



Brent

Cabinet

Monday 9 November 2020 at 10.00 am

This will be held as an online virtual meeting

The link to view the meeting is available by clicking [HERE](#)

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
Farah	Lead Member for Adult Social Care
Knight	Lead Member for Community Safety and Engagement
Nerva	Lead Member for Public Health, Culture & Leisure
M Patel	Lead Member for Children's Safeguarding, Early Help and Social Care
Krupa Sheth	Lead Member for Environment
Stephens	Lead Member for Schools, Employment and Skills
Southwood	Lead Member for Housing & Welfare Reform
Tatler	Lead Member for Regeneration, Property & Planning

For further information contact: James Kinsella, Governance Manager, Tel: 020 8937 2063; Email: james.kinsella@brent.gov.uk

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The press and public are welcome to attend this meeting as an online virtual meeting. The link to attend and view the meeting is available [HERE](#).

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

Introductions, if appropriate.

Item	Page
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1	Apologies for Absence	
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2	Declarations of Interest	
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Members are invited to declare at this stage of the meeting, 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 - 8
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To approve the minutes of the previous meeting held on 12th October 2020 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.

Chief Executive's reports

6	Reference of item considered by Scrutiny Committees (if any)	
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There are no items to be considered.

7	Draft Brent Climate Emergency Strategy (2021-2030)	9 - 68
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This report seeks approval to issue the draft Brent Climate Emergency Strategy 2021-2030 for public consultation. The strategy outlines the key objectives, themes and areas of focus that will progress the Council's objective to reach carbon neutrality by 2030.

Ward Affected:
All Wards

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

Contact Officer: Oliver Myers, Head of
Environmental Strategy & Commissioning
Tel: 020 8937 5323
oliver.myers@brent.gov.uk

Children and Young People reports

8 School Place Planning Strategy 2019-23 Refresh 69 - 116

This report provides an update on the refresh of the School Place Planning Strategy 2019-2023, which was approved by Cabinet in November 2019. The refresh of the Strategy provides an updated assessment of school place demand across the borough based on the latest pupil projections from the Greater London Authority (GLA).

Ward Affected:
All Wards

Lead Member: Lead Member for Schools,
Employment & Skills (Councillor Tom Stephens)
Contact Officer: Brian Grady, Operational
Director, Safeguarding, Partnerships & Strategy
Tel: 0208 937 4173
brian.grady@brent.gov.uk

Regeneration and Environment reports

9 Commercial Trading Company 117 - 144

This report seeks approval for the establishment of a general trading company, and outlines recommended governance and membership arrangements.

Ward Affected:
All Wards

Lead Member: Lead Member for Environment
(Councillor Krupa Sheth)
Contact Officer: Darren Hale, Environmental
Health Manager
Tel: 020 8937 2389
darren.hale@brent.gov.uk

10 Variation of long stop date in respect of Community Asset Transfer at Tenterden Pavilion & Sports Ground, Preston Road HA3 0QQ 145 - 156

This report seeks approval for the variation of the longstop date at Tenterden Pavillion and Sports Ground.

Ward Affected:
Kenton

Lead Member: Lead Member for Regeneration,
Property & Planning (Councillor Shama Tatler)
Contact Officer: Denish Patel, Head of Property
and Projects
Tel: 020 8937 2529
denish.patel@brent.gov.uk

11 South Kilburn Regeneration Programme – making of compulsory purchase order 157 - 178

This report seeks approval for the use of Compulsory Purchase Order powers as necessary in order to progress the South Kilburn Regeneration Programme. Such powers would be used in the event of a failure to reach the preferred option of a negotiated settlement.

Ward Affected:
All Wards

Lead Member: Lead Member for Regeneration,
Property & Planning (Councillor Shama Tatler)
Contact Officer: Denish Patel, Head of Property
and Projects
Tel: 020 8937 2529
denish.patel@brent.gov.uk

12 Northwick Park, One Public Estate – Update, Infrastructure Collaboration Agreement and Spine Road Construction 179 - 280

This report seeks approval to enter into an infrastructure collaboration agreement with London Northwest NHS Health Authority, The University of Westminster and Network Homes Ltd. In relation to the Northwick Park One Public Estate initiative. It also seeks approval for the tendering and procurement of the construction works for the completion of a new spine road.

Ward Affected:
Northwick Park

Lead Member: Lead Member for Regeneration,
Property & Planning (Councillor Shama Tatler)
Contact Officer: Nick Ljustina, Director of
Property & Assets
Tel: 020 8937 5025
nick.ljustina@brent.gov.uk

13 Exclusion of Press and Public

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

Item 9: Commercial Trading Company – Appendices 1 and 2

Item 11: South Kilburn Regeneration Programme – making of compulsory purchase order - Appendix 2

Item 12: Northwick Park, One Public Estate – Update, Infrastructure Collaboration Agreement and Spine Road Construction - Appendices 1,2,3 and 5

14 Any other urgent business

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

Date of the next meeting: Monday 7 December 2020



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held as an online meeting on Monday 12 October 2020 at 10.00 am

PRESENT(in remote attendance): Councillor M Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Farah, Knight, Nerva, M Patel, Krupa Sheth, Stephens, Southwood and Tatler

Also present (in remote attendance): Councillors Kennelly (for item 6) and Hirani (for item 8)

1. **Apologies for Absence**

The Leader of the Council advised that apologies for absence had been received from Councillor Mashari (Chair of the Resources & Public Realm Scrutiny Committee) who had been due to attend to speak in relation to Agenda Item 6a (References from Scrutiny Committee) and Item 9 (Procurement Strategy).

2. **Declarations of Interest**

None.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on 7th September 2020 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 & Request to Speak (if any)**

The Leader of the Council advised that he had agreed to accept an additional request to speak at the meeting from Councillor Kennelly regarding the Healthy Neighbourhood and School Street Scheme proposals.

Councillor Kennelly thanked Cabinet for the opportunity to speak. Whilst emphasising that the proposals outlined in the scheme were positive, especially in light of the climate emergency, he was concerned that ward councillors and

residents felt they had not been sufficiently engaged, which he felt would have addressed some of the concerns being raised and enabled them to have been resolved collaboratively. In drawing attention to these concerns, he sought clarity on the following:

- The response from the Emergency Services to the consultation on the proposals;
- The criteria under which the outcome of each experimental trial would be assessed prior to any final decision being taken about their introduction on a permanent basis;
- How the proposals had been risk assessed and account taken of comments submitted as part of the Active Travel interactive consultation;
- The process for seeking to engage the local communities in the design and implementation of the trial schemes; and
- The funding bids submitted in relation to the scheme.

Councillor Butt thanked Councillor Kennelly for his comments, and invited Councillor Tatler, as Lead Member for Regeneration, Property & Planning, to respond.

Prior to inviting a response, Councillor Butt felt it was important to recognise the context within which the Low Traffic and Healthy Neighbourhood proposals had need to be implemented, in terms of the conditional funding being made available by central government. In her response, Councillor Tatler (within the overall context outlined by the Leader of the Council) highlighted the consultation that had taken place prior to the introduction of the Healthy Neighbourhood scheme, and the involvement of ward councillors in its formation. The Council were committed to ensuring resident involvement throughout the trials and to ensure that consultation was ongoing, with feedback to be sought at two, four and six month intervals from implementation. The Council were committed to addressing poor air quality and to tackling the climate emergency and it was necessary that schemes be trialled to address those issues. In concluding her response, Councillor Tatler requested that Councillor Kennelly submit the details of the information being sought in writing in order to form the basis for further discussions and response.

6.1 Recommendations from Resources & Public Realm Scrutiny Committee and Draft Executive Response - Public Realm and The Brent Economy

Whilst noting that Councillor Mashari, Chair of the Resources and Public Realm Scrutiny Committee had given her apologies, and was no longer able to present the recommendations of the committee, the Leader of the Council, Councillor Butt, expressed a desire that other members of the scrutiny committee be invited to introduce scrutiny recommendations in the future, if the Chair were unable to attend.

Cabinet received a report from the Assistant Chief Executive presenting two sets of recommendations made by the Resources and Public Realm Scrutiny Committee on 14 July 2020 in relation to the Public Realm in Brent and Brent Economy, for Executive response.

The Cabinet Member for Regeneration Property and Planning, Councillor Shama Tatler, introduced the proposed response to the scrutiny recommendations that related to her portfolio in relation to both issues. Cabinet heard that consideration would be given to all the recommendations, however in assessing the viability of those with associated costs there was a need to be mindful of the wider budgetary context and expenditure related to the pandemic.

The Cabinet Member for the Environment, Councillor Krupa Sheth, responded to the recommendations that related to her portfolio, noting that officers were currently investigating the ways in which it would be possible to ensure that it remained cheaper to use a bike hanger than obtain a parking permit and emphasising the commitment of the Council to addressing the climate emergency within the wider financial pressures faced by the Council as a result of the pandemic

As a result of the responses provided, Cabinet **RESOLVED** to note the recommendations made by the Resources & Public Realm Scrutiny Committee at its meeting on the 14 July 2020 relating to the Public Realm in Brent and the Brent Economy and to approve the Executive Response provided on both set of recommendations, as detailed in Appendix 1 and 2 of the report.

7. Extension of Borough-Wide Street Drinking Public Space Protection Order

The Cabinet Member for Community Safety and Engagement, Councillor Promise Knight, introduced the report seeking approval for the extension of the existing Borough-Wide Street Drinking Public Space Protection Order for a further three years. The report outlined how the order allowed for a proactive and interventionist approach to street drinking and gave a focus to both enforcement and education. Members' attention was drawn to the support given to the extension by the police and the Safer Neighbourhood Board (SNB). Councillor Knight also clarified that in relation to paragraph 6.2 of the report, the legal test in relation to deciding to renew a Public Space Protection Order is that the Cabinet needs to be satisfied on reasonable grounds that doing so is necessary to prevent an increase in the frequency or seriousness of street drinking activities after the expiry of the original Public Space Protection Order.

In welcoming the report Cabinet noted the timeliness of the extension and whole system approach identified in terms of tackling street drinking, especially given the additional issues associated with the early closure of pubs and venues due to the pandemic restrictions.

In considering the recommendation Cabinet noted the need to be satisfied on reasonable grounds that the extension was necessary to prevent an increase in the frequency or seriousness of street drinking activities after the expiration of the current order, and considering that this requirement had been met **RESOLVED** to extend the Borough wide street drinking Public Space Protection Order (PSPO) for a future three years, commencing from 20 October 2020 to 19 October 2023.

8. Application for the re-naming of the eastern section of Meadow Garth to Pramukh Swami Road

The Cabinet Member for Regeneration, Property and Planning, Councillor Shama Tatler, introduced the report which detailed an application received from the Shree

Swaminarayan Temple for the renaming of the eastern section of Meadow Garth Road to Pramukh Swami Road.

Councillor Butt welcomed Councillor Hirani, ward councillor for Dudden Hill Ward, and Gireesh Patel, a representative from the Shree Swaminarayan Temple ("the Temple") who had requested to speak in support of the application.

Councillor Hirani began his representation by outlining his support for the name change, noting the positive contribution the Temple had made to the borough, as well as the cultural and global significance of the request. In also recognising the objections that had been received, Councillor Hirani praised the balanced nature of the report and recommendation.

Gireesh Patel, representative from the Shree Swaminarayan Temple, thanked the Leader for the opportunity to also speak in support of the application. Members' attention was drawn to the high visitor numbers the Temple received from all religious denominations and the impact the temple had had on regenerating the area and creating a secure and safe neighbourhood for local residents. The application was in line with many similar approvals for roads to be renamed in memory of other inspiring and historic figures. He also felt it important to highlight that in order to minimise inconvenience the application was only to rename the part of Meadow Garth for which the majority was occupied by the temple and fact that the Temple were offering to provide compensation to local residents for the inconvenience of the name change.

Councillor Butt thanked Councillor Hirani and Mr Patel for taking the time to address the committee and welcomed Mrs Fontaine-Waldron, a resident of Meadow Garth, to the meeting, who had requested to speak in objection to the application.

Mrs Fontaine-Waldron began her representation by noting that she was a long term resident of the area and had settled at her current address. She objected to the change of name given the impact on the postal address for those residents directly affected, highlighting the significant harm and inconvenience this would cause not only to herself but also her family. She noted the offer of compensation but felt this did not negate the inconvenience and negative impact to her health and wellbeing given the stress and disruption that would be caused as a result and her current state of health.

Councillor Butt thanked Mrs Vadney-Waldron for attending and making her views known to the committee.

In discussing the recommendation to approve the change of name Members highlighted the positive contribution which the Temple made to the borough and emphasised that the cultural diversity of Brent was an asset to be celebrated. Cabinet noted and took into consideration the concerns raised in opposition to the application during this item in the meeting and in the report and praised the report for balancing both sides of the issue.

Cabinet RESOLVED to:

- (1) Confirm and approve the making of an order to change the name of the eastern part of Meadow Garth to Pramukh Swami Road.

- (2) Delegate authority to the Strategic Director, Regeneration & Environment to implement the proposed order.
- (3) Delegate authority to the Strategic Director, Regeneration & Environment to enter into a legal agreement to ensure that the applicant covered the reasonable costs that were incurred by the Council and occupiers affected as a result of the change to the street name at the eastern section of Meadow Garth, plus to the occupiers of the properties, an inconvenience fee.

9. Procurement Strategy 2020-2023

The Deputy Leader and Cabinet Member for Resources, Councillor Margaret McLennan introduced the report seeking approval for the 2020-2023 procurement strategy. Cabinet heard that the strategy not only maintained the previous commitment to ensuring value for money but also added a greater focus to how procurement could support residents and enhance the services they received. This would be achieved through the five core pillars of sustainable procurement, community wealth building, active procurement, circular economy and social value. Members noted that the strategy had been presented and discussed in depth at the Resources and Public Realm Scrutiny Committee meeting on 1st October 2020, with their recommendations accepted and incorporated as part of the development of the strategy. In concluding her introduction, Councillor McLennan thanked officers for their commitment to ensuring procurement worked for Brent residents.

In giving their endorsement to the strategy and its aims, Cabinet expressed support for the alignment of the strategy with the remaining term of the Borough Plan along with the focus on recent significant events including the impact of the Covid-19 pandemic on the local economy and supplier base as well as the Black Community Action Plan, Climate Emergency Action Plan and other key Council priorities including how the outcomes would support the recommendations of the Poverty Commission. Members also noted the potential for the strategy to promote Brent Works, as a local jobs brokerage scheme, and in supporting the Council's commitment to community wealth building and revival of the local economy.

Having noted the intention to incorporate the recommendations made by the Resources & Public Realm Scrutiny Committee when considering the strategy at their meeting on 1 October 2020, Cabinet RESOLVED to approve the Procurement Strategy 2020-2023 as set out in Appendix A of the report.

10. ICT Work with the Local Government Association

The Deputy Leader and Cabinet Member for Resources, Councillor Margaret McLennan introduced the report which sought approval for the extension of the partnership with the Local Government Association (LGA) for the provision of ICT services for a further three years, with the option of an additional two years. Cabinet noted the recognition which it was felt the extension of the partnership arrangement demonstrated in terms of the level and standard of ICT service being provided and success of the overall digitalisation strategy especially during the pandemic.

In expressing their support for the extension, members highlighted the importance of stability of services during the ongoing pandemic, and thanked the officers involved in the provision of ICT services.

Cabinet RESOLVED to:

- (1) Note the current arrangements for partnership working with the Local Government Association in relation to the provision of ICT services, as set out in sections 3.1 and 3.2 of the report.
- (2) Approve the Council entering into further arrangements to partner with the Local Government Association for a period of 3 years with an optional 2 year extension for the provision of ICT services, to include the hosting of its ICT services at the Brent Data Centres, and the ongoing provision of ICT support services and the implementation of new hardware where necessary.
- (3) Delegate authority to the Strategic Director of Customer and Digital Services in consultation with the Director of Finance and the Director of Legal, HR, Audit and Investigations to agree the full terms of the legal agreements required to deliver the partnering arrangements referred to in (2) above and thereafter to enter into such agreements.

11. Shared Ownership Sales and Marketing Policy

The Cabinet Member for Housing and Welfare Reform, Councillor Eleanor Southwood, introduced the report which sought approval for a Shared Ownership Sales and Marketing Policy. Whilst the Council was not currently intending to develop their own shared ownership properties as part of its New Council Homes Programme, it was noted there may be an option to do so in the future depending on the outcome of the government's current consultation on affordable housing. The approach towards shared ownership was, however, recognised as an affordable housing product, with a policy therefore needing to be in place to support any future acquisitions. In addition, Cabinet noted that the Council had acquired a s106 scheme (Grand Union, Alperton) which included shared ownership properties to which the policy would need to apply along with any other potential acquisitions through s106 schemes.

Whilst noting the policy, had been designed to meet the regulatory requirements set out by Homes England and the Greater London Authority Affordable Housing Capital Funding Guide Members' attention was drawn to the eligibility criteria detailed within the report and the way this would also be applied in relation to elected members, staff and their relatives.

In considering the options relating to length of lease available under the policy, Cabinet noted the preference to offer a 125 year lease, which was seen as a compromise between providing stability and ensuring affordability for potential purchasers and preventing the need for residents to pay for costly lease extensions.

In outlining their support for the policy and clarification provided in relation to the length of lease being offered, Cabinet RESOLVED to

- (1) Note the contents of the report.

- (2) Approve the content of the draft Shared Ownership and Sales Marketing Policy.
- (3) Delegate Authority to the Strategic Director for Community Well Being in consultation with the Lead Member for Housing and Welfare Reforms to make relevant changes to the Shared Ownership and Marketing Policy arising from any relevant changes to legislation or statutory guidance made by central Government.

12. Authority to Tender for a Framework Agreement for Housing Refurbishment Works & a Framework Agreement for Technical Consultancy Services

The Cabinet Member for Housing and Welfare Reform, Councillor Eleanor Southwood, introduced the report seeking approval to tender for two framework agreements that would provide greater capacity for technical consultancy and practical delivery of housing refurbishment works. The agreements would support the delivery of the council's commitment to expand its social housing provision alongside development of its Asset Management Strategy.

Cabinet RESOLVED to

- (1) Approve inviting tenders for a framework agreement for Housing Refurbishment Works, on the basis of the pre - tender considerations set out in section 3.11 of the report.
- (2) Approve inviting tenders for a framework agreement for Technical Consultancy Services to support the asset management and refurbishment programmes, on the basis of the pre - tender considerations set out in section 4.8 of the report.
- (3) Approve Officers evaluating the tenders referred to in (1) and (2) above, on the basis of the evaluation criteria set out in section 3.11 of the report.
- (4) Delegate to the Strategic Director for Community Wellbeing, in consultation with the Lead Member for Housing Welfare Reforms, authority to appoint contractors and consultants to the framework agreements referred to in (1) and (2) above for a term of 4 years.
- (5) That in line with the Council Procurement Rules, specific contract awards would be as set out in paragraphs 5.6 – 5.10 of the report.

13. Q2 Financial Report 2020/21

The Deputy Leader and Cabinet Member for Resources, Councillor Margaret McLennan introduced the report which set out the Council's current forecast of income and expenditure against the revenue budget for 2020/21 and other key financial data.. Cabinet noted the update provided in relation to the ongoing financial impact of Covid-19, which had resulted in a total forecast overspend of £9.6 million. It was hoped that the upcoming spending review by the Treasury would help to alleviate the pressures identified with the Council having also

submitted its first claim for expenditure and loss of income due to Covid-19, totalling £6million.

In noting the financial position of the Council, Members highlighted the need for an information strategy to be developed to inform residents of the situation and the difficult financial decisions that would need to be taken in the future.

Cabinet RESOLVED to note the overall financial position and actions being taken to manage the issues highlighted, as outlined within the report.

14. Exclusion of Press and Public


There were no items that required the exclusion of the press or public.

15. Any other urgent business

None.

The meeting ended at 11:00am

COUNCILLOR MUHAMMED BUTT
Chair

	Cabinet 9 November 2020
	Report from the Assistant Chief Executive
Brent Climate Emergency Strategy (2021-2030) – Draft for Public Consultation	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	Two: Appendix A: Brent Climate Emergency Strategy – Draft for Public Consultation Appendix B: Equalities Impact Assessment
Background Papers:	None
Contact Officer(s):	Oliver Myers Head of Environmental Strategy and Commissioning oliver.myers@brent.gov.uk Tel: 0208 937 5323 Tom Welsh Climate Emergency Strategy Manager tom.welsh@brent.gov.uk Tel: 0208 937 6607

1.0 Introduction

- 1.1 The purpose of this report is to present a Draft Brent Climate Emergency Strategy (2021-2030) to be issued for public consultation.
- 1.2 The Draft Strategy includes the key objectives, themes and areas of focus that will help Brent to do all in its gift to reach its overall aim of carbon neutrality by 2030.

2.0 Recommendations for Cabinet

- 2.1 That Cabinet approves the Draft Brent Climate Emergency Strategy (Appendix A) to be issued for public consultation.

- 2.2 That Cabinet notes that, following comments received during public consultation, a revised, final Brent Climate Emergency Strategy will be presented back to Cabinet in spring 2021 for adoption.

3.0 Context

- 3.1 In October 2018, a Special Report from the Intergovernmental Panel on Climate Change (IPCC), as required by the Paris Agreement, called for urgent action to limit global warming to 1.5°C in order to avoid the risk of reaching ‘tipping points’ in our ecological and climatic systems that are likely to lead to runaway climate change.
- 3.2 That IPCC report, together with the growing grassroots movements – such as the school climate strikes, community direct action and the Declare a Climate Emergency campaign – created a significant rise in media coverage and public sector commitments on the issue. The Mayor of London declared a climate emergency in December 2018, UK parliament declared a national climate emergency in May 2019, and in June 2019, the UK government enshrined in law a net zero carbon reduction target by 2050.
- 3.3 It is widely accepted by economists that the costs of taking climate action now will be far lower than the costs of inaction in the future. Global heating linked to climate change is predicted to have negative impacts not only for society’s infrastructure and assets, but also for public health. These health impacts will be exacerbated without radical action to reduce pollution and enhance our green (natural) infrastructure. The health impacts are likely to affect vulnerable groups most severely and they include:
- Poor air quality, which can cause or exacerbate serious medical conditions, and which particularly affects young people and deprived communities
 - More frequent and extreme weather events, such as flooding, heatwaves and drought, which can cause death, displacement and serious mental health conditions
 - An increase in fuel poverty if measures to combat and adapt to climate change are not carried out fairly
 - A lack of access to nature and green space, which can negatively impact physical and mental wellbeing
 - Potential for water and food scarcity and the arrival of new diseases and pandemics in the UK
- 3.4 Conversely, tackling climate change offers numerous health benefits, relating to cleaner air and better access to green space, healthier diets and more active travel, greater resilience to extreme weather, reduced fuel poverty and associated savings to National Health Service budgets.
- 3.5 The environmental crisis therefore provides an immediate opportunity for positive social, economic and environmental transformation through a transition to a net zero carbon economy, a cleaner and greener environment, and a fairer and healthier society. As well as reducing the risks from global heating, action

to tackle climate change has the potential to bring positive change for the local community on many of the issues that matter most to people, such as cleaner air, greener spaces, warmer homes, healthier travel and a thriving local economy.

- 3.6 It is within this context that the London Borough of Brent (along with over 280 local authorities to date) passed a council motion to declare a Climate and Ecological Emergency at the Full Council meeting on 8 July 2019. Within this declaration, the council committed to an overarching aim to *“do all reasonable in the Council’s gift to aim for carbon neutrality by 2030, and work with the government to achieve the national 2050 target”*.
- 3.7 The council has since carried out the following strategic actions to support the development of the climate emergency strategy for the borough:
- Developed a holistic, council-wide approach to addressing the climate emergency covering a range of inter-related environmental issues in Brent
 - Commissioned and received the Brent Carbon Scenarios 2030 Study, an independent assessment of the sources of carbon emissions produced in the borough and the potential pathways to achieve carbon neutrality
 - Concluded a cross-cutting, internal sustainability review to take stock of what is already happening in order to reduce carbon emissions and to consider what more needs to be done
 - Reported an Interim Response to Full Council in November 2019 including an Interim Climate Action Plan (Winter 2019/20).
- 3.8 It is clear that achieving the goal of net zero carbon emissions by 2030 will be hugely challenging. As the council is not able to directly fund the level of infrastructure required to achieve this goal, collective climate action with key stakeholders across the borough will be paramount, alongside collaboration with regional and West London partners on cross borough initiatives, and a focus on ensuring that we secure investment in Brent from emerging national funding programmes.
- 3.9 In respect of regional collaboration, in December 2019, London Councils’ Transport and Environment Committee (TEC) and the London Environment Directors’ Network (LEDNet) agreed a Joint Statement on Climate Change in which they committed to prioritise and support the delivery of the seven programmes listed below, by pooling experience, expertise and resources and working together collaboratively. These programmes are ultimately consistent with Brent’s ambitions for carbon neutrality:
- Retrofit London: Retrofit all domestic and non-domestic buildings to an average level of Energy Performance Certificate B.
 - Low-carbon development: Secure low carbon buildings and infrastructure via borough planning.

- Halve petrol and diesel road journeys: Halve road journeys made by petrol and diesel via combined measures that can restrict polluting journeys and incentivise sustainable and active travel options.
- Renewable power for London: Secure 100% renewable energy for London's public sector now and in the future.
- Reduce consumption emissions: Reduce consumption emissions by two thirds, focusing on food, clothing, electronics and aviation.
- Build the green economy: Develop London's low carbon sector and green our broader economy.
- Create a resilient and green London: Ensure London is resilient to the effects of climate change, whilst enhancing its biodiversity and green spaces.

3.10 In July 2020, London Councils also put forward eight key proposals to facilitate a green recovery from the Covid-19 pandemic.

- Homes fit for the future: Comprehensive retrofit of housing and public sector buildings
- Net zero development for London: Establish a Commission on net zero development for London
- New neighbourhoods: Low carbon interconnected neighbourhoods
- Renewing our roads: London-wide road pricing and strategic enhancement of cycling/walking routes
- Accelerating low carbon heating: Developing local area energy plan and drive low carbon heating transformation
- Embedding a resilient, green economy: Develop a green economy recovery strategy
- Financing for a future London: Establish a green finance taskforce
- Creating a culture of sustainability: Research consumer behaviour and develop a communications strategy

3.11 Brent will continue to seek to capitalise on the benefits of joint working on this agenda, working with partners across the borough and across London and calling for the government to ensure that local authorities have the resources required to tackle climate change and ultimately meet the UK governments own targets. It is hoped that the UK government's role hosting the Conference of Parties (COP26) Climate Conference next year will mean an additional government focus on this agenda in the coming year.

3.12 Further to regional collaboration, the scale of the climate emergency requires us to build consensus with all sections of the community on the radical changes that will be needed in the way we heat and power our homes, move about and make choices about what we eat and buy. In autumn 2019, Brent organised a citizens' assembly on climate change to provide direction on how we should seek to tackle this issue collectively within the borough.

- 3.13 The [Brent Climate Assembly](#) took place over three workshops in November and December 2019, attended by 53 residents who came together to learn about climate change, discuss potential climate action in Brent, and make recommendations for action to the council and the community. The question they considered was *“How can we work together to limit climate change and its impact while protecting our environment, our health and our wellbeing? Consider the council, businesses and organisations, individuals”*.
- 3.14 The Assembly was designed and facilitated by deliberative democracy experts, Traverse, overseen by an advisory board of experts in relevant fields. At the Assembly workshops, a variety of specialists presented evidence and participated in discussions. Participants drew up a set of criteria by which to assess potential climate action. These were: cost effectiveness, fairness, transparency, wider benefits for health and wellbeing, and how realistic and achievable the idea was. Using this list, Assembly members voted on a longlist of potential actions which led to the development of a set of recommendations across a number of themes which have informed the Draft Strategy.
- 3.15 A Youth Climate Summit with the Brent Youth Parliament was also held, carrying out a similar process on a smaller scale to gain recommendations for climate action from the borough’s young people, which were then presented to the wider Assembly, along with suggestions from over 300 individuals and groups who posted their ideas on the Assembly website.
- 3.16 Most recently, we engaged with residents through Brent Connects sessions to explore how we can begin to put the recommendations developed by the Brent Climate Assembly into action over the coming months and years.
- 3.17 A key proposal within the Draft Strategy is the formation of the Brent Environmental Network to provide opportunities for everyone in Brent to take individual and collective actions to address the climate emergency.

4.0 Draft Brent Climate Emergency Strategy - Overview

- 4.1 The aim of the Strategy will ultimately be to harness the opportunities that the council has to make a direct impact on the climate emergency, to identify where investment will be required for maximum impact, but also where the council can lead by supporting and enabling different key communities (residents, businesses, voluntary and community sector groups, schools, registered providers etc) to play their part in sharing ownership of this substantial agenda.
- 4.2 The Draft Strategy themes therefore reflect, as closely as possible, the priorities identified by the Brent Climate Assembly, they also reflect the ambitions and direction of travel on this agenda for councils across London (as highlighted in section three).
- 4.3 Further detail on each of the key themes is provided within the strategy document itself which also provides a few practical examples of how residents can take action and contribute to tackling the climate emergency.

Theme 1: Consumption, Resources and Waste

- 4.4 The long-term objective of this theme is: 'By 2030, our communities will be living more sustainably: consuming less of the products and materials that accelerate climate change, whilst also wasting less of the world's natural resources. This behaviour shift will have helped to cut Brent's consumption emissions by two-thirds, and drive a substantive reduction in the amount of household waste produced within the borough'.
- 4.5 The key areas of focus in achieving this goal are: creating the optimum conditions for community-led behaviour change; ensuring that the supporting waste related infrastructure continues to be improved; and enhancing the green and circular economy in Brent, shifting to a local economic model where resources and products are kept in use for as long as possible.

Theme 2: Transport

- 4.6 The long-term objective of this theme is: 'By 2030, petrol and diesel road journeys will have at least halved in the borough, being driven as close as possible to zero, with an accompanying increase in journeys made by residents through cycling, walking or public transport'.
- 4.7 The key areas of focus in achieving this goal are: supporting and encouraging active travel; moving away from petrol and diesel vehicles; and encouraging public transport where possible and safe to do so.

Theme 3: Homes and Buildings

- 4.8 The long-term objective of this theme is: 'By 2030, as many homes and buildings in the borough as possible will be more energy efficient, be powered by renewable sources, and be resilient to future adverse weather events caused by climate change - and we will do all in our gift to achieve an average Energy Performance Certificate rating of 'B' in directly owned council stock.
- 4.9 The key areas of focus in achieving this goal are: improving energy efficiency in all homes and buildings, whether existing or new-build, facilitating a shift to powering homes and buildings through renewable energy sources; and adapting our homes and buildings to ensure that they are more climate resilient to cope with the potentially dangerous effects of climate change in years to come.

Theme 4: Nature and Green Space

- 4.10 The long-term objective of this theme is: 'By 2030, Brent will be one of the greenest, most biodiverse and climate-resilient boroughs in London with our residents better connected to nature'.
- 4.11 The key areas of focus identified in achieving this goal are: enhancing green (and blue) spaces and biodiversity wherever possible; improving our wider green infrastructure such as green corridors; and adapting our green spaces to assist in mitigating against adverse weather impacts in years to come.

Theme 5: Supporting Communities

- 4.12 Underpinning all four themes above is the overarching theme of ensuring that our communities are supported in delivering the proposed climate objectives for the borough.
- 4.13 The long-term objective of this theme is: 'Everyone who lives, works or studies in Brent will have improved access to clear and understandable information on the need to tackle the climate emergency, and as many people as possible will be actively engaged in taking action to help the borough become carbon neutral by 2030'.
- 4.14 The key areas of focus in achieving this goal are: developing an environmental network in Brent for organisations, communities and individuals to be the catalysts of driving this agenda forward; supporting the key sectors which will need to be at the forefront of making sustainable change happen (households, schools, businesses, the voluntary and community sector); and through launching and utilising the Brent Carbon Offset Fund to drive carbon reduction at a local level.
- 4.15 Once adopted, the strategy will be treated as a 'live' document, with the annual delivery plans reviewed each year to ensure that the Borough is progressing against its overall aim for carbon neutrality by 2030. The setting of intermediary/midway targets for the Strategy for the period leading up to 2030 will be considered as part of this ongoing review process.

5.0 Key Next Steps

- 5.1 Subject to agreement from Cabinet, the Draft Strategy will be issued for public consultation on 16th November for a period of eight weeks (see further details in section 13 of this report).
- 5.2 This will include consideration by the Resources and Public Realm Scrutiny Committee in December.
- 5.3 Following a review of the comments received, the Draft Strategy will be revised and re-presented as a final strategy for adoption by Cabinet and launch in spring 2021.

16 November 2020	Public consultation opens	General public
1 December 2020	Consideration of the Draft Strategy by the Resources and Public Realm Scrutiny Committee	Scrutiny Committee
11 January 2021	Public consultation ends	General public
Spring 2021	Consideration of the Final Draft Brent Climate Emergency Strategy (2021-2030) and comments received during public consultation	Cabinet

6.0 Alternative Options Considered

- 6.1 Given the financial pressures that the council is facing and competing council priorities following the onset of COVID-19, alternative approaches include a 'business as usual' approach. However, as is made clear within the strategy document, through working together with Brent's communities, the council remains committed and ambitious in its goal to attain carbon neutrality by 2030. Failure to act at such a crucial time risks setting in train climate deterioration that will have huge adverse impacts for the borough and its population in years to come. For these reasons, 'business as usual' is not considered desirable.
- 6.2 An approach that solely focuses on the council's own estate and operations is also not supported, in view of the above but moreover, because the council's own emissions only account for 1% of Brent's total territorial carbon emissions. It is also thought that there is no other central body in Brent that can play a leadership role to bring together individuals and organisations in tackling this issue with the speed and urgency it requires.

7.0 Financial Implications

- 7.1 The financial implications for each action within the 2021-2022 action plan are set out at the end of Appendix A. Overall, of the 23 actions proposed, four are already factored into existing budgets, 10 result in new additional activity where costs can be contained within existing departmental budgets, six have external funding secured and three require further work where due to the early stage of project scoping, the financial implications are yet to be fully developed. These actions include developing a green infrastructure vision for 2030 (R&E06), developing a Climate Change Adaptation Plan for the borough (R&E12) and implementing the council's plan to achieve net zero for the Council's own estate and operations by 2030 (R&E13). These plans are likely to have both revenue and capital financial implications, which will be assessed as the detailed plans and recommendations are developed. Those aside, it is expected that the year one actions can be contained within existing budgets.

8.0 Legal Implications

- 8.1 The Climate Change Act 2008 (the Act) is the statutory basis for the UK's approach to tackling and responding to climate change. The Act places a legal duty on central government to set legally binding targets to reduce UK greenhouse gas emissions to net-zero by 2050.

9.0 Equality Implications

- 9.1 The council, as a public authority exercising public functions, is subject to a general public sector equality duty (PSED) under section 149 of the Equality Act 2010 (EqA). The PSED requires public authorities to have 'due regard' to:
- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA

- The need to advance equality of opportunity between persons who share relevant protected characteristic and persons who do not share it. This involved having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share the relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- The need to foster good relations between persons who share a relevant and protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and promote understanding.

9.2 A full Equalities Impact Assessment is attached as Appendix B to this report. This strategy and action plan will support Brent Council to continue to meet its public sector equality duties.

10.0 Human Resources Implications

10.1 There are no immediate staffing implications.

11.0 Property Implications

11.1 Energy audits of Harlesden Library, Kilburn Library and the New Millennium day Centre have recently taken place. A specific energy audit for the Civic Centre is also being discussed by officers and is hoped to be commissioned in the near future.

11.2 The findings from all of these reports will help to inform the development of a comprehensive plan to achieve net zero carbon emissions across the council's estate and operations by 2030, which is part of the 2021-22 delivery plan within **Appendix A**.

12.0 Environmental Sustainability Implications

12.1 Environmental sustainability considerations are integral to the purpose, content and recommendations in this report.

13.0 Proposed Consultation with Ward Members and Stakeholders

13.1 Every individual who lives, works or studies in Brent has a stake in tackling the climate emergency. The draft strategy has been developed with the views of our residents at its heart, with the key themes and actions closely reflecting the priorities of the Brent Climate Assembly which took place last year.

- 13.2 The Draft Strategy will be issued for public consultation on the online portal to enable all residents in Brent to provide feedback and comments on the proposals, ahead of a final version being brought to Cabinet for approval in spring 2021. A short, illustrated version of the draft strategy is being designed and will be widely publicised.
- 13.3 During the eight week consultation period we will also hold a series of virtual events and webinars with schools, businesses, environmental groups and residents, particularly those groups who will be most affected by climate change – young people, older people, people with disabilities and our Black, Asian and Minority Ethnic communities.
- 13.4 We will encourage our ward councillors to become community champions. We are preparing fact sheets for members to use to promote the council's response to the climate emergency and to engage with residents, businesses, schools and community groups in their ward. Members will be at the forefront of community engagement and will be champions for climate action.
- 13.5 Finally, we are making the consultation activity-based – we will ask the public to carry out an audit of their area of the things they would like to see changed and to feed their ideas back to us.

Report sign off:

SHAZIA HUSSAIN

Assistant Chief Executive

Brent Climate Emergency Strategy

2021-2030

Draft for Public Consultation

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Brent

London Borough of Brent

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Foreword

We are living in a Climate and Ecological Emergency

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We are already seeing the devastating effects of climate change. 2020 has been punctuated by more volatile and unprecedented weather taking place around the world on a regular basis, whether it be wildfires in Australia or floods in the UK. The climate risk to Brent is no different. If we do not act, it is inevitable that the worst effects of climate change will directly affect all of us in the future.

The COVID-19 pandemic has had a widespread impact on Brent and our residents. The pandemic has laid bare existing inequalities, with some of our most vulnerable residents hit the hardest. Similarly, the effects of the climate emergency will disproportionately affect the groups who are least resilient to them. This must bring into clearer focus our duty to act. There will be no vaccine to save us from climate change in years to come.

The time to start acting is now. Brent has declared a climate and ecological emergency and pledged to do all in our gift to achieve carbon neutrality in the borough by 2030. This draft ten-year strategy follows that pledge, and provides a focus for climate action through five key themes, with the speed and urgency it requires. The government's plan for a net zero UK by 2050 is a timescale that is not nearly ambitious enough to tackle the problem in front of us. We are clear at the outset that the scale of the challenge to achieve carbon neutrality will be too great for the council to act alone. We will only be successful if we are

working collaboratively with our residents and communities every step of the way.

This draft strategy seeks to reflect the priorities of our residents and will be open for public consultation from 16th November 2020 to 11th January 2021. I encourage anyone reading this document to provide us with your thoughts and to think about what you can do to contribute to tackling the climate emergency in Brent.

By working together, we can tackle the climate emergency and create a greener, cleaner and more sustainable borough for all of our communities, both now and into the future.

CLlr Krupa Sheth

Cabinet Member
for Environment



Introduction and Context

What does the Climate and Ecological Emergency mean for Brent?

It is widely agreed by climate scientists that if urgent action is not taken within the next decade to reduce emissions and limit global heating, the damage done to our climate will be irreversible. In Brent, the effects are likely to be most acutely felt through more intense heatwaves, droughts, floods and biodiversity loss. The interconnected nature of the global economy means that this could also manifest in the shape of water shortages, food shortages and the displacement of people. This will place increased pressure on council services, health systems and wider infrastructure in the borough in years to come.

International organisations and national governments are grappling with this crisis, but for any global targets to be made, change has to happen on the ground at the local level. Brent must therefore play its part and strive to transform our local area to be carbon neutral by 2030. This means reducing Brent's total net carbon emissions to zero – reducing existing emissions as far as possible, then balancing out any remaining emissions by removing an equivalent amount of greenhouse gases from the atmosphere.

It is not all about avoiding catastrophe. The climate crisis provides an immediate opportunity for positive social, economic and environmental change both nationally and locally through a transition to a net zero carbon economy, a cleaner and greener environment and a fairer and healthier society.

However, this will only be possible if all aspects of communities are on board with this radical and exciting journey. Everyone who lives, works and studies within our borough boundary will need to contribute to this transformation.

The environmental themes within this document are interrelated and must be considered in the round. If we achieve our objectives, we can bring about positive changes to our local community on many of the issues that matter to people such as cleaner air, greener spaces, warmer homes, healthier travel and a thriving local economy.

International Milestones

Paris Agreement [↗](#)
December 2015

Special Report [↗](#) from the Intergovernmental Panel on Climate Change (IPCC)
October 2018

National Milestones

UK Parliament declared Climate Emergency [↗](#)
May 2019

UK Parliament makes law for **net zero carbon reduction target** [↗](#) by 2050
May 2019

London Milestones

Mayor of London released **Environmental Strategy** [↗](#) and declares **Climate Emergency** [↗](#)
May-December 2018

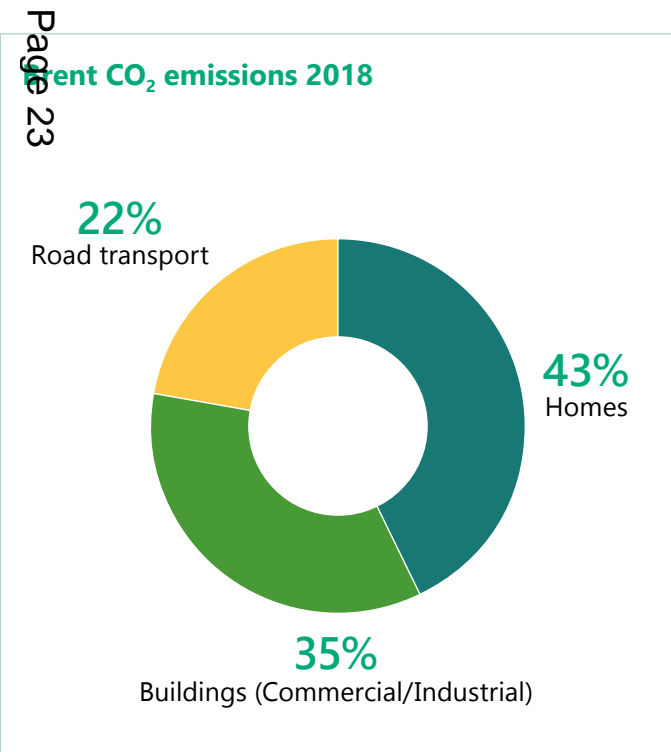
London Councils Transport & Environment Committee/ London Environmental Directors Network (LEDNET) Joint **Climate Change Statement** [↗](#)
November 2019
London Councils **Green Recovery Plan** [↗](#)
July 2020

Local Milestones

Brent Council declared Climate and Ecological Emergency [↗](#)
July 2019

Emissions in Brent

In Brent, there has been a 35% reduction in total carbon emissions between 2005 and 2018.



It is positive that emissions are going in the right direction, but carbon neutrality will not be possible on a 'business as usual' trajectory. Accelerating the speed and increasing the scope of collective climate action in Brent needs to start immediately.

The themes within this strategy provide a focus on the areas which are the most significant causes of emissions. Carbon dioxide (CO₂) is one of many greenhouse gases, but it is the biggest contributor to climate change. Within Brent, direct carbon emissions arise from three major sources: energy use in homes, energy use in buildings and road transport. These are areas that can be influenced more directly, and where change can be observed more easily.

The majority of carbon emissions from homes, buildings and road transport sources come from privately owned sources. The council will seek to lead by example and will provide the necessary leadership on these issues, but it cannot fund or directly intervene to guarantee the scale of the change required. Genuine, practical change will require individuals and organisations to contribute and take action in ways that will benefit the climate for future generations.

This draft strategy has been constructed to provide a platform on what we think Brent residents wish to see prioritised, and a focus for anyone reading it on the key actions that need to be at the forefront of tackling the climate emergency.

Brent's Wider Greenhouse Gas 'Consumption' Emissions

Energy use in homes and buildings and fuel use from road transport are the three key sources of direct CO₂ emissions in Brent. However, there are indirect greenhouse gas emissions which arise from the products we buy, the types of food we eat and how we travel outside of the borough boundary. These wider indirect emissions arising from our daily buying decisions are more difficult to measure but are estimated to be over four times as high as the direct emissions from homes, buildings and road transport. This will require a general shift to more sustainable behaviour and actions from everyone in Brent!

The Current Challenges

Funding

In August 2019, the council commissioned the independent Brent Carbon Scenarios 2030 Study which modelled a number of different scenarios for potential carbon reduction and the capital costs. The challenges identified were enormous. A 100% carbon reduction by 2030, would come at a cost of £3.1 billion (with additional costs of a zero carbon national electricity grid not quantified).

How can we overcome this?

The council and its communities will need to work together to ensure that Brent secures funding from existing and future national and regional programmes for carbon reduction, energy efficiency, waste reduction, air quality, sustainable urban drainage, biodiversity and tree planting (amongst other things). Innovative and creative thinking on fundraising to deliver climate-friendly programmes will also be required by the council and its communities.

COVID-19

The impact and disruption caused by the onset of the COVID-19 pandemic has been enormous, with an estimated fall in the UK Gross Domestic Product (GDP) of 35%. The economic effects on Brent are likely to be felt throughout this decade, which is the timeframe for this strategy. The risk posed by inaction, and the long-term problems caused by climate deterioration to both councils and their populations remain hugely significant.

How can we overcome this?

The two crises of a global pandemic and climate emergency have collided and both require an urgent response. We have an unprecedented opportunity to converge solutions to both crises, to ensure that we achieve a truly green recovery.

Changing our behaviour

For many, a lack of understanding can make climate change seem like a large, complex and overwhelming concept. The Brent Climate Assembly challenged the council to ensure individuals are equipped with better information to understand how they personally can contribute. It will require big lifestyle changes that some people may view to be difficult and unnecessary at the current time.

How can we overcome this?

The council and its communities will need to work together to adopt simple changes to lifestyles that can make a big difference. We will seek to develop plans for change that are both observable and measurable on a wider scale. We know that we can change our behaviour from our response to the COVID-19 – lockdowns all around the world have shown that widespread behavioural change is possible and at speed. Human behaviour may have driven us to this point – but we are also the ones who can ensure we avoid climate catastrophe.

The Current Challenges (continued)

Lack of coordinated action

There are amazing individuals and groups who are taking action to tackle the climate emergency in Brent. The challenge is linking like-minded groups and individuals together to gain a greater understanding of the projects and actions being taken, so that best practice and practical expertise can be replicated across the local area and on an increased scale to ensure that positive action can have the widest possible collective impact.

How can we overcome this?

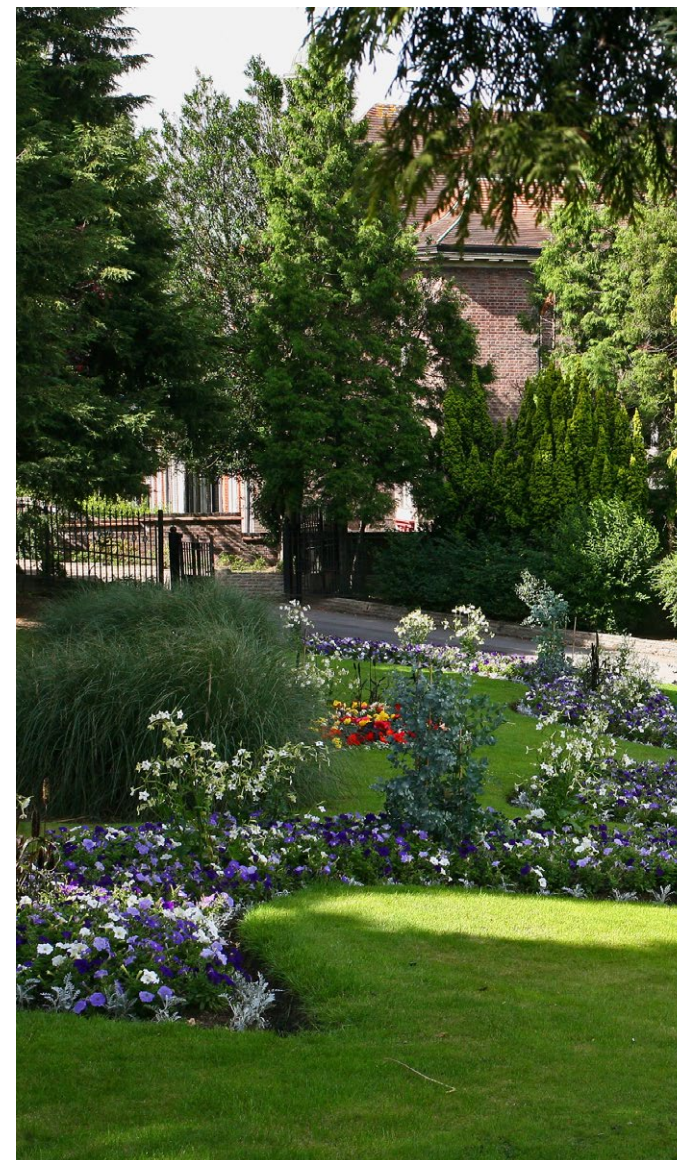
The council will seek to lead by example and will provide the necessary leadership to bring the community together to address this issue with a positive and collaborative agenda, ensuring that the carbon neutral transition is fair for all. The council will work to build on existing partnerships with other councils and partners across London to increase our impact and create new ones with key communities and sectors in Brent through the establishment of the Brent Environmental Network.

Tackling environmental issues comprehensively

Tackling the climate emergency requires action across a number of different and complex environmental issues, ranging from: carbon reduction; water conservation, cleaner air, healthy and active travel, biodiversity loss, greener spaces, adapting to global heating, warm homes, reducing waste and growing the green and circular economy. The challenge is ensuring that there is widespread understanding of how all these issues relate to each other.

How can we overcome this?

Environmental sustainability issues are interrelated and must be tackled in a joined-up way. The council has adopted a systemic, organisation-wide approach to tackling these interwoven environmental issues. It is through this lens that the council will seek to work most closely with all of its communities, working in tandem to tackle the issues most likely to have a positive impact on improving the environment in Brent.



Working Together – Development of the key themes

Community Engagement

The **Brent Climate Assembly** took place over three workshops in November and December 2019, and was made up of 53 residents who were representative of the borough in terms of age, gender, ethnicity, socio-economic group and locality. Assembly members voted on a longlist of potential actions which led to the development of a set of themes and recommendations which have informed this Draft Strategy.

A Youth Climate Summit with the Brent Youth Parliament was also held, carrying out a similar process on a smaller scale to gain recommendations for climate action from the borough's young people, which were then presented to the wider Assembly, along with suggestions from over 300 individuals and groups who were invited to post their ideas on the Assembly website. Most recently, we have also held further engagement with residents through two Brent Connects sessions, to explore how the council and its communities can begin to put the recommendations developed previously by the Brent Climate Assembly and Youth Summit into a plan of action over the next ten years.

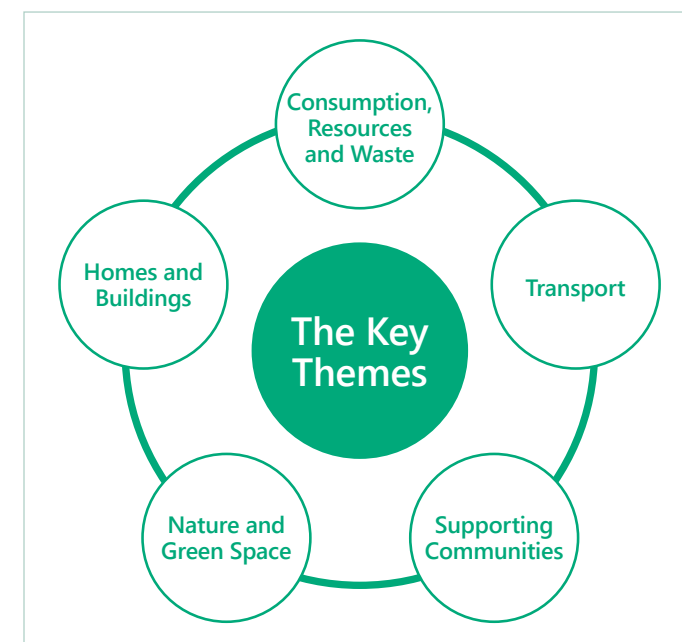
Community engagement has therefore been at the core of the development of this strategy, and will remain so in its delivery over the next decade.

Alignment with London-wide ambitions

All London Boroughs are facing similar challenges on the scale of greenhouse gas and specific carbon reduction emissions that are required if carbon neutrality is to be achieved by 2030. This draft strategy has therefore sought to align Brent's ambitions wherever possible with the London-wide ambitions set out in the London Councils' Transport and Environment Committee & London Environment Directors' Network (LEDNET) Joint Statement on Climate Change, and the London Councils' Green Recovery Plan.



The Key Themes





The Key Themes



Key Theme 1 – Consumption, Resources and Waste

Our Objective

By 2030, our communities will be living more sustainably: consuming less of the products and materials that accelerate climate change, whilst also wasting less of the world's natural resources. This behaviour shift will have helped to cut Brent's consumption emissions by two-thirds, and drive a substantive reduction of household waste produced within the borough.

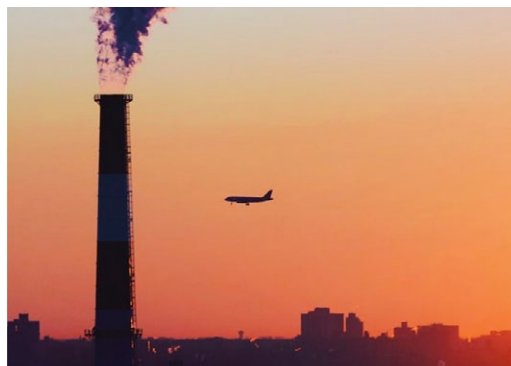
The Issue:

If humans are to be successful in our efforts to prevent the worst effects of climate change, then every single one of us has a significant role to play. At the heart of this is the fundamental need for us to consume less of the products and materials that damage the environment, and to waste less of the world's natural resources. For example, this could span from using less water, to flying less, from repairing your existing products (such as clothing), to wasting less food.

Greenhouse gas emissions caused by consumption and waste are difficult to measure, but are estimated to represent **over four times** the carbon emissions which are emitted directly from energy use in housing, buildings and road transport in the borough. Widespread community action is therefore the key influence, and the key to tackling consumption emissions.

Why it matters:

Not only will a significant reduction in consumption emissions go a long way to tackling the climate emergency, this is an environmental theme which is of huge importance to our residents. The Brent Climate Assembly voted for more potential actions to tackle the climate emergency relating to this theme than any other theme, viewing it as practical, relatable and an area where the council and its communities could all be empowered to make positive changes.



How will Brent get there?

The key areas of focus:

1. Community-Led Behaviour Change

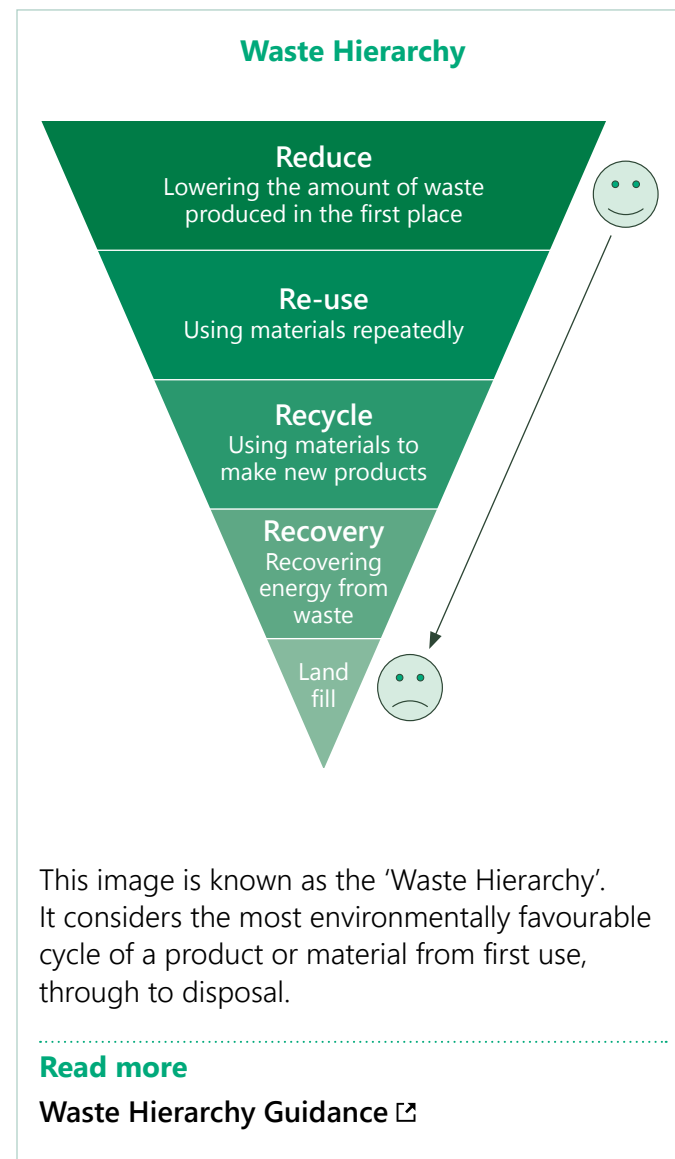
Regular communication campaigns and engagement with communities will be a crucial element of promoting a shift towards more sustainable daily behaviours. Communications will be simple, relatable and easy for anyone in the borough to understand, factoring in the array of languages and cultures that are present in Brent.

We must think innovatively about communications techniques and be ambitious in targeting and reaching demographics or local areas that are felt to be harder to reach or engage on this topic. Focus should be on the widespread benefits of

sustainable behaviours to residents, including signposting to existing sources, to help them assess their own carbon impacts and make informed choices.

At the heart of this will be our plan to develop a borough-wide, Brent Environmental Network, to develop the intelligence and the networks to ensure that information and education campaigns have a positive and widespread effect.

Engagement with specific sectors will also be a key part of this process, with organisations such as schools, businesses and voluntary groups having significant roles to play in encouraging a shift to more sustainable behaviours. The council will also strive to lead by example through its own operations.



2. Supporting Infrastructure

Reducing the amount of waste we create in the first place and improving our waste collection and recycling processes will provide the basis from which to reduce consumption emissions in the longer term.

The main waste infrastructure challenges for the borough rest with two main issues. These are contamination, typically in communal bins for blocks of flats; and food waste being mixed with general waste. We will seek to focus on addressing these key challenges and continue to seek to improve performance holistically across the waste hierarchy in the short, medium and long term.

Brent's Recycling and Reduction Plan [↗](#)

complements this theme, and should be read in alignment with this strategy. It outlines that the council will continue to work closely with its contractor (where necessary) to improve the infrastructure in the borough across a host of issues in relation to waste reduction, maximising recycling, reducing environmental impacts and maximising local waste sites.

The council is also in the process of developing a sustainable procurement policy which will embed a sustainable approach in the procurement for all products and services. A central element of this will be ensuring a reduction in the environmental impact of our supply chain, which is hoped to have a positive impact within the council and community, and to encourage other organisations to do the same.

Did you know?

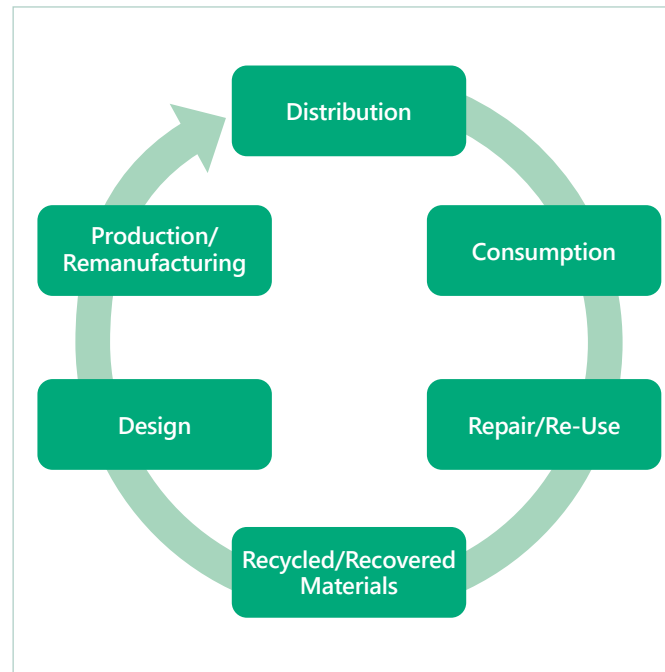
Brent residents recycle only **37%** of household waste, which is below the national average of **45%**



3. Enhancing the Low Carbon Circular Economy

Underpinning this is the need for Brent, and all of London, to move towards a low carbon, circular economy. This would involve a radical shift away from our current linear economy and 'throwaway culture' where products are made → used → disposed to one in which resources and products are kept in use for as long as possible. This should also be at the centre of green economic recovery efforts following the COVID-19 pandemic.

Brent is well placed to enhance its low carbon circular economy over the next 10 years as it is already amongst the top for London boroughs with the highest rates of employment in this sector. There are around 860 businesses in the borough involved in the circular economy. We must aspire to continue to build this sector and support this economic model of operation as a key mechanism for tackling the climate emergency.



This is a climate emergency! What can I do to help?

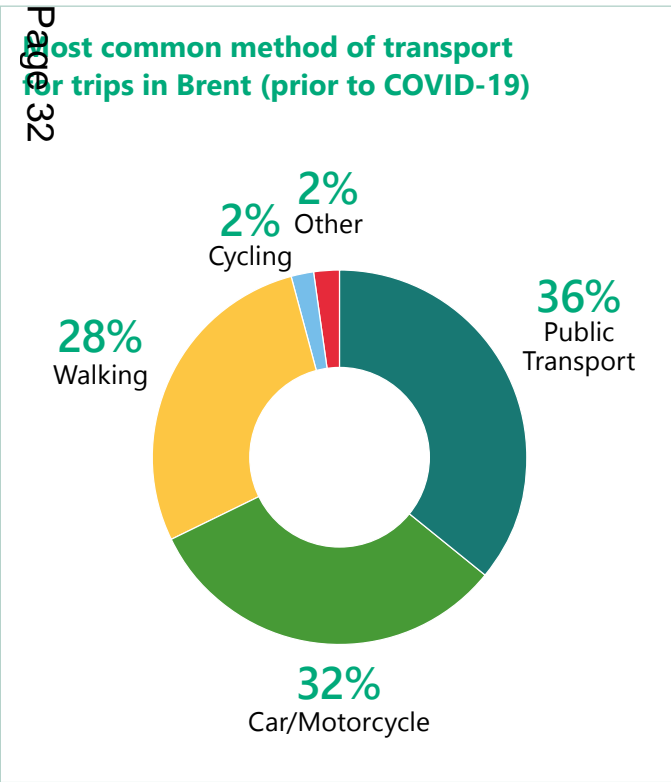
A few examples...

- Calculate your **carbon footprint** [↗](#)
- Download the **Recycleopedia** [↗](#) app
- Make the most of your clothes: via **Love Your Clothes** [↗](#) or **TRAID** [↗](#) amongst others
- Use a refillable water bottle
- Cut down on plastic bottles – shampoos etc
- Use one bag for life!
- Take shorter showers to conserve water – time them!
- Buy a water butt – save rain water to use on your plants
- Eat meat on fewer days a week or not at all
- Reduce your food waste: via **Love Food Hate Waste** [↗](#)
- Creatively re-use products by learning to upcycle
- Grow your own food on a balcony or in your kitchen

Key Theme 2 – Transport

Our Objective

By 2030, petrol and diesel road journeys will have at least halved in the borough, being driven as close as possible to zero, with an accompanying increase in journeys made by residents through cycling, walking or public transport.



The Issue:

Road transport is the third biggest contributor to territorial carbon emissions in Brent, representing 22% of the total. Moving away from private car usage and towards public transport, electric vehicles, walking and cycling will have huge implications not only for the climate but also for public health.

The COVID-19 pandemic has had a significant effect on the way people travel, with Transport for London (TfL) reporting fewer numbers of people using public transport, and car usage reportedly exceeding pre-COVID levels as of August 2020.



Why it matters:

Transport was the second most important theme that should be prioritised in the eyes of the Brent Climate Assembly as a means of tackling the climate emergency.

Improving the sustainability of our transport will not only help resolve the climate emergency, but it will make Brent a healthier and safer borough, both in the short and long term.

Decarbonising travel, is not just an issue in Brent, it requires a national effort. In July 2018, the UK Department for Transport released a routemap, 'The Road to Zero' [link](#), which outlined its strategy for decarbonising the road transport sector, as part of the Government's Industrial Strategy.



How will Brent get there?

The key areas of focus:

1. Supporting and encouraging active travel

Pursuing active travel as the preferred mode of travel in years to come will be crucial in helping to tackle the climate emergency in Brent, through increased uptake of **walking** and **cycling**.

We understand the scale of the challenge. By 2030, it is likely that the following shifts will need to have occurred in order to achieve carbon neutrality:

- The number of trips made by walking needs to increase to 37-45%, up from 28% in 2017-18.
- The number of trips made by cycling needs to increase to 7-10%, up from just 2% in 2017-18.

To ensure that active travel is embedded as a priority mode of transport across our borough, both now and into the future, this will again require behaviour change. The promotion of walking and cycling across different communities and sectors will be essential, as will seeking to secure funding for the relevant infrastructure to support this and being strategic with the resources that are available.

A host of short term and long-term measures are being considered at the present time as part of the creation of a Transport Recovery Plan with the joint objectives of: transforming our streets to create healthy, more inclusive places; facilitating active travel to improve people's health and wellbeing; and improving safety on the borough road network.

Read More

Supporting documents:

[Long Term Transport Strategy](#)

[Draft Transport Recovery Plan](#)

[Cycling Strategy](#)

[Walking Strategy](#)

[Air Quality Action Plan](#)



2. Moving away from petrol and diesel vehicles

Fewer cars on the road and fewer trips means significant carbon emission reductions and cleaner air. The North Circular Road cuts through the middle of the borough and is a significant contributor of emissions and harmful pollutants every day.

The shift away from petrol and diesel vehicles does not necessarily mean a shift away from the car altogether. Promoting the use of zero emission (at source) vehicles (electric or hydrogen) across the borough will be important, as will working with TfL on the strategic infrastructure to support this. Car Clubs, last-mile delivery schemes and other sustainable alternatives should be promoted as alternatives where possible.

Schools, businesses and other organisations in the borough have a role to play too, particularly through the development of sustainable travel plans that reflect this shift. We already have 33 schools streets in Brent – the third highest number of all London boroughs!

For the council itself, through the development of a new Sustainable Procurement Policy, we will aspire to review and replace our current fleet with low emission models over the next ten years.

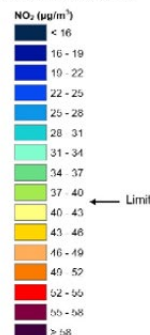
The Brent **draft Local Plan** [↗](#) (anticipated to be adopted in April 2021) also includes provisions for all new developments to be car-free or car-lite; increasing coverage of electric vehicle charging points; and enabling broadband access to encourage home working and assist independent living.

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Air Quality

Environmental Data in Brent

Annual mean NO₂ concentrations 2016



Legend

- Borough boundary
- Ward boundaries
- London Air Quality Plan (LAQP)
- Electric vehicle charging point
- Electric vehicle rapid charging point
- Air Quality Focus Area
- Air quality monitoring site
- Forest
- Brent London



Map data source: London Atmospheric Data Inventory (LADI) 2016
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3. Encouraging public transport

When the Brent Climate Assembly met in autumn 2019, it placed great emphasis on the need for the borough to support and encourage the use of public transport as an alternative to petrol or diesel vehicle journeys. Due to COVID-19, it is unsurprising that usage of public transport has dropped – whether by increased numbers of people working from home, or fewer people choosing to travel by public transport. The climate emergency and the coronavirus emergency need to be tackled in unison, so we will need to find ways to ensure that public transport continues to be seen as a safe and viable alternative to the private car in future.

The council has limited influence over public transport and key road networks which are managed by the Mayor of London. We know that to achieve carbon neutrality in the borough, all public transport services will need to be zero emission, powered by renewable energy sources. It will be important for the council to continue to liaise with TfL and participate in any communication campaigns to highlight the environmental benefits to taking public transport, and on the acceleration of the delivery of any planned public transport improvements within the borough which may also have a beneficial effect on the climate.

Although Brent is well served by public transport links, these links are not necessarily equitably served in terms of geography of the borough. It will also be important for the council to continue to look for opportunities at a sub-regional level for longer term public transport initiatives to benefit Brent's population.



This is a climate emergency! What can I do to help?

A few examples...

- **Nominate streets**  in need of walking and cycling improvements
- Walk more
- Cycle more – consider joining a cycle club or try before you bike scheme!
- Look into joining a car club
- Consider whether your workplace has a sustainable travel policy
- Think about trading your petrol/diesel car in for an electric vehicle
- Use public transport where safe to do so (wear a face covering)

Key Theme 3 – Homes and Buildings

Our Objective

By 2030, as many homes and buildings in the borough as possible will be more energy efficient, be powered by renewable sources and be resilient to future adverse weather events caused by climate change – and we will do all in our gift to achieve an average rating of Energy Performance Certificate B in directly owned council stock.

The Issue:

The energy used to power and heat Brent's homes and non-domestic buildings represents a combined total 78% of all carbon emissions produced in the borough (43% from homes; 35% from commercial and industrial buildings). This is therefore a hugely significant contributor to the changing climate.

Homes and buildings will need to become more energy efficient and be powered and heated by renewable energy sources. Homes and buildings will also need to be adapted to ensure they can cope with more volatile weather in the future.

When considering the scale and different types of homes and buildings across in the borough, this will require significant levels of central funding being made available to local areas, communities and residents by central government.

Why it matters:

The Brent Climate Assembly also recognised the importance of this theme, with 'Existing Housing and Buildings' being the third most important theme, 'Planning Policy and New Development' as the fifth most popular, and 'Adapting to global heating' as the sixth most popular theme in terms of issues that should be prioritised over the next ten years. We also know from surveying housing tenants within the council's housing stock in recent years, just how important energy efficiency is as a priority issue.

16,000 households in Brent are also thought to be in fuel poverty, equating to nearly 14% of Brent households. This is the fourth worst figure across London. Tackling energy inefficiency in homes can also help to reduce fuel poverty and ensure some of our most vulnerable residents are living in warm and comfortable homes. We will also need to ensure that homes in the borough are resilient to the predicted impacts of global heating – flooding, heatwaves and drought.



How will Brent get there?

The key areas of focus:

1. Improving Energy Efficiency

There are well over 100,000 homes and buildings in Brent (of which just under 12,000 homes and around 200 non-domestic buildings are owned by the council). The most effective way of reducing carbon emissions in homes and buildings is by reducing the need for heating and phasing out gas. In existing buildings, this can be most effectively achieved by adapting ('retrofitting') our homes and buildings to make them better insulated. Switching from gas boilers to more environmentally friendly renewable heating systems can also assist with this. In new developments, sustainable considerations should be present from design through to construction to drive carbon emissions as close as possible to zero.

On homes, the council will seek to lead by example by first assessing what energy efficiency measures are most effective within our existing housing stock, and through the delivery of the New Council Home Programme. We will do all in our gift to achieve an average rating of Energy Performance Certificate B in directly owned council stock by 2030.

As the vast majority of homes in the borough are either owner-occupied or privately rented, it is clear that homeowners and landlords will also have to play

a proactive role in tackling the climate emergency. The council will seek to encourage and support homeowners and landlords to make informed choices about energy efficiency, and signpost towards existing useful resources or funding. We will also seek to develop partnership approaches with the 60 Housing Associations in the borough who face similar challenges.

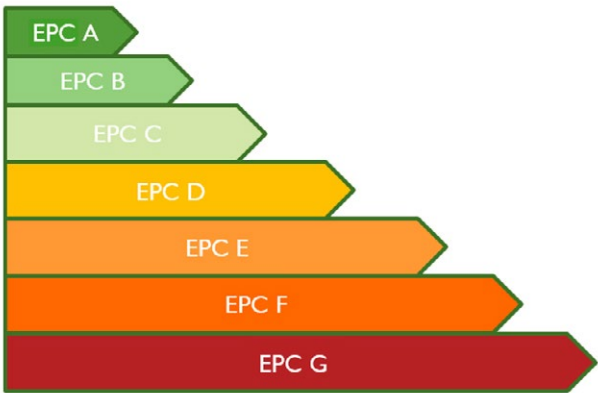
Schools, businesses and other community organisations must also collectively seek to improve energy efficiency and reduce energy demand across the borough's non-domestic buildings. The Brent Environmental Network will be a key mechanism for sharing ideas, expertise and knowledge across these sectors on practical ways to improve energy efficiency. The council will also develop a plan for achieving zero emissions across its own corporate estate by 2030.

Read More

- Supporting documents:
- Brent Draft Asset Management Strategy (2020-2025)** [↗](#)
 - Brent Two Year Stock Investment Plan 2020-2020** [↗](#)

What is the significance of Energy Performance Rating C B?

Every home or building has an Energy Performance Certificate (EPC), which provides a rating on energy performance. In this draft strategy, for its own housing stock, Brent is proposing to align itself to the London-wide target, which is an average of EPC B by 2030. This is the second highest energy efficiency rating, and if every home and building in the borough were operating this efficiently by 2030, it would have a significant impact on the Borough's aim to achieve carbon neutrality.



2. Renewable Energy

As Brent's population is expected to rise in the coming years, meeting the expected demand for energy in our homes and buildings and the infrastructure required to distribute it will be a key consideration. Renewable energy sources will need to be at the heart of energy distribution in the borough in the coming decade.

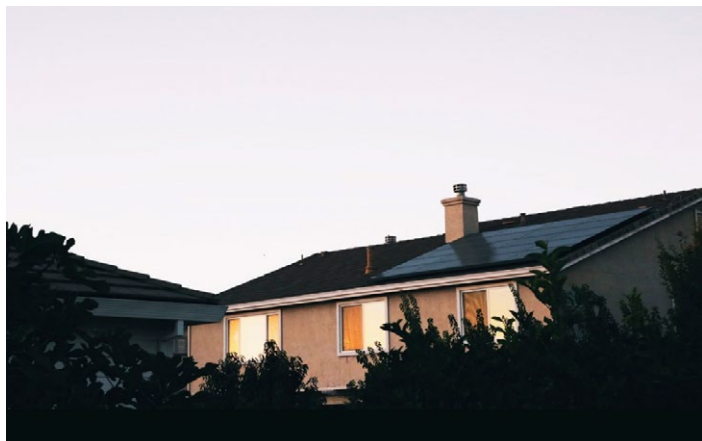
There are two key elements to this: our communities will need to play their part by seeking to power their home or commercial building through renewable

sources; and the council should seek to increase the use of renewable energy sources on its own assets through localised and sustainable energy networks. Progress is being made on both aspects, through an increase in solar panel usage in the borough and the requirement for low carbon district energy networks in new developments in Wembley and South Kilburn.

The borough will seek to explore opportunities to expand renewable energy provision to serve our homes and buildings and will ultimately aim to draw this together into a new dedicated Renewable Energy Strategy for the borough in the coming years.

Did you know?

766 solar panels have been installed on homes and buildings through the council-supported scheme Solar Together, saving 49 tonnes of carbon each year



3. Climate Resilience

Climate change and more extreme weather events in future years will impact on decisions about the location, construction and maintenance of our homes and buildings. Making adaptations to homes and buildings to make them more resilient to these weather events will be important to lessen the worst effects of climate change.

Brent, being a densely populated urban borough, is at greater risk from the predicted impacts of climate change due to the 'urban heat island effect' and the fact that the vast majority of our existing buildings and infrastructure were not built to withstand the predicted higher external temperatures and levels of rainfall. Heatwaves are likely to become increasingly common, and the risk of overheating, and therefore of heat-related health problems or mortality, is projected to increase significantly in the coming decades. Flood risk will also increase, potentially leading to displacement, high repair costs and mental health impacts such as depression, anxiety and post-traumatic stress disorder.

We have to be forward thinking and ensure that steps are taken now to guard against the more extreme effects of climate change. Major developments are encouraged to deliver green spaces and infrastructure, and to build future-proofed sustainable buildings that reduce usage of natural resources in the long-term. Planning policies within the draft Local Plan (if adopted) will require that all major commercial and residential developments mitigate and adapt to climate change, specifically by being Air Quality Positive or Neutral, and by managing flood risk, on-site water management and sustainable surface water drainage.

The borough will need to undertake further resilience planning and risk assessments across a range of different areas, addressing the disparate potential risks to our homes and buildings in the short, medium and long term. We will do this through a dedicated piece of work to establish a Climate Resilience Plan for the borough within the first year delivery plan of this strategy, assessing the specific options and infrastructure measures for feasibility within future yearly delivery plans.

This is a climate emergency! What can I do to help?

A few examples...

- Borrow an **energy monitor** [↗](#) for free!
- Consider your home insulation **options** [↗](#)
- Find out more about the **warmer homes scheme** [↗](#)
- Find out more about the Energy Companies obligation **here** [↗](#)
- Find your property on the **London Building Stock Model** [↗](#)
- Wear warm clothes at home to use less heating
- Use LED lightbulbs in your home where possible

Key Theme 4 – Nature and Green Space

Our Objective

By 2030, Brent will be one of the greenest, most biodiverse and climate-resilient boroughs in London with our residents better connected to nature.

The Issue:

In the event of the climate deteriorating to the extent that it is irreversible and uncontrollable, extreme weather events of the future are likely to have a catastrophic effect on wildlife habitats, biodiversity and the natural infrastructure of the borough.

Nature and biodiversity have a role to play in the stability of the ecosystem and global climate. At a local level this particularly relates to things like our parks, trees, open spaces, gardens and waterways. We need to ensure that these are accessible so that everyone in Brent can feel connected to the natural environment.

Why it matters:

Enhancing our green spaces will make a significant impact on our plans to tackle the climate emergency. The benefits of green spaces range from a reduction in carbon emissions to storm-water reduction and filtration; from a reduction in air pollution to improving mental and physical health and providing a sense of community cohesion.

Protecting nature, biodiversity and enhancing green spaces are also key issues for residents in Brent. The theme of 'Nature and biodiversity' was the fourth highest priority theme as voted for by the Brent Climate Assembly last year. The impact of COVID-19 and the lockdown put in place earlier this year has also had the unintended positive consequence of people being more aware of their natural surroundings and the increasingly detrimental impact that humans are having on nature.



How will Brent get there?

The key areas of focus:

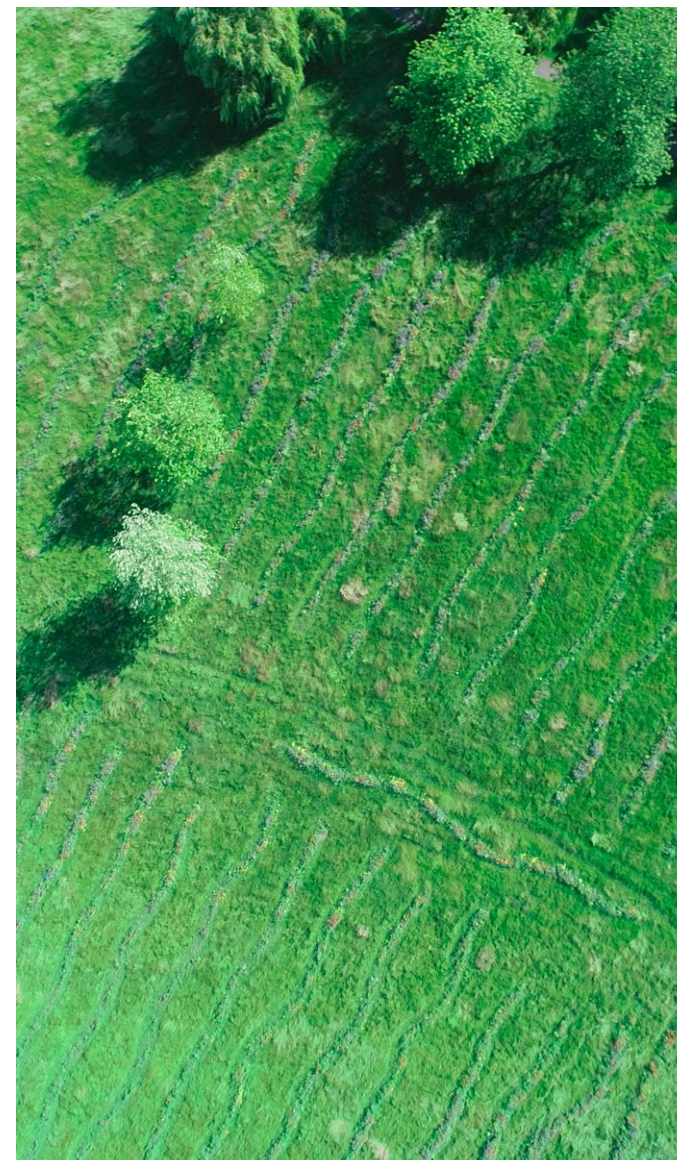
1. Enhancing green spaces and biodiversity

Brent's most prominent green areas come in the form of around ninety parks and open spaces which are a crucial aspect of the natural landscape in our borough. Brent is a densely populated, predominantly urban borough, but we must be determined to make the best use of the green space. We already are the Borough of Bee Corridors!

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A key element to the council's role in enhancing our green spaces is to also provide the enabling vision to support communities coming together to connect to nature and improve our environment. We know that the distribution of public parks provision varies significantly. The south of the borough in particular, is currently more deficient in access to green spaces.

We will develop a Green Infrastructure Vision for Brent for 2030 which will set out how we will seek to facilitate this, and to create a 'park mentality' of re-wilding existing land and utilising spaces innovatively to improve environmental sustainability.

Promoting and enhancing our green spaces has to take place in tandem with local communities. Schools also have an important community role to play in connecting young people to nature from an early age and promoting biodiversity awareness that they will hopefully carry through to adulthood. There are a substantial number of environmental groups in our local areas, including various 'Friends of' and conservation groups, some of which we know are already leading sustainability projects to help tackle the climate emergency. Groups such as these should be encouraged to spread the message that tackling climate change and looking after local environments go hand in hand, and is everyone's responsibility.



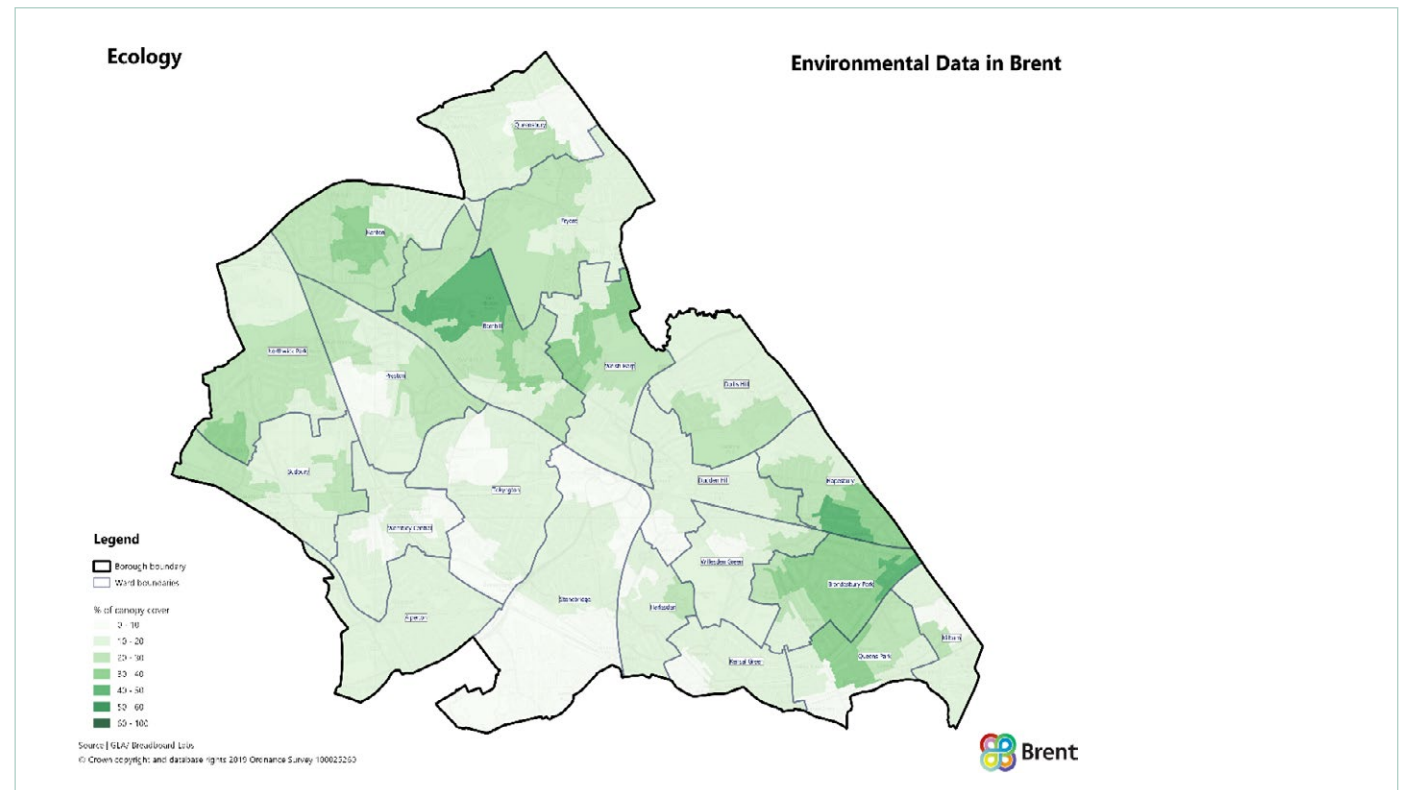
2. Green and blue (natural) Infrastructure

Trees are a significant element of our green infrastructure in Brent. Trees provide a host of environmental and health and well-being benefits, as well as offering a home and habitat for birds and insects which contribute to the functioning of a healthy local eco-system. We have a good track record of tree planting and we will aim to increase the number of trees in the future. In an urban setting such as Brent, trees can only make a tiny contribution to carbon reduction (by removing carbon from the air) – as an illustration, a 13% reduction in Brent's territorial carbon emissions through tree planting would require a land area 21 times the size of the Borough. Trees however will be vital in future to help provide shade and 'cool spots' for people and wildlife to shelter in the summer heat.

Brent is below the London average of tree canopy cover. We will seek to increase our canopy cover over the course of the next decade, to move closer to the London average. Community efforts on tree planting should be encouraged and supported in our green spaces where possible, dependent on grant funding being available from various sources.

It is important that we also consider our 'blue' spaces and infrastructure. Brent has a number of rivers and canals which flow through it (we are

named after a river!). The enhancement of waterways is another incredibly important factor in developing biodiversity in the borough. The council will seek to continue building on positive partnership working with organisations such as Thames 21 who are an integral part of improvement works to be undertaken to our rivers in Brent going forward.



3. Climate resilience

As mentioned under theme three (Housing and Buildings) we have to act to mitigate the worst effects of the climate emergency, but also adapt to the likelihood of adverse weather events which are likely to increase regardless in years to come. Adapting our infrastructure in this way should not be limited to homes and buildings, as our open spaces and parks are just important.

Heavier and more sustained downpours because of climate change are already affecting the infrastructure of Brent. An increase in properties requires more underground pipes, which already struggle to cope with existing water flow. Leaks from these pipes and missed connections lead to many incidents of flooding across Brent's streets and parks. Close working will be required with external organisations such as Thames 21 and the Canal and River Trust to develop flood alleviation schemes in our parks where we have rivers and outlet pipes running through or into them.

Management of our parks and climate change resilient planting will be an important factor. In particular, this will be through the use of longer lasting plants that are hardier, but offer a brighter mix of colours and at the same time offer habitats for insects, birds and mammals. Our parks also need to facilitate flood alleviation measures and consideration will be required of the development of swales and wet meadows that will allow for the retention of water from wetter winters and allow for flooding from nearby highways to be utilised within green spaces.

Flood management is important in the work of our highways team, in managing gully flooding and introducing solutions such as rain gardens and other Sustainable Urban Drainage Systems (SUDS) into new highway development proposals across the borough in areas that are most heavily affected by flooding.

This is a climate emergency! What can I do to help?

A few examples...

- **Grow Wild**  – Find out how to sow wildflowers and start a wildflower growing project.
- If you have a garden, consider turning it into a mini-wildlife sanctuary. The National Wildlife Federation has a programme to help you attract wildlife whether you have a balcony or a 20-acre farm or by simply hanging a bird feeder and planting bee-friendly flowers.
- Water communal plants and street trees with your waste water during drought.
- **The Royal Society for the Protection of Birds**  – Find out information about birds and take part in the Big Garden Birdwatch each January.
- **Butterfly Conservation**  – Discover information on butterflies and moths and take part in the annual Big Butterfly Count in July and August.
- **Plantlife**  – Discover the wonder of wildflowers and see which ones you can find in Brent during the Great British Wildflower Hunt.

How will Brent get there?

The key areas of focus:

1. Brent Environmental Network

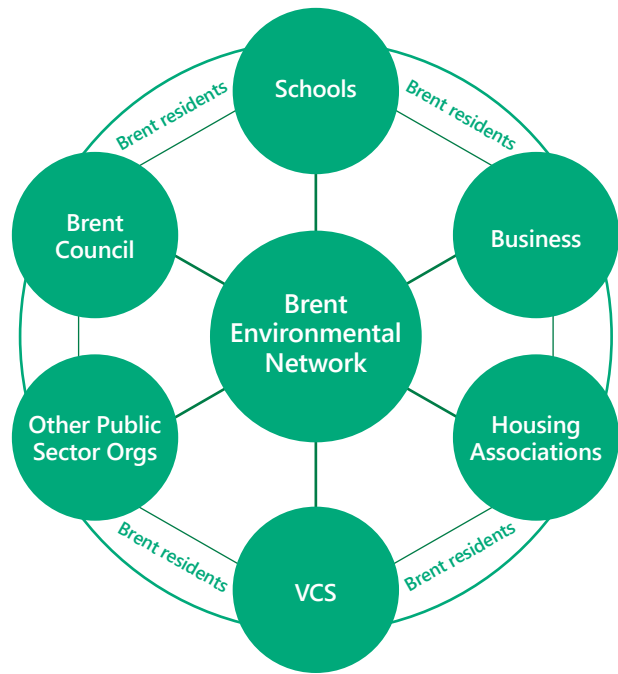
In order to achieve sustained engagement and climate action with our communities over the course of the next ten years, a comprehensive borough-wide network of residents, communities and key sectors should be established. The network is ultimately proposed to be the key overarching mechanism for sustained and ongoing engagement with communities on tackling the climate emergency and achieving the council's sustainability aims for the borough. In the first year delivery of this strategy, the council will begin developing this network to be as dynamic and successful as possible.

The ultimate aim is to develop a network of tens of thousands of both individuals and organisations across the borough who are signed up to receive communications and information about ways that they can get involved and take action in tackling the climate emergency. Those who are part of the network will be encouraged to be the champions and catalysts for climate action at a local level.

As explored in theme one of this strategy, a shift to more sustainable behaviour and spreading knowledge of the range of benefits to tackling climate change will be key to making Brent a carbon neutral borough. Members of the Environmental Network will be key to making this happen within all of our local communities.

We will need to make progress on this vision as urgently as possible in order to provide the momentum required for our communities to drive the ambition of carbon neutrality by 2030. The Brent Environmental Network will be open to all residents and organisations who either live, work or operate in the borough and as many people as possible would be welcome and encouraged to be involved. The development of a dedicated environmental and climate-action focused network of this nature is likely to continue to evolve organically over the next ten years. The focus of the council initially will be to put the building blocks in place for it to succeed and become self-sustaining.

Brent Environmental Network



2. Key Sectors

Behaviour change and utilising the expertise of different organisations from different key sectors to ensure Brent has the best chance of achieving carbon neutrality by 2030.

It should be emphasised that climate action is not limited to the different sectors and communities listed here but that these sectors have been identified as having the potential for making a key impact in assisting with the borough's aims for carbon reduction.

Schools

52 schools across Brent are already registered as eco-schools. We will encourage all of our schools to embed a 'whole school' approach on environmental sustainability.

Businesses

Both large and small businesses in Brent can also contribute by ensuring that commercial premises are energy efficient, encouraging employees to travel sustainably to and from work and that associated goods, products, materials services are utilised in the most sustainable fashion – minimising waste and consumption wherever necessary.

Voluntary and community Sector (VCS)

Brent has just under 900 different voluntary and community sector organisations which should all be encouraged and supported wherever possible to contribute to this agenda. We have a host of different environmental groups in the borough which are already active in seeking to improve environmental sustainability in local areas, either in active collaboration with the Council or run locally.

Housing

Liaison with Housing Associations, landlords, homeowners etc will be a key mechanism of sharing ideas, expertise, knowledge and establishing the optimum ways of working together to make as many homes as possible in the borough more energy efficient and climate resilient.



3. Brent Carbon Offset Fund

The Council is keen to work together with and support organisations or individuals in Brent who have ideas for carbon reduction initiatives in their local area. This will be supported by the development and launch of the Council's Carbon Offset Fund.

Since 1 October 2016, under the London Plan any development that fails to achieve on-site zero carbon must make cash in lieu contributions to a Carbon Offset Fund within the borough that they are operating. These contributions are used to fund local carbon reduction projects, thereby offsetting the development's carbon emissions shortfall.

To date, Brent has collected just over **£500,000** in carbon offset contributions and will be launching its new offset fund in alignment with the adoption and launch of this strategy. The policy and criteria for



allocation will be finalised and allocated accordingly in parallel to this prior to applications being opened to communities.

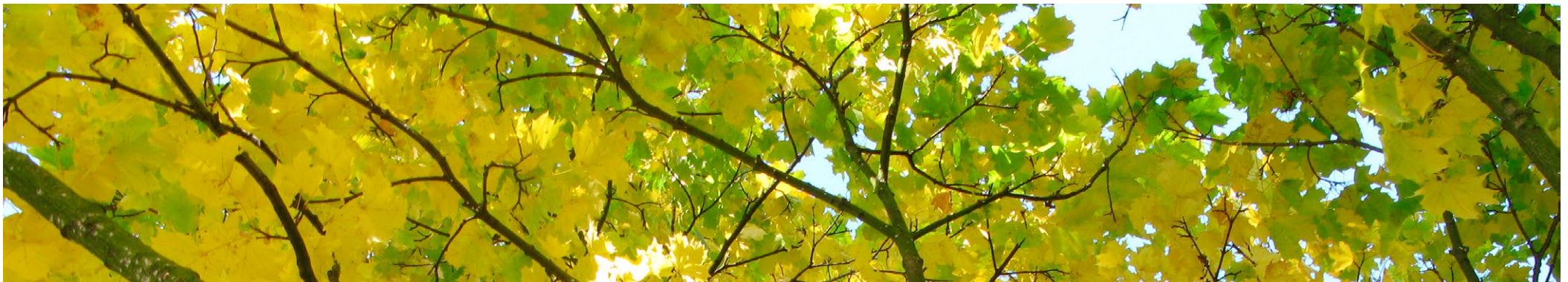
Given that the offset fund is explicitly ringfenced for carbon reduction activity, it is extremely important that it is utilised carefully and for maximum benefit. As well as achieving reductions in carbon emissions, carbon offset projects should demonstrate cost effectiveness over the project's lifetime, and wider benefits such as improvements to air quality, reductions in fuel poverty and energy bills, and job creation or upskilling.

Alongside the development and launch of this strategy, we will launch our Carbon Offset Fund and encourage applications according to the criteria set from different community sectors across Brent, to support local areas in actively supporting and contributing to tackling the climate emergency.

This is a climate emergency! What can I do to help?

A few examples...

- Join the Brent Environmental Network by emailing climateemergency@brent.gov.uk 
- Join a local environmental group – [view our directory](#) 
- Consider your local area's potential for carbon reduction projects





Draft First Year Delivery Plan 2021-2022



Draft First Year Delivery Plan 2021-2022

Due to the long-term nature of the Climate Emergency Strategy, and the current financial climate following the COVID-19 pandemic, the document it does not contain a detailed action plan for the next ten years.

It seeks to set the overall long-term objective for each of the themes, working within the overarching objective of the borough doing all within its gift to achieve carbon neutrality by 2030. Having yearly action plans provides a more targeted set of actions that will be assessed year-on-year for financial feasibility and likelihood of delivery. These actions will not be in isolation, but will contribute to the key themes identified within this strategy and its vision for the long term future of the borough.

It is important to also note that this delivery plan reflects the priority actions that the Council has assessed that it is currently able to commit to. It is not necessarily limited to these actions should further external funding or other opportunities become available during the course of the 2021-2022 financial year. A pipeline of future projects will also begin to be developed in order to inform the content of future delivery plans.



Theme 1 – Consumption, Resources and Waste

Action	Ref	Departmental Lead	Financial Implications
We will improve waste collection and recycling infrastructure, in particular through offering free internal food caddies to all residents in the borough living in flats (<i>blocks of over 8 people with communal bins</i>), and through textile and electronic goods reuse and recycling initiatives.	R&E05	Regeneration and Environment	Funded by the West London West Authority
We will develop and implement a plan for greater recycling opportunities in all primary and secondary schools across the borough.	CYP03	Children and Young People/ Regeneration and Environment	Financial implications will be assessed as recycling plans are developed, however it is expected that any additional costs will be funded directly by schools
We will create apprenticeship and training pathways into the green circular economy (such as construction skills for retrofitting homes) through working in partnership with the United Colleges Group.	R&E08	Regeneration and Environment	No material financial implications. Cost can be contained within existing budgets in R&E
We will create the conditions for zero/low carbon technology and the circular economy by utilising the OPDC Local Plan to encourage intensification of industrial floor space including start-up and move-on space, with the ability to cluster near to the Research and Development hub of Imperial at White City.	R&E09	Regeneration and Environment	No material financial implications. Cost can be contained within existing budgets in R&E
We will work with West London Alliance boroughs to develop proposals to stimulate the sub-regional green economy and to encourage inward investment.	R&E10	Regeneration and Environment	No material financial implications. Cost can be contained within existing budgets in R&E
We will develop and implement a sustainable procurement policy that requires sustainable practices to be considered throughout our procurement and contract management procedures.	CDS01	Customer and Digital Services	No significant financial implications are expected from the policy itself. Each new contract or contract renewal will be assessed for financial implications as appropriate.

Theme 2 – Transport

Action	Ref	Departmental Lead	Financial Implications
We will continue to deliver active travel measures including our Healthy Neighbourhoods (low traffic neighbourhoods) and school streets schemes, subject to available funding.	R&E01	Regeneration & Environment	Transport Delivery Plan whole plan cost £2.3m. Utilise TfL Local Implementation Plan funding to continue to deliver schemes that support active travel/healthy streets. Funding is secured from TfL for Low Traffic Neighbourhoods
We will continuing our Electric Vehicle charge point programme, and deliver: <ul style="list-style-type: none"> 65 new lamp column charge points 100-in kerb charge points (trial) 36 Source London charge points. 	R&E02	Regeneration and Environment	Expected to cost £200,000 and is funded from London Councils/OLEV
We will deliver 47 bike hangars (282 spaces), plus 60 more cycle stand parking points, positioned near transport hubs, cycle routes and schools.	R&E03	Regeneration and Environment	Expected to cost £200,000 and is funded from TfL/s106
We will purchase two cargo bikes for council use, and engage with businesses to promote the benefits to sustainability of use of cargo bikes in day-to-day operations.	R&E04	Regeneration and Environment	Expected to cost £6,000 and is funded from TfL/other sources
We will work with schools to develop sustainable travel plans for all primary and secondary schools across our borough.	CYP02	Children and Young People/ Regeneration and Environment	No major financial implications expected other than engagement and communication support with schools and parents, which can be funded within existing budgets

Theme 3 – Homes and Buildings

Action	Ref	Departmental Lead	Financial Implications
We will develop a plan for the council to achieve net zero carbon emissions from the council's own estate and operations by 2030.	R&E13	Chief Executive's	This plan is likely to have significant revenue and capital financial implications. These will be assessed as the plan and recommendations are developed.
We will deliver the first year of the tower block works programme, which will include retrofitting work to improve the energy efficiency of properties within at least three council tower blocks beginning work to our target of an average of EPC B in our housing stock by 2030.	CWB01	Community Wellbeing	The programme of work has been factored into the existing housing capital programme.
We will commission a detailed assessment of our own housing to identify the energy efficiency measures required and the potential costs for housing types, with consideration across all housing tenures.	CWB02	Community Wellbeing	The assessment is estimated to cost £50k and can be contained within the overall housing budget.
We will undertake a number of retrofit pilots to improve the energy efficiency of a number of specific void properties in the council's own stock.	CWB03	Community Wellbeing	This project is estimated to cost £65k and can be contained within the overall housing budget.

Theme 4 – Nature and Green Space

Action	Ref	Departmental Lead	Financial Implications
We will seek to expand our tree planting programme in the borough, targeting planting at areas of deprivation, poor air quality and canopy cover.	R&E07	Regeneration and Environment	Currently anticipated that NCIL will fund the upfront costs of planting trees and maintenance for the first three years.
We will develop a Green Infrastructure Vision for Brent for 2030.	R&E06	Regeneration and Environment	Initial development of vision will be contained within R&E budgets and the financial implications of further actions will be assessed on an ongoing basis.
We will develop a Climate Resilience Plan for the borough.	R&E12	Regeneration and Environment	Costs for Year 1 will be contained within existing Council budgets. The financial implications of further actions will be assessed on an ongoing basis.

Theme 5 – Supporting Communities

Action	Ref	Departmental Lead	Financial Implications
We will launch the Brent Climate Offset Fund to incentivise domestic and non-domestic energy efficiency and renewable energy measures.	ACE01	Assistant Chief Executive's	Activities will be funded from the Carbon Offset Fund, a ring fenced budget, funded by developers, to support local initiatives.
We will continue to promote collaborative environmental action across the borough by developing and expanding the Brent Environmental Network.	ACE02	Assistant Chief Executive's	Minor financial implications. Communication resources able to be funded from within existing budgets.
We will launch a communications programme of sustainable home and lifestyle advice and resources to residents, including signposting to existing sources, to help them assess their own carbon impacts and make informed choices.	ACE03	Assistant Chief Executive's	Minor financial implications. Communication resources able to be funded from within existing budgets.
We will engage with school-led approaches on the climate emergency agenda, supporting the establishment of a professional network of climate emergency leaders/champions within schools to share best practice.	CYP01	Children and Young People	No major financial implications expected, other than engagement and communication support, which can be funded within existing budgets.
We will promote Brent's green business base and encourage the 'greening' of Brent businesses, by promoting business advice, incentives that are available and enable local supply chain opportunities, via the Brent for Business Meet the Buyer events, local business associations, and the e-newsletter (with over 7,000 subscribers).	R&E11	Regeneration and Environment	No material financial implications. Cost can be contained within existing budgets in R&E.

Glossary

Active travel

Making journeys in a physically active way, such as walking, cycling, wheeling or scooting.

Air quality

A measure of air pollution levels, which affect human health and the environment.

Bee Corridor

A series of connected wildflower meadows in the borough of Brent, designed to attract bees and other insects.

Biodiversity

The variety of living things in an area, including different plants and animals.

Brent Carbon Offset Fund

A fund paid into by new developments in the borough, to be used for projects which reduce carbon.

Carbon emissions

Carbon dioxide released into the atmosphere from burning fossil fuels like oil, coal and gas.

Carbon neutrality

Reaching a point where the amount of carbon in the atmosphere is no longer increasing.

Climate and ecological emergency

The crisis caused by human activity, which is threatening the environment, health, and livelihoods.

Climate resilience

The ability to anticipate, prepare for and address hazardous impacts related to the climate (e.g. flooding, drought, heatwaves).

Consumption emissions

Carbon emissions created in the making of the goods and products we buy, such as food, clothing, furniture and other products.

District energy networks

A distribution system that takes heat from a central low carbon source and delivers it to a number of local homes and buildings.

Eco Schools

A programme designed to increase children and young people's awareness of environmental issues.

Ecosystem

An area where plants, animals and other organisms, work with weather and landscape to form a bubble of life.

Energy efficiency

Using less energy to perform the same task.

Energy network

Energy networks transport electricity and gas to homes and businesses.

Energy Performance Certificate (EPC)

Required when properties are constructed, sold or let. It provides a rating on the energy performance of the property from A to G.

Greenhouse gases

Any gases that trap heat in the earth's atmosphere and cause global heating.

Low carbon circular economy

Products/materials are kept in use for as long as possible, minimising resource consumption, waste and greenhouse gas emissions.

Net zero carbon

Reaching a point where the amount of carbon in the atmosphere is no longer increasing.

Renewable energy

Energy sources which won't run out, such as from the sun, wind, or sea.

Retrofitting

Altering existing buildings to reduce the amount of energy and carbon emissions they use.

Re-wilding

Restoring wildlife to areas and letting nature take care of itself, with minimal human intervention.

School streets

School street closure schemes – where cars are prevented from going up to the school gates at drop off and pick up times.

Glossary

Surface water drainage

Rainwater run-off from roofs and paved areas into drainage systems.

Sustainable procurement

Organisations find and buy goods and services in a way that takes into account environmental impact.

Sustainable urban drainage systems (SUDS)

Systems which use a natural approach to drainage to deal with water and prevent flooding.

Swales/wet meadows

Grass ditches which help to drain water and prevent flooding.

Territorial emissions

Emissions generated within a certain area, including from transport, energy use, and land transport.

Urban heat island effect

The higher temperatures experienced in urban areas compared to the surrounding countryside due to the reduction in vegetation and increased use of human-made materials and heat sources.

Do you need this information in
another language or reading format
such as Braille or large print?

If so, please contact
climateemergency@brent.gov.uk 

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EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Draft Brent Climate Emergency Strategy (2021-2030)
DEPARTMENT:	Assistant Chief Executive's
TEAM:	Climate Emergency Strategy
LEAD OFFICER:	Tom Welsh/Oliver Myers
DATE:	28/10/2020

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

SECTION A – INITIAL SCREENING

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

This draft strategy outlines the key environmental issues facing Brent and sets out the actions that the Council will take over the next 10 years to tackle the climate emergency. The strategy aims to achieve carbon neutrality by 2030. The draft strategy also outlines the need to implement measures which allow Brent, and its residents, to adapt to the effects of climate change and global heating.

We are already feeling the effects of global heating. Estimates suggest that human activities have caused approximately 1C of global heating above pre-industrial levels (IPCC, 2018). However, by limiting global warming to 1.5C, we can avoid the most severe effects: risks to our health, livelihoods, food security, water supply, economic growth, and ecosystems. This will require step changes in the scale and ambition of our emissions reduction. By taking decisive action now, we have the opportunity to limit its impact on the borough's most vulnerable groups.

The majority of local authorities, including most London Boroughs, have declared a climate emergency. As well as reducing the risks from the warming climate, action to tackle climate change has the potential to bring positive change for the local community on many of the issues that matter most to people such as cleaner air, greener spaces, warmer homes, healthier travel and a thriving local economy. Improving the health of all through climate action also has the potential to bring significant savings to NHS budgets both now and significantly in years to come.

Five key themes have been developed in accordance with the priority actions suggested by the Brent Climate Assembly, a group of 53 residents who were selected to be representative of the borough in terms of age, gender, ethnicity, socio-economic group and locality. The question that was considered by the assembly was: *'How can we work together to limit climate change and its impact while protecting our environment, our health and our wellbeing? Consider the Council, businesses and organisations, individuals.'*

The five key themes to focus the energies of the borough on achieving carbon neutrality within this strategy are:

- **Theme 1 – Consumption, Resources and Waste**
- **Theme 2 – Transport**
- **Theme 3 – Homes and Buildings**
- **Theme 4 – Nature & Green Space**
- **Theme 5 – Supporting Communities**

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

The strategy will affect everyone who lives, works and studies within the borough of Brent, as well as those who visit the borough.

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

Yes - the climate emergency will impact every individual, on a local, national, and international scale. However, some individuals will be disproportionately affected by its consequences. Actions to mitigate the effects of extreme weather events, changes in average outdoor temperatures, and actions to reduce housing and road transport emissions are the most pertinent to issues of equality. The Council will do everything possible to minimise the negative effects of global heating, to reduce the potentially unequal impact it could have on certain groups.

The protected characteristics of age, disability, and race are particularly relevant for this strategy. As detailed below, young children, older people, BAME communities, and those with mental or physical disabilities are disproportionately negatively affected by the adverse effects of climate change. Therefore, actions designed to mitigate these effects will help to minimise the disadvantages experienced by individuals with these characteristics.

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

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

* There is potential for people with disabilities to be both positively and negatively impacted by climate action policies

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

SCREENING CHECKLIST		
	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?	X	
Would the policy or proposal change or remove services used by vulnerable groups of people?		X
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	X	
If you have answered YES to ANY of the above, then proceed to section B. If you have answered NO to ALL of the above, then proceed straight to section D.		

SECTION B – IMPACTS ANALYSIS

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

Information gathered from Brent residents at the Brent Climate Assembly was used to inform the strategy. The Climate Assembly took place at Brent Civic Centre over three Saturdays in November and December 2019. In total, 53 people attended all three meetings. Members were recruited using randomised recruitment methods to reflect the local population in terms of age, gender, ethnicity, socio-economic group, and locality.

Research on the impact of global heating and air pollution on certain groups has been considered. Guidance from the website Climate Just was also used, to understand the differential impact of global heating on different demographics. This is an information tool, produced predominantly by the University of Manchester, to help with the delivery of equitable responses to the climate crisis on a local level.

The 'Diversity in Brent' report, published by the Council, was used to understand the diversity of Brent's residents, and the proportion of those with protected characteristics. Equality analyses for similar climate emergency published by other local authorities have been taken into account.

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

AGE	
Details of impacts identified	<p>The Climate Just web tool outlines that young children and babies and older people experience disproportionate health effects from climate-related extreme weather events, particularly hot weather. Young children are more likely to over-heat as they sweat less, and are less able to adapt their own clothing and behaviour. Many excess deaths during heatwaves are among older people; their temperature regulation processes are less efficient, making them less able to cope with extremes of temperature. Older people may also be more likely to experience effects such as dehydration and the worsening of existing health problems during heatwaves. The strategy aims to reduce both greenhouse gas emissions from consumption, and territorial carbon emissions in the borough which will help to slow global heating and thus reduces the likelihood of temperature extremes. Educating individuals on how to cope with temperature extremes will also help to reduce the unequal impact of these events on certain age groups. Ensuring that buildings and homes are adapted to future climate risk is identified as a key element to this.</p>
	<p>Research also suggests that high air pollution may be linked to increased risk of dementia. If this is the case, reducing air pollution could reduce risk of dementia, a disease which predominantly affects older people. Theme 2 in particular focus on tackling the noxious gases produced by transport, and promoting active and sustainable modes of travel accordingly.</p>
	<p>There are significant physical and mental health risks from air pollution in the borough. Children are particularly impacted, as their lungs are still developing and they breathe more rapidly than adults. Children exposed to high levels of air pollution over a long period may be at increased risk of asthma, coughs, and of developing lung cancer in adulthood. In children with existing asthma, high levels of air pollution are linked to increased asthma attacks. Several actions included in the strategy aim to reduce air pollution within theme two. Actions to reduce air pollution near schools would help to reduce the negative health effects experienced by young people.</p> <p>In Brent, it is estimated that 6.6% of mortality in those aged 30+ is attributable to particulate air pollution.</p>
DISABILITY	
Details of impacts identified	<p>In Brent, 1 in 7 individuals say their day-to-day activities are limited by a disability. During extreme weather events, such as heatwaves or flooding, people with existing physical or mental health problems are likely to be disproportionately affected. These groups may have a lower ability to take action due to physical constraints, or a lower awareness of their circumstances and how to take action.</p>

	<p>Some medications affect the body's ability to sweat or perform temperature regulatory functions; individuals taking these medications will be more susceptible to the effects of heat.</p> <p>Individuals with mental health issues may be less likely to take effective precautions against extreme weather events, and may be less likely to know what to do in response. The strategy aims to reduce greenhouse gas emissions, which help to slow global heating and thus reduces the likelihood of temperature extremes.</p> <p>The strategy sets out aims to promote active travel, in line with the Mayor's target of 80% of journeys in London taking place by walking, cycling, or public transport by 2041. Actions to incentivise active travel may have a negative impact on individuals with a disability, who may be less able to travel by walking or cycling. Not all public transport options are fully accessible for disabled individuals.</p> <p>Information campaigns, community engagement strategies, and emergency planning aimed at the public may be less accessible for individuals with sensory impairments or learning disabilities.</p>
RACE	
Details of impacts identified	<p>Data from the 2011 census suggests that Brent is the second most diverse local authority, with 63.7% of residents from a BAME background. Research suggests that particulate air pollution in the UK is concentrated in the poorest 20% neighbourhoods in England, and in areas with greater ethnic diversity (defined as those where more than 20% of the population is non-white). Several actions included in the strategy aim to reduce air pollution.</p> <p>According to Natural England, the decline in urban green spaces in the UK will most severely affect BAME communities, who tend to rely more on urban green space and have less access to outdoor space at home, such as a balcony or garden, than white people. Green space is linked with a range of positive effects, including reduced impact of deprivation, increased sense of community and reduced risk of health problems like depression and lung disease. Green areas also have substantive potential benefits for improving mental and physical health. Actions to improve access, quality, and quantity of green spaces are therefore likely to have a particularly positive impact on Brent's BAME communities.</p> <p>56% of Brent residents were born outside the UK, while in 1 in 5 households, English is not spoken as a first language. Information campaigns, community engagement strategies, and emergency planning aimed at the public may be less accessible for individuals whose first language is not English. This may limit the extent to which these groups can get involved in, and benefit from, these initiatives.</p>

SEX	
Details of impacts identified	Not directly applicable
SEXUAL ORIENTATION	
Details of impacts identified	Not directly applicable
PREGANCY AND MATERNITY	
Details of impacts identified	<p>Extremely hot weather can pose risks to pregnant people and their unborn children. Getting too hot or dehydrated can increase the risk of pregnancy complications, and may increase the likelihood of early labour.</p> <p>Research has found a link between exposure to air pollution in pregnant women and low birthweight babies. Black carbon particles have been found in placentas, suggesting women exposed to air pollution during pregnancy may transfer these particles to their babies.</p>
RELIGION OR BELIEF	
Details of impacts identified	Not directly applicable
GENDER REASSIGNMENT	
Details of impacts identified	Not directly applicable
MARRIAGE & CIVIL PARTNERSHIP	
Details of impacts identified	Not directly applicable

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

No

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

Participants in the Brent Climate Assembly were recruited to be as representative as possible of Brent's residents. Engagement work to date has not consulted with specific community groups, but consultation with these groups will be part of the development of the final strategy.

We also had a range of ethnicities and age groups during two recent Brent Connects on the Climate Emergency, and we were also joined by a number of members of Brent Mencap who played an active role in the breakout discussions.

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

The draft strategy will be available on the Council's consultation hub for 8 weeks following its anticipated approval at the Brent Cabinet meeting in November. This will provide a further opportunity for anyone in the borough to comment on the proposals, which will be considered ahead of a final draft strategy being adopted in spring 2021.

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

This draft strategy is a long-term strategy until 2030 and the document makes clear that it will be enormously challenging for Brent to achieve carbon neutrality by 2030. All London Boroughs are facing similar challenges, but have typically opted to be more ambitious on the timeframe for carbon neutrality (2030) as compared to the government's target for the UK population as a whole (2050). The key challenges are identified which may inhibit progress towards the Council's overarching aim.

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

Impact of the strategy will be monitored annually, by comparing outcomes of key performance indicators to baseline measures.

SECTION C - CONCLUSIONS

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

The climate emergency will affect all residents of Brent, but has the potential to have a particularly negative impact on certain groups. Age, race, and disability will impact the extent to which individuals are affected by, and able to adapt to, the effects of the climate crisis. This can be seen in the differential ability of certain groups to cope with extreme weather events. By reducing the borough's carbon emissions, the climate emergency strategy aims to slow the effects of global heating, which should mitigate the potential severity and frequency of such events if other authorities globally take similar action under global climate agreements. The draft strategy also provides an opportunity to reduce the disadvantages experienced by some groups with protected characteristics. For example, by improving access to green spaces, which is an issue which disproportionately affects BAME communities.

However, while some actions may have a positive impact for certain groups, there may be an unintended negative impact on other groups. For example, while encouraging active travel could reduce the disproportionately negative impact of air pollution on young children and BAME communities, many disabled individuals rely on car travel to get around. The negative consequences outlined above could be mitigated by considering how different groups would be affected by each action, and adapting accordingly.

SECTION D – RESULT

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

SECTION E - ACTION PLAN

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

Action	Expected outcome	Officer	Completion Date
Seek to prioritise home energy efficiency improvements for homes with young children, older people, and those with physical or mental disabilities where possible	Homes which are affordable to heat and equipped to deal with temperature extremes	CWB dept	
Increase access to green space	Increased biodiversity, physical exercise, mental wellbeing	R&E Dept	
Ensure information campaigns and community engagement related to this draft strategy is available in accessible formats	Communications are available where necessary in easy-read versions, large print, and multiple languages	ACE dept	
Consider individuals with mental and physical disabilities during travel and infrastructure planning	Improved infrastructure planning which facilitates active travel in a way that is cognisant of those with mental and physical disabilities will enable the benefits of air pollution	R&E dept / CYP dept	


	improvements to be shared by all		
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SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Tom Welsh/Oliver Myers 28/10/2020
REVIEWING OFFICER:	Richard Harrington 16/09/2020
HEAD OF SERVICE / Operational Director:	Shazia Hussain

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 Brent	Cabinet 9 November 2020
	Report from Strategic Director, Children and Young People
School Place Planning Strategy 2019–2023 Refresh	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	One: Appendix 1 - Brent School Place Planning Strategy 2019-23 November 2020 Refresh
Background Papers:	None
Contact Officer(s):	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Brian.grady@brent.gov.uk Tel: 020 8937 4713 Shirley Parks, Head of Forward Planning, Performance and Partnerships Shirley.parks@brent.gov.uk Tel: 020 8937 4259

1.0 Purpose of the Report

- 1.1 This report provides Cabinet with a refresh of the School Place Planning Strategy 2019-2023 that was approved by Cabinet in November 2018.

2.0 Recommendations

That Cabinet:

- 2.1 Note the refresh of the School Place Planning Strategy 2019-2023 provided as Appendix 1.
- 2.2 Note that the forecasts for primary places will remain fairly steady over the next five years.
- 2.3 Note that the indicative programme timeline for the proposed secondary school expansion programme, presented to Cabinet on 14 October 2020, is amended to allow time to review refreshed forecast demand information in Spring 2021.

- 2.4 Note that there remains significant and increasing demand for places that meet the needs of children and young people with SEND aged 0-25 and the planned strategies for addressing this need.
- 2.5 Note the concerns about the impact of COVID-19 on Early Years provision and the strategies to support the sector.

3.0 Detail

- 3.1 In November 2018 Cabinet approved the Brent School Place Planning Strategy 2019-2023. The annual refresh of the strategy is provided as Appendix 1.
- 3.2 The School Place Planning Strategy 2019-23 presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver high quality education provision to support the best outcomes for Brent children. The Brent School Place Planning Strategy 2019-2023 sets the following expectations:
- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
 - All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
 - The Council and schools work together to meet the challenge of providing sufficient school places
 - The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2020
 - All schools operate in good quality, safe premises
 - Children are educated close to home
 - Schools work with the local communities they serve
 - The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
 - The Council and schools make efficient use of resources.
- 3.3 The refresh of the Brent School Place Planning Strategy 2019-2023 provides an updated assessment of school place demand across the borough based on the latest pupil projections from the Greater London Authority (GLA). The GLA population projection models are updated and revised annually as new methods or data become available to ensure that projections provide the best estimates of future population based on current available inputs.
- 3.4 The GLA projections are informed by centrally held demographic data, such as the Office of National Statistics (ONS) census data and fertility and birth rates, as well as locally held information, such as migration patterns and planned housing growth that is provided by the Local Authority. The methodology also takes account of the percentage of children who historically move into the following academic year in an area. The GLA projections are an indicator of need that are refreshed annually, taking into account changes in any key factors, such as the birth rate or the new housing trajectory.

3.5 Overall the 2020 forecasts for primary and secondary mainstream school places are lower than the 2019 forecasts. There are several reasons for this. The underlying population base data used in the 2020 projection model is projecting much slower population growth than that used in 2019, resulting in lower pupil forecasts. The GLA projections service believes that the following changes, that are driving the lower forecasts, have continued to increase the robustness of the forecast model:

- improvements in the historical development data taken from the London Development Database (refining the inputs)
- inclusion of ONS small area population estimates for the first time this year (instead of ward level estimates)
- use of 2018 mid-year population data and births up to mid-2019 that indicate lower population growth than in previous years as a result of high domestic outmigration from London to other parts of the UK.
- adjustments to the population backseries since 2011 as a result of reducing international migration. One of the reasons for the rapid population increase that London has experienced is migration of young people who have then had children. Lower international migration tends, therefore, impact on projections for children. Changes in migration patterns are likely to also impact more on boroughs such as Brent that have historically experienced high levels of international in-migration.

3.6 The latest forecasts were produced by the GLA before the COVID-19 pandemic. It is difficult to predict the impact of COVID-19 on demand for school places, but this may reduce in-migration further. In addition, it is difficult to predict whether COVID-19 will have an impact on school buildings, particularly for those with restricted space. Under current government guidance it is not anticipated that there will be a requirement for any long-term changes to capacity.

4.0 Primary Place Need

4.1 Following unprecedented growth in demand for primary school places in Brent from 2006-2015, primary demand has reduced since September 2017. The latest Greater London Authority (GLA) projections (based on January 2020 school census) indicate that demand for Reception will remain fairly steady over the next few years. There remains, however, a high number of spare places across the system. At a borough level, Brent has sufficient capacity to meet the minimal forecast increase in demand for mainstream primary places and maintain 5% spare places to ensure that there are sufficient places to respond to in-year movement and migration.

4.2 Brent has five primary planning areas based on the geographic grouping of schools. By dividing the borough into planning areas officers can more easily ensure that places are provided near to where children live, although in reality some children travel across planning areas to attend school. Demand for school places can also be highly localised as parents seek entry to schools that are good or outstanding.

- 4.3 While at a borough level forecasts indicate increasing demand, at a planning area level, forecasts for planning areas 2, 4 and 5 are showing sustained lower demand than available places, resulting in a significant number of spare places. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools. Provision in these areas will be kept under review. Action to ensure sustainable provision in these areas, includes temporary reductions in the Published Admission Number of schools. In addition in October 2019, Cabinet agreed to the phased closure of the Roe Green Infant School provision on the Strathcona site.

5.1 Secondary Place Need

- 5.1 The latest GLA forecasts for Year 7 are lower than previous forecasts. This applies to both Year 7 projections and anticipated in-year cohort growth. The forecasts still indicate increasing demand as larger primary cohorts progress into secondary schools. Including capacity provided by the North Brent School, analysis indicates that there are sufficient secondary school places up to 2028/29 to meet forecast demand and provide 5% spare places to ensure there is sufficient capacity to manage in-year admissions and any unanticipated growth in demand.
- 5.2 The North Brent School opened in September 2020 offering 4 forms of entry from the Wembley High Technology College site. The school plans to move to its permanent site in Neasden in 2022 where it will provide 6 forms of entry.
- 5.3 The School Place Planning Strategy 2019-2023 indicated that additional secondary capacity beyond the North Brent School would be required to meet an expected increase in demand. On 14 October 2019, Cabinet agreed the capital investment required to provide an additional 4 forms of entry through expanding two existing secondary schools. The Cabinet report set out an indicative timeline with key decision points in the project planning process to manage the risk that demand might reduce. Further to this previous Cabinet report and decision it is therefore recommended that the indicative project timeline presented to Cabinet is amended, delaying the programme to allow time to review refreshed forecast demand information in Spring 2021.

6.0 SEND and Alternative Provision Place Need

- 6.1 Despite lower pupil projections, demand for places that meet the needs of children and young people with SEND is increasing. This is in part due to overall population growth, but also increasing diagnosis and the extension of services to children and young people aged 0-25 with SEND. 3.4% of children and young people resident in Brent have an EHCP, compared to 3.3% of the national school-age population. The number of children and young people with EHCPs increased by 11% between January 2019 and January 2020 from 2110 to 2341. In January 2020, 2103 children and young people with an EHCP were attending school (SEN2 Return) with 51% attending a Special setting (including SEND units and Additionally Resourced Provisions (ARPs) on mainstream school sites). 238 young people with EHCPs were attending a further education provision. The number of children and young people with an EHCP has continued to increase to 2565 at the end of August 2020. The main areas of

identified growing need are Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) difficulties.

- 6.2 Despite an increase in the number of places provided by Brent special schools and 6 mainstream schools providing places in Additionally Resourced Provision (ARP), there remain insufficient local places for Brent children with SEND particularly for children of secondary age and the 16-25 age group. Brent continues to be reliant on sourcing places in out-of-borough maintained special schools or Independent schools or colleges. This provision is expensive and can limit children and their families' access to local support networks.
- 6.3 Increased cohorts of primary children with EHCPs will be moving through to the secondary phase over the next five years. While the underlying secondary forecasts indicate slower growth than previously anticipated, demand planning for secondary special school places is based on EHCP patterns, as well as detailed information on pupils transferring in future years from the primary to secondary phase. A new special free school, The Avenue, sponsored by Brent Specialist Academy Trust (BSAT) opened in September 2019 in temporary accommodation on the Queens Park Community School site. The Avenue School will provide up to 100 places for children aged 5-18 with complex ASD needs when it moves to its permanent site in Brondesbury in January 2022. However, to ensure sufficient local places, there continues to be a need to provide 245 additional secondary special school places across years 7 to 11 to cater for pupils with ASD/MLD/SLD.
- 6.4 There is a need for the borough to develop post-19 SEND provision to meet demand for places for young people with SEND, in particular young people aged 19-24 with complex learning difficulties. Brent is scoping options to provide additional provision for young people with ASD/SLD aged 16-25 to support their successful transition to adulthood. This will include developing vocational pathways for young people aged 16-25 with ASD/SLD/complex needs so they can be supported locally to develop their independence and participation in community life.
- 6.5 The council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school. The council provides support to Brent schools to reduce the number of exclusions, with a focus on early identification and prevention strategies working closely alongside pastoral teams in mainstream settings.
- 6.6 Where pupils have been excluded or require provision that includes a vocational element to best meet their needs, Brent and local schools commission places for children and young people in Alternative Provision both in and out of the borough. To increase the availability of local, high quality provision, the presumption process to establish a new Alternative Provision free school at the Roundwood Centre has been completed. The new school is due to open in January 2021 and will be run by the Beckmead Trust.

7.0 Early Years

- 7.1 Under the Childcare Act 2006, local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. There are 328 early years providers in the borough and a good balance of free entitlement places across different setting types. Since COVID-19 the number of children attending early years settings has significantly reduced (1350 children attending in July 2020 compared to over 4,500 in July 2019), which could impact on the financial viability of some settings. Parents are being encouraged to return their children to early years settings.
- 7.2 There is evidence of increased numbers of children with SEND accessing specialist nursery places. The council is working with partners to ensure that the early years system is flexible enough to help meet the needs of parents of children with SEND, alongside the challenge of the 30 hour offer. All the specialist nurseries are full and a specialist nursery ARP at Willow Nursery School will provide additional capacity.

8.0 Financial Implications

- 8.1 Mainstream school places are funded from the annual Dedicated School Grant based on pupil numbers as per the October school census in the preceding year. This means that, although there is a time lag, the revenue cost of mainstream pupil growth is recognised and funded by the DfE.
- 8.2 School budgets are devolved to respective school governing boards but are under pressure from real terms funding reductions to the DSG. As schools are funded on the basis of pupil numbers, it is likely that small schools and those with falling numbers on roll will find it most difficult to balance their budgets in the medium term. Larger and growing schools are more likely to successfully manage the funding reductions.
- 8.3 Expanding the number of funded places in Alternative Provision and high needs provision will have revenue implications, as they are funded from the High Needs Block of the Dedicated Schools Grant (DSG). While there has been an increase in 2020/21 to the High Needs block, growing demand will continue to cause pressures on the DSG. Therefore, in order to help manage the financial pressure new in-borough provision must replace current out-of-borough arrangements at lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund.
- 8.4 To support expansions in mainstream and special provision, since the 2011/12 financial year, the Council has received £173.1m from Basic Need, Targeted Basic Need and Targeted Capital Fund grant allocations from central government to provide school places. The most recent allocations are as follows:
- 2017/18 Basic Need Grant Allocated - £15.32m (allocation increased in January 2018)
 - 2018/19 Basic Need Grant Allocated - £1.17m
 - 2019/20 Basic Need Grant Allocated - £4.17m
 - 2020/21 Basic Need Grant Allocated - £0
 - 2021/22 Basic Need Grant Allocated - £9m
 - 2018/19 Special School Capital Grant Allocated - £2.8m

- 8.5 Basic Need capital grant and the Special School Capital Grant are not time bound or ring-fenced and can be used for any capital purpose. However, the ESFA has stated that it is expected to be used for investment in schools, joining up with other capital resources when it is beneficial for schools to do so. Based on current knowledge, it is expected that there will be insufficient basic need capital grant funding to meet the demand for special school places in the coming years.
- 8.6 The nature of SEND education means that the development of additional places presents additional complexities, and thus higher costs than primary expansions. Predicting the future costs of providing places remains inherently difficult to forecast. The nature of any construction work required to provide additional school places, combined with the site location and layout all affect the cost per place. As proposals to address the forecast demand set out in the School Place Planning Strategy are developed, further reports will be provided to Cabinet with relevant financial information as required.

9.0 Legal Implications

- 9.1 The council has a general statutory duty under Education Legislation to ensure that there are sufficient school places available to meet the needs of the population in its area. The council must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and increase parental choice. To discharge this duty, the council has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 9.2 In addition to securing school places for pupils aged five to 16, the local authority has related statutory responsibilities in relation to children and young people with special educational needs and disabilities (SEND) up to the age of 25 where the council has to make suitable provision to meet their needs and early years provision, where responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds, as well as children's centres, overlaps with school provision.
- 9.3 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event that a school place is not available. Schools are not required to maintain classes over the planned admission number but revert to the usual admission number when children leave.
- 9.4 Statutory processes should be followed for any proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser). Governing boards can propose smaller expansions without the need to follow the statutory process. Proposals may also be required for some cumulative expansions. A review of any earlier enlargements that were made without the need for statutory proposals would need to be made before determining if the

statutory process should be followed. This means adding those enlargements made:

- in the 5 year period that precedes the proposed expansion date
- since the last approved statutory proposal to enlarge the school (within this 5 year period)
- exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years)
- add the making permanent of any temporary enlargement.

9.5 The above provision, which appeared in 2007 legislation, has been removed from 2013 regulations. The status of this change has not been tested in the courts. It is therefore advisable that the Council still takes such earlier enlargements into account in order to avoid the risk of a public law challenge until the legal position is clarified.

9.6 Under the current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the council as admission authority must consult the Governing Board of the school where it proposes to either increase or keep the same PAN.

9.7 Under Section 19 of the Education Act 2006 and School Organisation Regulations, the council can decide to propose an enlargement or amalgamation, follow the statutory process and resolve to do so without requiring the consent of the Governing Board whose redress would be to object to the Schools Adjudicator.

9.8 Under section 37 of the Education Act 2011 if the council considers a new school needs to be established in its area, the council must seek proposals for the establishment of an academy.

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

10.0 Equality Implications

10.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is

known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.

- 10.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 10.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 10.4 The School Place Planning Strategy 2019-23 aims to ensure that there are sufficient and suitable school places for all Brent children and that their changing diverse and special education needs are met. It also aims to raise the education standards for all and address inequality due to social disadvantage, disability (including multiple complex needs) and/or other protected characteristics, and contributes to the delivery of the Council's equality duties.
- 10.5 The strategy will be reviewed and updated every year to reflect changing demographics and to ensure that the diverse and special education needs of Brent children continue to be effectively met. The findings and the equality analysis screening of the School Place Planning Strategy 2019-23 show that there is currently a slowdown in demand for primary school places and a slow increase in demand for secondary school places. Demand for Special Education Needs school places in the borough is increasing and the strategy identifies the need for additional local places for children with Autism and Social Emotional and Mental Health needs.

11.0 Consultation with Ward Members and Stakeholders

- 11.1 Ward members will be consulted on the impact of this strategy where mainstream planning area capacity is reviewed or where additional SEND places are being considered.

12.0 Human Resources/Property Implications (if appropriate)

- 12.1 N/A

Report sign off:

Gail Tolley
Strategic Director, Children and Young People

Related Documents: Cabinet Paper (11 November 2019): School Place Planning Strategy 2019 – 2023 November 2019 Refresh



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

Refresh - November 2020

BRENT SCHOOL PLACE PLANNING STRATEGY 2019 – 23

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1. Introduction

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

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

1.1 Brent Context

Brent is one of the most culturally diverse areas in England. The dynamic mix of communities continues to enrich and inform the social, economic and cultural make-up of the borough. The largest ethnic groups of statutory school in Brent age are: Asian Indian (16%), White British (8%), White Eastern European (8%), Black Somali (7%), Black Caribbean (6%), Asian Pakistani (4%) and Afghan (3%). In addition to new arrivals, socio-economic pressures placed on many of Brent's families combined with a housing stock which relies heavily on privately rented accommodation, contribute to relatively high levels of pupil turnover in many of our schools. The proportion of Brent pupils who are disadvantaged is 22%, below the national figure of 29% and London average of 27% (based on pupil premium allocations).

1.2 School Effectiveness in Brent

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

As a result, the quality of education provision is high. At the end of the 2019-20 academic year, Ofsted had judged the overall effectiveness of 96% of Brent schools as good or outstanding. This put Brent ten percentage points above the national average of 86% and 3% percentage points above the London average of 93%. This level of school inspection performance places Brent in the top quartile, top quintile and eighth percentile of performance of Local Authority areas in England and the second quartile of Local Authority areas in London. All nursery, secondary schools, special schools and pupil referral units have been judged good or outstanding. Two primary schools are not yet judged as good or outstanding.

In 2017, Brent's Strategic School Effectiveness Partnership Board approved a Strategic Framework for School Effectiveness in Brent 2017-20. The Framework has been updated and extended to 2021 in the context of the impact of the Covid-19. The Framework sets the following priorities which will be supported by the delivery of this Place Planning Strategy:

- Sustaining Ofsted good and outstanding judgements for all schools
- Raising the standards and progress of pupils at the lowest performing schools
- Raising the attainment of priority groups
- Maintaining high quality education provision for all pupils

Within this context, the School Place Planning Strategy 2019-23 presents the objectives and operating principles that underpin the council's approach to school organisation to deliver the

best quality of education provision to support the best outcomes for Brent children. The Strategy outlines the projected demand for school places in Brent based on the latest forecasts. These are updated annually to ensure that any new factors that impact on pupil forecasts are taken into account and refine the council's understanding of future place need.

The original School Place Planning Strategy 2019-23 set the following expectations:

School Place Planning Strategy Measures of success

- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
- All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
- The Council and schools work together to meet the challenge of providing sufficient school places
- The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2021
- All schools operate in good quality, safe premises
- Children are educated close to home
- Schools work with the local communities they serve
- The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
- The Council and schools make efficient use of resources.

2. Executive Summary

2.1 Demand for Mainstream Provision

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

2.1.1 Demand for Primary Places

Following unprecedented growth in demand for primary school places in Brent from 2006-2015, demand for Reception places across the Borough plateaued in September 2016 and has reduced since September 2017. The latest Greater London Authority (GLA) projections (based on January 2020 school census) indicate that demand for Reception will remain at current rates for the next five years.

The means that Brent will continue to have a high number of spare places across the system and that at a borough-level there is sufficient capacity to meet any increase in demand for mainstream primary places. While overall demand is forecast to remain at current levels, in some areas of the borough demand is forecast to reduce. The local authority, therefore, will continue to support particular schools where necessary in managing the impacts of reduced pupil numbers with measures such as temporarily reducing admission numbers. The School Place Planning Strategy 2019-23 identifies a number of areas where primary places will be kept under review to ensure that provision is sustainable over the next five years (see Section

6). The local authority has taken the decision to implement a phased closure of provision on the Roe Green Strathcona site from September 2020 due to low demand.

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

2.1.2 Demand for Secondary Places

Demand for places in Year 7 increased in 2017 and this is expected to continue as the significant growth in pupil numbers in the primary phase in Brent progresses into the secondary phase. However, the latest GLA forecasts indicate slower growth than previously anticipated. The School Place Planning Strategy 2019-23 update in November 2019 identified the need for an additional 4 forms of entry beyond that being provided by the new North Brent School, which opened in September 2020. The 2020 forecasts indicate that there are sufficient secondary school places to meet forecast demand up to 2028/29 in all year groups, including a 5% operating margin.

The North Brent School, a free school approved by DfE in November 2016, will provide 900 secondary places. The school opened in September 2020 initially on the Wembley High Technology College site providing 120 Year 7 places, and is expected to move to its permanent location on the Chancel House site in 2022.

The Council is working with secondary schools that have expressed interest in expanding should the position as set out in the current forecasts change and additional places be required to meet demand.

2.2 Special Provision

Despite lower pupil forecasts for mainstream places, demand for places that meet the needs of children and young people with SEND is increasing due to increased diagnosis and the expansion of the age range to 25. The prevalence of Autism Spectrum Disorder (ASD) continues to rise and, as more children survive premature birth or severe disabilities, the number of children of school age presenting with significant additional needs is also increasing. Increased cohorts of primary children with Education, Health and Care Plans (EHCPs) are now moving through to the secondary and post-16 phase. To meet this demand and reduce dependence on out-of-borough independent special schools, which are expensive and can mean stressful journeys for vulnerable children and limit the access of children and their families to support networks, Brent is planning to commission additional secondary special places to cater for pupils with ASD/Moderate Learning Difficulties (MLD)/Severe Learning Difficulties (SLD). This is in addition to The Avenue School sponsored by the Brent Specialist Academy Trust (BSAT) that opened in September 2019 in temporary accommodation and will move to its permanent accommodation in January 2022, providing 100 places for children aged 5-18.

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

There is a need for the borough to develop post-19 SEND provision to meet demand for places for young people with SEND, in particular young people aged 19-24 with complex learning difficulties.

At secondary level, a new Alternative Provision is being developed which will offer a bespoke curriculum for pupils whose SEMHD needs cannot be met within mainstream. A new Alternative Provision Free School with integrated youth provision is planned to open at the Roundwood Centre in January 2021 to increase the availability and quality of local provision, including individualised packages for secondary age pupils. This provision will offer access to mental well-being therapeutic support, and will include vocational options alongside a core academic curriculum.

2.3 Childcare and Early Education

Alongside the statutory duty to provide school places the Council has an allied duty to secure sufficient childcare and early education. In addition to the existing entitlements of 15 hours of free early education for some two year olds and all 3 and 4 year olds, in September 2017, a statutory entitlement to 30 hours of free childcare and early education for all 3 and 4 year olds from working families was introduced. Implementation of the new entitlement in Brent has been successful and take-up was 92% of eligible families in the summer of 2019. Over the coming years, monitoring and review of this will be key, not only to maintain momentum but also to assess the impact of this on existing 2 year and 3 and 4 year 15 hour places as take-up of these has not followed the upward trajectory of the extended entitlement.

Since September 2017, the Council has administered the free entitlement for both schools and private, voluntary and independent (PVI) providers. This enables a full overview of early years provision, including take up across the Borough and at ward level and allows development of targeted actions to address gaps. The impact on the PVI sector in particular of Covid-19 has been significant and could affect overall sufficiency in the months to come as many settings are concerned about their financial viability.

2.4 Post-16 Provision

The Education and Skills Act 2008 requires all young people in England to continue in education or training until at least their 18th birthday. The Council works in partnership with schools and the local Further Education college, the College of North West London (part of United Colleges), to ensure that young people aged 16-18 and up to the age of 25 for those who have an Education, Health and Care Plan have access to a range of opportunities to continue their education or training at a wide range of post-16 providers or through apprenticeships.

3. School Place Planning - Frequently Asked Questions

3.1 The Council's Role in School Place Planning

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

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

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

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

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

2. Can the Council open new schools?

It is not possible for the Council to open new community schools, unless the school is formed by an amalgamation of existing infant and junior schools (Education Act 2011). New schools are academies or free schools that are approved by the Secretary of State. Once the Council identifies a need for a new school it may use one of the following two routes to establish it:

- The **academy presumption** route whereby the Council would put forward a school proposal which it would advertise and promote to potential academy sponsors. Under this route, the Council would supply the site and use its own capital to build the school.
- The Council could 'support' a **free school** promoter to apply to the DfE to build a school, which could be on a Council owned site, depending on whether the DfE has an open application round for specific types of school. The decision would be entirely at the discretion of the DfE.

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

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

3.2 Pupil Projections

1. Where do the projections come from?

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

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

2. Are the projections accurate?

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

- Underlying data, such as birth rates and migration patterns and the impact of local regeneration projects, can change significantly in a short period of time. For example, the GLA projections for Reception numbers in Brent are showing a gradual increase this year, in part due to a change in assumptions about pupil yield from new housing.
- Secondary projections are more secure as they largely take account of children already in the system. However, the percentage of children who historically move into the following academic year is a particularly important factor in Brent which is currently a net exporter of secondary pupils. This may change if pressures on secondary places in neighbouring boroughs lead to an increase in demand beyond that in the current projections.
- The Local Authority monitors both current and emerging local and national factors, such as Brexit, that can impact on school place demand by changing migration patterns. It is difficult to predict the impact of Brexit on demand for school places and in particular demand from families of Eastern European origin. Demand at schools that serve these communities will be closely monitored.

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

The Council has a duty to provide a “reasonable offer” of a school place to all children. In the primary phase a “reasonable offer” is one that is within 2 miles of home. By dividing the Borough into five primary planning areas officers can more easily ensure that places are

provided near to where children live. However, they are only a guide to help officers. In reality children can travel across planning areas to attend school, particularly when they live close to the borders.

4. What are secondary planning areas?

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

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

The January 2020 projections indicate that demand for Year 7 places will increase as larger primary cohorts move through the system.

How does the Council forecast demand for special provision?

In order to understand demand for special school places, the Council analyses current and historical data to track trends in the number of children and young people aged 0-25 with EHCPs. This includes assessment of pupil numbers by year group and type of need, as well as the type of provision attended. Analysis of trends is used to predict likely future patterns of demand.

3.3 Providing Additional Places

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

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

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

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

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

- Expanding existing schools that are judged to be good or better by Ofsted gives the Council greater confidence that provision will be good and that it will be popular. It also helps to maintain stability in the existing school system. However, it is important that the challenges of expansion are well managed to avoid impacting on standards in good or outstanding schools and on any particular groups of children and young people who are under-achieving.
- New schools offer a chance to provide new learning environments and to attract high quality providers. However, the Council does not control the provision of free schools. The Regional Schools Commissioner, acting on behalf of the Secretary of State,

decides if a school should open. In a borough such as Brent there are also considerable challenges in finding sites for new schools.

- Expansions of existing provision are funded by the Council from Basic Need grant funding or the Special Provision Capital Fund for Additionally Resourced Provision and SEND units for pupils with EHCPs. New free schools are largely funded by the Education and Skills Funding Agency.

3.4 Spare places

1. How does the Council manage spare places?

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

4. Brent's Operating Principles for School Organisation

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

Principle 1: We will work with schools to put in place strategies to manage changing demand and support schools within a local area to ensure the sustainability of provision.

Principle 2: We will only undertake expansions at high quality schools where leadership is secure.

Principle 3: We will seek to expand schools that have high levels of parental preferences for admission, in particular schools that are regularly oversubscribed.

Principle 4: We will seek to minimise disruption to schools during any changes to provision, , paying particular attention to impacts on vulnerable groups, and support school leaders to manage the challenges.

Principle 5: We will expect expanded and re-structured schools generally to meet government guidance on space standards but will be prepared to consider innovative design solutions to achieve this.

Principle 6: We will develop local capacity to sponsor or promote new schools, working with academies in all phases.

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

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

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

Principle 10: We will plan secondary school places by planning area, but also on a borough wide basis to make sure the offer meets community needs.

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

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

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

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

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

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

5. The Need for Secondary Places

5.1 Demand Overview

The significant growth that has been seen in the primary phase since 2010 began to move through to the secondary phase in 2016. Table 1 shows secondary projections by year group against capacity. Year 7 intakes are forecast to increase, although at a much slower rate than previously forecast. The forecasts indicate that cohorts will grow as they move through the school system but not to the degree previously forecast

Table 1: Secondary projections 2020 and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2020/2021	Capacity	3628	3508	3478	3352	3316
	Projections	3226	3235	3264	3188	3187
	surplus/deficit	402	273	214	164	129
2021/2022	Capacity	3628	3628	3508	3478	3352
	Projections	3276	3261	3247	3288	3228
	surplus/deficit	352	367	261	190	124
2022/2023	Capacity *	3688	3628	3628	3508	3478
	Projections	3302	3311	3273	3275	3331
	surplus/deficit	386	317	355	233	147
2023/2024	Capacity *	3688	3688	3628	3628	3508
	Projections	3346	3342	3324	3305	3320
	surplus/deficit	342	346	304	323	188
2024/2025	Capacity *	3688	3688	3688	3628	3628
	Projections	3270	3381	3356	3355	3348
	surplus/deficit	418	307	332	273	280
2025/2026	Capacity *	3688	3688	3688	3688	3628
	Projections	3352	3306	3408	3394	3401
	surplus/deficit	336	382	280	294	227
2026/2027	Capacity *	3688	3688	3688	3688	3688
	Projections	3339	3380	3327	3437	3434
	surplus/deficit	349	308	361	251	254
2027/2028	Capacity *	3688	3688	3688	3688	3688
	Projections	3421	3363	3395	3354	3468
	surplus/deficit	267	325	293	334	220
2028/2029	Capacity *	3688	3688	3688	3688	3688
	Projections	3463	3446	3383	3424	3391
	surplus/deficit	225	242	305	264	297

*Capacity reflects North Brent school offering 180 places

The local authority's school place planning assumptions include an operating margin of 5% spare places to ensure that there is sufficiency to support in-year pupil movement and forecast growth in pupil cohorts as they move through the system, as well as any unforeseen increase in demand. The planning assumption that all schools will fill to their current Published Admission Numbers underpins assessment of the need for additional places across the borough.

Table 2 shows Year 7 forecasts against current capacity and capacity to be provided by the North Brent School. The School Place Planning Strategy 2019-23 update in November 2019 identified the need for an additional 4 forms of entry beyond that being provided by the North Brent School. The 2020 forecasts suggest that there may not be a need for additional secondary school capacity, beyond that being provided by the North Brent School. The 2020 forecasts suggest that there will be sufficient secondary school places to meet forecast demand up to 2028/29 in all year groups, including a 5% operating margin.

Table 2: Year 7 projections and planned capacity

Year	Year 7 projected intake	Year 7 places available*	Surplus/ Deficit of places	Surplus/ deficit %
2020/21	3226	3628	402	11%
2021/22	3276	3628	352	10%
2022/23	3302	3688	386	10%
2023/24	3346	3688	342	9%
2024/25	3270	3688	418	11%
2025/26	3352	3688	336	9%
2026/27	3339	3688	349	9%
2027/28	3421	3688	267	7%
2028/29	3463	3688	225	6%

5.2 Actions to increase capacity

The North Brent School was approved by DfE in 2016 to provide 180 places per year (6FE). The school opened in September 2020 offering 4 forms of entry on the Wembley High Technology College site. The school expects to relocate in 2022 to its permanent site, the Chancel House site, close to the North Circular, which was selected by the ESFA after an extensive site search.

A number of secondary schools have expressed an interest in expanding should additional places be required to meet demand.

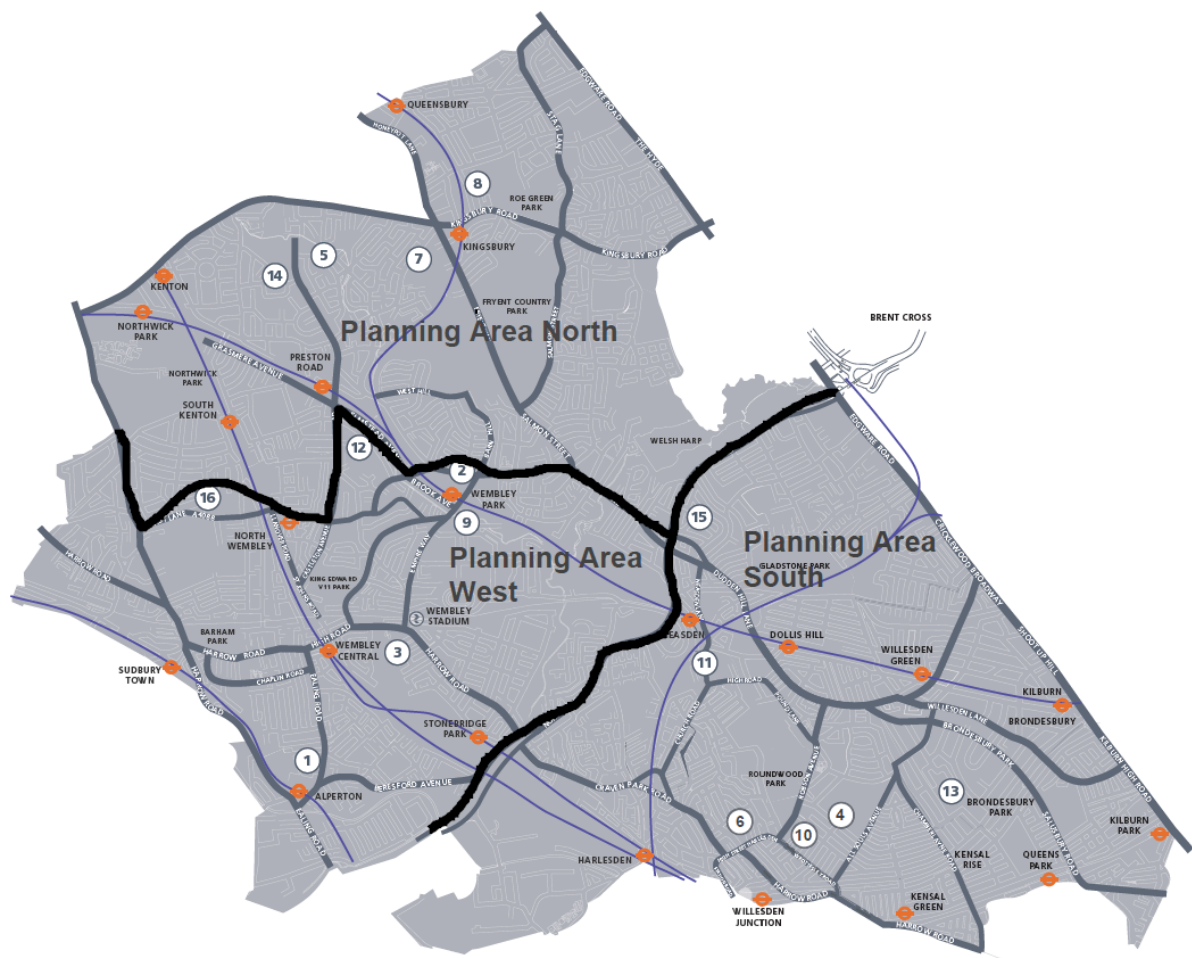
5.3 Secondary Planning Areas

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

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

Figure i: Secondary Planning Areas

- | | |
|--|--|
| ① Alperton Community School | ⑨ Michaela Community School |
| ② Ark Academy | ⑩ Newman Catholic College (Boys) |
| ③ Ark Elvin Academy | ⑪ North Brent School – Based at the Wembley High Technology College site until July 2022 |
| ④ Capital City Academy | ⑫ Preston Manor High School |
| ⑤ Claremont High School | ⑬ Queens Park Community School |
| ⑥ Convent of Jesus and Mary Language College (Girls) | ⑭ St. Gregory's Catholic Science College |
| ⑦ JFS | ⑮ The Crest Academy |
| ⑧ Kingsbury High School | ⑯ Wembley High Technology College |



Secondary Planning Area North

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

Demand: Based on historical preference patterns, demand for Year 7 places is expected to increase in this area. While a shortfall is forecast from 2020/21, in reality pupils will travel to other secondary schools across the borough.

Planned action: The feasibility of expanding schools in this area if additional local places are required is currently being explored.

Table 3: Secondary Planning Area North 2020 projections and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2020/2021	Capacity	1098	1098	1098	1098	1082
	Projections	1138	1088	1109	1079	1091
	surplus/deficit	-40	10	-11	19	-9
2021/2022	Capacity	1098	1098	1098	1098	1098
	Projections	1158	1133	1096	1111	1090
	surplus/deficit	-60	-35	2	-13	8
2022/2023	Capacity	1098	1098	1098	1098	1098
	Projections	1164	1153	1140	1099	1126
	surplus/deficit	-66	-55	-42	-1	-28
2023/2024	Capacity	1098	1098	1098	1098	1098
	Projections	1175	1160	1159	1144	1111
	surplus/deficit	-77	-62	-61	-46	-13
2024/2025	Capacity	1098	1098	1098	1098	1098
	Projections	1138	1170	1166	1162	1156
	surplus/deficit	-40	-72	-68	-64	-58
2025/2026	Capacity	1098	1098	1098	1098	1098
	Projections	1170	1131	1177	1168	1173
	surplus/deficit	-72	-33	-79	-70	-75
2026/2027	Capacity	1098	1098	1098	1098	1098
	Projections	1159	1162	1138	1177	1179
	surplus/deficit	-61	-64	-40	-79	-81
2027/2028	Capacity	1098	1098	1098	1098	1098
	Projections	1195	1151	1167	1138	1186
	surplus/deficit	-97	-53	-69	-40	-88
2028/2029	Capacity	1098	1098	1098	1098	1098
	Projections	1210	1185	1157	1166	1150
	surplus/deficit	-112	-87	-59	-68	-52

Secondary Planning Area West

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

Demand: Secondary Planning Area West includes two major growth areas in Wembley Central and Alperton and demand for Year 7 places is expected to increase in this area. Wembley is set to drive the economic regeneration of Brent as a high quality, urban, connected and sustainable city quarter. Up to 15,000 new homes are planned around Wembley National Stadium and Wembley town centre up to 2041. Alperton is being promoted for mixed-use regeneration, which will include over 5000 new homes.

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

Table 4: Secondary Planning Area West 2020 projections and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2020/2021	Capacity	1356	1356	1326	1212	1192
	Projections	1261	1351	1315	1215	1169
	surplus/deficit	95	5	11	-3	23
2021/2022	Capacity	1356	1356	1356	1326	1212
	Projections	1284	1295	1372	1333	1230
	surplus/deficit	72	61	-16	-7	-18
2022/2023	Capacity	1356	1356	1356	1356	1326
	Projections	1307	1316	1315	1390	1345
	surplus/deficit	49	40	41	-34	-19
2023/2024	Capacity	1356	1356	1356	1356	1356
	Projections	1358	1348	1338	1339	1408
	surplus/deficit	-129	-118	-83	-36	-5
2024/2025	Capacity	1356	1356	1356	1356	1356
	Projections	1338	1390	1365	1360	1353
	surplus/deficit	18	-34	-9	-4	3
2025/2026	Capacity	1356	1356	1356	1356	1356
	Projections	1364	1372	1412	1390	1375
	surplus/deficit	-8	-16	-56	-34	-19
2026/2027	Capacity	1356	1356	1356	1356	1356
	Projections	1368	1396	1391	1434	1403
	surplus/deficit	-12	-40	-35	-78	-47
2027/2028	Capacity	1356	1356	1356	1356	1356
	Projections	1410	1396	1412	1409	1439
	surplus/deficit	-54	-40	-56	-53	-83
2028/2029	Capacity	1356	1356	1356	1356	1356
	Projections	1436	1439	1414	1433	1419
	surplus/deficit	-80	-83	-58	-77	-63

Secondary Planning Area South

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

Demand: There are currently spare places in this planning area. The North Brent School's permanent site is in this area and it is anticipated that secondary demand patterns will change over the next few years as the North Brent School becomes established.

Planning assumes that all schools in this area with spare capacity will fill to their current Published Admission Numbers before any further additional capacity is required.

Planned action: The North Brent School opened in 2020 on a temporary site in Secondary Planning Area West offering 4 forms of entry. The school will provide 6 forms of entry when it moves to its permanent site in this area in 2022. The school is sponsored by the Wembley Multi-Academy Trust that includes Wembley High Technology College, which is an oversubscribed outstanding school. It is anticipated that current preference patterns will change as pupils will travel from other areas to the school. If required, there is a potential for other schools in this area to expand.

Table 5: Secondary Planning Area South 2020 projections and capacity

		Year 7	Year 8	Year 9	Year 10	Year 11
2020/2021	Capacity	1174	1054	1054	1042	1042
	Projections	827	796	841	893	927
	surplus/deficit	347	258	213	149	115
2021/2022	Capacity	1174	1174	1054	1054	1042
	Projections	834	833	779	843	908
	surplus/deficit	340	341	275	211	134
2022/2023	Capacity	1234	1174	1174	1054	1054
	Projections	829	842	818	786	861
	surplus/deficit	405	332	356	268	193
2023/2024	Capacity	1234	1234	1174	1174	1054
	Projections	813	836	827	822	801
	surplus/deficit	421	398	347	352	253
2024/2025	Capacity	1234	1234	1234	1174	1174
	Projections	795	822	826	833	840
	surplus/deficit	439	412	408	341	334
2025/2026	Capacity	1234	1234	1234	1234	1174
	Projections	818	804	819	836	852
	surplus/deficit	416	430	415	398	322
2026/2027	Capacity	1234	1234	1234	1234	1234
	Projections	812	822	799	827	852
	surplus/deficit	357	363	358	310	270
2027/2028	Capacity	1234	1234	1234	1234	1234
	Projections	817	816	816	807	843
	surplus/deficit	417	418	418	427	391
2028/2029	Capacity	1234	1234	1234	1234	1234

	Projections	816	821	811	824	824
	surplus/deficit	418	413	423	410	410

5.4 Cross-border movement

The GLA projections reflect the percentage of children who historically move from Year 6 to Year 7 in the following academic year. Brent has traditionally been a net exporter of pupils, in part due to Brent's proximity to other boroughs. In the south of the Borough just over 43% of Brent parents chose out-of-borough secondary schools for their children starting school in September 2020 (Table 6). Neighbouring boroughs are facing similar school place challenges as a result of increasing demand and it is possible that Brent parents will find it increasingly difficult to access places in out-of-borough secondary schools. Additionally, parental perception of Brent secondary schools that are currently under-subscribed is expected to change as Ofsted judgements and standards have improved. The combination of these factors could mean that the demand for places in Brent secondary schools may increase beyond that currently shown in Table 2.

Table 6: Secondary transfers by secondary planning area September 2020

LA of Offered School 2020	Brent Resident School Planning Area			
	PA North	PA South	PA West	Total
Brent Total	706	997	910	2613
Brent %	78.30%	57.30%	88.90%	71.30%
Barnet	80	104	11	195
Camden	1	105	3	109
Ealing	1	65	28	94
Hammersmith and Fulham	2	70	3	75
Harrow	83	27	37	147
Hertfordshire	13	2	3	18
Hillingdon	4	1	3	8
Hounslow	2	5	3	10
Kensington and Chelsea	2	72	1	75
Slough			10	10
Sutton	1	2	1	4
Westminster	4	284	10	298
Other LAs	3	6	1	10
Non-Brent Total	196	743	114	1053
Non-Brent %	21.70%	42.70%	11.10%	28.70%
Grand Total	902	1740	1024	3666

6. The Need for Primary Places

6.1 Overview

Between 2006 and 2017, Brent saw an unprecedented increase in the demand for primary school places. The primary pupil population (Reception to Year 6) increased from 20,822 in January 2006 to 26,823 in January 2017, an increase of 28.8% (Graph 1). This trend changed in 2017 when the number of children admitted to Reception reduced for the first time in 11 years, followed by lower intakes in 2018 and 2019. Graph 1 shows the forecast total primary population based on the latest projections. The forecasts are lower than the 2019 forecasts across all year-groups and indicate a small increase in demand by 2025.

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

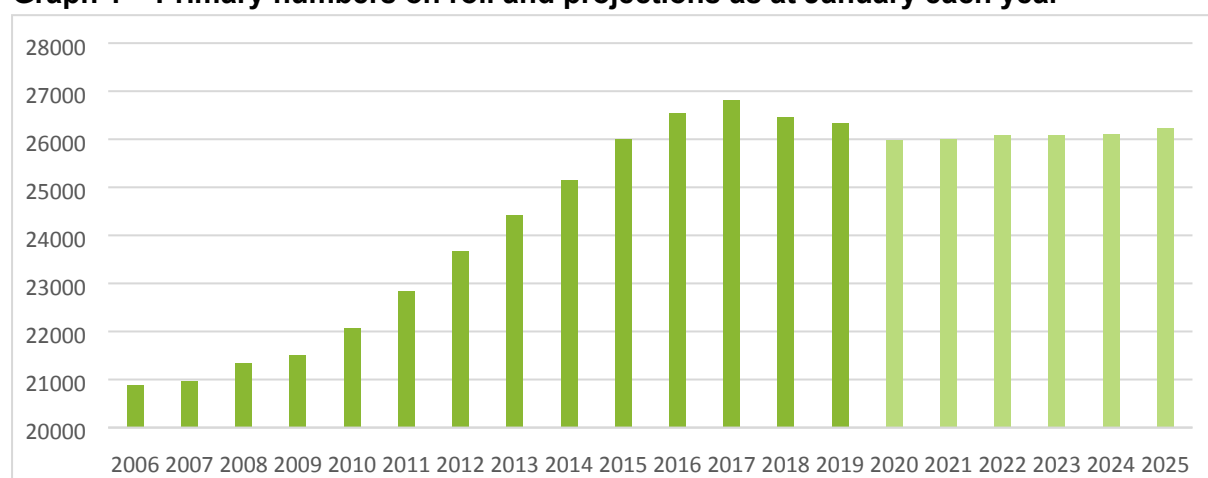


Table 7 shows that borough-wide, there is sufficient capacity to meet anticipated demand across all year groups up to 2025/26 and to manage in-year pupil mobility. However, spare capacity is not evenly distributed across all planning areas (see below).

Table 7: Primary forecasts 2020 and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021	Capacity	4,247	4,277	4,217	4,162	4,187	4,244	4,002
	Projections	3,786	3,542	3,685	3,659	3,771	3,803	3,751
	surplus/deficit	461	735	532	503	416	441	251
2021/2022	Capacity	4,247	4,247	4,277	4,217	4,162	4,187	4,244
	Projections	3,819	3,737	3,561	3,730	3,670	3,774	3,793
	surplus/deficit	428	510	716	487	492	413	451
2022/2023	Capacity	4,247	4,247	4,247	4,247	4,187	4,132	4,157
	Projections	3,763	3,765	3,752	3,624	3,732	3,681	3,765
	surplus/deficit	484	482	495	623	455	451	392
2023/2024	Capacity	4,247	4,247	4,247	4,247	4,247	4,187	4,132
	Projections	3,789	3,715	3,779	3,781	3,631	3,736	3,670
	surplus/deficit	458	532	468	466	616	451	462

2024/2025	Capacity	4,247	4,247	4,247	4,247	4,247	4,247	4,187
	Projections	3,805	3,738	3,729	3,807	3,785	3,639	3,723
	surplus/deficit	442	509	518	440	462	608	464
2025/2026	Capacity	4,247	4,247	4,247	4,247	4,247	4,247	4,247
	Projections	3,840	3,768	3,749	3,764	3,818	3,792	3,623
	surplus/deficit	407	479	498	483	429	455	624

Table 8 shows forecast Reception intakes against capacity. The latest pupil forecasts suggest that, over the next five years, Reception cohorts will be higher than recent intakes in 2018 and 2019. The forecasts indicate that demand will remain fairly steady, fluctuating by up to one or two forms of entry each year.

Brent aims to have a minimum of 5% spare places to manage in-year migration and to ensure the authority can respond to any sudden increase in demand. This avoids the need to open temporary provision or bulge classes, which is neither educationally desirable nor cost effective. Based on current forecasts, there will be a number of spare primary places at borough level (around 10%).

The local authority is working with schools to put in place strategies to manage changing demand and to support schools to ensure the sustainability of provision. Measures to support reduced intakes include temporarily reducing admission numbers or placing an informal cap on admission numbers and considering temporary alternative use of spare accommodation.

Table 8: Reception forecasts against capacity

Year	Reception projected intake	Reception capacity	Spare places	% spare places	Spare places as forms of entry
2020/21	3786	4247	461	11%	15
2021/22	3819	4247	428	10%	14
2022/23	3763	4247	484	11%	15
2023/24	3789	4247	458	11%	15
2024/25	3805	4247	442	10%	14
2025/26	3840	4247	407	10%	14

Table 9: Births in Brent (by academic year)

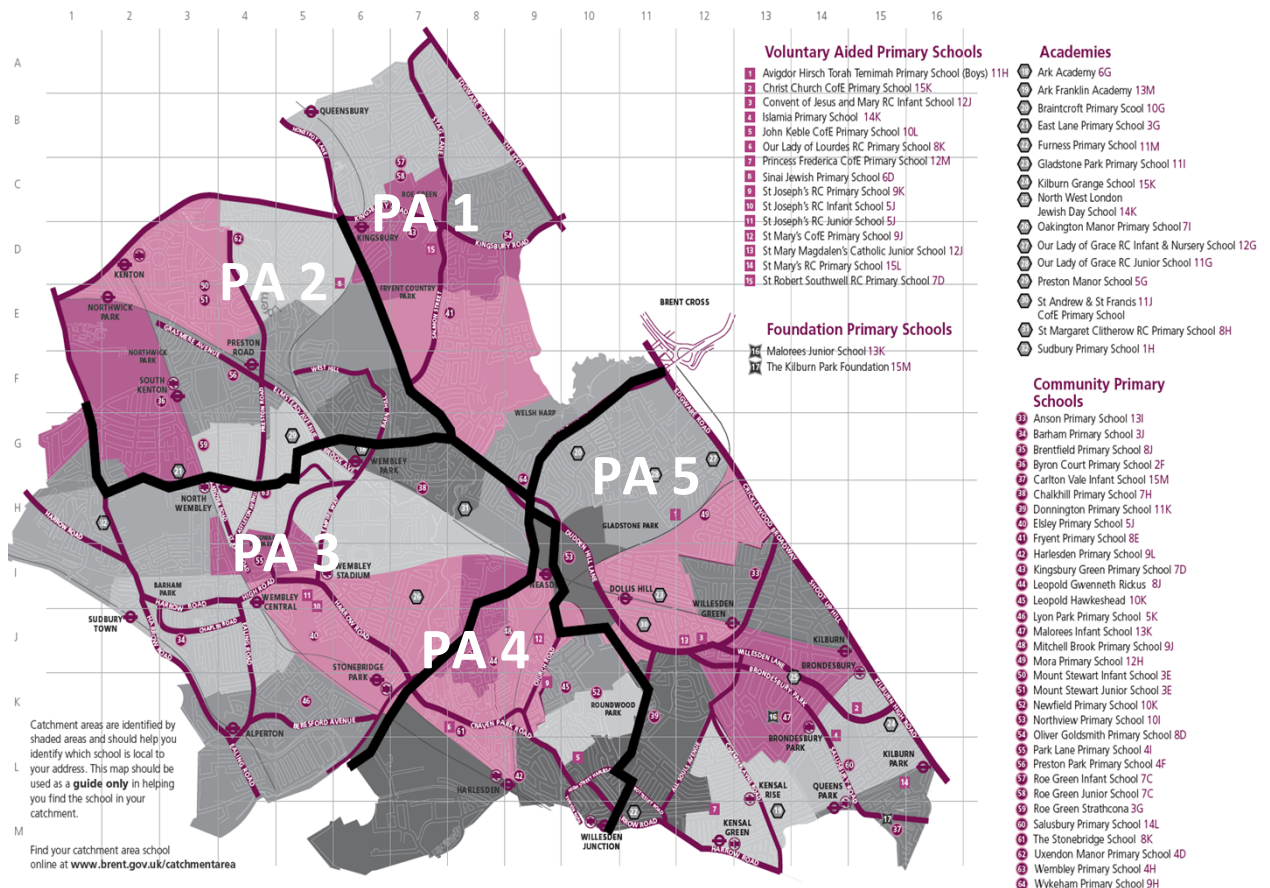
Year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20*	2020/21*
Births in Brent	5166	5220	5116	4892	4838	4752	4759

* Projection

6.2 Primary Planning Areas

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

Figure ii: Brent Primary Planning Areas



Primary Planning Area 1

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

Demand: The January 2020 forecasts show Reception intakes remaining relatively steady over the next 5 years. A shortfall of places is forecast for some cohorts as they move through the system (based on in-migration assumptions). It is anticipated that places in neighbouring planning areas will accommodate these pressures.

Planned action: There are no plans to change capacity in Planning Area 1.

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

Table 10: Planning Area 1 2020 GLA projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021	Capacity	510	510	510	480	510	510	540
	Projections	521	467	478	481	477	508	536
	surplus/deficit	-11	43	32	-1	33	2	4
2021/2022	Capacity	510	510	510	510	480	510	510
	Projections	545	525	466	496	485	480	506
	surplus/deficit	-35	-15	44	14	-5	30	4
2022/2023	Capacity	510	510	510	510	510	480	510
	Projections	515	550	525	484	503	492	485
	surplus/deficit	-5	-40	-15	26	7	-12	25
2023/2024	Capacity	510	510	510	510	510	510	480
	Projections	509	522	548	533	489	510	499
	surplus/deficit	1	-12	-38	-23	21	0	-19
2024/2025	Capacity	510	510	510	510	510	510	510
	Projections	504	515	521	553	536	495	513
	surplus/deficit	6	-5	-11	-43	-26	15	-3
2025/2026	Capacity	510	510	510	510	510	510	510
	Projections	502	511	512	525	554	538	496
	surplus/deficit	8	-1	-2	-15	-44	-28	14

Primary Planning Area 2

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

Demand: The January 2020 forecasts indicate that Planning Area 2 will have a high number of spare places across all year groups over the next 5 years and around 4FE spare places in Reception.

Planned action: This planning area is adjacent to Planning Areas 1 and 3 and spare capacity could absorb any increase in demand in these areas.

Due to reduced demand, following a period of consultation, the Council has taken the decision to cease the one form of entry provision on the Roe Green Infant School Strathcona site through a phased closure from September 2020.

A temporary reduction in the Published Admission Number of Uxendon Manor Primary School (30 places) has been agreed from September 2020.

Table 11: Planning Area 2 2020 GLA projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021	Capacity	750	780	780	720	750	720	690
	Projections	630	579	621	561	667	626	680
	surplus/deficit	120	201	159	159	83	94	10
2021/2022	Capacity	750	750	780	780	720	750	720
	Projections	623	608	574	626	560	649	619
	surplus/deficit	127	142	206	154	160	101	101
2022/2023	Capacity	750	750	750	750	750	690	720
	Projections	610	600	602	587	620	548	640
	surplus/deficit	140	150	148	163	130	142	80
2023/2024	Capacity	750	750	750	750	750	750	690
	Projections	618	588	594	608	584	604	538
	surplus/deficit	132	162	156	142	166	146	152
2024/2025	Capacity	750	750	750	750	750	750	750
	Projections	620	597	584	603	607	571	597
	surplus/deficit	130	153	166	147	143	179	153
2025/2026	Capacity	750	750	750	750	750	750	750
	Projections	619	598	590	592	601	590	562
	surplus/deficit	131	152	160	158	149	160	188

Primary Planning Area 3

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

Demand: Planning Area 3 includes two major growth areas in Wembley Central and Alperton. Wembley is set to drive the economic regeneration of Brent as a high quality, urban, connected and sustainable city quarter and up to 15,000 new homes around the Wembley National Stadium and Wembley town centre area up to 2041. Alperton is being set to provide up to 6,000 new homes. As a result of new housing, Reception intakes are expected to increase over the next 5 years. As the new housing comes on-stream, it is likely that there will be a need for additional capacity in the area.

Planned action: The January 2020 GLA projections indicate an increase in demand for Reception places in Planning Area 3, but at a much lower level than previous forecasts. Spare places in other planning areas will be able to absorb any short-term pressures in demand. Additional capacity may be required from 2023 onwards.

Table 12: Planning Area 3 2020 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021	Capacity	970	970	970	970	970	970	820
	Projections	936	907	923	955	930	924	796
	surplus/deficit	34	63	47	15	40	46	24
2021/2022	Capacity	970	970	970	970	970	970	970
	Projections	968	954	934	974	964	954	901
	surplus/deficit	2	16	36	-4	6	16	69
2022/2023	Capacity	970	970	970	970	970	970	970
	Projections	990	973	966	980	974	982	923
	surplus/deficit	-20	-3	4	-10	-4	-12	47
2023/2024	Capacity	970	970	970	970	970	970	970
	Projections	1076	1001	994	1021	989	1000	954
	surplus/deficit	-106	-31	-24	-51	-19	-30	16
2024/2025	Capacity	970	970	970	970	970	970	970
	Projections	1115	1072	1014	1,042	1021	1010	968
	surplus/deficit	-145	-102	-44	-72	-51	-40	2
2025/2026	Capacity	970	970	970	970	970	970	970
	Projections	1150	1110	1078	1062	1043	1040	978
	surplus/deficit	-180	-140	-108	-92	-73	-70	-8

Primary Planning Area 4

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

Demand: The January 2020 projections forecast Planning Area 4 to have high levels of spare places over the next five years. In the longer term, the LA expects demand to increase in this area as new housing comes on stream. This includes the Old Oak redevelopment scheme. Initial plans were for 870 additional units by 2026. However, the Old Oak and Park Royal Development Corporation (OPDC) has indicated that all numbers and timescales are to be revised as new sites have since been added to the masterplan. The LA is in dialogue with the OPDC to understand the likely impact on provision in Brent.

Planned action: A temporary reduction in the Published Admission Number of Harlesden Primary School (30 places) has been agreed from September 2020. Demand in this area will be kept under review to ensure provision is sustainable. The Council will be supporting schools in this area to manage reduced demand, which could include additional temporary reductions to published admission numbers.

Table 13: Planning Area 4 2020 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021	Capacity	765	765	705	735	705	762	730
	Projections	570	516	540	533	601	613	625
	surplus/deficit	195	249	165	202	104	149	105
2021/2022	Capacity	765	765	765	705	735	705	762
	Projections	577	554	518	518	527	604	630
	surplus/deficit	188	211	247	187	208	101	132
2022/2023	Capacity	765	765	765	765	705	735	705
	Projections	567	561	557	496	512	530	622
	surplus/deficit	198	204	208	269	193	205	83
2023/2024	Capacity	765	765	765	765	765	705	735
	Projections	557	552	562	531	491	515	545
	surplus/deficit	208	213	203	234	274	190	190
2024/2025	Capacity	765	765	765	765	765	765	705
	Projections	549	543	552	537	527	494	532
	surplus/deficit	216	222	213	228	238	271	173
2025/2026	Capacity	765	765	765	765	765	765	765
	Projections	547	542	547	531	535	532	511
	surplus/deficit	218	223	218	234	230	233	254

Planning Area 5

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

Demand: The January 2020 projections show reducing Reception intakes and an increasing number of spare places in Planning Area 5 over the next 5 years. Many children living in this planning area attend schools in neighbouring authorities, such as Camden and Westminster.

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

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

Table 14: Planning Area 5 2020 projections and capacity

		Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2020/2021	Capacity	1,252	1,252	1,252	1,257	1,252	1,282	1,222
	Projections	1,129	1,072	1,123	1,129	1,096	1,133	1,113
	surplus/deficit	123	180	129	128	156	149	109
2021/2022	Capacity	1,252	1,252	1,252	1,252	1,257	1,252	1,282
	Projections	1,106	1,095	1,069	1,116	1,135	1,086	1,137
	surplus/deficit	146	157	183	136	122	166	145
2022/2023	Capacity	1,252	1,252	1,252	1,252	1,252	1,257	1,252
	Projections	1,080	1,081	1,101	1,075	1,122	1,128	1,096
	surplus/deficit	172	171	151	177	130	129	156
2023/2024	Capacity	1,252	1,252	1,252	1,252	1,252	1,252	1,257
	Projections	1,028	1,052	1,082	1,087	1,078	1,107	1,134
	surplus/deficit	224	200	170	165	174	145	123
2024/2025	Capacity	1,252	1,252	1,252	1,252	1,252	1,252	1,252
	Projections	1,018	1,010	1,058	1,071	1,093	1,068	1,113
	surplus/deficit	234	242	194	181	159	184	139
2025/2026	Capacity	1,252	1,252	1,252	1,252	1,252	1,252	1,252
	Projections	1,022	1,008	1,022	1,054	1,085	1,090	1,076
	surplus/deficit	230	244	230	198	167	162	176

7. The Need for SEND and Alternative Provision Places

7.1 Brent SEND Overview

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

There is a rich range of high quality specialist provision in Brent encompassing 3 specialist nurseries, 1 primary special school, 2 special school academy trusts and a number of Additionally Resourced Provisions and SEN Units in both primary and secondary mainstream schools (Table 15). A number of children are placed in out-of-borough schools, although the vision is for Brent's children to go to a good or outstanding school locally, whenever possible, as this allows them access to local resources, and to foster social/emotional links locally.

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

School	Type of Provision	Type of School	Special Need	Number of specialist places Sept 2019-20
*The Manor School	Special	Primary	MLD/ASD	170
*The Avenue - temporary accommodation at Queens Park Community School	Special	All-through	MLD/ASD	21
Phoenix Arch School	Special	Primary	ASD/SEMH	50
+The Village School	Special	All-through	PMLD/SLD/ASD	275
+The Village School (satellite provision - Hope Centre KS1)	Special	Primary	PMLD/SLD/ASD	21
+Woodfield School	Special	Secondary	MLD/ASD	184
Kingsbury Green Primary School	ARP	Primary	HI	18
Oakington Manor Primary School	ARP	Primary	ASD	15
Oakington Manor Primary School	ARP	Primary	SLCN	20
Fryent Primary School	ARP	Primary	ASD	28
Sudbury Primary School	ARP	Primary	ASD/SLCN	0
Preston Manor High School	ARP	Secondary	ASD	12
Preston Manor High School	ARP	Secondary	SLCN	12
Kingsbury High School	ARP	Secondary	HI	7
Grand Total				833

*The Manor and The Avenue schools form the Brent Specialist Academy Trust.

+The Village and Woodfield schools form the Compass Learning Partnership Multi-Academy Trust.

7.2 Demand for special provision

The Children and Families Act 2014 introduced wide ranging reforms relating to services for children and young people **age 0-25** with SEND, including Education Health and Care Plans (EHCPs), which are co-produced with parents/carers and children, within a multi-agency context.

Demand for special provision in Brent has been growing over the last 3 years (Table 16). The number of children and young people with EHCPs in education settings increased by 11% between Jan 2019 and Jan 2020. Nationally there was an increase in EHCP numbers of 8.7% between 2019 and 2020.

As of January 2020, there were 2341 (SEN2 data return) Brent resident children and young people with an EHCP, of whom 2103 were attending a school (reception to year 14) and 238 were attending a further education provision (age-range 16-25). 3.4% (DfE, Jan school census 2020) of children and young people attending Brent Schools have an EHCP, compared to 3.3% of the national school-age population (DfE school census 2020).

Table 16 shows the increase in EHCPs since 2017 against category of need. Notable increases over this period are in ASD, SLCN and SLD.

Table 16: Distribution of EHCPs by need (SEN2)

SEN Description of Need (EHCP)	2017	2018	2019	2020
ASD - Autistic Spectrum Disorder	565	598	612	650
SEMH - Social, Emotional And Mental Health	153	152	146	178
HI - Hearing Impairment	62	53	49	48
MLD – Moderate Learning Difficulties	386	375	371	362
MSI - Multi-Sensory Impairment	4	4	3	6
OTH - Other Difficulty/disability	8	17	32	25
PD - Physical Disability	85	89	85	91
PMLD - Profound & Multiple Learning Difficult	46	52	52	56
SLD - Severe Learning Difficulties	157	165	158	172
SPLD - Specific Learning Difficulty	35	30	28	29
SLCN - Speech, Language And Communication Needs	295	334	348	455
VI - Visual Impairment	25	21	25	25
TOTAL				
CYP with EHC Plan at school age up to 19 (at school)	1824	1900	1909	2103
16-25 with EHC Plan (at college/ left school/HNS)	136	176	201	238
TOTAL EHCP school age + Post 16-25	1960	2076	2110	2341*

*This figure does not include NEET, a new data requirement for the SEN2 return (85).

Many children with EHCPs can have their needs met in a mainstream setting. However, over the past three years the proportion of children and young people with EHCPs attending a mainstream setting has reduced overall. In 2020 (SEN2 return) 49% of children and young

people with EHCPs attended a mainstream provision and 51% of children and young people with EHCPs attended a special provision, including SEND units and ARPs (Table 17).

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

Year	Number of CYP with EHCP/Statement	Mainstream School	Special setting (including ARPs)
2016	1772	871	901
		49%	51%
2017	1824	873	951
		48%	52%
2018	1900	847	1053
		45%	55%
2019	1909	851	1058
		46%	54%
2020	2103	1023	1080
		49%	51%

Note: Young people in post 16 settings not included

The numbers of children with SEND is expected to continue to increase as overall pupil numbers rise, alongside increasing early diagnosis. Last year the anticipated annual increase in EHCPs was projected at 5%. The number of EHCPs has in fact increased by 11% between 2019 to 2020 (SEN2) and if this continues it will impact on demand for specialist provision in the borough.

The number of 5-25 year olds with EHCPs is expected to increase to 2837 by 2024 at 5% growth. However if growth is sustained at 10% the number would be 3413. This will impact on demand for specialist provision in the borough. The number of children and young people with an EHCP is 2565 at the end of August 2020.

Table 18: Forecast number of EHCPs at 5% and 10% growth (2020 SEN2)

Numbers EHCPs	2020 (actual)	2021	2022	2023	2024
Reception to NCY 11 (5% increase)	1880	1974	2073	2177	2286
Post 16 - 25 (5% increase)	453	476	500	525	551
Total	2333	2450	2573	2702	2837
Reception to NCY 11 (10% increase)	1880	2068	2274	2501	2751
Post 16 – 25 (10% increase)	453	498	548	602	662
Total	2333	2566	2822	3103	3413

Special schools in the borough cater for a wide range of complex SEND (see Table 16). Brent is, however, reliant on sourcing some places in out-of-borough maintained special schools or Independent schools (Table 19). Notwithstanding the expansion of Brent special schools, there are currently 160 pupils attending out-of-borough maintained special schools, and 147

pupils attending independent provision outside of the borough. For some pupils, such as those with significant Hearing or Visual Impairments, this is the best way for them to access provision that meets their needs. However, many are placed in out-of-borough provision because there is no appropriate place for them in Brent (see below).

Table 19: EHCP pupils in school (In-borough and Out-of-borough by school type)
(SEN2 2020)

Provision	Primary	Secondary	Total
Brent mainstream maintained/academy incl. PRU	496	264	760
Brent special provision (including ARPs)	442	327	769
Brent Independent and non-maintained special school	14	10	24
Out-of-borough mainstream	72	144	216
Out-of-borough special maintained (including ARPs)	72	88	160
Out-of-borough Independent and non-maintained special school	37	110	147
Other (e.g. Alternative Provision, home, LEA arranged)	11	16	27
Total	1144	959	2103

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

Table 20: Top categories of need for out-of-borough placements (SEN2 2020)

ASD		SEMH		SLCN		MLD		PMLD	
Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary
9	58	6	19	5	3	1	11	3	4

The cost of placing children and young people out-of-borough is high. Annual placement costs in independent schools ranged from £28,000 to £84,000 in 2019/20, with an average cost of £54,000. Providing transport to SEND provision is currently costing the council in excess of £1.4 million. Notwithstanding the financial case, there is a strong educational and social rationale for the council to place students within its own boundaries. The time taken to travel to more distant schools and settings can be stressful for children and young people, especially those with physical needs, added to which traffic delays can lead to further stress and loss of education. It is generally preferable for children and young people to stay local in order to develop friendship groups within their own communities, where parents can also build resilience and support in local networks.

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

The Council therefore needs to develop in-borough secondary provision to meet the needs of a higher proportion of ASD/MLD/SLD/SLCN pupils. The key opportunity is to place these pupils in local provision at the point of secondary transfer in Year 7. In 2019, 19 additional places

were made available at Woodfield school in Year 7 for children with ASD/MLD/SLD. An additional 20 young people could have had their needs met in borough had there been further secondary places. Table 21 indicates the gap in provision at Year 7 across the borough. Woodfield is the only secondary provision meeting this kind of need, but is limited to 16 pupils in Year 7 in forthcoming years. The Avenue school will take secondary pupils in future years, but these places will most likely be for pupils transitioning from The Manor, so it is not envisaged that the school will offer capacity for additional children.

Table 21: Secondary special places demand and places required

	Sep-2021	Sep-2022	Sep-2023
Number of ASD/MLD/SLD pupils requiring specialist provision in Year 7:	67	68	65
Year 7 places available at Woodfield	16	16	16
Year 7 places required*	51	52	49

*The number of places required will be dependent on the number of places that Woodfield School are able to provide.

Table 22: The Avenue – All through school

	Sep-2021	Sep-2022	Sep-2023
Number of ASD/MLD/SLD pupils requiring specialist provision in Year 7:	2	2	6

*The Avenue site is currently under development and if this is not available there may additional requirement for secondary provision.

In developing additional places for children and young people with EHCPs, Brent is engaging with parents and carers of children and young people with SEND to ensure that services meet their needs and achieve the best outcomes. Brent works in partnership with schools and other providers to develop special provision in the borough. This includes expansions of special schools, developing capacity in mainstream schools and academies and other providers, including post-16. Additionally, the introduction of a Mainstream Plus (formerly SEND2 support) through the graduated response within the SEND Code of Practice will support children to access effective early and preventative support in mainstream schools and settings. Mainstream Plus will facilitate and enable schools to meet need in mainstream, in addition to existing funds and resources, to avoid the higher cost of specialist placement. It will reduce the pressure to place children out of area and will enable more children to be educated in mainstream who previously might have been placed in specialist provision.

Expansions in special school places within Brent are now at maximum capacity. To meet increasing demand, within the last 5 years, expansions have taken place at The Village School (35 additional places, and 21 within KS1 at The Hope Centre, since September 2018); The Manor School (40 additional places); Woodfield School (43 additional places in 2018 and 19 additional places created in 2019), and Phoenix Arch Primary Special (5 additional places). These expansions have catered for some of the SEND population increase to date.

Planned Action

- For September 2019, 19 additional places were created for year 7 pupils at Woodfield School through temporary accommodation at the school. For Year 6 (transition) September 2020, there was an anticipated shortage of Year 7 special school places, but Woodfield School were able to offer 29 places for September 2020. For September 2020, 15 out-of-borough **maintained** special school places, at a similar cost to Woodfield, with the same profile in provisions judged by Ofsted as Good/Outstanding have been secured.
- **New special provision within mainstream:** In January 2020, Expressions of interest (Eoi) from primary schools were sought to establish primary Additionally Resourced Provisions (ARPs) for SEND pupils. Feasibility work is progressing with a number of schools for ARPs to open within the 2020/21 academic year. For 2021 and 2022, further sites are being considered for primary specialist and secondary specialist provision to meet demand.
- **Special School satellite provision:** Discussions in January 2020 with special school headteachers explored the potential for an early years, Key Stage 1 and Year 7 secondary satellite provision. Planning is underway with BSAT (The Manor/The Avenue schools) to establish a primary satellite provision. The satellite is expected to be open by January 2021.
- **Additional secondary capacity:** The analysis of Brent SEND data demonstrates there is sufficient rising demand for an additional new school to cater for up to 245 secondary aged pupils with ASD/complex needs. The new special school, regardless of the proposed route to build it, would not be ready before September 2023 at the earliest. Therefore there is a need to provide additional school places to accommodate 90 - 95 places over Sept 2021- Sept 2023 for children with ASD/MLD/SLD.
- **Post 16-25 Provision:** The Council will further develop pathways of work experience placements; apprenticeships and more supported internships for young people aged 16-25, working with FE colleges, Brent special schools and in collaboration with local businesses. Options for the provision of post-16 pathways for EHCP pupils are being scoped alongside adult social care and relevant partners to look at a range of in-borough pathways. There is a deficit of local places available to cater for EHCP pupils leaving special schools.

7.3 Alternative provision

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

Overall, exclusion figures for all Brent pupils have shown a decrease in 2019-20 for both fixed term and permanent exclusions. Support is available for Brent schools to reduce the number of exclusions, with a focus on early identification and prevention strategies working closely alongside teams in mainstream school settings.

Brent Council established the need for an alternative provision free school with an integrated youth offer located at the Roundwood Centre in Harlesden in 2019. In June 2019, Brent

Council began the process of procuring the provider for Roundwood Youth Centre. At the beginning of February 2020, the Department for Education approved Brent Council's recommendation for Beckmead Trust to be the appointed provider. Beckmead's vision is to create educational provision throughout the school day alongside delivery of the Integrated Youth Offer in collaboration with the voluntary sector. The new school is planned to open in January 2021.

Planned action:

To meet the needs of children with Social Emotional and Mental Health difficulties Brent is further enhancing the offer for emotional wellbeing support in mainstream schools. The focus for 2020/2021 is to build mental health provision in mainstream, ensuring we have a comprehensive community and school based offer alongside our more specialist CAMHS interventions supporting children to stay in mainstream.

8. Childcare and Early Years Education

8.1 Early Years provision

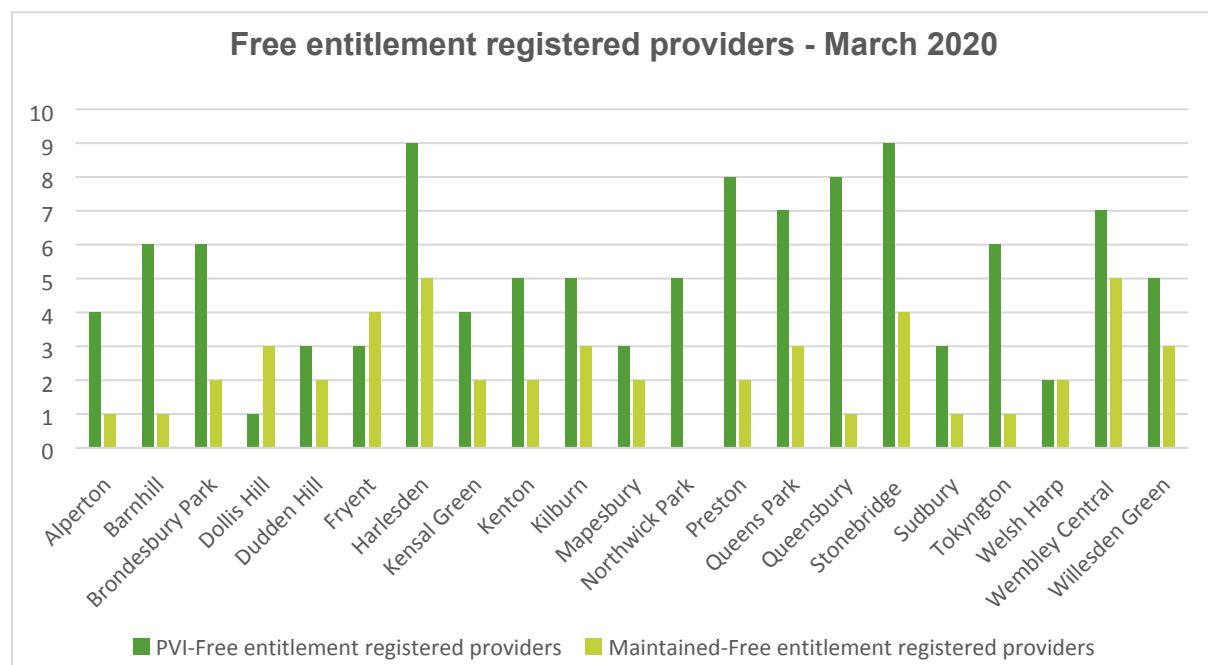
Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. Brent has a mixed economy of 0-5 childcare provision in the borough that includes private, voluntary, independent (PVI) and maintained settings. The Brent Childcare Sufficiency Assessment (CSA) annual update 2019 showed an overall increase in the number of PVI providers in the borough and a reduction in places in maintained and childminder provision. As at September 2020, there are 328 early years providers in the borough.

There is under-fives provision across all ward areas with 247 providers offering free entitlement funded places as at March 2020 (due to lockdown and setting closures, there are no headcount figures to report from Summer 2020).

As at the first spring headcount in Spring 2020, the proportion of places being delivered in maintained settings rose slightly from 41% to 44%. The local authority will continue to monitor the distribution of places across the sectors.

Alongside this, the overall quality of provision has been maintained with 98% of providers across the sector judged as good or outstanding by Ofsted as at 1 September 2020.

Graph 2: Type of registered childcare provider by ward March 2020



8.2 Demand for Early Years provision

Take-up of free entitlement places in 2020 was below both the London and national averages at 64% for the 2 year entitlement (53% in 2019, national average 68%) and 73% for the 3 and 4 year entitlement (75% in 2019, national average 94%). Research by Coram Family and Childcare for Brent carried out in late Autumn 2019 confirmed the most common reasons for parents not taking up the childcare offer were a belief that their child was too young, concerns about the costs of childcare and/or a negative perception of childcare, including quality or impact on their child.

Free childcare for 30 hours per week for 3 and 4 year olds with working parents became a statutory entitlement in September 2017 and implementation of this continues to be successful, with 92% take-up achieved in the summer term 2019 (most recent available data).

There is evidence of increased numbers of children with special education needs and/or disabilities accessing special early years provision. The 30 hour offer is placing pressure on existing places for children with SEND and it is likely that additional specialist nursery places will be required. As of September 2020 the majority of places in the specialist nurseries are full for the 2020/21 academic year. The addition of a new ARP at Willow Nursery School will ensure that children who need specialist places are able to access provision that effectively meets their needs and is likely to free up spaces in the specialist nurseries.

8.3 Impact of COVID-19

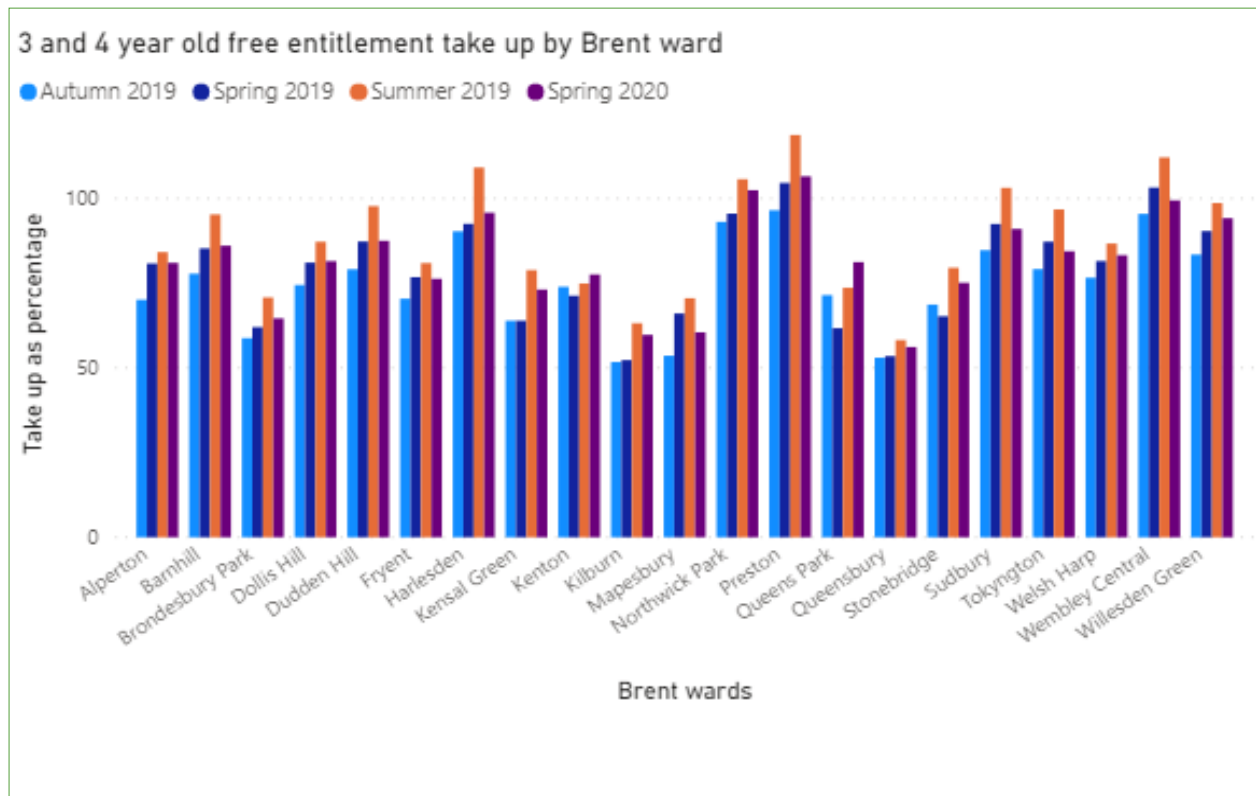
The impact on the PVI sector in particular of Covid-19 has been significant and could affect overall sufficiency in the months to come. In line with government guidance, all early years settings in Brent closed to the majority of children at the end of March 2020. Many have since re-opened but numbers of children returning to settings has remained relatively low. The maximum number of children 0 - 5 attending in July 2020 was approximately 1350. This compared with over 4500 free entitlement funded 2, 3 and 4 year olds alone attending at a similar point in 2019. Parental messaging encouraging a return to settings is ongoing.

A survey conducted with providers in June 2020 indicated that the majority of settings had concerns about their financial sustainability. A worst case scenario indicated a possible loss of 3288 Ofsted registered early education places equating to 52% of places currently offered by the PVI sector and leaving the Council unable to meet its statutory sufficiency duty. In order to address this, provider sustainability will be monitored in the coming months to support providers early with sustainability concerns.

Raising take up levels for eligible 2 year olds and all 3 and 4 year olds of their entitlement to 15 hours free early education remains a key priority for the borough to ensure that all children can benefit from high quality early years education and that providers can remain financially viable. The Progress for All ward level project was designed to achieve this, applying innovative approaches to outreach based on local need with four key strands: access, quality, home learning and employers. The key work strands in this project, which ends in December, have now been embedded into the day to day duties of the Early Years teams.

Take-up of provision is mapped on a termly basis (as illustrated in Graph 3) and outreach adjusted accordingly. It is believed that the Progress for All work has contributed to the significant increase in two year old take up in the period. Current restrictions on outreach work in the last five months have resulted in the development of an online offer of information and home learning sessions designed to support parents. The impact of this work is being reviewed.

Graph 3: Take-up of early years provision, Spring 2020




8.4 Next steps

The significant loss of income from fee-paying parents during the lockdown period, particularly for PVI providers, has left many in a precarious position with an uncertain future. The ramifications of this affect not only of those in the sector, but also other people dependent on local childcare for their own employment.

The following will be key areas of focus in the coming months to support provider recovery and financial viability, without which the Council will not be able to meet its statutory sufficiency duty:

- Real time sufficiency and take up tracking
- Tailored, bespoke support for providers
- Persuading parents to take up places
- Encouraging innovative and agile approaches across teams.

	Cabinet 9 November 2020
	Report from the Strategic Director of Regeneration and Environment
Commercial Trading Company	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Part Exempt – Appendices 1 and 2 are exempt as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information).
No. of Appendices:	Two Appendix 1: Financial Implications (<i>Contains exempt information</i>) Appendix 2: Business Case (<i>Contains exempt information</i>)
Background Papers:	None
Contact Officer(s):	Darren Hale, Environmental Health Manager Darren.Hale@brent.gov.uk T 0208 937 2389

1. Purpose of the Report

- 1.1. This report seek Cabinet approval to form a general trading company, name to be determined, as a vehicle to trade commercially and take advantage of the of the powers introduced under the Localism Act 2011 and the Local Government Act 2003.
- 1.2. The report presents the business case for a specific trading initiative in the Regeneration and Environment department to be undertaken through the proposed company; it enables an early stage discussion to ensure any potential risks are understood and mitigations are put in place before arrangements are entered into.

2. Recommendations for Cabinet

2.1. That Cabinet:

- consider the options and recommendation
- agree the making of arrangements by the Director of Legal, HR Audit & Investigations, in consultation with the Lead Member for Environment and the Strategic Director of Regeneration and Environment, for the establishment of a general trading company, including any additional legal or constitutional issues to be reserved to the Council as shareholder and any necessary agreements between the company and the Council.
- consider and make recommendations regarding the governance arrangements and possible board members.

3. Rationale Summary

- 3.1. The concept of the Brent funeral service was threefold; to provide low cost funerals to reduce funeral poverty, to manage the cost in delivering the legal duty for public health funerals and to increase income to offset other Council expenditure.
- 3.2. The number of funerals undertaken by Brent Funeral Service have increased year on year from 76 in the first full year of operation to 183 in the last 12 months. This equates to a current income forecast of £366k in this financial year.
- 3.3. This service has resulted in around £713k of savings for the residents per year (based on the Sun Life Cost of Dying estimates for London) of which many may be affected by funeral poverty.
- 3.4. An initial report to senior management was based on reproducing the current model that is then delivered through a trading vehicle. However, a subsequent more detailed financial review has shown that the relevant costs associated with trading as a company would reduce the operating profit and mean that the funeral service would incur losses until 2022/23 and then after only a relatively small profit there in after. Therefore a revised option of operating on a more commercial basis has been evaluated.
- 3.5. The current 'low cost' funeral package is £1500 for a basic cremation and £1250 for a burial (not including the plot). It is worth noting that the third party cost such as cremation fees and coffins have increased and therefore there may be a need to increase the price to around £1700. By increasing this by a further £1000 - £1500, the price would remain competitive compared to a UK average of £3858 and still provide a substantial benefit to residents and help those in funeral poverty.
- 3.6. Members and senior management considered a range of trading options that could be an alternative to a limited liability company, of which none

came forward as a viable option to meet the objectives of the service set out at 3.1.

4. Options

Option a) Trading Company

- 4.1. To establish a trading vehicle that operates on a fair but competitive structure that has clear objectives to reduce funeral poverty and provide a good deal for families and Brent residents in terms of costs. The cost of a basic funeral would increase to around £2,700-£3200 but with an option to reduce where other trading opportunities offset the costs.
- 4.2. This option has the potential to contribute to the Council's financial savings through dividends and would allow for further expansion into the market across London and seek contracts with NHS trusts.
- 4.3. A trading vehicle ensures legal compliance with any trading requirements placed on local authorities and does not adversely affect the local funeral businesses.
- 4.4. The most common local authority trading vehicle is a limited liability company. This allows the Council to have governance control over the company and its assets, and for profits to be returned to the shareholder.
- 4.5. It is possible to have other types of company, but there may be limitations on the Council's control of the company and its assets, and if the company makes a profit, it may not be possible to return it to the Council and as such it may not be available to offset Council savings elsewhere.

Option b) Retain In-house

- 4.6. To continue to operate the service as currently provided as an in-house function and maintain a non-profit level; – some operational costs of parish funerals can be offset with those of the low cost funeral service.

Option c) Public Health Funerals Only

- 4.7. Provision of a Public Health funeral service only. The current level of public health funerals is sufficient to equal the cost of contracting the service out to a private funeral company. However, reduced numbers in future years would reduce the viability compared with a contracted out option. There are other operational reasons for maintaining in house service, such as timely removal from the public mortuary and control over where and when the funeral takes place. It is also worth noting that the Council could be subject to market variations in funeral prices as previously experienced.

Option d) No Brent Funeral Service

- 4.8. The Council could revert to a contracted public health funeral services and cease the low cost funeral service. This would result in a reduction in one

Full Time Employee (FTE) manager and 4.3 FTE funeral staff. Giving the lease term of the private ambulance it would be financially beneficial to wait until January 2021 before ceasing the public health funerals element and retain a reduced staff 2 x FTE until full services cease or a suitable contract is in place.

- 4.9. This would revert to local provision of funerals and leave it to the funeral industry and the regulators to tackle funeral poverty, and the council only delivering Public Health funerals

5. Recommendation

- 5.1. The detailed review of the options has shown that a trading company could provide the Council with a financial benefit of circa £260k per annum by 2022/23. As there are significant opportunities to also tender for NHS contracts this has the potential to increase further if resources are in place. The Council is in early stage market discussions with a number of providers who have expressed a keen interest in the products and services Brent can provide.
- 5.2. Joint employment contract between the Council and company would mean that the company would not have to pay VAT on the salaries of staff. Otherwise, costs would increase by around £50k per annum since the company would not be able to reclaim VAT.
- 5.3. Whilst this moves away from the original low cost criteria this still offers a very competitive rates to residents, helps to reduce funeral poverty and increases the Council's overall income. As the business builds, the company could offer further reductions and options for residents. Therefore option a), set out in a paragraph 4 above, using joint employment contracts is recommended.

Trading Arm

- 5.4. If no trading mechanism is put in place the Council would need to decide if it wishes to cease the service.
- 5.5. The preference is not to externalise functions but given the legal limitations this method is the only route in which we can continue to provide a quality low cost funeral service and take advantage of opportunities to increase the income to the Council.

6. Background

- 6.1. The Council in managing its budgets in the face of reduced central government funding has prioritised income generation. Several functions have been successful in creating significant opportunity to bring revenue to the Council to offset service costs. Following the Covid-19 outbreak and the significant impact it has had on the Council and resources it is critical to look in detail at opportunities to reinvent how the services are delivered. This report suggests an opportunity to build on this.

- 6.2. There are a number of powers given by statute to Local Authorities, which have enabled them in the past to charge for the provision of services and in some cases to trade. More recently local authority powers in these respects have been greatly increased. The Local Government Act 2003 (the 2003 Act) introduced a general power to charge for services that local authorities have a discretion (but not a duty) to provide and a power to trade on a commercial basis, provided the criteria in legislation are met and guidance is taken into account. One important criterion for the use of this power is that the trading (meaning generating income over and above the full cost of providing a service) take place through a company. The Localism Act 2011 has provided further powers to carry out commercial activities subject to such activities being carried out through a company.
- 6.3. This report, seeks the agreement of Cabinet for the arrangements be made for the establishment of a General Trading company for Brent Council. This will enable the Council to be in a position to trade on a Commercial basis in the activities covered by both the 2003 Act and the 2011 Act should circumstances arise in which this is appropriate and advantageous; and presently for the delivery of the low cost funeral service currently offered by the Brent funeral service.
- 6.4. There are various powers to charge and trade available to the Council. Whether trading through a company is the most appropriate and advantageous way in which to provide particular services (to individuals or to public or private sector organisations) will depend upon the purposes of the service provision, whether it is intended to make a profit and the nature of the recipient.
- 6.5. 'Profit' in this sense is income that is over and above the full cost of providing the service, including capital costs, corporate overheads and centralised budgets such as energy and bad debt provision.
- 6.6. Discretionary services can be grouped together according to their 'type of service' in order to calculate the full cost of the provision. For example, all Environmental and Regulatory discretionary services can be grouped together.
- 6.7. Trading with public bodies is permitted under the provisions of the well-established Local Authorities (Goods and Services) Act 1970 which has no requirement for such activity to be conducted through a company. The Council uses this power to sell a range of services including, for example, various different consultancy services to schools and several other local authorities.

7. Operation of the trading company

- 7.1. It is intended that, initially at least, the company would not own assets. The Council will lease these to the company at market rates where appropriate.

- 7.2. There are a number of options in respect of the initial staffing arrangements which are set out in detail in the Staffing Implications section.
- 7.3. Any remaining costs will be charged to the company on a full cost recovery basis via a service contract.
- 7.4. If the company is successful, grows and is profitable, it is likely that dedicated staffing and assets will be required at a later date.
- 7.5. It is anticipated that initially only trading with individuals and commercial companies would be channelled through the trading company.

Company Requirements

- 7.6. In setting up the trading company a number of issues need consideration, in particular, the following:
 - Purpose of the Company/ Aims of the Company
 - Governance Arrangements
 - Company Name
- 7.7. Consideration for these matters generally are set out below. More detailed proposals in respect of the funeral service specifically, are contained in Business Case at Appendix 2 to this report. Costs associated with setting up the company are identified in the Financial Implications.

Company functions

- 7.8. It is not necessary at this stage to decide in detail the scope and nature of the functions that may be undertaken by the company, as the company can be established with very broad remit, with a business case approval process put in place to govern how additional services are identified to be provided through it. This could allow for business cases below a specified financial threshold to be approved by the relevant Strategic Director in consultation with the relevant Lead Member, so the Lead Member can ask for a business case to be referred to Cabinet if they consider appropriate. Alternatively, at least initially, all new business cases could be required to be considered by Cabinet.

Governance

- 7.9. In order to ensure robust governance a board should oversee and scrutinise the company to ensure it maintains fairness and adopts the Council's principles. For each service area where the proposed company commissions its functions there will need to be a clear and agreed Service Level Agreement (SLA).
- 7.10. The company board should consist of at least three directors, at least two Brent Council directors and potentially one elected Member representative. It is preferable not to include on the Board officers responsible for areas which are likely to provide service to or through the company.

Trading Name

- 7.11. As the proposed trading vehicle is anticipated in due course to cover a wide range of services, careful consideration will need to be given to the company name. Some Councils that have created new names that do not make any reference to the Council for example London Borough of Newham's pest control service is now called 'London Network for Pest Solutions'.
- 7.12. The value of the Brent name is difficult to fully assess. It is known that many existing customers use Brent as they trust the Council and that it offers a fair service and there is a robust complaints system and ultimately elected Members if matters cannot be resolved. However, in some areas this has a counter effect, especially when trying to attract high value commercial customers.

8. Staffing Implications

- 8.1. It is not envisaged that the company will employ its own staff separately from the council, at least in the short to medium term. The options for staffing the services to be provided via the company are therefore as follows.
- 8.2. If services are provided by the council to the company under an SLA arrangement, all staff would remain employees of the council. The services supplied by the council to the company would be vatable supplies. This would mean that for as long as the company only provide VAT exempt service (such as the funeral service) it would not be able to reclaim any input VAT. This will add up to 20% to what must be charged to recipients of the company's service before a profit can be made, depending on the extent to which the companies cost consist of staffing costs. This would reduce the company profit by around £50k per annum when compared to option (c).
- 8.3. If council staff are seconded to work for the company, the same VAT issue is likely to apply. In addition, the following issues need to be considered:
 - the Council will be liable for redeployment or for bearing the cost risk of potential redundancy of the employees if the company loses the contract in respect of which they have been seconded.
 - in the longer term, or for any significant number of employees, secondment is unlikely to be a suitable approach for the effective operation of the company.
 - provision of HR/payroll services for a significant number of staff seconded to an external company may incur additional costs; and
 - the External Auditor may query the inclusion of staff on the Council's payroll who are not employed at all in the provision of Council services.

- where secondment is not limited to a fairly short period for a specific purpose, there is a risk that a TUPE transfer may be deemed to have taken place.
- 8.4. If staff were jointly employed by the council and the company, VAT would not be chargeable on staff costs. The following would apply in respect of joint employment arrangement:
- staff would need to agree to enter into a new joint contract of employment.
 - terms and conditions could be the same as now.
 - the LGPS would still be available.
 - the Council will be liable for redeployment or for bearing the cost risk of potential redundancy of the employees, although this risk would be shared with the company.
 - staff could continue to be paid through the council's Payroll service and supported by the council's HR team.
- 8.5. As the company will initially be operated on the basis of a service contract with the company, a joint employment contract with the Council or part-time secondments from the Council, it is considered that TUPE will not apply; however this is subject to the risk identified above in the case of secondments; and subject to potential risk that if the new joint employment arrangement amounted to simply a move of existing work from the council to the new joint arrangement, then the risk of TUPE applying would increase.
- 8.6. Whilst the concept of a joint employment would mean that VAT would not be chargeable on staff costs, it should also be noted that joint employment arrangements are generally entered into in order to maximise staff flexibility to provide work according to need to more than one employer, rather than to simply provide work for one company but be employed by both.
- 8.7. If the trading company itself employs staff, and/or former Council staff are transferred to the Company under TUPE, it will be required to offer any new staff comparable terms and conditions including pension rights. Under the Best Value Authority Staff Transfers (Pensions) Direction 2007, which came into force on 1 October 2007, staff who are TUPE transferred to an external contractor have the legal right to pension rights that are the same as, or broadly comparable to, or better than those s/he had as an employee of the authority.
- 8.8. Presently, there has been no discussion with the trade unions on the outline proposals to create a trading company, such discussions would need to follow. The trade unions may be particularly concerned about a model where the staff do not remain in the council's sole employment. In the event that it is not possible to secure agreement to the proposal to enter into joint employment contracts, then it may be that consideration would need to be given to other options, e.g. dismissal and re-engagement.

9. Alternative Options Considered

- 9.1. If no company is established, the Council could decide to provide only the statutory funeral service at a non-profit level. This would have a net cost to the Council, as the service does not recover full costs from all the recipients' estates.
- 9.2. The alternative options for the other potential services will be considered in individual business cases on a case by case basis.
- 9.3. These services could also be provided by way of contract with existing companies, in partnership or joint venture.

10. Financial Implications

See Appendix 1

11. Legal Implications

The Company

- 11.1. S1 of The Localism Act 2011 provides powers for a local authority to do anything that an individual generally may do (the general power of competence) and they may exercise the general power of competence for a commercial purpose provided the following conditions are met:
 - it should be possible for the authority to carry out the traded activity in question for purposes other than commercial gain.
 - there should be no statutory requirement in relation to the traded activity in question requiring the authority to provide that service.
 - the trading must be undertaken by a company.
 - the company must be formed and registered under the Companies Act 2006 or a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965.
- 11.2. The Local Government Act 2003 and The Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 empower a best value authority to do for a commercial purpose anything which it is authorised to do for the purpose of carrying on any of its ordinary functions. Prior to exercising this power a local authority must prepare a business case in support of the proposed exercise. The business case must demonstrate the following:-
 - the objective of the business.
 - the investment and other resources required to achieve those objectives.
 - any risk the business might face and how significant these are and,
 - the expected financial results of the business, together with any other. relevant outcomes that the business is expected to achieve.
- 11.3. Section 95 of the Local Government Act 2003, enables authorities to provide on a commercial basis, anything that is related to a function of the authority or is ancillary, conducive or facilitative to the exercise of that

power. The power is widely drawn to include all functions whether express or implied or incidental

- 11.4. The Council has power to establish the company under section 111 of the Local Government Act 1972 as a step which is reasonably incidental to the power to trade under the 2003 Act and 2011 Act.
- 11.5. The usual rules in relation to members' interests will apply to any member appointed a director of the company and any officer or councillor who becomes a director will need to be fully aware of their duties both to the company and to the Council and of how any conflict of interest must be handled. The Council will wish to consider giving indemnities for officers and members who undertake company directorships on behalf of the Council under section 101 of the Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) Order 2004.
- 11.6. The company would have to comply with all the regulatory requirements of the Companies Acts and additionally with the regulatory regime for local authority companies under the Local Government and Housing Act 1989 as amended. This requires that local authorities ensure any directors appointed to a Local Authority Trading company are not disqualified from being a local authority member and information must be provided to the Local Authorities Auditor as well as being transparent to members of the public.
- 11.7. Any contracts with the company for future work for the Council would be subject to the usual procurement rules and the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") might well operate to transfer the staff to the new trading company as a matter of law if it were to provide services to the Council.
- 11.8. In accordance with the Constitution Part 3, clause 10(g), Responsibility for Functions, it is necessary to seek Cabinet's approval of the establishment of the trading company.
- 11.9. The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies where those contracts exceed the financial thresholds above which officers may not award contracts, as set out in the Constitution and the contract standing orders. The specific trading initiative proposed in this report does not require Cabinet approval. Future proposals to trade through the company may need Cabinet approval.
- 11.10. The Council must ensure that any financial assistance to the company is state aid compliant. The legal description of state aid is set out under Article 107 of the Treaty of the Functioning of the European Union (TFEU). To be "aid" as defined in Article 107(1) TFEU, a measure must:
 - amount to a grant of public money or a transfer of public resources
 - favour certain undertakings;
 - distort or threaten to distort competition in the European Union; and

- affect trade between the Member States of the European Union.
- 11.11. All four elements set out above must be present for state aid to exist. It should be noted that the default position is that state aid will be unlawful unless permitted under State Aid law.
- 11.12. There may be a possible need for third party contracts to be transferred to the trading company where these are relevant to the delivery of the service.

Provision of Funeral Services

- 11.13. The Council is responsible for the funeral arrangements for any person who dies, or is found to be dead within the borough, where no suitable arrangements have been made or are being made otherwise than by the authority. This includes, for example, where the relatives of the deceased cannot or will not arrange a funeral (s46 (1) Public Health (Control of Diseases) Act (PH (CD)A 1984). Historically, this was referred to as a pauper's funeral and in Brent they are referred to as parish funerals.
- 11.14. Equally, the Council is responsible for the burial of a deceased person who immediately before their death was being provided with accommodation under Part 1 of the Care Act 2014 (s46 (2) PH (CD) A 1984).
- 11.15. Legislation prohibits the Council from cremating the deceased, where we have reason to believe that a cremation would have been contrary to the wishes of the deceased (s46 (4) PH (CD) A). In such circumstances, the usual practice is to check the deceased person's home and council records to ascertain if any requests have been made in relation to the religious, cultural or personal choice of burial, or to ascertain if the deceased already owned a grave plot. In the absence of preferences being identified, it is for the authority to determine the disposal. If a burial has taken place, the body is typically placed into a common grave, unless special circumstances apply for example religion. If the body has been cremated the ashes are kept for six months (to allow any relatives/friends to claim them) after this period they are dispersed in the garden of remembrance.
- 11.16. The Council is permitted to recover the expenses incurred from the estate of the deceased or from any person liable to maintain the deceased person immediately before their death, (such sums can also be recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due s46(6) PH(CD)A 1984. Any costs of the funeral payable out of the estate must be reasonable (assessed in relation to the deceased's status in life and the size of the estate) or authorised by the will.
- 11.17. Expenses for funeral arrangements covers what is reasonably required in order to arrange for the proper disposal of the deceased's body. Whilst "reasonable" allows for a degree of interpretation, legislation has identified some elements of what is to be classified as a funeral expense. For example:

- s9 Cremation Act 1902, provides that payment of . . . charges or fees, for the burning of human remains in any crematorium provided by [a local authority] . . . , and such charges or fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased. A similarly worded provision is set out in the Local Authorities Cemeteries Order 1974 in relation to burials within cemeteries.
 - Article 15 (2) of Local Authorities Cemeteries Order 1974 provides that where a local authority requests the services of a minister or grave digger (sexton), they shall also be paid by the local authority; save for services rendered by a minister of the Church of England, in such cases the fees shall be paid to the diocesan board of finance.
- 11.18. Where suitable funeral arrangements can be made by a family member or third party, the statutory obligations pursuant to s46 PH(CD)A do not apply. Presently, in addition to the parish service the council provides a low cost funeral service with the option for additional services (e.g. choice of coffin, including eco/sustainable options, repatriation etc.). In accordance with the Localism Act, where a local authority does things for a commercial purpose, the authority must do them through a company (s4(2) Localism Act 2011).

12. Equality Implications

- 12.1. Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.2. An initial equality impact screening on the proposal for a funeral service indicates a generally positive impact as the service is targeted at the vulnerable and caters for all faiths. There is a risk that as a trading body the operating cost will increase and that may increase the pressure to increase charges impacting those with lower incomes. If this occurs appropriate mitigation will need to be put in place. However, an increased revenue may also allow for charges to be reduced due to operational efficiency.

13. Human Resources/Property Implications

- 13.1. The existing services have use of Brent Council buildings, land and facilities. Where land or buildings are used by the company a fair rent would need to be agreed along with any lease agreements and their maintenance.
- 13.2. It is proposed that the staff remain Brent employees and that the company pays Brent Council an agreed rate for each employee. It is envisaged that

some employees may work exclusively for the company and others on a limited project bases. Therefore, HMRC contractor rules may need to be considered.

Report sign off:

Alan Lunt

Strategic Director of Regeneration and Environment

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 Brent	<p align="center">Cabinet 9 November 2020</p>
	<p align="center">Report from the Strategic Director of Regeneration and Environment</p>
<p>Variation of longstop date in respect of Community Asset Transfer at Tenterden Pavilion & Sports Ground, Preston Road HA3 0QQ</p>	
Wards Affected:	Kenton
Key or Non-Key Decision	Non-Key
Open or Part/Fully Exempt	Open
No. of Appendices:	Three: Appendix 1: Site Plan Appendix 2: New Location Appendix 3: Architect Illustrations
Background Papers:	None
Contact Officer(s):	Amin Soorma, Estates Surveyor. Amin.soorma@brent.gov.uk Tel: 02089374204 Nick Ljustina, Operational Director of Property and Assets. nick.ljustina@brent.gov.uk Tel: 020 8937 5025

1.0 Purpose of the Report

- 1.1 On 27 June 2016, the Cabinet approved the proposal for a Community Asset Transfer ("CAT") in respect of the Tenterden Pavilion & Sports Ground to the Wembley Education Charitable Trust ("WECT"). There was also the condition that the WECT and Forest United 1973 Youth FC ("FC") worked collaboratively on the proposal for the new development.
- 1.2 The Council has agreed the Agreement to Lease with the WECT, which allows the development of a new four-court indoor badminton facility, subject to planning approval.
- 1.3 The WECT were originally required to commence development works by September 2020, however, the negotiations between WECT and FC took time to work through and it took approximately 18 months for the WECT to submit the planning application for the new development owing to the complexity of the proposal. As part of the new development, the existing Tenterden Pavilion will be demolished. The new sports facility will be on two levels and will include a

four-court indoor badminton hall, with the provision for an internal area for use by FC.

- 1.4 The planning application is due to be decided at the planning committee meeting scheduled for 14 October 2020.
- 1.5 The 27 June 2016 Cabinet Report required development works to commence by September 2020. However, even though the Agreement to Lease was completed on 2 November 2017, because of the delays arising from the negotiations and planning application, an extension to the timeframe for the development is required.
- 1.6 The extension of time deemed appropriate is to allow the completion of the new development within 3 years of WECT obtaining planning approval (“the longstop date”). This should allow sufficient time for the complex development to be completed in what will be a multi-million pound investment by the WECT at a new location adjacent to the Tenterden Car Park (see appendices).

2.0 Recommendations

- 2.1 That Members delegate authority to the Strategic Director of Regeneration and Environment to agree the terms and vary the longstop date to 3 years from the WECT obtaining planning approval. The condition is that the WECT will be required to obtain planning approval by September 2021, commence works, and secure funding shortly thereafter, therefore the longstop date for completion of the development will be September 2024.
- 2.2 Members to note that the WECT has met the 27 June 2016 community use caveat, with provisional terms agreed with FC, allowing FC to occupy an area within the new sports facility and to provide wider community access to the new sports facility when not operationally required by the WECT.

3.0 Detail

Negotiations post Cabinet Report of 27 June 2016

- 3.1 Subsequent negotiations will require the WECT to demolish the derelict Tenterden Pavilion as part of the overall project. The new sports facility will be on two levels and include four-court indoor badminton hall with a provision for an area for use by FC. Planners have confirmed that most of the development proposal matters have been worked through with the WECT.
- 3.2 Under the new planning proposal, the WECT would not be able to make use of the Tenterden Sports Ground until such time drainage improvement works are completed by the Council. The Council's Parks Service has recently secured approval from the Council's Capital Investment panel for funding to improve the Tenterden Pavilion playing fields.
- 3.3 The programme proposal is set out as follows:

- a) That the WECT be allowed to finalise negotiations with the Planning Service on the new sports facility development proposal. Discussions with the Planning Service suggests most matters are close to a resolution and the Report to Planning Committee should be presented in the next few months, with the updated development plans approved by Transport Development Control and Parking Services. The public consultation period is scheduled to complete on 17 September 2020.
- b) FC are concerned about the loss of land that they currently make use of for parking purposes at the existing Tenterden Pavilion site (see appendix 1 area marked in red). Under the new development proposal, the parcel of land currently being used by FC for parking will be returned to public open space. FC have approached the Property Team with their concerns on this issue.
- c) Under the proposal, the WECT will be granted a 30-year lease term (contracted out of the 1954 Landlord and Tenant Act) at a rent £1,000 per annum (reviewed every 5 years) for the site, which means that the new sports facility will revert to the Council at the end of the 30-year lease term.

4.0 Alternative Options Considered

- 4.1 There are no alternative options under consideration. The Council has devoted considerable resources in support of the development proposal for a new four-court indoor badminton facility at the Tenterden Sport Ground that would be available for community use outside the WECT operational periods.
- 4.2 Equally, the WECT has invested heavily to try to obtain planning approval. An extension to the longstop date would support their ambitions for a significant new sports facility at the location.

5.0 Financial Implications

- 5.1 The development of the new Tenterden Pavilion will be funded by the Wembley Educational Charitable Trust that forms the Lycée International de Londres Winston Churchill by a bank loan which will be repaid by the school whose main income comes from pupil fees. The potential development cost is estimated by WECT at £3m.
- 5.2 Applications for bank loans will begin once the planning application is granted. WECT have confirmed that no works would commence until all funding is secured.
- 5.3 WECT securing the required funding is a project risk. It is therefore recommended that:
 - (i) WECT develop a business plan for the new Tenterden Pavilion development. This will be reviewed as part of the Council's due diligence prior to agreeing an extension to the longstop date.

- (ii) The longstop extension agreement includes a requirement for the WECT to secure all funding within 12 months of the planning application being granted, but this will be kept under review as an extension may be required by the WECT.
- 5.4 The current service area (Property Team) will continue to fund any cost associated with the maintenance and upkeep of the Tenterden Pavilion until the asset is transferred to the WECT for development.
- 5.5 Saving may accrue in the 2020/21 budget & beyond should the Tenterden Pavilion be demolished early by the WECT.
- 5.6 A rental income of £1,000 per annum will be received by the service from the lease. The level of the rental offer was not the primary assessment in CAT applications as reported to Cabinet on 27 June 2016.

6.0 Legal Implications

- 6.1 The report to Cabinet on 27 June 2016 required a landlord's break option to be operable if service delivery milestones were not met on the basis of service delivery by the tenant three years after entering into the Agreement to Lease, with a provision for a landlord bi-annual break option thereafter, subject to service delivery.
- 6.2 The original development proposal does not meet the service delivery milestone three years after entering into the Agreement to Lease on 1 November 2017 (the longstop date milestone).
- 6.3 Under Section 123 of the Local Government Act 1972, the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease or a licence.
- 6.4 The Council must obtain the best consideration that is reasonably obtainable unless it is a lease or licence for 7 years or less.
- 6.5 Disposal on the open market, by way of a tender marketing process, satisfies the best consideration requirement, which has previously taken place.
- 6.6 As the new sports facility is in a different location to the Tenterden Pavilion with the land held as public open space, the leasehold disposal shall be advertised under Section 123 of the Local Government Act 1972 in a local newspaper for two weeks with a 21-day period for any objections to be received.
- 6.7 The Council will not be in breach of any obligation by seeking Cabinet approval in October 2020, given that the Cabinet Report of 27 June 2016 required WECT to commence works by September 2020. The timetable set out in the 2016 Cabinet Report was a proposed programme and is not in breach of any obligation.

7.0 Equality Implications

- 7.1 Progressing the proposed CAT will support a number of Brent's equalities objectives. The proposals provide for community engagement and involvement, safeguarding and enhancing the environmental education offer by providing opportunities for adults and children to use the sports ground as part of a community based approach. A full equality impact assessment was previously undertaken for the CAT.
- 7.2 The marketing process aimed to ensure that all eligible organisations had equality of opportunity and could put forward an application, with marketing resulting in six applications being received and evaluated, with WECT as the winning bid.
- 7.3 WECT has an equalities policy that broadly aligns with that of the Council. WECT is an experienced education and sports provider, their bid provided the opportunity to not only re-instate the service but to enhance it and create increased opportunity for young people to receive sports education.
- 7.4 The FC application looked to safeguard the existing service and develop this over time and the offer had merits. There was real benefit for both organisations to work together to ensure outcomes were delivered much sooner, positively affecting Brent's overall equality objectives.

8.0 Any Other Implications (HR, Property, Environmental Sustainability - where necessary)

8.1 None

9.0 Proposed Consultation with Ward Members and Stakeholders

9.1 N/A

Report sign off:

Alan Lunt

Strategic Director of Regeneration and
Environment

Appendix 1: Existing site plan

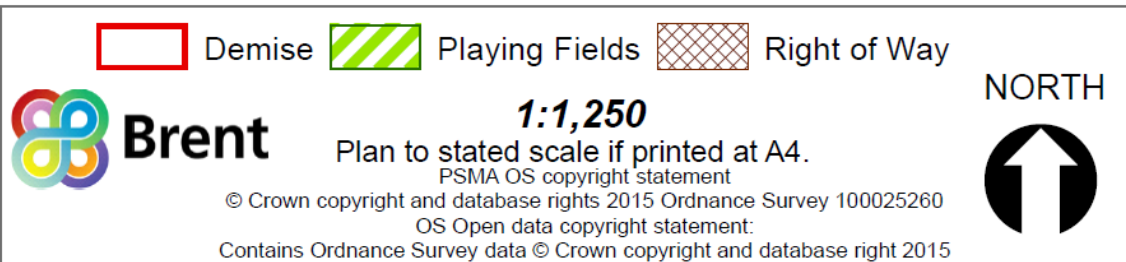
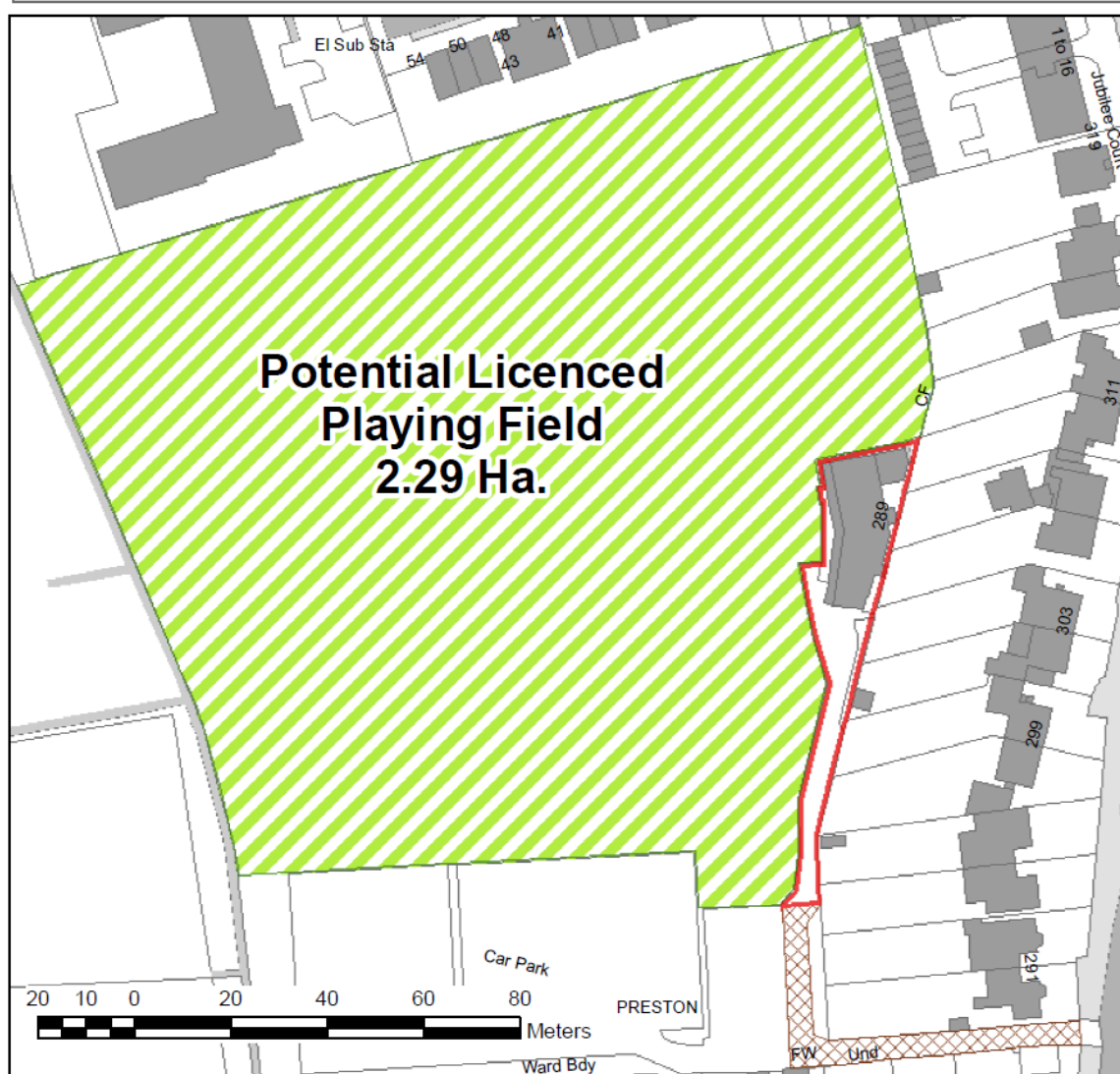
Appendix 2: Proposed location of new development

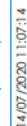
Appendix 3: Architect illustration

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Appendix 1. Existing Site Plan

Tenterden Pavilion, Preston Way, Harrow, HA3 0QQ





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Tenterden Sports Hall
3D Visuals
'3D visuals shown for illustrative purpose only'

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PROJECT TITLE	ADDRESS
Tenberden Sports Hall	WORMS, HANTS

DRAWING TITLE 3D_Visuals

DRAWING REFERENCE

180053 DGL XX XX MS A 220

Year	1990	1991	1992	1993	1994	1995	1996
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	Cabinet 9 November 2020
	Report from Strategic Director of Regeneration and Environment
South Kilburn Regeneration Programme – making of compulsory purchase order	

Wards Affected:	Kilburn
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Part Exempt – Appendix 2 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
No. of Appendices:	Three: Appendix 1: Proposed Order Lands Appendix 2: Purchase of Bluebox (<i>Contains exempt information</i>) Appendix 3: Tenant and leaseholder policy
Background Papers:	None
Contact Officer(s):	Alice Lester Operational Director of Regeneration, Growth and Employment alice.lester@brent.gov.uk Tel: 020 8937 6441 Nick Ljustina Operational Director of Property & Assets nick.ljustina@brent.gov.uk Tel: 020 8937 5025

1.0 Purpose of the Report

- 1.1 The South Kilburn Programme is a 15-year programme that is almost half way through to completion. It aims to transform the area into a sustainable and mixed neighbourhood and create a real sense of place and belonging. The Masterplan aims to deliver 2,400 new high quality homes of which around 1,400

will be made available to existing South Kilburn secure tenants, a new larger high quality urban park and improved public realm, a new primary school and health facilities, new retail facilities and improved environmental standards and site-wide energy solutions.

- 1.2 The Cabinet is asked to authorise the making of a compulsory purchase order (“CPO”) as necessary for each phase in order to progress the South Kilburn Regeneration Programme (the “Scheme”). A CPO will ensure that vacant possession of land required within the South Kilburn estate (“Estate”) for the Scheme can be secured should the Council fail to reach a negotiated settlement, which is the Council’s preferred option, for the purchase of the outstanding leasehold interests.
- 1.3 The Council held a residents’ ballot in South Kilburn in autumn 2019 to make sure that the community continued to support the award-winning regeneration of the Estate; 72% of residents took part in the vote and 84% of residents supported the Council’s plans to rebuild the neighbourhood, which will be in accordance with the South Kilburn Masterplan and programme.
- 1.4 The Cabinet is asked to note that the adoption of the recommendations in this report does not necessarily mean that a CPO will be used to enable delivery of the phases within the Scheme. The Council has an excellent record of accomplishment in acquiring leasehold interests by negotiated agreement. Approximately 98% of all leasehold interests required for the Scheme so far have been successfully acquired by negotiated agreement, without the use of a CPO.
- 1.5 The Council will seek to reach a negotiated settlement with leaseholders whose interests are required to deliver the remainder of the Scheme according to the phasing and planned delivery of new homes. Settlement of compensation will be in accordance with the Tenant and Leaseholder policy shown in Appendix 3 and will typically include market value, and loss and disturbance payments at the relevant point in the process. The making of a CPO will be a last resort. The authority given in this report will assist the Council by making it clear to all landowners that the Council is committed to delivering the Scheme and is willing to use a CPO - if absolutely required.
- 1.6 The report also seeks authority to purchase (either by negotiation or by CPO) a high value leasehold interest at Exeter Court, Granville Road, London NW6 5AJ, which is a basement car park converted into a self-storage facility. Fulton Holdings Ltd, trading as Blue Box Storage, owns the premises. The interest is required to secure vacant possession of Exeter Court and which is necessary to deliver the Hereford and Exeter Court scheme (appendix 2).
- 1.7 To seek approval of two solutions to aid the leaseholder acquisitions process
a) shared equity and b) the offer of a council tenancy.

2.0 Recommendation(s)

- 2.1 Cabinet is asked to:

- 2.2 Authorise the use of CPO powers for the Scheme and delegate authority to the Strategic Director of Regeneration and Environment, in consultation with the Lead Member for Regeneration, Property and Planning to proceed with the making and implementation of a CPO for each phase of the Scheme as necessary. The proposed order lands are indicatively shown in the plan attached to this report at appendix 1.
- 2.3 Delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property and Planning to agree the terms and enter into contract for the leasehold interest at Blue Box Storage, Exeter Court, Granville Road, London NW6 5AJ. The estimated compensation settlement is shown in confidential appendix 2.
- 2.4 Authorise the purchase of leasehold interests required for the Scheme by private treaty and delegate authority to Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property and Planning to agree the terms and enter into contracts.
- 2.5 The Cabinet is asked to note that the Council will remain sensitive to the needs of leaseholders affected by the impact of the Coronavirus pandemic and will engage in early dialogue and provide support for relocation to mitigate the impact.
- 2.6 That Cabinet agrees to authorise officers to take all necessary steps to commence the process for the making, confirmation and implementation of a CPO for each phase, including securing the appointment of suitable external advisors and preparing all necessary CPO documentation under delegated authority as set out in paragraph 2.2. The key steps to make a CPO are set out in paragraph 3.13. Appendix 3 sets out the policy in relation to displaced tenants and leaseholders in regeneration schemes, which aims to maximise choice and secure a better match with individual circumstances, such as shared ownership and shared equity options and reversion to tenancy for vulnerable leaseholders.
- 2.7 That Cabinet agree the detail of two additional measures to aid leaseholder acquisitions. Both measures will allow officers to further assist resident leaseholders who meet the criteria.
- a) **Shared Equity/Ownership:** The Council will seek to acquire a number of properties from the local market and offer these as shared equity or shared ownership homes to eligible resident leaseholders. The way the shared equity product would work is this. The Council will purchase a property from the local market that meets the needs of the resident leaseholder. At the same time, the Council will purchase the resident leaseholder's property in a back-to-back transaction. The resident leaseholder will use funds made available from the buyback to purchase a percentage of the equity in the replacement property. Any value gap (typically 25% to 50%), will be met by the Council, and the Council's stake in the property is entered as a charge against the property. The

resident leaseholder will not pay a rent on the equity they do not own and will be able to purchase the share they do not own in accordance with the shared equity agreement (known as staircasing). See paragraph 3.18. Any shared ownership scheme, if available, will be a part buy part rent scheme.

Cabinet agrees to delegate approval for each shared equity/ownership contract on a case-by-case basis to the Strategic Director for Regeneration and Environment in consultation with the Director of Finance.

- b) **Council tenancy:** In exceptional circumstances, where assessment by a financial advisor indicates reduced financial security and supported by criteria set out in section 3.19 the Council can offer the leaseholder a council tenancy as part of the acquisition of their existing leasehold property at a reduced market value.

Cabinet agrees to delegate approval for each case to the Strategic Director for Regeneration and Environment in consultation with the Strategic Director of Community and Wellbeing.

3.0 Background

- 3.1 The South Kilburn Masterplan review took place in 2016, and the community are at the heart of the decision-making process. The Council has taken an inclusive and participatory approach to consultation and engaged with residents and stakeholders of South Kilburn with extensive local consultation which directly fed into the drafting of a revised South Kilburn Supplementary Planning Document 2017 (SPD). The SPD was adopted by Cabinet on the 19 June 2017 and will be an important document in determining how this area continues to transform over the next 10-15 years.
- 3.2 The South Kilburn Regeneration Programme also includes the delivery of a new larger high quality urban park and an improved public realm, a new local primary school, new health facilities, new retail facilities, an Enterprise Hub and Community Space, improved environmental standards and a South Kilburn District Energy System.
- 3.3 The Council is putting considerable effort into engaging with all known owners of land or other interests that will be directly affected by the Scheme. However, in seeking authorisation for the making of a CPO for each phase – at this time - enables the Council to demonstrate that it is willing to use a CPO as a means of last resort to deliver the Scheme. The authorisation will assist in the process of engaging with landowners and helps to ensure that the parties that would be directly affected by the Scheme take negotiations seriously. A CPO would only be used where a negotiated settlement on reasonable terms cannot be reached within the programme timescales. Members to note that only one leasehold interest needs to remain outstanding to impede delivery of a phase within the Scheme and this would eventually necessitate use of a CPO.

- 3.4 A detailed referencing process will be undertaken prior to making a CPO to confirm all land interests within the proposed Order Lands, including identifying any unknown interests. The Statement of Reasons is a key document which will set out the reasons why the Council is seeking to use CPO powers, the legislation that it intends to apply, and details the efforts undertaken to acquire interests and confirm that there are no impediments to the Scheme progressing.

Acquisition of land Interests

- 3.5 Details of interests that have been acquired by negotiated agreement and outstanding interests to be acquired, which may be the subject of a CPO are set out below:

Block	Leaseholder interests acquired	Outstanding residential leasehold interests	Outstanding commercial interests
Peel Precinct	34	0	0
Stuart Road	4	0	0
Cullen House	2	0	0
Exeter Court	7	0	1
Hereford House	9	1	0
Wordsworth House	5	3	0
Neville House	0	1	0
Winterleys Court	2	3	0
Austen House	0	6	0
Carlton House	3	5	0
Dickens House	4	8	0
Blake Court	4	5	0
John Radcliffe	2	14	0
Zangwill House	0	7	0
William Dunbar	1	10	0
William Saville	0	8	0
Masefield House	1	0	3
Canterbury Road	1	0	0
Crone Court	4	4	0
Craik Court	3	4	0
Total	86	79	4

- 3.6 The Cabinet report of August 2020 updated the Cabinet of the progress of the South Kilburn Regeneration Programme and set out a high-level summary of current projects and expected progress for the coming year.
- 3.7 The Council will seek to negotiate a settlement in respect of all remaining outstanding interests. In some cases, the negotiations may not achieve an acceptable outcome and therefore the Council may not be left with any alternative other than to seek the use of CPO powers in order to be able to deliver the Scheme in a timely fashion.

- 3.8 There are likely to be other land interests and rights which will need to be extinguished or overridden but they will not be known until the full referencing exercise is completed. Typical examples of such interests include Way-Leaves, Rights of Way, Third Party rights, Rights to Light and Oversailing rights.
- 3.9 All land interests will be established via a referencing process and where appropriate, negotiated settlements will be sought to allow the Scheme to proceed unhindered.
- 3.10 Failure to acquire all relevant interests on the Estate will put at risk the aspirations for a comprehensive regeneration of the Estate to deliver the Scheme and its various benefits. The Council is seeking to mitigate this risk by preparing to obtain and implement CPO powers on a precautionary basis.
- 3.11 Failure to initiate the CPO process in a timely fashion will risk delay to the Scheme or the Scheme proceeding at all. It may also lead to cost escalations and reduce the quantity of affordable housing that can be delivered by the Scheme.
- 3.12 There is a risk that there will be objections to a CPO leading to a public inquiry or a written representations process, which could result in significantly greater cost and delay. The Council will seek to engage with parties as to issues of concern and seek to reach agreement to avoid objections, where possible.

CPO steps

- 3.13 Without prejudice to the generality thereof, the delegated authority to make the CPO and pursue its confirmation includes in summary the following activities:
- a) authorising the making of the compulsory purchase order under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004) and if required for any new rights over the land pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 in order to secure the regeneration of the Estate as described in this report;
 - b) acquiring all known interests in land and any additional interests identified through the land referencing process within the CPO boundary either by private agreement or compulsorily. The proposed CPO boundary containing the proposed Order Lands is shown on the plan at Appendix 1;
 - c) acquiring any new interests in land necessary for the delivery of the Scheme either by private agreement or compulsorily;
 - d) arranging for the publication and/or service of any notices required in respect of the CPO, including its implementation;
 - e) ensuring on behalf of the Council that appropriate efforts have been made to reach negotiated settlements before the CPO is made;

- f) seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of the Council's case at any public inquiry which may be held in respect of the CPO, or any written representations procedure;
 - g) implementing the CPO by way of general vesting declaration and or notice to treat / notice of entry or other means; and
 - h) dealing with any disputes relating to the CPO including as regards compensation and any references of matters to the Upper Tribunal (Lands Chamber).
- 3.14 Before and during the compulsory acquisition process, the Council will continue the process of seeking to acquire the properties sought by negotiation and private agreement.
- 3.15 It is important that the regeneration programme gives due consideration to the circumstances of, and the options available to, leaseholders and to the equality and human rights implications of any proposals. There is a need for early, continuing and meaningful engagement with leaseholders collectively and individually so that barriers and solutions are identified and agreed at an early stage. It is also important to stress that solutions must be practical, legal and proportionate. There could be a risk that a small number of leaseholders can effectively block, or delay, the regeneration programme and it is therefore important that there should be clarity from an early stage about what the Council can or cannot offer. The options for leaseholders and tenants is communicated through personal engagement, consultation exercises and various publications.
- 3.16 The policy set in appendix 3 sets out the basis of the Council's future policy about the needs of residents required to move as a result of estate regeneration programmes. The focus is on the position in relation to resident leaseholders, but the policy also considers non-resident leaseholders, tenants, including those renting privately in properties sold through the Right to Buy (RTB) and the more limited number of affected freeholders.
- 3.17 Although the Council is the majority freeholder and landlord, there are many leasehold and other interests within the Estate needing to be secured for land assembly purposes and to enable the Scheme to be implemented. The freeholders and leaseholders will be invited to enter discussions with the Council about compensation and relocation. The Council's negotiations with some of the freeholder and leaseholders have indicated that it is likely that the timely acquisition of these interests on reasonable terms and within a realistic timescale will, in some instances, only be achievable through compulsory purchase. CPO powers are therefore essential to enable the necessary interests to be acquired and for site assembly to be achieved, thereby enabling the Scheme to be delivered.

Shared equity offer (including shared ownership)

- 3.18 This option would apply where an owner-occupier (resident) is unable to find an alternative property due to their financial circumstances and the Council is unable to offer a Shared Equity homes from the new developments within the Order Lands. Therefore, to enable the Council to effectively support leaseholders with the relocation process it is important to retain an alternative offer of a Shared Equity home to eligible leaseholders. In order to offer a Shared Equity offer, the Council may need to purchase properties from the open market for onward sale as a Shared Equity product to leaseholders who qualify. This option has previously been agreed at Cabinet and the Appendix to Brent Council's Allocations Scheme, Policy – Council's Housing Offer for Displaced Tenants and Leaseholders in Regeneration Schemes can be found attached (appendix 3).

Residents would have to meet the minimum criteria set out below:

- Reside in the property in South Kilburn as their main and principle home;
- Have a strong requirement for staying in South Kilburn for family or work priorities;
- A Shared Equity policy will be developed in conjunction with Legal and Finance to set out the shared equity agreement and financial criteria.

At this time, officers estimate the demand for the Shared Equity product may apply to up to 15 residents.

Council tenancy offer

- 3.19 In very exceptional circumstances, where assessment by a financial advisor indicates reduced financial security, and supported by criteria set out below, the Council can offer the leaseholder a Council tenancy as part of the acquisition of their existing leasehold property at a percentage of market value.

Residents would have to meet the minimum criteria set out below.

- Reside in the property in South Kilburn as their main and principle home;
- Undergo a financial assessment and be in a position where they are unable to secure a mortgage;
- Have a strong requirement for staying in South Kilburn for family or work priorities;
- Be over national retirement age or due to ill health be unable to work.

It should be noted as set out in the policy that such leaseholders would have assets well above the £50,000 limit imposed by the Council's Allocation Scheme, although they will have an income below the current limits.

At this time, officers estimate that the demand for the Council tenancy option may apply to up to 5 residents.

4.0 Financial Implications

- 4.1 The financial model for the South Kilburn regeneration programme is to be self-financing within the funding envelope generated from on-going disposals. The capital receipts generated are reinvested back into the South Kilburn regeneration programme, to enable the rolling regeneration programme that delivers new homes.
- 4.2 The South Kilburn model has traditionally worked through a process of procuring delivery partners, who develop an existing site and generate high value properties. In return for this site, they build affordable and social housing, while also delivering capital receipts to support the capital programme.
- 4.3 The cost of the CPO process will be paid out of existing budgets. CPO processes are not always straightforward, and it is incumbent on the Council to demonstrate that it has put forward a fair and appropriate offer to owners. The Council has provided a variety of options for landowners that are intended to satisfy the requirements of the legislation and mitigate its risk and the risk to the wider regeneration programme.
- 4.4 This report refers to the continuation of the existing programme of leaseholder buybacks, however, this is an existing financial commitment.
- 4.5 The purchase of open market properties to facilitate shared equity/ownership will be funded from South Kilburn Programme Budget.

5.0 Legal Implications

Compulsory Purchase Order

- 5.1 The Council has power to make a compulsory purchase order under section 226 (1) (a) of the Town and Country Planning Act 1990 if it thinks that the acquisition will “facilitate the carrying out of development, redevelopment or improvement or in relation to the land”. Under section 226(1) (A) the Council must not exercise the power under sub paragraph (a) unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic wellbeing of their area; (b) the promotion or improvement of the social wellbeing of their area; (c) the promotion or improvement of the environmental wellbeing of their area. Compulsory purchase orders must only be made if the Council is satisfied that there is a compelling public interest to do so. Paragraph 12 of the Guidance on compulsory purchase and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion:
- 5.2 “A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the

purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

- 5.3 It is necessary therefore to consider the human rights implications of making a CPO. The Convention Rights applicable to the making of any CPO orders are Articles, 6 and 8 and Articles 1 of the First Protocol.
- 5.4 The overarching consideration for the Council when making CPO orders and for the Secretary of State in deciding whether it should confirm the orders (as set out in paragraphs 12 to 15 of the Guidance) is whether there is a compelling case in the public interest which justifies the interference with the human rights of those with an interest in the land affected.
- 5.5 Paragraphs 2 and 12 of the Guidance advise that a compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected and is proportionate. Consideration should be given to the provisions of Article 1 of the First protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.
- 5.6 Delivery of the Scheme would help fulfil the Council's key planning policy objectives for the area and transform the estate. It would contribute significantly to the improvement of the economic, social and environmental well-being of the area and these will be set out each Statement of Case pertaining to the application of CPO orders.
- 5.7 It is highly unlikely that **all** the outstanding property interests required for the Scheme could be assembled by negotiated agreement and without the making of a CPO. In making its assessment of the justification of a CPO, the Council will take into account the rights of those who may be affected by a CPO and the Council will have due regard to its public sector equality duty under section 149 of the Equality Act 2010. In the Council's view, the considerable public benefits of the Scheme outweighs the interference with the human rights of those likely to be affected by compulsory purchase and there is a clear compelling case, in the public interest, for the making of a CPO as necessary.

6 Equality Implications

- 6.1 The new affordable homes in South Kilburn are available to all secure tenants currently living in properties due for demolition as part of the South Kilburn regeneration programme within the neighbourhood. The additional units will be made available to other secure tenants living in properties due for demolition as part of the South Kilburn regeneration programme and following the detailed Masterplan Review 2016 and the recently adopted South Kilburn Supplementary Planning Document 2017.

- 6.2 Every effort will be made to provide the secure tenants with suitable alternative accommodation and to reach mutually acceptable agreements with the leaseholders to buy their properties without seeking legal action. When identifying the options and alternatives put forward, the Council will proactively engage with affected residents and leaseholders.
- 6.3 As with all other schemes that are part of the South Kilburn regeneration programme, full consideration has been given to residents and leaseholders with protected characteristics, particularly people with disabilities and / or other types of vulnerabilities due to older age, childcare and/or caring responsibilities, socioeconomic status (lone parents and large families).
- 6.4 Due to the ethnicity profile of the area, full consideration has been given to the impact on black, Asian and minority ethnic individuals/groups. The Council has ensured that the options put forward to residents and leaseholders provide reasonable and affordable alternatives that enable them to remain in the area and maintain their family and community ties, as per Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights. Age/Carers/Disability/Pregnancy and maternity
- 6.5 The requirements for anyone who is older or with a disability, or those who are pregnant or on maternity to have to move from their current property (residential or commercial property) is likely to be more difficult and could suffer greater psychological effects, including stress. (This in turn has an impact on carers).
- 6.6 To mitigate this, for the secure tenants who are moving, the re-housing team provides help to secure tenants through the moving process, additional support and services to those who require it can be provided.
- 6.7 Leaseholders may be affected if they are seeking to acquire a similar sized property in the surrounding area as the value for a Local Authority property tends to be less than a non-Local Authority property in the same area. To counteract this effect, resident leaseholders will be offered the option of shared-equity/ownership (and in exceptional cases reversion to tenancy) on the South Kilburn Estate wherever possible, subject to availability. The purpose of making the offers on the Estate is to ensure that the objectors remain on the Estate are within the same locality and there is a real sense of social cohesion. For those who move off the estate, they may have to increase/get a new mortgage agreement which could be difficult for older residents or those with caring/dependent children responsibilities.
- 6.8 The Equalities position for those who currently remain affected by the Scheme is detailed in the Equalities Impact Report. Cross reference should also be made with the Housing Policy Report.
- 6.9 The new accommodation within the Scheme will be designed to meet the requirements set out in Part M4 (2) 'accessible and adaptable dwellings' and a percentage will be wheelchair adaptable dwellings and meet the requirements set out in Part M4 (3) 'wheelchair user dwellings'.

7.0 Human Resources / Property Implications

- 7.1 There are no further property implications or human resources implications in relation to this report.

Appendices:

Appendix 1: Proposed Order Lands

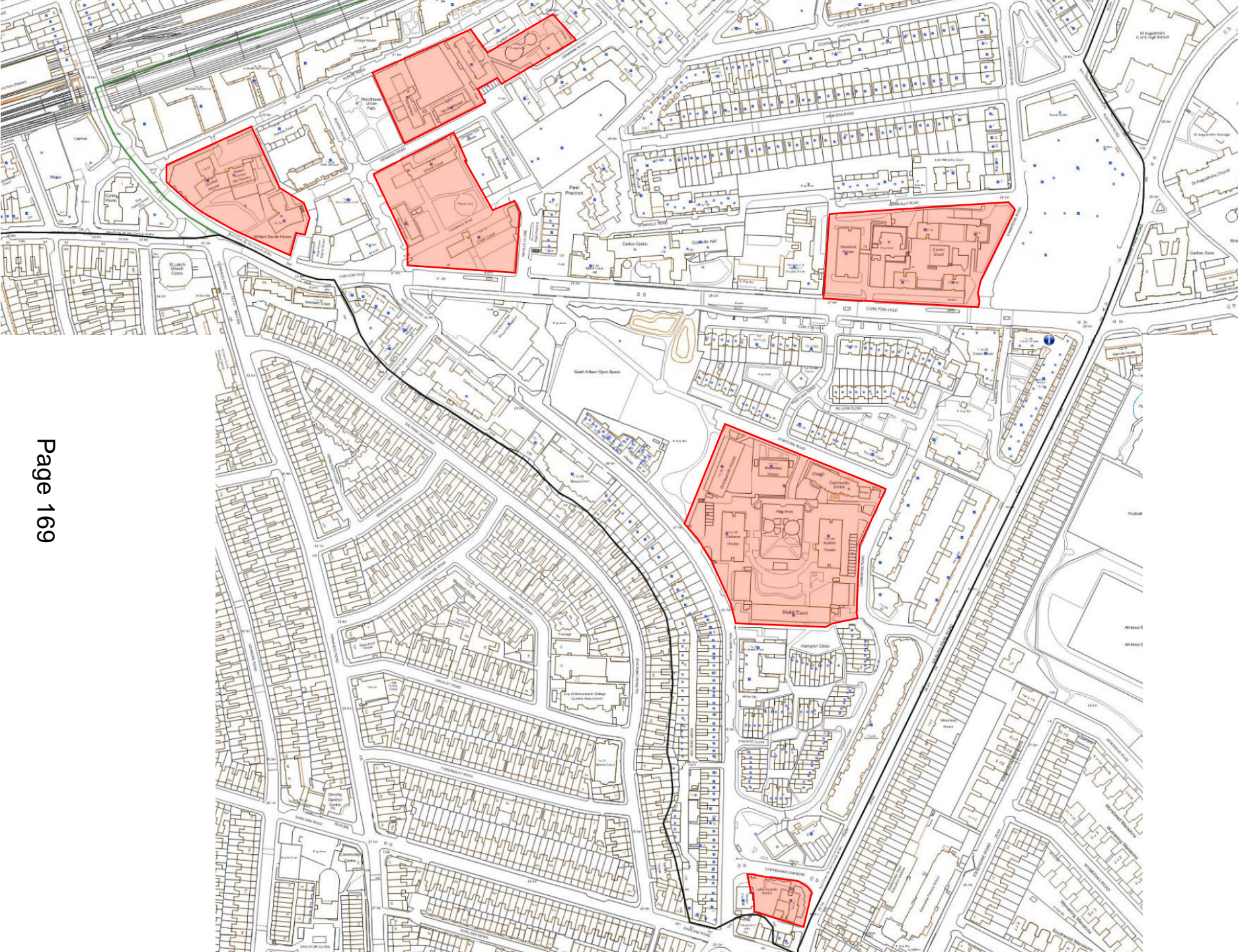
Appendix 2: Purchase of Bluebox

Appendix 3: Tenant and leaseholder policy

Report sign off:

Alan Lunt

Strategic Director for Regeneration and Environment



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

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Appendix to Brent Council's Allocations Scheme

Policy – Council's Housing Offer for Displaced Tenants and Leaseholders in Regeneration Schemes

1. Estate regeneration schemes undertaken by the council or other social landlords, can involve serious disruption for residents, particularly where a scheme requires the demolition and replacement of existing housing. Brent has significant past and current experience in managing such schemes but there is a need to review the approach. In doing this, it should be emphasised that, in the majority of cases, the solutions are relatively straightforward: tenants will be able to move to a new home on similar tenure and rent terms, while most leaseholders will be in a position to buy a new home in the area or elsewhere, either outright or on a shared ownership basis. In most cases, moves will therefore be facilitated by voluntary agreement. However, experience in Brent and elsewhere indicates that there will often be a small number of households who, because they lack the resources or are vulnerable in some way, will not be able to take advantage of the standard options, particularly in areas of high house prices such as London. While the numbers involved may not be large, it is important that Brent's offer should be as comprehensive as possible and also applicable where new options could address issues of supply, mobility and best use of stock.
2. The Council's Cabinet will make a decision on a case by case basis whether it is more appropriate to regenerate an area on a phased programme or a one phased approach and this will include whether to have a local lettings / allocation policy for the regeneration area. The Council's will consider applying to the Secretary of State to rely on Ground 10A of Schedule 2 of the Housing Act 1985 to obtain vacant possession of properties that are part of a relevant regeneration scheme. The Council's Cabinet may, subject to the approval of the Secretary of State, also make a CPO under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire all interests in land surrounding and including the area to be regenerated, including seeking vacant possession of properties in the regeneration area where secure tenants and resident leaseholders reside.
3. In establishing rights to compensation and rehousing, it is necessary to distinguish between different modes of occupation as summarised in the table below. One should note that the balance between resident and non-resident leaseholders is variable and each scheme will have its own characteristics.

Occupancy Status	Housing Options	Compensation
Resident Leaseholder – Normally in occupation for 12 months prior to council notification of intention to acquire	Purchase in regeneration area or elsewhere, including shared ownership and shared equity	Full market value, Home Loss and Disturbance payment plus related expenses.

	Reversion to tenancy	
Non-resident Leaseholder – e.g. owns or rents a home elsewhere and rents out the relevant property	<p>No obligation to rehouse in most circumstances.</p> <p>Leaseholders temporarily absent would be classed as resident.</p>	Full market value plus compensation (Basic Loss Payment at a lower level than resident leaseholder)
Secure Tenant	<p>Offer of new property in regeneration area or option to move to another part of the borough.</p> <p>Subject to Local Lettings Plan, which may vary from the council's main Allocation Scheme</p> <p>Where agreement cannot be reached, council can seek possession if suitable accommodation is made available</p> <p>One move is the norm, but a temporary move prior to a permanent offer may be necessary in some cases</p>	Home Loss and Disturbance Payment
Tenant of non-resident Leaseholder	No rehousing obligation but, in some cases, households may be able to make a	Advice and assistance in finding a new rented home, usually in the private rented sector

	homelessness application	
Licensee (temporary accommodation)	Where properties are in use as temporary accommodation for households owed a homelessness duty, a move to alternative temporary accommodation or permanent rehousing would be offered in line with the council's legal obligations and homelessness policies. This would not fall into the options set out in this report.	As the property is occupied under a licence, there is no entitlement to compensation but advice and assistance would be available on the same basis offered to all households in temporary accommodation.
Unauthorised occupant – e.g. squatter or illegal sub-tenant	No rehousing obligation but, in some cases, households may be able to make a homelessness application	Advice and assistance in finding a new rented home, usually in the private rented sector

4. It is worth emphasising that, to qualify for full compensation and rehousing options, leaseholders must be resident at the relevant point in the process, usually defined as 12 months before a set date, normally at the point the council announced its intention to proceed with purchase and/or Compulsory Purchase Order (CPO). This is not an absolute cut off and the key distinction is that the property should be the occupier's only or permanent home. For example, a buy-to-let landlord who is renting the property out would not be resident. A leaseholder who is temporarily absent, for work or other reasons, and is renting a home elsewhere would be classed as resident. It is also a requirement that a leaseholder or tenant must have owned or rented the home for 12 months to qualify for Home Loss payments. A non-resident leaseholder will receive market value for the property and other compensation at a lower level than Home Loss payment but will not be entitled to take up rehousing options.
5. The basic options – market purchase in the area or elsewhere and shared ownership – are all available in Brent but the aim in this policy is to go further, to maximise choice and secure a better match with individual circumstances. Any policy is unlikely to cover all possible permutations and there will be a need for flexibility in complex or sensitive cases where a solution outside general policy may be called for;

this policy is intended to be a guide to residents and officers, not a rigid set of rules. The following paragraphs summarise the options in this policy. In all cases, the underlying principles are:

- There will be early and detailed engagement and advice and support will be offered, collectively and individually.
- A presumption that affected tenants and leaseholders will be supported to remain in the area wherever possible.

6. In regeneration schemes, the basic options that are available to displaced tenants and leaseholders are as follows:

- **Market purchase in the regeneration area;** This option is available and will remain the default position. All displaced leaseholders will be offered the opportunity to purchase one of the new homes, with advice and support available as needed.
- **Market purchase elsewhere;** Displaced leaseholders may choose to buy a property anywhere else if they do not wish to remain in the area or decide that it is not affordable and do not wish to pursue an alternative option. This option available. In addition, there may be potential to combine this approach with the council's current programme of acquisitions of market housing.
- **Shared ownership on the basis of a minimum purchase of 25% of the equity, funded through the buyback receipt and a contribution from Home Loss payments and, where appropriate, any other capital or savings, with rent payable on the share retained by the council;** Under a shared ownership arrangement the leaseholder purchases a proportion of the equity, with the housing provider retaining ownership of the remainder. Rent is payable on the proportion retained by the provider in addition to any mortgage payment. It is usually expected that the price received for the original home, any home loss payment (usually 50%, although some boroughs require 100%) and any other savings or capital (usually on a voluntary basis or above a set limit) will contribute to the purchase. Most schemes assume a purchase of at least 25% of the equity, although it would usually be possible for a leaseholder to purchase a higher share. This option is available. As with an outright purchase, there is potential to combine this approach with the council's current programme of acquisitions of market housing in limited cases where this could improve affordability and choice.

7. There are also other options which the Council will consider in this policy and they are set out below:

(i) a shared equity option, with no rent payable on the equity retained by the council, to be considered subject to a minimum purchase of 50% of the equity. This only applies to resident leaseholders.

Resident leaseholders use funds available from buyback to purchase a percentage of the equity of a new property as with shared ownership. Any value gap is then met by the council or a development partner, depending on the nature of the regeneration scheme and is entered as a charge against the property. The leaseholder will not pay rent on the equity they do not own.

(ii) the offer of a leasehold swap option, through which a leaseholder can transfer the equity in their current home into a void council property within (provided the property is not scheduled for

demolition) or outside the regeneration area.

The Council will give consideration to making such an offer. This would enable a leaseholder to transfer their equity into a void council social rented unit that is not due for demolition. This could apply to retained units in South Kilburn (or future schemes) or it could be made available more widely to apply to all council voids of appropriate size and value. Any difference in value would be made up by the council or the leaseholder as appropriate. This swap would reduce upfront acquisition costs but involves the loss of a unit that would otherwise be available at a social rent. The quid pro quo therefore is that an additional replacement social rented unit would need to be provided in the relevant phase.

(iii) where it would be to the council's advantage or will assist in meeting needs that could otherwise delay a regeneration programme, advance purchase of properties scheduled for demolition will be considered.

(iv) where it would be to the council's advantage or will assist in meeting needs that could otherwise delay a regeneration programme, advance payment of Homes Loss and Disturbance compensation to leaseholders and tenants will be considered.

The Council will give consideration to making such an offer. In some cases, it will be to the council's advantage to acquire properties that are scheduled for demolition in advance of the regeneration programme being implemented. For example, in cases where a leaseholder has an urgent need to move for other reasons. While there are costs associated with this approach, it provides additional flexibility and, where appropriate, the ability to use the vacated property in other ways, for example as temporary housing with associated savings on temporary accommodation costs. To assist in mitigating the impact of displacement and enable residents to remain in the area (should they wish to do so), in some cases, the council will consider approve advance compensation payments to leaseholders before a CPO is confirmed; for example, following a Cabinet resolution to proceed and the consequent suspension of the Right to Buy. An additional option would be to confirm purchase with delayed completion: that is, pay the leaseholder a large proportion (say 90%) of the value with the remainder paid on vacation. This would give the leaseholder more time as well as the necessary funds to buy. Consideration should be given to a similar approach for compensation to tenants that would allow the offer of home loss prior to action to seek possession through Ground 10A of Schedule 2 to the Housing Act 1985.

(v) in limited cases subject to detailed review, consideration will be given to the option of reversion to the tenancy in acquired private sector property to be offered to leaseholders unable to pursue any other option, with buyback prices based on full market value. This would also be considered for other leaseholders or tenants who wish to pursue this option.

Also, this would allow a leaseholder who no longer wishes, or cannot afford, to be a property owner to be offered a tenancy, either within the regeneration area or elsewhere. One difficulty here is that, having received payment for the sale plus other payments, such leaseholders would have assets well above the £50,000 limit imposed by the council's Allocation Scheme, although they may also have an income below the current limits, set out below:

- ☐ 1 bed need – £35,000 per annum
- ☐ 2 bed need – £45,000 per annum
- ☐ 3 bed need – £55,000 per annum
- ☐ 4 bed need – £70,000 per annum

(vi) consideration will be given to providing support and advice to vulnerable households (displaced secure tenants and leaseholders) to secure supported housing where required, including the option of reversion to tenancy in Extra Care, or similar provision where necessary.


(vii) the council will consider purchasing properties tailored to the needs of under-occupiers to release larger homes for renting within existing acquisition programmes. This can include purchase in the private sector or buy-back from leaseholders of smaller properties seeking to sell.

(viii) the council will consider developing a programme to buy back properties from leaseholders who need to move on grounds of ill-health, disability or vulnerability, offering the full range of options available to displaced leaseholders in regeneration schemes.

(ix) That the council will consider offering, where appropriate, temporary rehousing for vulnerable leaseholders affected by major works programmes, with a requirement for leaseholders to meet associated charges for such properties.

This would allow some flexibility to allow for temporary rehousing of leaseholders where it is clear that they would be unable to make their own arrangements. The leaseholder would be required to fund any rent and/or service charges associated with the procured property.

8. As for those who are placed in temporary accommodation in regeneration areas by the Council, their rights to priority to housing in the relevant regeneration process are set out in the Council's allocations policy.

	Cabinet 9 November 2020
	Report from the Strategic Director of Regeneration & Environment
Northwick Park, One Public Estate – Update, Infrastructure Collaboration Agreement and Spine/Access Road Construction	

Wards Affected:	Northwick Park
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Part Exempt – Appendices 1,2,3 and 5 are exempt as they contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Five: <ul style="list-style-type: none"> • Appendix 1 HIF Funding Grant Agreement (<i>Contains Exempt Information</i>) • Appendix 2 Northwick Order of Cost. Road Rev.10 (<i>Contains Exempt Information</i>) • Appendix 3 Infrastructure collaboration agreement, Heads of Terms (<i>Contains Exempt Information</i>) • Appendix 4 Plan of the proposed road within the masterplan area. • Appendix 5 Updated Northwick Park HIF Cashflow (<i>Contains Exempt Information</i>)
Background Papers:	None
Contact Officer(s):	Stacey Hislop Project Manager stacey.hislop@Brent.gov.uk Tel: 02089373360 Nick Ljustina Operational Director – Property & Assets nick.ljustina@Brent.gov.uk Tel: 020 8937 5025

1.0 Purpose of the Report

- 1.1 To update Cabinet on Northwick Park One Public Estate initiative, and;
- Seek approval for the execution of the infrastructure collaboration agreement, in addition to the existing memorandum of understanding.
 - Seek approval for the tendering and procurement of the construction works (and all other associated works and costs), anticipated to be in the region of £10M required for the completion of the new spine / access road.

2.0 Recommendation(s)

That Cabinet:

- 2.1 Approve entering into an infrastructure collaboration agreement with London Northwest NHS Health Authority, The University of Westminster and Network Homes Ltd. on the basis of the Heads of Terms at Appendix 3.
- 2.2 Delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Lead Member for Environment, the Lead Member for Planning, Property and Regeneration and the Director of Finance to finalise all terms consistent with the Heads of Terms at Appendix 3 and enter into the infrastructure collaboration agreement.
- 2.3 Approve the procurement of the construction works (and all other associated works and services) required for the completion of the new spine / access road.
- 2.4 Delegate to the Strategic Director for Regeneration and Environment in consultation with the Lead Member for Environment authority to agree relevant pre-tender considerations for the procurement of a suitable contractor for the works referred to in 2.3 above and thereafter evaluate tenders on the basis of such pre-tender considerations.
- 2.5 Delegate to the Strategic Director for Regeneration & Environment, in consultation with the Lead Member for Environment authority to select contractor(s) and enter into a contract with the contractor for the works referred to in 2.3 above.
- 2.6 Delegate to the Strategic Director of Regeneration and Environment to agree terms and enter into agreements pursuant to section 38 for the adoption of the new spine/access road and section 278 of the Highways Act 1980 in respect of works to the existing highway

3.0 Detail

- 3.1 Brent received grant funding from the One Public Estate Office (OPE), to lead a consortium of land owning public sector partners in examining the potential regeneration of adjacent landholdings at Northwick Park. The other partners are London Northwest NHS Health Authority (LNWNHS), The University of Westminster and Network Homes Ltd.

- 3.2 The partners have dissolved boundaries of individual ownership and worked collaboratively to produce proposals with a far greater vision than could be achieved individually. Supported by development and planning consultants, the partners prepared a feasibility/capacity study, which led to the submission of three planning applications in 2020. These being;
- Masterplan for the OPE redline area – submitted by all OPE partners
 - Detailed application for the new spine / access road – submitted by all OPE partners
 - Detailed application for phase 1 of the housing – submitted by Network Homes
- 3.3 The four partners executed a memorandum of understanding in August 2017. This outlines common and individual objectives for the project, principles of collaboration, governance and partnership values. Now that HIF grant funding of £10M has been secured (see Appendix 1), an infrastructure collaboration agreement is required to satisfy the conditions of the grant and to give a legal framework for partners to progress the proposals. This will include, but not be limited to; details of permissions of works to be carried out, land ownership and rights requirements, funding arrangements and all other responsibilities.
- 3.4 In order to deliver the road project for which the grant funding was received, a professional team has been assembled. Cost analysis has been carried out and detailed design work has started (Appendix 2). The four partners having discussed the road project with Transport for London, have decided that they would like the Brent highways team to deliver the works and it will need to be tendered and procured.
- 3.5 The next steps for the items outlined in the report are broadly;
- Planning committee for the three applications. (Nov 20 - Dec 20)
 - Execution of the Infrastructure Collaboration agreement (Nov 20)
 - Maximise OPE funding (ongoing)
 - Start road construction procurement (Dec 20)
- Timescales are indicative.
- 3.6 The next steps and associated agreements have been discussed with partners and a Heads of Terms developed (Appendix 3). This incorporates the next steps and associated agreements outlined above, with responsibilities and approximate costs. Delegated approval is sought to the Strategic Director of Regeneration & Environment in consultation with the Lead Member for Environment and Director of Finance to finalise all terms consistent with the Heads of Terms at Appendix 3 and thereafter enter into the infrastructure collaboration agreement
- 3.7 Brent's objectives in the OPE partnership are; more affordable homes, growth, increased recreation activity in its green space areas, increased revenue and employment and skill opportunities.

- 3.8 The Heads of Terms at Appendix 3 detail that the Council will procure a works contract to construct the new access road. Officers are considering the most appropriate procurement route and therefore delegated authority is sought to the Strategic Director for Regeneration and Environment in consultation with the Lead Member for Environment to agree relevant pre-tender considerations for the procurement of a suitable contractor and thereafter evaluate tenders on the basis of such pre-tender considerations. Further, to save time following the procurement, delegated authority is also sought to award the contract to the preferred contractor.
- 3.9 A plan of the proposed road within the masterplan area is included at Appendix 4.

4.0 Financial Implications

- 4.1 Brent was awarded OPE funding for Northwick Park to be spent on behalf of the partners (Network Homes, University of Westminster and London Northwest NHS Health Authority). Currently, there is £0.345m in reserve left from OPE funding. This has been and will continue to be used to fund consultants and resources to move the project forward. It is anticipated that the total partnership cost will be contained within the total grant amount.
- 4.2 The Housing infrastructure Fund (HIF) grant agreement was executed in December 2019. £10m will be made available to Brent through drawdowns from the GLA against a programme of activities (Appendix 5). All costs for the road works project will be met by this grant.
- 4.3 As set out in the Infrastructure collaboration agreement Heads of Terms, in the event of overrun of cost that exceeds the £10m grant allocation, the first £1m will be met by Network Homes, University of Westminster and London Northwest NHS Health Authority. This will be split equally between the parties.
- 4.4 If the £1m of additional funding capacity is reached, Brent will commit £0.5m to fund the overrun generated by the project from CIL.
- 4.5 It is anticipated that the total project cost will be contained within the HIF grant amount.
- 4.6 After consultation with the Head of Highways, it is anticipated that there will not need to be a provision for a commuted sum under the section 38/section 278 process due to the standard the road will be built to. If any commuted sum is required Brent will commit to fund the sum required by the project from CIL generated from the project.

5.0 Legal Implications

- 5.1 The Localism Act 2011 provides the Council with general powers of competency, which means it can do anything that the individual can do in the United Kingdom for a commercial purpose or otherwise for the benefit of the Council, its area or persons resident in its area provided it is not prohibited by other legislation. In addition section 111 of the Local Government Act 1972 provides for a local authority to do "anything" which is "calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions".

Accordingly, the Council has wide powers establish by statute to undertake the commercial activities highlighted in the MOU.

- 5.2 Recommendation 2.1 seeks approval for the Council to enter into an infrastructure collaboration agreement with LNWNHS, The University of Westminster and Network Homes Ltd. Such infrastructure collaboration agreement is regarded as a form of partnership agreement under Contract Standing Order (“CSO”). CSO 85 sets out certain requirements for the entry into a partnership agreement and for collaborative procurements. CSO 85(a) provides that no partnership may be entered into unless approved by the Director of Finance and a formal agreement covering the arrangements is signed by the parties. Whilst draft Heads of Terms at Appendix 3 have been agreed in principle, delegated authority is sought to the Strategic Director of Regeneration & Environment in consultation with the Lead Member for Environment, the Lead Member for Planning, Property and Regeneration and Director of Finance to finalise all terms and thereafter enter into the infrastructure collaboration agreement.
- 5.3 Recommendation 2.3 seeks approval to procure a contract to undertake works to construct the access road. The nature and value of the Contract is such that it will be subject to the Public Contracts Regulations 2015 (PCR 2015) in full. Further, the value of the Contract is such that it is classed as a High Value Contract under the Council’s Contract Standing Orders and Financial Regulations.
- 5.4 For High Value Contracts, Cabinet must approve the pre-tender considerations (Standing Order 89) and the inviting of tenders (Standing Order 88). For the reasons detailed in paragraph 3.8, delegated authority is sought to the Strategic Director for Regeneration and Environment in consultation with the Lead Member for Environment to agree relevant pre-tender considerations for the procurement of a suitable contractor.
- 5.5 For High Value Contracts, Cabinet must approve the award. In order to avoid any delay in the award of the contract following the procurement, delegated authority to the Strategic Director for Regeneration and Environment in consultation with the Lead Member for Environment to award the contract is also sought.
- 5.6 As this procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the PCR 2015 before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council’s decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council’s award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.7 It is envisaged that the Council will enter into highway agreements in respect of the Access Road pursuant to section 38 relating to the adoption of the new

spine/access road and 278 of the Highways Act 1980 in respect of the authorisation of works to parts of the existing highway

6.0 Equality Implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

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

7.0 Consultation with Ward Members and Stakeholders

7.1 Officers from Brent, Network, the University of Westminster and London Northwest Health Authority held a series of public consultations - to discuss the planning applications and general work the OPE project has been doing. These were on 25, 26, 27 and 29 June 2019 for the first consultation and 8, 9, 10, and 12 October 2019 for the second consultation,

7.2 Ward councillors were met with and consulted on the following dates

22 November 2018

21 June 2019

8 October 2019 (Cllr McClennan did not attend)

28 November 2019 (Cllr McClennan only)

8.0 Human Resources/Property Implications (if appropriate)

8.1 Brent's Highways team will be commissioned by the OPE partners to manage the road delivery project, from design, through procurement and to construction completion.

9.0 Public Services (Social Value) Act 2012

- 9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. This duty does not strictly apply to the proposed contract as it is not a services contract. Nevertheless, Officers will have had regard to considerations contained in the Social Value Act in relation to the procurement of the works contract for the access road.

Related document: HIF Grant Agreement Cabinet paper 13 August 2018

Report sign off:

Alan Lunt

Strategic Director of Regeneration &
Environment

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