demonstrates a commitment to promoting equality, diversity and cohesion.
- 6.8 The LBOC 2020 Evaluation Champion and the Evaluation Project Board will be continually monitoring the actual, ongoing impact of the Trust on communities to ensure it operates in accordance with the Equality Act 2010 and the Equality Strategy 2015-2019.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Ward members who are members of Cabinet will be involved in scrutinising this report.
- 7.2 Members of the LBOC SRO board were also consulted about these proposals at a meeting on 29 November 2018.
- 7.3 The Trust was also scrutinised by the Community and Wellbeing Scrutiny Committee on 21 November 2018.
- 7.4 Members present at the Member Learning and Development session on 11 November 2018 were also consulted.

Related Documents


- Cabinet report 13.11.2017 – Bid to become London Borough of Culture 2020
- Cabinet report 12.09.18 – Funding London Borough of Culture 2020
- Community and Wellbeing Scrutiny Committee report 21.11.2018 – London Borough of Culture 2020 programme

¹ Protected characteristics include: age, disability, race, sex, sexual orientation, pregnancy & maternity, religion or belief, gender reassignment and marriage & civil partnership.

Report sign off:

PHIL PORTER

Strategic Director of Community Wellbeing

 Brent	Cabinet 14 January 2019
	Report from the Strategic Director of Regeneration & Environment
Regulatory Enforcement Policy and Service Standards as Required by the Regulators' Code	

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:	Two: <ul style="list-style-type: none"> Appendix 1 - The Enforcement Policy Appendix 2 - The Service Standards
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Simon Legg, Senior Service Manager, 020 8937 5522 simon.legg@brent.gov.uk

1.0 Purpose of the Report

- 1.1 Under Section 22 of the Legislative and Regulatory Reform Act 2006, local authorities must have regard to the Regulators' Code when exercising regulatory functions.
- 1.2 This report seeks approval of an updated Enforcement Policy (the policy) and a set of Service Standards (the standards) as required by the Regulators' Code.
- 1.3 The policy and the standards follow the formation of the Council's Regulatory Hub in March 2018 which brought a core cluster of Environmental Services regulatory teams together as one. The policy updates the sanctions available to the Council when taking enforcement action, supports the functions of the Enforcement Practitioners Group and provides some uniformity and consistency between our regulatory teams as our area based working model establishes.

2.0 Recommendations

2.1 That Cabinet agree:

2.1.1 The contents of the Enforcement Policy (see Appendix 1)

2.1.2 The contents of the Service Standards (see Appendix 2)

2.1.3 The delegation of authority to the Strategic Director of Regeneration & Environment after consultation with the relevant Cabinet member, to update the Enforcement Policy and the Service Standards as required in accordance with the Regulators Code.

3.0 Detail

3.1 Under Section 22 of the Legislative and Regulatory Reform Act 2006, local authorities must have regard to the Regulators Code¹ when exercising regulatory functions. The Regulators Code (the Code) was published by the Department for Business, Innovation and Skills, Better Regulation Delivery Office in 2014 when it became statutory and is now the responsibility of the Office for Product Safety and Standards.

3.2 The Code reflects Government's commitment to reducing regulatory burdens for business by providing a clear set of principles on how local authorities should interact with those they are regulating. At the same time, it recognises businesses need clear regulatory information, guidance and advice that they can rely on in order to invest and grow.

3.3 The regulatory functions that fall within the scope of the Code are specified in the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (as amended)², in accordance with Section 24 of the Legislative and Regulatory Reform Act 2006. In general, these functions include duties carried out by the Council's Trading Standards, Food Safety, Environmental Improvement, Environmental Enforcement, Licensing, Noise and Nuisance Control and Public Safety teams.

3.4 However, the Better Regulation Delivery Office published guidance titled 'Regulators' Code Frequently Asked Questions' dated February 2015, which recommends local authority regulators who act outside the statutory scope of the Code, should adopt it on a voluntary basis as a sensible option.

3.5 In following this recommendation, it is proposed that the Council's Planning Enforcement team adopt the proposed policy and standards on a voluntary basis, even though there is no statutory requirement to do so.

3.6 The policy and the standards will not apply to the Council's Private Housing Service who whilst statutorily, must have regard to the Code, have an existing service specific enforcement policy which they will continue to adhere to.

¹ <https://www.gov.uk/government/publications/regulators-code>

² <https://www.legislation.gov.uk/uksi/2007/3544/contents/made>

3.7 The key principles of the Code are that regulators should:

- Carry out their activities in a way that supports those they regulate to comply and grow
- Provide simple and straightforward ways to engage with those they regulate
- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities
- Ensure their approach to their regulatory activities is transparent.

3.8 The policy and the standards which are attached as Appendix 1 and Appendix 2 to this report, provide guidance to officers which should be followed when conducting regulatory activities so their actions are transparent, accountable, proportionate, consistent and targeted only when needed. The Council must have regard to the Code when developing policies and principles that guide its regulatory activities.

3.9 It should help businesses and regulated persons, to understand our methods for achieving compliance and the criteria followed when considering the most appropriate response to a breach of legislation.

3.10 Whilst there is no legal requirement for this, whenever possible, the policy and standards follow a format provided by the Better Regulation Delivery Office in a 'Local Authority Tool Kit', retaining the same headings to ensure the documents cover all the Code's requirements and to provide some uniformity and consistency with those documents used by other local authorities.

3.11 The service standards have been drafted to mirror as closely as possible, those found in Brent Council's Customer Promise which commands good quality and easily accessible council services and information.

3.12 This report recommends that authority to update the policy and the standards is delegated to the Strategic Director of Regeneration & Environment in consultation with the relevant Cabinet member. This will enable timely updates following any feedback received, changes to our enforcement approach, procedures, priority setting process, statutory guidance or any other similar requirements.

3.13 It is important that the policy and the standards are easily accessible to those who we regulate once they are approved. The Code requires the policy and the standards to be clearly visible on the London Borough of Brent's website and they should be well signposted.

3.14 In accordance with the Code, details of any fees and charges made by the Council's regulatory teams, must also be published on the Council's website and these are to be kept up to date.

3.15 In addition, the Council is required to publish details of performance against the policy including feedback from satisfaction surveys and data relating to complaints about them and appeals against their decisions.

4.0 Financial Implications

- 4.1 The staffing resource to unify and implement the processes and procedures, will be met from the relevant service area base budgets.
- 4.2 There will also be a nominal cost associated with the final publishing and making these documents available on the Council's website. This will be met from existing budgets.

5.0 Legal Implications

- 5.1 Section 22 of the Legislative and Regulatory Reform Act 2006 states:

- (1) A Minister of the Crown may issue and from time to time revise, a code of practice in relation to the exercise of regulatory functions.
- (2) Any person exercising a regulatory function to which this section applies must, except in a case where subsection (3) applies, have regard to the code in determining any general policy or principles by reference to which the person exercises the function.
- (3) Any person exercising a regulatory function to which this section applies which is a function of setting standards or giving guidance generally in relation to the exercise of other regulatory functions must have regard to the code in the exercise of the function.

- 5.2 The Regulators' Code states:

Paragraph 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them

and.

Paragraph 6.2 d) their enforcement policy, explaining how they respond to non-compliance;

- 5.3 The purpose of the Enforcement Policy and Service Standards subject to this report, is to satisfy the Council's statutory obligations as set out above.
- 5.4 Failure to adopt an Enforcement Policy and Service Standards may leave the London Borough of Brent open to legal challenge and place the Council at risk of reputational damage should any regulatory activity fail as a result of not having these documents in place and ensuring staff follow the contents of them.

6.0 Equality Implications

- 6.1 The proposals in this report are a statutory requirement. They have been screened to assess their relevance to equality and were found to have no equality implications. The policy and the standards aim to provide a transparent and consistent approach to the way the London Borough of Brent conducts its regulatory activities, the consequences of which support fairness and equality.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 There has been no specific consultation with ward members as the proposed policy and standards are a statutory requirement and would apply to all applicable staff throughout the Borough.
- 7.2 The Lead Member for Community Safety, Councillor Miller, was briefed on this report, the policy and the standards at meetings held on 5 October 2018 and 29 November 2018.
- 7.3 All the regulatory teams subject to this policy and standards, have been consulted on the contents of the said documents.

8.0 Human Resources Implications

- 8.1 The Council's Regulatory Teams are generally, already operating with the requirements of the Code. There will be some staffing implications taking officers away from their frontline duties to provide training on the new policy and the standards if approved, implementing them and in the longer term, providing managerial oversight, but it is expected that these will be minimal and can be managed within the relevant service areas.

9.0 Related Documents

The Regulators Code can be accessed from;

<https://www.gov.uk/government/publications/regulators-code>

Frequently asked questions and answers from the Guidance for Regulators Information Point (GRIP) website can be found at;

https://www.regulatorsdevelopment.info/grip/local_authorities

Report sign off:

AMAR DAVE

Strategic Director of Regeneration
and Environment

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LONDON BOROUGH OF BRENT ENFORCEMENT POLICY



Brent



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1. Introduction

This policy details the London Borough of Brent's (LBB) approach dealing with any non-compliance with applicable legislation enforced by council regulatory teams in compliance with Section 21 Legislative and Regulatory Reform Act 2006 (LRRRA).

The regulatory teams enforce a wide range of legislation that aims to protect the rights and interests of the inhabitants and businesses within LBB.

This Enforcement Policy sets out the principles and procedures LBB's staff are to follow when considering and taking enforcement decisions/actions, in order to ensure that all decisions made are consistent, fair, proportionate and necessary.

This Policy is intended to be used and applied to all officers who engage in a regulatory function (except those in Private Housing see comment in Section 3) and is approved by Brent Council's Cabinet.

Copies of this policy are available on request from any of the Council's regulatory teams or it can be obtained from our website¹. Our regulatory teams adhere to clearly published service standards² in accordance with the Regulators' Code which can also be obtained upon request or are available on our website.

We will wherever possible, avoid placing unnecessary regulatory burdens on those who we seek to regulate.

When creating this policy, we have referenced the following legislation or Codes that have influenced its contents and the LBB shall have regard to these accordingly:

¹ Copies of the Policy can be found at www.brent.gov.uk

² Our Regulatory Service Standards can be found at *(inset hyperlink when published)*

Good Enforcement Practices

In agreeing this policy, LBB demonstrates that it is fully committed to the five principles of good regulation (referenced below), as required by Part 2 of the Regulatory Reform Act 2006 and the Department of Business Innovation and Skills Regulators' Code (the Code) dated April 2014.

When possible, we will always seek to focus and prioritise our regulatory functions in line with the Council's Borough Plan (or equivalent), and take into consideration regional and national intelligence, risk assessments and/or trends.

When making decisions on our regulatory functions, we shall always have consideration to the impact and effect our intervention/s will have. This not only satisfies the need of the code, but also ensures that we utilise our resources in the best possible way and where effective outcomes can be achieved.

(i) Proportionality

We will ensure that enforcement action is proportionate to the perceived risks and seriousness of the alleged offending. Any sanctions which may be applied, are done so in a method applicable to both the current level and potential future escalation of those

Our regulatory activities are carried out in a way which is transparent, accountable, proportionate, consistent and targeted where needed as required by the Legislative and Regulatory Reform Act 2006.

risks in the given circumstances. Whenever possible, we will take account of the individual

circumstances of each case when considering action.

(ii) Accountability

We will ensure that our activities will be open to public scrutiny with clear and accessible policies and operate a fair and efficient complaints procedure. All complaints made about service quality will be recorded and tracked against the Council's formal complaints procedure, details of which can be found in section 8 of this policy.

(iii) Consistency

We will carry out our duties in a fair and consistent manner. This means that where possible, we will adopt the same approach across LBB regulators. The previous history of those subject to regulation will be taken into account when deciding how compliance should be achieved and/or what form of sanction should be imposed. If circumstances permit, consideration will also be given in line with any national or statutory guidelines. If arrangements are in place to promote consistency, including liaison with other local authorities and agencies, particularly where we may share an enforcement role, these will be adhered to.

(iv) Transparency

We are committed in applicable circumstances and as far as practicably possible, to provide open and transparent sources of advice, guidance and information. In the first instance, this will be made available in an electronic format but where required, can be given in hard or via other accessible means.

We seek to provide all advice, guidance and information in a format that is easily understood using plain English.

Information such as our fees and charges will be published in advance of agreeing with any person to become liable for them.

We will take steps to ensure that those we regulate are always aware of what is a statutory requirement necessary to comply with the law, what is considered as best practice if applicable or what we consider as being optional not compulsory for a business or individual to follow.

(v) Targeted

We will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities or where repeated occurrences of lower risk activities, create a higher risk area of concern. Enforcement activity will only be targeted in instances where action is needed.

Regulators' Code (Better Regulation Delivery Office, 2014)

LBB has had regard to the Regulators' Code in the preparation of this policy and when considering our operational procedures. The Code permits us in certain instances, if we conclude that a provision in the Code is either not relevant or is outweighed by another provision, to depart from it. If this situation arises, we will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

Human Rights Act 1998

LBB is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

Data Protection Act 2018

Where there is a need for LBB to share enforcement information with other agencies or external partners, we will follow the provisions of the Data Protection Act 2018.

Regulatory Enforcement and Sanctions Act 2008

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the 'Primary Authority' scheme. We will comply with the requirements of this Act when we are considering enforcement action against any business or organisation that has a primary authority relationship and will have regard to guidance issued by the Secretary of State.

The Code for Crown Prosecutors

When deciding whether to prosecute the LBB has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. This Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test'.

i. Evidential Test

There must be sufficient admissible evidence to provide a realistic prospect of conviction against each defendant on each charge. The defence case, including any available statutory defence, must be considered including how it is likely to affect the prosecution case. A case which does not pass the evidential test, must not proceed however serious or sensitive the case may be.

A realistic prospect of conviction is an objective test based solely upon the assessment of the evidence and any other information the defence might put forward. It

means that an objective, impartial and reasonable jury or bench of Magistrates, having heard the case and been properly directed, would be more likely than not, to convict the defendant of the charge[s] alleged. If and only if, the case passes this test must the prosecutor apply the 'public interest test'.

ii. Public Interest Test

If the evidential test is satisfied, Managers and/or Prosecutors, must go onto consider whether the public interest test is satisfied in order to offer the offender a simple caution or to prosecute.

Each case must be considered on its own facts and merits and usually, the test would be applied after an investigation is complete or there is sufficient evidence to prove a prima facie offence. However, there will be some cases where a decision can be made at an early stage that an offender will not be cautioned or prosecuted in cases where the benefit amounts to a small amount or the mischief has taken place over a short period of time and any sentence awarded would be minimal.

There may be occasions where the public interest test points are against prosecution, such as low value or minor offending. The Council will still consider in particular circumstances, whether a prosecution should go ahead and if applicable, let a court consider those factors when any sentence is passed.

In order for the public interest test to be met, at least one criterion from each of the following three sections below must apply:

2. The seriousness of the contravention or breach. This takes account of:

- The detriment caused to others including the environment. For example, the level of nuisance, distress, injury caused or financial loss incurred
- Impact resulting from the breach upon the LBBs resources

- The risk of injury to the health of others. For example, where conditions are so unsafe an accident is likely to happen at any time
- The number of people that were or could have been affected by the breach
- The degree of culpability, such as negligence or wilful intent that appears to be involved in committing the breach
- The accumulation or repetition of less serious offences
- Failure to comply with a statutory notice within the timescale given
- Financial loss to others as a result of the breach

3. The likelihood of achieving compliance. This will take into account the following factors which are not exhaustive and will depend on the facts of each case:

- The level of compliance received from the person in the past
- The person's ability to comply. For example. Their level of understanding may not be sufficient to enable them to comply
- The lack of willingness of the person to comply with any action proposed by the council

4. Other factors which takes account of:

- Persistently disregarding warnings that involve a potentially serious breach
- Failure to comply with a statutory notice
- Seriously endangering the health, safety or well-being of others e.g. where it caused or could have caused a serious injury or illness
- Where applicable, the views of the victim regarding the impact the offence has had and the level of the victim's vulnerability
- A deliberate or willful failure to comply with a legal duty
- Deliberate or grossly careless breaches that caused or were likely to cause prejudice to health, economic advantage or environmental damage
- Purposeful obstruction of a Council officer from carrying out their duties

- Failure to satisfy the relevant statutory defence/s

2. What is this policy for?

This document satisfies the LBBs requirements under paragraph 6 of the Regulator's Code which requires us to ensure transparency in our approach to regulatory activities. It is the LBBs policy in respect of our approach to dealing with businesses or regulated people who do not comply with legislation and is address to:

- a) those affected by its activities; and
- b) officers of the local authority

Officers who undertake enforcement activities covered by this policy are appropriately trained and authorised to discharge enforcement powers on behalf of the local authority and will act in accordance with this policy at all times.

This policy sets out the principles and procedures all LBB staff who are authorised to carry out regulatory functions are to follow when considering and taking enforcement decisions/actions, in order to ensure that these are made consistently, fairly, proportionately and necessarily.

Line Managers will have the responsibility to ensure their officers act in accordance with the Council's regulatory service standards and with the contents of this policy.

3. When does this policy apply?

This policy covers all enforcement activities without exception, undertaken by LBB in the following service areas:

This policy applies to:

Environmental Improvement	Environmental Enforcement	Food Safety
Health and Safety	Licensing	Public Safety
Noise and Nuisance Control	Trading Standards	Planning Enforcement

The policy does not apply to the activities of Private Sector Housing who follow a separate document titled 'Private Housing Services Enforcement Policy, Guidance for Private Housing Services Enforcement Officers' dated July 2017³.

For the purposes of Planning Enforcement, this policy should be read as the 'Enforcement Plan' as set out in paragraph 58 of the National Planning Framework 2018 or any successor policy issued by Government.

For the purposes of Food Safety, this policy is intended to satisfy applicable criteria as set out in 'The Framework Agreement on Official Feed and Food Controls by Local Authorities' produced by the Food Standards Agency.

For the purposes of Health & Safety, this policy is intended to satisfy the applicable criteria as set out in the 'Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) guidance' in terms of any reference to a local authority's enforcement policy.

For the purposes of the Licensing, this policy should be taken into consideration as required by the current Licensing Guidance issued under section 182 of the Licensing Act 2003.

4. Our approach to dealing with non-compliance

³ This policy can be found at <http://democracy.brent.gov.uk/ieDecisionDetails.aspx?id=3879>

In deciding what action to take in regard to a non-compliance, we will try achieve one or more of the following outcomes:

- Change the behaviour of the offender to achieve future compliance
- Eliminate any financial gain or benefit from non-compliance
- Deter future non-compliance
- Restore the harm caused by non-compliance
- Make safe any non-compliance' involving a breach of safety legislation
- Restore any property or asset privately or publicly owned which had been damaged or removed, back to its original condition
- Refer in suitable cases, breaches to another enforcement body

Where a breach of minor legislation is identified, the most common outcome, although not exclusively, is for advice to be given to the business or individual concerned with the expectation that corrective action will be taken within a set period of time. This may be at a very early stage or after some further investigation. However we are committed to dealing firmly with those that deliberately or persistently fail to comply with legislation. In addition, we will take firm action where minor offending may contribute towards a more significant issue and instances when serious breaches have taken place.

The action that the LBB chooses to take will depend on the particular circumstances and the approach of the business or regulated person to dealing with the breach.

Businesses and individuals are able to request advice from us regarding compliance and how this can be best achieved. Those requesting regulatory advice regarding a non-compliance⁴, can do so without triggering enforcement action, where they show a willingness to resolve the issue.

The LBB encourages those we regulate to contact us for advice although in some instances, a cap on the amount free advice

You are encouraged to seek advice from us to help you comply with applicable legislation. Our staff will clearly explain what is required and why.

available from the Council is applied to effectively manage our resources.

Our staff are committed to clearly explain any non-compliance and any advice given, actions required or decisions taken, with reasons for these. Where possible, written explanations will be provided such as during inspection visits. There will be an opportunity for dialogue and/or appeal in appropriate circumstances between the offender and the LBB in relation to this except where we need to take immediate enforcement action to respond to or prevent serious or imminent risk.

If formal action is likely to be considered as an option, that dialogue may need to be by way of a formal recorded interview in accordance with the Police and Criminal Evidence Act 1984.

The Council delegates the powers it has to enforce various pieces of legislation so that individual staff members with the appropriate levels of competence and where required qualification, have specific authority to act. Staff members carry identification and

confirmation of their authorisation. Full details of LBB's scheme of delegation can be found in our [Constitution](#)⁴ document.

Investigations are overseen by relevant line managers. Any formal action must be sanctioned by a manager with appropriate authority to do so.

We will refer matters to other authorities or enforcement bodies where we believe they are the most appropriate to deal with a matter. We will also accept referrals from others where we are the most appropriate enforcement body to deal with something effectively.

Where we carry our enforcement activities on behalf of another authority, we shall also have regard to their policies. If the situation should arise where their policies contradict those contained within this policy, the officer shall notify their line manager for further guidance, where subject to the term in question, a decision will be made as to how to proceed. It would be expected in most situations, that this policy has supremacy.

The LBB will manage enforcement in relation to its own establishments and activities in the same manner as others we regulate and will declare any interest we hold accordingly.

Our enforcement will be fair and objective with everybody being treated equally and fairly regardless of their age, disability, gender identity and expression, marital status, nationality, race, religion or belief, sex, sexual orientation or health and income status. The LBB has an [Equalities](#)⁵ policy promoting equality, diversity and cohesion in everything we do.

⁴

<http://democracy.brent.gov.uk/ieListMeetings.aspx?Committeeld=584&info=1&MD=Constitution>

⁵ <https://www.brent.gov.uk/your-council/about-brent-council/council-structure-and-how-we-work/equality-and-diversity/equality-in-brent/>

Publicising Enforcement Action

In some instances, where a business or individual receives an enforcement action, the Council will seek to publicise this.

Consideration will be given to each case individually although this would normally be in the following circumstances:

- The offence is widespread in the area and coverage will assist in securing compliance by others
- To draw attention to particular serious hazards
- Coverage is otherwise in the public interest
- A press release will generally be issued following a conviction where it is considered that publicity will bring others into compliance or will help to maintain compliance with those statutory requirements

Sharing information with other regulators

If there is a shared enforcement role with other agencies, e.g. the National Trading Standards Board, Food Standards Agency, Fire and Rescue Service or the Police, we will consider co-ordinating with these agencies, to minimise unnecessary overlaps or time delays and to maximise our overall effectiveness.

Where any business has a 'Primary Authority' relationship established with a local authority regulatory service, our officers will communicate with that service at the earliest opportunity.

Explanation of the action taken following non-compliances

We will be proportionate, when considering what is the most appropriate sanction for any non-compliance and we will consider such factors as the harm caused or the risk of harm, the size, capacity and nature of the business or relevant factors of the regulated person.

We will provide the individual/business with an opportunity to discuss with us the advice given, actions required, or decisions taken in relation to non-compliance, except where we need to take immediate enforcement action to respond to or prevent serious or imminent risk.

When advice or guidance has been provided following the identification of non-compliance, further checks might be required by an officer to ensure the issue has been suitably rectified.

It is not possible for the Council to investigate every allegation of non-compliance it receives. Therefore, some regulatory teams may operate a risk assessment scheme to determine whether individual allegations require investigation. Copies of any such assessment criteria, are available upon request.

5. Conduct of Investigations

Explanation of the processes for investigating alleged breaches

All investigations will be carried out having regard to the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to LBB:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998

These Acts and associated guidance, control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting and with any associated guidance or codes of practice.

Officer's Powers

For the vast majority of legislation, we enforce, officers are given particular powers to carry out certain activities including for example test purchasing; sampling; inspection of premises; goods equipment or documents and powers of entry to gain access to land and premises, by force, with a warrant if required.

In certain circumstances where offences are suspected, or evidence is required, legislation gives our officers powers to seize goods and documents and/or to suspend goods for onward supply.

Powers extend to the seizure of cash, obtaining production or monitoring orders or restraining assets. Powers vary depending on the legislation being used and those listed in this section, do not create an exhaustive list.

Where any items are seized other than waste, officers will supply written confirmation or a photograph, of anything taken at the time or if not practical as soon as possible afterwards if requested by the owner of the items.

Where any seized items are subject to any form of testing, the results of that testing will be made available to the person who had ownership of the goods.

Our officers do not hold any powers to arrest individuals. However, there is a possibility of arrest where our officers are working with partners who do hold such powers.

Our staff hold a wide range of powers such as entering premises or land for specific purposes. This might be needed so we can undertake an inspection, deal with an emergency or search for evidence as part of an investigation.

We can seize relevant items, collect samples, require production of documents or request a particular task is conducted within a set period of time. If an officer is using their powers, please cooperate and do not obstruct them as this could be a criminal offence.

Obstructing an Officer

For many pieces of legislation that we enforce, there are usually provisions where a person commits an offence of obstructing officers involved in enforcement activities and this can include failure to give appropriate assistance. If individuals or businesses obstruct authorised officers in the course of their duties, the LBB will view this very seriously. It is possible anybody obstructing an authorised officer will be prosecuted for obstruction offences if these persist once the person has been advised (orally or in writing) that they are committing the offence.

Formal Interviews

Where a person, company or other legal entity is suspected of breaching legal requirements and formal action remains under consideration, wherever appropriate, they will be formally interviewed in accordance with the Police and Criminal Evidence Act 1984 (PACE). In the unlikely event that it is appropriate for an interview to take place which cannot be facilitated for any reason, we reserve the right not to offer this facility.

An interview will usually, but not exclusively, be audio recorded and the regulated person or business will be given the opportunity to demonstrate if a statutory defence is available to them; have the opportunity to give an explanation or make any additional comments about the alleged breach/es.

The regulated person or business can have a legal representative with them although in most cases, this will have to be arranged by the interviewee. The record of interview is admissible as evidence in any subsequent prosecution. We will use the information provided by suspects in the PACE interview to help us consider if we will pursue prosecution.

Statutory Time Limits for Investigations

For the majority of the legislation that we enforce, there are time limits specified in the legislation within which we must commence prosecution proceedings by the laying of information before the court. For summary only cases, there is usually a 6-month time limit, although this can be varied by statute.

For either way or on indictment only offences (e.g. Fraud Act 2006, Health and Safety at Work etc. Act 1974 and Trade Marks Act 1994) there is usually no time limit imposed for bringing prosecution proceedings, but again this can be varied by statute. However, where there is no time limit we will endeavour not to delay bringing such proceedings. Unless the investigation is particularly large or complex in its nature, where possible, we will seek to determine the outcome of these cases within 12 months of the LBB being made aware of the offence although this is always subject to the priorities and resources available to the team concerned.

Case Review

In accordance with our legal duty, we will continue to keep prosecution cases under review. As prosecutors we will take account of any change in circumstances that occurs as

the case develops, including what becomes known of the defence case. If circumstances change during the course of the prosecution, we will review our decision as to whether to continue with the prosecution. The decision and the reasons for continuing or not will be recorded.

Case Progression

We will keep witnesses informed of the progress of investigations and prosecutions. The same applies where appropriate, to keeping alleged offenders informed particularly on occasions when they have not appointed legal representation. We commit to adhering to all timescales set by a Court as part of a case management processes whenever possible.

6. Decisions on Enforcement Action

Enforcement Actions available to LBB in Respect of Criminal and Civil Breaches

A. Compliance Advice, Guidance and Support

LBB uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction, but it may be presented in evidence.

We recognise that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support. We will take

such advice into account when considering the most appropriate enforcement action for us to take. We may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, we recognise that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

B. Voluntary Undertakings

We may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. We will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

Voluntary undertakings may take various forms which may include a commitment from the regulated person or business to change the way things are done in the future or to correct things that have taken place in the past. Voluntary undertakings may include an agreed timescale for actions to take place. Failure to observe and undertaking within the agreed timescale, may mean that a sanction is escalated to an alternative more formal option.

C. Statutory (Legal) Notices

In respect of many breaches, the LBB has powers to issue statutory notices. These include: 'Notice of Intent', 'Final Notices', 'Stop Notices', 'Suspension Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified

We have a range of sanctions available to us in respect of breaches of criminal and civil law. These may include providing advice, seeking undertakings, serving notices, imposing financial penalties, applying for injunctions, issuing cautions, instituting prosecutions, confiscating financial assets or imposing license restrictions.

activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

There are instances where breaches of laws are so severe that a premise, usually commercial but in some circumstances residential, require immediate closure in order to protect the health and safety of occupiers, customers, or neighbours. Depending on the laws concerned, an Order is usually required from a Court prior to a closure notice becoming effective. There are however instances where a closure notice will have immediate effect, pending the decision of an application to a Court. Owners and/or occupiers of premises will be advised at all stages of any procedure and we will ensure that such closure notices are a final resort, having explored all other avenues to remove the immediate danger.

D. Financial Penalties

The LBB has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine and does not appear on an individual's criminal record. If a fixed penalty is not paid, we may commence criminal proceedings and/or take

other enforcement action in respect of the breach or to enforce payment.

If a fixed penalty is paid in respect of a breach, we will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

We are only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the LBB's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

E. Injunctive Actions, Enforcement Orders etc.

In some circumstances we may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

LBB is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, we will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

F. Simple Caution

LBB has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and

declined, we are likely to consider prosecution.

A simple caution could appear on the offender's criminal record. It is likely to influence how LBB and others will deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment, and these can be taken account of by immigration agencies and border controls for some countries.

Simple Cautions will be used in accordance with Home Office Circular 016/208 and other relevant guidance.

G. Prosecution

The LBB may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as advice, voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute we have regard to the provisions of [The Code for Crown Prosecutors](#)⁶ as issued by the Director of Public Prosecutions.

Prosecution will only be considered where we are satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

Before deciding that prosecution is appropriate, the LBB will consider all relevant circumstances and will have regard to the public interest criteria set out earlier in this document.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches, a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits

⁶ <https://www.cps.gov.uk/publication/code-crown-prosecutors>

which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

If successful we will also apply to the court for an offender to pay for the costs of investigation and bringing the prosecution to court. This is usually granted by courts in full or part.

H. Confiscation Proceedings and/or Other Financial Investigation

We will make applications under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender where applicable. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof.

I. Refusal/Suspension/Revocation of Licences

The LBB issues a number of licences and permits. We also have a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, we may take previous breaches and enforcement action into account.

Explanation of how decisions are made on enforcement action

In making decisions about the most appropriate enforcement action to take, we are mindful of the principles set out in the Macrory Review of Regulatory Penalties 2006 concerning sanctions and penalties. These principles are:

- a) aim to change the behaviour of the offender;

- b) aim to eliminate any financial gain or benefit from non-compliance;
- c) be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- d) be proportionate to the nature of the offence and the harm caused;
- e) aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- f) aim to deter future non-compliance.

When deciding on the enforcement action to be taken, we will consider the risk and seriousness posed by the offending.

In making enforcement decisions about offences under health and safety legislation, we will have regard to the HSE's Enforcement Management Model.

Where the LBB is required to consult with another organisation before taking action, we shall ensure that this is undertaken. Examples include the statutory requirements under Primary Authority scheme or notifying the Competitions and Markets Authority of intended proceedings in accordance with the Enterprise Act 2002 and/or the Consumer Rights Act 2015.

All enforcement decisions, except a decision relating to the provision of advice, will be documented along with the justification for making the decision.

Explanation of How Enforcement Decisions are Communicated to Those Affected

We will provide a timely explanation in writing where appropriate, details of an enforcement decision including of any rights to representation or rights to appeal and practical information on the process involved.

Any alleged offending will be clearly set out so the recipient can understand what it is they are being accused of. When court summonses

are issued, they will be supported by appropriate admissible evidence.

7. Review of this policy

Details of when and how the policy will be reviewed

This policy will be refreshed should any changes in legislation or relevant codes of practice require it to be updated. In addition, it will be reviewed as necessary should its contents be the source of problem or a justified complaint. We welcome any comments on the policy at any time which can be made via the details provided in the section below.

8. Comments and Complaints

Details of processes for complaints and

We understand that not everybody is going to welcome contact from an officer and hope that there is no need for you to have to complain about our regulatory activities. If however, you feel we do need to improve our services, we welcome your feedback.

appeals

If persons wish to complain about a regulatory decision or feel that there has been a failure to act in accordance with the [Regulators Code](#)⁷, in the first instance they are asked to discuss this with the member of staff involved with the action, or if applicable, their line manager.

If they remain dissatisfied, then they can make a Corporate Complaint by following using the

Council's formal complaints procedure, details of which can be found by clicking [here](#)⁸.

If an alleged offender is being prosecuted or subject to formal legal action, then the judicial process has its own channels for legally challenging the action or the outcome through a court appeal.

If you wish to complain about this policy, you can do so via the link above.

If you prefer not to use the online form, you can write to us at Complaints Service, The London Borough of Brent, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ or email complaints.service@brent.gov.uk

Dated January 2019

⁷

<https://www.gov.uk/government/publications/regulators-code>

⁸ <https://www.brent.gov.uk/your-council/complaints/making-a-general-complaint/>

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WHAT YOU CAN EXPECT FROM REGULATORY TEAMS AT THE LONDON BOROUGH OF BRENT



Brent



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This document explains what service you can expect from a regulatory team at the London Borough of Brent. Whether you run your own business, are an employee of a business or a member of the public, wherever possible, we are committed to providing you with an efficient, courteous and helpful service. This document sets out how we aim to do that and what standards we will meet.



Areas we regulate

How we deliver our services

The council's regulatory functions which include the teams listed above, work hard to support local residents and businesses by explaining complex legislation, helping traders implement procedures and controls to achieve compliance, providing advice and guidance, encouraging best practice and where necessary, taking enforcement action to ensure laws are being complied with.

This work plays a fundamental role in creating a level playing field for business to trade so responsible businesses grow and do well and our local community and environment are protected from the harms caused by those who try to flout the law.

The regulatory teams take a risk-based approach to prioritising their work so the focus is on areas where they expect the greatest non-compliance or where risks pose significant harms.

The regulatory teams seek to:

- Supporting local business prosper and trade confidently, generating a consumer friendly marketplace, protecting and improving the health and wellbeing of local people through high levels of legal compliance and best practice.

- Protecting our environment and neighbourhoods from harm that undermines the quality of life, public health and our environment.

We determine our activities by providing statutory services, assessing the needs of local people and our business community and considering the risks that require addressing. In addition, we have regard to priorities sent in the Council's Borough Plan or equivalent and seek to deliver outcomes that will feed into these objectives and any given priorities.

Whenever possible, we use local, regional or national intelligence to determine current or emerging threats and we share information with other regulators to support this process. Local hotspots and common areas of concern are identified to the Enforcement Practitioners Group who task actions and coordinate a response to problem areas. These methods of working ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

Council departments prepare annual Service Plans which set out a number of key performance areas and objectives. A copy these plans can be made available upon request. Performance against key areas is monitored by

the council's Performance and Improvement Team.

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements (see [Helping you to get it right](#)).
- We carry out inspections and other activities to check compliance with legal requirements and we target these checks where we believe they are most needed (see [Inspections and other compliance visits](#)).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see [Responding to non-compliance](#)).
- We provide a range of services to businesses, including assured Primary Authority advice, weights and measures testing, energy performance assessments, staff training, pest control, licences, registrations and issue statutory certificates

We make information and guidance on meeting legal requirements available from various sources including leaflets, via subscription to the Brent Business Newsletter, on our website or the Brent for Business website or via links to other external websites. In addition, you are of course always welcome to speak directly to our officers.

(see [Requests for our service](#)).

Our services will be delivered in accordance with the requirements of the [Regulators' Code](#).

Working with you

Our officers will:

- Answer all telephone calls and/or respond to voicemails and messages within 1 working day
- Acknowledge written enquires within five working days and respond to them within 10 working days or any other agreed or statutory timescale
- Acknowledge emails within 2 working days and respond to them within 10 working days or any other agreed or statutory timescale
- Respond to all stage 1 complaints within 20 working day and stage 2 complaints within 30 working day
- Ensure you do not have to wait for more than 30 minutes to be seen by an officer when visiting the Civic Centre during working hours before your enquiry can be handled
- Be appropriately trained, courteous and polite
- Always identify themselves by name in dealings with you and provide you with their contact details
- Within their area of regulation, seek to gain an understanding of how your business operates and help with your enquiry, complaint or suggestion and keep you informed of progress on any outstanding issues whenever you ask us.

We acknowledge that you may also receive advice and inspections from other organisations or regulators. Where possible, we will do our best to work with them to ensure that you receive the best service.

Helping you to get it right

We want to work with you to help your business to achieve compliance, growth and be successful. It is important that you feel able to come to us for help and advice when you need it before problems might escalate. Where we believe you have genuinely made a mistake and seek our advice and act promptly on that advice, we will not take enforcement action unless there are exceptional circumstances.

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Give clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing when requested
- Acknowledge good practice and compliance

Primary Authority enables businesses to form a legal partnership with one local authority, which then provides assured and tailored advice on complying with the law that other local regulators must respect. We are able to offer assured advice under the Primary Authority Scheme spanning the disciplines of Trading Standards, Food Safety, Health & Safety and Licensing (not including alcohol or gambling).

The Primary Authority Scheme is made under the [Regulatory Enforcement and Sanctions Act 2008](#) supporting the Government's drive to reduce burdens on business. There is a fee to pay for this advice, charged as per the Council's annual fees and charges policy. We will always advise you of the fee for a Primary Authority

partnership before entering any contract with you.

Inspections and other compliance visits

We monitor and support compliance in a number of different ways including through inspections, sampling visits, market surveillance, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason.

We will give you prior notice that we intend to visit unless we have specific reason to believe

Officers will carry and show you their identification when requested, explain the reason for their contact with you, offer information and guidance and document this in writing when required and offer discretion in appropriate circumstances.

that an unannounced visit is more appropriate.

When we visit you, our officers will:

- Explain the reason and purpose of the visit
- Carry their identification at all times and present it on request
- Exercise discretion in front of any member of the public, your customers and staff when it is possible to do so
- Have regard to your approach to compliance and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit upon request

In some circumstances, a fee may be payable for a visit. We will always advise you when any charges are to be made in relation to visits and if required, provide an explanation of these fees.

Responding to non-compliance

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy, a copy of which can be found on the Council's website or upon request.

We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary.

Where we require you to take action to remedy any failings, we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales when possible, that are acceptable to both you and us, in relation to any actions required
- When requested, advise you of how to appeal against any advice provided, actions required, or decisions taken. Any statutory rights to appeal will be given in writing
- Explain what will happen next
- Keep in touch with you if applicable, until the matter is resolved
- Follow any statutory guidance or procedures.

Requests for our services

We clearly explain the services that we offer, including providing details of any fees and

charges that apply before conducting that service.

In responding to requests for our services, including those asking for advice and when responding to complaints about breaches of the law, we will:

- Acknowledge your request within the timescale set out in the 'working with you' section above (although subject to the type of request you have made and its complexity, we may have to exercise our judgment based on any risk posed, to determine the most appropriate response time).
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress at appropriate stages during our involvement
- Inform you of the outcome as appropriate
- If applicable, direct you to other organisations or sources of information who

In all your contact with us, you can expect and will receive, an efficient and professional service. We will strive to make communication with us as easy as possible, understand your needs and respond to requests in a timely manner.

may be able to assist.

How to contact us

You can contact us by:

Telephone: 020 8937 1234
Email: trading.standards@brent.gov.uk
Ens.foodsafety@brent.gov.uk
business.licence@brent.gov.uk
waste.enforcement@brent.gov.uk
planningenforcement@brent.gov.uk
Web: www.brent.gov.uk
Post: Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ
In person: At the above address Monday to
Friday 9am to 5pm (Excluding
public holidays). Meetings outside
of these hours are often available
upon request or in appropriate
circumstances, we are happy to
come to you.

We will seek to work with you in the most appropriate way to meet your individual needs. Translation and/or interpretation services can be made available in appropriate circumstances.

If you contact us, we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. You may contact the relevant team or case officer for an update on the progress of your enquiry. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will not usually respond to anonymous complaints unless we judge it appropriate to do so.

It is not possible for the Council to respond or investigate every request that it receives. Individual teams will manage their resources to ensure the highest priority issues will be addressed which may mean that lower priority matters do not receive the same level of response.

Personal data will be managed in accordance with the London Borough of Brent's Data Protection Policy. For more information or to obtain copy of the policy, please contact the Council's Data Protection Officer at dpo@brent.gov.uk

Our Team

We hold membership and/or attend regional coordinating group meetings such as those hosted by Association of London Environmental Health Managers (ALEHM), Association of Chief Trading Standards Officers (ACTSO), Local Authority Noise Action Forum, London Food Group, London Trading Standards (LTS) and the West London Air Quality Cluster Group where we can access specialist knowledge, share best practice and benchmark with other neighbouring

We have dedicated teams of officers lead by a Service Manager and/or Team Leader, with the skills and experience to deliver our services.

Where necessary, officers hold appropriate professional qualifications and we have arrangements in place to ensure the ongoing professional competency of our staff.

authorities.

Working with others

The Council's regulatory teams are linked closely to an area based working model to improve the services we provide to local businesses and residents. Regulatory teams are empowered to work together, sharing best practice, aligning work programmes and operate to achieve better compliance across a range of statutory areas.

Intelligence on particular problems and/or hot-spots is gathered and shared with our Enforcement Practitioners Group who are responsible for coordinating action and solving a range of issues.

We have good working relationships with other regulators such as the Police, Her Majesty's Revenue and Customs, the Food Standards Agency, the Regional and National Trading Standards and the Office of Product and Safety Standards enabling us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk where the law allows, to help target regulatory resources.

Having your say

Complaints and appeals

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. You can contact either the officer who dealt with the matter or their line manager if you prefer, using the addresses provided in the 'How to contact

By letting us know about the service you have received, will assure us that we are doing things well or highlight areas that may need improvement.

We welcome your comments and encourage you to provide feedback to us.

us' section above.

We manage complaints about our service, or about the conduct of our officers, through The London Borough of Brent's Corporate Complaints Policy. Details can be found at <https://www.brent.gov.uk/your-council/complaints/making-a-general-complaint/> Alternatively, you can email the Complaints Service Team at complaints.service@brent.gov.uk

Feedback

We value input from you to help us ensure our service is meeting your needs as best as it can. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. You can provide feedback using any of the addresses in the 'How to contact us' section above.


Developing our services with you

We communicate with the public in a number of different formats which includes via our website, using social media, our written magazine or via electronic business newsletters. We will seek to gather feedback with the local public and/or business communities to ensure that we are delivering our services to meet your needs.

If you have a specific idea you wish to discuss with us to improve our services or if you are interested in finding out more about our work, you are welcome to contact us at any of the addresses in the 'How to contact us' section above.

Dated: January 2019

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 Brent	Cabinet 14th January 2019
	Report from the Strategic Director Regeneration & Environment
SUSTAINABILTY, GROWTH AND PROPOSED CHANGES TO PARKING CHARGES	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	<p>Gavin F Moore. Head of Parking & Lighting; gavin.f.moore@brent.gov.uk; Tel (020) 8937 2979</p> <p>Anthony Vartanian. Policy Manager, Parking & Lighting anthony.vartanian@brent.gov.uk; Tel (020) 8937 2985</p> <p>Sandor Fazekas. Projects Development Manager, Highways & Infrastructure; sandor.fazekas@brent.gov.uk ; Tel (020) 89375113</p>

1.0 Purpose of Report

- 1.1 This report summarises the outcome of informal consultation on the proposed changes to resident parking permits, including pricing changes, and to the charge for Essential User Permits issued to external organisations. This follows Cabinet agreement to proceed to informal consultation on these changes on 12 March 2018, and completion of the subsequent consultation exercise.
- 1.2 The report also considers the issue of a proposed diesel surcharge in depth, reviewing the evidence on the environmental and health impacts of pollutants emitted by diesel vehicles. The potential is assessed for a surcharge scheme to be introduced, to persuade vehicle owners in Controlled Parking Zones to consider a switch to less-polluting vehicles; informed by the Council's agreed Air Quality Action Plan.
- 1.3 The report sets these decisions in the context of wider strategic objectives in relation to sustainable transport, air quality, health and growth in the borough.

2.0 Recommendations

2.1 That Cabinet agrees to:

a) Proceed to formal statutory consultation, publication and notification on the amendment of the relevant Traffic Management Orders to introduce a £50 p.a. levy on the price of a resident's parking permit for all diesel vehicles from 1st April 2019;

b) Proceed to formal statutory consultation, publication and notification on the amendment of the relevant Traffic Management Orders to introduce a three year Event Day Permit for the Wembley Event Day Parking Scheme, with an associated £15 administrative charge from 1st April 2019;

c) Proceed to formal statutory consultation, publication and notification on the amendment of the relevant Traffic Management Orders to increase the surcharge for second and third residents' parking permits in CPZs: from £40 to £50 for second permits; and from £80 to £100 for third permits; and

d) To note that the decision whether to implement the amendment of relevant Traffic Management Orders, in relation to the matters set out in paragraph 2.1 (a), (b) and (c) above, will be made by the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, after consideration of the outcome of the formal consultation pursuant to the Cabinet decision to delegate such authority on 12 March 2018.

2.2 That Cabinet agrees, if the proposed diesel surcharge of £50 p.a. is implemented as set out in recommendation 2.1 (a), to then increase the surcharge to £75 p.a. on 1st April 2020 and £100 p.a. on 1st April 2021;

2.3 That Cabinet agrees for the Council to offer all Wembley Event Day resident parking permit holders the opportunity to surrender their current paper permit in return for a three year virtual permit at nil cost, during the period up to and including 31st July 2019.

2.4 That Cabinet agrees to:

(a) Increase the price charged to external organisations for essential user permits: from £150 p.a. to the cost of a schools permit (£330 p.a. currently) for the NHS, care organisations and charities; and from £150 p.a. to the cost of a business permit for all other external organisations (£440 p.a. currently);

(b) Phase in the proposed charge increases over two years, with interim prices in 2019/20 of: £250 for the NHS, care organisations and charities; and £300 for all other external organisations; and

(c) Implement the new prices, as set out in 2.4 (a) above, from 1st April 2020; to the 2020/21 cost of a schools permit for the NHS, care organisations and charities; and to the 2020/21 cost of a business permit for all other external organisations.

2.5 That Cabinet notes that officers are developing a strategy to meet our wider objectives to promote sustainable travel, reduce car travel and pollution, and improve the management of traffic and parking in the borough.

3.0 Background

Strategic Context

- 3.1 The Council is committed to delivering the aspirations of the Mayor for London's Transport Strategy 2018, which sets out the Mayor's policies and proposals to reshape transport in London over the next twenty years. Brent's Long Term Transport Strategy 2015-35 outlines our commitment to improving transport options for our community and reducing the negative impacts of travel in our borough, and improving road safety, air quality and health.
- 3.2 The London Environment Strategy 2018 sets out a vision for London's environment in 2050, focusing on cleaning up the capital's toxic air, greening its streets, reducing waste and tackling climate change. It includes ambitious targets include London becoming a zero-carbon city and at least 50 per cent green by 2050. Brent's Air Quality Action Plan 2017-2022 was approved by Cabinet in November 2017. It gives support to the installation of on-street Electric Vehicle Charging Points (EVCP's) throughout the borough as well as the take up of electric taxis and commercial vehicles.
- 3.3 Brent will experience exceptional levels of growth in the next 20 years, with 66,000 people anticipated to move in and 40,000 homes to be built. To respond to this challenge, the Council has set a bold vision to accommodate Good Growth, and the emerging Responsible Growth Strategy will set out clear objectives and actions to achieve a coherent transport network through:
- Modal shift – in order to increase capacity we will encourage the use of sustainable transport to improve health and air quality rather than continues reliance on polluting motorised vehicles
 - Reduce pollution and the negative impact – working with partners we will reduce pollutants and discourage high polluting vehicles
 - Promote the circular economy – improving waste and local recycling, construction management, and local employment opportunities will contribute to reducing the boroughs carbon footprint
 - Become a zero carbon borough – the efficient use of data, promoting good environmental performance, investing in and promoting renewable energy and district energy centres and networks will maximise energy efficiency and promote behavioural change
 - Smart cities – improved technology to build a smart network to better manage traffic and parking availability in the borough will reduce congestion and improve air quality
 - Green and blue infrastructure – utilising our green spaces and watercourses to support wildlife habitat and biodiversity, providing sustainable drainage, and tree planting & urban greening to improve air quality.
 - Encourage behavioural change – reduced car use, increased active travel, increased recycling, and more use of renewable energy. Travel plans for schools, places of worship, businesses and for developments will promote sustainable travel. Working with businesses to encourage work place parking levies, and promote freight strategies. Providing more car clubs, with greater flexibility, will reduce car ownership and car use. Plans in place to introduce 25 Source London EVCPs and 5 Rapid EVCPs by January 2019, and also 50 lamp column EVCPs by March 2019, will start to build availability. Dock-less cycle hire schemes will encourage cycling. Working with strategic partners such as Transport for London and developers, to improve infrastructure and a 'Healthy Streets' approach, will make active and sustainable travel more accessible.

Parking Management

- 3.4 The purpose of Controlled Parking Zones (CPZs) or Restricted Parking Zones (RPZs) is to protect parking for residents, businesses and their visitors through providing permit holder parking in the area. They also provide an opportunity to improve safety in relation to regulating parking through yellow line restrictions in the area.
- 3.5 There are currently 40 CPZs which cover approximately 35% of the borough, with the Wembley Stadium Protective Parking Scheme (WSPPS) covering a further 35%. Approximately 30% of the borough does not have area wide parking controls, and approximately another 25% of the borough is in the WPPS but not in a CPZ. CPZ operational days and times vary between zones to meet local demands.
- 3.6 The Wembley Stadium Protective Parking Scheme (WSPPS) was introduced in 2007 to protect parking, for residents within a 1½ mile radius of the Wembley National Stadium, from visitor parking on event days. Residents within the WSPPS require an event day permit to park on street on event days, except in the CPZs within the area (which extend to cover event days).

Planning decisions

- 3.7 If a development site is not within a CPZ, the amount of off-street parking required varies depending on the density of the development and its public transport accessibility level (PTAL). More on-site parking is usually required where there is no CPZ in the local streets surrounding a development. This often needs to be provided at basement level, which adds significantly to the costs of a development. This can impact on the financial viability of the scheme, and therefore the ability of the applicant to provide affordable housing.

Future levels of demand

- 3.8 Officers envisage that levels of demand will grow in the borough in future years, particularly in regeneration and growth areas. The new housing target for the Borough is likely to be over 2,900 per year, and development is anticipated to drive changes in demand for parking controls in future years.
- 3.9 Regional and sub-regional transport policies and initiatives will also have a bearing on future levels of demand for CPZs, for example the extension of the Ultra-Low Emission Zone (ULEZ) from 25 October 2021 to create a larger zone bounded by the North and South Circular Roads, as well as changes to bus and rail services. The scheme will operate 24 hours a day, every day of the year and there will be a £12.50 daily charge for vehicles travelling into the ULEZ if they do not meet emissions standards. The scheme will be enforced by TfL through CCTV cameras and Automatic Number Plate Recognition (ANPR) technology.
- 3.10 Restricted Vehicle Zones can be used to prohibit vehicles, for example in 'school streets' initiatives whereby only vehicles with permits are permitted to enter the area during prescribed times. Hammersmith & Fulham are consulting on the trial of a zero emission zone to reduce air pollution, by encouraging people to switch to lower emission cars or to walk, cycle or use public transport more often. Only electric or plug-in hybrid vehicles would be able to enter the zone.
- 3.11 The Council will consider the potential impact that this is likely to have in areas of the borough to the north of the A406 North Circular Road, and then develop a strategy to consult on

parking controls to reduce the associated negative impact on traffic and parking. Consideration will be given to the Brent Housing Management estate, businesses and employment, and hospitals, schools and places of worship

Consultation on Resident Parking Permit Changes

- 3.12 Cabinet agreed at its meeting on 12 March 2018 to undertake an informal consultation exercise on a series of changes to resident parking permits.
- 3.13 The Parking service launched an informal online consultation with residents through the corporate Brent Connect Limehouse portal, on 31 May 2018. The initial consultation was open for 36 days to ensure that all Wembley Event Day permit holders were able to respond, and closed on 5th July. 33,298 direct emails were sent, detailing the proposed changes and including a direct link to the consultation portal to complete the survey. This included 28,500 parking account holders; 4,500 Event Day permit holders; 164 Faith Organisations and Community Groups; all the Brent Multi-Faith Forum Members; and 118 Residents Associations.
- 3.14 Support from the web and communications team enabled wider promotion of the consultation, raising borough-wide awareness through social media, a press release, and prominent positioning on the home page of the council's website. Details of consultation were included in the Your Brent fortnightly electronic newsletter which is distributed to more than 30,000 Brent residents.
- 3.15 On 23rd August supplementary online consultation on the Limehouse portal was launched. Consultation was open for an additional 28 days, and closed on 21st September 2018.
- 3.16 Responses from the two phases of the online consultation have been amalgamated and an analysis of 3,183 responses are summarised. This represents an overall 9.6% response rate of the parking account holders and other stakeholders directly invited to participate.

Consultation on External Essential User Permit Pricing

- 3.17 Cabinet also agreed at its meeting on 12 March 2018 to undertake an informal consultation exercise on the price of essential user permits purchased by external organisations. The Parking service launched the postal consultation on 5 June 2018. The consultation, which included a covering letter and paper questionnaire, was posted to all 76 external organisations which have purchased Essential User Permits for allocation to their staff. This list comprises NHS organisations, care organisations, social housing providers, and external contractors providing services on behalf of the Council.
- 3.18 A covering letter outlined the proposals in detail with a separate consultation questionnaire to complete and return. Envelopes were marked to inform recipients that this was a consultation on proposed changes to the Essential User Permit. A pre-addressed and pre-paid return envelope was provided for the return of completed questionnaires.
- 3.19 Consultation letters were posted first class on 4 June. The consultation ended on 26 June 2018. A total of 17 responses were received, representing a 22% response rate.

4.0 Resident Parking Permit Diesel Surcharge

- 4.1 The question of whether a diesel surcharge should be introduced for residents' diesel vehicle parking permits, in Controlled Parking Zones (CPZs), is informed by the Council's environmental policies and its agreed Air Quality Action Plan.
- 4.2 At a regional level the Mayor of London's Environmental Strategy aims for London to have the best air quality of any major world city by 2050, going beyond the minimum legal requirements to protect health. LB Brent, too, is seeking to play its part in reducing pollution levels. The Council has an agreed Air Quality Action Plan to reduce air pollution from all sources, including transport. This continues to be an important issue socially and politically, and the Council is working with partners to ensure that pollutants are being reduced in as many ways as practicable. Research has estimated that air pollution in London reduces life expectancy by an average of four months. In this context, the Council is looking to put policies in place that dis-incentivise the use of diesel vehicles. Interventions could include imposing specific parking restrictions, introducing differential charging in CPZs with higher rates for diesel vehicles, and the risk of fines for idling at busier and more heavily polluted junctions. A complementary approach could be education and awareness campaigns around pollution and enforcement around negative behaviours i.e. idling.
- 4.3 The Council's Air Quality Action Plan states:

"Brent council acknowledges the impact of poor air quality on health and the need for action to reduce or eliminate air pollution where possible. In Brent it is estimated that 200 premature deaths occur each year which are directly attributable to air pollution as well as further unquantified premature deaths where air quality is a factor. We accept air quality in Brent is poor and recognise significant intervention is required to improve local air quality for all. We have made some progress but accept that further work is needed to meet this challenge. Our air quality action plan demonstrates we are taking this issue seriously and will endeavour to tackle air pollution at source or reduce exposure where this is not possible.

"We will demonstrate our leadership by exploring options for low emission neighbourhoods, promotion of low emission vehicles and fuels where possible, reduce pollutant emissions from our buildings and vehicles and develop meaningful partnerships with others to get the most out of our air quality action measures.

"We recognise air pollution as a shared problem and everyone must play their part to commit to continue to work with our communities to achieve air quality improvement. As we understand more about air pollution and the impact on health, we want to empower our residents to make informed choices about their options for travel and participate in decisions about air quality in the areas they live and work in. We must commit to safeguarding those at highest risk to provide additional information and limit or prohibit the development of areas where air quality is likely to be made worse."

Specifically, in relation to transport issues it says:

"Road transport is the largest contributor to air pollution in Brent, accounting for over 52% of emissions in the borough. Diesel vehicles are a significant source of particulates which are known to be contribute to ill health, and measures to cut diesel use in Brent and reduce their impacts remain our highest priority for action.

"We will take steps to limit or reduce the use of vehicles where we can. We will target early action on the most polluting vehicles and take action to limit the environmental impacts of vehicles by increasing access to low emission or alternative fuels, speeding up the introduction of the cleanest vehicles to our fleet, tackling those who idle their engines and introducing an extra charge for diesel vehicle users.

“...The current tiered parking charging scheme favours small and low (or zero) emission cars and promotes the use of less polluting vehicles or a shift to non-car modes of travel such as walking and cycling. The Council will continue to explore options for dis-incentivising car use, and will keep under continual review opportunities for adopting new technologies which aim to reduce vehicle emissions at source.”

Five areas of activity in relation to transport have been agreed and are already under way:

- Accelerate uptake of new low emission vehicles in borough fleet
- Tackle unnecessary idling by taxis, coaches and other vehicles
- Encourage Car Clubs to use low emission and alternative fuel vehicles in their fleet
- Support the installation of on-street electric vehicle charge points throughout Brent (see below)
- Support the take-up of electric taxis and commercial vehicles

4.4 In respect of supporting the installation of on-street electric vehicle charge points, Brent's agreed Long Term Transport Strategy makes a commitment to work with Ultra Low Emission (ULEV) charging network operators. A report was approved by Cabinet on 11 April 2016 recommending Brent enter into the Source London scheme, and a contract has now been signed and sealed. On 15 January 2018 Cabinet agreed to Brent becoming involved in two more schemes that aim to provide additional charging infrastructure for electric vehicles: the Rapid Charging Infrastructure Project; and a GULCS project to deliver on-street residential charge points in lamp columns. All three projects are being implemented under an over-arching strategic umbrella. This will seek to ensure that all types of electric vehicle users can access our charging network.

4.5 In the light of these policy commitments, Cabinet agreed in March 2018 to consult on the introduction of a levy on the price charged for resident parking permits for diesel vehicles in CPZs. The aim of the Council's proposal is to provide a stronger steer to vehicle owners to consider switching to less polluting vehicles, given the health risks caused by air pollution from vehicles with diesel engines. The consultation focused on:

- Introduction of a £50 levy on the price of a CPZ resident's parking permit, instead of the £25 levy originally agreed by Cabinet on 27th June 2016
- A proposal to increase the levy to £75 after 1 year and £100 after 2 years
- Introduction of the levy on all diesel vehicles, rather than restricting the surcharge to: only the most polluting vehicles; only older vehicles; or only new purchases.

4.6 In the previous Cabinet report of 27th June 2016, '*On-Street Parking Service Offer and Charges in Controlled Parking Zones*', a proposal was agreed to introduce a £25 levy on CPZ resident parking permits for diesel vehicles. Residents had been consulted earlier in 2016: 47% of respondents had opposed this proposal; with 39% in favour. A number of respondents requested that implementation should be delayed. In light of this concern, Cabinet agreed to delay the introduction of the proposed £25 levy until no earlier than October 2018, giving more time for diesel vehicle owners to adjust.

In March 2018, Cabinet agreed that a fresh consultation should take place on the proposals, to increase the value of the surcharge to £50 p.a.; and to increase the surcharge to £75 after one year and £100 after two years. There were two reasons for this. Firstly it was felt that a levy of £25 may not be sufficient to produce any lasting behavioural change in vehicle owners' behaviour, with the cost simply being absorbed by the motorist. An increase to at least £50 would incentivise behavioural change and facilitate a tangible shift. Secondly, this increase

will more closely align with other London boroughs, such as LB Ealing and LB Hounslow, who are also introducing levies of £50 on diesel vehicles in an attempt to lower NOx emissions. It is felt that a higher surcharge would send a strong price signal that diesel vehicles are not an environmentally friendly mode of transport.

4.7 The Mayor of London has outlined his plans to reduce toxic air pollution. Since October 2017, drivers of the most polluting vehicles have been subject to a £10 Toxicity Charge, or T-Charge. This operates in the same area as the London Congestion Charge. The forthcoming Ultra-Low Emission Zone (ULEZ) is due to take effect in April 2019. The ULEZ will operate within the same boundaries as the T-charge but will apply 24 hours a day, seven days a week. It will impose a daily £12.50 fee on all but the latest diesel cars and vans, as well as a £100 day rate for lorries that are more than five years old. The zone is currently limited to the centre of London, but will be extended to the North Circular boundary from 25th October 2021.

4.8 Diesels produce 15% less CO₂ than petrol cars; however, they emit four times more nitrogen dioxide (NO₂); and over 20 times more particulate matter. These emissions are linked with a range of health conditions causing premature deaths, including respiratory failure, strokes, heart attacks, and dementia. Diesel exhaust emissions were categorised as carcinogenic to humans by the World Health Organisation in 2012. Research conducted by the University of Oxford and University of Bath in 2018 concluded that the health damage from diesel vehicle emissions are about five times more than petrol vehicles.

4.9 The March 2018 Cabinet report stated:

“Road traffic is often the greatest contributor to poor air quality where people live and work. Diesel vehicles are the most significant source of nitrogen oxide (NOx) emissions, which contributes to the high levels of pollution on London’s streets. The reason for these high levels is partly due to underperformance of some diesel vehicles and significant discrepancies between official emission measurements and real-world vehicle performance. London does not meet legal NOx limits and the Mayor of London is committed to taking urgent action as codified in the Mayor’s Transport Strategy 2017.

“Traffic and transport is the largest contributor to air pollution in Brent, accounting for at least 52% of emissions in the borough. Diesel vehicles in particular contribute particulates such as PM₁₀ and PM_{2.5}, which are known to be significant contributors to ill health. Evidence shows that fine and ultra-fine particulate matter present in air pollution increases the risk of cardiovascular morbidity and mortality. Conventional vehicles are responsible for more than 40% of air pollutants in the UK, impacting on cardiovascular and respiratory diseases. High levels of emissions from diesel vehicles in UK urban areas are estimated to contribute to more than 20,000 additional deaths per year. To manage air quality Central Government has set national air quality objectives, which have been put in place to protect peoples’ health.”

In general, the borough’s CPZs contain a relatively high density of motor vehicles. The issue of transport-related air pollution is therefore particularly relevant in CPZs.

4.10 Subsequent research conducted by London Councils has also highlighted the health implications of diesel cars:

“London ...exceeds the World Health Organization’s (WHO) stated safe limit for particulate matter (PM). TfL (2018) estimate that road-based transport contributes to 14% of London’s ambient NOx and 56% of its PM_{2.5} – the most hazardous form of PM to human health.

“Research conducted by King’s College London estimates that air pollution shortened lives by 140,743 years in London in 2010 – equivalent to 9,400 deaths – at a cost of £3.7billion (IPPR, 2016).

Furthermore, IPPR (2016) attribute the cause of 50% of air pollution in London to road transport, 40% of which is to diesel-powered vehicles. This suggests that the economic contribution of road-based transport to London's air quality crisis stands at around £1.85billion with diesel-powered vehicles along accounting for just shy of £1.5billion.

"While the effect of air pollution is ubiquitously felt, poor air quality has a disproportionately high cost for vulnerable user groups, particularly children and disabled people as well as those with underlying health conditions of a respiratory or cardiovascular nature.

"... many boroughs are beginning to use emissions-differentiated parking pricing to promote the use of less polluting vehicles, particularly in Central and Inner London. This is to exercise the so-called 'polluter pays principle' which is more commonly associated with vehicle excise duty (VED) payment brackets, but it is becoming an increasingly popular technique in the context of parking charges. Camden has been allocating residential parking permits based on vehicle emissions since 2007. Meanwhile, Islington, which also grades residential parking permits based on emissions, has recently introduced a 50% surcharge on diesel vehicles parked in the borough, as has Westminster through a pilot scheme contained to Zone F in Marylebone. Such levies sit on top of the Mayor's new £10 'toxicity charge' (T-Charge) – introduced in October 2017 affecting pre-Euro 4 petrol and diesel vehicles entering London's congestion charging zone (CCZ) – and together are designed to influence consumer purchasing behaviour in favour of less polluting fuel sources. The Ultra-Low Emission Zone (ULEV), which comes into effect across the existing CCZ area in 2019, will supersede the T-Charge and be even more selective in the type of vehicles it promotes."

- 4.11 The total number of respondents to the consultation on the proposed diesel surcharge was 3,183. Of these, 1,186 respondents identified themselves as holding a permit for a diesel vehicle (37%). Most of the other 1,997 respondents were parking account holders.

The consultation questionnaire was structured to separate the three issues.

Question 1 asked: *Do you support the introduction of a £50 diesel supplement to the annual cost of a resident household permit for vehicles with diesel engines?*

Of the 1,186 respondents who hold a permit for a diesel vehicle:
1,095 (92%) opposed, 69 (6%) supported and 22 (2%) had no comment.

Of the 1,997 respondents who did not indicate that they held a permit for a diesel vehicle:
1,110 (56%) opposed, 720 (36%) supported and 167 (8%) had no comment.

Question 2 asked: *Do you support the proposal to increase this surcharge to £75 in October 2019 and then £100 in October 2020?*

Of the 1,186 respondents who hold a permit for a diesel vehicle:
1,122 (94%) opposed, 45 (4%) supported and 19 (2%) had no comment

Of the 1,997 respondents who did not indicate that they held a permit for a diesel vehicle:
1,285 (64%) opposed, 543 (27%) supported and 159 (8%) had no comment.

Question 3 asked: *Do you support the proposal to apply the surcharge to all diesel-engine vehicles?*

Of the 1,186 respondents who hold a permit for a diesel vehicle:
1,107 (93%) opposed, 53 (4%) supported and 26 (3%) had no comment.

Of the 1,997 respondents who did not indicate that they held a permit for a diesel vehicle:

1,186 (59%) opposed, 638 (32%) supported and 173 (9%) had no comment.

4.12 Sample responses

- *It is unfair and a money making exercise to increase charges for diesel parking customers*
- *I am all for the move to switch from diesel but there is a great lack of charging points in Brent*
- *Government encouraged public to buy diesel and now to penalise them is not fair.*
- *I do agree with adding a surcharge but £50 is too much*
- *Diesel cars were encouraged ... and I do not agree with being penalised for that*

A number of responses specifically addressed Questions 2 and 3:

- *I agree with paying £50 pounds for a Diesel engine parking permit, I disagree with the continuous rising of the price of this permit*
- *Diesel levy should be on cars of a certain age and not new ones.*
- *Please target older diesel vehicles.*
- *...applying the diesel surcharge to all vehicles is unfair and places a burden on people who own fully MOT compliant vehicles*
- *Arbitrary fee increases for all diesel cars is not based on facts and is therefore unfair*
- *Would support a diesel surcharge on new permit applications for diesel cars*
- *£50 is plenty of discouragement, no need to keep increasing it ...the amount should depend on the type of Diesel...doesn't make sense to charge Euro 6 diesel the same as a 30 year old 4x4*
- *...the age and size of the vehicle should be taken into account.*
- *I agree with paying £50 pounds annually for a Diesel engine parking permit. Do not penalize families who already own a Diesel by incrementally increasing the parking permit fee. Discourage people from purchasing new Diesel cars by making permits for new Diesel cars more expensive.*
- *Increasing surcharge is not going to encourage people to change their cars to electric/ petrol as the likelihood is they cannot afford to change their cars ...tax the older diesel vans but don't punish residents by more surcharge on their ever increasing pay out to Brent.*

The Queen's Park Area Residents' Association made this comment: *"In the interests of equity and to take more serious action on the public health scandal of air pollution financial disincentives need to be devised and applied to all diesel vehicles operating in the Borough... we accept the argument in the Cabinet paper that all diesels, even the newest, are contributing to a serious public health problem."*

- 4.13 In respect of whether the surcharge should be imposed on all diesel vehicles, some respondents to the consultation argued that diesel cars meeting the Euro 6 standard should not be included in the levy, as there is a belief that these vehicles have lower NOx emissions.

However, an official Department for Transport report of April 2016 stated:

'On average our measured road test NOx emissions from Euro 6 vehicles were 500 mg/km - over six times higher than the 80 mg/km official legislative NEDC laboratory test limit.'

- 4.14 Other respondents argued that the surcharge should not be imposed on existing diesel car owners, but only on new diesel cars; others argued that new diesels should not be charged, and instead older, more polluting, diesel vehicles targeted. Clearly it is not possible to reconcile these mutually contradictory views.

- 4.15 The results of emissions tests conducted by the International Council on Clean Transportation

in partnership with other groups, and published in June 2018, show that almost all diesel car models launched in Europe since the 'dieselgate' scandal remain highly polluting. The tests used a beam of light to analyse the exhaust plume of a car as it passed and automatic number plate recognition to link the measurement to a specific model. More than 370,000 such measurements were taken in the UK, France and other countries. The beam test is conducted as cars pass and so cannot be manipulated. The analysis shows that new diesel models released in 2016 were still on average five over times above the EU's official baseline limit of 0.08mg of nitrogen oxides (NOx) per kilometer. The 2017 models were a little cleaner, but still nearly four times over.

- 4.16 Recent research led by Queen Mary College, University of London, and published in the Lancet Public Health, has concluded that pollution from diesel vehicles is stunting the growth of children's lungs, leaving them damaged for life. The research found the capacity of children's lungs was reduced by about 5% when NO2 pollution was above legal levels. The new research tested the lung capacity of more than 2,000 eight- to nine-year-old children from 28 primary schools across east London between 2009 and 2014. Growing children are considered to be especially vulnerable to toxic air, linked to low birth weights, cot deaths, obesity and mental health problems.
- 4.17 Account should also be taken of the cost of owning and running a car in London, which a recent study has suggested could be in the region of £3,000 to £4,000 p.a. In light of these issues it is recommended that the more straightforward option of applying the surcharge to all diesel vehicles should be adopted.
- 4.18 In light of the policy context and information about the health effects of diesel emissions set out in paragraphs 4.1 to 4.9 above, it is recommended to Cabinet that the Council does proceed to formal consultation on the proposed £50 surcharge, increasing to £75 in 2020 and £100 in 2001. The objective would be to incentivise a reduction in diesel vehicle ownership in favour of more sustainable transport options and less polluting vehicles, and help Brent to meet its targets for air pollution reduction as set out in its agreed Air Quality Action Plan.

5.0 Second and Third Resident Permits

- 5.1 Households in Brent are entitled to purchase up to three resident permits. Cabinet agreed in March 2018 to consult on an increase in the surcharge for second and third resident parking permits:
- from £40 to £50 for a second resident permit; and
 - from £80 to £100 for a third resident permit
- 5.2 The proposals would release more parking spaces by discouraging residents from purchasing permits for second or third cars, through charging a higher price. The proposal would not have any substantive impact on residents without a parking account. No changes are proposed to the eligibility for permits of households living in Houses in Multiple Occupation (HMOs).

Total number of respondents to the consultation: 3,183

1,164 respondents identified their household as holding two or more CPZ permits (37%)

Residents were asked: *Do you agree or disagree with the following statement: Brent Council should increase the surcharge on second and third resident permits.*

Of the 1,164 respondents whose household held two or more permits:
1,095 (94%) opposed the proposal and 69 (6%) supported it

Of the other 2,109 respondents:
1,210 (60%) opposed and 809 (40%) supported the proposal.

- 5.3 Notwithstanding these responses to the consultation, it is considered that an increase in these surcharges would provide a steer to discourage residents from purchasing permits for second or third cars, thereby reducing pressure on limited parking spaces.

6.0 Wembley Event Day Protected Parking Scheme.

- 6.1 The Executive meeting of 15th July 2013 agreed to amend permit charges for the Wembley Stadium Protective Parking Scheme (WSPPS). This decision was reaffirmed by the Cabinet's Highways Committee on 25 January 2017.
- 6.2 The proposal is to introduce a three year Event Day Permit for the Wembley Event Day Parking Scheme, with an associated £15 administrative charge for new applicants. Permits are currently subject to a one-off cost of £10. The proposal would only apply to new permit applications. Event Day permits already in use would not be affected.
- 6.3 Use of these permits is restricted to the period during which the applicant is living at that address. Many paper permits were issued for the Scheme prior to 2013, and no record of these permits was kept. There are concerns that some older permits continue to be in circulation and use, despite the original applicant having moved away; and that permits are being advertised for sale or hire on commercial websites. Both give rise to additional traffic congestion and parking pressures. In addition, we need to ensure that the costs of management and enforcement can be better covered, given that most residents had paid the one-off charge in previous years. At present very little income is received from one-off sales of new permits priced at £10. It is clear that the cost of managing and enforcing the Wembley Scheme is not being covered by permit income, and the scheme is therefore being subsidised.
- 6.4 The consultation questionnaire asked consultees on whether they agreed or disagreed with the proposal to introduce a 3 year permit with a £15 admin charge. Residents in the scheme area who do not have a parking account are not affected by the proposal as they do not require event day parking for themselves or their visitors. Residents from outside the scheme area are similarly not affected in any appreciable way. Analysis of responses has therefore focused on parking account holders within the scheme area, including parking zones T, E and W (of the total 3,183 respondents, 51% opposed the proposal, 28% supported it and 21% made no comment).

Total number of respondents, borough-wide: 3,183

Total number of respondents who declared that they held an Event Day permit: 1,170 (37%)

Residents were asked: *Do you agree or disagree with the following statement: Brent Council should introduce a 3 year permit with a £15 administrative charge to residents and businesses living within the Wembley Stadium Event Day Protective Parking Scheme.*

Of the 1,170 respondents in the Wembley PPS area who hold Event Day permits: 902 (77%) opposed, 227 (19%) supported, and 41 (4%) made no comment.

Sample responses

- *People who rent their permits on event days should have their permits withdrawn.*
- *...all the above suggestions seem very sensible ...most permits should be renewed every 3 years just due to people moving a lot - this keeps the system fair and functional.*
- *Wembley event day parking restrictions are for the benefit of residents. Any administrative costs attached to issuing permits should be borne by the stadium.*
- *...those who have complied with all the rules are being penalised for the way in which others have gone about things (e.g. selling residents' permits on commercial websites etc.*
- *Residents shouldn't have to pay for Wembley Stadium events... The stadium and events organisers should. The current system is adequate and fair.*
- *I oppose the council charging residents for event day permit... The council should review who was issued with a paper permit and end date them. ...This is another way to make money*
- *You should only have to purchase a Wembley events day permit for visitors.*
- *...residents are having to pay additional costs which is very unfair*
- *Stop increasing parking charges and making insufferable to park or drive in Wembley!*

- 6.5 It does not appear to have been clear to some respondents that the proposed changes would not at this stage impact on existing permit holders. Many respondents were however concerned that former residents of the area might be able to continue using their Event Day permits indefinitely. Residents also raised the issue of some event day visitor permits being hired out to stadium visitors in breach of the permit terms and conditions. Where evidence of this activity comes to light the Council has a range of options for action, up to and including closure of the relevant parking account and cancellation of permits.
- 6.6 Management and enforcement of the scheme incurs significant costs and the question does therefore arise as to how those costs are met. The Secretary of State's Statutory Guidance on parking enforcement has stated that enforcement of controlled parking should be self-financing. This advice is of particular relevance given the Council's corporate financial position and the significant challenges which lie ahead.
- 6.7 Some residents within the scheme area argued that parking pressure from Wembley Stadium events is not caused by them or their visitors, and that they should therefore not be charged a permit fee. However, a similar argument could be made by residents in Controlled Parking Zones; CPZs have been introduced to protect resident, visitor and local business parking from commuter and other external vehicles. There is widespread acceptance that revenue from CPZ permits should be used to fully cover the cost of parking management and enforcement. It is argued that the same principle should be applied to the Wembley Scheme.
- 6.8 Reform of the Scheme would also provide an opportunity to persuade existing permit holders to upgrade to a virtual permit, reducing the risk of PCNs being issued to residents due to a failure to display. This would also reduce enforcement and notice processing costs. In light of the concerns expressed by existing resident permit holders, it is proposed to offer them a six month opportunity to switch to a three year virtual permit at nil cost.

6.9 It is therefore recommended that the Council proceeds to formal consultation on the proposal to introduce a 3 year permit, to minimise the risk of potential misuse by non-residents which the existing Scheme may facilitate. The increase in price from £10 to £15 will help to meet the costs of managing and enforcing the Scheme in future years. At this stage, to avoid impacting on residents already holding event day parking permits, the requirement would only affect new applicants.

7.0 External Essential User Permits.

7.1 In March 2018, Cabinet agreed to consult on an increase in the price of external Essential User permits from the current price of £150 to:

- £330 (2018/19 price) for NHS staff (linked to the price of school staff permits);
- £440 (2018/19 price) for all other external organisations (linked to the price of business permits)

7.2 The Essential User Permit (EUP) scheme for external organisations enables staff who work for other public and third sector organisations, to park a vehicle on-street in any Controlled Parking Zone (CPZ) within Brent. The permit should only be used whilst staff are engaged in official duties. The current terms and conditions of the scheme include the provision of residential or community care, health care, social housing management and highway works. The permit is *not* provided to external organisations for use as a recruitment and retention aid.

7.3 The number of external Essential User Permits issued in 2017-18 was:

Council contractors	220
External organisations	619

Total	839

7.4 The council does not offer any other “all zones” CPZ permit allowing on-street parking anywhere in Brent. It is estimated that the potential commercial value of such a parking permit would be high in comparison to the current permits available to residents and businesses:

- The current cost of a single CPZ business permit *for use in only one Zone* is £440. Businesses are restricted to a maximum of three such permits, regardless of size.
- The cost of a School Permit is £330 (the cost is lower than a Business permit as school staff are only on-site for 75% of the year), and is also *restricted to a single Zone*.

It is clear that purchasing an EUP for £150, covering all CPZs, is an attractive option for eligible external organisations. This low price has probably perpetuated a high level of demand for such permits in relation to other parking options, putting a greater demand on parking across the borough and encouraging the use of an EUP instead of the other permits available. Demand for Business Permits in particular may have been suppressed due to the availability of much cheaper and more flexible Essential User Permits

7.5 With permits of this type in circulation there is a risk that they might be misused. The Council does not have control over which staff permits are issued to, and there is no assurance that they are only issued to eligible staff engaged in service provision. They may be used for

commuter parking or parking for other purposes which fall outside of those permitted within the terms and conditions, particularly if issued to meet HR objectives rather than for operational reasons. These risks need to be reduced, as they could contribute to additional parking pressures within the borough.

- 7.6 With external organisations it is not possible to exert direct control of permit applications, or to insist on the introduction of an online booking system in place of displaying permits. For external organisations the most effective tool at the councils' disposal is therefore incentivising a reduction in demand for permits by charging an appropriate price. This is the approach taken, for example, in setting the price of business permits. The Council has therefore proposed that the EUP price charged to external organisations should be matched to that of a Business Permit, to help reduce excessive demand and over-use of EUPs. The price of the EUP would be set at £440 p.a., increasing in line with Business Permit prices in future years. In light of the financial challenges facing the National Health Service, it was also proposed that for NHS staff the EUP would instead be benchmarked with the Schools Permit price of £330 p.a., increasing in future years in line with School Permit prices. A key objective of this proposal is to reduce the quantity of EUPs in use within the borough, reducing the pressure on parking, whilst still allowing public services to carry out their duties.
- 7.7 It is worth highlighting that other permits are also offered to those delivering healthcare, as an alternative to the EUP. The Health Emergency Badge (HEB) is issued by London Councils for people involved in the delivery of primary healthcare, attending medical emergencies in patients' homes. Any general practice, health trust or clinic may apply for these badges if they employ staff whose work involves visiting patients in their homes to provide emergency health care. These include doctors, nurses, midwives and health visitors. In addition, doctors' parking permits are also available at a cost of £150 for 12 months, and this allows registered practitioners to park in a designated doctor's parking bay.

Consultation Responses

- 7.8 76 organisations which currently purchase Essential User Permits for their staff were sent the consultation paper. 17 responses were received, representing a 22% response rate to the consultation. It was anticipated prior to the consultation that there would be some resistance from external organisations to the proposed price increases. That has proven to be the case:
- None of the respondents explicitly supported the proposal to increase the charge made for Essential User Permits to £330 or £440
 - 13 out of 17 respondents opposed the price increase to £440 for non-NHS permits
 - 12 out of 17 respondents opposed the proposed £330 charge to NHS bodies
 - 1 respondent supported a lower charge for NHS organisations, albeit not specifically the proposed charge of £330

Specific Comments

- 7.9 Two respondents identified themselves as being from NHS bodies. All of the other organisations which identified themselves in their response were from the care sector. None of the respondents identified themselves as being from the social housing sector and none were contractors delivering council services.

a) Four respondents admitted that they resold Essential User Permits to their staff as a recruitment and retention initiative. They argued that individual staff would not be able to afford to pay the permit price of £330 or more.

Response: The responses indicate that Essential User Permits are indeed being misused by some external organisations. The permit is not designed for use as a recruitment and retention initiative, and is not intended to be sold on to staff. Organisations should not be transferring or selling on the permits to provide their staff with subsidised parking across the whole of Brent. EUPs are intended to be made available to public service organisations for allocation to relevant staff deployed in the community as an operational necessity.

b) Eight respondents said that care sector organisations or charities operate at low margins and would not be able to afford the proposed £440 charge.

Response: Care organisations and registered charities should be included within the lower charge band of £330, along with NHS organisations.

c) One NHS respondent said that the price should not increase to £330 for district nurses

Response: District nurses should be able to access the Health Emergency Badge as an alternative.

d) Two respondents argued that care sector staff should have access to the NHS Health Emergency Badge

Response: The Badge is administered by London Councils on a London-wide basis, and LB Brent does not have power to amend the scheme unilaterally

e) Six respondents stated that the price increase was too much to impose as a one-off change.

Response: The increase could be phased in over two years.

- From April 2019: £300/£250
- From April 2020: business/schools permit price (£440/£330 at 2018/19 pricing)

In summary, the revised proposal is as shown in the table below:

	2018/19	2019/20	2020/21
NHS, charities and care organisations	£150	£250	Linked to Schools Permit (£330+ inflation)
Other external organisations	£150	£300	Linked to Business Permit (£440+ inflation)

8.0 Legal Implications

- 8.1 Should the proposals as set out in paragraphs be approved for implementation following the outcome of formal statutory consultation, this would require the amendment of the existing Traffic Management Order/s (TMO) under the Road Traffic Regulation Act 1984.
- 8.2 The requirements for publication and implementation regarding the making of Traffic Management Orders are set out in the Road Traffic Regulation Act 1984 ("the 1984 Act"). Related traffic restrictions are made by traffic management orders made under other provisions of the 1984 Act. Controlled Parking Zones are defined in Regulation 4 of the Traffic Signs Regulations and General Directions 2002.
- 8.3 Due to practical constraints relating to the TMO consultation, a target date for these changes has been set for early 2019, depending on the outcome of the formal statutory consultation.
- 8.4 Whilst it is reasonable for a Council to take due regard of the estimated costs and income arising from the management of parking, the Road Traffic Regulation Act 1984 ("RTRA 1984") does not allow for local authorities to set or increase parking charges for the purposes of raising revenue.
- 8.5 Section 45 of the RTRA 1984 enables the council to designate parking places on the highway, to charge for parking in these places and to make a charge for parking permits for their use. The council may differentiate in its permit charges between vehicles of different classes. Furthermore, in setting charges the Council must have regard to the Mayor of London's Transport Strategy (sections 142 and 144(1) (a) Greater London Authority Act 1999). Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA 1984, which are set out in the next paragraph. Exercising the function to charge for any other purposes, e.g. to raise revenue, or having regard to other legally irrelevant matters is unlawful.
- 8.6 Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, as follows:

"(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway...

(2) The matters referred to in subsection (1) above as being specified in this subsection are:-

- (a) the desirability of securing and maintaining reasonable access to premises;*
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
- (c) the importance of facilitating the passage of public service vehicles;*
- (d) any other matters appearing to the local authority to be relevant"*

Although the Mayor of London's Transport Strategy has now superseded earlier Traffic Management and Parking Guidance (TMPG) for London, the boroughs continue to rely on the TMPG document as an authoritative interpretation of the legal framework. It advises:

“(2.23) The level of parking charges must be set for traffic management reasons, such as to ration available space and ensure that there is a rapid turnover of parking spaces, rather than to maximise revenue. This is because section 122 of the Road Traffic Regulation Act 1984 does not include the maximisation of revenue from parking charges as one of the relevant considerations to be taken into account in securing the safe, expeditious and convenient movement of traffic”.

9.0 Financial Implications

- 9.1 Implementing a diesel levy charge of £50 for Controlled Parking Zone (CPZ) permit holders, as recommended in paragraph 2.1a, could provide additional revenue of up to £0.5m p.a. if there are 10,000 diesel permits issued. However, the revenue raised is expected to reduce over time as residents replace their vehicles.
- 9.2 The Essential User Permit price increase could generate revenue of £0.14m. However, if the charge is increased a significant reduction in issuance is highly possible, resulting in the increase in charges being wholly offset by a reduction in demand for the permits thereby restricting additional revenue gains.
- 9.3 The proposal to increase surcharges for second and third vehicle permits could provide additional revenue of up to around £0.05m, depending on the extent to which sales of these permits decline.
- 9.4 Residents already holding Wembley Event day parking permits will be able to replace the paper permit with a virtual permit at no cost up to 30 June 2019. It is anticipated that over the next two to three years, income from new applicants for an event day permit, at a cost of £15, would be £2k per annum.
- 9.5 The revenue generated from the above proposals will contribute towards concessionary fares and other transport initiatives.

10.0 Diversity Implications

- 10.1 S149 of the Equality Act 2010, also known as the public sector equality duty, requires the Council to have due regard to the need to eliminate discrimination, and advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

Diesel Levy

- 10.2 With due regard to the Council's duty under *section 149 of the Equality Act 2010*, a Diesel levy would affect all those with or without protected characteristics equally and without prejudice. In addition, there is no evidence that ownership of diesel vehicles is disproportionately associated with any of the protected characteristics groups in comparison with vehicle owners generally. It is considered, therefore, that this levy would not fall within the provisions of the EA 2010.
- 10.3 Should air pollution from diesel vehicles be subsequently reduced, it is considered that children and young people, older people and some people with disabilities would particularly benefit in health terms.

Essential User Permits

- 10.4 With due regard to our duty under *section 149 of the Equality Act 2010*, the proposed increase in the price of Essential User Permits for external organisations would have a financial implication for the organisations themselves. It would not impact financially on individual staff, as these permits are provided solely to support operational activity.
- 10.5 The amended proposal set out in recommendation 2.5 (a) of this report would reduce the price charged to care sector organisations, in comparison to that endorsed in the original Cabinet decision of March 2018. Care organisations mainly support older and disabled people.

Second and third permit surcharges

- 10.6 The proposed increases in permit surcharges are relatively small in comparison to the costs associated with car ownership, and it is not considered that this would have a significant financial impact on larger households.

11.0 Consultation with Ward Members and Stakeholders

- 11.1 Statutory consultation on several of the aforementioned changes will be required. This will be scheduled to take place in January and February 2019.

12.0 Human Resource / Property Implications

- 12.1 None


Related documents

- Cabinet, 12 March 2018: Essential User Permit Scheme & Resident Parking Permit Surcharges.
- Highways Committee, 25 January 2017: Wembley Stadium Protected Parking Scheme.
- Cabinet, 27 June 2016: On-Street Parking Service Offer
- Brent Air Quality Action Plan

Report sign off:

AMAR DAVE
Strategic Director of
Regeneration and Environment.

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 Brent	<p style="text-align: center;">CABINET 14 January 2018</p> <p style="text-align: center;">Report from the Strategic Director, Regeneration and Environment</p>
Brent Neighbourhood Community Infrastructure Levy (NCIL) - Review	

Wards Affected:	ALL
Key or Non-Key Decision: (only applicable for Cabinet, Cabinet Sub Committee and officer decisions)	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three: Appendix 1 – Brent CIL Neighbourhood Boundaries Appendix 2 – Projects awarded NCIL funding Appendix 3 – NCIL Review Consultation Findings
Background Papers:	
Contact Officer(s): (Name, Title, Contact Details)	Nkechi Okeke-Aru, Principal Infrastructure Officer Tel: 020 8937 1824 Email: nkechi.okeke-arur@brent.gov.uk

1. Purpose of the Report

- 1.1 This report provides an overview of Brent's Neighbourhood Community Infrastructure Levy (NCIL) programme, and makes recommendations for improvements following a review that took place in spring 2018.

2. Recommendations

- 2.1 It is recommended that Cabinet agree the following **significant** amendments to the NCIL programme:
- a) Panel membership is increased from two to four (see 5.10-5.11)
 - b) The distribution of NCIL funds is changed as per Option 4 and will be reviewed annually (5.12-5.19)
- 2.2 It is recommended that Cabinet agree the following **minor** amendments to the NCIL programme:
- a) To adopt the same four priorities across all five CIL Neighbourhoods until 2020, rather than have different priorities for each Neighbourhood
 - b) To rename 'Parks and Open Space' 'Parks and Green Spaces'
 - c) To retain the existing shortlisting criteria, but with minor wording changes to provide greater clarity and remove duplication

- d) NCIL funds will continue to be allocated to shortlisted projects at two points in the years, but in exceptional circumstances the NCIL Panel may consider bids outside these times
- e) Delegated authority is given to the relevant Strategic Director responsible for the NCIL programme (currently the Strategic Director, Regeneration & Environment) in consultation with the Cabinet Member for Regeneration, Highways and Planning, to approve spend for individual Neighbourhood CIL projects up to the value of £100k. (Projects above £100k will continue to be agreed by Cabinet).

2.3 It is recommended that Cabinet agree there is **no change** to the following elements of the NCIL programme:

- a) Brent 'CIL Neighbourhood' areas match the 'Brent Connects' areas
- b) NCIL bids are accepted from community organisations and stakeholders (residents, local businesses etc.) and Council officers
- c) There is no limit, other than the amount available in the respective NCIL pot, to the value of funds requested. (Projects over £100k in value will still require Cabinet approval following Panel shortlisting)
- d) There is no limit to the number of bids that may be submitted by a group or individual (although the same project cannot be funded more than once).

2.4 An action plan will also be developed to enhance capacity building and support for those who wish to make an NCIL application.

3. **Background**

3.1 Brent is one of the first authorities to have adopted and delivered a process for spending NCIL. It is also one of the few authorities to open applications to community groups and stakeholders. Following Cabinet¹ approval the programme was launched in February 2017, with a commitment to a review in spring 2018. The output of this review is being considered in this paper.

3.2 The CIL Regulations 2010 (as amended) stipulate that at least 15 per cent of CIL receipts generated may be spent on neighbourhood projects, that is, infrastructure or anything else that is concerned with addressing the demands that development places on an area (capped at £100/dwelling each financial year). Whilst the legislation does not prescribe a process for how NCIL is allocated, the expectation is that priorities are decided following engagement and consultation with the local community. As a result, Brent is divided into five CIL Neighbourhoods; Kilburn, Kingsbury & Kenton, Wembley, Willesden and Harlesden.

3.3 Where a Neighbourhood Plan is in place, then up to 25 per cent of CIL collected from liable developments within the Neighbourhood Plan boundary, may be spent on priorities identified by the Neighbourhood Forum (uncapped). There is only one adopted Neighbourhood Plan in Brent, Sudbury Town, although the Harlesden Neighbourhood Plan is shortly going to examination. A diagram showing the CIL Neighbourhood and Forum boundaries is in **Appendix 1**

¹ <http://democracy.brent.gov.uk/ieDecisionDetails.aspx?AllId=24493>

- 3.4 All shortlisted NCIL projects must be aligned to at least one of the Neighbourhood Priorities identified via consultation (May 2017). A summary of the current priorities is in **Table 1**:

CIL Neighbourhood	Community Space & Cultural facilities	Parks & Open Space	Town Centre & High Streets	Transport & Roads
Harlesden	✓		✓	✓
Kilburn	✓		✓	✓
Kingsbury		✓	✓	✓
Wembley	✓	✓	✓ (joint 1 st)	✓ (joint 1 st)
Willesden	✓		✓	✓

- 3.5 NCIL funds are currently allocated twice a year (June and December). Projects are shortlisted by the NCIL Panel (the Cabinet Member for Regeneration, Highways and Planning and the Head of Planning, Licensing and Transport).
- 3.6 Brent's community directory (approximately 800 groups and organisations), website and Brent Connects Forums are used to encourage NCIL applications. Notifications are also provided to Brent officers via the council's intranet. All applicants are offered one to one support from CVS Brent and half-day workshops are also held to guide potential applicants through the process and answer any queries.
- 3.7 During 2017/18 55 projects were awarded funding, valuing approximately £2m. Since June 2018 a further 26 projects have been awarded NCIL funding. The full list of funded projects is in **Appendix 2**

4. Review Methodology

- 4.1 The review activities were completed between April and June 2018 and included:
- **an online survey**, 70 completed responses, 80 partial responses (from successful and unsuccessful applicants and those new to the NCIL programme)
 - **one internal focus group**
 - **two external focus groups** for community groups and organisations
 - **seven internal interviews** with teams across Brent Council including Public Health, Employment & Skills, Corporate Transformation, Community Protection, Youth Engagement, Capital Programme Office and Housing Management;
 - **a Member's online survey** (eight completed, 13 partial responses)
 - **Benchmarking** with other Local Authorities and funding programmes as well as Brent Council's Partnerships & Engagement team.

5. Review Findings

- 5.1 Over the course of the review, the following 7 themes emerged:

- I. Neighbourhood boundaries,
- II. Neighbourhood priorities,

- III. Grant process and number of submissions,
- IV. Shortlisting criteria,
- V. Panel membership,
- VI. Distribution of funds,
- VII. Capacity building and administration.

5.2 A summary of the consultation findings is in **Appendix 3** however options and recommendations arising from these themes are discussed below:

I. Neighbourhood boundaries

5.3 It is recommended that the current five CIL Neighbourhood boundaries are retained as they reflect the Council's current consultation mechanism (Brent Connects Forum boundaries). The focus, moving forward will be on improving communication and clarifying the boundaries of the existing neighbourhoods. It is, however, worth noting that the outcome of the Brent ward boundary review may mean that the existing boundaries may change in the future.

II. Neighbourhood Priorities

5.4 As consultation on new CIL neighbourhoods priorities will need to take place before 2020, it is recommended that, in the interim, all four current priorities are adopted across all five CIL Neighbourhoods. Adopting the same priorities across all five NCIL Neighbourhoods does not have a negative impact on the NCIL programme, and Wembley already has all four priorities.

5.5 It is also recommended that 'Parks and Open Space' is renamed 'Parks and Green Spaces' - as there was the misconception that open spaces did not include green spaces. Going forward, actions to improve understanding of the current priorities via the web and guidance will also be completed.

III. Grant Process and number of submissions

5.6 Brent is one of a few local authorities to offer so much flexibility in its NCIL programme and open applications to the whole community. It is recommended that the application process remains open to community groups and organisations as well as council officers; there is no limit to the value of funds requested (projects over £100k in value will still require Cabinet approval following Panel shortlisting) and there is no limit to the number of bids that may be submitted by a group or individual as unsuitable bids will be identified through the shortlisting process. However the same project cannot be funded more than once.

5.7 74.3% of survey respondents preferred having at least two NCIL allocation points a year, this was echoed in the internal and external focus groups as it allows greater flexibility and responsiveness to local need. It is recommended that the number of allocations remains two per year, however in exceptional circumstances the NCIL panel may consider applications outside these allocation points. The Brent NCIL literature, website and training will be updated to reflect this recommendation.

IV. Shortlisting criteria

5.8 There are currently seven mandatory criteria used to shortlist NCIL projects. The majority of survey respondents and focus group attendees did not believe that major changes should be made to the shortlisting criteria and comments received focussed on technical wording and clarification. It is therefore recommended that the existing shortlisting criteria are amended as follows:

5.9 All shortlisted projects must demonstrate that they:

1. Address the demands that development places on an area
2. Reflect the priorities of the Council & CIL Neighbourhood
3. Provide evidence of a benefit to a Brent community
4. Provide evidence of community support for the project
5. Be a one-off scheme that does not require additional revenue funding in its delivery or its operation (or identifies how additional revenue funding may be met)
6. Offer value for money

V. Panel membership

5.10 The majority of survey respondents and focus group attendees felt the membership of the panel was too narrow. A number of options have been considered for panel membership and these are summarised in Table 2. Option 4 is the preferred option and it is recommended that the decision making panel is increased from two to four members.

	Option 1	Option 2	Option 3	Option 4
Panel Member 1	Head of Planning	Head of Planning	Head of Planning	Head of Planning
Panel Member 2	Cabinet Member Regeneration, Highways & Planning	Cabinet Member Regeneration, Highways & Planning	Cabinet Member Regeneration, Highways & Planning	Cabinet Member Regeneration, Highways & Planning
Panel Member 3	Head of Partnerships & Engagement	Cabinet Member Public Health, Culture & Leisure	Different Cabinet Member or Head of Service based on the NCIL priority theme / service area	Brent Councillor
Panel Member 4				Head of Partnerships & Engagement

5.11 **Option 4** requires four panel members who support and represent both the council and community interests (via the Partnerships and Engagement Team and local councillors) in the fair and transparent allocation of NCIL. This option also enables consistency and alignment to council objectives.

VI. Distribution of funds

5.12 Each CIL Neighbourhood is allocated 15% of CIL receipts generated within their boundaries. The amount of receipts is therefore directly related to the quantum and type of development that takes place within the CIL Neighbourhood. Current NCIL receipts available to commission are approximately £8.46m (December 2018) and are distributed as shown in **Table 3**:

Table 3 Current Distribution of NCIL Funds available to commission (Dec 2018)

Harlesden	Kilburn & Kensal Rise	Kingsbury & Kenton	Wembley	Willesden	Total
£585,537	£294,485	£288,528	£7.06m	£230,172	£8.46m

- 5.13 Feedback from the review focused on the perceived inequity in distribution. Whilst NCIL is intended by the Regulations to address the demands that development places on an area and incentivise new development, many felt that the effects of regeneration in, for example, Wembley are also felt in other areas that lead to it – e.g. around Harrow Road/Harlesden and the North Circular/Neasden. Other views were that regeneration should benefit the whole borough so the distribution of funds should benefit the whole borough more fairly. At the time of the review Harlesden had the least funds (£87k) but is one of the most deprived areas of the borough.
- 5.14 The options for distributing NCIL funds are outlined in **Table 4**. It is recommended that option four is the best mechanism for the future allocation of NCIL. This will be reviewed annually to ensure that this remains a suitable mechanism for distribution. Any change in the distribution model does not guarantee that project proposals to the value of funds available will be received or approved. In each option the Neighbourhood Plan allocation would remain at 25 per cent.

Table 4 Distribution options based on current NCIL receipts (rounding)

	Option 1	Option 2	Option 3	Option 4	Option 5
	Existing distribution	No distribution	Equal distribution	Wembley capped at 50% of remaining receipts (other areas equal)	Wembley capped at 50% of remaining receipts (other areas proportional)
Harlesden	£585,537	Bids accepted from across the borough	£1.69m	£1.06m	£1.77m
Kilburn & Kensal Rise	£294,485		£1.69m	£1.06m	£890,337
Kingsbury & Kenton	£288,528		£1.69m	£1.06m	£872,356
Wembley	£7.06m		£1.69m	£4.23m	£4.23m
Willesden	£230,172		£1.69m	£1.06m	£695,918
TOTAL	£8.46m	£8.46m	£8.46m	£8.46m	£8.46m

- 5.15 **Option 1** (Retain existing distribution). This would be unpopular in light of the review. A significant number of the focus groups and interviews saw the distribution of NCIL funds and concentration of money in Wembley as unfair. Wembley stakeholders were keen to retain a significant sum of NCIL as they are impacted the most by development in the area. However, based on current and future projections, the gap in NCIL funds available to Wembley and the remaining four CIL neighbourhoods is set to increase.
- 5.16 **Option 2** (No distribution). NCIL receipts could be used anywhere across the borough. Bidders could propose projects to access funds irrespective of where the funds were generated. This would be easiest method of distribution and would allow equal access to NCIL receipts across the borough as a whole.

Option 2 could also help mitigate any impact felt by a different community beyond the NCIL boundary. However greater monitoring would still be required to ensure that one part of the borough was not disproportionately allocated funding. The disadvantages of this option are that the areas more greatly affected by development will lose out on the total value of NCIL receipts that would have been allocated if the existing distribution model were retained.

- 5.17 **Option 3** (Equal Distribution). NCIL receipts would be redistributed equally across the five CIL Neighbourhoods. This would be appealing to areas that do not currently attract significant development. However this approach may disadvantage communities that are impacted most by development.
- 5.18 **Option 4** (Wembley 50% cap – other areas equal). Wembley's NCIL fund would be capped at 50% of the total NCIL receipts generated in the borough. The remaining 50% would be divided equally between the remaining four CIL Neighbourhoods. This option would ensure that a greater proportion of NCIL Funds is allocated to the Wembley Neighbourhood where the majority of development currently takes place but also ensure that wider impacts of development are addressed elsewhere.
- 5.19 **Option 5** (Wembley 50% cap – other areas proportional). Wembley's NCIL fund would be capped at 50% of the total NCIL receipts generated. The value of NCIL available in the remaining four CIL Neighbourhoods is set proportionally based on the amount of NCIL raised in their area. Based on current NCIL receipts the proportion would be Harlesden 41.86%, Kilburn 21.05%, Kingsbury 20.63% and Willesden 16.46%. This option would ensure that a greater proportion of CIL Funds is allocated to the Wembley Neighbourhood, however in the future, areas where there is less development will receive fewer NCIL funds.

VII. Capacity building, support and administration

- 5.20 Some comments were received on the support provided to help people through the NCIL process. Currently at least three workshops are held before each application round opens, and CVS Brent provide one to one advice to those who request it. However some of the comments received during consultation relate to the lack of awareness of the support options available. As the NCIL programme grows, there will inevitably be an increased need to provide support and a need for adequate resources to manage, administer and monitor the programme effectively.
- 5.21 An action plan will be developed to enhance capacity building and support, including:
- Embedding the NCIL programme as part of the Partnership & Engagements Team alongside other grant funding programmes
 - Improving awareness of the support offer
 - Simplifying the application forms and considering other ways for applicants to present proposals to the panel
 - Clarifying that if an individual or group is not a constituted body to receive funds, the council could retain the funds but deliver the project on their behalf

6. Financial Implications

- 6.1 The value of Neighbourhood CIL funds available is dependent on the number and value of CIL liable developments in each CIL Neighbourhood. As of 4 December 2018, approximately £8.46m is available to fund NCIL projects. This figure will change as new projects are approved and new developments become liable.

7. Legal Implications

- 7.1 The Planning Act 2008, and CIL Regulations 2010, provide for local authorities to apply the CIL to infrastructure to support development. The Neighbourhood element may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure, or anything else that is concerned with addressing the demands that development places on an area (Reg 59F).
- 7.2 CIL spend is governed by Part 7 of the CIL Regulations. For any financial year in which CIL receipts are received, a report outlining receipts and expenditure must be prepared and published on the council's website. (Reg 62).
- 7.3 Government Guidance (2014, as amended) states that the Council must engage the community where development has taken place and accordingly, agree with them how best to spend the funding. The use of neighbourhood funds should match the priorities expressed by the local communities.

8. Equality Implications

- 8.1 In compliance with the Equality Act 2010 and the Public Sector Equality Duty (PSED), the Council must, in the exercise of its functions, have "due regard" to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 8.2 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
- 8.3 An Equality Analysis (EA) of the NCIL programme and recommendations has been completed. The overall assessment is that Brent's NCIL programme has a positive impact on equality. Expanding the support offer available will make the application process more accessible – particularly to those whose first language is not English and those who may have a disability. The distribution of NCIL will be monitored annually to ensure it does not negatively impact a particular group.

9. Consultation with Ward Members and Stakeholders

- 9.1 The Cabinet Member for Regeneration, Highways and Planning is a member of the NCIL shortlisting panel, and has been consulted throughout the process. All Members were invited to participate in an online survey as part of the review.

10. Human Resources / Property Implications (if appropriate)

- 10.1 None at this stage.

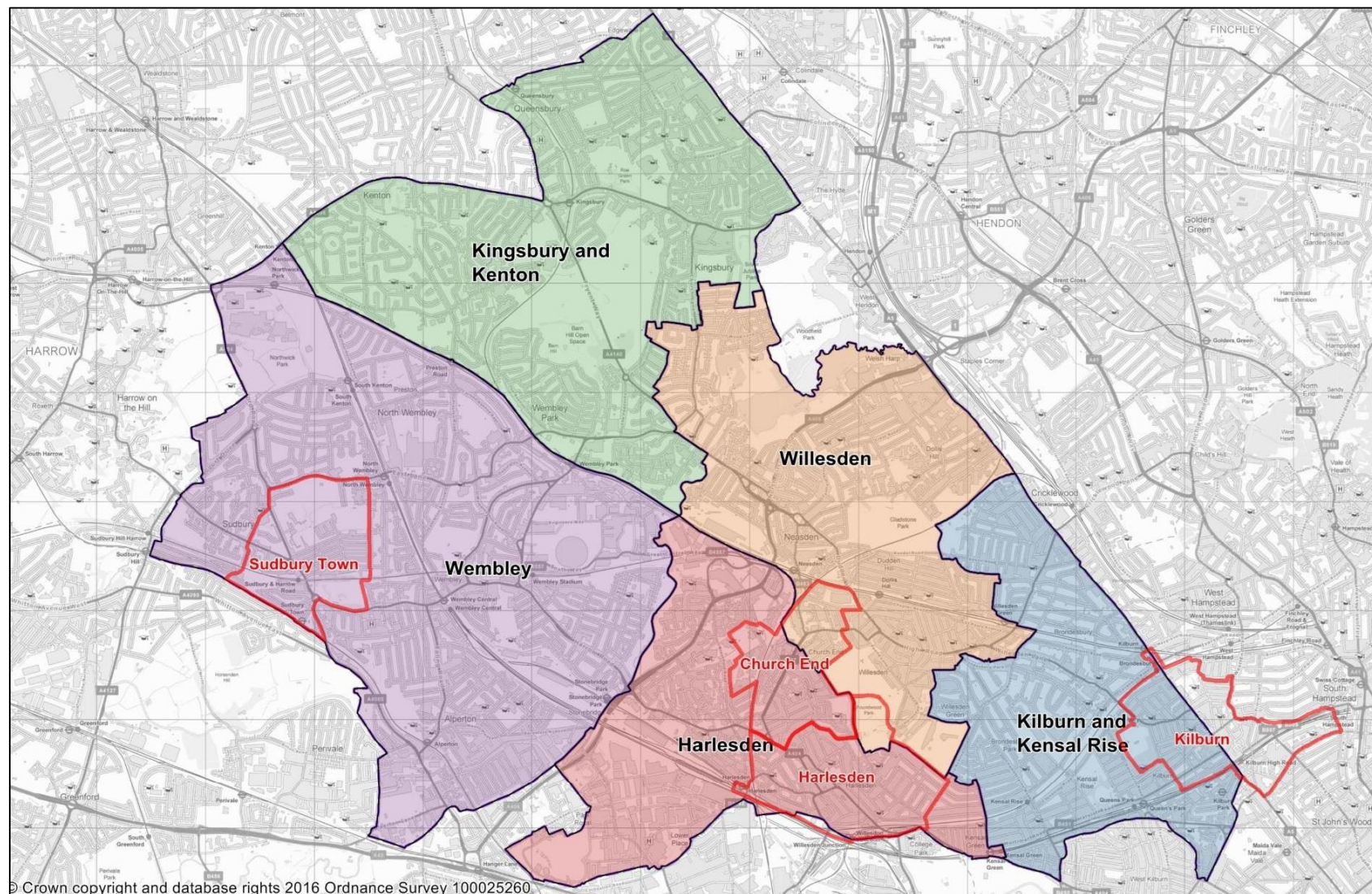
Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment

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Appendix 1 – Brent CIL Neighbourhood Boundaries



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Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
All	Basketball Courses and Training with Structured Deployment into Work	NCIL2017/18_019	Round 2 2017/18	Employment	Basketball related training for those not in education, employment or training (NEET), with structured opportunities for voluntary and paid work	Delivery	London Basketball Association	London Basketball Association	27,030.00
All	Young People in Mind	NCIL2017/18_020	Round 2 2017/18	Youth Project	Two year pilot - mental health support scheme and early intervention programme for young people (aged 8 to 16)	Delivery	Bang	Bang	61,329.00
All	Fit to Succeed	NCIL2017/18_050	Round 2 2017/18	Employment	Skills development programme for young people, children, to improve residents' physical and mental health; their employment prospects, and support residents into education or business	Delivery	Yes Ltd	Yes Ltd	85,000.00
Harlesden	Kensal Rise Community Library	NCIL2017/18_001	Round 1 2017/18	Community Library	Community library refurbishment	Delivery	Friends of Kensal Rise library	Friends of Kensal Rise library	75,500.00
Harlesden	Town Centres (Harlesden)	NCIL2017/18_002	Round 1 2017/18	Town Centres	Town Centre improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	5,000.00
Harlesden	Harrow Rd Street Trees	NCIL2017/18_006	Round 1 2017/18	Trees	Tree Planting in Harlesden CIL Neighbourhood	Completed	Brent Resident	Brent Council - Landscaping	33,000.00
Harlesden	Destiny House Homework Club	NCIL2017/18_014	Round 1 2017/18	Youth Project	Afterschool homework club	Completed	Destiny House International	Destiny House International	7,457.41
Harlesden	Kensal Rise Library Equipment Purchase	NCIL2017/18_021	Round 2 2017/18	Community library	Community library - equipment purchase	Delivery	Friends of Kensal Rise library	Friends of Kensal Rise library	20,000.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Harlesden	Harlesden Town Garden Clubhouse	NCIL2017/18_022	Round 2 2017/18	Parks & Open Space	Construction of Harlesden Town Garden Clubhouse. This project will form part of the final stage of the pocket park's new infrastructure	Delivery	Harlesden Town Garden Clubhouse	Brent Council	40,000.00
Harlesden	The Unity Music Studio	NCIL2017/18_023	Round 2 2017/18	Community Hub - Building	Community music studios for local residents	Delivery	Catalyst	Catalyst	36,702.00
Harlesden	Holiday Activities/ Creative Learning programme - for Stonebridge children and Young people	NCIL2017/18_024	Round 2 2017/18	Youth Project	Early intervention project using the arts to engage with young people in the Stonebridge area	Delivery	Abundance Arts	Abundance Arts	29,475.00
Harlesden	Brent Business Support Programme	NCIL2017/18_025	Round 2 2017/18	Town Centres	Business Support in Town Centres	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	10,000.00
Harlesden	Harlesden Colourful wayfinding	NCIL2017/18_026	Round 2 2017/18	Public Realm	Improvements to street signs to create a brighter and more welcoming environment between Willesden Junction Station and Harlesden library.	Delivery	Harlesden Neighbourhood Forum	Harlesden Neighbourhood Forum	15,143.00
Harlesden	Harlesden Youth Neighbourhood Forum	NCIL2017/18_027	Round 2 2017/18	Youth Project	Establishment of a youth Neighbourhood Forum	Decommissioned (At applicant request)	Harlesden Neighbourhood Forum	Harlesden Neighbourhood Forum	8,100.00
Harlesden	Harlesden Cultural Space	NCIL2017/18_028	Round 2 2017/18	Community Hub - Building	Creation of a flexible cultural space within Harlesden Library, with artwork, heritage features and event facilities designed and curated by the local community.	Completed	Brent Council - Culture	Brent Council - Culture	10,000.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Harlesden	Elders Voice - at the heart of Kensal Green	NCIL2018/19_34	Round 1 2018/19	Community Hub - Building	Refurbishment of community spaces to provide therapeutic and welcoming places for older people	Delivery	Elders Voice	Elders Voice	36,500.00
Harlesden Kilburn Wembley	Electric Car Charge Points	NCIL2017/18_029, 034, 038	Round 2 2017/18	Public Realm	Purchase and installation of sockets in lamp columns. These sockets can be used to charge electric vehicles by local residents	Delivery	Brent Council - Transport	Brent Council - Transport	34,234.15
Kilburn & Kensal	Community Hub	NCIL2017/18_003	Round 1 2017/18	Community Hub - Building	Creation of a new community café, communal garden and job and volunteering opportunities	Delivery	Ashford Place	Ashford Place	68,933.00
Kilburn & Kensal	Cricklewood Library	NCIL2017/18_004	Round 1 2017/18	Community Library	Community library refurbishment	Delivery	Friends of Cricklewood library	Friends of Cricklewood library	63,946.00
Kilburn & Kensal	Granville Youth Project	NCIL2017/18_005	Round 1 2017/18	Youth Project	Activities for children and young people aged 8-17 in South Kilburn.	Delivery	The Otherwise Club	The Otherwise Club	44,300.00
Kilburn & Kensal	South Kilburn Trust- Public Wi-Fi	NCIL2017/18_007	Round 1 2017/18	Community Hub - Building	Public Wi-Fi in the Granville and public spaces outside the building,	Completed	South Kilburn Trust	South Kilburn Trust	45,000.00
Kilburn & Kensal	South Kilburn Trust - Music Studio	NCIL2017/18_008	Round 1 2017/18	Community Hub - Building	Community music studios for local residents	Completed	South Kilburn Trust	South Kilburn Trust	30,000.00
Kilburn & Kensal	South Kilburn Trust - Street Signage	NCIL2017/18_009	Round 1 2017/18	Public Realm	Improvements to street signage to direct visitors to The Granville	Delivery	South Kilburn Trust	South Kilburn Trust	9,000.00
Kilburn & Kensal	Digital Technology Skills Hub	NCIL2017/18_030	Round 2 2017/18	Employment	Free digital skills training programmes, English classes and employability workshops for those who are unemployed or on low income	Delivery	Global Skills Centre	Global Skills Centre	65,000.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kilburn & Kensal	Renovation of The Granville Community Centre's Kitchen	NCIL2017/18_031	Round 2 2017/18	Community Hub - Building	Renovation of The Granville Community Centre's Kitchen	Initiation	Granville Community Kitchen	Granville Community Kitchen	40,000.00
Kilburn & Kensal	Cricklewood Library Building and remedial works project management	NCIL2017/18_032	Round 2 2017/18	Community Library	Community library - remedial works	Delivery	Friends of Cricklewood library	Friends of Cricklewood library	30,050.00
Kilburn & Kensal	QPARA Street Trees	NCIL2017/18_033	Round 2 2017/18	Trees	Tree Planting in Kilburn & Kensal CIL Neighbourhood	Delivery	QPARA	Brent Council - Landscaping	4,000.00
Kilburn & Kensal	Maths and Literacy Support (MALS)	NCIL2017/18_052	Round 2 2017/18	Youth Project	Maths and literacy support for children aged 5-11 in the South Kilburn area	Delivery	OK Club	OK Club	22,850.00
Kilburn & Kensal	Granville Community Garden	NCIL2017/18_053	Round 2 2017/18	Parks & Open Space	Enhancements to green space and the creation of an outdoor space that can support additional community events at the refurbished Granville Centre.	Delivery	Brent Council - South Kilburn	Brent Council - South Kilburn	20,000.00
Kilburn & Kensal	Reconstruction Art Project	NCIL2018/19_02	Round 1 2018/19	Community Art	Workshops encouraging young people to document the changes in the urban landscape as part of the South Kilburn regeneration	Delivery	Resident	Brent Council - South Kilburn	20,000.00
Kilburn & Kensal	Youth Film Project	NCIL2018/19_19	Round 1 2018/19	Youth Project	A school holiday programme supporting young people to create an original and innovative documentary and music video that reflects their opinions, views and aspirations	Delivery	Brent Council - South Kilburn	Brent Council - South Kilburn	9,500.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kilburn & Kensal	Trees for Triangle Kensal Triangle Residents Association	NCIL2018/19_27	Round 1 2018/19	Trees	Tree Planting in Kilburn & Kensal CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Trees	62,500.00
Kilburn & Kensal	Community Seating - Kilburn High Road	NCIL2018/19_41	Round 1 2018/19	Public Realm	Installation of four community benches along Kilburn High Road	Delivery	Kilburn Older Voices Exchange (KOVE)	KOVE	6,984.00
Kilburn & Kensal	Salusbury World Film Club	NCIL2018/19_42	Round 1 2018/19	Community Hub - Service	A film discussion group to encourage women from the Salusbury World English classes to improve their English language skills	Delivery	Lexi Cinema	Lexi Cinema/ Salusbury World	12,025.00
Kilburn & Kensal	Active Granville!	NCIL2018/19_58	Round 1 2018/19	Sports Project	Weekly exercise and health related physical activities for adults; including classes for those with specific needs, women only classes, over 50s, those with mobility problems and long term illnesses.	Delivery	The Otherwise Club	The Otherwise Club	16,975.00
Kilburn & Kensal	Entrepreneurship for Kids and Teens	NCIL2018/19_61	Round 1 2018/19	Youth Project	Entrepreneurial education programme for young people	Delivery	Ultra Education	Ultra Education	18,940.00
Kilburn & Kensal	Watling Gardens Playground Restoration	NCIL2018/19_63	Round 1 2018/19	Parks & Open Space	Supply, installation and improvement of playground equipment	Delivery	Watling Gardens Tenant Management Organisation	Watling Gardens Tenant Management Organisation	12,000.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kilburn & Kensal, Harlesden, Willesden & Wembley	Brent Mutual	NCIL2018/19_01	Round 1 2018/19	Community Hub - Service	This project will promote savings habits in the borough. It will increase access to Brent Mutual (BM) by providing 'pop ups' at outreach venues, and deliver an 11 week course where successful attendees receive a nationally recognised qualification (OCN Level 3).	Delivery	Advice 4 Renters	Advice 4 Renters	29,540.00
Kilburn & Kensal, Willesden & Harlesden	STEM (Science Technology Engineering Maths) skills boost	NCIL2018/19_38	Round 1 2018/19	Youth Project	Weekly classes for young people aged 7-16 in Design & technology/Mobile App development, Coding and Robotics	Delivery	Global Skills Centre	Global Skills Centre	65,000.00
Kilburn & Kensal, Willesden & Harlesden	Sports, Arts and Wellbeing (SAAW) Project for Children & Young People	NCIL2018/19_50	Round 1 2018/19	Sports Project	A 2-year programme of activities for children & young people (CYP) with opportunities for personal development, as well as achieving positive health outcomes in physical and mental wellbeing.	Delivery	Sport at the Heart	Sport at the Heart	80,000.00
Kingsbury & Kenton	Valley Drive Trees	NCIL2017/18_035	Round 2 2017/18	Trees	Tree Planting in Kingsbury & Kenton CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	35,700.00
Kingsbury & Kenton	Hyde Town Centre Improvement Scheme - Street Furniture	NCIL2017/18_036	Round 2 2017/18	Public Realm	Public Realm Improvements in the Hyde Town Centre	Completed	Brent Council - Transport	Brent Council - Transport	21,888.00
Kingsbury & Kenton	Woodcock Park Play Equipment	NCIL2017/18_037	Round 2 2017/18	Parks & Open Space	Supply, installation and improvement of playground equipment	Delivery	Brent Council - Parks	Brent Council - Parks	95,000.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Kingsbury & Kenton	West Hill Trees	NCIL2018/19_07	Round 1 2018/19	Trees	Tree Planting in Kingsbury & Kenton CIL Neighbourhood	Delivery	Barn Hill Residents Association	Brent Council - Landscaping	30,000.00
Sudbury Town Residents Association (STRA)	Butlers Green Public Convenience	NCIL2017/18_011	Round 1 2017/18	Community Hub - Building	Refurbishment of a dilapidated toilet building to create a multi-purpose venue for the local community.	Initiation	STRA	STRA	35,000.00
Wembley	Town Centres (Wembley)	NCIL2017/18_002	Round 1 2017/18	Town Centres	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	10,900.00
Wembley	Town Centres (Ealing Road)	NCIL2017/18_002	Round 1 2017/18	Town Centres	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	10,100.00
Wembley	Footfall Counters	NCIL2017/18_002	Round 1 2017/18	Town Centres	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	32,000.00
Wembley	Barn Hill Trees	NCIL2017/18_010	Round 1 2017/18	Trees	Tree Planting in Wembley CIL Neighbourhood	Delivery	Barn Hill Residents Association	Brent Council - Landscaping	40,000.00
Wembley	Alpertons Trees	NCIL2017/18_012	Round 1 2017/18	Trees	Tree Planting in Wembley CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	90,000.00
Wembley	Sudbury Trees	NCIL2017/18_013	Round 1 2017/18	Trees	Tree Planting in Wembley CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	70,000.00
Wembley	Destiny House Music School	NCIL2017/18_015	Round 1 2017/18	Youth Project	Saturday classes supporting young people to create and record their own compositions	Completed	Destiny House International	Destiny House International	25,177.37
Wembley	Wembley Park Benches	NCIL2017/18_016	Round 1 2017/18	Public Realm	The provision of benches outside Wembley Park station	Delivery	Brent Councillor	Brent Council - Highways & Infrastructure	7,500.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Wembley	Preston Library fit out	NCIL2017/18_039	Round 2 2017/18	Community library	Community library refurbishment	Initiation	Preston Community Library	Preston Community Library & Brent Council	267,983.00 ¹
Wembley	Caritas Social Innovation & Enterprise Hub	NCIL2017/18_040	Round 2 2017/18	Employment	Capital cost contribution towards the renovation of an enterprise Hub offering Co-working spaces, grants, training and educational events and accredited courses	Delivery	Caritas Westminster	Caritas Westminster	95,000.00
Wembley	St Cuthbert's Dementia Hub (Heating)	NCIL2017/18_041	Round 2 2017/18	Community Hub - Building	New heating to enable the creation of a warm and welcoming environment for existing community groups	Delivery	St Cuthbert's Church	St Cuthbert's Church	50,000.00
Wembley	Brent Young People's Hub Option Appraisal	NCIL2017/18_042	Round 2 2017/18	Community Hub - Feasibility	Funding to facilitate the planning and delivery of a youth hub offering a range of accommodation services and activities under one roof in Brent	Delivery	Young Brent Foundation	Young Brent Foundation	29,800.00
Wembley	Brent Indian Association Mural	NCIL2017/18_043	Round 2 2017/18	Community Art	Mural on the Brent Indian Association's Building situated in Ealing Road	Completed	Brent Indian Association	Brent Indian Association	20,000.00
Wembley	Outreach and Schools Project	NCIL2017/18_044	Round 2 2017/18	Youth Project	Outreach and Youth Café project offering early intervention programme for young people	Delivery	Sway Project	Sway Project	24,283.00

¹ <http://democracy.brent.gov.uk/documents/s65514/Brent%20Neighbourhood%20Community%20Infrastructure%20Levy%20NCIL%20-%20Preston%20Community%20Library.pdf>

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Wembley	Brent Work Rights Centre	NCIL2017/18_045	Round 2 2017/18	Employment	A video and workshop series designed to promote awareness of precarious employment, and equip the residents of Brent with the skills to access fairer, better work: https://www.youtube.com/watch?v=vV3n720sj-8	Completed	Work Rights Centre	Work Rights Centre	9,980.00
Wembley	Daniel's Den Volunteer Programme	NCIL2017/18_046	Round 2 2017/18	Employment	Development of a volunteer Programme to provide a framework to encourage new skills and the recruitment of new volunteers and subsequently increase the number of Daniel's Den centres	Delivery	Daniel's Den	Daniel's Den	7,534.00
Wembley	Transforming Sudbury Neighbourhood Centre into a Community Resource	NCIL2017/18_051	Round 2 2017/18	Community Hub - Feasibility	Contribution towards the development phase of a major programme of development and refurbishment at the Sudbury Neighbourhood Centre	Completed	Sudbury Neighbourhood Centre	Sudbury Neighbourhood Centre	37,000.00
Wembley	Winter - Spring Programme	NCIL2018/19_03	Round 1 2018/19	Youth Project	Three day a week provision of youth services for under 18s in the Wembley area for 36 weeks.	Delivery	Ansar Youth Project	Ansar Youth Project	30,000.00
Wembley	Community Usage Project	NCIL2018/19_06	Round 1 2018/19	Community Hub - Building	Contribution to refurbishment costs which will provide a safe and secure location for perennial indoor and outdoor community use	Delivery	Barham Primary School	Barham Primary School	66,500.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Wembley	Queen Elizabeth II Silver Jubilee Garden, Barham Park	NCIL2018/19_10	Round 1 2018/19	Parks & Open Space	Restoration of a public garden courtyard at Barham Park, Wembley, for use for park visitors and by people using the adjacent buildings.	Delivery	Brent Council - Highways & Infrastructure	Brent Council - Highways & Infrastructure	90,867.00
Wembley	Caritas Social Innovation & Enterprise Hub	NCIL2018/19_31	Round 1 2018/19	Community Hub - Building	Roof repairs and landscaping	Delivery	Caritas Westminster	Caritas Westminster	30,000.00
Wembley	Dementia Advice, Support & Outreach	NCIL2018/19_35	Round 1 2018/19	Community Hub - Building	Refurbishment of community space to enable the provision of outreach work and confidential advice to memory loss sufferers and their carers.	Delivery	Friends of Barham Library	Friends of Barham Library	60,000.00
Wembley	Ready 4 Success	NCIL2018/19_52	Round 1 2018/19	Employment	Employment support and mentoring targeted at young people and women	Delivery	Step up Hub	Step up Hub	25,100.00
Wembley	Stonebridge Boxing Club - Open To All	NCIL2018/19_53	Round 1 2018/19	Community Hub - Building	Funding for refurbishment works following relocation of Stonebridge Boxing Club	Delivery	Stonebridge Boxing Club	Stonebridge Boxing Club	95,258.00
Willesden	Town Centres (Willesden)	NCIL2017/18_002	Round 1 2017/18	Town Centres	Town Centre Improvements	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	10,000.00
Willesden	Cultural Programme Willesden Library	NCIL2017/18_017	Round 1 2017/18	Community Hub - Service	Proposal to expand the cultural programme offered at Willesden Green Library	Decommissioned (At applicant request)	Brent Council - Culture	Brent Council - Culture	9,300.00
Willesden	Code Clubs and STEM (Science Technology Engineering Maths) Clubs in Brent Libraries	NCIL2017/18_018	Round 1 2017/18	Youth Project	After school clubs for children and young people (CYP) in Brent Libraries. The objective is to improve knowledge in digital literacy, science, technology, engineering and mathematics.	Delivery	Brent Council - Culture	Brent Council - Culture	3,500.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Willesden	Willesden Business Support Programme & Mural	NCIL2017/18_047	Round 2 2017/18	Town Centres	Business Support in Town Centres and Town centre Mural	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	34,680.00
Willesden	Willesden Jewish Cemetery "House of Life"	NCIL2017/18_048	Round 2 2017/18	Community Hub - Building	CIL contribution towards a Heritage Lottery Funded project to improve the public realm, restore the garden and deliver landscape improvements	Delivery	United Synagogue	United Synagogue	50,000.00
Willesden	Dollis Hill Benches	NCIL2017/18_049	Round 2 2017/18	Public Realm	Community Seating in Dollis Hill Area	Completed	Brent Councillor	Brent Council - Highways & Infrastructure	1,250.00
Willesden	Brent Community Law Centre Refurbishment	NCIL2018/19_09	Round 1 2018/19	Community Hub - Building	Refurbishment of community space to provide quality legal services for disadvantaged residents in Brent as well as provide an improved community venue space available for local residents and visitors.	Delivery	Brent Community Law Centre	Brent Community Law Centre	42,200.00
Willesden	Neasden Trees	NCIL2018/19_22	Round 1 2018/19	Trees	Tree Planting in Willesden CIL Neighbourhood	Delivery	Brent Councillor/ Brent Council - Town Centre	Brent Council - Town Centre	50,000.00
Willesden	Public Art for Church End	NCIL2018/19_23	Round 1 2018/19	Community Art	Delivery of a public art project through workshops that seek to include residents and businesses from a wide spectrum of the community. The aim of the project is to develop community cohesion	Delivery	Brent Council - Town Centre	Brent Council - Town Centre	22,220.00

Projects Awarded Neighbourhood Community Infrastructure Levy (CIL) Funds

CIL Neighbourhood	Project	Ref	Round	Project Type	Project Summary	Project Status	Proposed by	Delivered by	Funding Granted
Willesden	Dollis Hill Trees	NCIL2018/19_26	Round 1 2018/19	Trees	Tree Planting in Willesden CIL Neighbourhood	Delivery	Brent Council - Landscaping	Brent Council - Landscaping	45,000.00
Willesden	Tree Planting in Dudden Hill Ward	NCIL2018/19_46	Round 1 2018/19	Trees	Tree Planting in Willesden CIL Neighbourhood	Delivery	Brent Resident	Brent Council - Landscaping	30,000.00
Willesden	Willesden Wood	NCIL2018/19_67	Round 1 2018/19	Trees	Tree Planting in Willesden CIL Neighbourhood	Delivery	Willesden Green Town Team	Willesden Green Town Team	6,713.50

Neighbourhood Community Infrastructure Levy (CIL) Review

Findings Summary

July 2018

Review Activities

The review activities were completed between April and June 2018 and included:

- **Online survey** – 70 completed responses, 80 partial responses
- **Internal focus group** – 8 attendees
- **External focus group (a)** – 12 attendees
- **External focus group (b)** – 1 attendee
- **Internal interviews** – 7
 - Public Health, Employment & Skills, Corporate Transformation, Community Protection, Youth Engagement, Capital Programme Office, Housing Management
- **Member's online survey** – 5 completed responses, 8 partial responses (15/06/18)
- **Member's focus group** (4th July tbc)
- **Benchmarking**
 - Local Authorities
 - Other Funding Programmes – Wembley National Stadium Trust, Wembley Park, London Community Foundation, Big Lottery
 - Brent Partnerships & Engagement Team

Themes

Over the course of the review, the following 7 themes emerged:

1. Neighbourhood boundaries,
2. Neighbourhood priorities,
3. Grant process and number of submissions,
4. Shortlisting criteria,
5. Panel membership,
6. Distribution of funds,
7. Capacity building and administration.

Boundaries

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- Some focus group attendees perceived existing CIL Neighbourhoods as being too broad with the five CIL neighbourhoods having too many physical and demographic disparities
- Ward level boundaries were suggested as an alternative, mirroring what happens in other Local Authorities
- Survey comments evidenced a lack of understanding of the boundaries of existing CIL Neighbourhoods and what was included

Why is Wembley on here? They get enough funding! And why is Kilburn and Kensal Rise lumped together? They should be treated separately as should Kingsbury and Kenton!

Residents understand wards more than NCIL boundaries – should we explain to residents better

None. Where is Cricklewood and Dudden Hill / Dollis Hill? Forgotten swathes of Brent....

I work in the Neasden area but it is not on your list why not

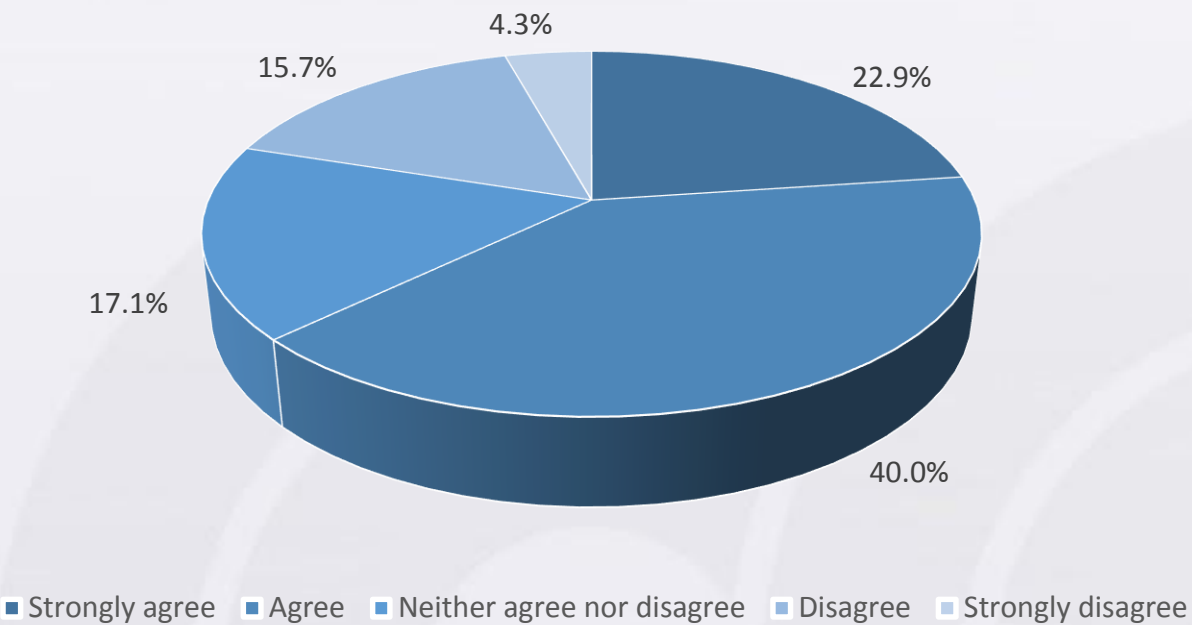


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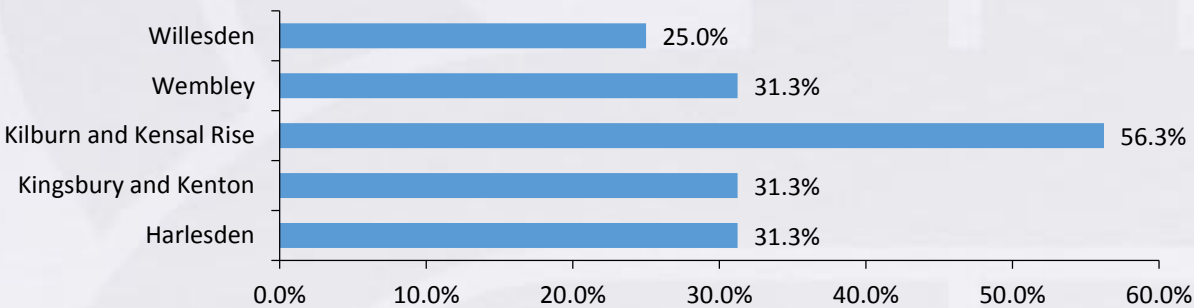
Priorities

- 62.9% of 70 survey respondents agreed or strongly agreed that priorities were appropriate for the five NCIL areas.
- 20 respondents expressed opinion on areas they disagreed with. The majority (9) felt Kilburn and Kensal Rise did not have suitable priorities, with the remaining nearly equally split between Kingsbury and Kenton (5), Harlesden (5), Wembley (5) and Willesden (4).
- Recurring survey comments and issues included a focus on social need rather than just physical infrastructure (i.e. Young People, Community Safety etc.) and the cross over of priorities for all areas i.e. Transport & Road or Community Space & Cultural facilities across the borough
- The focus groups also felt priorities could potentially be borough wide, or include social priorities. A key issue was to keep the priorities flexible.

To what extent do you agree that the above priorities are appropriate for all the neighbourhood areas?



Which neighbourhood area do you feel does not have suitable priorities? Please tick all that apply.



I think that Kingsbury and Kenton should not be the only area that does not feature community spaces and cultural facilities. Chalk Hill Estate is in Barnhill Ward and could have made use of this money...

There should be priorities specifically around young people and community safety

Transport and road should feature much higher as it is key to developing an environment from which every thing else will blossom.

More money is needed for social support, groups and community spaces.

Need to do more to improve green spaces, and access to them, green infrastructure as well.

Emphasis on art and culture, given the awarding of the 'London Borough of Culture' bid, would be an added bonus. There are many local artists and it would be great if the Council is able to highlight their talents more.

Emphasis on protecting residents via environmental and green initiatives. An example would include enhancing the quality of people's daily lives and protecting them from the impact of pollution - air quality and the importance of the role of the natural environment - mature street trees, wildlife corridors, etc.

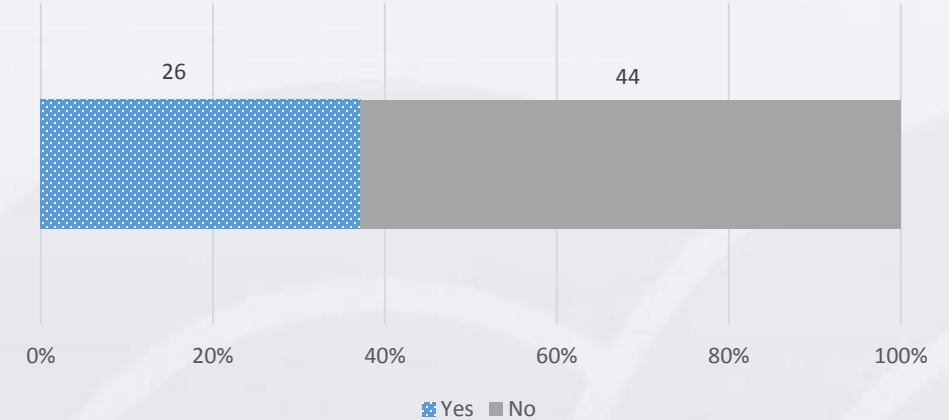


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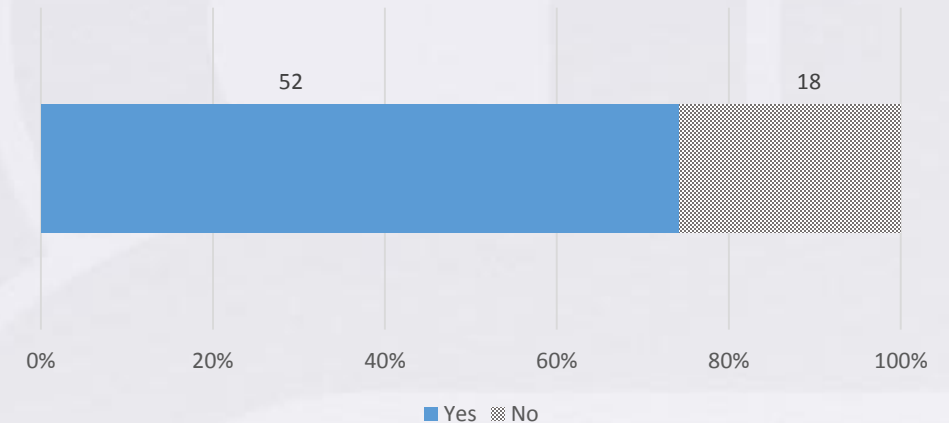
Grant Process

- General agreement, in focus groups and across interviews, that it was good that anyone could bid for NCIL funds.
- 62.9% of survey respondents felt there should not be a limit on amount of funding.
- 74.3% of survey respondents preferred having two submissions per year, this was echoed in the internal and external focus groups as it allows greater flexibility and responsiveness to local need.
- Benchmarking against other funding programmes and Local Authorities, as well growing number of applications suggest one submission per year may be more suitable.

Do you feel there should be a limit on the amount of funding awarded to any one organisation?



Do you think having two submissions for NCIL proposals per year is the most suitable approach?



While two decision points year might be the right balance I believe there should be a process of continual submission to enable proposals to gain feedback and improve their submissions, much like local action groups do.

I think there should be a small pot set aside for small bids in-between

Two submissions seems adequate

Why limit creativity?

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Because some organisations cover many things that can improve an area. You should be allowed to make as many applications as you like

I think there should be a small pot set aside for small bids in-between

No, as long there is transparency and the reasons are justified. All award information should be made public.

I think organisations should be able to re-apply at any time as long as it is a new project that is not a continuation of previously funded projects, or ongoing operational costs. However, bids should be judged on their merits, which would not necessarily restrict applications.

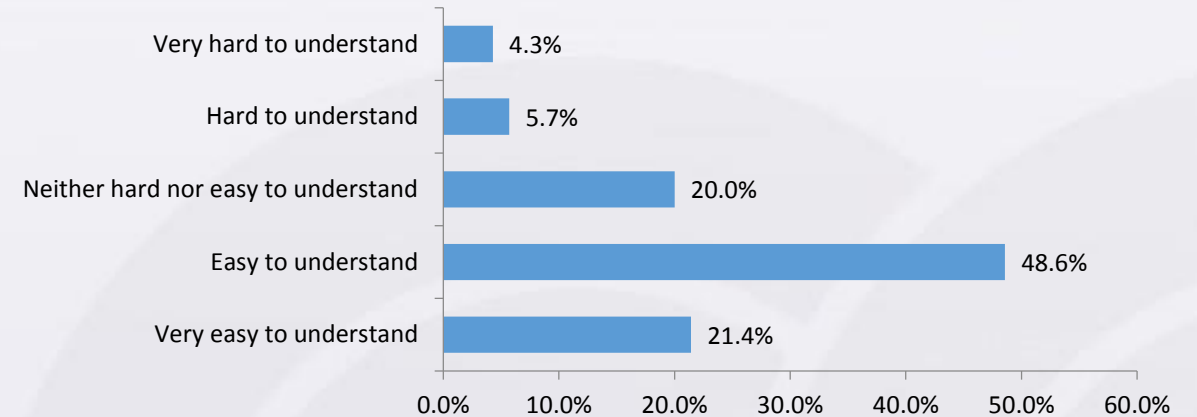


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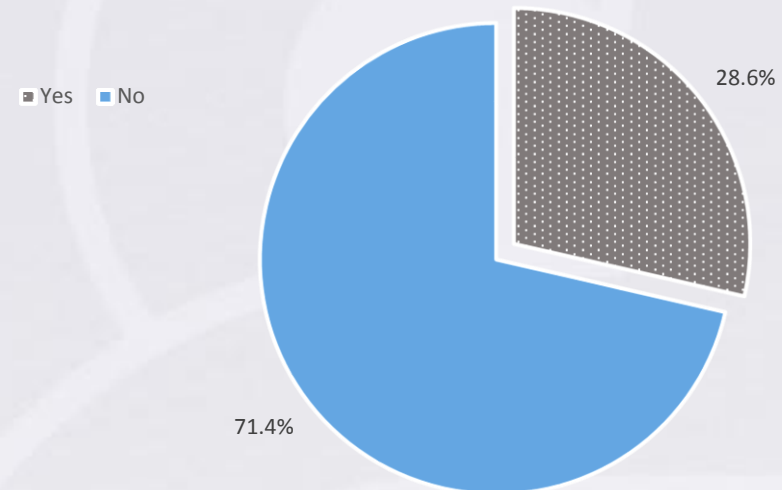
Shortlisting Criteria

- Only 10% of respondents felt it was hard or very hard to understand the shortlisting criteria
- Only 28.6% that felt changes should be made to the shortlisting criteria, with similar agreement in the external focus group
- Suggestions for improvement included further clarification on more technical points and the negative implications of 'broadest section of community'
- Internal teams felt there needed to be additional element of shortlisting to make sure a project aligned to Council areas

Which of the following best describes how well you understood the shortlisting criteria for NCIL funded projects?



Do you think changes should be made to the shortlisting criteria?



While two decision points year might be the right balance I believe there should be a process of continual submission to enable proposals to gain feedback and improve their submissions, much like local action groups do. If successful, the system could move to 3 decision points yearly.

May be good to reword to does it benefit the community

Given the issue of knife crime and gang culture in the borough rethink the 'benefit to the broadest section of the community' criteria to cover specific facilities aimed at young people.

Further clarification and detail on each of the points e.g. how to evidence/ document mitigating impact of development

The choice of criteria is fine as a whole

May be good to reword to does it benefit the community

There should be clear explanation of the CIL Regulations (2010) as amended and also its requirement in terms of the criteria set by the council

A description of the CIL Regulations (2010) is required. The Council priorities need to be stated.

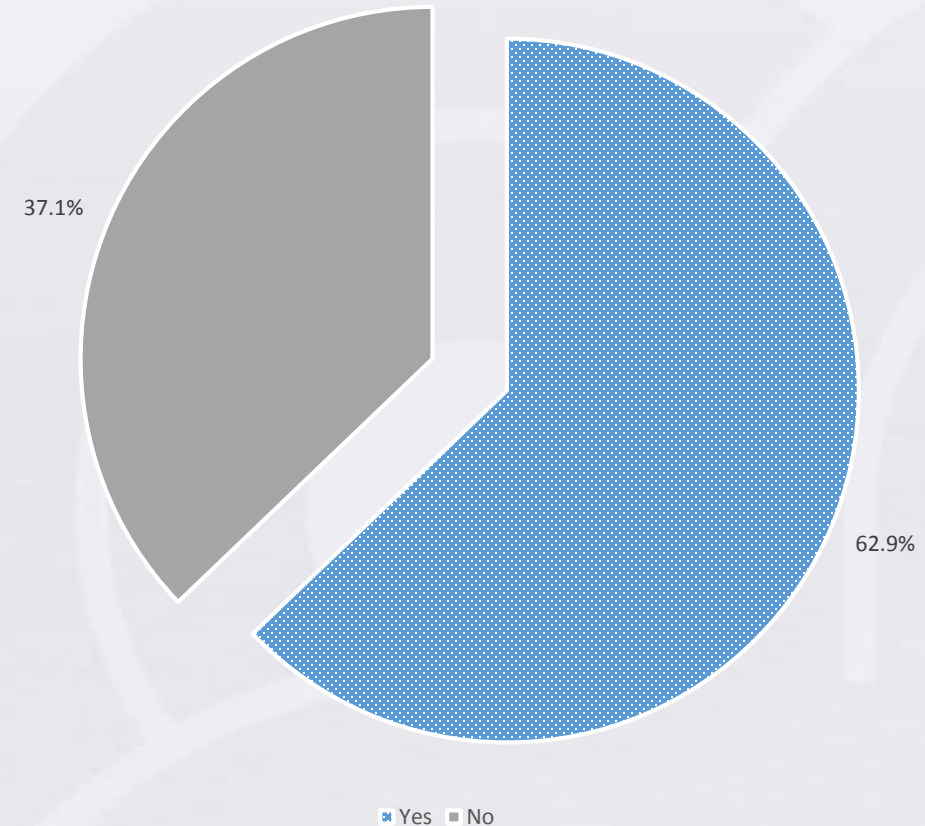


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Panel Membership

- 62.9% of respondents believed the panel should be changed. This was somewhat mirrored in the focus groups
- The majority of respondents felt the panel should be increased to three members to allow for a deciding vote.
- Other suggestions through included widening membership to community representatives, including representatives from more service areas in addition to Planning (e.g. partnerships and engagement) including more Lead Members, having an independent panel and having young people on the panel

Do you have suggestions about how the funding panel could be changed or improved in the future?



Local residents and local businesses should be involved as they are the ones who actually see and live with the problems.

I think you should have someone independently from the Council, maybe from the third sector.

There should be more people involved in the decision process.

A representative from a borough-wide voluntary organisation (e.g. CVS Brent) should be included.

Have an odd (say 3) number of panellists so there can be a majority decision.

Involve equality officers or council workers who work with migrant communities

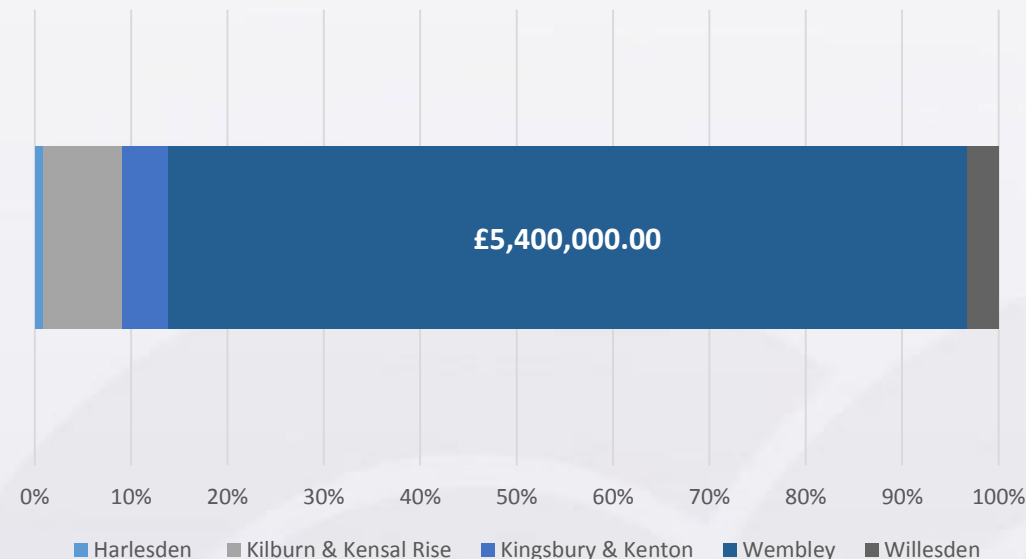
Needs to be more representative. Include reps from: Voluntary sector, culture, education, health, children & young people

A council member for sports, leisure and community, and 2 lay members with appropriate experience and skill, who can be neutral 'non-executives'



Distribution of Funds

- Distribution of funds was discussed in both focus groups, as well as in internal interview with different teams and key stakeholders
- The focus groups and interviews evidenced a perception that Wembley benefits the most, from development and NCIL, and poorer, more deprived areas like Harlesden who need more investment lose out
- General consensus that development affects the entire borough and therefore the entire borough should benefit from NCIL



People move around the borough to use services so should distribute should reflect this

Regeneration should benefit the whole borough

Still need to take into account where the development is happening

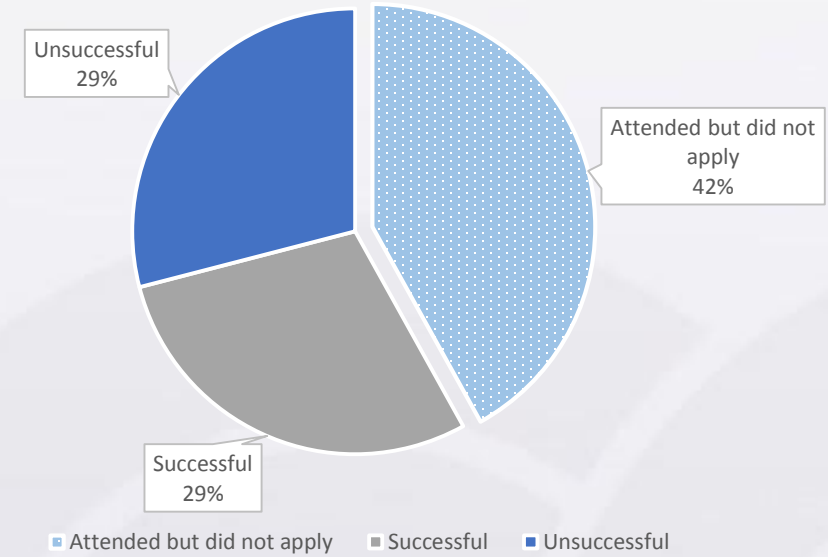


Response from consultation

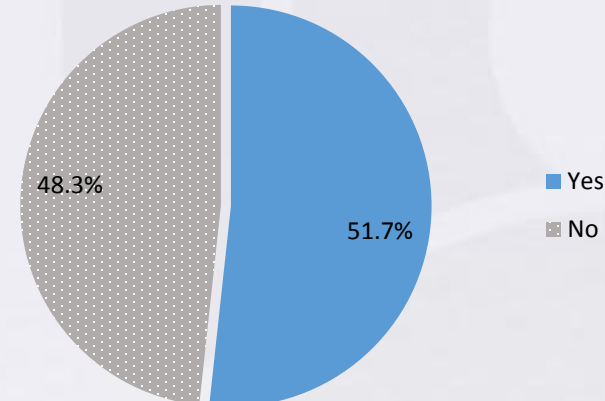
Capacity Building

- A number of survey comments addressed a need for increased support for community groups and internal teams flagged a need for additional oversight of project proposals
- In collaboration with CVS Brent, workshops are held in the run up to each application round. 50% of those who received support from CVS Brent (and made an application) were successful. Overall, many individuals attended a CVS Brent workshop but then did not go on to apply for NCIL funds
- 51.6% of survey respondents who had submitted an application had received support from CVS Brent. 81.6% of those who had received support felt it was either helpful or very helpful.

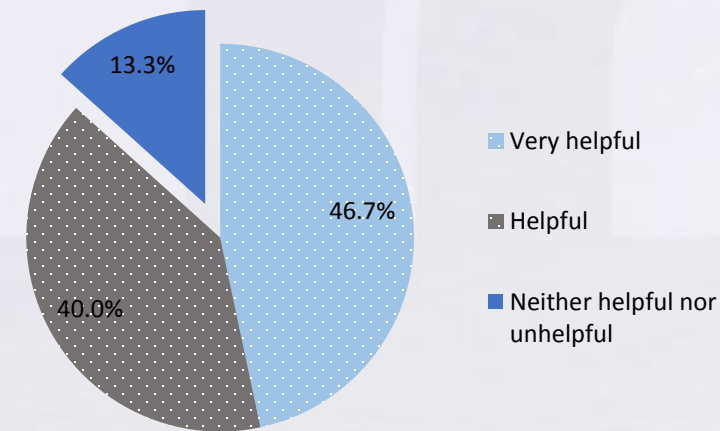
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Did you receive any support to prepare and submit your grant proposal form from Brent Council/ CVS Brent?



How helpful was the support?





Response
from
consultation

More detailed feedback given in the unsuccessful response, what could have been included or omitted...Having something in black and white would have helped and made me feel you had really looked at the bid and considered it.

Provide info to voluntary and community groups and to political party ward branches and encourage them to promote.

Communication and personal building of relationships - listen and act.

more engagement through the existing forums

More cost information – how have they arrived at their numbers

Offer CIL training and guidance workshops in evening and weekends not during day time when many people work. I have been unable to attend 2 CVS have put together as I have to go to work

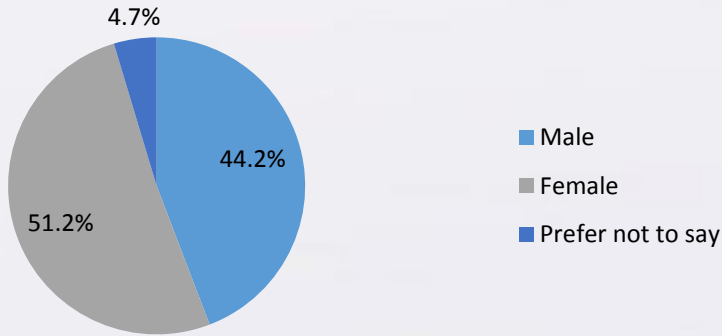
Impact on officers if project have impact on Brent Council

Equalities

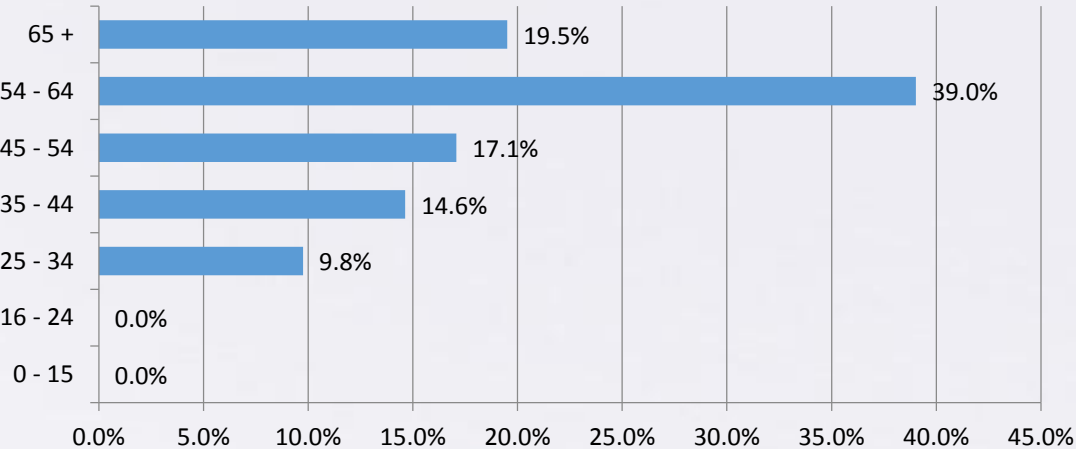
58.6% of respondents were happy to provide personal information

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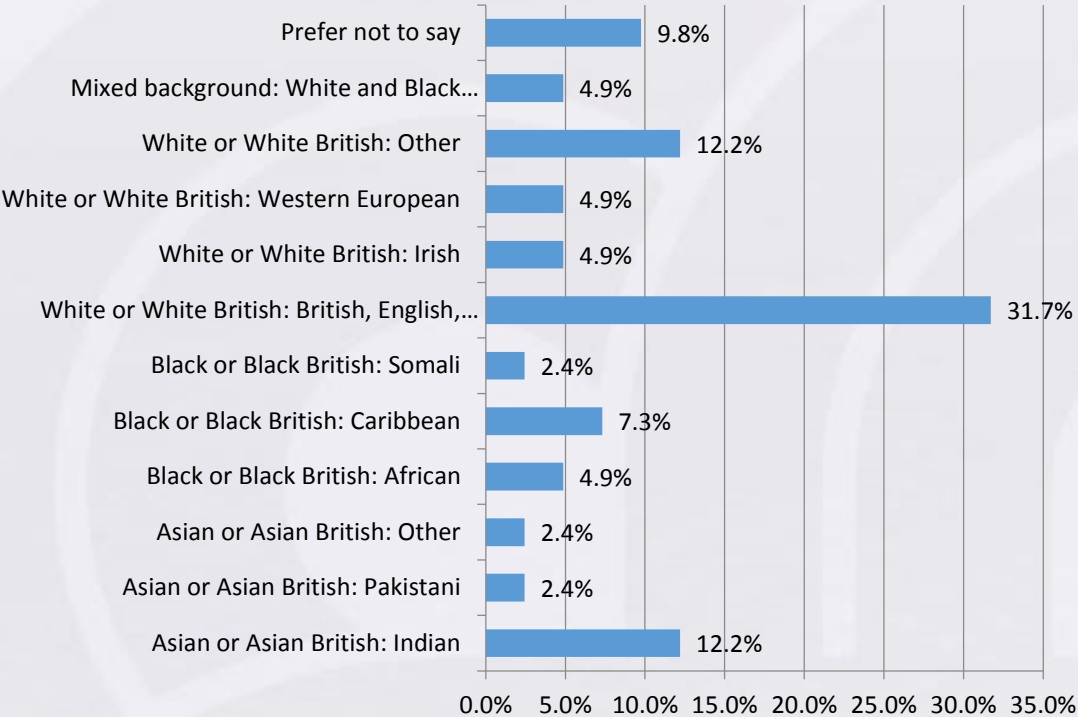
Gender



Age group

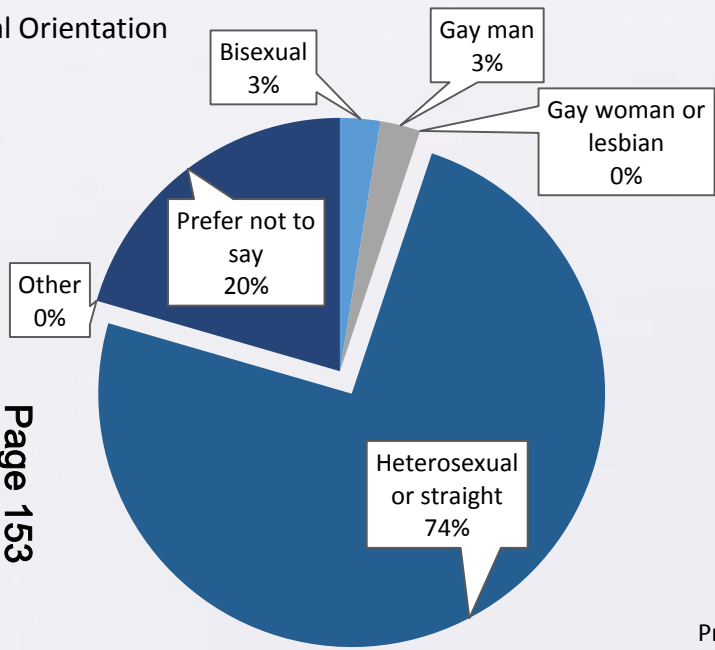


Ethnicity



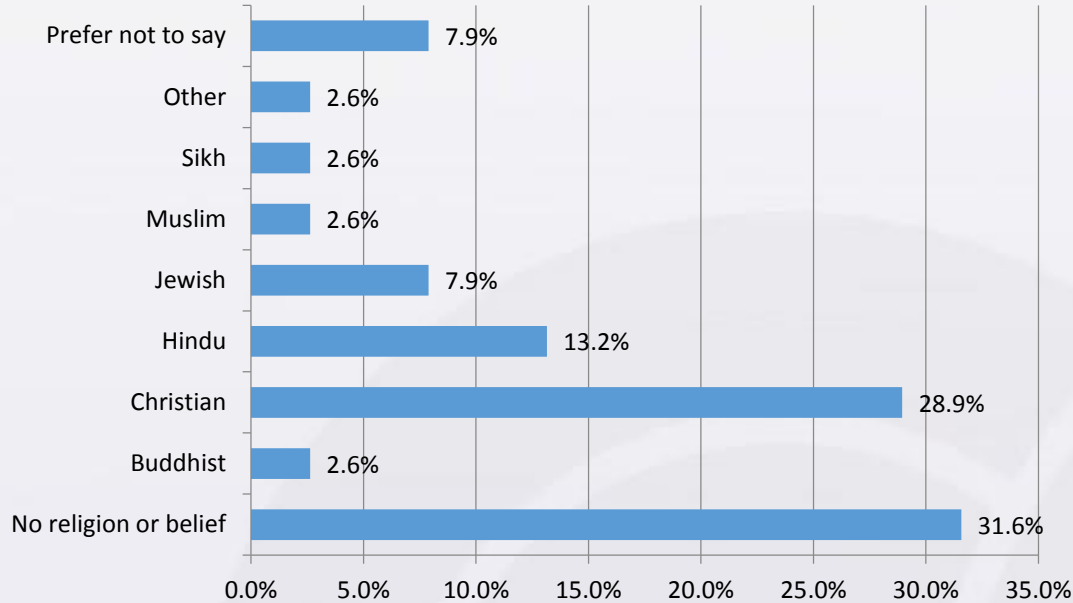
Equalities

Sexual Orientation

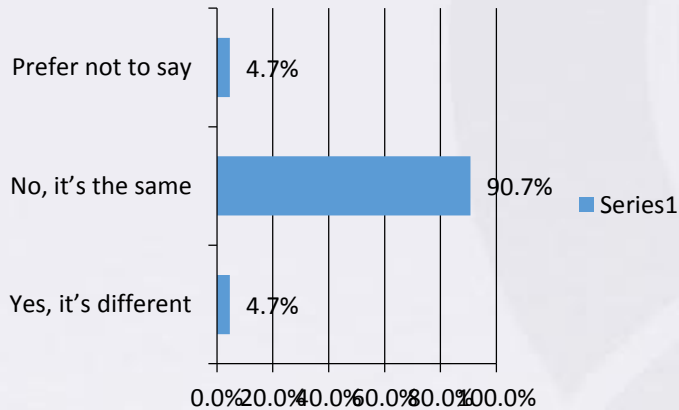


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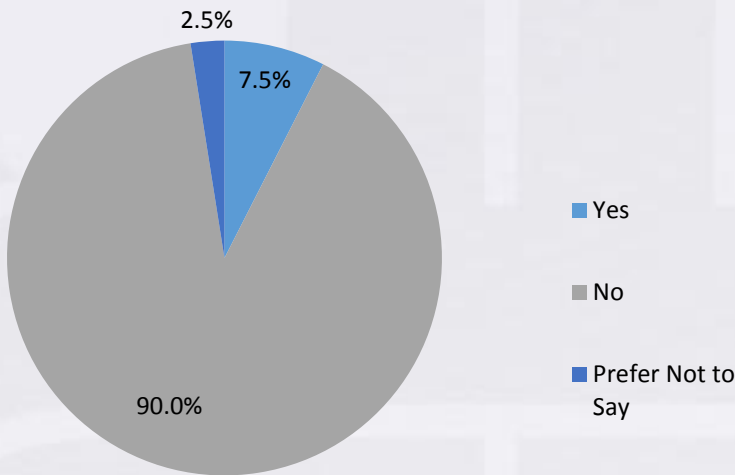
Religion or Belief




Gender - same as birth?



Do you consider yourself to be disabled?



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 Brent	Cabinet 14 January 2019
	Report of the Chief Finance Officer
Quarter 3 Financial Forecast 2018/19	

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>	Conrad Hall, Chief Finance Officer 020 8937 6528 Conrad.Hall@brent.gov.uk Ben Ainsworth, Head of Finance 020 8937 1731 Benjamin.ainsworth@brent.gov.uk

1 Summary

- 1.1. This report sets out the current forecasts of income and expenditure against the revenue budget for 2018/19 and other key financial data.
- 1.2. Overall the Council is expecting to underspend against the main general fund revenue budget by £1.4m. However, there are some significant issues in individual departments. There is a forecast overspend of £1.8m in Children & Young People, which has therefore worsened from the position forecast at the end of the second quarter, despite the management action intended to address the overspend. Offsetting this is a planned underspend of £3.2m in Regeneration and Environment, achieved through a combination of income generation and cost control measures as set out in paragraphs 3.19 to 3.23 inclusive. Of this £2.2m is proposed to be set aside to finance the 2019/20 projects as set out in paragraph 3.19 of the report. The other departments are forecast to spend to budget.

- 1.3. Table One summarises the overall position. The report then sets out more detail on a department by department basis.

Table One: Overall revenue financial position 2018/19

Department	Budget	Forecast spend	Variance
	£m	£m	£m
Children & Young People	41.6	43.4	1.8
Community Wellbeing	132.3	132.3	0
Performance, Policy & Partnerships	9.9	9.9	0
Regeneration & Environment	38.4	35.2	(3.2)
Resources	36.0	36.0	0
Subtotal Service Area Budgets	258.2	256.8	(1.4)
Other Expenditure	8.5	8.5	0
Subtotal Net expenditure	266.7	265.3	(1.4)
Business Rates, Council Tax and Specific Grants	(265.9)	(265.9)	0
Contingencies	(0.8)	(0.8)	0
Total General Fund	0	(1.4)	(1.4)
DSG funded activity	0	0	0
HRA funded activity	2.5	2.5	0
Overall position	2.5	1.1	(1.4)

- 1.4. A forecast underspend of £1.4m at quarter three is a significant improvement to the £1.5m overspend forecast as at quarter two.
- 1.5. However, it should be noted that the forecast for Children & Young People has worsened since quarter two by £0.3m. The planned management action has therefore not had the anticipated impact, and whilst this in part reflects changes to activity data which cannot always be controlled in the very short-term it also reflects in part the need to strengthen the action being taken to control day-to-day discretionary expenditure and longer-term financial control.

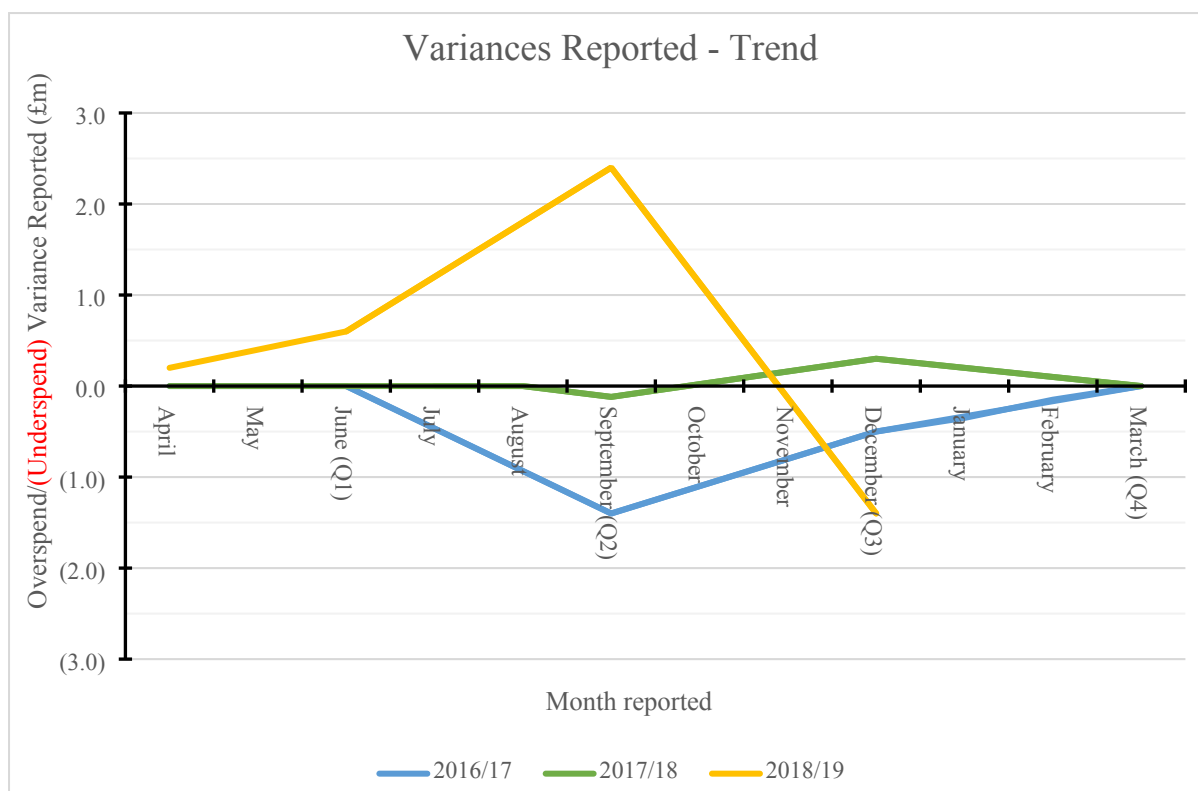
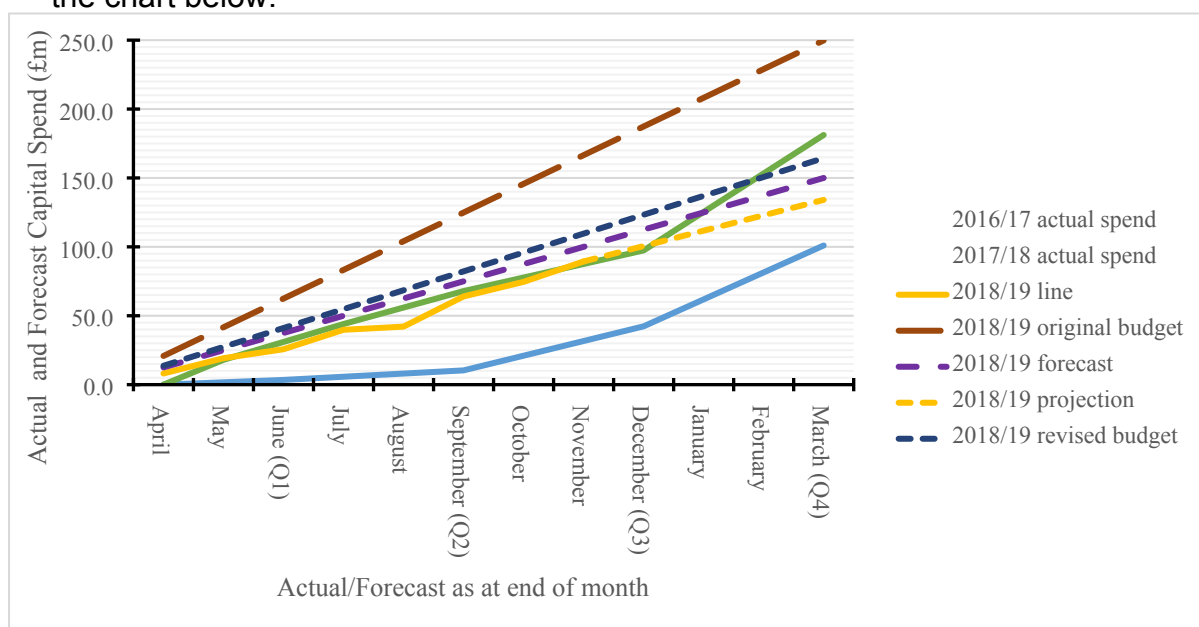


Table Two: Overall capital programme position 2018/19

Net capital spend is forecast to be over 90% of the revised budget.

2018/19	Original Budget (Incl. 17/18 c/fwds)	Revised Budget	Forecast Outturn	Variance
	£m	£m	£m	£m
Corporate Landlord	7.8	6.5	6.4	(0.1)
Regeneration	8.7	9.9	9.2	(0.7)
South Kilburn	8.2	18.4	12.2	(6.2)
Public Realm	19.5	20.2	17.4	(2.8)
Schools	24.4	27.7	25.0	(2.7)
Housing	21.9	15.4	15.8	0.4
Housing Revenue Account	53.8	32.4	32.9	0.5
Invest For Brent	55.5	34	31.1	(2.9)
Pipeline	50.0	0	0	0
Grand Total	249.8	164.5	150.0	(14.5)

- 1.6 The Capital Programme is currently forecast to underspend by £14.5m, principally on South Kilburn, Public Realm and the Schools as shown in table two below. The reasons for the underspends are detailed in section three below.
- 1.7. In previous years the council has underspent on its capital budget, as shown in the chart below.



2. Recommendation

- 2.1. To note the overall financial position and the actions being taken to manage the issues arising.

3. Detail

Children and Young People (General Fund)

- 3.1. The Children and Young People department is forecast to overspend by £1.8m. This compares to a broadly balanced budget position in 2017/18. The overspend is mainly caused by a temporary spike in demand for Children's Social Care in the last 12 months. There are three main demand led causes of the overspend in 2018/19; higher numbers of cases in the Localities service, higher spending on supporting children in care and care leavers in need, and increased numbers of LAC placements for non-asylum seeking children. These three areas of demand are each causing a pressure of approximately. £1m+, or over £3m in aggregate. This report shows and describes the mitigations and management actions being taken against this pressure.

CYP General Fund position

Service Area	Budget	Forecast	Variance
Central Management	0.8	0.8	0.0
Early Help	5.3	5.2	(0.1)
Inclusion	1.7	1.2	(0.5)
Localities	10.1	10.9	0.8
LAC and Permanency	5.8	6.7	0.9
Partnership, Planning and Performance (CYP PPP)	16	16.9	0.9
Safeguarding, Quality Assurance	1.7	1.6	(0.1)
Settings and School Effectiveness	0.2	0.1	(0.1)
Total	41.6	43.4	1.8

- 3.2. The total number of cases of individual children referred to and supported by the Localities service, excluding Children with Disabilities (CWD), rose from 1,350 in October 2017 to a peak of 1,601 in the summer of 2018. The Ofsted ILACS inspection report in May 2018 stated that the service ‘makes good decisions about levels of risk and need’, but it recognised that partner agencies should be completing more early help assessments. CYP have since worked with partners to reduce the number of statutory assessments taking place. In addition work was undertaken to improve processes at the ‘front door’ to make sure only appropriate cases passed onto the service. Case numbers have fallen throughout the autumn and are now at a level which can be supported by the budgeted establishment. Following the social work realignment which committed to safe social work case-loads, the budgeted establishment can support 1,350 cases (excluding CWD).
- 3.3. The Localities service is now taking action to reduce the number of agency social workers whilst maintaining the commitment to safe caseloads. This year the service has had to run over establishment, with up to a third of the case holding staff being agency workers. The full year impact of this would be a £1.1m overspend. The plan is to reduce agency social worker FTE each month until year end, which should reduce this pressure by up to £0.3m. CYP management will carefully manage this action as a change of social worker is disruptive to a child’s wellbeing. This action is of course dependent upon case numbers remaining within budgeted levels, but assuming this stays level the service will be in a better position to operate within budget in 2019/20.
- 3.4. The proportion of front line social workers employed via agency contract remains at 33%. Use of agency staff elsewhere has also contributed to financial pressures across CYP. Management are taking action to contain costs by ensuring that Agency staff take holidays, limit the length of any handover periods, and ensuring rates paid are within approved levels. Since October all requests for recruitment have required Operational Director approval if they are to go ahead. These mitigation measures are costed across various service areas.

- 3.5. Spending by the LAC and Permanency service on supporting children in care and care leavers in the first half of 2018/19 increased compared to the same period last year and this will result in an over spend. Some of this is emergency spend, but other support is discretionary and management are implementing spending controls to contain this. A review of entitlements for LAC and Care leavers resulted in reduced monthly spend on client support in October. Management have committed to a target reduction of £0.1m for the rest of the year as a mitigation against the overspend.
- 3.6. The total number of cases currently held within the LAC and Permanency service is within the safe thresholds recommended by Ofsted and so it has been agreed to reduce agency FTE in December and January, so that the service is under establishment. CYP management will do so carefully to avoid disruption to a child's wellbeing caused by a change of social worker. This will create an underspend against the establishment budget until year end. In the medium term the number of care leavers is forecast to rise, so this will need to be reviewed in 2019/20. The resulting forecast after the mitigating actions described above for the LAC and Permanency service is £0.9m overspent.
- 3.7. The CY PPP budget is mainly made up of placements costs. Whilst LAC numbers remain low at approximately 300, (42 per 10,000 compared to a national average of 60 per 10,000), the placements budget also covers adoption allowances and care leavers in semi-independent or staying put placements. The total number of placements supported in October is 630, which is marginally lower than the average for 2017/18 of 635. There are two higher cost residential school placements, but the increase in expenditure compared to last year is mainly due to the unit cost increases. The cost of an independent foster carer has risen by £50 (6%), and the cost of a residential home has risen by £100 (3%). The service is also forecasting less income as there are now fewer UASC children within the LAC cohort, which means that fewer of the placements are supported by the government's UASC grant and so this is a pressure on CYP budgets.
- 3.8. In the medium term it is expected that suppliers on the West London Alliance framework will hold their prices over the next two years, and there is evidence to show that placements procured through this framework are cheaper than those which have been spot purchased. Adhering to the framework is therefore important to achieving a balanced budget on placements in future. The forecast overspend on placements for 2018/19 is £1m. The cost of social care for Children and Young people has now been recognised as a national issue, and the autumn budget announced some limited funds to help meet this pressure in 2019/20.
- 3.9. Other mitigating actions against the overspend position involve scrutinising all expenditure, delaying staff recruitment where possible, deferring training requests for the rest of the year, and recognising in the forecast underspends achieved in advance of the recommended future savings proposals. Any overspends that have not been managed down by the year-end will in the first instance be met by draw-downs from departmental reserves.

Community Well-Being (General Fund)

- 3.10 The Community Well-being department has a budget of £132.3m and is forecasting to spend within budget. Within this, the four parts of General Fund Community Well-Being are all forecasting to break-even: non-HRA housing net budget (£7.3m), Adult Social Care (budget £105m excluding winter funding including BCF funding), Culture (budget of £5.3m) and Public Health (budget of £21.7m).
- 3.11. Adult Social Care is expected to make £2.4m of savings in 2018/19. Most (£1.9m) of these savings are expected to be delivered through the New Accommodation for Independent Living (NAIL) programme. This will be a challenging saving to achieve due to delays in the private market delivering NAIL schemes which has consequently led to further delays to the Council to mobilise these schemes. The total planned NAIL savings are still expected to be delivered, but later in the programme life. Therefore, it is likely that at least some of the planned NAIL savings for this financial year will need to be funded through the iBCF grant in this financial year only.
- 3.12. The other planned saving of £0.4m of additional Continuing Healthcare Funding is at present forecast to be achieved. However, it is also proving to be challenging to sustain as there has recently been a reduction in funding for jointly funded packages following recent reviews where it has been determined that these packages no longer have the same level of ongoing health requirements as when the packages were previously assessed. The department is continuing to challenge the CCG decisions robustly, but joint funding remains a key risk.
- 3.13. There has been a significant growth in the demands for Older People's and Learning Disabilities Services which reflects demographic growth but also an increase in acuity meaning that the Council is receiving more cases of older people with multiple long-term conditions including Dementia and younger adults with more complex Learning Disabilities. If these trends continue this will create a budget pressure for Adult Social Care.
- 3.14. The Council is receiving £1.3m from Department of Health and Social Care to support the NHS to manage winter pressures through enabling patients to be discharged from hospital earlier and reduce delayed transfers of care attributable to social care. Therefore the Council will spend this funding to purchase additional residential and nursing placements and homecare packages as well employing additional social work and occupational therapy staff. This spending plan has been agreed with local health partners. This funding is also been provided for 2019/20 and will form part of the Better Care Fund pooled budget.
- 3.15. The 2018/19 non-HRA housing net budget is £7.3m. The planned conversion of properties from Temporary Accommodation into either Affordable Rent or Discounted Market Rent which would bring higher income is behind schedule. The delays have been caused by strict rules regarding the different types of

housing. Whereby a property deemed suitable as Temporary Accommodation may be deemed unsuitable as a different type such as Affordable Rent after conversion, even with the same tenants. In addition, some customers have rent arrears which also prevents conversion from taking place. However the forecast overspend will be covered through the Flexible Homelessness Support Grant and will not lead to a budget deficit.

- 3.16. The continuation of the Housing Association Lease Scheme (HALS) for Temporary Accommodation (TA) is at risk. HALS are seen to be one of the most cost effective TA schemes and currently make up 52% of TA usage (1,101 families of the 2,134). HALS schemes cost the council £31pw prior to October 2018 and £11pw subsequently, with housing benefit now covering an additional £20/week of the management fees charged.

Performance, Policy and Partnerships

- 3.17. Performance, Policy and Partnerships is forecast to breakeven overall. There is a forecast overspend within the Communications budget of £0.3m, due the timing of delivery of additional income to meet its savings target. However, this is compensated by an underspend within the Transformation team budget of £0.3m due to vacant posts within the budgeted establishment. It should be noted that some of these posts are intentionally being held vacant to tie in with the proposed savings to be delivered by PPP in 2019/20.

Regeneration & Environment

- 3.18. Regeneration and Environment department is currently forecasting an underspend position of £3.2m. The expectation, subject to discussion at CMT, is that £2.2m of this should be retained in departmental reserves at the year-end, to fund either (or a combination of):
- A contribution to the planned investment in improving the condition of the roads and, especially, pavements; or
 - Transformational project work to improve the department's ability to generate future income.
- 3.19. The underspend has been achieved through several key management controls and fiscal discipline. Of the total £3.2m:
- £1.2m is the result of holding staffing vacancies as they arise, including to ensure that recommended savings for 2019/20 can be delivered early;
 - £0.5m which had been earmarked for works on potholes which will now be met from the additional government funding of £0.7m (for Brent) announced in the Chancellor's budget in October
 - £0.5m arises from adjustments to the accounts with West London Waste, with budgeted additional costs not being realized to quite the degree anticipated and some income being returned to the council; and
 - Further underspends of £1m as set out in paragraph 3.23, below.
- 3.20. A pressure still remains within the Parking and Street lighting service which is currently forecast to overspend by £0.3m a £0.2m improvement from last quarter's reported position of £0.5m overspend. This reduction is mainly due to

the increase in revenue projected for penalty charge notices (PCN), and the use of capital resources to fund the costs of CCTV replacements. The overall pressure is attributable to a shortfall in income as a result of factors such as the delay in approving the introduction of the diesel car permit surcharge and income shortfalls against parking permit sales and pay & display usage. These pressures are also offset by an increase in revenue from suspensions and dispensations.

- 3.21. Due to the volatile nature of the service, the Brent Transport service is currently forecasting an overspend position of £0.1m due to SEN demand increases. Although the 2018/19 budget was increased during the budget process through a combination of corporate contingencies and earmarked reserves following increases in demand highlighted in previous years i.e. 11.4% increase in 2016/17 and a 22% increase in 2017/18, a pressure has still arisen.
- 3.22. These pressures have been offset by underspends from increased income generation expected in Environmental Health areas i.e. pest control, funerals and cemeteries of £0.4m. Regeneration is also anticipating additional income of £0.5m arising from building control due to additional project works won, planning fee income and additional income from street trading. Further underspends of £0.5m have arisen as a result of in year vacancies across the department. There is also a projected underspend of £0.1m against the Public Realm contract mainly due to not having to fund additional bin deliveries this year and the impact of an in year vacancy.

Resources

- 3.23. The Resources department is forecast to breakeven overall. There is a forecast overspend within the Digital Services budget due to additional use of contractors to deliver service improvements. There is also a forecast overspend within the Procurement budget due to additional use of interims ahead of the planned restructure. Both of these issues are one off and are not planned to reoccur in 2019/20. Mitigating actions are being taken to offset these overspends and so at present the overall forecast remains as breakeven.

Central items - Collection Fund

- 3.24. The budgeted net collectible amount for Council Tax (after exemptions, discounts and Council Tax support) is £143.2m. The actual net collectible amount as at October 2018 was £140.9m, an increase of £0.2m since July 2018. This is expected to increase further during the year as more properties are built in the borough and recorded with the Valuation Office Agency, but is unlikely to achieve the budget set this year. This is being closely monitored, and the shortfall is forecast to be eliminated over the timeframe of the medium term financial plan. For context, the budgeted net collectible amount in 2017/18 was £132.9m and the actual amount at the end of the year was £132.5m. As at the end of October 2018 the amount collected was 0.1% higher than the in-year target, an improvement compared to the previous year.

- 3.25. The budgeted net collectible amounts for Business Rates (after exemptions, reliefs and discounts) is £133.7m. The actual net collectible amount as at October 2018 is £136.6m, a decrease of £0.7m since July 2018. This figure can vary during the year as new assessments are made, which may be entitled to certain reliefs, and assessments are deleted, if businesses either leave the borough or go into administration. As at the end of October 2018 the amount collected was 2.6% lower than the in-year target. This is not a cause for concern as it is primarily attributed to the timing of recording income and performance is expected to get back on track during the year.

Central items - Corporate Savings targets

- 3.26. At present two corporate savings targets are held centrally, Procurement and Civic Enterprise savings.
- 3.27. Procurement savings of £8m were committed between 2017/18 and 2018/19. The target for 2018/19 is £4.5m and a balance £1.7m remains as at quarter three. Further work is being undertaken to manage this as the pipeline of contracts is regularly reviewed and so far an estimated £1m of further savings have been identified to go against this target. This work will continue and it is expected that in the medium term this target will be achieved.
- 3.28. Civic Enterprise savings of £2.5m were committed between 2017/18 and 2018/19. £1.3m of savings have been delivered, leaving a balance of £1.2m as at quarter three. Further work is being undertaken to identify additional income streams to be badged against this target and it is expected that this target will be achieved in the medium term.

Central items - Capital financing and other central items

- 3.29. The capital financing budget for 2018/19 is £23.0m, this is currently forecast to be spent as below. Zero variance on this is being forecast.

	£m
Interest Payable	23.5
Interest Receivable	(13.3)
Capital Financing and Minimum Revenue Provision	12.8
Total	23.0

Dedicated Schools Grant

- 3.30. The Dedicated Schools Grant (DSG) expenditure budget totals £315m which is supported by £312m of grant income and £3m of DSG reserves released in consultation with Schools Forum as one off funding. The £315m represents the total cost of funding education to early years and school age pupils in the borough before recoupment of funds by the Department for Education to fund

the borough's Academies. In addition £3.5m of sixth form funding is received and passed onto maintained schools with sixth form provision. Overall the DSG is forecast to overspend by £0.1m, but there are large variations on the High Needs block and the pupil growth fund. The overspend can be met from DSG reserves in 2018/19, but the growing cost of High Needs provision is a serious concern for future years. This position is replicated across London and nationally. Brent's DSG funding is not yet in deficit, unlike the situation faced by some other local authorities, and it is interesting to note that the DfE recently released a consultation proposing that "negative reserves" be allowed, which would not only be an undesirable accounting device to try and delay, slightly, a serious problem materialising, but suggests that the scale of the issue nationally is not yet appreciated by the DfE.

- 3.31. There will be little variance in the net position of the funds allocated to schools (£229m), the funding formula is already set for 2018/19 and in-year academy conversions will have little net impact.
- 3.32. The Early Years Block budget is £24m. The position of the block's income and expenditure should be broadly balanced as 95% of funding received for each child is passed on to fund providers, with 5% (£1.2m) funding centralised early years support. The number of children in provision in January 2018 was slightly lower than in January 2017, so it is likely that the income and expenditure outturn will be marginally lower than the £24m budgeted.
- 3.33. The Central Block of the DSG (£2.4m) funds central services for schools and this is forecast to spend to budget at this stage.
- 3.34. There will be variances to budget in the High Needs Block (£54m), and the growth budget which is funded from the main schools block. The High Needs block underspent in recent years but is now experiencing growing demand led pressures. The block supports high needs pupils in specialist provision, in mainstream settings, and provides specialist support services. Although there has been an increase in the amount of in-borough places, which are less costly than places out of borough, the increase in number of High Needs children and increased severity of need means there is a forecast overspend of £3m on the total cost of these placements.
- 3.35. The rise in demand includes increased numbers of post 16 places where approx. 180 young people are now supported compared to 150 in the previous year, a rise of 20% well in excess of demographic growth. The number of Education Health and Care Plans (EHCPs) is approximately 2,200, compared to 1,600 statements three years ago. Many of these plans are for children in mainstream settings, and additional funding is allocated to the schools according to need. This is an additional pressure on the High Needs Block. Work is continuing with a Schools Forum sub-group on addressing the pressures for the 2019/20 budget.
- 3.36. There will be compensating underspend against the growth contingency budgets (£3m) which are prudently set aside for localised primary growth and for the demographic bulge in Secondary phase pupil numbers. Final

allocations will be known at the end of the autumn term, but the indications from the number of primary place offers made are that there will be an underspend on these budgets of at least £2m. It should be noted that the DfE will change the amount of funding allocated for growth in 2019/20, essentially by adopting a national formula for this rather than letting councils plan these budgets locally. It is expected that this will result in a £1.2m funding reduction for Brent in 2019/20.

- 3.37. The underspend on growth budgets will substantially compensate for the overspend on high needs, with DSG reserves meeting the balance of the High Needs pressures. This should leave DSG reserves of at least £3m at year end, but this will need to be held against the high risk of a repeated overspend of the High Needs Block in 2019/20 and diminished funds for growth. The blocks will continue to be monitored and reported to Schools Forum in addition to Cabinet.

Housing Revenue Account

- 3.38. Overall the HRA is forecasting to spend in line with the net budget of £2.5m. However, there are some unbudgeted pressures estimated at £0.3m that will require close monitoring to ensure it is contained within existing budgets.
- 3.39. The pressures relates to £0.1m for cleaning contract inflationary uplift higher than budgeted for, £0.1m to fund a new tenants' employment hub, and £0.1m for un-accrued payments to third parties for decanting tenants in previous years.
- 3.40. Salary budgets will partially offset budget pressures during the transformation programme due to a number of posts being unfilled partway through the year, also leasehold service charge actuals are higher than budgeted and will contribute towards mitigating the risk.
- 3.41. The final accounts for leaseholder major works billing is currently being finalised and invoices expected to be issued in January 2019.

Capital – Overall

- 3.42. The programme for 2018/19 currently stands at £164.5m. The original budget of £249.8m has been revised to take account of budget virements and an extensive re-profiling exercise across the three year programme. The programme is currently forecast to spend £150m for the year which is 91% of target.

2018/19	Original Budget (Incl. 17/18 c/fwds)	Revised Budget	Forecast Outturn	Variance
	£m	£m	£m	£m
Corporate Landlord	7.8	6.5	6.4	(0.1)
Regeneration	8.7	9.9	9.2	(0.7)
South Kilburn	8.2	18.4	12.2	(6.2)
Public Realm	19.5	20.2	17.4	(2.8)
Schools	24.4	27.7	25.0	(2.7)
Housing	21.9	15.4	15.8	0.4
Housing Revenue Account	53.8	32.4	32.9	0.5
Invest For Brent	55.5	34	31.1	(2.9)
Pipeline	50.0	0	0	0
Grand Total	249.8	164.5	150.0	(14.5)

Corporate Landlord

- 3.43. Cabinet originally agreed a budget of £7.8m. Transfer of the Energy scheme to South Kilburn and other minor changes reduced the budget to £6.5m. At this stage the programme is showing an immaterial underspend. A small underspend is expected on the Digital Strategy Programme with mobilisation issues meaning that most of the expenditure is now expected to occur in 19/20 and 20/21. This is partly offset by an overspend on the ICT programme.

Regeneration

- 3.44. The programme is currently forecasting to spend £9.2m or 93% of budget for 2018/19 with the underspend spread across a number of small projects.

On Wembley Housing Zones officers are working closely with the design team and cost consultants to develop design options. The size of the final scheme will be dependent on the acquisition of the adjoining land.

St Raphael Estate Regeneration Programme is in feasibility/concept phase, to inform the consultation process that has recently commenced with residents.

South Kilburn

- 3.45. South Kilburn Regeneration scheme is forecasting to spend £12.2m of the £18.4m budget for 18/19. The £6.2m variance is spread across several schemes however the main contributory factor is difficulties in meeting the acquisition targets in accordance with the current programme. Additional resource has been added to the Property Acquisition Team to help address the rate of purchases.

Public Realm

- 3.46. The expected outturn for the programme is currently reported as £17.4m against an approved budget of £20.2m. This is mainly due to delays in confirming S106 funded schemes within the highways and infrastructure portfolio.
- 3.47. On street lighting (LED) programme, the PFI contract came to an end 30th November 2018 and a compliant procurement route has been identified to enable the contractor to continue installation without interruption beyond the end date. As of end October 2018 16,700 LED upgrades out of a total of approximately 21,000 have been completed. The CCTV programme is reporting that the additional work within the Harlesden & Tokyngton area will be completed within the existing timescales.

Schools

- 3.48. The expected variance for the schools programme is £2.7m in 18/19, a minor movement from previous report. The main reason for the variance being a reduction in the Phase 4 Primary programme forecast which has been revised to reflect the outcome of the School Place Planning Strategy presented to cabinet in November 2018. In addition, there has been a release of unused contingency that was built into the school place expansion programme. The School Capital Improvement programme forecast has also been reduced to reflect the need to re-schedule works from 18/19 to 19/20 to address previously unforeseen requirement to undertake works in the next significant school holiday period.

Housing, Care & Investment

- 3.49. Cabinet originally agreed a total Housing budget of £105.6m for 2018/19 (Housing GF, HRA & I4B) which was revised to £81.8m after taking account of 17/18 carry forwards and the re-profiling exercise. The most notable movements relate to the Church Road, Major repairs and Maintenance and NAIL (HRA) schemes, which has been re-profiled to future years. The programme budget for 2018/19 was also initially expected to cover the NAIL Plot 3 project which is now unlikely to progress as the developer's request to consider a leasing scheme was reviewed and rejected. Alternative NAIL proposals are now being considered.

The main variance for 18/19 relates to the NAIL Purchase and Refurbishment project which is expected to overspend by £0.4m and enfranchisement by £0.5m.

I4B

- 3.50. The I4B programme has spent £19m as at October 18 and is expected to underspend by £2.9m reflecting both a challenging market and the requirement for i4B to meet the revised yield targets.

Pipeline

- 3.51. The pipeline provision (£50m) has been pushed back into 19/20 as it is unlikely that any pipeline schemes will be approved and ready to spend during the current financial year. A report is scheduled for January 2019 Cabinet setting out in detail the capital pipeline proposals and making recommendations as to which schemes should be prioritised for the main programme. This is necessary as the proposals include over 100 individual potential schemes worth £1bn, which exceeds the c£360m provision built into the current three year programme.

Conclusion

- 3.52. Currently, the forecast shows that the revenue financial position for the council in 2018/19 is of a forecast underspend of £1.4m. There are some further risks identified that could develop into overspends if the council is unsuccessful at addressing them.
- 3.53. Work has been undertaken on the profiling of the capital budget, and the forecast expenditure for 2018/19 of £150m is challenging, but achievable.

4. Financial Implications

- 4.1. This report is about the council's financial position in 2018/19, but there are no direct financial implications in agreeing the report.

5. Legal Implications

- 5.1. Managing public money responsibly is a key legal duty, but there are no direct legal implications in agreeing the report.


6. Equality Implications

- 6.1. There are no direct equality implications in agreeing the report.

Report sign off:

CONRAD HALL
Chief Finance Officer

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	Cabinet 14 January 2018
	Report from the Chief Finance Officer
Development of the capital programme and capital pipeline proposals 2019/20 – 2021/22	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three: 1. Comprehensive list of capital pipeline proposals 2. Complete list of all proposals with descriptions 3. Resultant revised 3 year capital programme
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Daniel Omisore Head of Finance Email: Daniel.omisore@brent.gov.uk Tel: 020 8937 3057

1.0 Purpose of the Report

- 1.1 This report outlines the Council's updated approach to prioritising future capital investment, ensuring it is in line with our aspirations and reflective of the priorities and circumstances within Brent. It also explains the framework within which the Council's long-term capital investment plans have been prioritised and brought forward for consideration as part of the financial planning and budget setting process.
- 1.2 These proposals will draw upon multiple funding sources. In particular as Strategic CIL receipts have now surpassed the levels required to begin to undertake major infrastructure projects the proposals in the report, if agreed, will eventually result in the allocation of in excess of £40m of CIL receipts, which represents 100% of total receipts as at 31 March 2018.
- 1.3 It is worth noting that although this report is principally about codifying the process for bringing forward capital proposals from the pipeline to the main programme, other benefits could arise. These proposals will facilitate a more strategic approach to capital investment and avoid the risk of sub-optimal decision making caused by assessing capital proposals in isolation of wider considerations. At the same time, it could improve capital forecasting and reduce the instances of programme slippage as it provides an opportunity to pause before formally committing funds to the capital programme, allowing time to compile detailed business cases and more realistic project timelines.

- 1.4 As described in more detail in the report, the process to date has essentially been to encourage responsible officers to identify all their likely capital needs over the next four years or so. Inevitably, this means that the current list of possible projects is over subscribed. We are therefore proposing the introduction of a permanent pipeline that sits alongside the main programme. From this pipeline, capital schemes can then be promoted to the main programme when it is not only affordable, but strategically advantageous to do so.
- 1.5 There is no fixed limit to the size of the capital programme. The Council can set it at whatever size it likes provided it is affordable (the technical definition of which is provided by the 'prudential indicators' agreed by Council each year). In the revenue budget growth for the cost of the capital programme – interest and debt repayment charges – has been assumed, based on the Councils long term capital aspirations. If the list of projects now identified in appendix 2 are approved it would add more revenue cost in future years, but at present this can be contained within our existing budget growth assumptions which assumes that a number of these proposals will generate ongoing revenue savings and attract grant funding.

2.0 Recommendation(s)

- 2.1 Cabinet approve the introduction of the permanent capital pipeline (as set out in Appendix 1).
- 2.2 Cabinet agree that the schemes listed in Appendix 1 (Column A) are promoted from the pipeline to the main programme.
- 2.3 Cabinet note that in future, the remaining pipeline schemes will be individually moved to the main programme (and hence formally committed) when it is strategically and economically advantageous to do so but always subject to the submission of detailed business cases and Cabinet approval where applicable.
- 2.4 Cabinet agree that in light of recommendation 2.2 above, the revised 3 year capital budget (Appendix 3) is adopted and presented to Council for approval as part of the Budget & Council Tax Report in February 2019.

3.0 Detail

- 3.1. The Council has embarked on an extensive capital programme, with plans already underway to invest c£0.8bn throughout the borough. This sum includes significant spend across the General Fund (GF) and the Housing Revenue Account (HRA) and aims to support the strategic aims of the Council, as defined in the Borough Plan and Brent 2020 Vision. These schemes will help to modernise Brent and enhance the boroughs reputation as an attractive place to live, work, attend school or college, start a business or for leisure, play and recreation.
- 3.2 To support these aims in February 2018 Council agreed a £425m capital programme. However, recognising that this would need to be added to, they also agreed a budgetary pipeline provision of £410m to facilitate the implementation of future schemes such as NAIL, PRS, I4B loan funding and other major infrastructure projects, bringing the overall sum to £835m (Table 1). Legally, this means that this funding is within the Budget & Policy Framework and hence can be subject to Cabinet and not Council decision making.

3.3 The current capital programme arranged according to portfolio (including the pipeline allowance) is set out below in Table 1. This can be used as a guide in classifying current overall investment plans, however in reality, many of the schemes are cross cutting and hence span across several portfolios.

Table 1 Summary Capital Programme

Portfolio Holder	Portfolio	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	Total
		£m	£m	£m	£m	£m	£m	£m
Resources: Cllr M McLennan	Barham Park Trust, Civic Centre, Digital Strategy, Energy, Libraries, Property Management	6.5	2.2	1.7	0.0	0.0	0.3	10.6
Regeneration: Highways, Planning: Cllr Tatler	Bridge Park Regeneration, Grants to outside bodies, NCIL, NHB, Olympic Way, Housing Zones, Town Centre Regeneration, South Kilburn, Landscaping, parking, street lighting, Highways, TFL	45.6	34.2	42.0	33.9	5.6	5.6	167.0
Community Safety: Cllr T Miller	CCTV, Environmental Health	2.4	0.0	0.0	0.0	0.0	0.0	2.4
Public Health: Culture & Leisure: Cllr K Hirani	Sports	0.4	0.5	0.0	0.0	0.0	0.0	0.9
Environment: Cllr K Sheth	Parks, Cemeteries	1.2	0.2	0.0	0.0	0.0	0.0	1.4
Schools: Employment & Skills: Cllr A Agha	School and school expansions	23.8	7.2	4.6	2.6	3.2	0.0	41.3
Housing & Welfare Reform: Cllr E Southwood	<u>GENERAL FUND</u> Aids & Adaptations, Travellers site, PRS, I4B	45.5	36.3	12.0	6.0	0.0	0.0	99.8
	<u>HRA</u> Condition surveys, Infill, Major Repairs	32.4	22.8	16.6	0.0	0.0	0.0	71.7
Adult Social Care: Cllr H Farah	NAIL Schemes	3.9	20.6	5.3	0.0	0.0	0.0	29.8
SUB TOTAL		161.6	123.9	82.2	42.4	8.8	5.9	424.9
All	Budgetary Pipeline Provision	0.0	70.0	136.9	135.8	46.0	21.8	410.6
GRAND TOTAL		161.6	193.9	219.1	178.2	54.8	27.8	835.5

New capital bids

- 3.4 New capital proposals are generally considered within the Council's overall medium to long term priorities, and the preparation of the capital programme is an integral part of the cyclical financial planning process. An important aspect of this undertaking includes taking full account of the revenue implications of capital projects in the revenue budget setting process. This impact is monitored via the revenue budget monitoring and reporting procedures during the year as well as the setting and reporting of Prudential Indicators twice a year to the Audit & Standards Advisory Committee.
- 3.5 As noted above the current capital budget (18/19 to 20/21), approved in February 2018 includes an additional budget provision of approximately £410m for potential schemes such as NAIL and PRS schemes or potential infrastructure projects funded by strategic CIL and other sources. Formal approval to spend wasn't sought at the time, instead these estimates were used for the capital financing calculations and prudential indicators to ensure that capital expenditure and revenue borrowing requirements were properly aligned.
- 3.6 Inclusion of the pipeline provision has helped in establishing the affordability of the Council's future capital investment plans and, in time, it is envisaged will become a key contributor to the Council's savings targets. In many respects this is akin to a "contingency" built into the programme to be utilised for future major strategic projects subject to development of robust business cases.

Pipeline schemes

- 3.7 Since the original budget was agreed by full Council in February 2018 the individual capital sub-boards have developed a comprehensive list of possible areas for future additional capital investment to potentially draw down against the pipeline budget provision noted above.
- 3.8 This included the assimilation of over 100 individual capital proposals with a total value of c£1bn and a spend profile spanning 3 to 5 years. This has since been reworked and consolidated to c50 projects so that they can be considered at a more strategic level. The detailed steps taken to arrive at this point are described below, however it is worth noting that at this stage, the proposals are mostly at an early draft or outline business case form. This report sets out the potential next steps in prioritising these proposals for incorporation into the main capital programme for 2019/20 to 2021/22 which will be presented to Council in February 2019 as part of the annual budget setting cycle.
- 3.9 This is the first time the Council has had a comprehensive list of most of the future capital investment opportunities. However, the scale of the pipeline requires an evaluation of the benefits to be obtained from the proposals and the formation of a system of bringing forward projects as it will not be possible or practical to fund them all from the outset.

Prioritisation of capital proposals

- 3.10 It is envisaged that the capital pipeline proposals will, over time contribute to the overall savings targets. The revenue funding gap is estimated at around £40m for 2019/20 to 2022/23. This is all taking place against a background of austerity and significant reductions in central funding for local government. It is therefore a key

aim of the Council's capital strategy (reported separately to Cabinet) that it delivers a good financial return on investments, whether this be from generating new income streams or by cost avoidance.

- 3.11 Therefore, when the internal sub board chairs evaluated the individual investment proposals the schemes with the ability to generate revenue savings and, to a slightly lesser extent, their potential to generate future capital receipts or other financial returns were looked upon more favourably.
- 3.12 The full list of criteria and the steps taken in scoring the proposals are explained as follows:

Prioritisation criteria

- 3.13 **Statutory obligations**, where the higher the score allocated means the greater the statutory need, and significance of that need, that we would otherwise be at risk of failing to meet, such that proposals that are more likely to meet statutory obligations are more likely to be approved. It is important to stress that most local government services have a statutory basis, but that there is often little correlation between this and the need to spend, and in particular the need for capital spend. It is also important to stress that even when statutory obligations to undertake capital investment may exist there is often still considerable scope to vary the level of spend (e.g. from a “no frills” model to a “gold plated” one).
- 3.14 **Financial return**, where higher scores were applied to those schemes that generate ongoing revenue savings or a capital receipt.
- 3.15 **Local demand**, where the higher the score allocated means the greater the assessed demand from residents such that proposals that are more likely to enhance resident satisfaction are more likely to be approved.
- 3.16 **Complexity** (the higher score means relatively simple and a lower score relatively complex), so that proposals that are likely to be deliverable without slippage, complicated negotiations, lots of officer time and so on are more likely to be approved.
- 3.17 **Economic growth**, where the higher the score allocated means the more that the proposal would contribute towards economic growth in the borough. Economic growth is defined widely for these purposes, so it would include enhancements to residents' employment prospects (through for example skills or transport links) as well as attracting new business into the local economy or other ways of increasing economic activity.
- 3.18 **Demand management**, where the higher the score allocated means the more that the proposal would reduce current demand for services or, to a lesser extent, reduce future demand for services.

Priority Levels

- 3.19 Following the scoring exercise, the proposals were grouped according to the following priority level based on their respective scores:

Priority 1: scores of 15 and above (High Priority)

Priority 2: 6 – 15 (Medium Priority)

Priority 3: 0 – 5 (Low Priority)

These were then moderated at a meeting of Senior Officers to ensure that the results were broadly consistent and picked up political and other considerations that may not have been apparent to the chairs of the various capital sub-boards who carried out the scoring.

- 3.20 Individual proposals were then further categorised according to the following eight topical themes to further aid understanding and decision making:

3.20.1 **Direct Financial return** - schemes that are intended to make a financial return and, whilst there may also be other reasons for doing them, could be justified, subject to the business case, on this basis alone

3.20.2 **Housing (small sites)** - the delivery of affordable, shared ownership and private housing from sites providing fewer than 10 units

3.20.3 **Major housing sites** - the delivery of affordable, shared ownership and private housing from sites providing more than 10 units

3.20.4 **South Kilburn** - a major programme to transform the area into a sustainable mixed neighbourhood and the create 1,200 affordable homes for social rent

3.20.5 **Strategic land and property** - the acquisition of land and/or property for:

- economic development purposes
- to provide homeless accommodation
- to consolidate land ownership
- to improve performance of investment portfolio
- strategic acquisition for regeneration, development or redevelopment purposes
- revenue income generation

3.20.6 **Investing for growth** - investment in borough wide initiatives that deliver transformational change, increase employment and income levels and maximise investment from the private, public and community sectors

3.20.7 **Maintaining assets** – planned investment at strategic points in an asset's normal life with optimised repair and maintenance activities, to maintain and enhance the performance of an asset and extend its life

3.20.8 **Miscellaneous** - any other capital investment not listed above

3.21 The results were then superimposed over a map of the borough to demonstrate pictorially the geographic spread of the proposals (see Figure 3). The results of this analysis and scoring is set out in Appendix 1 of this report and summarised below.

Table 2

£M	Priority Ranking			
Category	1	2	3	Total
	High Priority	Medium Priority	Low Priority	
Direct Financial return	55.0	0.0	0.0	55.0
Housing (small sites)	23.1	0.0	0.0	23.1
Major housing sites	573.4	0.0	0.0	573.4
South Kilburn	16.6	29.1	5.6	51.3
Land and property acquisition	20.0	44.5	0.0	64.5
Investing for growth	13.4	34.8	46.5	94.7
Maintaining assets	21.6	0.2	0.0	21.8
Miscellaneous	1.6	36.5	1.4	39.5
	724.7	145.1	53.5	923.3

Figure 1

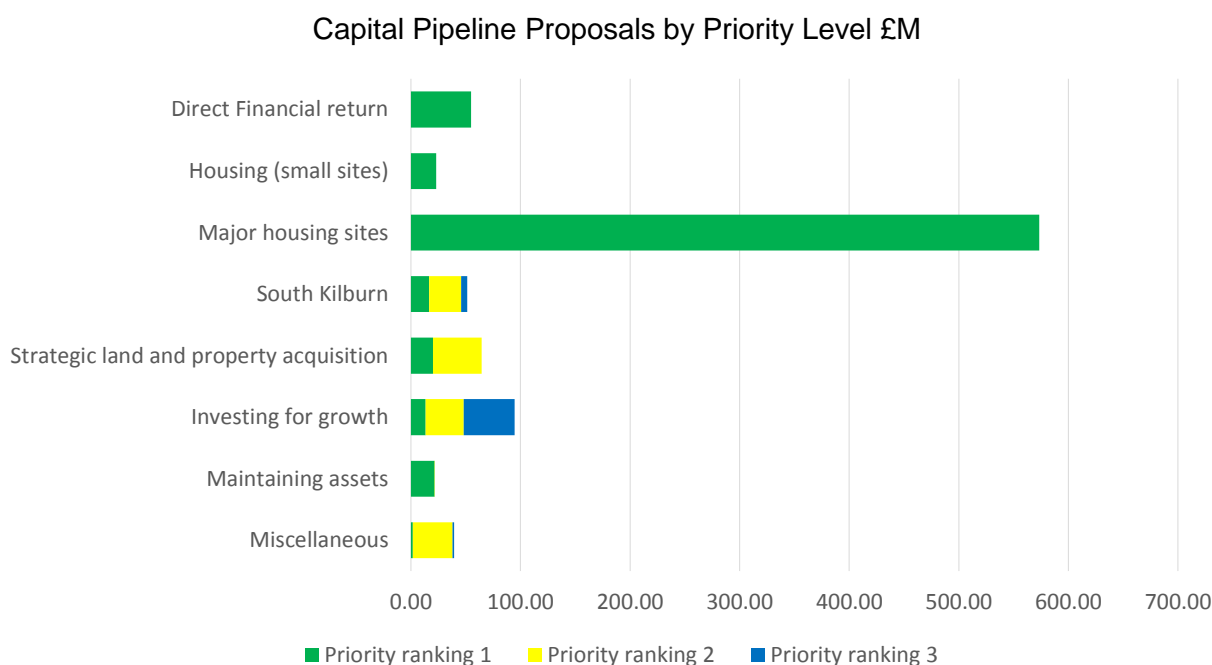


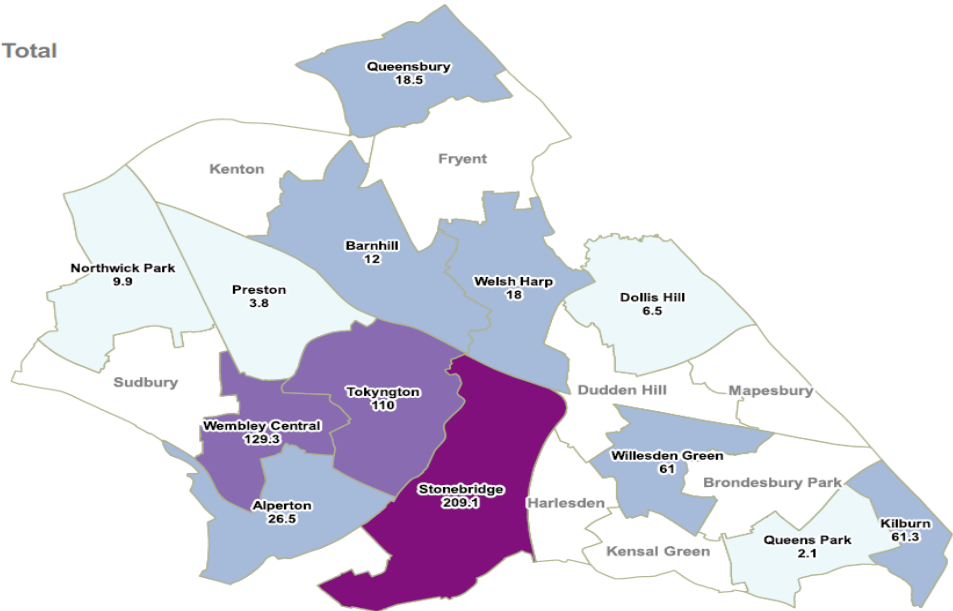
Figure 2 Pipeline spend sorted by priority and ward

£M	Priority 1	Priority 2	Priority 3	Total
All	115.6	86.8	1.4	203.8
Alperton	2.0	26.8	0.0	28.8
Barnhill	0.0	0.0	12.0	12.0
Brondesbury Park	1.7	0.0	0.0	1.7
Dollis Hill	16.9	0.0	6.5	23.4
Fryent	3.8	0.0	0.0	3.8
Kenton	2.1	0.0	0.0	2.1
Kilburn	88.8	29.1	5.6	123.5
Northwick Park	9.9	0.0	0.0	9.9
Preston	5.5	0.0	0.0	5.5
Queens Park	0.0	2.1	0.0	2.1
Queensbury	18.5	0.0	0.0	18.5
Stonebridge	210.1	0.0	0.0	210.1
Tokington	0.0	0.0	10.0	10.0
Welsh Harp	0.0	0.0	18.0	18.0
Wembley	188.1	0.3	0.0	188.4
Willesden Green	61.7	0.0	0.0	61.7
	724.7	145.1	53.5	923.3

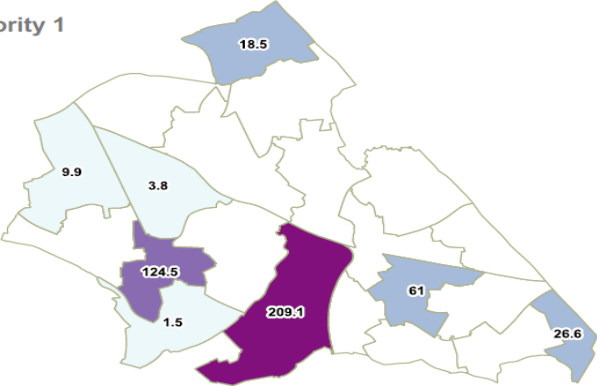
Figure 3 Map of Brent overlaid with capital proposals

Capital Pipeline Total

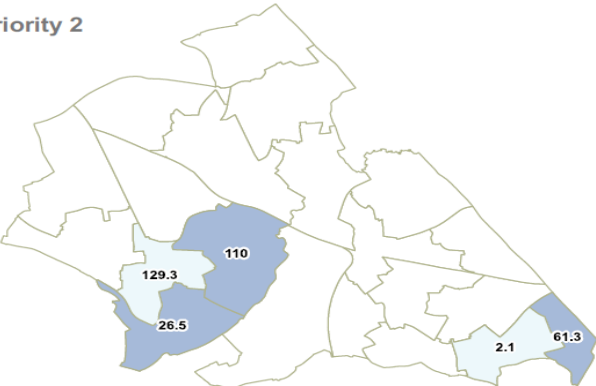
- £M 0 - 10
- £M 10 - 100
- £M 100 - 200
- £M 200 +



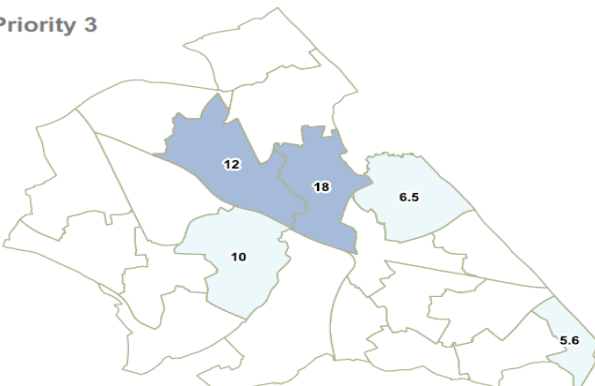
Priority 1



Priority 2



Priority 3



Consideration of capital proposals attracting specific funding

- 3.22 Schemes attracting partial external funding, such as grants for affordable housing, will be assessed in the same way as those schemes which require 100% of funding from borrowing and will only be included within the capital programme if they meet the Council's needs, objectives and priorities and where it is clear the Council can meet all of the grant conditions without detriment.
- 3.23 Schemes attracting 100% external funding would normally be included automatically within the capital programme, subject to confirmation of the external funding and that the scheme meets the Council's priorities. Such schemes are usually supported by Capital Grants, or receipts from agreements under Section 106. A detailed business case still needs to be completed for these proposals.

Exceptions

- 3.24 It is acknowledged that at times certain projects will need to come forward outside of these parameters. This process does not prevent individual approvals being granted before then, subject of course to Cabinet agreement that there is a valid and viable business case. The route for any such approvals will continue to be via the Council Management Team prior to presentation to Cabinet.
- 3.25 However, the new programme should be reviewed and approved wholistically as part of budget setting, and we should seek to minimise the number of any requests for funding outside of the overall process, which should in most cases should initially be added to the capital pipeline for review, challenge, scoring, ranking and prioritisation prior to inclusion on the main programme. In principle the proposals set out here cover investment needs over the next five years, and the chairs of the capital sub-boards have been encouraged to be as expansive as possible to ensure that all plausible needs are identified. Realistically, new proposals will always come forward, and a mechanism needs to be designed to allow for a refresh of the programme annually (or bi-annually) with the major updates being carried out perhaps every four years. This has not yet been determined.

Schools Expansion

- 3.26 Brent has a statutory duty to ensure that sufficient school places are available for its resident children and young people. One of the most significant challenges facing the Council, and many other local authorities nationally, is the impending increase in demand for secondary school places due to a surge in primary school children coming through.
- 3.27 The school place planning strategy was agreed by Cabinet on the 12th November. This set out demand for additional secondary school places over the next 5 years. This demand can be met through a combination of expansion of current schools and the establishment of a new free school, North Brent (Free School) working title, which is expected to open in September 2020. Officers are working closely with local schools to identify projects which will be introduced via the Capital Investment Pipeline from February 2019.

Project Feasibility Fund / Scoping works

- 3.28 In some instances, capital projects have been included on the main programme based on only outline or a basic draft business plan. This is not ideal as it contributes to occurrences of capital slippage (due to incorrect profiling) and can tie up resources unnecessarily. This report therefore recommends that Strategic Directors use the departmental reserves already delegated to them to undertake feasibility, scoping and other works that support the creation of detailed business cases for the pipeline. This will ensure that before promotion to the main programme all pipeline projects would have been fully scoped. Thereby increasing the chances of delivering against the stated outcomes. This budget could be funded from existing departmental earmarked reserves and progress would be reported to Members and other Stakeholders in conjunction with existing capital programme reporting protocols.

Housing delivery options

- 3.29 The increasing funding constraints suffered by local authorities have put considerable strain on revenue and capital budgets. The cap on HRA borrowing, depletion of the housing stock through Right to Buy and the forced decrease in rents are all impacting on the ability of the Council to finance new homes, estate renewal and economic regeneration projects. As a result, the Council is continually considering different delivery mechanisms to meet existing needs.
- 3.30 The Council has a target to deliver 5,000 new affordable homes over five years and it is planning policy to achieve a split of 70% affordable rent 30% shared ownership. However, given the constraints noted above, in order to fund the Housing schemes included in the pipeline and meet these targets a more flexible approach is required. That includes the adoption of a 'portfolio' approach to bringing forward housing sites. This means that although the programme as a whole will be both planning policy compliant and generate a surplus, certain individual schemes may not deliver a planning policy compliant tenure mix or may require net investment. The Council will however always push to maximise the highest number of homes at the most affordable rent levels.

Scheme mix/density

- 3.31 In order for this programme of works to be financially viable this will likely require the introduction of an element of commercial units or shared ownership for example. This mix of schemes will be necessary to generate sufficient capital receipts and revenue income to cross subsidise other housing development. This will ensure the programme is sustainable and remains within the limits of the borrowing cap and the council's prudential indicators.

Grants to Registered Providers

- 3.32 The Council could also consider partnering with established Registered Providers to take advantage of the capacity they have built over time. This would involve the award of grant funding (typically Right to Buy 1 for 1 capital receipts or the provision of land) for which the Council would receive nomination rights.

External Housing Grants

- 3.33 A further option to bring forward housing development is, wherever possible to utilise external grant funding such as the Mayors Affordable homes programme which has recently secured £3.15bn from the Government to fund new affordable homes in London. According to their prospectus this fund is offering two rates of grant per unit (although this contribution is negotiable)
- £100K - London Affordable Rent, when rent is set at or below the benchmark levels
 - £28K - London Living Rent and London Shared Ownership
- 3.34 Based on these unit rates the delivery of 100 home at affordable rent levels could attract c£10m in grant funding, however this would come with certain conditions that would have to be met. For example projects must start by 2021, homes would be subject to one per cent rent reductions, tenants would retain a right to buy, all of which may well meet Council objectives but could also have implications for programme viability. This will be determined once detailed appraisals are conducted for individual schemes.
- 3.35 In October 2018 the Council submitted a bid in excess of £100M, to fund the delivery of 1,000 new homes over the next three years. Later that month the GLA confirmed that a number of those schemes were approved (c817 new affordable homes) and awarded £65.6m grant funding (subject to contract). All of the GLA approved housing schemes have therefore been included within the list of schemes recommended for immediate promotion into the main programme (Appendix 2).

HRA Debt Cap

- 3.36 Subsequent to the compilation of this report, at the Conservative Party annual conference in Birmingham Prime Minister Theresa May announced plans to axe the cap on councils borrowing against assets to build new homes by the end of October 2018. Officers are currently analysing the impact of these plans and will report back in due course, however this is expected to remove one of the main restrictions to delivering affordable housing within the HRA.

Pipeline Linkages to Strategic Objectives

- 3.37 It is important that the proposals in this report reflect the key strategies and plans of the Council. It is also imperative that pipeline bids (and their subsequent prioritisation) are informed by the other key strategic documents such as the Brent 2020 Vision. The linkages between projects and strategic objectives will need to be explicit in order to properly assess the extent to which we are delivering on the Council's objectives. To support this, it will be a pre-requisite for all detailed business cases to provide a statement explaining how the proposals contribute to our strategic priorities.

Indicative timetable

- 3.38 The Council's policy is to agree the rolling capital programme on an annual basis at the February Council meeting. Once approved, the programme is published on

the Council's website. The timetable for the development of the capital programme is as follows:

Date	Action
Mar-Jun	Develop of outline capital bids within departmental teams
Jun	Presentation of draft bids to Capital Investment Panel
Jul	Consolidation and prioritisation of proposals by sub-boards
Sep/Oct	Summarised proposals and draft report to CMT
Nov	Projects considered at budget review panels (PCG)
Dec	Leaders briefing
Jan	Cabinet considers new capital investment proposals
Jan	Revise draft capital programme for further consultation
Feb	Capital budget setting report to Cabinet/Council

- 3.39 The timetable above provides an outline guide for the process to be followed for this year. Moving forward a process will need to be designed to allow for a more regular (in-year) update of the pipeline with more significant updates at say, four year intervals.

4.0 Financial Implications

- 4.1 If successfully delivered these proposals should contribute to the revenue savings targets noted in paragraph 3.10.
- 4.2 As noted above the current capital programme includes a budgeted allowance for pipeline schemes of £410m. The current draft pipeline proposals amount to £923m which is more than double the current (£410m) pipeline allowance. The proposals have therefore been prioritised according to the criteria explained in section 3 and an initial list of schemes totalling £393m recommended for immediate promotion to the main capital programme.
- 4.3 If the recommendations in this report are agreed, the £410m budgetary pipeline allowance will reduce by £393m falling to £17m. This balance reflects the remaining budgetary provision available to pay for the Council's capital pipeline of aspirational schemes now totalling some £530m (after the transfer of schemes to the main programme) – See Appendix 1.
- 4.4 The initial budgetary provision has now been almost fully utilised, therefore in the future if all of the pipeline schemes are to pass the affordability criteria (as specified in the prudential code) and eventually taken forward, alternative strategies will need implemented. Such as the prioritisation of schemes that generate revenue savings and capital receipts or the utilisation of greater levels of external funding such as grants and Strategic CIL.

5.0 Risks

- 5.1 Major capital projects require careful management to mitigate the potential risks which can arise. The effective monitoring, management and mitigation of these risks is a key part of managing the capital programme. The risks associated for each project will be detailed in business cases however it is worth noting certain strategic risks for this report.
- 5.2 Interest Rate Risk – as set out in the current programme, if all projects are agreed and delivered on time the Council is planning to externally borrow up to £344m

over the next five years (see Appendix 3). Interest rates can be variable, and an increase could increase the cost of servicing debt to a level which is not affordable. To mitigate this, the Council has used interest rate forecasts which include a prudent provision against interest rate rises. The Council, as part of revenue budget setting has also made allowances for interest costs in the capital financing budget. Finally, the Council is considering options such as forward borrowing, borrowing in advance of need, MRP holidays and capitalisation of borrowing costs. The interest rate forecast is shown below.

Table 3

Category	2018-19	2019-20	2020-21	2021-22	2022-23
Assumed interest rate	2.75%	3.00%	3.00%	3.25%	3.50%

- 5.3 In the event that interest rates rose beyond this forecast the revenue interest cost to the Council would increase for all borrowing not yet entered into. A rise of an extra 1% would cost an extra £3.9m per annum on the full £392m estimated borrowing.
- 5.4 Inflation Risk – construction inflation over and above that budgeted by the Council’s professionals and advisors and built into project budgets could impact on the affordability of the capital programme. This is mitigated through the provision of contingencies, updating estimates regularly as they change and monitoring the impact through governance processes. To some extent this can also be managed through delivery methods such as the agreement of fixed price contracts.
- 5.5 Regulation Risk – Capital schemes need to comply with the latest law and regulations which can change leading to an impact on construction costs and may be retrospective in their nature. This is mitigated by awareness of pipeline legislative changes and through contingencies.
- 5.6 Commercial Values – the Council’s capital programme relies on commercial activity as a key supporting strategy. This involves generation of income from property letting, generation of capital receipts from property sales in some cases post development, attracting developers to projects based on a potential share of profits and other revenue/capital financial flows. In some cases, it is likely that the Council will commit to large projects, property acquisitions or other forms of expenditure based on assumptions about the market value of future asset or economic values. Should market movements worsen the Council may suffer financially. Conversely if market conditions improve the Council could benefit. The risk of the market worsening is mitigated through contingencies in projects.
- 5.7 Supplier Risk – construction companies and developers contracting with the Council which experience financial instability pose a significant risk. They may not be able to raise finance to cash flow operations, any potential insolvency process could lead to a costly process of changing suppliers without any guarantee of remaining within overall budget, the Council could suffer direct financial loss and any defects or other issues may not be resolvable as anticipated. To mitigate this the Council carefully considers the financial robustness of any contractor and requests appropriate financial standing assurance and support wherever possible.

6.0 Legal Implications

- 6.1 Having a more structured approach to bringing forward individual schemes would enable support services to proactively plan to support schemes. As a result more schemes could be supported using existing internal resources or recruiting temporary staff on fixed term contracts to provide dedicated support to schemes. This would reduce the need to externalise support services (which are generally more expensive than internal provision) save where there is a genuine need to externalise, for example due to the specialised nature of advice/support required.
- 6.2 Depending on the timing of the work, it is likely that to provide support to deliver the pipeline projects (except for when genuinely specialist external support is needed) two commercial property lawyers and two contract lawyers in addition to the existing establishment of posts in Legal Services, would be needed.
- 6.3 The legal implications for each individual scheme within the capital pipeline will be fully considered within the detailed business case for that scheme. Each scheme within the capital pipeline will be approved in accordance with the Council's constitution.

7.0 Equality Implications

- 7.1 None specifically in relation to this report.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 Consultation and engagement will be carried out on individual schemes with the capital programme. The proposals set out in this report will be consulted on according to the timetable in section 3.39.

9.0 Human Resources/Property Implications (if appropriate)

- 9.1 None specifically in relation to this report.

Report sign off:

Conrad Hall
Chief Finance Officer

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Appendix 1

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Category	Project Id		Description	£M	Transfer to Main Programme	Retain in Pipeline
Direct Financial return	35	GF	Commercial Property Investment Fund	50.0	-	50.0
	36	GF	Energy Schemes	5.0	-	5.0
Investing for growth	9	GF	Wembley Hill Road/ Park Lane / Wembley Park Drive - Signal Junction Improvements	0.4	-	0.4
	4	GF	CNWL/ Education Quarter	11.5	11.5	-
	7	GF	New east-west route Alperton Housing Zone	1.5	-	1.5
Maintaining assets	39	GF	Civic Office	1.6	-	1.6
	40	GF	Highways infrastructure	20.0	20.0	-
Major housing sites	22	GF	Northwick Park	9.9	9.9	-
Major housing sites	19	GF	Discount Market Sale (DMS)	40.0	40.0	-
	15	GF	Allotments RO Roundwood Centre & 1-47 Longstone Avenue	45.0	45.0	-
	21	GF	Morland Gardens development - 50 units	14.0	14.0	-
	26	GF	Stonebridge redevelopment	45.1	-	45.1
	25	GF	St Raphael's estate (ERSK bid 4)	100.0	-	100.0
	17	GF	Bridge Park Housing & Community Development above Leisure Centre	50.0	50.0	-
	27	GF	Wembley Housing Zone	100.0	-	100.0
	20	GF	Honey Pot Lane	18.5	18.5	-
	16	GF	Brent Indian Community Centre redevelopment - 37 units	10.0	10.0	-
	77	GF	Brondesbury Road (Clinic) - 70 units	18.0	18.0	-
	79	GF	London Road Development General Needs - 79 units	33.0	33.0	-
	24	GF	Redevelopment of Learie Constantine - 26 units	6.0	6.0	-
	78	HRA	Infill Phase 4 - 71 units	18.0	18.0	-
	18	HRA	Claire Court (TMO) development - 80 units	23.9	23.9	-
Priority 1 schemes sub-total				621.4	317.8	303.6

Category	Project Id		Description	£M		Transfer to Main Programme	Retain in Pipeline
	58	HRA	Windmill Court - 50 units	13.5		13.5	0.0
	76	HRA	Kilburn Square - 24 units	5.4		5.4	0.0
Miscellaneous	44	GF	CCTV	1.6		-	1.6
South Kilburn	30	GF	ERSK Cap bid 2- South Kilburn Enterprise Hub Phase 2	6.0		-	6.0
	31	GF	ERSK Cap bid 5- CCTV and Neighbourhood Wi-Fi (SK)	1.0		-	1.0
	34	GF	Kilburn Area Liveable Neighbourhood Scheme	9.6		-	9.6
Strategic land and property acquisition	13	GF	Utilising surplus property	20.0		20.0	-
Housing (small sites)	23	GF	Preston Park re development - 12 units	3.8		3.8	-
	28	GF	William Dunbar/Saville (ERSK)	10.0		-	10.0
	38	HRA	Pharamond Redevelopment of Garages - 8 units	0.8		0.8	-
	37	HRA	Oman Avenue - 7 units	2.2		2.2	-
	50	HRA	Kingston House - 2 units	1.0		1.0	-
	51	HRA	Mason Court - 4 units	0.8		0.8	-
	52	HRA	Hindhurst Court 4 units	0.7		0.7	-
	53	HRA	Gloucester Close - 5 units	1.0		1.0	-
	54	HRA	Kings Drive - 6 units	1.6		1.6	-
	55	HRA	Frontenac - 4 units	0.9		0.9	-
	56	HRA	Ellersie Gardens - 8 units	2.3		2.3	-
	57	HRA	Lidding Road - 8 units	2.1		2.1	-
	59	HRA	Seymour Court - 5 units	1.4		1.4	-
	60	HRA	Anuerin Bevan Court - 4 units	1.0		1.0	-
Priority 1 schemes sub-total				708.4		376.6	331.8

Category	Project Id	Description	£M	Transfer to Main Programme	Retain in Pipeline
	61	HRA	Chalfont House - 2 units	0.5	-
	62	HRA	Hargood Close - 1 unit	0.3	-
	63	HRA	Longley Avenue - 2 units	0.5	-
	64	HRA	Mintern Road - 1 unit	0.2	-
	65	HRA	Sutherland Court - 1 unit	0.3	-
	66	HRA	Sycamore Grove - 1 unit	0.3	-
	67	HRA	Townsend Lane - 1 unit	0.3	-
	68	HRA	Clement Close site - 20 units	5.6	-
	69	HRA	Sherwood House	1.4	-
	70	HRA	Windsor House	1.4	-
	71	HRA	Knightley Court	1.0	-
	72	HRA	Gladstone Park - 8 units	1.7	-
	74	HRA	Weston House Site 2 - 5 units	1.7	-
	75	HRA	John Perrin Place - 6 units	1.3	-
Priority 1 schemes grand total			724.7	392.9	331.8

Category	Project Id	Description	£M	Transfer to Main Programme	Pipeline
Investing for growth	11	GF	Wembley Transport improvements: Engineers Way improvements	-	0.3
	5	GF	Kensal Rise priority bus Scheme	-	2.1
	8	GF	Strategic Industrial Locations (SIL), Alperton	-	25.0
Maintaining assets	41	GF	Neighbourhood Managers Vehicles	-	0.2
Investing for growth	42	GF	Parks Improvement Programme	-	3.3
	43	GF	Sports Programme	-	2.3
	80	GF	Ealing Road Local Shopping Area	-	1.8
Miscellaneous	45	GF	ICT technical refresh	-	4.5
	46	GF	Affordable Housing (Aids & Adaptations)	-	27.0
	48	GF	Greater London Mutual Co-operative	-	5.0
South Kilburn	32	GF	ERSK Cap bid 7- Infrastructure (streets/public realm)	-	20.1
	33	GF	ERSK Cap bid 9- Open Spaces	-	9.0
Strategic land and property acquisition	12	GF	Land & Property strategic acquisitions (general)	-	44.5
Priority 2 schemes total			145.1	0.0	145.1

Category	Project Id		Description	£M		Transfer to Main Programme	Pipeline
Investing for growth	1	GF	A5 Link Crossing to new Thames link Station	6.5		-	6.5
	6	GF	Neasden Connection	18.0		-	18.0
	2	GF	Bridge across railway Met line & Jubilee Line	12.0		-	12.0
	3	GF	Bridge across the Chiltern Line into Monks Park	10.0		-	10.0
Miscellaneous	47	GF	Property Management	1.4		-	1.4
South Kilburn	29	GF	ERSK Cap bid 1- South Kilburn Schools	5.6		-	5.6
Priority 3 schemes total				53.5		0.0	53.5

Totals:-				923.3		392.9	530.4
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Appendix 2

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1. Link crossing the A5 to connect Staples Corner to Thames link Station - £6.5M

Contribution to create a significant crossing at grade across the A5 to the new Thames link station

2. Bridge across railway Met line & Jubilee Line (connecting communities) - £12M

Pedestrian and cycle bridge across the railway lines; to connect Wembley Growth area to the eastern part of Chalk Hill to improve access for residents from Welsh Harp area. Significant cost, reasonably high level of benefit. Will need agreement and support of Network Rail.

3. Bridge across the Chiltern Line into Monks Park - £10M

Provide bridge link across the Chiltern Line to connect Wembley Park to Monks Park, facilitating better PTAL and connectivity to Monks Park and St. Raphael's.

4. CNWL/ Education Quarter - £11.5M

Contribution to CNWL education quarter (new Wembley campus) several options are under consideration including the provision of loan finance and / or surplus land acquisition. The exact terms are to be negotiated and may vary as a result, but at this stage the expectation is that the £6.5m will be funded from CIL with the balance of £5m funded by a loan arrangement

5. Kensal Rise priority bus Scheme - £2.1M

Bus Priority funded improvements to the Chamberlayne Corridor to include Traffic and Parking management, wider pavements, new bus shelters, cycling and walking improvements near Kensal Rise Station and on Kilburn Lane and Chamberlayne Road.

6. Neasden Connection - £18M

Reconfigure highway network layout to reconnect the community currently severed by the A406 and A4008 and provide safer accessibility by foot and bicycle to the local centre and unlock pockets of land for development or open space opportunities.

7. New east-west route Alperton Housing Zone - £1.5M

Contribution for the creation of a new east-west route through SSA A6 and A5 in Alperton Housing Zone, to improve the accessibility to the sites and connectivity to both Alperton and Stonebridge stations.

8. Strategic Industrial Locations (SIL) Alperton - £25M

Acquire up to 8 acres of SIL adjacent to Northfields, to the south of River Brent and to the west of the Grand Union Canal. St George's are proposing a new 100,000 sq. ft. industrial unit to the south of the River Brent and with the loss of SIL across London, this is an opportunity to protect and intensify employment provided on these sites within the Alperton Housing Zone boundary, some of which provide very low-density employment (a car sales yard and self-storage are two of the existing uses). London may also see a

greater shift towards industry and residential co-location, so this is a long-term investment opportunity.

9. Wembley Hill Road/ Park Lane / Wembley Park Drive - Signal Junction Improvements - £0.4M

Provision of pedestrian phases and enhanced pedestrian crossing facilities at a 5-arm signal junction in the close vicinity of the Wembley Regeneration area. The scheme is not currently a road safety priority but there is a need to improve safety and accessibility due to increased traffic volumes and pedestrians visiting the area.

11. Wembley Transport improvements: Engineers Way improvements - £0.3M

Engineers Way traffic calming at eastern end; enhance quality of park by calming traffic to the east of Rutherford Way.

12. Land and Property Acquisition Fund - £44.5M

An acquisition fund that allows the Council to take advantage of property or land opportunities as they arise. Can also be used to acquire land in relation to known schemes to reduce risk. Assumes a flat 3.5% on investment would be achieved, hence weighted towards schemes that generate an ongoing revenue return. This has been merged with project number 14 (Low employment density local industrial sites assembly) which relates to the assembly of sites with very low employment density or redundant spaces for development

13. Utilising surplus property - £20M

Capital Funding to deliver projects on surplus property (currently being identified) that do not sit under Regeneration or Housing.

This Capital would be used to redevelop medium sized opportunities for commercial gain. The properties would then either be sold (potentially to the investment company proposed to retain a longer-term income stream) at an enhanced capital premium or held as an investment asset if income generating.

15. Allotments RO Roundwood Centre & 1-47 Longstone Avenue - £45M

The allotments and 1-47 Longstone Avenue will be two relatively rough sites sitting between two brand new developments in Knowles House and an existing new development that has been completed and sold off.

The proposal is to buy out the lease holders in 1-47 Longstone Avenue and develop a new corner block. The massing Visual does not include the allotments that are located at the rear which have no overlooking and could be developed up to four storeys, with the allotments (half dozen in use) being relocated on to a small portion of Roundwood Park directly to the back, this allows us to not lose the allotment use as part of the scheme as allotments are considered to be a leisure activity.

16. Brent Indian Community Centre redevelopment - £10M

The redevelopment of the Brent Indian Community Centre and adjacent Council owned sites aims to provide up to 37 new homes and a modern, replacement community centre.

If the Council can acquire the adjacent 290A High Road from a private land owner, then up to 41 homes could be delivered.

17. Bridge Park Supported Housing, Enterprise & Community Development above Leisure Centre - £50M

Development of the Unisys and Bridge Park sites to include residential, commercial development and a new sports centre. Agreement has been reached with the developer on a new concept design, allowing Brent to progress with NAIL, community facilities and an enterprise centre on top of the leisure centre, plus a larger number of homes for the developer. The current proposals are being discussed with Planning, and then CLSA - Conditional Land Sale Agreement will be refined accordingly.

18. Claire Court (TMO) development - £23.9M

This is currently low level one bedroom bungalows, two of which are now empty. The intention is build 80 units NAIL development on this site. A scheme was suggested by BHP, they consulted the TMO on the site whom are happy for this development and keep chasing us for when this may happen.

The existing bungalows are low quality 80s built stock sitting across a decent plot of land. The intention is the build-up and as part of the development renew the playground and upgrade some of the landscaping on the site for the TMO which also be used by the NAIL extra care users.

19. Discount Market Sale (DMS) - £40M

Acquire up to 250 Discounted Market Sale (DMS) new build flats in Wembley at a 25-30% discount to Open Market Value (OMV) under options with Quintain Estates Development, as an investment and to meet local housing needs i.e. helping local people get onto the housing ladder and to meet the unmet demand for key worker accommodation in Brent.

20. 136 Honeypot Lane - £18.5M

Acquisition of land at 136 Honeypot Lane as a site for NAIL (New Accommodation for Independent Living) Extra Care housing.

21. Morland Gardens Development - £14M

The proposal is to bring forward the site in Stonebridge to bring forward new homes and generate a significant revenue for the council. This will involve the creation of a well-designed educational facility to support adult learning in Brent. Part of the proposal is to explore if affordable works spaces could be incorporated into the mixed use site. The site is currently used for education purposes and a lot of thought will need to be given to how the development phasing will work as the intention is to keep the occupiers in-situ. The scheme may be able to deliver between 50 - 70 residential units.

22. Northwick Park - £9.9M

Northwick Park was awarded £9.9million from the Housing Infrastructure Fund to start early works to improve local transport links and infrastructure

Northwick Park is a significant opportunity, we are leading on the masterplan which could delivery c.2000+ new homes and the infrastructure needed is: 1) a new road; 2) underground station improvements and enhancements in particular step free access; 3) a new energy and 4) new leisure facilities.

23. Preston Park redevelopment - £3.8M

Preston Park Annexe to deliver new homes and D1 space appropriate for community library use. In April 2017, Cabinet entered a Memorandum of Understanding reaffirming the Council's commitment "to working with PCL Preston Community Library towards the existence of a community library" on the subject site. In March 2018, Cabinet approved the allocation of £267,983 from Neighbourhood CIL (NCIL) to support the 'fit-out' of Preston Community Library (PCL), subject to the receipt of formal approval for the wider redevelopment of Preston Park Annexe.

24. Redevelopment of Learie Constantine - £6M

The redevelopment of the Learie Constantine Centre site for a mixed-use scheme comprising a new ground floor community centre and residential accommodation above.

25. St Raphael's Estate - £100M

Brent's 2014-2019 Housing Strategy explains that St Raphael's is also expected to deliver new supply alongside improvement or replacement of existing stock in line with regeneration priorities. St Raphael's as a 'priority neighbourhood'. Works to the St Raphael's estate are expected to fundamentally change the area. It will transform the state of housing and local infrastructure. Regeneration here will help to improve the economic, social and environmental conditions in the Borough.

This project will also ensure the appropriate flood defences are put in place to support the regeneration of St. Raphael's. Before works can begin, there will be significant high-level studies and preliminary design consultations. The project will proceed subject to a yes ballot.

26. Stonebridge redevelopment - £45.1M

The construction of 140 units at an estimated cost of £45m (£36.5m Build Cost, £3.7m fees and £5m contribution towards educations purposes) as agreed in 2013. The 40 units will be developed as a NAIL scheme and 100 units will be sold to I4B and rented on affordable basis.

27. Wembley Housing Zones - £100M

LBB have appointed an architect (KCA) to undertake a masterplan of the former Copland school site and Ujima House and land to the rear and submit an outline planning application. Feasibility studies to date suggest that c260 units could be delivered on these sites. LBB could opt to develop the units ourselves, retaining units to meet local housing needs.

28. William Dunbar/Saville (ERSK) - £10M

Proposal to bring forward a development in South Kilburn to accelerate delivery of the programme. Build on space around existing buildings, decant tenants, then demolish and build. Will require earlier buy back and a higher level of affordable than envisaged in the

Masterplan (as end of programme no decants were expected to this site so more private were due to be built) due to decant requirements.

29. ERSK Cap bid 1- South Kilburn Schools - £5.6M

Provision of sufficient school places for both primary and nursery children.

30. ERSK Cap bid 2- South Kilburn Enterprise Hub Phase 2 - £6M

The delivery of a high-quality development, comprising an enterprise hub, a nursery school, community facilities, housing and soft and hard landscaping and play.

31. ERSK Cap bid 5- CCTV and Neighbourhood Wi-Fi (SK) - £1M

Community Protection Team are planning on majorly upgrading the way CCTV operates in South Kilburn. Currently, footage on the CCTV can only be viewed by obtaining footage from that specific camera. There is a private fibre optic cable running around South Kilburn linking street CCTV and going back to a node site in Kilburn High Road.

Instead, the Community Protection Team want to make it possible that footage from the cameras goes straight to the Civic Centre via Wi-Fi. The Wi-Fi would be a private system, and not available to the public. The Community Protection Team have already performed an exercise with their consultant in finding out how to connect existing BHP CCTV systems so that they can be monitored and controlled at the Civic Centre.

This idea is a good way of maximising security measures for the area, and to help make South Kilburn a safer place to live. Beyond this, there is a desire to increase the level of public available Wi-Fi. GLA reports suggests that there are over 5000 public Wi-Fi hotspots across London.

The Mayor has spent over £1.5 million to increase this number through the Super Connected Cities Programme (SCCP). Currently, there are no free public Wi-Fi spots in South Kilburn. The regeneration aims to increase the level of free and basic Wi-Fi available to residents. Free public Wi-Fi is a good way of helping residents to remain connected when out of their homes, and to increase their overall satisfaction with the area.

32. ERSK Cap bid 7- Infrastructure (Public realm) - £20.1M

To radically overhaul and improve the local infrastructure. This will involve changing the character of Carlton Vale which currently acts as a divider of the South Kilburn estate. Improve its townscape attributes and give greater priority to pedestrians and cyclists. Further tree planting will be undertaken to soften the street to give a boulevard type feel. Within the South Kilburn estate this will be through designing streets to limit vehicle speeds to 20mph.

33. ERSK Cap bid 9- Open Spaces - £9M

Delivering high quality open spaces across the South Kilburn Regeneration programme.

34. Kilburn Area Liveable Neighbourhood Scheme - £9.6M

The 'Kilburn High Road' Major Scheme bid was submitted in 2015 by the London Boroughs of Brent, Camden and Westminster. The scheme received £250,000 for development and traffic modelling, however no further funding was awarded. The scope of the previous scheme differs from that in this bid as proposals only extended to the High Road itself.

35. Commercial Property Investment Fund - £50M

Develop a property investment fund to acquire income generating assets to provide a long-term income for the Council. The fund would also be looking to support the management of risk in its property holdings through I4B and other such assets (specific risk such as geography and sector e.g. residential).

The fund would invest in commercial property such as warehousing (logistics), offices and related sectors. It would be recommended that the fund be able to invest outside of the Borough as well as inside and therefore would require a company set-up. There is therefore a key political sensitivity as to whether the council should, assuming that the commercial terms were acceptable, invest outside the borough solely for an income stream.

Initial investments could be in Borough if available at the right yields. The fund has initially been calculated on 6% but this will be affected by restrictions (i.e. in Borough will have much lower yields at present and would need to be balanced by higher yields elsewhere) without including capital yield. When investing in Brent this fund could be used to assimilate regeneration opportunities where redevelopment can take place in the future either a programmed regeneration or commercial redevelopment - the investment level is scalable (i.e. can be reduced or expanded).

36. Energy Schemes - £5M

Capital funding to support energy saving and income generation at key council sites. This includes items such as solar, upgrading to LED lighting and other projects. The savings for the schemes would come through a reduction in the running costs (revenue) of buildings e.g. through the reduction in electricity consumption. The investment would also improve the environmental credentials of the Council's buildings and reduce the carbon footprint. Some projects will be able to be funded through other funding routes such as Salix where more beneficial.

37. Oman Avenue - 7 units - £2.2M

Design, planning permission and delivery of small sites across the borough delivering less than 20 units.

38. Pharamond Redevelopment of Garages - £0.8M

The site is currently on an existing garage site in which two of the garages are owned privately. The proposal will be to create 10 new residential units to be considered as affordable rent or private sale. There will be a requirement to re-provide some of the parking on site.

39. Civic Centre - £1.6M

Delivery of the planned works for the Civic Centre as identified in the Property Maintenance plan. This includes a programme of replacement and improvements services as recommended with the increased utilisation of the building. This investment will ensure the Civic Centre is maintained to the appropriate standards and support/increase the ongoing income stream generated from tenants.

40. Highways Infrastructure - £20M

Our highways infrastructure has a maintenance backlog estimated at a minimum of £100m and requires an increase in investment to respond to public concerns, make it safer and fit-for-purpose, and to improve public satisfaction. In 2017/18 the Council invested an extra £1.3m in the highways network, above the £3.5 m base budget. Given the continuing squeeze on local government finances, creative thought needs to be employed to make an improvement in service levels. Priorities for the £20m programme will need to be drawn up and agreed, with an initial emphasis on improving damaged pavements. Detailed project plans will need to be drawn up to ensure that the major investment achieves maximum impact.

41. Neighbourhood Managers Vehicles - £0.2M

The purchase of five electric vehicles to be used by the Neighbourhood Managers and Enforcement Team, acting a visual representation and branding of the new service. The service currently uses three Smart Cars which have come to the end of their life and need to be replaced. We want to provide electric vehicles to be forward thinking and environmentally friendly.

42. Parks (Various) - £3.3M

Series of general and targeted improvements to parks. These will cover resurfacing of damaged pathways, renewal of fixtures and fittings (including replacement of bins with recycling bin, bench and noticeboard replacement), pavilion works, works repairing damaged fencing, new bollards, tree planting and improving irrigation, and provision of new play equipment.

43. Sports (Various locations) - £2.3M

Improvement works to a range of grounds (including football, cricket and rugby) and their facilities, feasibility studies and longer-term improvement works.

44. CCTV - £1.6M

Since BHP came in house an assessment has been commissioned by BHM to assess all BHM (BHP as was) sites to identify the status of all CCTV infrastructure and systems and identify potential costs for bringing transmission back to the civic CCTV room. This could ensure effective monitoring of all now council owned CCTV across the borough to align with the public realm capital CCTV upgrade project.

The assessment is still being completed and a report from consultant is expected imminently. The outcome of report will determine if BHM want to request any capital funding for the upgrade of BHM CCTV. An ideal scenario would be to extend the public

realm upgrade project to include the BHM upgrade to become one wider project as all will be governed by the council CCTV service going forward.

45. ICT Refresh - £4.5M

ICT estate improvements and refresh – eventual replacement of the (Sep 2018) IT infrastructure, laptop and iPhone upgrade and extension.

46. Affordable Housing (Aids & Adaptations) - £27M

The purpose of Aids and Adaptations is for providing adaptations for disabled people who qualify.

47. Property Management - £1.4M

To support minor capital investment works across the wider portfolio to support the Property Maintenance Plan and maintain/enhance the wider Council's corporate asset portfolio.

48. Greater London Mutual Co-operative - £5M

Greater London Mutual is a banking proposal that appears to have features that may assist in tackling social inclusion. If the council were to support it then it would be as a part of a consortium of other investors, and work is continuing to assess this interesting proposition, so it is included at this stage as a contingent sum pending further due diligence work.

50 – 76. HRA Housing Schemes - £93.2M

The redevelopment of borough wide surplus HRA sites to support the provision of affordable housing. These schemes are underpinned by £65m affordable housing grant from the GLA.

80. Ealing Road Local Shopping Area - Public Realm Improvement Scheme


Ealing Road shopping area suffers from a poor quality and traffic dominated public realm. Highways and Infrastructure are currently undertaking a public realm and safety improvement project to the area around Alperton Station and Alperton Community School, the gateway to the Alperton Regeneration area. The proposed investment would enable us to create a high quality public realm, improve safety and accessibility for pedestrians and cyclists. There is £150,000 of funding available from Transport for London to address collision accidents in 2019/20 and £20,000 of S106 but the area would significantly benefit from a wider improvement scheme along the whole corridor to support regeneration and growth.

Appendix 3

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Portfolio Holder	Portfolio	APPROVED BUDGET	PROPOSED FIVE YEAR BUDGET			
		2018-19	2019-20	2020-21	2021-2024	Total
		£m	£m	£m	£m	£m
Resources: Cllr M McLennan	Barham Park Trust, Civic Centre, Digital Strategy, Energy, Libraries, Property Management	6.5	2.2	1.7	0.3	10.6
Regeneration: Highways, Planning: Cllr Tatler	Bridge Park Regeneration, Grants to outside bodies, NCIL, NHB, Olympic Way, Housing Zones, Town Centre Regeneration, South Kilburn, Landscaping, parking, street lighting, Highways, TFL	45.6	34.2	42.0	45.1	167.0
Community Safety: Cllr T Miller	CCTV, Environmental Health	2.4	0.0	0.0	0.0	2.4
Public Health: Culture & Leisure: Cllr K Hirani	Sports	0.4	0.5	0.0	0.0	0.9
Environment: Cllr K Sheth	Parks, Cemeteries	1.2	0.2	0.0	0.0	1.4
Schools: Employment & Skills: Cllr A Agha	Schools and school expansions	23.8	7.2	4.6	5.7	41.3
Housing & Welfare Reform: Cllr E Southwood	GENERAL FUND Aids & Adaptations, Travellers site, PRS, I4B	45.5	36.3	12.0	6.0	99.8
	HRA Condition surveys, Infill, Major Repairs	32.4	22.8	16.6	0.0	71.7
Adult Social Care: Cllr H Farah	NAIL Schemes	3.9	20.6	5.3	0.0	29.8
SUB TOTAL - MAIN PROGRAMME		161.6	123.9	82.2	57.2	424.9
Pipeline schemes promoted to main programme	See schedule A below	0.0	70.0	136.9	186.0	392.9
SUB TOTAL - TRANSFERS TO PROGRAMME		0.0	70.0	136.9	186.0	392.9
All	Revised Budgetary Pipeline Provision	0.0	0.0	0.0	17.7	17.7
SUB TOTAL - REMAINING BALANCE		0.0	0.0	0.0	17.7	17.7
GRAND TOTAL - REVISED PROGRAMME		161.6	193.9	219.1	260.9	835.5
Funding Sources:-						
Grants & Other Contributions		33.2	34.1	52.2	20.4	139.8
S106 & CIL		14.1	1.7	20.7	0.0	36.6
Capital Receipts		33.5	30.0	22.6	28.2	114.3
Reserves		29.0	24.1	36.0	0.0	89.1
Major Repairs Allowance		10.9	7.1	8.1	0.0	26.0
Revenue Contribution		11.6	7.1	3.5	15.5	37.7
Borrowing Requirement		29.4	89.8	76.1	196.7	392.0
		161.6	193.9	219.1	260.8	835.5

	2018-19	2019-20	2020-21	2021-2024	Total
Schedule A					
Bridge Park Housing & Community Development	0.0	1.0	25.0	24.0	50.0
HRA Housing Schemes c817 units	0.0	9.6	40.0	43.6	93.2
Honey Pot Lane	0.0	1.0	10.0	7.5	18.5
Brent Indian Community Centre redevelopment - 37 units	0.0	0.5	5.0	4.5	10.0
Brondesbury Road (Clinic) - 70 units	0.0	0.5	5.0	12.5	18.0
London Road Development General Needs - 79 units	0.0	0.2	0.2	32.6	33.0
CNWL/ Education Quarter	0.0	5.0	6.5	0.0	11.5
Highways infrastructure	0.0	5.0	5.0	10.0	20.0
Discount Market Sale (DMS)	0.0	40.0	0.0	0.0	40.0
Redevelopment of Learie Constantine - 26 units	0.0	0.2	4.0	1.8	6.0
Preston Park re-development	0.0	0.5	3.0	0.3	3.8
Utilising surplus property	0.0	5.0	5.0	10.0	20.0
Allotments RO Roundwood Centre & 1-47 Longstone Avenue	0.0	0.5	20.0	24.5	45.0
Northwick Park	0.0	0.5	1.2	8.2	9.9
Morland Gardens development - 50 units	0.0	0.5	7.0	6.5	14.0
Total Promoted Schemes	0.0	70.0	136.9	186.0	392.9

	Cabinet 14 January 2019
	Report from the Chief Finance Officer
2018/19 MID-YEAR TREASURY REPORT	

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: Appendix 1: Prudential Indicators Appendix 2: Maturity Structure of Fixed Rate Borrowing Appendix 3: Investment Strategy Options
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Daniel Omisore Head of Finance Email: Daniel.omisore@brent.gov.uk Tel: 020 8937 3057

1.0 Purpose of the Report

- 1.1 This report updates Members on recent treasury activity.

2.0 Recommendation(s)

- 2.1 Cabinet is asked to note the 2018/19 mid-year Treasury report, which has already been reviewed by the Audit and Standards Advisory Committee and is to be forwarded to the Council.

3.0 Detail

Background

- 3.1 The Council's Treasury Management Strategy is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for

determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year.

- 3.2 The Code also recommends that Members are informed of Treasury Management activities at least twice a year. This report therefore ensures this authority is embracing best practice in accordance with CIPFA's recommendations.
- 3.3 Treasury Management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 3.4 In addition to reporting on risk management, the Code requires the Authority to report on any financial instruments entered into to manage treasury risks.

Economic Background

- 3.5 Growth in the UK economy recovered somewhat in Q2 following very low growth in Q1. The most recent estimate for UK GDP growth is 0.4% for Q2. This is the same as the Eurozone however US growth has been strong. Arlingclose have advised that the outlook for the UK economy remains challenging to predict following the vote to leave the European Union. Other risks include potential trade wars which will continue to cause significant volatility in financial markets.
- 3.6 Consumer Price Index (CPI) has increased since the previous update, to 2.7% in August mostly due to increases in transport fares and recreation and culture. Employment is currently at 75.5% of the working age population, marginally down on the quarter prior however the number of people in work increased through the year. Wages excluding bonuses grew by 2.9% therefore wages including inflation only showed a very slight increase.
- 3.7 Gilt yields have fluctuated in response to domestic and international events in the first half of the year. The movement in rates at which local authorities can borrow from the Public Works Loans Board (PWLB) on maturity loans is shown in the table below:

PWLB Rates

Period	Mar-18	Sep-18
1 year	1.7%	1.8%
5 year	2.1%	2.1%
10 year	2.4%	2.5%

- 3.8 The interest rate the Council receives on money market funds has risen since the previous report and 12 month maturities with local authorities have risen from 0.8% to 1.1%.

Debt Management

- 3.9 The Authority continues to qualify for borrowing at the 'Certainty Rate' (0.20% below the PWLB standard rate). This is reviewed on an annual basis and has been confirmed as applying until 31 October 2019.
- 3.10 Alternative sources of long term funding to long-dated PWLB borrowing are available, but the Council will continue to adopt a cautious and considered approach to funding from the capital markets. The affordability, simplicity and ease of dealing with the PWLB represents a strong advantage but the Council, due to its prudent policies and strong balance sheet, is in a position to consider alternatives, and will start to do so in order to finance the investment strategy. However, no new long term loans have needed to be raised so far this year as can be seen in the table below:

	Balance on 01/04/2018 £m	Debt repaid* £m	New Borrowing £m	Balance on 30/09/2018 £m
Short Term Borrowing	21	21	0	0
Long Term Borrowing	411	2.2	0	408
TOTAL BORROWING	432	2.2	0	408
Ave Rate of Long Term Borrowing %	4.82	2.58	0	4.83*

** £25m of the PWLB loans are referred to as EIP, whereby the Councils pays down the loans in half-yearly equal installments over the lifetime of the loan. The marginal increase in the average interest rate can be attributed to the Council paying back its EIP loans. This is because the EIP loans have a much lower average interest rate of 2.58% compared with the rest of the debt, which is 4.97%.*

The figures above excludes redemption of the £10m RBS inverse LOBO on 29th November. (see para 3.23)

- 3.11 The use of internal resources in lieu of borrowing has continued to be the most cost effective means of funding capital expenditure. This has lowered overall treasury risk by reducing external debt and temporary investments. However this position will not be sustainable over the medium term and the Council will need to give careful consideration to its future capital programme and how this is financed. Borrowing options, including the potential to agree forward funding and the timing of such borrowing will continue to be assessed in conjunction with the Council's treasury advisor, Arlingclose.
- 3.12 Affordability remains an important influence on the Council's borrowing strategy. Moreover, any borrowing undertaken ahead of need would need to be invested in the money markets at rates of interest significantly lower than the cost of borrowing and involve credit risk. If interest rates seemed likely to rise significantly in the short-term then this approach might need to be reviewed, however forward borrowing which is under consideration largely eliminates this risk. This is because it allows the Council to agree a sum in advance of need, at a fixed rate for delivery on a pre-determined future, thereby hedging against future interest rate exposure whilst avoiding a short term increase in costs, as interest payments do not commence until the loan starts.

- 3.13 The persistence of low interest rates means that it would be uneconomic to reschedule debt, because early retirement of the loan would incur a heavy penalty, to compensate the PWLB for having to lend the money on at lower rates. For example, the Council's most expensive loan is £3.05m at a rate of 8.875%, to repay it would cost £0.781m, a 26% premium on the value of the loan before the cost of re-financing. In short, the cost of re-financing our loans under the Government's approach means is not economical. This analysis might change if interest rates returned to historically normal levels.

Investment Activity

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

	Balance on 01/04/2018 £m	Investments Made £m	Investments Repaid £m	Balance on 30/09/2018 £m
Short Term Investments	140	579	594	125

- 3.15 There was a £15m downward movement in short-term investments. This is expected and mainly due to the significant capital investments being applied to new NAIL schemes, loans to I4B and investment in the HRA stock. This downward trend in investment balances is expected to continue in the coming years as the capital programme is progressed. YTD capital spend for 18-19 currently stands at £52m with the forecast for the full year £162m. This is having a significant impact on our cash available for investment and as noted in para 3.11 the use of internal balances to fund capital expenditure will not be sustainable over the medium to long term.
- 3.16 The Council has undertaken a detailed analysis of its cash flows, examining the pace at which we are reducing our cash reserves. The analysis was based on forecast capital commitments, incoming resources and seasonal variations. As reported to Cabinet in September 2018 the prediction is that the council will need to borrow towards the end of 2020, to a certain extent limiting our ability to use financial products that generate higher financial returns, as they would require longer time horizons. The council is reviewing its borrowing options which may include short term loans, PWLB borrowing, forward borrowing and other market loans. At the same meeting Cabinet endorsed an updated borrowing strategy that included a recommendation to commence negotiations to agree a forward funding loan of up to £40m. The council will also consider the advice of our Treasury management advisors, Arlingclose prior to any borrowing decision being made.
- 3.17 Security of capital has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2018/19. New investments were made with the following classes of institutions:

- A- or above rated banks;
- AAA rated Money Market Funds;

- Other Local Authorities;
- UK Debt Management Office

A short summary of the investment products available to the council is provided in Appendix 3.

- 3.18 Counterparty credit quality was assessed and monitored with reference to Credit Ratings (the Council's minimum long-term counterparty rating of A- (or equivalent) across rating agencies Fitch, Standard & Poor's and Moody's); credit default swaps; GDP of the country in which the institution operates; the country's net debt as a percentage of GDP; sovereign support mechanisms; potential support from a well-resourced parent institution; share price. There were two foreign banks on our Lending List, both Swedish (and, therefore, outside the Eurozone), conservatively run and with good ratings and strong financial figures.
- 3.19 All investments in banks and building societies are now undertaken by means of marketable instruments (Certificates of Deposit, CDs). This adds a measure of additional liquidity without sacrificing return, given our maturity limits.

Budgeted Income And Outturn

- 3.20 The Council's external interest budget for the year is £23.3m, and for investment income is £1.4m. The Council is unlikely to achieve the income figure, but this will be compensated for by lower borrowing costs than budgeted. The average cash balances, representing the Council's reserves and working balances, were £137m during the period to 31 September 2018.
- 3.21 The UK Bank Rate increased to 0.75% from 0.50% on 02 August 2018. Following this decision short-term money market rates have increased in response however rates are very low compared to historic rates. This will lead to an increase on the return of the council's investment portfolio though this will be gradual because existing fixed rate investments will be held to maturity.

Icelandic Bank Investment Update

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

LOBOs (Lender Option Borrower Options) - Update

- 3.23 The Council has a market loan portfolio comprising a total value of £95.5m. Of this, £80.5m are LOBOs with the remaining £15m made up of fixed rate loans. The majority of the loans were taken out before 2010 meaning that in the current interest rate environment the likelihood of these loans being "called" by the bank, in terms of changing the rate, is low. However, in recent months many banks have been active in seeking to exit these loans for various reasons which relate to either the regulatory rules required in terms of setting aside capital ("Risk Weighted Assets") which restrains the bank from lending further in other areas and more recently the changes in International Financial Reporting

Standard (IFRS) and in particular IFRS9 which impacts the bank with regards to the accounting for these loans.

- 3.24 During the month of October both RBS (£10m Inverse floater LOBO) and KA Finanz (2 x £5m Vanilla LOBOs) approached the Council seeking to enter into negotiations to extinguish our LOBO Loans. The KA Finanz offer was based on a competitive bidding process whilst RBS was based on a negotiated process. The Council submitted a competitive bid to extinguish the both KA Finanz loans, which was not accepted. However we were able to agree terms on the RBS loan at a Pricing Call on the 28th Nov and the loan was repaid shortly afterwards.
- 3.25 The Council's position has for some years been that under the current interest rate conditions it would be uneconomic to repay PWLB loans, despite the substantial spread between the highest coupon PWLB loans in its portfolio (8.875%) and current interest rates.
- 3.26 The Council would therefore as a minimum need to demonstrate that the repayment of any LOBO loan would be at a price that generated substantially more benefit than an equivalent (i.e. £5m or £10m) repayment of PWLB debt. The detailed business case proves this to be the case. Furthermore the workings that underpin this transaction show that after taking account of the premium there is an overall discounted (3.5% discounted cash flow based on Green Book) benefit of £4.5m based on the interest saved on the loan (rising to £8.1m if the loan is not replaced).

Compliance

- 3.27 Officers confirm that they have complied with its Prudential Indicators for 2018/19, which were set in February 2018 as part of the Council's Treasury Management Strategy Statement (TMSS). Details can be found in Appendix 1.

Summary

- 3.28 In compliance with the requirements of the CIPFA Code of Practice, this report provides Members with a summary report of the treasury management activity during the first half of 2018/19. As indicated in this report, none of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

4.0 Financial Implications

- 4.1 These are covered throughout the report.

5.0 Legal Implications

- 5.1 There are no direct legal implications.

6.0 Equality Implications

6.1 No direct implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 None.

8.0 Human Resources/Property Implications (if appropriate)

8.1 No direct implications.

Related Documents

Treasury Management Strategy – Report to Full Council as part of the Budget Report
– February 2018.

Report sign off:

Conrad Hall
Chief Finance Officer

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Appendix 1

Prudential Indicators

Capital Financing Requirement

Estimates of the Council's cumulative maximum external borrowing requirement for 2018/19 to 2020/21 are shown in the table below (excluding Private Finance Initiative schemes):

	31/03/2018 Final £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m	31/03/2021 Estimate £m
CFR	665	700	830	947

Usable Reserves

Estimates of the Council's level of Usable Reserves for 2018/19 to 2020/21 are as follows:

	31/03/2018 Final £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m	31/03/2021 Estimate £m
Usable Reserves	204	177	126	60

Prudential Indicator Compliance

Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Authorised Borrowing Limit. This is a statutory limit which should not be breached. The Council's Authorised Borrowing Limit was set at £900m for 2018/19. The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst case scenario without the additional headroom included within the Authorised Limit. The Operational Boundary for 2018/19 was set at £800m. The Chief Finance Officer confirms that there were no breaches to the Authorised Limit or the Operational Boundary so far this year; borrowing at its peak was £432m.

Upper Limits for Fixed Interest Rate and Variable Interest Rate Exposure

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

	Limits for 2018/19	Maximum during 2018/19
Upper Limit for Fixed Rate Exposure	100%	100%
Upper Limit for Variable Rate Exposure	40%	0%

Maturity Structure of Fixed Rate Borrowing

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

Maturity Structure of Fixed Rate Borrowing	Upper Limit	Lower Limit	Actual Fixed Rate Borrowing as at 30/09/18 £m	% Fixed Rate Borrowing as at 30/09/18	Compliance with Set Limits?
	%	%			
Under 12 months	40	0	24	6	Yes
12 months and within 24 months	20	0	36	9	Yes
24 months and within 5 years	20	0	43	11	Yes
5 years and within 10 years	60	0	5	1	Yes
10 years and above	100	0	300	73	Yes

Net Debt and the CFR

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

The Authority had no difficulty meeting this requirement so far in 2018/19, nor are there any difficulties envisaged for future years. This view takes into account current commitments, existing plans and the proposals in the approved budget.

Total principal sums invested for periods longer than 364 days

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

The limit for 2018/19 was set at £40m.

The Council's practice since the onset of the credit crunch in 2007 has generally been to keep investment maturities to a maximum of 12 months. At 30 September, the last maturity date in the deposits portfolio was 4 March 2019.

Credit Risk

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

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

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

The Council can confirm that all investments were made in line with a minimum long term credit rating of A- or equivalent, as set in the 2018/19 TMSS.

HRA Limit on Indebtedness

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

HRA Limit on Indebtedness	31/03/2018 Final £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m	31/03/2021 Estimate £m
HRA CFR	149	171	194	195
HRA Debt Cap (as prescribed by MHCLG)	199	199	199	199
Difference	50	28	5	4

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Appendix 2

Maturity Structure of Fixed Rate Borrowing

Year	Actual Fixed Rate Borrowing as at 30/09/18 £m
2018/19	12
2019/20	41
2020/21	24
2021/22	15
2022/23	11
2023/24	1
2024/25	1
2025/26	1
2026/27	1
2027/28	1
2028/29	1
2029/30	1
2030/31	1
2031/32	1
2032/33	1
2034/35	19
2047/48	52
2049/50	5
2052/53	24
2053/54	12
2054/55	17
2055/56	54
2056/57	71
2057/58	29
2059/60	6
2068/69	5
TOTAL	408

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Appendix 3

Investment strategy options

The table below shows the different assets classes available to the council for its investment portfolio together with the major driver of the return and a summary of the key risks for each asset class.

Asset Classes (approx. return)	Cash (0.6%)	Bonds (2.5%)	Equities (4.1%)	Property (4.8%)
Income driven by	Short term interest rates	Medium term interest rates	Dividends / share prices	Rental income / vacancies
Key Risk(s)	Bank defaults	Company defaults	Company performance and perception of future performance	Property prices, least liquid asset class

The Council is presently situated towards the left side of the table as the treasury investment portfolio is predominantly held in the short term cash asset class, typically with other Councils.

An option available to the Council would be to increase the duration of fixed cash deposits in order to obtain a higher rate. Currently, it would be possible to earn approximately 1.05% for a 1 year deposit with another UK local authority and 1.4% for a 2 year deposit.

The Council could obtain similar rates through fixed deposits with Banks and Building Societies however the Council's treasury advisors do not recommend depositing with any UK banks or building societies for more than 6 months on an unsecured basis.

Detailed consideration of the other asset classes would need to be undertaken by the Council prior to investment in conjunction with its treasury advisors. However it is fair to say that that Equities and Property classes tend to be considered over a longer time frame, which may not be suitable for the Council given its significant capital spending plans.

Risks

Regardless of the approach taken, the Council will be required to manage significant risks in relation to its treasury investment portfolio. Some key risks are:-

- Liquidity risk - that is the council having funds tied up in long-term investments when it needs to use that money. Increasing the duration of fixed cash deposits increases liquidity risk, however this can be mitigated through good cash flow management.

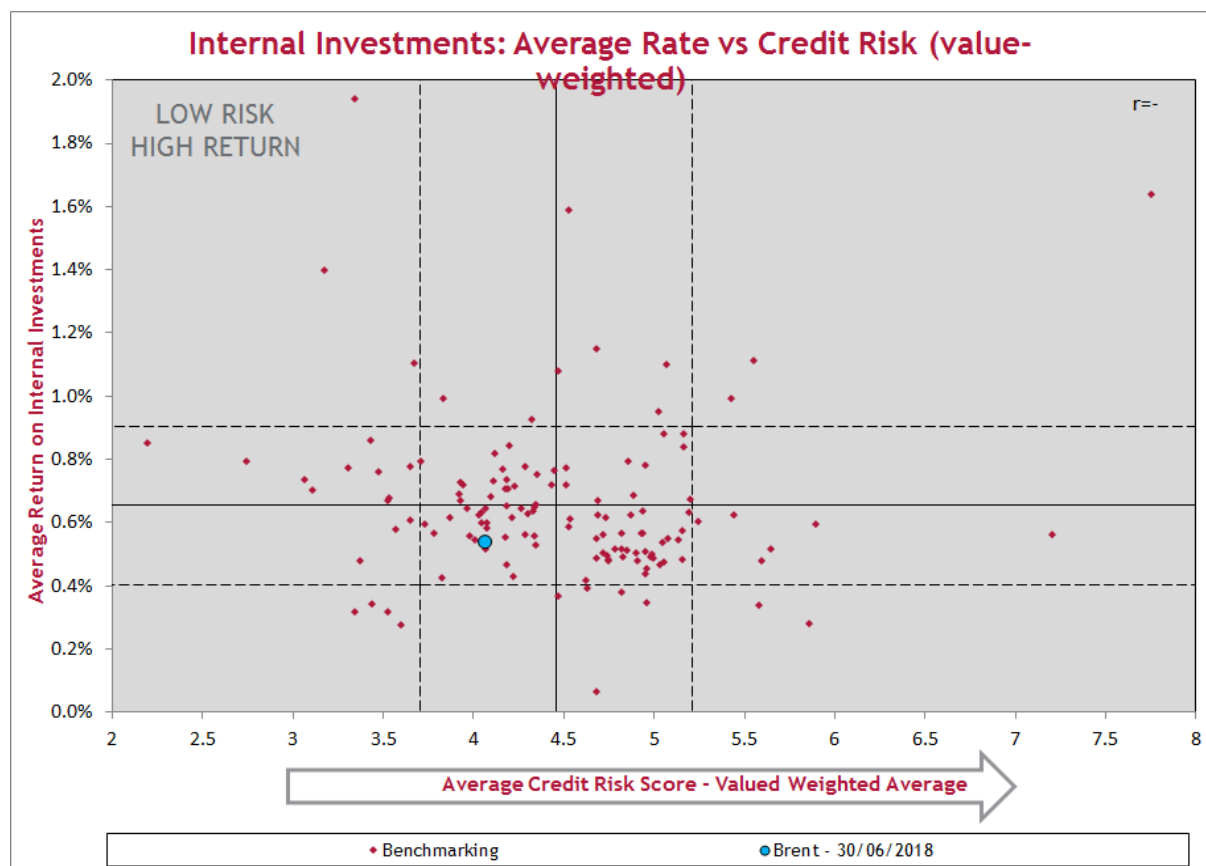
- Credit risk - the risk that a bank or other institution will not be able to pay back the money invested with it. For longer term investments, the council is more exposed to credit risk. Should a counterparty's credit worthiness change, the council may not be able to get all their money back or may face heavy penalties if it can do so.
- Interest rate risk – the risk of the council's budget being affected by unforeseen changes in interest rates. Longer term cash deposits increase this risk and will negatively affect the council should interest rates rise. On the other hand, the council may benefit should interest rates fall.


Changes to current TMS

The current investment strategy provides flexibility to invest cash for periods of up to 370 days however the council may also lend any amount to any UK local government body for up to 5 years. The minimum long term rating for counterparties is A- (or equivalent). The prudential indicators allow up to £40m to be invested for longer than 364 days.

Benchmarking to other councils

The graph below shows a comparison between Brent's investment portfolio and that of Arlingclose's (the council's treasury advisor) other Local Authority clients. Brent's portfolio has a very low risk profile compared with many of the others, which also equates to a lower yield. However, many authorities are to the right, obtaining similar yields for much higher risk levels.



 Brent	Cabinet 14 January 2019
	Report from the Strategic Director of Resources
National Non-Domestic Rates – Applications for Discretionary Rate Relief	

Wards Affected:	Willesden Green, Alperton, Stonebridge, Fryent, Wembley Central
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two Appendix 1: Eligibility Criteria Appendix 2: New Applications
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Richard Vallis, Revenues & IT Client Manager – Richard.Vallis@brent.gov.uk Tel 020 8937 1503

1.0 Purpose of the Report

- 1.1 The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The award of discretionary rate relief is based on policy and criteria agreed by Cabinet on 15 November 2016. New applications for relief have to be approved by the Cabinet.
- 1.2 The report details new applications for relief received since Cabinet last considered such applications in May 2018.

2.0 Recommendations

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

3.0 Detail

- 3.1 Details of the Council's discretion to grant rate relief to charities, registered community amateur sports clubs and non-profit making organisations are contained in the financial and legal implications' sections (4 and 5).
- 3.2 Appendix 1 sets out the criteria and factors to consider for applications for NNDR relief from Charities and non-profit making organisations. This was agreed by Cabinet at its meeting on 15 November 2016.
- 3.3 Appendix 2 lists new applications from local and non-local charities that meet the criteria. These receive 80% mandatory relief, where they meet the criteria the council will award local charities up to 100% discretionary relief in respect of the remaining 20% balance and will award non local charities 25% relief in respect of the remaining 20% balance. It also shows the cost to the Council if discretionary relief is awarded.
- 3.4 The criteria for awarding discretionary rate relief focuses on ensuring that the arrangements are consistent with corporate policies and relief is directed to those organisations providing a recognised valued service to the residents of Brent, particularly the vulnerable and those less able to look after themselves. Further detail is set out in Appendix 1. Should relief be granted entitlement will remain until 31 March 2020 unless there are any changes to the organisation. The scheme will be reviewed in late 2019 when organisations will be required to re-apply for relief.
- 3.5 Charities and registered community amateur sports clubs are entitled to 80% mandatory rate relief and the council has discretion to grant additional relief up to the 100% maximum
- 3.6 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. However the council's policy limits relief for these to 25%

4.0 Financial Implications

- 4.1 From 1 April 2013 the council funded 30% of the amount of mandatory and discretionary relief awarded to charities and non-profit making organisations, with 50% being met by central government and 20% by the GLA. From 1 April 2018 the council is part of a pan London business rates pool whereby 100% income from business rates is split between the council and the GLA. The council's share is estimated at 64%, so from 1/4/2018 the council will meet 64% of any discretionary rate relief awarded.
- 4.2 The Council, where it has decided to grant relief, has followed a general guideline of granting 100% of the discretionary element to local charities and 25% of the discretionary element to non-local charities. Any additional awards of relief will reduce income to the Council by 30% for years prior to 1/4/2018 and 64% post 1/4/2018.

4.3 In respect of non-profit making organisations the council has agreed where the organisation meets the criteria to award 25% discretionary rate relief. The cost to the council of awarding this relief is 30% of the amounts granted for years prior to 1/4/2018 and 64% post 1/4/2018.

4.4 The costs therefore of awarding discretionary relief to the charitable organisations detailed in Appendix 2 is £4,761.77. These costs will in effect reduce the council's projected income from its retained Business Rates income from 2018/19 onwards.

5.0 Legal Implications

Discretionary Rate relief

5.1 Under the Local Government Finance Act 1988, charities are only liable to pay 20% of the NNDR that would otherwise be payable where a property is used wholly or mainly for charitable purposes. This award amounts to 80% mandatory relief of the full amount due. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, registration with the Charity Commission is conclusive evidence of this. Under the Local Government Act 2003, registered Community Amateur Sports Clubs also qualify for 80% mandatory relief.

5.2 The Council has discretion to grant relief of up to 100% of the amount otherwise due to charities, Community Amateur Sports Clubs, and non-profit making organisations meeting criteria set out in the legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science, literature, the fine arts, or recreation. Guidance has been issued in respect of the exercise of this discretion and authorities are advised to have readily understood policies for deciding whether or not to grant relief and for determining the amount of relief. Details of the current policy are contained in Appendix 1

5.3 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow Brent to grant the relief for a fixed period. One year's notice is required of any decision to revoke or vary the amount of relief granted, if in the case of a variation, it would result in the amount of rates increasing. The notice must take effect at the end of the financial year.

5.4 The operation of blanket decisions to refuse discretionary relief across the board would be susceptible to legal challenge on grounds that the Council would be fettering its discretion. The legal advice provided to officers and Members is that each case should be considered on its merits.

6.0 Equality Implications

6.1 Applications have been received from a wide variety of diverse charities and organisations, and an Impact Needs Analysis Requirement Assessment (INRA) was carried out in 2008 when the criteria were originally agreed. As there were no changes made to the criteria in September 2013 an Equality Impact assessment was not required. All ratepayers receive information with the annual rate bill informing them of the availability of discretionary and hardship rate relief.

7.0 Consultation with Ward Members and Stakeholders

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

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None

9.0 Related Documents

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

Report sign off:

ALTHEA LODERICK
Strategic Director of Resources

Appendix 1

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

Introduction

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

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

(a) Eligibility Criteria

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

(b) Factors to be taken into account

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

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

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

(c) Parts of the process

No Right of Appeal

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

Notification of Change of Circumstances

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

Duration of award

The new policy will award relief to 31 March 2020. Prior to the end of this period applications will be sent inviting recipients to re-apply, this will ensure the conditions on which relief was previously awarded still apply to their organisation. This will help ensure that the Council's rate records remain accurate.

Withdrawal of relief

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

Unlawful activities

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

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

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Appendix 2

New Applications for Discretionary Rate Relief – Local Charities – 20% relief

	100% Relief to be awarded	Charge	Amount of relief (20%)	Cost to Brent (30% pre 1/4/2018, 64% post 1/4/2018)
	<u>Organisation</u>			
33107664	Brent Carers Centre 3 rd Floor, 144 – 150 High Road London NWE10 2PJ 1/4/2018 – 31/3/2019	£10,846.00	£2,169.20	£1,388.29
33107323	Crisis UK Unit 1 16a St Thomas's Road	£2,662.20	£532.44	£340.76
33107314	Unit 2 16a St Thomas's Road	£3,549.60	£709.92	£454.35
33107305	Unit 3 16a St Thomas's Road NW10 4AJ 1/4/2018 – 31/3/2019	£3,783.84	£756.77	£484.33
33105921	Centre for Peaceful Solutions 76 High Road NW10 2PU 15/3/2018 – 31/3/2018 1/4/2018 – 31/3/2019	£759.29 £10,846.00	£151.86 £2,169.20	£97.19 £1,388.29
33113721	Friends of Kensal Library Bathurst Gardens London NW10 5JA 16/5/2018 – 31/3/2019	£4,754.41	£950.88	£608.56
Total		£37,201.34	£7,440.27	£4,761.77

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