



## Cabinet

**Monday 17 January 2022 at 10.00 am**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

Please note that this meeting will be held as a socially distanced physical meeting with all Cabinet members required to attend in person.

Guidance on the safe delivery of face-to-face meetings is included at the end of the agenda front sheet.

**Due to current restrictions and limits on the socially distanced venue capacity, any press and public wishing to attend this meeting are encouraged to do so via the live webcast. The link to attend the meeting will be made available [here](#).**

### Membership:

#### Lead Member Councillors:

#### Portfolio

M Butt (Chair)

McLennan (Vice-Chair)

Farah

Knight

Nerva

Krupa Sheth

Stephens

Southwood

Tatler

Leader of the Council

Deputy Leader, Lead Member for Resources and Interim  
Lead for Children's Safeguarding, Early Help and Social  
Care

Lead Member for Adult Social Care

Lead Member for Community Safety and Engagement

Lead Member for Public Health, Culture & Leisure

Lead Member for Environment

Lead Member for Education, Employment and Skills

Lead Member for Housing & Welfare Reform

Lead Member for Regeneration, Property & Planning

**For further information contact:** James Kinsella, Governance Manager, Tel: 020 8937 2063; Email: [james.kinsella@brent.gov.uk](mailto:james.kinsella@brent.gov.uk)

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

### **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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<b>1</b>	<b>Apologies for Absence</b>	
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<b>2</b>	<b>Declarations of Interest</b>	
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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.

<b>3</b>	<b>Minutes of the Previous Meeting</b>	<b>1 - 8</b>
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To approve the minutes of the previous meeting held on Monday 6 December 2021 as a correct record.

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

<b>5</b>	<b>Petitions (if any)</b>	
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To receive and consider any petitions from members of the public, in accordance with Standing Order 66.

<b>6</b>	<b>Reference of item considered by Scrutiny Committees (if any)</b>	
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To consider any reference reports from any of the Council's two Scrutiny Committees.

## Regeneration & Environment and Children & Young People

<b>7</b>	<b>Capital Investment Programme for School Place Sufficiency for Children and Young People with SEND</b>	<b>9 - 36</b>
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Further to the School Place Planning Strategy 2019 – 2023 Refresh provided for Cabinet in November 2021, this report presents a business case for capital investment in order to provide additional school places for the growing number of children in the borough with SEND.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Business, Employment, Education & Skills (Councillor Thomas Stephens) & Lead Member for Regeneration, Property & Planning (Councillor

Shama Tatler)  
**Contact Officer:** Nick Ljustina & Nigel Chapman  
- Director of Property / Operational Director  
Integration & Improved Outcomes, Assets  
Tel: 020 8937 5025 / 020 8937 4456  
Email: nick.ljustina@brent.gov.uk /  
nigel.chapman@brent.gov.uk

## Children and Young People reports

### 8 Brent Council's School Admission Arrangements for 2023/24 37 - 70

This report seeks agreement to the proposed admission arrangements and schemes of co-ordination for Brent community schools for the 2023/24 academic year in accordance with statutory requirements. Admission authorities are required to determine their admission arrangements by 28 February in the determination year.

**Ward Affected:** All Wards  
**Lead Member:** Lead Member for Business, Employment Education & Skills (Councillor Thomas Stephens)  
**Contact Officer:** Brian Grady, Operational Director, Safeguarding, Partnerships & Strategy  
Tel: 0208 937 4173  
Email: Brian.Grady@brent.gov.uk

## Regeneration and Environment reports

### 9 Brent Active Travel - Healthy Neighbourhoods and School Streets 71 - 104

This report provides an overview of the Brent Active Travel programme along with an assessment of the Brent Healthy Neighbourhoods and School Streets schemes, considering: the performance of the trials, the response to consultation and community engagement.

As a result Cabinet is being asked to consider changes to existing schemes and future practices for delivering future schemes to enable the Council to deliver the wider council ambitions related to public health, social justice, air quality, climate change, road safety and place making.

**Ward Affected:** All wards except Alperton, Barnhill, Northwick Park & Welsh Harp.  
**Lead Member(s):** Lead Member for Environment (Councillor Krupa Sheth) & Lead Member for Regeneration, Property & Planning (Councillor Shama Tatler)  
**Contact Officer:** Sandor Fazekas, Projects Development Manager, Highways and Infrastructure  
Tel: 020 8937 5113 Email: sandor.fazekas@brent.gov.uk



In 2018, Brent adopted a deliberate strategy to synchronise the end dates for its outsourced environmental services so that they coincide for reconsideration at the same time. The Redefining Local Services (RLS) programme was subsequently initiated in May 2019 to develop and implement a commissioning strategy in time for new service arrangements to take effect from 1 April 2023. In August 2021, Cabinet agreed the Final RLS Delivery Model with this report presenting the procurement strategy and timetable for the second of the RLS services to be issued for tender, the Grounds Maintenance Services contract.

**Ward Affected:**  
All Wards

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

**Contact Officer:** Kelly Eaton, Public Realm  
Policy and Projects Manager  
Tel: 020 8937 5565  
Email: kelly.eaton@brent.gov.uk

## 11 Draft Planning Obligations Supplementary Planning Document

127 - 168

This report sets out the need for the Council to replace its existing Planning Obligations Supplementary Planning Document (SPD) which was adopted in July 2013 and presents the draft Supplementary Planning Document for approval for publication and statutory consultation, as well as delegated authority for its subsequent adoption as part of the Local Plan.

**Ward Affected:**  
All Wards,  
excluding parts  
of Harlesden,  
Kensal Green,  
Stonebridge  
and Tokyngton  
where Old Oak  
and Park Royal  
Development  
Corporation is  
the Local  
Planning  
Authority.

**Lead Member:** Lead Member for Regeneration,  
Property & Planning (Councillor Shama Tatler)

**Contact Officer:** Alice Lester, Operational  
Director - Regeneration, Growth and  
Employment  
Tel: 020 8937 6441  
Email: alice.lester@brent.gov.uk

## 12 Draft Affordable Workspace Supplementary Planning Document

169 - 226

This report presents the draft Affordable Workspace Supplementary Planning Document for approval for publication and statutory consultation, and seeks to delegate authority for its subsequent adoption as part of the Local Plan.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Regeneration, Property & Planning (Councillor Shama Tatler)  
**Contact Officer:** Alice Lester, Operational Director - Regeneration, Growth and Employment  
Tel: 020 8937 6441  
Email: [alice.lester@brent.gov.uk](mailto:alice.lester@brent.gov.uk)

### Community Well-being reports

#### 13 Amendments to the Housing Allocation Scheme 227 - 268

This report sets out proposed changes to the Council's Housing Allocation Scheme, the consultation responses to those changes, the recommendations and the impact following formal consultation with key stakeholders on a number of issues.

**Ward Affected:**  
All Wards

**Lead Member:** Lead Member for Housing and Welfare Reform (Councillor Eleanor Southwood)  
**Contact Officer:** Laurence Coaker, Head of Housing Needs  
Tel: 020 8937 2788  
Email: [laurence.coaker@brent.gov.uk](mailto:laurence.coaker@brent.gov.uk)

### Chief Executive's reports

#### 14 Quarter 3 Financial report 2021/22 269 - 304

This report sets out the current forecast of income and expenditure versus the revenue budget for 2021/22 and other key financial information.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Minesh Patel, Director of Finance  
Tel: 020 8937 4043  
Email: [minesh.patel@brent.gov.uk](mailto:minesh.patel@brent.gov.uk)

#### 15 Treasury Management Mid-Year report 2021-22 305 - 316

This report updates Members on treasury activity for the first half of the financial year 2021-22.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Amanda Healy, Senior Finance Analyst  
Tel: 020 8937 5912  
Email: [Amanda.Healy@brent.gov.uk](mailto:Amanda.Healy@brent.gov.uk)

This report and the performance scorecard set out the position on the Council's performance in the second quarter of 2021/22.

**Ward Affected:** All Wards  
**Lead Member:** Deputy Leader (Councillor Margaret McLennan)  
**Contact Officer:** Lorna Hughes, Head of Strategy and Partnerships  
 Tel: 020 8937 5068  
 Email: lorna.hughes@brent.gov.uk

## 17 Exclusion of Press and Public

The following items are not for publication as they relate to the category of exempt information set out below, as specified under Part 1 Schedule 12A of the Local Government Act 1972:

Agenda Item 10: Authority to Tender for the Grounds Maintenance Service – Appendix 1 (Contract risks and mitigations).

This appendix is classified as exempt from publication under Para 3 of Part 1 Schedule 12A of the 1972 Local Government Act, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

## 18 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her 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 February 2022

### Guidance on the delivery of safe meetings at The Drum, Brent Civic Centre

- We have revised the capacities and floor plans for event spaces to ensure they are Covid-19 compliant and meet the current social distancing guidelines.
- Attendees will need to maintain the necessary social distancing at all times.
- Signage and reminders, including floor markers for social distancing and one-way flow systems are present throughout The Drum and need to be followed.
- Please note the Civic Centre visitor lifts will have reduced capacity to help with social distancing.
- The use of face coverings is strongly encouraged with hand sanitiser

dispensers located at the main entrance to The Drum and within each meeting room.

- Those attending meetings are asked to scan the coronavirus NHS QR code for The Drum upon entry. Posters of the QR code are located in front of the main Drum entrance and outside each boardroom.
- Although not required, anyone attending in person is also encouraged to undertake a lateral flow test in advance of the meeting. These are available at the Civic Centre and can be booked via the following link: <https://www.brent.gov.uk/your-community/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>
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## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 6 December 2021  
at 10.00 am

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

Also present: Councillor Kennelly for agenda item 7

1. **Apologies for Absence**

An apology for absence was received from Councillor Mili Patel.

2. **Declarations of Interest**

There were no declarations of interest made at the meeting.

3. **Minutes of the Previous Meeting**

**RESOLVED** that the minutes of the previous meeting held on Monday 8 November 2021 be approved as an accurate record of the meeting.

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

None.

5. **Petitions (if any)**

Councillor Muhammed Butt (Leader of the Council) welcomed a member of the public, Nicola O'Brien, to the meeting as an online participant who had been invited to address the meeting in order to present a petition with 236 signatures requesting the reinstallation of a water standpipe in Roundwood Park.

Referring to a reply received on the petition, Nicola O'Brien began by highlighting what was felt to be the disproportionate response to the recent vandalism of the standpipe involving its entire removal. Whilst recognising the concern around water wastage as a result of the damage caused, it was pointed out that the standpipe had been suffering from a slow leak which was unrelated and had remained unfixed prior to the vandalism. Although advised that the standpipe had not been designated for public use, Nicola O'Brien pointed out it had been relied upon and used by park users without any previous objection or issue prior to the current vandalism. She also queried its use purely as a source of water for the surrounding flower beds, pointing out that the design of the standpipe included an auto shut-off press tap which faced away from the flower beds and towards the public footpath. As such it was felt the design encouraged use by park users looking for a supply or refill of water.

In terms of the alternative option suggested regarding use of the café to purchase or supply water, those who had signed the petition did not feel this was appropriate given the busy nature of the café, costs and fact this would involve the supply of plastic bottles which would also be wasteful and more damaging to the environment than use of the standpipe as a public water supply. Whilst noting the proposal currently being investigated to restore the original public water fountain by the main entrance to the park, concerns had been expressed that no timescale had been provided on this. It was noted that similar water supplies appeared to be available in other parks and green spaces, with the petitioners feeling the removal of the standpipe to be unjustified given the impact on park users. As a result, Nicola O'Brien advised that the petitioners were asking the Council to reconsider its original decision and to reinstall the standpipe and tap.

In responding, Councillor Krupa Sheth (Lead Member for Environment), thanked Nicola O'Brien for presenting the petition and advised that the original decision to remove the standpipe had been taken following a number of acts of vandalism which had taken place in quick succession of a number of repairs having been undertaken. This had included damage to the auto shut-off tap, which it was acknowledged had been a feature of the standpipe. Given the constraints on the Parks Service budget, the combination of the repeated vandalism and associated cost of repairs along with the resulting loss of water, the decision had reluctantly been made to remove the pipe and ensure there was a connection only for use by the contractor in watering the surrounding flower beds. Confirmation was provided that, although used by the public, the standpipe was not designed for that purpose with its intended use only to provide water for the flower beds. The level of local concern regarding its removal had, however, been recognised with an assurance provided that the Council was continuing to investigate the cost and work required to restore the original water fountain at the main entrance to the park. This would include options available to seek external funding with Nicola O'Brien advised she would be kept updated on progress, as lead petitioner.

Having noted the response provided, Councillor M Butt (Leader of the Council) ended by welcoming the contribution made at the meeting and reaffirming the Council's commitment to continue working with all stakeholders and Friends of the Park Groups in order to ensure access was maintained for everyone to parks and their facilities across the borough. Recognising the level of local concern amongst park users, an assurance was provided that the Council would consider the specific issues raised in relation to the standpipe in Roundwood Park and any alternative solutions available, although it was pointed out this would need to be within the context of the significant financial pressures needing to be managed across the Authority.

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

There were no references from Scrutiny submitted for consideration at the meeting.

**7. Draft Budget 2022/23**

Prior to consideration of this item, Councillor Muhammed Butt (Leader of the Council) welcomed Councillor Kennelly to the meeting who he advised had requested to speak in relation to the draft budget proposals. In addressing Cabinet,

Councillor Kennelly, whilst recognising the challenging nature of the budget position faced by the Council, was keen to highlight the importance in maintaining a focus on key infrastructure requirements, including maintenance of footways. Highlighting the support expressed locally for the repairs and maintenance undertaken on footways in Preston ward he also outlined the wider importance of this in terms of supporting the Council's objectives towards encouraging more active forms of travel and in tackling the Climate Emergency. As a result he asked Cabinet to ensure that consideration was given, as part of the budget proposals, to securing and maintaining the necessary levels of resources required to support the need for ongoing and future infrastructure investment, especially in relation to footways.

In responding to the comments raised, Councillor Butt (Leader of the Council) highlighted the challenges needing to be addressed in securing the necessary resources to be able to support the key priorities identified by the Council, given the constraints on available funding. The issue raised in relation to securing long term investment to support infrastructure including footways had, however, been recognised with funding discussions also being pursued with key stakeholders, including TfL.

Having noted the response provided, Councillor McLennan was then invited to introduce the report, which set out the Council's budget proposals for 2022/23. The report also provided a general update on the Council's overall financial position, including an assessment of the Chancellors Autumn budget statement.

In considering the report Cabinet noted that, given the final year of the current Administration, no new budget proposals were being recommended with the position for 2022/23 broadly in line with that estimated at the time of the last budget in February 2021 and subsequent monitoring updates. The proposals within the report would enable the Council to set a balanced budget in 2022/23 with the key features being:

- A proposed Council Tax increase of 3% for the Brent element with the GLA precept currently to be advised;
- Ongoing delivery of the budget saving proposals (all of which had been considered by Council in February 2021) with an aggregate value of £2.7m as detailed within Appendix A of the report;

It was noted that whilst the Government's Spending Review had announced an increase in core spending power this had been based on the assumption that Council's would increase their Council Tax by the 3% maximum allowable without triggering a local referendum, with a majority of the additional funding linked to social care reforms. Members also noted this followed a ten year period of significant reductions in Government funding which had required the Council to make £185m worth of savings despite an increase in demand for key services.

In addition, the report detailed the proposals for the Council to participate in a sub London mini Business Rates Pool with Members also noting the updates provided in relation to the current position on the Dedicated Schools Grant and ongoing pressures on the High Needs Block, along with the Housing Revenue Account (HRA). In terms of the HRA, this included details on a proposed increase of 4.1% in average rent (based on CPI + 1%) which members noted had been required to take account of inflation led growth and continued investment in the Council's Housing Stock.

In concluding her introduction, Councillor McLennan once again highlighted how challenging and difficult the process had been and thanked the Cabinet Members and officers for their support and efforts in developing the budget proposals.

In supporting the proposals contained within the report, Cabinet also noted the overview provided on the planned spending and financing of the Council's Capital Programme from 2022/23 – 2026/2. The ongoing challenges in relation to the Medium Term Financial Strategy were also noted given continued uncertainty around wider funding reforms, the continuing impacts of Brexit and Covid-19 on local residents and businesses across the borough.

In summing up, Councillor Muhammed Butt highlighted how the proposals, subject to their agreement following consultation, would deliver a balanced budget and ensure that the Council would continue to operate in a financially sustainable and resilient way in seeking to limit as far as possible the impact on front line services whilst also providing for growth in essential areas based on the core strategic priorities identified.

Having noted the current financial context in which the budget proposals had been developed it was **RESOLVED** that Cabinet:

- (1) Note the Council's overall financial position.
- (2) Endorse the budget proposals for 2022/23 that were previously agreed at the Council meeting of 22 February 2021, as set out in Appendix A of the report.
- (3) Agree to consult on a Council Tax increase of 3% in 2022/23.
- (4) Agree to participate in a sub London Business Rates Pool in 2022/23 and delegate authority to the Director of Finance to enter into a Memorandum of Understanding with the participating authorities as may be necessary to implement and/or regulate the pool.
- (5) Delegate authority to the Director of Finance to agree to participate in such pools in subsequent years (in consultation with the Lead Member) and to enter into Memorandum of Understandings in respect of any such subsequent pools.
- (6) Note the position with regard to the funding for Schools and the Dedicated Schools Grant, as set out in Section 7 of the report.
- (7) Agree to consult on a rent increase of 4.1% (CPI + 1%) for the 2022/23 Housing Revenue Account budget, as set out in Section 8 and Appendix B of the report.
- (8) Note the position with regard to the Capital programme, as set out in Section 9 of the report.

## 8. **Brent Infrastructure Funding Statement 2020/21**



Councillor Tatler (Lead Member for Regeneration, Property & Planning) introduced the report, which detailed the Council's second Infrastructure Funding Statement (IFS) prepared in accordance with the requirements within the Community Infrastructure Levy (CIL) (Amendment) Regulations 2019.

In considering the report, Cabinet noted the outline provided relating to the purpose of CIL as a funding mechanism to assist in the delivery of infrastructure to support development of an area and annual requirement within the IFS to detail how CIL funding has been spent in line with the regulations. In addition, the IFS was designed to set out, where possible, future spending priorities on infrastructure in line with growth identified within the Local Plan, Borough Plan and Capital Pipeline, with confirmation provided that CIL could not be used to fund pre-existing budget deficits or deficiencies.

Whilst recognising the impact of the pandemic on the programme of development across the borough, members noted the continued strong performance of the Council in terms of the collection of CIL receipts, as detailed within section 3 of the report. The wide ranging and diverse nature of infrastructure projects being supported through the CIL process was also highlighted and commended by members (with specific reference to the Morland Gardens Scheme and Youth Provision) along with the allocation of funding aligned to support corporate strategies, including the Black Community Action Plan, Poverty Commission Action Plan, Inclusive Growth Strategy, Climate and Ecological Emergency Strategy and Draft Long Term Transport Strategy. Clarification was also provided in relation to the use of Neighbourhood CIL in an area with a Neighbourhood Forum, with confirmation provided that up to 25% of CIL funds collected from liable developments within a Forum boundary could be spent on priorities identified by the Neighbourhood Forum covering that area provided they were operating with an adopted Neighbourhood Plan. Of the three Neighbourhood Forums operating in Brent, members were advised that two (Sudbury Town Residents Association and Harlesden) were operating with an adopted Neighbourhood Plan.

Having thanked officers for their efforts in relation to performance on the collection of CIL receipts during such a challenging period and noted the associated benefits being achieved through the wider regeneration programme across the borough Cabinet **RESOLVED:**

- (1) To note the content of the report and Brent Infrastructure Funding Statement 2020/21, as detailed within Appendix 1.
- (2) To approve the Infrastructure Funding Statement for publication.

## **9. Digital Strategy and Business Case 2022-2026**

Councillor McLennan (Deputy Leader & Lead Member for Resources) introduced the report presenting the Draft Digital Strategy 2022-26 and Outline Business Case for an extension of the Digital Programme to 2026 along with the capital investment required to deliver the Strategy.

In considering the report Cabinet noted that the 2022-26 Strategy had been designed to build on the outcomes, savings and efficiencies delivered through the previous 2019-23 Strategy. In noting the key achievements delivered through the

2019-23 Strategy to date, as set out within section 3.4 of the report, the crucial role that digital technology had played as part of the response to the Covid 19 pandemic was also highlighted alongside the ongoing support digital transformation was providing in relation to delivery of the Council's core strategic objectives. Whilst recognising the positive impact of digital transformation, members were also aware of the impact the pandemic had had in serving to expose wider inequalities, including those related to digital exclusion, which the 2022-26 Strategy had also been designed to address

Members also noted the details provided within the Outline Business Case (attached as Appendix 2 to the report) on the level of investment required to support delivery of the Strategy along with the potential savings arising from the programme and details of priority projects and technology investments, with the key themes and supporting benefits detailed within section 3.11 of the report. The core capital investment required to deliver the Strategy had been identified as £9.3m with total cumulative savings of £14.8m being forecast after Year 4 along with an estimated recurring annual saving of £3.9m after 3 years based on new enabling and efficiency savings. In addition, members were advised of £4.2m being sought in relation to the Business Support Fund and provision of up to 8,000 devices identified to support connectivity for digitally excluded households. The Outline Business Case also included a cost benefit analysis in terms of the identified programme, which included support for a range of social investment and potential future savings being included as part of the Medium Term Financial Strategy covering 2023-26.

In supporting and welcoming the Strategy, members were keen to recognise the wide ranging benefits associated with the programme. These not only included the efforts being made to address digital exclusion but also to improve the way in which data was provided and shared to support the planning, development and delivery of service improvements and to provide the necessary digital infrastructure and skills to support the local economy and business, whilst also supporting a healthier, safer and cleaner borough. As part of the approach outlined, members also highlighted the need to engage closely with key strategic partners, such as health providers, to ensure a joined up approach towards the digital experience provided for all service users.

Having thanked officers for their work to develop the Strategy and noted the significant economic and social benefits which would accompany its delivery alongside the Council's core strategic priorities, Cabinet **RESOLVED** having noted the information provided within the exempt appendix of the report:

- (1) To agree the Digital Strategy 2022-26 as set out in Appendix 1 of the report.
- (2) To agree the Outline Business Case as set out in Appendix 2 of the report with the funding identified to deliver the programme.
- (3) To approve the establishment of a Business Support Fund as set out in Appendix 2 and Section 3.19 of the report.
- (4) To delegate authority to the Strategic Director of Customer and Digital Services in consultation with the Lead Member for Resources to agree eligibility criteria for the Business Support Fund.

- (5) To delegate to the Strategic Director of Customer and Digital Services authority to administer and award assistance from the Business Support Fund.

10. **Exclusion of Press and Public**

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


11. **Any other urgent business**

None.

The meeting ended at 10:42am

COUNCILLOR MUHAMMED BUTT  
Chair

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	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director of Regeneration and Environment and Strategic Director of Children and Young People</b>
<b>Capital Investment Programme for School Place Sufficiency for Children and Young People with SEND</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Three Appendix A: SEND Capital Programme Work-streams Appendix B: High Level Programme GANTT Appendix C: Programme risk log
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Neil Martin, Head of Capital Programmes (Schools) Tel: 020 8937 4203 Email: <a href="mailto:neil.martin@brent.gov.uk">neil.martin@brent.gov.uk</a> /  Sharon Buckby, Head of Inclusion and Brent Virtual School Email: <a href="mailto:sharon.buckby@brent.gov.uk">sharon.buckby@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 Further to the School Place Planning Strategy 2019 – 2023 Refresh presented to Cabinet in November 2021, this report presents a business case for capital investment in order to provide additional school places for the growing number of children in the borough with SEND. The Council has statutory responsibilities in relation to children and young people with special educational needs and disabilities (SEND), that require the Council to ensure that there is suitable provision to meet their needs.

- 1.2 A SEND Capital Programme is proposed to meet this demand via a number of work-streams, including construction of a new build SEND School, Additionally Resourced Provision (ARP), expansion of existing SEND schools and capital improvement projects.
- 1.3 The programme is expected to deliver 427 SEND places and reduce the need to send children to schools out of borough, which will reduce the financial pressure on the High Needs Block of the Dedicated Schools Grant by £5.9m each year. The programme budget is £44.19m and will be funded via basic need funding. The projects within the programme are expected to be completed by 2024

## **2.0 Recommendation(s)**

- 2.1 Cabinet approves the SEN Capital Programme as described in this report.
- 2.2 Cabinet allocates £44.19m of capital funding to deliver the programme.
- 2.3 Cabinet approves the delegation of the authority to approve the project business cases to the Strategic Director of Regeneration and Environment in consultation with the Strategic Director of Children and Young People and the Director of Finance.
- 2.4 Cabinet approves the delegation of authority to agree pre-tender considerations, procure and award the necessary technical, consultancy and services contracts valued in excess of £2m and works contracts valued in excess of £5m to the Strategic Director, Regeneration and Environment, in consultation with the Cabinet Member for Schools, Employment and Skills and the Strategic Director for Children and Young People.
- 2.5 Cabinet notes that further reports will be brought forward providing updates on progress of the delivery of this programme.

## **3.0 Detail**

- 3.1 The School Place Planning Strategy Refresh, approved by Cabinet in November 2021, evidences the growing demand for places that meet the needs of children and young people with SEND. In order to meet this growing need and to tackle increasing pressures on the High Needs Block of the DSG, creating additional local school places for children with SEND is identified as a key part of the School Place Planning Strategy and is also contained within the new SEND Strategy (2021-25). The Strategic Director of Children and Young People (CYP) in collaboration with the Director of Finance has been chairing a task and finish group to ensure activity is co-ordinated to deliver on the strategy to provide additional SEND places. A range of options regarding school places was proposed to the Children's Trust and reviewed by the task and finish group, including the potential to build a new SEND school in the borough, providing Additionally Resource Provision (ARP) spaces at existing mainstream schools and expanding existing SEND schools.
- 3.2 Demand for special provision in Brent has been growing (Table 1). The number of maintained EHC Plans in Brent has risen by 14.8% from 2020. The number of EHC Plans nationally has risen by 10.4%.

- 3.3 The numbers of children with SEND is expected to continue to increase as overall pupil numbers rise. The number of children and young people with EHCPs (under 5s to those aged 25) is expected to increase to 4,932 by 2027 at 10% growth. This will impact on demand for specialist provision in the borough.

**Table 1: Forecast number of EHCPs at 10% (based on 2021 SEN2)**

The forecasts below are used with a 10% increase each year Source: SEN2						
Timeline	Total	Under 5s	5 to 10	11 to 15	16 to 19	20 to 25
2015	1,653	61	675	710	207	0
2016	1,804	105	754	703	238	4
2017	1,960	100	836	681	285	58
2018	2,076	114	907	696	306	53
2019	2,173	99	926	704	377	67
2020	2,426	137	1,001	745	376	167
2021	2,784	134	1,124	839	490	197
2022	3,062	147	1,236	923	539	217
2023	3,369	162	1,360	1,015	593	238
2024	3,706	178	1,496	1,117	652	262
2025	4,076	196	1,646	1,228	717	288
2026	4,484	216	1,810	1,351	789	317
2027	4,932	237	1,991	1,486	868	349

- 3.4 Whilst the focus is to slow the current growth in the cohort through early intervention strategies and through targeted catch up support, there has been significant growth in the primary cohort. In 2020/21 Brent issued the highest number of new EHC Plans to children age 5 to 10, an increase of 4.7% from 2019/20 compared to statistical neighbours (SEN2 2021). In 2020/21 307 plans were issued to under 11s, (compared to 266 in statistical neighbours). The difference was that Brent had 1/3 more children issued with an EHCP who were under 5. The Council needs to increase in-borough primary and secondary provision to meet the needs of these pupils as the move through the education system. The majority of pupils' additional needs can be met within one of the following contexts with only those not able to access their education in a mainstream school being met through a special school.

A FULL RANGE OF PROVISION			
Fully inclusive mainstream provision (no support)	Mainstream with support	Additionally resourced mainstream provision	Brent special school provision

- 3.5 There is a 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 (ARP) in both primary and

secondary mainstream schools. Many young people with additional learning needs can make better, more sustained progress when they attend mainstream schools. Much of the increased demand can be delivered through the expansion of existing specialist provision through capital investment or identification of Additionally Resourced Provision (ARP) within a mainstream setting. Taking into consideration the age profile and primary special needs of children and young people, the preferred designation of all new ARP provision is communication and interaction with a focus on Autistic Spectrum Disorder (ASD). This is to reflect the increase in ASD diagnosis and the number of children and young people identified as have a Speech, Language and Communication Need (SLCN). ASD is the most common type of need, accounting for 41% of Brent's EHC Plan population compared to 30.5% in England. In providing effective teaching and learning strategies and resource requirements children and young people identified with SLCN and/or comorbidities including MLD would also be effectively supported in the proposed Additionally Resourced Provision.

- 3.6 However some children have such specific needs that they cannot be met other than in very specialist provision. Special schools in the borough cater for a wide range of children and young people with complex SEND. Due to insufficiency in places as of January 2021 576 children and young people were educated out of borough with 180 in Independent Non-Maintained Special Schools (INMSS) at a cost of £7.2m per annum. Notwithstanding the financial case, there is a strong educational and social rationale for the council to place students within the borough.
- 3.7 During the academic year 2020/21 discussions were held with all primary, secondary and special schools to review and plan for how the needs of children and young people with SEND could be met. These discussions were held as part of the wider school place planning agenda and in the context of spare place in the primary sector, consideration was given to repurposing of accommodation where this was appropriate on a permanent basis (with adjustments made as necessary to school mainstream Published Admission Numbers)
- 3.8 In developing this proposal, consultation has been undertaken with the Brent Parent Carer Forum and wider stakeholder representatives of the Brent Children's Trust.

#### **4.0 Programme Proposal**

- 4.1 Feasibility work identified a number of potential capital project work-streams in order to meet the demand described above. These work-streams are:
- a) Additionally Resourced Provision (ARP) in mainstream Primary and Secondary Schools
  - b) Creation of a new SEN School.
  - c) Expansion of existing SEN Schools
  - d) Capital Improvements to existing schools
- 4.2 In March 2021, Capital Programme Board approved the use of basic need funding for officers to undertake feasibility work for ARPs, SEND school



expansions and the proposed new SEND school. Subsequently, the Council appointed technical consultants to undertake feasibility studies to:

- Obtain sufficient comparable data to enable a decision to be made about the projects to be developed
- Obtain sufficient financial information to enable investment decisions to be made
- Obtain sufficient feasibility information to determine the risks and opportunities attached to the development of each potential project in order to inform decision making

4.3 The technical consultants have undertaken detailed pieces of work across a number of schools, including:

- Analysis of the existing school site and accommodation provision for each school and use of buildings against Department for Education BB104 building guidelines (using the DfE Schedule of Accommodation tool).
- Feasibility work to determine how the accommodation could be provided across a number of site options and provision of indicative costings, risks and opportunities for the various options for each project.

4.4 Schools that expressed interest in developing SEND provision have been engaged in the feasibility work and have provided their views on the amount and type of accommodation required for the respective project at their school. The aim of the feasibility work has been to establish a transparent and comparable basis for decision making on proposals and any subsequent investment decision.

4.5 The outcome of the feasibility work across these schools has been reviewed by officers in the Children and Young People and Regeneration and Environment Departments and the programme has been put together to deliver a number of projects to meet the programme objectives. The full proposed programme can be found in Appendix A and a summary is included below:

- One new SEN School with the projected creation of an additional 150 places. Indicative budget projected at approximately £20m.
- Ten ARPs (eight Primary Schools, two Secondary Schools) with the projected creation of an additional 168 places. Indicative budget projected at approximately £8.5m
- The expansion of 4 existing Brent Special Schools with the projected creation of an additional 109 places (see table 2 below). Indicative budget projected at approximately £11m.
- Two capital improvement projects at a mainstream primary and a secondary school to improve accessibility for pupils. Indicative budget projected at approximately £0.5m

**Table 2: Planned Special School Expansions**

School	Places
Phoenix Arch School	13
Manor School KS3	36

The Village School KS3 and KS4	20
Woodfield School KS3 and KS4	40
<b>Total Places</b>	<b>109</b>

- 4.6 The Phoenix Arch Community School provides education for primary aged pupils who have ASD as their category of need but cannot function in mainstream school. Phoenix Arch is the only remaining community special school and the smallest of the special schools. There is the potential for creating a double storey extension and therefore doubling the numbers of additional places to 26. Whilst this would offer additional places the outside space available for pupils at Phoenix Arch is severely limited. The governing body and head teacher are not supportive of increasing beyond the proposed 13 places.
- 4.7 For the proposed secondary expansions identified above, the expansion request is based on the needs of the pupils. Most who are in primary special school will require a secondary special school with very few moving into mainstream. Phoenix Arch pupils tend to go towards Cambridge School Hammersmith and Fulham, an ASD special school. Manor School pupils would go to Woodfield for the majority with some going to The Village School. Pupils at the two ASD ARPs, Fryent and Oakington, would tend to be a mix of Woodfield or Preston Manor ARP, with a few progressing into secondary mainstream.
- 4.8 Manor School is a primary ASD school and is part of the Rise Partnership Academy Trust (previously BSAT). The proposal is for the Manor School to expand their designation to Key Stage 3 and 4, providing much needed additional secondary ASD provision. As the site will be located on Newman Catholic College, within an area previously used for temporary accommodation, utilities are already in place indicating that this provision could be available in 2022/23 academic year. The Rise Partnership will submit a proposal for the presumption process. If the expansion is not built within the time period the proposal is that the pupils remain at the Newman Catholic College site and progress into Key Stage 4. As Newman Catholic College will be providing a new ARP, The Rise Partnership will be supporting staff to build their capacity to retain pupils with special educational needs, some key stage 3 and 4 education will be delivered using the Newman Catholic College facilities. The expansion of designation will provide progression for pupils from both Phoenix Arch, Manor Primary provision and from the primary ASD ARPs/mainstream schools where pupils are not able to function well within a secondary environment and require specialist provision.
- 4.9 The expansion of The Village School (TVS) at Kingsbury High School by 20 places will provide secondary pupils with complex learning needs with the opportunity to remain in Brent and at TVS. The current temporary site at Kingsbury High School is not fit for purpose. It lacks sufficient outdoor space and the accommodation is in need of replacement. Therefore this new provision will provide an opportunity to expand. The proposed extension will support more young people in the secondary facility, opening up space in Woodfield School for pupils with complex learning needs.
- 4.10 The expansion at Woodfield is at Key Stage 3 and 4 for pupils with complex learning needs by 40 places. Pupils with combined ASD and complex needs

will still progress from Manor to Woodfield, the additional space will also provide secondary school places for those primary aged pupils with complex needs based in mainstream or ARPs and who have been identified as requiring a secondary special school place.

### Programme Objectives

- 4.11 This programme has a number of objectives as set out in Section 3 and specifically paragraph 3.6.
- 4.12 The programme is estimated to cost £44.19m and will deliver a total of 427 new SEN pupil places. This includes 115 primary places in ARPs and 32 secondary places in ARPs; an expansion of 13 primary places and 96 secondary places in Special Schools and 150 places in a new secondary special school. Two new lifts will be installed at mainstream secondary schools to increase accessibility. A full breakdown of the outputs for each work-stream and projects is included in Appendix A.
- 4.13 By undertaking this programme the Council will meet its statutory duty to ensure that more pupils with EHCPs are offered a suitable local school place. Table 3 sets out the benefits to increasing capacity within Brent schools for these pupils.

**Table 3: Programme Benefits**

<b>Description of Benefit</b>	<b>Financial/ non-financial benefit?</b>	<b>Estimated benefit amount?</b>	<b>When will the benefit be realised?</b>	<b>One-off or recurring?</b>
High Needs Block Savings	Financial	£5.9m	September 2023	Recurring
Additional local SEN Secondary School places available for Brent children and young people in Good and Outstanding schools	Non-financial	96 places per year for 5 years	September 2023 - 2027	Recurring
New local Special school places available for Brent children and young people	Non-financial	150 places	September 2024	Recurring

Description of Benefit	Financial/ non-financial benefit?	Estimated benefit amount?	When will the benefit be realised?	One-off or recurring?
Additional number of Brent children and young people with EHCP being able to be taught in a mainstream school	Non-financial	168 places	September 2024	Recurring
Increased Employment Opportunities in Teaching	Non-financial	100	September 2023	One-off

### Options Appraisal

1. *Do Nothing / continue to rely on children going to out of borough schools*
- 4.14 Based on the current numbers of Brent based pupils already attending out of borough schools, there is already a significant financial impact to the Council. As the number of pupils with an EHCP increases, this will have an increased impact on the High Needs Block of the DSG.
2. *Provide additional places in temporary bulge classes rather than through permanent expansion*
- 4.15 There is little difference in the capital cost of developing temporary accommodation compared to permanent accommodation. Temporary bulge classes are logistically difficult to achieve for SEND schools where a range of specialist accommodation is required to meet pupils' needs. Further, if SEND pupil numbers continue to remain high, the temporary provision will need to be converted to permanent and so the Council would have to complete another programme of expansions and new builds in a few years' time.
3. *Provide SEND places in mainstream primary schools where there is spare capacity*
- 4.16 Although there is spare capacity at some schools in the mainstream primary sector, it is not advised to accommodate secondary sector aged SEND pupils in Primary Schools due to the requirement for additional accommodation for their education. At some of the schools in the ARP work-stream, renovating spare buildings has been considered as part of the feasibility studies. However, due to the constraints of these buildings, they cannot provide an appropriate environment for SEND pupils and so permanent, fit for purpose buildings are proposed.

#### *4. Provide the Secondary SEND School Expansions as a new SEND Secondary School*

- 4.17 An alternative proposal for the expansions at TVS, Manor School and Woodfield School (paragraphs 4.8 – 4.10) would be to provide a purpose built additional secondary school for pupils with complex needs, i.e. go forward with a second free school presumption to meet the current need for 250 special school places. The costs to provide these 100 places would be higher compared to the expansions at each school and the timescales for completion would be longer, therefore not alleviating the pressure on the HNB. Land will also need to be identified and the Council does not have any available land (~10,000m<sup>2</sup>) for a new SEND school. Further, a desktop exercise demonstrates that no Secondary School in Brent has sufficient space to accommodate a SEND School without significantly impacting on existing outdoor space (based on BB103 Area Guidance for Mainstream Schools).
- 4.18 Further, the SEN School proposed for 150 places is not big enough to take a larger school and so options to increase the pupil numbers at this site are not viable.

#### *5. Provide permanent additional school places across the work-streams identified in paragraph 4.5 – This is the recommended option.*

- 4.19 In order to provide permanent Specialist school places the Council reviewed the outcome of the feasibility studies, alongside other factors such as future school provision. The projects proposed in Appendix A are the outcome of that options review.
- 4.20 The recommended option is to create 427 permanent SEN places across ARP, SEN school expansion and a new Secondary Special school as well as increasing accessibility at two schools through the provision of two new lifts. Therefore the proposals meet:
- The urgency of the need to act to create capacity to alleviate the pressure on the High Needs Block in the short term;
  - The targeting of increased provision in key areas where the pressures exist, taking into consideration the age profile and primary special needs of children and young people; and
  - The need to work closely with our schools to promote inclusion and ensure more children and young people can have their needs met in mainstream schools either through specialist units or provision.

#### Alignment with Strategic Objectives

- 4.21 The project aligns with the School Place Planning Strategy 2019-23. The Council has statutory responsibilities in relation to children and young people with SEND, where the Council has to ensure there is suitable provision to meet their needs. Furthermore, the strategy outlines a set of operating principles to be followed with regard to school place planning.
- 4.22 The project also aligns with the Brent Borough Plan 2019-23 outcomes:

1. Every Opportunity to Succeed:
    - Raise the attainment of pupils with special educational needs and disabilities
    - Provide additional specialist places
  2. Strong Foundations:
    - Making every pound count
    - Building services around our residents and their needs
- 4.23 Enabling more children and young people to stay in school in borough means they will also have greater opportunity to participate in and contribute to the Brent community.

**Table 4: High Level Programme Milestones**

Milestone	Start	Finish
Cabinet Approval of Programme Business Case	17 January 2022	17 January 2022
Project Business Cases Approvals	18 January 2022	11 April 2022
Technical Consultancy Procurement	30 November 2021	14 March 2022
Contractor Procurement	22 March 2022	12 September 2022
Statutory Consultation	01 March 2022	27 February 2023
Design Work	01 February 2022	07 August 2023
Planning Applications	12 April 2022	07 August 2023
Construction Works	25 July 2022	07 October 2024
Practical Completion (all works across all work-streams complete)	02 September 2022	07 October 2024
Programme Closure	31 December 2024	24 March 2025

- 4.24 Table 4 shows the indicative dates for the key deliverables across the programme. The start date for each of the milestones is the earliest date this activity starts across the programme and the finish date for each of the milestones is the latest date this activity finishes across the programme. The SEND Capital Programme GANTT chart showing the indicative milestones for the deliverables for each work-stream is provided in Appendix B. Table 5 below indicates when each work-stream will be delivered by. The individual project business cases will detail the project specific delivery dates and there will be projects that complete earlier than others within each work-stream. Some of these milestones have begun prior to business case approval in order to deliver the programme and projects within the required timescales.

**Table 5: Work-stream / Phased Delivery**

Work-stream / Phase	Start	Finish
Capital Projects (lift installations)	30 November 2021	2 September 2022
ARPs	30 November 2021	10 July 2023
Special School Expansions	30 November 2021	30 October 2023
New Special School	04 January 2022	07 October 2024
Programme Closure	31 December 2024	24 March 2025

4.25 The programme is based on following assumptions:

- a. Projects are delivered as work-streams – this timeline shows milestones for the work-streams
- b. The projects within each work-stream have different proposed construction timelines
- c. A two stage Design and Build contract is used through the DfE Contractor Framework for large projects (i.e. new Special school)
- d. Statutory processes for school expansions will be led by the academies in line with the programme provided by the Council.
- e. The Presumption Process to identify a provider for the new Special School will be led by the Council.

4.26 It is recommended that a memorandum of understanding (MoU) and development agreement is entered into with each Academy school identified within the programme prior to commencement of design development. This will set out the roles and responsibilities of each party and enable the council to better manage the project especially in respect of the interpretation of the project brief and potential scope creep.

### Procurement

4.27 The Council will be required to procure the following services, supplies and works contracts as part of the programme

- Technical Consultancy Services (design services, contract administration)
- Works contracts (traditional build contracts, design and build contracts)
- Furniture and ICT equipment supplies
- Specialist surveys (underground services, geotechnical, aboricultural)

4.28 The above will consist of very low value, low value, medium and high value contracts. It is proposed to batch as many commissions as possible to reduce procurement activity during the programme. For example, the technical consultancy services for the ARPs will be procured as one package/tender opportunity.

4.29 For the larger works contracts (i.e. new Special school), it is expected these will be through one of the DfE's construction frameworks. Proposals for tender opportunities will be issued via separate reports requiring approval or as part of the detailed project business cases.

### Risks

4.30 The programme risk register is included in Appendix C. However, the main risks to this programme and its projects are:

1. School withdrawal from the programme
2. Continued impact of Brexit and Covid-19 on the construction industry (resources, materials and deliveries)
3. Increased demand within the construction industry meaning less interest in opportunities (consultants and contractors)
4. Increased demand within the construction industry meaning price increases above inflation leading to unaffordable projects and calls on additional financial contributions
5. Planning approval not being granted for schemes
6. Delay in identifying a provider to run the new Special School

### Assumptions

- 4.31 The following assumptions for this programme have been made:
- The schools can and will recruit sufficient suitable teachers and support staff in time to open the additional places for pupils.
  - The Council (for community schools) or school/Academy Trust for non-Council schools will undertake any statutory consultation to increase size where required
  - The Free School presumption route will deliver a Multi-Academy Trust to run the new Special school
  - Capital funding approval will be forthcoming
  - Planning approval can be achieved for each of the schemes.

### Project Business Case Approach

- 4.32 Business cases will be brought forward for each project in the programme following the Council's Capital Programme Governance processes and approved by the Strategic Director of Regeneration and Environment in consultation with the Strategic Director of Children and Young People and the Director of Finance.
- 4.33 In order to achieve consistency across the programme a standard brief has been utilised for the ARPs, SEND expansions and the new SEND school projects. The standard brief for these projects within the programme (except for the lift installation projects) will include:
- Sufficient additional or modified accommodation to support the agreed number of places based on the current building guidelines BB104 for the following types of areas:
  - General and specialist teaching spaces, WCs, Sensory rooms, therapy rooms, large areas (halls), kitchen facilities, storage and staff accommodation (office and welfare)
  - Demolition and making good of existing buildings and/or external play areas in order to facilitate the above
  - Improvement to the supply and connection to utilities on the school site to enable the expansion/new build
  - Fixed and loose furniture, equipment and ICT for the additional number of pupils
  - Temporary accommodation to enable phasing where it is logistically or financially beneficial to do so in order to provide school places when needed



- Internal adaptation where it is required to create suitable spaces and facilitate expansions in the most practical and economical way e.g. making 3 classrooms at guideline size from 2 extra-large classrooms where one additional classroom was required.
- All new and adapted accommodation will be located with appropriate adjacencies for subject specialisms and year groups as advised by the school
- All new and adapted accommodation will be physically accessible and reasonable adaptations will be made in the existing building where it is logical to do so
- BREEAM Excellent rating for any new buildings (or as otherwise advised by the Local Planning Authority)
- Works to the buildings and site to support the school travel plan for the expanded schools and to facilitate increased use of public transport as appropriate
- Improvement to local public transport infrastructure if required through the planning process.

#### 4.34 The projects will not provide:

- Expansion of post-16 provision and/or mainstream provision
- Any improvement/addition/modification/re-location/demolition of existing buildings or external play areas that do not directly or indirectly facilitate the new build or expansion in line with BB104 requirements. This includes but is not limited to the following:
  - Accommodation for post-16 provision unless changes to post-16 provision facilitates accommodation for years 7-11 and is the most cost effective way to do so
  - Improvements to existing external sports facilities unless required for planning purposes
  - Existing dining and assembly areas
  - Internal sports facilities or other specialist teaching areas
  - Additional staff office or welfare space
  - Storage
  - Circulation space
- Improvement to the condition and/or suitability of the existing buildings, plant and external areas
- Improvement to the accessibility of the existing buildings and external areas except in new areas
- Improvement to adjacencies of subject/faculty areas not affected by the expansion
- Re-location of furniture, ICT and resources within the school

#### 4.35 In managing the programme of projects the Council will provide the following services. Some of the services above will be procured for the purposes of delivering the programme:

- Project management including:
  - Budget and cost management
  - Programme management
  - Stakeholder engagement including with Members
  - Public consultation for all statutory processes (including where the Academy Trust must lead)

- Risk and issue management
  - Procurement activities
  - Contract administration
  - Governance over the projects and programme to enable oversight and direction
  - Legal advice
  - Procurement advice
  - Technical expertise from a full design team
- 4.36 The Council will be responsible for obtaining all necessary approvals to undertake the capital projects including planning approval, Section 77 approval for development on playing fields (where appropriate) from DfE and building control approval.
- 4.37 The Governing Boards for each school have indicated their approval in principle to proceed with their school project, but schools will be required to provide further formal sign off at key stages. This includes agreement to a memorandum of understanding (MoU) and a Development Agreement where school are Academies.

## 5.0 Financial Implications

- 5.1 Table 6 summarises the cost of the SEND Capital Programme.

**Table 6: SEND Capital Programme Costs**

Work-stream	Cost (£m)
ARPs	8.52
Special School Expansions	11.18
New Special School	20.00
Capital Works	0.50
<i>Sub-total</i>	<i>40.19</i>
Programme Contingency	4.00
<b>Total</b>	<b>44.19</b>

- 5.2 The Council will look to utilise Basic Need Capital Grant and the High Needs Capital Grant over other internal resources (including Strategic CIL) to fund the SEND school places in the first instance. At the time of drafting this report, the available, non-committed funding from these two grants was £11.59m plus £35m from the Secondary Expansion Programme following Cabinet's approval to close the programme in November 2021 providing a total of £46.6m.
- 5.3 Costs per place are included in Appendix A. Across the programme, the mean cost per place is £82,530 (excluding contingency). The mean cost per place from the latest National School Delivery Cost Benchmarking Report is £83,413 which is in line with the programme's costs.
- 5.4 Programme contingency is set at a level of 10%. There is further allowance for project contingency within the proposed budget for each project. This is currently set at 10%. These percentages reflect the early stages of the projects as well as current cost uncertainty in the construction industry due to the current impact of resource and material availability.

### Revenue Implications

- 5.5 The costs for out of Borough SEND provision is £14.7m with a forecast of £16.5m which would lead to an additional pressure of £1.8m against the High Needs Block budget in the 2021/22 financial year.
- 5.6 The average cost for Out Of Borough Special Schools is £23k with the cost at the top end being as high as £55k. This is inclusive of additional support cost for a number of children with extra needs. The average cost for children in INMSS is £49k.
- 5.7 The cost avoidance of placing a child in a Brent Special school is £14k compared to Out Of Borough charges. Therefore, at the top end of the scale, if all placements were in Special Schools, this would realise a cost avoidance of approximately £5.9m with £0.9m saved in 2023/24 if places are filled from September 2023.

### **6.0 Legal Implications**

- 6.1 The legal implications associated with the Council's statutory duty to ensure that there are sufficient school places available to meet the needs of the local population are set out in the School Place Planning Strategy 2019-23.
- 6.2 Two Special Schools proposed for expansions, one primary and one secondary school proposed for ARPs and one of the schools proposed for lift installations are self-governing Academies. The Council would need to enter into agreements with each school in order to obtain a licence to build. This development agreement would also recognise the Council's project management role and the school's right to review key stages of the works. It is proposed that the Council also enters into a Memorandum of Understanding to cover the period of collaboration before the construction works begin setting out expectations from both parties in respect of the design and decision making processes.
- 6.3 Schools will be required to follow statutory processes in order to obtain approval to expand from the Regional Schools Commissioner acting on behalf of the Secretary of State for Education and alter admissions arrangements. The progression of the Council's programme will be dependent on this approval being obtained.
- 6.4 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. 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 were asked by the DfE 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 DfE Guidance updated January 2014.

- 6.5 If as a result of refurbishing mainstream accommodation to accommodate any SEND provision, the Published Admission Number of a school will need to be reduced the admission authority for the school will need to undertake consultation. The Council as admission authority for community schools has a duty to undertake this consultation in order to determine admission arrangements, including admission numbers under Part III of the School Standards and Framework Act 1998 and the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012/8.
- 6.6 As detailed within this report, the Council will be responsible for obtaining all necessary approvals to undertake the capital projects including planning approval, approval to development on playing fields (where appropriate) from DfE pursuant to Section 77 of the Schools Standards and Framework Act 1998 and building control approval.
- 6.7 This programme will require the procurement of very low, low, medium and high services and works contracts. All procurement will be conducted in accordance with Contract Standing Orders and Public Contract Regulations (PCR). It is recommended that Cabinet approve the delegation of authorities to procure, approve pre-tender considerations and subsequently award services contracts valued in excess of £2m and works contracts valued in excess of £5m to the Strategic Director of Regeneration and Environment in consultation with the Strategic Director, Children and Young People and the Cabinet Member for Schools, Employment and Skills.

## **7.0 Equality Implications**

- 7.1 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.
- 7.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.3 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.

7.4 There is no prescribed manner in which the Council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. The proposals set out in this report aim to ensure that there are sufficient and suitable school places for all Brent children and that their diverse and special educational needs are met.

7.5 The equality implications associated with the School Place Planning Strategy 2019-23 were set out in the report to Cabinet to approve the same (November 2018). This report considers more specifically the demographics around the demand for SEND school places and the options for meeting that demand.

## **8.0 Consultation with Ward Members and Stakeholders**

8.1 Ward members will be updated on projects within their constituencies as they progress through the delivery stages.

8.2 Schools have been consulted on proposed expansions and new SEND provision to which they have been an integral part in the feasibility processes detailed in section 4.0 above.

## **9.0 Human Resources/Property Implications (if appropriate)**

9.1 The services in this report are proposed to be provided by external providers and there are no direct impacts on Council staff. Schools will need to recruit additional staff in due course as pupil numbers increase.

### Related Documents:

School Place Planning Strategy 2019 – 2023 Refresh, Cabinet 8 November 2021

#### **Report sign off:**

***Alan Lunt***

Strategic Director of Regeneration  
and Environment

***Gail Tolley***

Strategic Director of Children and  
Young People

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## Appendix A – SEND Capital Programme Work-streams

Work-stream	Project	Pupil number	Brief Description of Project	Indicative Practical Completion Date	Budget (£m)	Cost per Place (£)
ARP	Elsley Primary School	10	Refurbishment of former nursery building	December 2022	0.39	38,839
	Carlton Vale Infant School <sup>1</sup>	7	Refurbishment of former nursery space	October 2021	0.05	6,874
	Kilburn Park Junior School <sup>2</sup>	14	Refurbishment of existing classrooms not currently needed	October 2021	0.02	1,047
	Newfield Primary School	10	Refurbishment of former nursery building	December 2022	0.60	60,400
	Wembley Primary School	25	Provision of new build ARP	July 2023	1.20	48,00
	Mount Stewart Schools	21	Demo of modular building and ARP new build	July 2023	1.64	78,238
	Preston Park Primary School	21	Demo of modular building and ARP new build	July 2023	1.25	59,333
	St Margaret Clitherow RC Primary School	7	Demo of caretaker's house and single storey ARP new build	July 2023	0.95	135,714
	Newman Catholic	25	Demo of caretaker's house and two storey ARP new build	July 2023	1.22	48,880

<sup>1</sup> Works completed prior to programme approval using existing accommodation with minimal works

<sup>2</sup> Works completed prior to programme approval using existing accommodation with minimal works

Work-stream	Project	Pupil number	Brief Description of Project	Indicative Practical Completion Date	Budget (£m)	Cost per Place (£)
	College					
	St Gregory's Catholic Science College	28	Part new build, part remodelling of existing school accommodation	December 2022	1.20	42,857
<b>ARP Sub-Total</b>		<b>168</b>			<b>8.52</b>	<b>50,691</b>
<b>SEN Expansion</b>	Phoenix Arch School	13	New build on St Raphs land as well as some internal refurbishment of KS1 area	September 2023	1.23	94,308
	Manor School	36	Provision of modular buildings	September 2022	2.0	55,556
	The Village School	20 <sup>3</sup>	Demo of modular building for 60 pupils and replace with new build for 80 pupils	October 2023	4.00	50,000
	Woodfield School	40	Demo of modular buildings and replace with new build for 40 pupils	October 2023	3.95	98,750
<b>SEN Expansion Sub-Total</b>		<b>169 (109 new places)</b>			<b>11.18</b>	<b>66,130</b>
<b>New SEND School</b>		150	New build school	October 2024	20.00	133,333
<b>New SEND School Sub-Total</b>		<b>150</b>			<b>20.00</b>	<b>133,333</b>
<b>Capital Works</b>	Salisbury Primary School	n/a	Lift Installation	September 2022	0.25	n/a
	St Gregory's Catholic Science College	n/a	Lift Installation	September 2022	0.25	n/a
<b>Capital Works Sub-Total</b>		<b>n/a</b>			<b>0.50</b>	<b>n/a</b>
<b>Total</b>		<b>427</b>			<b>40.19</b>	<b>82,530</b>
Programme Contingency					4.00	

<sup>3</sup> Proposal is to demolish the existing 60 pupil building and replace with a new 80 pupil building



Work-stream	Project	Pupil number	Brief Description of Project	Indicative Practical Completion Date	Budget (£m)	Cost per Place (£)
<b>Programme Total</b>					<b>44.19</b>	<b>90,744</b>

#### Notes

The project at The Village School proposed to demolish the existing 60 pupil building and replace with a new 80 pupil building.

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SEND Capital Programme: Appendix B GANTT Chart. Indicative Milestones																															
ID		Task Mode	Task Name	Duration	Start	Finish	Predecessors	2022								2023								2024							
1			SEND Capital Programme	865 days	Tue 30/11/21	Mon 24/03/25																									
2			Approvals	61 days	Mon 17/01/22	Mon 11/04/22																									
3			Programme Business Case (Cabinet)	1 day	Mon 17/01/22	Mon 17/01/22																									
4			Project Business Cases	12 wks	Tue 18/01/22	Mon 11/04/22	3																								
5			Procurement	205 days	Tue 30/11/21	Mon 12/09/22																									
6			Consultants	75 days	Tue 30/11/21	Mon 14/03/22																									
7			ARP Services	10 wks	Tue 30/11/21	Mon 07/02/22																									
8			SEND Expansion Services	10 wks	Tue 30/11/21	Mon 07/02/22																									
9			SEND School Services	10 wks	Tue 04/01/22	Mon 14/03/22																									
10			Capital Projects Services	6 wks	Tue 30/11/21	Mon 10/01/22																									
11			Contractors	125 days	Tue 22/03/22	Mon 12/09/22																									
12			ARP	12 wks	Tue 21/06/22	Mon 12/09/22	20																								
13			SEND Expansions	12 wks	Tue 22/03/22	Mon 13/06/22	8FS+6 wks																								
14			SEND School	12 wks	Tue 26/04/22	Mon 18/07/22	9FS+6 wks																								
15			Capital Projects	8 wks	Tue 12/04/22	Mon 06/06/22	23																								
16			Statutory Consultation	260 days	Tue 01/03/22	Mon 27/02/23																									
17			SEND Expansions	26 wks	Tue 01/03/22	Mon 29/08/22																									
18			SEND School	52 wks	Tue 01/03/22	Mon 27/02/23																									
19			Design	395 days	Tue 01/02/22	Mon 07/08/23																									
20			ARP	16 wks	Tue 01/03/22	Mon 20/06/22	7FS+3 wks																								
			Task		Project Summary		Manual Task		Start-only		Deadline																				
			Split		Inactive Task		Duration-only		Finish-only		Progress																				
			Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress																				
			Summary		Inactive Summary		Manual Summary		External Milestone																						
Page 1																															



SEND Capital Programme Risk Register

Risk No.	Project / Programme Name	Description	Risk Category	Risk Type	Raised On	Raised By	Impact (1 -5)	Probability (1 - 5)	RAG Status	Proximity	Time to implement mitigating actions	Preventative/ Mitigating Actions	Update to actions	Updated By	Updated Date	Owner	Due Date	Status
R001	SEND Capital Programme	Schools withdraws from programme (may be due to desired accommodation not being provided, disruption to school and potential risk to outcomes, extent of school engagement)	Approvals/Authority to Proceed	Benefits (Efficiency Saving)	05/07/2021	NM	5	2	Amber	2	Close (2-4 months)	1. Ensure early engagement and agreement to scope of works, etc. 2. Enter into legal agreements as soon as possible to ensure school are committed 3. Ensure communication and consultation proposals are initiated to keep all parties updated		NM	05/07/2021	Heads of Service - Regen and C&YP	On-going	Open
R002	SEND Capital Programme	Governing Body does not agree to project following the outcome of consultation	Approvals/Authority to Proceed	Benefits (Efficiency Saving)	05/07/2021	NM	5	2	Amber	2	Approaching (5-12 months)	1. Ensure early engagement with stakeholders and ensure benefits/objectives are clear 2. Ensure robust defence of requirements are made 3. Provide support to GB throughout process to show LBB supports		NM	05/07/2021	School	On-going	Open
R003	SEND Capital Programme	Approval to expand is not granted by RSC/DfE	Approvals/Authority to Proceed	Benefits (Efficiency Saving)	05/07/2021	NM	5	2	Amber	2	Distant (12 months +)	1. Ensure early engagement with RSC/DfE 2. Robust figures and demonstrate support for expansion from stakeholders		NM	05/07/2021	School	TBC	Open
R004	SEND Capital Programme	Members do not support programme. Would crystallise at Cabinet aproval of programme business case	Approvals/Authority to Proceed	Benefits (Efficiency Saving)	05/07/2021	NM	5	2	Amber	2	Approaching (5-12 months)	1. Ensure regular updates on school place planning requirements 2. Ensure robust information is provided showing need and progress made		NM	05/07/2021	Operational Directors - C&YP and R&E	28/02/2022	Open
R005	SEND Capital Programme	Site(s) is/are needed for other Council requirements and cause the project(s) to be stopped or revised after development work has begun.	Approvals/Authority to Proceed	Benefits (Efficiency Saving)	05/07/2021	NM	4	2	Green	2	Approaching (5-12 months)	1. Ensure break clauses are inserted into contracts 2. Ensure contracts only allow for payment of deliverables provided to date 3. Regular liaison with colleagues in Place Planning and Inclusion to understand risk and determine action(s)		NM	05/07/2021	Head of Service - R&E	On-going	Open
R006	SEND Capital Programme	Other Brent schools object to the programme during the consultation period.	Approvals/Authority to Proceed	External	05/07/2021	NM	3	1	Green	2	Approaching (5-12 months)	1. Communicate positively with all schools following Cabinet decision 2. As above when schools begin consultation		NM	05/07/2021	Operational Director - C&YP	TBC	Open
R007	SEND Capital Programme	Poor management of technical advisors leads to delays in project delivery	Programme/Time	Financial	05/07/2021	NM	3	3	Amber	2	Close (2-4 months)	1. Enact lessons learnt from previous commissions 2. Ensure scope of services reflect our requirements and we initiate robust T&Cs to protect Council 3. Incentitise and penalise contractor for good/poor performance, respectively		NM	05/07/2021	Head of Service - R&E	On-going	Open
R008	SEND Capital Programme	Planning conditions are onerous and difficult to agree meaning project takes longer to gain approval than planned (see below re. costs)	Programme/Time	Financial	05/07/2021	NM	3	4	Amber	2	Distant (12 months +)	1. Early engagement with stakeholders to identify potential risks 2. Work with Planning Consultant and other specialists to ensure proposals are in line with Planning Policies, etc. 3. Use of project/programme contingency to help unlock issues 4. Have clear policies for Contractors on what should be included in spec (based on knowledge of Brent policy position).		NM	05/07/2021	Head of Service - R&E	31/10/2022	Open
R009	SEND Capital Programme	Local residents and consultees do not support the projects meaning delay in project delivery - could manifest in school consultation and/or planning approval processes	Programme/Time	External	05/07/2021	NM	3	3	Amber	2	Approaching (5-12 months)	1. Early engagement with stakeholders to identify potential risks 2. Work with Planning Consultant and other specialists to ensure proposals are in line with Planning Policies, etc. 3. Lessons learnt from previous expansion projects 4. Establish and maintain communications plan.		NM	05/07/2021	Head of Service - C&YP and R&E	TBC	Open
R010	SEND Capital Programme	Building Control and/or planning do not approve works causing a delay and/or additional cost	Programme/Time	Internal	05/07/2021	NM	4	2	Green	2	Distant (12 months +)	Early engagement with Building Control and Planning to gain information on what is acceptable design / specification and what is not.		NM	05/07/2021	Head of Service - R&E	31/10/2022	Open

SEND Capital Programme Risk Register

Risk No.	Project / Programme Name	Description	Risk Category	Risk Type	Raised On	Raised By	Impact (1 -5)	Probability (1 - 5)	RAG Status	Proximity	Time to implement mitigating actions	Preventative/ Mitigating Actions	Update to actions	Updated By	Updated Date	Owner	Due Date	Status
R011	SEND Capital Programme	Lack of interest from contractors through procurement resulting in increased cost and/or delay to programme. Could result in delay to delivery of school places.	Procurement	External	05/07/2021	NM	4	2	Green	2	Approaching (5-12 months)	1. Early engagement with market to ensure interest 2. Use of pipeline process to identify early 3. Line up back-up frameworks to move quickly if no interest 4. Obtain approval to waive CSOs to allow direct award or small tender process if frameworks are unsuccessful 5. Complete programmes to look at scenarios.		NM	05/07/2021	Senior Capital Program Officer	03/06/2022	Open
R012	SEND Capital Programme	DfE framework and associated use of DfE specification documents etc does not give the level of quality LBB requires.	Procurement	Internal	05/07/2021	NM	2	3	Green	2	Approaching (5-12 months)	1. Develop LBB policy on derogations/abnormals to confirm and agree what is funded over and above DfE standard and why and show that in the project brief that goes to tender.		NM	05/07/2021	Head of Service - R&E	03/06/2022	Open
R013	SEND Capital Programme	Stakeholders not experienced in DfE framework requirements incurring delays and additional costs	Procurement	Internal	05/07/2021	NM	3	3	Amber	2	Approaching (5-12 months)	1. Full understanding of requirements of all stakeholders 2. Training and advice from DfE on how to operate the framework 3. Legal agreements in place to ensure sign up to timings		NM	05/07/2021	Head of Service - R&E	On-going	Open
R014	SEND Capital Programme	Planning conditions are onerous and require additional cost to be added to the project in order to proceed	Cost	Financial	05/07/2021	NM	3	4	Amber	2	Distant (12 months +)	1. Early engagement with stakeholders to identify potential risks 2. Work with Planning Consultant and other specialists to ensure proposals are in line with Planning Policies, etc. 3. Use of project/programme contingency to help unlock issues		NM	05/07/2021	Head of Service - R&E	31/10/2022	Open
R015	SEND Capital Programme	School(s) wants to change proposals/design during development causing impacts on time, quality and cost	Cost	Internal	05/07/2021	NM	4	2	Green	2	Approaching (5-12 months)	1. Ensure early engagement and agreement to scope of works, etc. 2. Enter into legal agreements as soon as possible to define roles and responsibilities 3. Ensure schools are fully aware of implications of decisions 4. Ensure communication and consultation proposals are initiated to keep all parties updated		NM	05/07/2021	Head of Service - R&E	31/01/2022	Open
R016	SEND Capital Programme	Reduction in available grant and/or inability to secure additional capital funding needed to deliver the programme.	Cost	Financial	05/07/2021	NM	4	1	Green	2	Approaching (5-12 months)	1. Coherent and open reports showing progress and need for project		NM	05/07/2021	Head of Service - R&E	09/01/2023	Open
R017	SEND Capital Programme	Quotes/tenders from contractors are over budget for works	Cost	Financial	05/07/2021	NM	4	3	Amber	2	Approaching (5-12 months)	1. Ensure designs/specs and methodologies are financially analysed before issuing to market. 2. Liaise with market early to gauge projected costs 3. Identify potential value engineering options as a backup if needed 4. Use of DfE framework to ensure costs are in line with expectations within market		NM	05/07/2021	Head of Service - R&E	03/06/2022	Open


SEND Capital Programme Risk Register

Risk No.	Project / Programme Name	Description	Risk Category	Risk Type	Raised On	Raised By	Impact (1 -5)	Probability (1 - 5)	RAG Status	Proximity	Time to implement mitigating actions	Preventative/ Mitigating Actions	Update to actions	Updated By	Updated Date	Owner	Due Date	Status
R018	SEND Capital Programme	Not all required works are identified in feasibility report meaning costs increase	Cost	Financial	05/07/2021	NM	4	3	Amber	2	Distant (12 months +)	1. Thorough approach to feasibility study to ensure all areas are captured 2. All surveys are completed and to a suitable standard to allow for full costs to be captured 3. Assign project and programme contingency to cover should it be required 4. Appoint Arcadis to undertake a completion exercise on existing feasibility work to clarify accommodation issues on IPS early.		NM	05/07/2021	Head of Service - R&E	09/01/2023	Open
R019	SEND Capital Programme	Loss of school days due to new accommodation not being ready in time	School Operations	Internal	05/07/2021	NM	5	2	Amber	2	Distant (12 months +)	1. Early planning of works to identify potential risk timings 2. Temporary accommodation included in contract with contractor 3. Robust contract administration to ensure contractor delivers on time 4. Adequate and realistic programming of project tasks to manage expectations 5. Early warning notices discussed at monthly meetings in order to implement above if necessary		NM	05/07/2021	Head of Service - R&E	09/01/2023	Open
R020	SEND Capital Programme	Schools are unable to maintain or improve their Ofsted grading and/or outcomes for students during the period of the project as a result of the impact of the project preparation and works on site.	School Operations	Benefits (Efficiency Saving)	05/07/2021	NM	4	1	Green	2	Approaching (5-12 months)	1. School Effectiveness team engages with schools to ensure standards are maintained/enhanced 2. Specific support during expansion project		NM	05/07/2021	Head of Service - R&E	On-going	Open
R021	SEND Capital Programme	Poor quality workmanship from contractor during works	Construction	Internal	05/07/2021	NM	2	2	Green	2	Distant (12 months +)	1. Robust contract administration to manage contractors 2. Ensure contractors are provided with relevant surveys 3. Open communication channels with all parties so that issues can be resolved promptly 4. Regular meetings on site (H&S, finance, programme, quality)		NM	05/07/2021	Head of Service - R&E	11/06/2024	Open
R022	SEND Capital Programme	Loss of key programme personnel	Personnel	Internal	05/07/2021	NM	3	3	Amber	2	Close (2-4 months)	1. Understand personnel requirements. 2. Ensure service area recruitment is underway 3. Shadowing and other learning and development opportunities open. 4. Ensure appropriate handover documentation in place/good record keeping throughout life of programme.		NM	05/07/2021	Operational Directors - Regen and C&YP	On-going	Open
R023	SEND Capital Programme	Local residents and consultees do not support projects resulting in increased officer, school and consultant time required to deliver projects due to increased communications, reporting, response to queries and complaints.	Personnel	People	05/07/2021	NM	2	3	Green	2	Approaching (5-12 months)	1. Early engagement with stakeholders to identify potential risks 2. Work with Planning Consultant and other specialists to ensure proposals are in line with Planning Policies, etc. 3. Lessons learnt from previous expansion projects		NM	05/07/2021	Head of Service - R&E	31/10/2022	Open
R024	SEND Capital Programme	Change in headteacher and/or significant change in Governing Board and/or change in school representatives on project group causing delay in decision making and/or change in direction which could influence cost, programme and quality	Personnel	People	05/07/2021	NM	3	2	Green	2	Approaching (5-12 months)	1. Ensure legal agreements cover the roles and responsibilities of the organisation not the individuals		NM	05/07/2021	Head of Service - R&E	On-going	Open

SEND Capital Programme Risk Register

Risk No.	Project / Programme Name	Description	Risk Category	Risk Type	Raised On	Raised By	Impact (1 -5)	Probability (1 - 5)	RAG Status	Proximity	Time to implement mitigating actions	Preventative/ Mitigating Actions	Update to actions	Updated By	Updated Date	Owner	Due Date	Status
R025	SEND Capital Programme	School organisation - LBB needs to provide accommodation prior to building works completing but school is prepared/able to take on in current facilities	School Operations	External	05/07/2021	NM	3	3	Amber	2	Distant (12 months +)	1. LBB to continually assess requirements for school places in all year groups and to keep schools informed. 2. Should it be anticipated that places in upper year groups will be needed when accommodation is built, LBB to ensure schools are supported in preparing for this larger than expected increase.		NM	05/07/2021	Head of Forward Planning, Performance and Partnerships	01/04/2023	Open
R026	SEND Capital Programme	Unidentified contaminants in construction area meaning additional cost to remove and programme delays	Construction	Internal	05/07/2021	NM	2	2	Green	2	Distant (12 months +)	1. Robust contract administration to manage contractors 2. Ensure contractors are provided with relevant surveys 3. Open communication channels with all parties so that issues can be resolved promptly 4. Regular meetings on site (H&S, finance, programme, quality)		NM	05/07/2021	Head of Service - R&E	29/08/2023	Open
R027	SEND Capital Programme	Number of tender bids is reduced due to high demand across construction industry	Procurement	Benefits (Efficiency Saving)	05/07/2021	NM	3	1	Green	2	Approaching (5-12 months)	1. Ensure open ITTs are used as much as possible to allow a larger proportion of market to view tenders 2. Warm up bidders to ensure they allocate resource to bid 3. Allow for longer tender periods		NM	05/07/2021	Head of Service - R&E	03/06/2022	Open
R028	SEND Capital Programme	Delays to delivery of project due to Coronavirus / Brexit	Construction	Internal	05/07/2021	NM	3	1	Green	2	Approaching (5-12 months)	1. Ensure contracts are awarded as early as possible to ensure resources are allocated 2. review construction programme to focus on most critical items/areas of work 3. Work with schools to allow for access during term time		NM	05/07/2021	Head of Service - R&E	11/06/2024	Open
R029	SEND Capital Programme	Disruption to effective education school provides as project becomes a distraction for senior leaders	School Operations	Benefits (Efficiency Saving)	05/07/2021	NM	3	3	Amber	2	Approaching (5-12 months)	1. Stable middle and senior leadership team, looking to add capacity to support expansion 2. IPS to dedicate additional leadership capacity to focus on expansion work		NM	05/07/2021	School	On-going	Open
R030	SEND Capital Programme	Lack of effective project management from Brent Council	Programme/Time	Internal	05/07/2021	NM	4	2	Green	2	Approaching (5-12 months)	1. Schools working with Inclusion to ensure our requirements are met. 2. Consultants, Brent and schools meeting regularly - assistance from consultants for school documents, etc. 3. DfE support and expertise via consultants		NM	05/07/2021	Head of Service - R&E	On-going	Open
R031																		
R032																		
R033																		
R034																		



	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director of Children and Young People</b>
<b>Brent Council's School Admission Arrangements for 2023/24</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Three: Appendix 1: List of Primary Community Schools in Brent Appendix 2: Proposed Admissions Arrangements 2023/24 Appendix 3: Scheme of Coordination for 2023/24
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Tel: 020 8937 4713 Email: <a href="mailto:Brian.grady@brent.gov.uk">Brian.grady@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1** This report seeks Cabinet's agreement to the proposed admission arrangements and schemes of co-ordination for Brent community schools for the 2023/24 academic year in accordance with statutory requirements. Admission authorities are required to determine their admission arrangements by 28 February in the determination year.

## 2.0 Recommendations

That Cabinet:

- 2.1** Agrees the proposed admission arrangements for Brent community schools and the scheme of co-ordination for maintained schools in Brent for the 2023/2024 academic year (Appendix 2 and 3).

### **3.0 Detail**

- 3.1 This report relates to the admission arrangements and oversubscription criteria of Brent community primary schools only. Brent Council is the admission authority for 30 community primary schools in the Borough (Appendix 1). Voluntary Aided (VA) and foundation schools and academies are their own admission authority and determine their own admission arrangements and oversubscription criteria.
- 3.2 The School Admissions Code issued under Section 84 of the School Standards and Framework Act is the legal framework for school admissions matters. The Admissions Code requires that admission authorities have a mechanism to rank applications in order of priority. All schools and admission authorities must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements for Brent community schools are determined by the Council as the admission authority.
- 3.3 There are no proposed changes to the admissions arrangements for community schools for 2023/24 (Appendix 2).
- 3.4 The Schemes of Co-ordination (Appendix 3) are based on a standard template provided to all London local authorities by the London Grid for Learning. The Schemes have been updated with relevant dates for the 2023/24 offer year. These are required to be published by 31 December 2021 and will be included with the Admission Arrangements, once they are determined.

### **4.0 Financial Implications**

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

### **5.0 Legal Implications**

- 5.1 Admission authorities must act in accordance with the mandatory requirements of the School Admissions Code 2021 and have due regard to the discretionary elements of the Code. They must also act in accordance with other laws relating to admissions and relevant human rights and equalities legislation
- 5.2 Oversubscription criteria must be reasonable, clear, objective and comply with all relevant legislation, including equalities legislation. Highest priority in the oversubscription criteria must be given to looked after children and previously looked after children/children adopted from state care abroad (Regulation 7, Admission Arrangements Regulations 2012). Subject to these requirements it is for the admission authority to decide which criteria would be suitable according to the local circumstances.
- 5.3 The local authority must determine admission arrangements for 2023/24 by 28 February 2022.

### **6.0 Equality Implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good

relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. 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.

- 6.2 The Admissions Criteria ensure fair access to school places. Cabinet is referred to the contents of this report for further information, in particular section 3.0 and the Appendices.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 This report affects all wards.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 There are no human resources or property implications.

### **Report sign off:**

**Gail Tolley**


Strategic Director Children & Young  
People

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**Appendix 1 – List of Primary Community Schools in Brent**

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

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	<b>ADMISSION ARRANGEMENTS FOR BRENT COMMUNITY SCHOOLS FOR 2023/2024 (AND SCHEMES OF CO-ORDINATION)</b>
	<b>To be determined by Cabinet</b>

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**Brent Community Primary School Published Admission Numbers and Grid Reference Measuring Points for Admission in 2023/2024**

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



## **Oversubscription Criteria for Brent Community Schools in 2023/2024**

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

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

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

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

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

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

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

### **1. Looked After Children or Previously Looked After Children (including Internationally Adopted Previously Looked After Children)**

A looked after child or a previously looked after child, including those children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted.

- A 'looked after child' (LAC) is a child who is in the care of a local authority, or being provided with accommodation by a local authority in the exercise of their social services functions at the time of making an application to a school.
- A 'previously looked after child' (PLAC) is a child who was looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or a special guardianship order).
- An 'internationally adopted previously looked after child' (IAPLAC) is a child who appears to Brent Council to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.

### **2. Linked infant school**

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

- This criterion only applies to Year 3 applications to Mount Stewart Junior School (for children attending Mount Stewart Infant School) and Roe Green Junior School (for children attending Roe Green Infant School).

### **3. Medical or Social needs**

Exceptional circumstances to do with significant medical needs and or social needs which necessitate a child's placement at one particular school.

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

- *Medical Needs*

Applications made on the child's medical grounds must be accompanied by compelling medical evidence from a GP/hospital consultant at the time of application. The letter from the GP/hospital consultant must provide information about the child's medical condition, the effects of this condition and why, in view of this, the child needs to attend the parent's preferred school.

If the school is not the closest to home, the consultant must set out in detail the wholly exceptional circumstances for attending this school and the difficulties that may exist if the child had to attend another school. Medical claims will only be considered for one school and this should be named by the GP/hospital consultant. In assessing these applications, advice will be sought from relevant professionals as required.

- *Social Needs*

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

### **4. Siblings in catchment area**

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

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

### **5. Children of staff**

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

## **6. In catchment area**

Children living within the school's catchment area.

## **7. Siblings outside catchment area**

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

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

## **8. All other applicants.**

### **'Tie-break' Distance Measurement**

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

Where two or more children, sharing the same priority, live equidistant from a community school and only one place remains, the local authority will use a computerised random allocation to determine which child should be given priority.

### **Catchment Area**

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

### **Home Address**

The address used must be the child's permanent home address on the closing date for on-time applications or at the time of application for late or in-year applications.

This cannot be a business address, childminder's or relative's address, or any address other than child's permanent home address. Only in circumstances where the relative or carer has legal guardianship, and is the main carer, will a different address be considered as the main residence. Evidence will be requested to support this arrangement.

Proof of address is not required to be sent with an application. The council tax reference number should be supplied on the application if the applicant is responsible for paying it. Brent Council will check internal council databases in order to verify the address. Where it is not possible to verify the address or the applicant has recently moved, the Council will write to the applicant to ask for two proofs of address.

Any offer of a place on the basis of address is conditional upon the child living at the appropriate address on the relevant date. Applicants have a responsibility to notify the local authority of any change of address.

Any applications received containing fraudulent or misleading information, or any offers made based on fraudulent or misleading information may be withdrawn where other applicants have been disadvantaged.

### **Twins, Triplets and other children of multiple births**

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

In the event that one child from a multiple birth has an Education, Health and Care Plan which names a particular community school, all other children from the same multiple birth will be considered under the fourth criteria for the same school – medical or social needs – unless a higher criteria should be applied.

### **Split residence**

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

If it is not possible to determine which residential address should be used through a joint declaration, then the address of the parent who is in receipt of child benefit will be used for the purpose of the application. In cases where parents are not eligible for child benefit the address will be that of the parent where the child is registered with the doctor. In cases that still cannot be determined, or are open to dispute by parents/carers, an admission panel will determine how to proceed with the application in accordance with these arrangements, the Admissions Code and any other relevant legislation or guidance. This will not impact on parents'/carers' right to appeal against any decision not to offer a preference school.

### **Multiple applications**

Only one application can be processed for each child. In the event that the local authority receives more than one application for the same child, whether from the same parent/carer or not, the most recently received application will be processed. This includes applications that have been submitted online and by post.

Parents/carers are responsible for ensuring that only one application is received. If multiple applications are received and it is not possible to obtain a joint declaration from both parents /carers (or those with parental responsibility) regarding which schools should be included as preferences, an admission panel will determine how to proceed with the application in accordance with these arrangements, the Admissions Code and any other relevant legislation or guidance. This will not impact on parents'/carers' right to appeal against any decision not to offer a preference school.

## **Applications from overseas**

Applications with an overseas address will not be accepted for processing by the local authority unless there is evidence of a link to an address in the area and evidence that a child will be living in the area on or before the date of admission.

Where an application is accepted, the address used on the application will be the overseas address until such time as there is evidence of the child's return to the linked address prior to the closing date (or the date for accepting applications as late for good reason). Such evidence received after the closing dates will be considered on the application after National Offer Day.

The local authority is only responsible for making offers for children currently living in the area. If it is not possible to make a preference offer prior to a child's arrival on the relevant offer days, an alternative offer will not be made.

Applications will not be accepted from overseas addresses for in-year applications with the exception of applications for Children of UK Service Personnel (UK Armed Forces) and Crown Servants.

## **Children of UK Service Personnel (UK Armed Forces) and Crown Servants**

Families of service personnel with a confirmed posting to the area, or crown servants returning from overseas to live in the area, can apply to the local authority in advance of their arrival provided the application is accompanied by an official letter that declares a relocation date and a Unit postal address or quartering area address.

The address used on the application will be the postal address or quartering area address provided.

Offers will be made in advance of a child's arrival for in-year applications and on the relevant offer date for normal round applications.

## **How places will be allocated at Brent community schools for September 2023 in Reception (Primary and Infant schools) and Year 3 (Junior Schools)**

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

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

## **Equal preferences**

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

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

Application forms will be available from September 2022 and the closing date for applications will be 15 January 2023. Offer letters and e-mails will be sent out on 17 April 2023.

### **Deferred Entry**

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

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

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

### **Applications for children outside the normal age group**

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

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

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

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

## **Late Applications and changes after the closing date**

Application forms must be received by Brent Council by the closing date of 15 January 2023.

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

Applicants who consider they have exceptional circumstances that prevented them from applying between applications opening in September 2022 and the closing date of 15 January 2023 should provide independent written evidence explaining why the application was late no later than 5pm on Thursday 9 February 2023.

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

## **Changes of Address after the closing date**

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

Evidence must be received by 5pm on Thursday 9 February 2023 for the new address to be used when processing the application and calculating home to school distances. Any change of address evidenced after 5pm on Thursday 9 February 2023 will not be included until after National Offer Day 17 April 2023.

## **Waiting Lists**

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

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

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

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

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

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

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

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

## **Appeals**

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

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

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

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

## **Admission to community school nurseries**

The timeline and oversubscription criteria for a place in a nursery class in a community school are the same as for a Reception place. The council does not co-ordinate applications for nursery places. Applications for a nursery place in a community school must be made directly to the school by 15 January 2023. Offers will be made on 17 April 2023 by the school. If the nursery is oversubscribed the Community Schools Oversubscription Criteria will be applied.

## **In-Year Applications**

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

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

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

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



## **PAN-LONDON CO-ORDINATED ADMISSION SYSTEM**

### **Brent LA Schemes for Co-ordination of Admissions to Year 7/Year 10 and Reception/Junior in Maintained Schools and Academies in 2023/24**

#### Contents

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## PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

### Brent LA Schemes for Co-ordination of Admissions to Year 7/Year 10 and Reception/Junior in 2023/24

#### Definitions used in the template schemes

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

“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed
“the Mandatory Elements”	those elements of the Template Scheme to which authorities <b>must</b> subscribe in order to be considered as ‘Participating Authorities’ and to benefit from use of the Pan-London Register
“the Notification Letter”	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2
“the Prescribed Day”	the day on which outcome letters are posted to parents/carers. 1 March (secondary) and 16 April (primary) in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
“the Pan-London Register (PLR)”	the database which will sort and transmit application and outcome data between the LAS of each participating LA
“the Pan-London Timetable”	the framework for processing of application and outcome data, which is attached as Schedule 3
“the Participating LA”	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Brent LA Scheme presented here.
“the Qualifying Scheme”	the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating arrangements for the admission of children to maintained primary and secondary schools and academies.

## PAN LONDON CO-ORDINATED ADMISSIONS SYSTEM

### Scheme for Co-ordination of Admissions to Year 7/Year 10 in 2023/24

#### Applications

1. Brent LA will advise home LAs of their resident pupils on the roll of Brent LA's maintained primary schools and academies who are eligible to transfer to secondary school in the forthcoming academic year.
2. Applications from residents of Brent LA will be made on Brent LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Brent LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Brent LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
3. Brent LA will take all reasonable steps to ensure that every parent/carer who is resident in Brent LA and has a child in their last year of primary education within a maintained school or academy, either in Brent LA or any other maintaining LA, is informed how they can access Brent LA's composite prospectus and apply online. Parents/carers who do not live in Brent LA will have access to Brent LA's composite prospectus, which will advise parents/carers to contact their home LA if they are unable to apply online.
4. The admission authorities within Brent LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within Brent LA, the LA will seek to ensure that these are used to collect information required by the published oversubscription criteria only, in accordance with paragraph 2.4 of the School Admissions Code 2021.
5. Where supplementary information forms are used by admission authorities in Brent LA, they will be available on Brent LA's website. Such forms will advise parents that they must also complete their home LA's Common Application Form. Brent LA's composite prospectus and website will indicate which schools in Brent LA require supplementary forms to be completed and where they can be obtained.
6. Where an admission authority in Brent LA receives a supplementary information form, Brent LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.

7. Applicants will be able to express a preference for six maintained secondary schools or Academies within and/or outside the Home LA.
8. The order of preference given on the Common Application Form will not be revealed to a school within the area of Brent LA. This is to comply with paragraph 1.9 of the School Admissions Code 2021 which states that admission authorities must not give extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements. However, where a parent resident in Brent LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
9. Brent LA undertakes to carry out the address verification process as set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against Brent LA's primary school data and the further investigation of any discrepancy. Where Brent LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **12 December 2022**.
10. Brent LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **14 November 2022**.
11. Brent LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of Brent LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **14 November 2022**.

### Processing

12. Applicants resident within Brent LA must return the Common Application Form, which will be available and able to be submitted on-line, to Brent LA by **31 October 2022**.
13. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Brent LA's scheme, will be up-loaded to the PLR by **14 November 2022**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
14. Brent LA will notify each school within its area, which is its own admissions authority, of all applications for their school. All relevant details from the Common Application Form and any supporting evidence will be forwarded to these schools by **12 December 2022**. Own admission authority schools within Brent LA's area will apply their admissions criteria and return

applicants ranked in order of priority in accordance with their admissions criteria by **12 January 2023**.

15. Brent LA will accept late applications only if they are late for a good reason, deciding each case on its own merits.
16. Where such applications contain preferences for schools in other LAs, Brent LA will forward the details to maintaining LAs via the PLR as they are received. Brent LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
17. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **12 December 2022**.
18. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **9 December 2022**, on the basis that an on-time application already exists within the Pan-London system.
19. Brent LA will participate in the application data checking exercise scheduled between **13 December 2022 and 3 January 2023** in the Pan-London timetable in Schedule 3A.
20. All preferences for schools within Brent LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraph 1.9 of the School Admissions Code 2021. When the admission authorities within Brent LA have provided a list of applicants in criteria order to Brent LA, Brent LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. [This is the 'Equal Preference System'.]
21. Brent LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in Brent LA's area before uploading data to the PLR.
22. Brent LA will upload the highest potential offer available to an applicant for a maintained school or academy in Brent LA to the PLR by **31 January 2023**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
23. The LAS of Brent LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **13 February 2023** if this is sooner.

24. Brent LA will not make an additional offer between the end of the iterative process and **1 March 2023** which may impact on an offer being made by another participating LA.
25. Notwithstanding paragraph 24, if an error is identified within the allocation of places at a maintained school or academy in Brent LA, Brent LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Brent LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Brent LA will accept that the applicant(s) affected might receive a multiple offer.
26. Brent LA will participate in the offer data checking exercise scheduled between **14 and 21 February 2023** in the Pan-London timetable in Schedule 3A.
27. Brent LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **22 February 2023**.

## Offers

28. Brent LA will ensure that, if there are places available, each resident applicant who cannot be offered a preference expressed on the Common Application Form receives the offer of an alternative school place in accordance with paragraph 2.11 of the School Admissions Code 2021. [The LA should state here how it will determine the school to be offered].
29. Brent LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
30. Brent LA's outcome letter will include the information set out in Schedule 2.
31. On **1 March 2023**, Brent LA will send notification of the outcome to resident applicants by email or first class post.
32. Brent LA will provide primary schools with destination data of its resident applicants by the end of the summer term **2023**.

## Post Offer

33. Brent LA will request that resident applicants accept or decline the offer of a place by **15 March 2023**, or within two weeks of the date of any subsequent offer.
34. Where an applicant resident in Brent LA accepts or declines a place in a school within the area of another LA by **15 March 2023**, Brent LA will forward the information to the maintaining LA by **22 March 2023**. Where such information is received from applicants after **15 March 2023**, Brent LA will pass it to the maintaining LA as it is received.
35. Where a place becomes available in an oversubscribed maintained school or academy in Brent LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
36. When acting as a maintaining LA, Brent LA will place an applicant resident in the area of another LA on a waiting list of any higher preference school in Brent LA's area. (Where this process is not automatic, it will be done immediately following a request from the home LA).
37. Where a waiting list is maintained by an admission authority of a maintained school or academy in Brent LA's area, the admission authority will inform Brent LA of a potential offer, in order that the offer may be made by the home LA.
38. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of an offer for a maintained school or Academy in Brent LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
39. When acting as a maintaining LA, Brent LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
40. When acting as a home LA, Brent LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
41. When acting as a home LA, when Brent LA is informed by a maintaining LA of an offer which can be made to an applicant resident in Brent LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
42. When acting as a home LA, when Brent LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 40 and 41 shall apply to the revised order of preferences.



43. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
44. When acting as a maintaining LA, Brent LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
45. Brent LA, when acting as a maintaining LA, will maintain waiting lists and allocate places, as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
46. Brent LA, when acting as a home LA, will carry out the initial offer of places which become available after National Offer Day by the week ending **24 March 2023**.
47. Brent LA, when acting as a home LA, after preferences expressed in accordance with paragraph 7 above have been determined, will allow applicants to express additional preferences before the start of the school term. The order of preferences expressed will supersede any existing preferences without an offer.

## PAN- LONDON CO-ORDINATED ADMISSIONS SYSTEM

### Brent LA Scheme for Co-ordination of Admissions to Reception/Junior in 2023/24

#### Applications

1. Applications from residents of Brent LA will be made on Brent LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Brent LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Brent LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
2. Brent LA will take all reasonable steps to ensure that every parent/carers who is resident in Brent LA and has a child in a nursery class within a maintained school or academy, either in Brent LA or any other maintaining LA, is informed how they can access Brent LA's composite prospectus and apply online. Parents/carers who do not live in Brent LA will have access to Brent LA's composite prospectus, which will advise parents/carers to contact their home LA if they are unable to apply online.
3. The admission authorities within Brent LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within Brent LA, the LA will seek to ensure that these are used to collect information which is required by the published oversubscription criteria only, in accordance with paragraph 2.4 of the School Admissions Code 2021.
4. Where supplementary information forms are used by admission authorities in Brent LA, they will be available on Brent LA's website. Such forms will advise parents that they must also complete their home LA's Common Application Form. Brent LA's composite prospectus and website will indicate which schools in Brent LA require supplementary forms to be completed and where they can be obtained.
5. Where a school in Brent LA receives a supplementary information form, Brent LA will not consider it to be a valid application unless the parent/carers has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.
6. Applicants will be able to express a preference for up to six maintained primary schools or academies within and/or outside the Home LA.
7. The order of preference given on the Common Application Form will not be revealed to a school within the area of Brent LA to comply with paragraph 1.9 of the School Admissions Code 2021. However, where a parent resident in

Brent LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.

8. Brent LA undertakes to carry out the address verification process set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against Brent LA's maintained nursery and primary school data and the further investigation of any discrepancy. Where Brent LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **10 February 2023**.
9. Brent LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **3 February 2023**.
10. Brent LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of Brent LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **3 February 2023**.

### Processing

11. Applicants resident within Brent LA must return the Common Application Form, which will be available and able to be submitted online, to Brent LA by **15 January 2023**.
12. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Brent LA's scheme, will be up-loaded to the PLR by **3 February 2023**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
13. Brent LA will notify each school within its area, which is its own admissions authority, of all applications for their school. All relevant details from the Common Application Form and any supporting evidence will be forwarded to these schools by **10 February 2023**. Own admission authority schools within Brent LA's area will apply their admissions criteria and return applicants ranked in order of priority in accordance with their admissions criteria by **24 February 2023**.
14. Brent LA will accept late applications only if they are late for a good reason, deciding each case on its own merits.
15. Where such applications contain preferences for schools in other LAs, Brent LA will forward the details to maintaining LAs via the PLR as they are received.

Brent LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.

16. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **10 February 2023**.
17. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **9 February 2023**, on the basis that an on-time application already exists within the Pan-London system.
18. Brent LA will participate in the application data checking exercise scheduled between **13 and 17 February 2023** in the Pan-London timetable in Schedule 3B.
19. All preferences for schools within Brent LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraph 1.9 of the School Admissions Code 2021. When the admission authorities within Brent LA have provided a list of applicants in criteria order to Brent LA, Brent LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. [This is the 'Equal Preference System'.]
20. Brent LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in Brent LA's area before uploading data to the PLR.
21. Brent LA will upload the highest potential offer available to an applicant for a maintained school or academy in Brent LA to the PLR by **16 March 2023**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
22. The LAS of Brent LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **24 March 2023** if this is sooner.
23. Brent LA will not make an additional offer between the end of the iterative process and the **17 April 2023** which may impact on an offer being made by another participating LA.
24. Notwithstanding paragraph 23, if an error is identified within the allocation of places at a maintained school or academy in Brent LA, Brent LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Brent LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might

occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Brent LA will accept that the applicant(s) affected might receive a multiple offer.

25. Brent LA will participate in the offer data checking exercise scheduled between **27 March and 6 April 2023** in the Pan-London timetable in Schedule 3B.
26. Brent LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **12 April 2023**.

### Offers

27. Brent LA will ensure that, if there are places available, each resident applicant who cannot be offered a preference expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.12 of the Schools Admissions Code 2021. [The LA should state here how it will determine the school to be offered].
28. Brent LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
29. Brent LA's outcome letter will include the information set out in Schedule 2.
30. Brent LA will, on **17 April 2023**, send notification of the outcome to resident applicants by email or first class post.
31. Brent LA will provide nursery and primary schools with destination data of its resident applicants by the end of the Summer term **2023**.

### Post Offer

32. Brent LA will request that resident applicants accept or decline the offer of a place by **2 May 2023**, or within two weeks of the date of any subsequent offer.
33. Where an applicant resident in Brent LA accepts or declines a place in a school maintained by another LA by **2 May 2023**, Brent LA will forward the information to the maintaining LA by **9 May 2023**. Where such information is received from applicants after **2 May 2023**, Brent LA will pass it to the maintaining LA as it is received.
34. Where a place becomes available in an oversubscribed maintained school or academy in Brent LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
35. When acting as a maintaining LA, Brent LA will place an applicant resident in the area of another LA on a waiting list of any higher preference school. Where this is not done automatically, it will be done immediately following a request from the home LA.

36. Where a waiting list is maintained by an admission authority of a maintained school or academy in Brent LA's area, the admission authority will inform Brent LA of a potential offer, in order that the offer may be made by the home LA.
37. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of an offer for a maintained school or Academy in Brent LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
38. When acting as a maintaining LA, Brent LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
39. When acting as a home LA, Brent LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
40. When acting as a home LA, when Brent LA is informed by a maintaining LA of an offer which can be made to an applicant resident in Brent LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
41. When acting as a home LA, when Brent LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 39 and 40 shall apply to the revised order of preferences.
42. When acting as a maintaining LA, Brent LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
43. When acting as a maintaining LA, Brent LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
44. Brent LA, when acting as a maintaining LA, will maintain waiting lists and allocate places, as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
45. Brent LA, when acting as a home LA, will carry out the initial offer of places which become available after National Offer Day by the week ending **12 May 2023**.
46. Brent LA, when acting as a home LA, after preferences expressed in accordance with paragraph 7 above have been determined, will allow applicants to express additional preferences before the start of the school term. The order of preferences expressed will supersede any existing preferences without an offer.

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME  
SCHEDULE 1**

**Minimum Content of Common Application Form for Admissions to  
Year 7/Year 10 and Reception/Junior in 2023/24**

**Child's details:**

Surname  
Forename(s)  
Middle name(s)  
Date of Birth  
Gender  
Home address  
Name of current school  
Address of current school (if outside home LA)

**Parent's details:**

Title  
Surname  
Forename  
Address (if different to child's address)  
Telephone Number (Home, Daytime, Mobile)  
Email address  
Relationship to child

**Preference details (x 6 recommended):**

Name of school  
Address of school  
Preference ranking  
Local authority in which the school is based

**Additional information:**

Reasons for Preferences (including any medical or social reasons)  
Does the child have an Education, Health and Care Plan Y/N\*  
Is the child a 'Child Looked After (CLA)'? Y/N  
Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order' or 'Special Guardianship Order'? Y/N  
If yes, name of responsible local authority  
Surname of sibling  
Forename of sibling  
DOB of sibling  
Gender of sibling  
Name of school sibling attends

**Other:**

Signature of parent or guardian  
Date of signature

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

**SCHEDULE 2****Template Outcome Letter for Admissions to Year 7/Year 10 and Reception/Junior in 2023/24**

From: Home LA

Date: **1 March 2023 (sec)**  
**17 April 2023 (prim)**

Dear Parent/Carer,

Application for a Secondary / Primary School

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

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

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

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

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

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

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

[You can also request that your child's name is placed on the waiting list for a school which was a higher preference on your application form than the school you have been offered. Please use the enclosed reply slip and return it to this office]. OR

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

(One of the above bracketed paragraphs should be used depending on whether the LA automatically places children on a waiting list for higher preference schools).

*Please return the reply slip to me by **15 March 2023 (sec)** / **2 May 2023 (prim)**. If you have any questions about this letter, please contact me on \_\_\_\_\_.*

Yours sincerely



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

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME  
SCHEDULE 3A**


**Timetable for Admissions to Year 7/Year 10 in 2023/24**

<b>Date &amp; working days</b>	<b>Process</b>	<b>Paragraph</b>
<b>Mon 31 Oct 2022</b> <i>10 days</i>	Statutory deadline for receipt of applications	<b>12</b>
<b>Mon 14 Nov 2022</b> <i>20 days</i>	Deadline for the transfer of application information by the Home LA to the PLR (ADT file).	<b>10, 11, 13</b>
<b>Mon 12 Dec 2022</b>	Deadline for the upload of late applications to the PLR.	<b>9, 17</b>
<b>Tues 14 Dec 2022 – Tues 3 Jan 2023</b>	Checking of application data	<b>19</b>
<b>Wed 4 Jan 2023</b> <i>19 days</i>	Ranking applications	<b>19, 20, 21</b>
<b>Tues 31 Jan 2023</b> <b>9</b> <i>days</i>	Deadline for the transfer of potential offer information from Maintaining LAs to the PLR (ALT file)	<b>22</b>
<b>Mon 13 Feb 2023</b>	Final ALT file to PLR	<b>23</b>
<b>Tues 14 – Tues 21 Feb 2023</b> <i>1 day</i>	Checking of offer data	<b>26</b>
<b>Wed 22 Feb 2023</b> <i>4 days</i>	Deadline for on-line ALT file to portal	<b>27</b>
<b>Wed 1 Mar 2023</b> <i>10 days</i>	Offer letters posted.	<b>24, 31</b>
<b>Wed 15 Mar 2023</b> <i>5 days</i>	Deadline for return of acceptances	<b>33, 34</b>
<b>Wed 22 Mar 2023</b>	Deadline for transfer of acceptances to maintaining LAs	<b>34</b>

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME  
SCHEDULE 3B**

**Timetable for Admissions to Reception/Junior in 2023/24**

<b>Date &amp; working days</b>	<b>Process</b>	<b>Paragraph</b>
<b>Sun 15 Jan 2023</b> <i>15 days</i>	Statutory deadline for receipt of applications	<b>11</b>
<b>Fri 3 Feb 2023</b> <i>5 days</i>	Deadline for the transfer of application information by the Home LA to the PLR (ADT file)	<b>9, 10, 12</b>
<b>Fri 10 Feb 2023</b>	Deadline for the upload of late applications to the PLR.	<b>8, 16</b>
<b>Mon 13 –Fri 17 Feb 2023</b>	Checking of application data	<b>18</b>
<b>Mon 20 Feb 2023</b> <i>18 days</i>	Ranking applications	<b>19, 20,</b>
<b>Thurs 16 Mar 2023</b> <i>6 days</i>	Deadline for the transfer of potential offer information from the Maintaining LAs to the PLR (ALT file).	<b>21</b>
<b>Fri 24 Mar 2023</b>	Final ALT file to PLR	<b>22</b>
<b>Mon 27 Mar -Thurs 6 Apr 2023</b> <i>2 days</i>	Checking of offer data Checking of offer data ends	<b>25</b>
<b>Wed 12 Apr 2023</b> <i>3 days</i>	Deadline for on-line ALT file to portal	<b>26</b>
<b>Mon 17 April 2023</b> <i>10 days</i>	Offer letters posted.	<b>23, 30</b>
<b>Tues 2 May 2023</b> <i>5 days</i>	Deadline for receipt of acceptances	<b>32, 33</b>
<b>Tues 9 May 2023</b>	Deadline for transfer of acceptances to maintaining LAs	<b>33</b>

	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director  Regeneration and Environment</b>
<b>Brent Active Travel: Healthy Neighbourhoods and School Streets</b>	

<b>Wards Affected:</b>	All wards except; Alperton, Barnhill, Northwick Park, Welsh Harp
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Three Appendix A: Brent Healthy Neighbourhoods Assessment Appendix B: School Streets Assessment Appendix C: Equalities Impact Assessment
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Sandor Fazekas Project Development Manager Tel: 020 8937 5113 Email: <a href="mailto:Sandor.Fazekas@brent.gov.uk">Sandor.Fazekas@brent.gov.uk</a>  Debbie Huckle Team Leader- Road Safety and Travel Planning Tel: 020 8937 5570 Email: <a href="mailto:Debbie.Huckle@brent.gov.uk">Debbie.Huckle@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report provides an overview of the Brent Active Travel programme. It provides an assessment of the Brent Healthy Neighbourhoods and School Streets schemes, considering: the performance of the trials, the response to consultation and community engagement.
- 1.2 It recommends changes to existing schemes and changes to practices for delivering future schemes to enable the Council to deliver the wider council ambitions related to public health, social justice, air quality, climate change, road safety and place making.

## **2.0 Recommendation(s)**

### **2.1 That Cabinet:**

- (a) Notes the outcome of the scheme assessments and approves the officer recommendations in section 4.0 and appendix A of this report.
- (b) Authorises the Strategic Director for Regeneration and Environment:
  - (i) to progress Statutory Notifications and consider responses to the Statutory Notifications before making experimental and permanent traffic orders regarding the Healthy Neighbourhoods and School Streets schemes that are referred to in this report;
  - (ii) to make any necessary Traffic Management Orders involving experimental and permanent traffic orders regarding existing and forthcoming Healthy Neighbourhoods and School Streets schemes that are referred to in this report;
  - (iii) to revoke and implement changes to existing Healthy Neighbourhoods and School Streets schemes that are referred to in this report.
- (c) Notes that a further report will be presented to Cabinet to agree the future approach to developing and delivering Healthy Neighbourhood and School Streets schemes.
- (d) Notes that a further policy report will be presented to Cabinet for approval relating to the use of CCTV enforcement cameras and exemptions.
- (e) Notes that development and implementation of future schemes will depend upon future funding being made available for that purpose.

## **3.0 Background**

- 3.1 In May 2020, the Government published statutory guidance for the response to the COVID-19 pandemic. This included the reallocation of road space to enable safe social distancing and encourage people to walk and cycle. It was also requested that measures were introduced as quickly as possible.
- 3.2 Shortly after the statutory guidance, Transport for London (TfL) published the London Streetspace Plan (LSP), which aimed to rapidly transform London's streets to accommodate an increase in walking and cycling in the capital. With London's public transport capacity running at a fifth of pre-crisis levels, millions of journeys a day would need to be made by other means. If people switched only a fraction of these journeys to cars then London risked grinding to a halt with negative impacts on air quality and road safety. To discourage this from happening, TfL aimed to rapidly repurpose London's streets to serve this unprecedented demand for walking and cycling and funding was focussed on temporary cycle routes, low traffic neighbourhoods and town centre measures. Government and TfL guidance required low cost interventions with fast delivery methods for schemes, rather than permanent measures.

- 3.3 In response to the pandemic, the Council published the Draft Brent Covid-19 Transport Recovery Plan ([link](#)). This set out our approach for the delivery of rapid improvements to the transport system in the borough, in response to the challenges raised by the COVID-19 pandemic and to support a more sustainable future. It also identified priority areas in the borough for active travel interventions according to a range of socio-economic and environmental factors.
- 3.4 An ambitious programme was developed which, included: temporary footway widening at 13 locations in busy town centres, a temporary cycle route along the Harrow Road between Wembley Triangle and the A406 North Circular Road, 30 new School Streets and 10 Healthy (Low Traffic) Neighbourhoods.
- 3.5 The Healthy Neighbourhood schemes aim to change the way in which people travel by reducing motor traffic on residential streets, creating safer, quieter, cleaner, healthier and more pleasant neighbourhoods that encourage walking and cycling. The benefits of these schemes are well researched and documented and the Government ([link](#)) and TfL ([link](#)) continue to support measures that encourage active travel.
- 3.6 Furthermore;
- Air pollution shortens the lives of Londoners, leading to nearly 10,000 premature deaths each year. In Brent, it is currently estimated that air pollution directly causes 200 deaths per year (Public Health England, 2016) in Brent and that it is a contributing factor to many more conditions.
  - Information provided by TfL (2016/17–2018/19 average) show that 50% of households in Brent do not own a car and there would be a 60% increase in private car travel if car owners switched their public transport trips.
  - Around 1.6 million, or 22%, of all car trips made by London residents every day are under 2km and could therefore be walked (2.7 million more could be cycled).
  - Almost 55% of Brent's adult population are overweight, 34% of whom are classified as obese with a chronic lack of physical activity. By 2050 levels of obesity are projected to reach 50% of the adult population in Brent. Similarly, the most recent figures show that over 28% of Brent children in reception are overweight, 14% of whom are classified as obese
  - Reducing car journeys reduces the potential of injuries from road traffic collisions.
- 3.7 Healthy Neighbourhood schemes were designed with strategically placed road restrictions or modal filters, which prevent through traffic but allow access, although the route may be slightly longer. The main principle is that while every resident will still be able to drive on their street, receive deliveries etc. the scheme prevents through traffic and encourages residents to choose to walk or cycle, particularly for short trips. The Brent schemes were designed to use planters and removable bollards with emergency access padlocks.
- 3.8 A school street (pedestrian and cycle zone) is a timed road closure that prevents parents from driving in the zone during school drop off and pick up times. Barriers and/or cones are placed across the road and signs displaying the times of operation are installed. Some exemptions apply which include residents living within the zone, blue badge holders, emergency services and deliveries. They offer the following positive benefits;

- Provide a safer, quieter and more pleasant environment outside of schools, with a significantly lower risk of traffic accidents, ensuring the safety and comfort of children arriving at and leaving school.
- Increased space for social distancing, reducing the risk of COVID-19 transmission among staff, and parents.
- Encouragement of active travel as a way of getting to and from school, helping to promote healthier lifestyles, reduce childhood obesity and promoting sustainable travel.
- Reduced air pollution through a reduction of through traffic, school traffic, engine idling and a shift towards more sustainable transport modes.
- An increased awareness of the benefits of active travel and air quality on health and wellbeing.

3.9 The Active Travel programme provides the following benefits to meet the Councils Strategic objectives;

- Increased uptake of sustainable transport modes, particularly cycling and walking, but also public transport and car clubs
- Reduced conventional vehicular trips on the network, particularly at peak times
- Reduced Killed and Seriously Injured (KSI) incidents and slight accidents on Brent's roads
- Reduce the exposure of Brent residents to Particulate Matter (PM) and Nitrogen Dioxide (NO<sub>2</sub>) generated by the transport network

3.10 The Active Travel programme supports the following Council Strategies;

- Borough Plan 2021-2022
- Brent Long Term Transport Strategy 2015-2035 (to be revised 2022)
- Brent's Third Local Implementation Plan 2019-2041
- Brent Climate & Ecological Emergency Strategy 2021-2030
- Air Quality Action Plan 2017-2022 (to be revised in 2022)

### **Healthy Neighbourhoods Programme**

3.11 Table 1 below identifies the schemes within the Healthy Neighbourhood programme and their current status.

**Table 1 – Healthy Neighbourhood Schemes**

Healthy Neighbourhood Scheme	Status
PM14 (Stonebridge and Harlesden Area)	*Implemented
PM29 (Preston Area)	*Implemented
PM36 (Tokyngton and Wembley Central Area)	**Implemented
PM25 (Olive Road Area)	*Implemented
PM26 (Dollis Hill Area)	*Implemented
PM16 (Roundwood Park Area)	Planned
PM32 (South of Princes Avenue Area)	Planned
PM20 (Kilburn Area)	Planned
PM19 (Brondesbury and Queens park Area)	Planned
PM15 (Harley Road Area)	Planned

\*Lockable bollards removed from some restrictions following concerns raised by local Brent London Ambulance Service representatives.

\*\* Restrictions removed to improve access to the Covid-19 testing centre on London Road.

- 3.12 Five schemes were implemented by September 2020 using experimental Traffic Orders, which have a maximum duration of 18 months. Consultation has been ongoing during the trial period with residents and businesses able to leave their comments on the Council's consultation portal. We also enhanced the information available on the Council's website and introduced a Commonplace interactive webpage, to make it easier for residents to provide us with their views on where they would like to see further improvements to support active travel. During the trials, the performance of the schemes has been monitored and arrangements made for periodic traffic surveys and for the collation of air quality data, for an independent evaluation which would also consider collision accident and bus journey time data.
- 3.13 Healthy Neighbourhood schemes have proven to be controversial and representations were considered at an Extraordinary Meeting of Full Council on 16th October 2020, details of which are available on our website ([link](#)). Representations were received from residents from the Kilburn and Brondesbury and Queens Park areas following initial consultation with statutory stakeholders, (including the emergency services), for an Experimental Traffic Order, before notices were sent to residents in the area. The Council also received high numbers of objections and several petitions opposing the trial schemes.
- 3.14 At the Extraordinary Meeting of the Full Council in October 2020, it was recognised that these schemes can provide benefits in relation to climate change, air quality, health and that many of the concerns raised were in relation to the engagement and consultation process, which was as a result of the way in which central government had sought to introduce active trials.
- 3.15 Following the meeting of Full Council in October 2020, the decision was made to focus on community engagement prior to deciding on the implementation of the remaining five schemes. It should be noted for the Brondesbury and Queens Park and Kilburn areas, the major junction improvement works by Westminster City Council at Ladbroke Grove and Harrow Road may also have resulted in congestion in the area.
- 3.16 In the autumn of 2020 the numbers of Covid-19 cases in the United Kingdom significantly increased, resulting in further Government restrictions between November 2020 and March 2021. The London Ambulance Service (LAS) received a record number (approximately 8,000) emergency calls on 26<sup>th</sup> December 2020.
- 3.17 In addition to statutory consultation with the emergency services, officers have continued to meet regularly with local Brent London Ambulance Service (LAS) representatives to discuss the schemes. The locations of the modal filters were recorded on the one.network system, as requested by TfL, however the LAS were concerned about the high numbers of emergency calls and the impact of the programme on access for emergency purposes. In January 2021, arrangements were made to remove lockable bollards to ease access. Restrictions were also removed to improve access to the Covid-19 testing centre on London Road, Wembley.

## Consultation on the Healthy Neighbourhoods trial schemes

- 3.18 Because of the urgency required in dealing with the Covid-19 pandemic, the Government and TfL asked Councils to introduce transport improvements as soon as possible. These five schemes were therefore implemented as trials using Experimental Traffic Orders with a duration of 18 months. It was intended that public consultation be undertaken during the experimental period, rather than beforehand. Residents and businesses in the area received notification letters prior to implementation and were encouraged to provide us with their comments.
- 3.19 The intention was to review the effectiveness of the five trial schemes and feedback from the consultation during the trial following 6 months of implementation. However, given the change in priorities and the need to make changes to remove the lockable bollards, the consultation period for the trials were extended to more accurately assess the impact of the trial schemes.
- 3.20 Schemes implemented using Experimental Traffic Management Orders were the subject of statutory consultation and responses were received from the emergency services:

London Fire Brigade - support for the scheme objectives but pointed out that schemes may effect response times

Metropolitan Police – some concerns with access, Safer Neighbourhood Teams provided with keys for lockable bollards.

London Ambulance Service - support for scheme objectives and use of CCTV cameras, but raised concerns with response times. Requested discussions with local LAS Managers. They reviewed schemes and requested CCTV cameras are used at the following locations:

- Nicoll Road, NW10
- Ashford Road, NW2
- Mordaunt Road, NW10
- Grasmere Avenue, HA9
- Mora Road, NW2
- Gladstone Park Gardens, NW2

- 3.21 Meetings were also held with TfL buses who agreed the schemes, subject to some improvements to bus lanes for some areas and these were incorporated into the schemes.
- 3.22 The London Taxi Drivers Association requested that consideration is given to allowing taxis, as these form part of London's public transport service, taxis are often used by people with disabilities as they more easily accessible and are suitable for carrying wheelchairs.
- 3.23 The Brent Cycling Campaign generally supported the introduction of measures to remove traffic from residential streets to make them safer and more pleasant for cycling and walking.



## Healthy Neighbourhoods Community engagement

- 3.24 Living Streets, a national walking charity who provide expert advice and consultancy services and have experience in supporting Local Authorities, were commissioned to engage inclusively with local people. The aim was to determine the reasons why current schemes may not be supported, and to provide advice on measures that could be introduced that would provide benefits and be supported by the community.
- 3.25 As part of the community engagement exercise, community meetings, walkabouts and surveys were arranged to discuss the schemes with local people, and help shape plans to improve that area by reducing traffic and congestion, making it safer and easier to walk and cycle, improve air quality and make streets quieter and generally more pleasant.
- 3.26 The community engagement exercise commenced in July 2021 and was completed at the beginning of October 2021. There has been a very high level of interest and additional community meetings were arranged for some areas, which delayed completion and the drafting of the reports.
- 3.27 Officers discussed the feasibility of ideas and suggestions with Living Streets to identify potential improvements to the schemes that would realise the benefits locally, and would be more likely to be supported by the community.

## School Streets Programme

- 3.28 Table 2 below identifies the schemes within the emergency School Streets Programme;

Table 2 – School Streets Schemes

Scheme Code	School(s)	Road(s)	Introduced
SZ19	Ark Franklin	Kempe Road NW6	Sept 2020
SZ81	Brentfield Primary	Meadow Garth NW10	Sept 2020
SZ10	Christchurch CE	Clarence Road NW6	Sept 2020
SZ16	CJM Infant	Park Avenue NW2	Sept 2020
SZ3	Elsley Primary	Tokington Avenue & Berkhamsted Avenue HA9	Sept 2020
SZ4	John Keble C of E, Maple Walk & St Claudines	Crownhill Road NW10	Sept 2020
SZ23	Kingsbury Green	Old Kenton Lane NW9	Sept 2020
SZ22	Kingsbury High	Bacon Lane NW9	Sept 2020
SZ51	Leopold Primary	Hawkeshead Road NW10	Sept 2020
SZ20	Malorees and QPCS	Christchurch and Aylestone NW6 NW6	Sept 2020
SZ27	Mora Primary	Mora Road NW2	Sept 2020
SZ24	Mount Stewart Inf&Jnrs	Mount Stewart Ave HA3	Sept 2020
SZ17	Northview Primary	Northview Crescent NW10	Sept 2020
SZ27	Oakington Primary	Oakington Manor Drive HA9	Nov 2020

SZ12	Our Lady Of Grace Infants	Dollis Hill Avenue NW2	Sept 2020
SZ63	Preston Manor	Holycroft Avenue HA9	Nov 2020
SZ6	Preston Park Primary	College Road HA9	Sept 2020
SZ18	Princess Frederica	Purves Road NW10	Sept 2020
SZ14	St Joseph's Infants and Juniors	Waverly Avenue and Chatsworth Avenue HA9	Sept 2020
SZ5, SZ52	St Joseph's RC Primary	Goodson & Brownlow Road, Northcote Road NW10	Sept 2020 Extended to Northcote Road Nov 2020
SZ15	St Mary Magdalen's	Linacre Road NW2	Sept 2020
SZ8	St Mary's CE Primary	Garnet Road NW10	Sept 2020
SZ23	St Robert Southwell	Slough Lane NW9	Nov 2020
SZ11	Stonebridge and Our Lady of Lourdes	Wesley Road NW10	Sept 2020
SZ26	Sudbury Primary	Perrin Road HA0	Nov 2020
SZ25	Uxendon Manor and Claremont High	Greenway and Falcon Way HA3	Sept 2020

- 3.29 All schools were assessed against our criteria to establish their suitability for a school street, which included social distancing support, road safety issues and exposure to poor air quality. The eligible schools were contacted to see if they would consider participating in the programme and have the resources to manage this. As a result, 30 emergency school streets were implemented outside 33 schools.
- 3.30 Twenty-six emergency school streets schemes were implemented by September 2020 and a further four were introduced in November 2020, using 28 Experimental Traffic Orders with a duration of 18 months.

### **Consultation on trial School Streets schemes**

- 3.31 These schemes were implemented using Experimental Traffic Orders with consultation ongoing during the trial period. Residents and businesses were able to leave their comments on the Councils consultation portal. In addition, residents living within the zone were sent letters outlining the changes, informing them of exemptions and encouraging them to respond to the consultation.
- 3.32 The intention was to review the effectiveness of the thirty trial schemes and feedback from the consultation after the first 6 months of implementation. However, due to the second lockdown and the closure of schools the consultation period for the trial period was extended to July 2021 to provide sufficient time for everyone to experience the impact of the individual School Streets and provide feedback.
- 3.33 A separate consultation was distributed to schools for them to circulate to parents and carers to ask for their views on the schemes.
- 3.34 The following responses were received during the statutory consultation:

Metropolitan Police – commented that all personnel operating the cones/barriers should be trained to do so and wear high visibility clothing. This was provided by the Council.

London Taxi Drivers Association – requested an exemption to the school street schemes as they often transport children with special needs to school and some residents that have mobility issues.

- 3.35 In addition to the consultation responses a petition was submitted requesting the removal of the school street outside Preston Park Primary school in College Road HA9. The petition contained 76 signatures and the main reasons for objections were in relation to the operation of the scheme, lack of engagement and access for residents and visitors. A detailed response was sent to lead petitioner addressing all the issues raised, the information provided was satisfactory and no further representations were made.

## **4.0 Assessment Results**

### **Healthy Neighbourhoods**

- 4.1 Project Centre Ltd, a specialist transport consultant were commissioned to report on the outcome of the consultation and the impact of the schemes, in relation to traffic data, the impact on bus journey times, air quality and road safety. Monitoring review were provided each of the five trial schemes, these can be viewed on the Councils Website ([link](#))
- 4.2 Living Streets have also provided engagement reports for the five trial schemes, again these can be viewed on the council website ([link](#)).
- 4.3 Officers have considered both the monitoring review reports and recommendations from the community engagement. Appendix A: Brent Healthy Neighbourhoods Assessment, provides a summary and officer comments and recommendations for each scheme.
- 4.4 Officers have also made the following recommendations and observations:
- The outcome of the consultation during the trial period indicates that none of the five Healthy Neighbourhood trial schemes were supported by the majority of local residents. From the responses from the community from within the Healthy Neighbourhood areas, between 70 and 91% of respondents opposed the current schemes.
  - Generally, public opinion is polarised and officers have and continue to receive a high number of enquiries, particularly during the public engagement exercise and mainly from those that oppose the schemes.
  - There is a misconception of a lack of consultation, this is a result of the way in which the Government sought to introduce active trials and limited TfL funding to deliver schemes at pace.
  - There is also a lack of public understanding on the benefits of these schemes and the need to encourage active travel to improve air quality, health and wellbeing and respond to the climate and ecological emergency. The council will need to do more work on this.

- The effectiveness of these schemes have been negatively impacted by changes in circumstances with the spread of coronavirus and the need to remove physical measures so not to impede access to test and vaccination centres, and responses by the emergency services. The local London Ambulance Service raised specific concerns in relation to access and recommended the use of restrictions enforced by CCTV enforcement cameras so that they can gain access when needed. The effectiveness of the schemes was adversely affected by lockable bollards and plastic barriers being removed by unknown parties, and the lack of CCTV enforcement cameras.
- The community engagement exercise carried out by Living Streets provides some useful feedback on measures that may be successfully introduced in the future that would provide benefits to the area and potentially be supported by the community.
- Collaborative design with the community would help to engender public support for future measures, and these will need to be effective in preventing through traffic and trialled for a longer period, potentially 12 months. This would provide sufficient time for residents to experience the benefits and also for establishing the effect of the scheme in terms of monitoring changes to travel behaviour, traffic and congestion and the effects road safety and air quality.
- Officers have made recommendations for each of the five healthy Neighbourhood trial schemes in Appendix A. These are that; the Olive Road, Dollis Hill, Preston Road and Tokyngton and Wembley area schemes are removed, and the Stonebridge and Harlesden area scheme remains, with the exception of the restriction at Mordaunt Road, which will be removed.
- Officers will prepare a report for consideration by the Council's Cabinet on the future approach to developing and delivering Healthy Neighbourhood schemes and a policy on the use of CCTV enforcement cameras and exemptions.
- The development and implementation of future schemes will depend on future funding being made available for that purpose.

### **School Streets**

- 4.5 MP Smarter Travel consultancy (MPS) were appointed to undertake the review as they have experience delivering this type of work and have previously worked with Brent schools on the Breathe Clean air quality project.
- 4.6 MP Smarter Travel have provided School Street Review reports for each of the 30 schools where school streets have been trialled on 32 streets.
- 4.7 Appendix B: School Streets Assessment provides the recommendations. The 26 reports are available on the Council website ([link](#)).
- 4.8 The following factors were considered in these reports:
  - Public consultation - feedback received via online portal

- Parent and guardian consultation - feedback via online form sent to participating schools.
- Air quality data - NO2 levels gathered using diffusion tubes for 12 months. For reference, these have been plotted with modelled data from 2016 and recordings by MP Smarter Travel during Brent Council's 2019 Breathe Clean project. Ideally, data would be collected for at least a year before and after the implementation of the scheme. This would allow changes to be more reliably attributed to the School Streets. However, for this set of implementations, this was not possible.
- School interviews - with a representative from each school, carried out by MP Smarter Travel.
- Travel mode data - collected through hands-up surveys in schools as part of the borough's school travel plans, compared against data from previous years.
- Site observations - carried out by Brent Officers while at the School Streets during drop off or pick up time.

4.9 Table 3 below considered the main comments from the consultation and provides a response.

Comments Received	Officers response
Access for deliveries, private hire vehicles and welfare visits	These will be considered within the CCTV report that covers the introduction of cameras into the active travel programme and associated exemptions
Parking problems and idling engines	This is a common problem outside all schools and we can arrange for additional visits from Civil Enforcement Officers (CEO's) to issue penalty charge notices if required. We can support the schools to send out regular messages to parents about parking and idling engines. We shall encourage schools to sign up to the #engines off campaign, a London wide scheme to deter drivers from idling.
Traffic displacement and congestion in surrounding roads	Where this has been identified we can consider expanding the schemes which will help to disperse the traffic to a wider area and may result in more parents choosing to walk or cycle to school as they are having to park further away. Waiting and loading restrictions can also be introduced where obstructive parking is reported.
Implementation and lack of enforcement	This is due to school resources and many schools no longer have the capacity to manage the schemes on a daily basis. The introduction of ANPR cameras will help to resolve this problem.
Improved safety	This was one of the aims of the school street programme, road safety issues was a key criteria when selecting schools to participate in the programme.

Reduced air pollution and congestion.	Having a calmer more pleasant environment outside the school helps with the promotion of active travel and encouraging pupils to walk or cycle to school.
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4.10 Officers have considered these reports and agree with MP Smarter Travel recommendations to make 26 of the school streets permanent, as identified in Appendix B.

4.11 Also, that the following schemes should not be made permanent as the schools did not implement that schemes:

- Malorees, Christchurch Avenue NW6
- QPCS, Aylestone Avenue NW6
- St Mary Magdalen's, Linacre Road NW2

Further discussions will be held with these schools and consideration given to introducing school streets as part of a future programme.

In addition, the Preston Manor scheme should also be removed, as the school no longer uses the Holycroft Avenue HA9 access. This was a temporary measure to support social distancing.

4.12 Officers acknowledge that there were more responses in opposition to the schemes outside Our Lady of Grace Infants School in Dollis Hill Avenue NW2 and St Robert Southwell in Slough Lane NW9, but recommend that these schemes are made permanent and that further work is carried out to address the issues identified from the public consultation, as identified below:

- Dollis Hill Avenue –investigate further the affect this is having on other local roads and identify potential solutions to minimise any adverse impact. Continue to work with the school to promote their school travel plan and encourage active travel, considering park and stride, and drop off points.
- Slough Lane – Consider additional parking restrictions and the potential to extend the scheme to the Kingsbury Road junction as this would also help mitigate the conflict issues with the school street in Old Kenton Lane outside Kingsbury Green. Work with the school to encourage parents to park considerately and not leave their engines idling. Arrangements will be made for more frequent visits with the Parking Enforcement team and the use of a CCTV enforcement camera will be considered. The results of the pupil travel survey highlights that there is an increase in active travel, which as a result, has reduced the number of cars being used for school journeys.

4.13 Officers will prepare a report for consideration by the Council's Cabinet on the future approach to expanding School Streets and a policy on the prioritisation and use of CCTV enforcement cameras and exemptions.

4.14 Future schemes should be developed in collaboration with the community and be subject to consultation and reviewed after 12 months of operation.

## **5.0 Financial Implications**

- 5.1 The Brent Healthy Neighbourhood and School Street schemes were fully funded by Transport for London (TfL) under the London Streetspace Plan for 2020/21, with additional funding made available for 2021/22. There is approximately £130,000 remaining from these budgets for this financial year.
- 5.2 The cost of making 26 School Streets schemes permanent will require changes to the Traffic Management orders, which is expected to cost in the region of £10,000 and can be funded from existing TfL budgets.
- 5.3 The cost of removing a restriction in the Stonebridge and Harlesden Healthy Neighbourhood scheme and removing four Healthy Neighbourhood schemes is estimated to be in the region of £20,000. TfL funding cannot be used for the removal of active travel schemes without their approval. The cost of suspending or removing these schemes can be met from existing Council budgets.
- 5.4 The cost of further changes to School Streets or Healthy Neighbourhood schemes are currently unknown, and design, consultation and implementation will be dependent on future funding available.
- 5.5 TfL remain in severe financial difficulty with significantly reduces numbers of passengers using public transport. The latest funding settlement from the Government will expire on 4<sup>th</sup> February 2022. Funding that will be available from TfL for the last quarter of 2021/22 and for next financial year, remain unknown at this time.

## **6.0 Legal Implications**

- 6.1 The Greater London Authority Act 1999 (“the GLA Act”) requires that in exercising any function, London local authorities must have regard to the Mayor’s Transport Strategy which sets out the transport policy framework for London.
- 6.2 The requirements regarding publication and consultation in the making of Traffic Management Orders are set out in the Road Traffic Regulation Act 1984.
- 6.3 These Healthy Neighbourhoods and School Streets schemes have been implemented to date using Experimental Traffic Orders under section 9 of the Road Traffic Regulation Act 1984. Experimental Traffic Orders can only be in force for up to but no longer than 18 months, after which they will expire and the local authority can decide whether to make a permanent traffic order while the Experimental Traffic Order is in force.
- 6.4 The Council has powers to revoke the Experimental Traffic Orders, remove measures once the traffic management order expires, or make permanent Traffic Orders in consideration of the outcome of the trial during the period of the Experimental Traffic Order pursuant to sections 6, 7, 9 and 10 of the Road Traffic Regulation Act 1984. Paragraph 27 of Schedule 9 of the Road Traffic Regulation Act 1984 enables local authorities to revoke Experimental Traffic Orders.
- 6.5 Experimental Traffic Orders and/or permanent Traffic Orders are required for future changes, such as for expanding restrictions or making changes to exemptions for school streets or introducing new restrictions for Healthy Neighbourhoods. As stated

above, even where modifications are made, an experimental traffic order cannot last longer than 18 months.

- 6.6 Section 122 of the Road Traffic Regulation Act 1984 imposes a general duty on local authorities when exercising functions under that 1984 Act. It provides, insofar as is material, as follows:

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

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

*(a) the desirability of securing and maintaining reasonable access to premises;*

*(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*

*(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*

*(c) the importance of facilitating the passage of public service vehicles;*

*(d) any other matters appearing to the local authority to be relevant"*

## **7.0 Equality Implications**

- 7.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 7.2 The results from the public consultation carried out by the Council have been considered in the Healthy Neighbourhood and School streets monitoring reports. These can be viewed on the Council's Website ([link](#)).
- 7.3 Appendix C is an Equalities Impact Assessment for the Healthy Neighbourhood and School Streets schemes.
- 7.4 The Equalities analysis considers the wider benefits of the Healthy Neighbourhoods and School streets schemes provide to the community and the potential impact on groups with protected characteristics.
- 7.5 Healthy Neighbourhood schemes have been designed so that residents can always gain access, albeit taking a circuitous route, School Streets scheme restrict access during morning and afternoon school arrival and departure times, and accommodates access for residents that live within the zone, blue badge holders, emergency services and for deliveries. Access for people with mobility difficulties and for pregnant women who may find it difficult to walk long distances can be accommodated, if required.



- 7.6 Officers are satisfied that there are no significant diversity or equality implications arising from this report and its recommendations.
- 7.7 There will be a policy report to Cabinet for the use of CCTV cameras to enforce restrictions for Healthy Neighbourhoods and School Streets, considering exemptions. This will be subject to a detailed Equalities Impact Assessment.

## **8.0 Consultation with Ward Members and Stakeholders**

- 8.1 Meetings were arranged with Ward Members to discuss the Healthy Neighbourhood schemes prior to consultation letters being sent to stakeholders and the making of the Experimental Traffic Orders. Further meetings were arranged with Ward members to discuss the schemes in their areas.
- 8.2 Ward Councillors were also consulted on the trial school street schemes.
- 8.3 Stakeholders were invited to provide comments on the Active Travel trial schemes via the Councils consultation portal.

## **9.0 Human Resources/Property Implications (if appropriate)**

- 9.1 There are no direct staffing implications arising from this report.

### **Report sign off:**

**Alan Lunt**

Strategic Director of Regeneration and Environment

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## Appendix A: Brent Healthy Neighbourhoods Assessment

Healthy Neighbourhood Scheme	Consultation	Monitoring Review Report	Community Engagement Recommendations	Officer Comments and Recommendations
<b>Stonebridge and Harlesden Area</b>	<p>Consultation - between 30/07/20 and 30/07/21 Properties consulted 2,817 Overall responses received 152 (5%) Yes 62 (41%) No 90 (59%) Responses from within consultation area 82 (3%) Yes 25 (30%) No 57 (70%)</p> <p>Comments - related to increased congestion, traffic displacement, delays to emergency services journey times, inconvenience and pollution. Brent Cycling Campaign supported the scheme requesting further engagement and extending the scheme.</p>	<p>Traffic Surveys - For the boundary roads, the traffic surveys indicate mixed results. There are reductions in traffic volumes on Craven Park Road during May 2021 compared with baseline figures but increases on Hillside. Speeds on the other hand follow a reversed trend and have increased on Craven Park Road and reduced on Hillside, indicating increased traffic volumes have reduced traffic speeds.</p> <p>Bus Journey times - Although the iBus bus journey time data has indicate some mixed results, when considering the two-way average of journey time improvement, 7 out of the 9 routes have seen overall improvement in journey times.</p> <p>Collision data - a slight increase on boundary roads and a small decrease on internal roads.</p> <p>Air Quality - unadjusted figures show improvements in the area.</p> <p>Conclusions - a lack of enforcement of the restrictions may have led to reduced effectiveness of the modal filters. Similar schemes have been introduced across London and similarly have not been supported but have proved to be successful. Further engagement with residents and the introduction of CCTV camera enforcement is recommended.</p>	<ul style="list-style-type: none"> <li>Remove Mordaunt Road closure point</li> <li>Relocate Nicoll Road traffic filter to the junction with Craven Park Road</li> <li>Develop lorry traffic controls across the Healthy Neighbourhood area, including Craven Park Road and Acton Lane e.g. lorry ban or tolls / local congestion charge in Harlesden</li> <li>Invest in a network of protected cycle lanes on main roads, secure storage, bicycle priority at junctions and effective connections outside the area, all clearly signposted / road marked so drivers are aware</li> <li>Promote a summer programme of play streets to embed the concepts of traffic free streets and child / pedestrian priority across the area</li> </ul>	<ul style="list-style-type: none"> <li>There is a very low response for this area. Responses from roads where modal filters were installed (Lawrence Avenue, Mordaunt Road and Nicoll Road) a total of 22 responses were received. Of these 10 (45.5%) supported the scheme and 12 (54.5%) did not.</li> <li>The Mordaunt Road restriction is suspended / removed, this is also a route used by the LAS who raised concerns.</li> <li>The Nicholl Road closure remains but is not fully closed, as concerns have been raised by the LAS. Plans are developed for moving this to the junction of Craven Park Road. Consideration is given to a CCTV camera restriction with exemptions, subject to consultation and future funding. From the consultation responses 8 residents in the street supported the restrictions, two opposed.</li> <li>The Wembley to Willesden Healthy Streets Corridor would provide an opportunity for improved cycle infrastructure in the area over the next two years.</li> <li>It would not be feasible to restrict Lorries on the A404 Craven Park Road, but discussions will be held with TfL on lorry routes and signage to encourage alternative HGV routes.</li> <li>The Council will encourage play streets in the Borough and this area.</li> <li>There is further engagement with the community to develop ideas from the community engagement exercise, which would be subject to consultation and future funding.</li> </ul>
<b>Preston Area</b>	<p>Consultation - between 25/08/20 and 28/02/2021 Overall responses received 159 (5%) Properties consulted 3,317 Yes 16 (10%) No 143 (90%) Responses from within consultation area 125 (4%) Yes 11 (9%) No 114 (91%)</p> <p>Petitions - the council also received a petition containing 329 signatures objecting to the scheme, which was presented to the Full Council meeting on 25<sup>th</sup> October 2020. There was also a 42 signature petition from the residents of Glendale Gardens objecting to the scheme.</p> <p>Comments - included, an increase in traffic and pollution, dangers from vehicles turning, access for refuse vehicles, effects of emergency services, and an inconvenience to some residents.</p>	<p>Traffic Surveys - indicated a reduction in traffic volumes on all boundary roads, with some from within the area also experiencing reductions, with others increased.</p> <p>Bus Journey times - indicated mixed results depending on routes: 79 and 204 which share a route on the main boundary road, Preston Road, showed marginally longer journey times compared to the 233 which has shorter times in both directions. Considering February 2020 and February 2021, thereby negating any seasonal issues, shows improvements on all three routes in all directions.</p> <p>Collision data – a longer period of data would be required to determine trends.</p> <p>Air Quality - unadjusted figures show improvements in NO2 in the area.</p> <p>Conclusions - it seems there is little support for the schemes locally. Some of the concerns, particularly around the College Road School Street may be alleviated should CCTV enforcement be introduced, which has successfully been used elsewhere for similar schemes.</p>	<ul style="list-style-type: none"> <li>Grasmere Avenue closure remains and is focal point for investment in cycling infrastructure.</li> <li>Pedestrian and cycling safety is reviewed at Lulworth / Windermere roundabout, offering safe crossing points, enforcing no vehicle parking on the roundabout arms and looking to convert this stretch to a single lane of traffic controlled by lights, thus enabling safe cycling in both directions.</li> <li>Thirlmere Gardens has a one-way section to junction with Montpelier Rise.</li> <li>Montpelier Rise is one way along the whole length.</li> <li>College Road is fully one way and included in the school street.</li> <li>Glendale Gardens is one way and could be included in a school street extension.</li> <li>Preston Road car park is actively promoted for Park &amp; Stride, supported by a behaviour changes programme (such as WOW walking initiative).</li> <li>As funding allows, a pedestrian crossing or zebra is established on Windermere Avenue.</li> <li>Enforcement of measures by CCTV to ensure compliance, especially in streets around the schools</li> </ul>	<ul style="list-style-type: none"> <li>There is very little support for the scheme overall.</li> <li>The restrictions are suspended / removed, Grasmere Avenue is also a route used by the LAS who raised concerns. From the consultation, 2 residents in Grasmere Avenue supported the scheme, 9 opposed. This will include the covering or removal of signage indicating restrictions, planters may remain in place and potentially be used should further measures be introduced.</li> <li>One way systems are considered as an alternative means to restrict through traffic.</li> <li>Improvements to the Lulworth / Windermere roundabout, providing improved pedestrian and cycling facilities will be considered.</li> <li>There is further engagement with the community to develop ideas from the community engagement exercise, which would be subject to consultation and future funding.</li> </ul>
<b>Tokington and Wembley Central Area</b>	<p>Consultation - between 25/08/20 and 30/07/21 Properties consulted 2,124 Overall responses received 81 (4%) Yes 26 (32%) No 55 (68%) Responses from within consultation area 47 (2%) Yes 10 (21%) No 37 (79%)</p> <p>Comments - related to increased congestion and pollution, displacement of traffic onto main roads</p>	<p>Traffic Surveys - indicated a reduction in traffic volumes on boundary roads Wembley High Road and the Harrow Road), but survey results would have been affected by seasonal variations and Covid restrictions. Traffic on local roads reduced significantly on London Road and Cecil Avenue, but increased on Tring and Bovingdon Avenue (partly due to restrictions being lifted). Overall reduction in traffic for internal roads.</p> <p>Bus Journey times - indicated mixed results depending on routes: 18 and 204 showed improved journey times,</p>	<ul style="list-style-type: none"> <li>Remove the traffic filter on Tokyngton Avenue</li> <li>Re introduce scheme with resident involvement once London Road options are possible, along with a potential extension of the school streets scheme to reduce school traffic impact.</li> <li>Consider controlled parking at certain times of day to limit commuter parking</li> <li>Speeding control measures on Berkhamsted / Tring and Nettleden and Cecil, Sylvia and Tokyngton.</li> <li>Repair pavements to ensure they offer safe walking routes</li> </ul>	<ul style="list-style-type: none"> <li>There was a very low response rate to the consultation on the Brent portal. For the Wembley and Tokyngton Hill scheme, there was a very low response rate of 4%.</li> <li>There is very little support for the scheme overall. Responses from roads where modal filters were installed (London Road and Tokyngton Avenue) a total of 18 responses were received. Of these 4 (22%) supported the scheme and 14 (78%) did not.</li> <li>Restrictions on Cecil Avenue and Rupert Avenue were removed early in the scheme to accommodate access to the London Road Covid testing centre</li> </ul>

	<p>which is unfair, inconvenience. Those that agreed commented on increased safety, particularly for children and suggested extending the scheme with better enforcement.</p>	<p>routes 440 and 182 showed marginally longer journey times. Route 223 was unchanged.</p> <p>Collision data - indicated a slight reduction, although only 7 months data was available.</p> <p>Air Quality - unadjusted figures show improvements in NO2 in the area.</p> <p>Conclusions – majority of residents did not support the scheme. The lack of enforcement would have reduced the effect of the restrictions. Further engagement and potential use of CCTV cameras should be considered.</p>		<ul style="list-style-type: none"> <li>• The restriction on Tokington Avenue should be removed. Only 1 resident supported the restriction, 7 opposed.</li> <li>• An inspection of the pavements in the area will be arranged and defects meeting the intervention level programmed for repair</li> <li>• A traffic speed survey will be carried out and speed reduction measures considered, subject to prioritisation and funding.</li> <li>• A Controlled Parking Zone would reduce non-local traffic and this would be considered if there is evidence of wider support</li> <li>• There is further engagement with the community to develop ideas from the community engagement exercise, which would be subject to consultation and future funding</li> </ul>
<b>Olive Road Area</b>	<p>Consultation - between 25/08/20 and 30/07/21 Properties consulted 2845 Overall responses received 985 (35%) Yes 198 (20%) No 787 (80%) Responses from within consultation area 552 (19%) Yes 123 (22%) No 429 (78%)</p> <p>Petitions - the council received a petition containing 230 signatures objecting to the scheme.</p> <p>Comments - related to lack of consultation, increased congestion and pollution, displacement of traffic onto main roads, inconvenience and time spent travelling, access for emergency services, no issue with congestion on side roads. Those that agreed commented on increased ability to cycle and walk in area, feeling much safer, and improved air quality.</p>	<p>Traffic Surveys - indicated a reduction in traffic volumes on boundary roads during May 2021. Minor increases in speed (approx. 1mph). Cricklewood Broadway traffic volumes increased across all time periods, although Chichele and Anson decreased by larger amounts than compared to the May survey following the common trend of lower traffic volumes in Feb due to the lockdown. For internal roads, traffic lows increased mainly due to the lifting of lockdown restrictions.</p> <p>Bus Journey times - indicated mixed results depending on routes: 18 and 204 showed improved journey times, routes 440 and 182 showed marginally longer journey times. Route 223 was unchanged.</p> <p>Collision data - indicated a slight reduction, although only 7 months data was available.</p> <p>Air Quality - unadjusted figures show improvements in air quality in the area.</p> <p>Conclusions – vast majority of residents did not support the scheme. The lack of enforcement would have reduced the effect of the restrictions. The objectives of providing generally lower traffic levels were not realised and consequently those who may have cycled or walked more were not encouraged to do so. Further engagement and potential use of CCTV cameras should be considered.</p>	<ul style="list-style-type: none"> <li>• Ashford Road closure replaced with ANPR camera with resident access permit, including for Ashford Place. To be positioned to ensure ease of access for Ashford Place</li> <li>• ANPR cameras are installed on Agave Road with resident access permit, including for Ashford Place.</li> <li>• Modal filter closure remains on St Michaels Road, combining with the School Street.</li> <li>• Modal filter closure added to Cedar Road</li> <li>• School Street is made permanent and consideration given to extending it along Mora and Wotton Road</li> <li>• A section of Mora Road, at the junction with Temple Road, becomes one way up to Cedar Road</li> <li>• Possible additional measure for Heber Rd such as a lorry ban</li> </ul>	<ul style="list-style-type: none"> <li>• There was a good response to both the consultation during the trail and the community engagement exercise.</li> <li>• There is very little support for the scheme overall.</li> <li>• There were several reports of lockable bollards being removed</li> <li>• The introduction of ANPR Cameras, potentially with exemptions for residents may be supported.</li> <li>• Restrictions should be suspended / removed, including the St Michaels Avenue restriction as from the consultation, 1 supported and 8 opposed the scheme.</li> <li>• There is potential for a new scheme to be developed taking into consideration the feedback from community engagement.</li> <li>• A 7.5t 'access only' restriction could be incorporated into the design of a new scheme.</li> <li>• The School Street Scheme is subject to a separate evaluation and review process.</li> <li>• There is further engagement with the community to develop ideas from the community engagement exercise, which would be subject to consultation and future funding.</li> </ul>
<b>Dollis Hill Area</b>	<p>Consultation - between 11/09/20 and 30/07/21 Properties consulted 1,193 Overall responses received 328 (27.5%) Yes 41 (12.5%) No 287 (87.5%) Responses from within consultation area 177 (15%) Yes 17 (10%) No 160 (90%)</p> <p>Petitions - the council received two petitions containing 230 and 115 signatures both objecting to the scheme.</p> <p>Comments - related to lack of consultation, increased congestion and pollution, displacement of traffic onto main roads (Dollis Hill Ave), increased journey times, inconvenience, parking pressures need to be addressed, more traffic needed to increase economic activity, Those that agreed commented on increased ability to cycle and walk in area, feeling much safer, and improved air quality.</p>	<p>Traffic Surveys - indicated a reduction in traffic volumes on boundary road Dollis Hill Lane, and increase in speeds but seasonal effects and reduced flows due to Covid restrictions a factor. Internal roads showed that flows were reduced on Oxgate Gardens and Park Side but increased on Dollis Hill Avenue and Gladstone Park Gardens, although the traffic flows on the two latter roads are quite low, approximately 30% of the two former roads. Dollis Hill Avenue and Gladstone Park gardens may therefore be more susceptible to fairly minor changes in traffic flows.</p> <p>Bus Journey times – indicated mixed results. Routes 245 and 332 show a reduction in journey times, Routes 32 and 266 which run along the Edgware Road show an increase in journey times.</p> <p>Collision data - indicated a very slight reduction, although only 7 months data was available.</p> <p>Air Quality - unadjusted figures show improvements in air quality in the area.</p> <p>Conclusions – vast majority of residents did not support the scheme. However, responses from roads where modal filters were installed (Dollis Hill Avenue, Gladstone Park Gardens and Oxgate Gardens) a total of 22 responses</p>	<ul style="list-style-type: none"> <li>• Extend the Healthy Neighbourhood to include Humber Road</li> <li>• Retain the closure of Oxgate Gardens</li> <li>• Remove the closure on Dollis Hill Avenue</li> <li>• Consider retaining a closure on Gladstone Park Gardens, but relocated closer to the junction with Park Side, with an optional ANPR camera</li> <li>• Include Dollis Hill Lane in the Healthy Neighbourhood area, develop measures to control speeding and supplement the scheme with Safer Routes To School and/ or pedestrian safety measures</li> <li>• Develop measures to control speeding and enforce the lorry ban across the area</li> <li>• Introduce school street measures to the Jewish school</li> <li>• As a matter of some urgency, a safe pelican crossing (traffic lights) is needed on Dollis Hill Lane for Our Lady of Grace Catholic Junior School, as funding allows</li> <li>• Install protected cycle lanes on Cricklewood Broadway and Dollis Hill Lane, and as funding allows, provide on street cycle hangars across Dollis Hill, especially near flats</li> </ul>	<ul style="list-style-type: none"> <li>• There is very little support for the scheme overall</li> <li>• Restrictions should be suspended / removed. From the consultation for Dollis Hill Avenue, 1 supported and 21 opposed, for Oxgate Gardens, 6 supported and 14 opposed and for Gladstone Park Gardens, 8 supported and 72 opposed. The London Ambulance Service also raised some concerns about the restriction in Gladstone Park Gardens, access should be retained and CCTV enforcement should be considered.</li> <li>• Dollis Hill Lane could be incorporated into the scheme area, but this is a bus route and access would need to be provided. The implications of restricting traffic on a main route would need to be considered.</li> <li>• Measures to reduce speeding will be considered, subject to surveys, consultation and funding</li> <li>• School street measures for the Jewish school can be considered within the school streets programme.</li> <li>• Safety outside our Lady of Lourdes will be considered, along with the request for a pedestrian crossing. This would be subject to consultation and funding.</li> <li>• Cycle lanes on the A5 Edgware Road ad Dollis Hill Lane could be considered in the future if funding becomes available. The council have an extensive programme for introducing Cycle Hangars, 50 new Hangars will be implemented in the spring of 2022. Consideration will be given to the area if there is demand.</li> </ul>

		<p>were received. Of these 10 (45.5%) supported the scheme and 12 (54.5%) did not. Despite the apparent increase in traffic volume in the morning peak, the data considered for evaluation would suggest that there has been limited effect of the scheme on the boundary road as bus journey times have largely improved and there is no increase in collisions. The lack of enforcement would have reduced the effect of the restrictions. The objectives of providing generally lower traffic levels were not realised and consequently those who may have cycled or walked more were not encouraged to do</p> <p>Further engagement and potential use of CCTV cameras should be considered.</p>		<ul style="list-style-type: none"><li>• There is further engagement with the community to develop ideas from the community engagement exercise, which would be subject to consultation and future funding</li></ul>
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Appendix B: School Streets Assessment

Ref	School(s)	Road(s)	Public Consultation Results		Parents Consultation Responses		Common comments	MPS Recommendation
			Support	Oppose	Support	Oppose		
SZ19	Ark Franklin	Kempe Road	79	13	9	1	Support increased safety and reduced air pollution and congestion.	Remain in operation and introduce cameras to improve safety and deter drivers that are ignoring the cones. Travel survey from school and consideration to extend to Milman Road.
SZ81	Brentfield Primary	Meadow Garth	3	1	0	0	Concerns about access for private hire vehicles and home visits by medical professionals. Supports improved parking	Make permanent and continue monitoring
SZ10	Christchurch CE	Clarence Road	16	3	7	0	Support reduction in air pollution and increase in child safety. Concerns about idling engines and inconsiderate parking.	Make permanent and introduction of cameras
SZ16	CJM Infant	Park Avenue	10	1	1	0	Supports reduced parking and congestion problems, impact on residents is minimal. Concerns about access for carers and deliveries.	Make permanent and consider introducing a zebra crossing to improve safety on Park Avenue.
SZ3	Elsley Primary	Tokyington Avenue & Berkhamsted Avenue	2	1	9	5	Like the idea. Concerns about parking displacement	Make permanent and introduce cameras
SZ4	John Keble C of E, Maple Walk & St Claudines	Crownhill Road	73	8		2	Support low traffic streets for improved safety and reduced air pollution. Concerns about traffic on Harlesden Gardens.	Remain in operation and introduce cameras. Consider extending the scheme to include Harlesden Gardens junction and re-engage with Maple Walk.
SZ23	Kingsbury Green	Old Kenton Lane	10	6	17	13	Support reduced air pollution. Concerns about congestion and displaced traffic on Slough Lane. Also conflict with St Robert Southwell scheme.	Remain in place and consider allowing a right turn from Slough Lane into Kingsbury Road or extend the scheme
SZ22	Kingsbury High	Bacon Lane	19	15	0	0	Concerns about displaced traffic on other roads and affect this has on air pollution. Request it is extended to cover all of Roe Green Village	Make permanent and consider expanding to cover all roads up to Princes Avenue and Stag Lane
SZ51	Leopold Primary	Hawkeshead Road	10	0	0	1	Supports improving air quality and road safety	Make permanent
SZ20	Malorees and QPCS	Christchurch and Aylestone	18	23	0	0	Supports walking and cycling. Concerns about displaced traffic on other roads and the implementation and enforcement	Not to continue unless the schools are prepared to run the trial in the correct way
SZ27	Mora Primary	Mora Road	23	11	0	0	Supports safety of pupils on their way to and from school. Concerns about traffic displacement and congestion on surrounding roads	Remain in place and introduce cameras. Monitor and continue with data collection for pupil travel and air quality
SZ24	Mount Stewart Inf &Jnrs	Mount Stewart Ave	6	7	23	2	Concerns increase in air pollution due to longer journey times to avoid school street and congestion by both barriers	Continue and consider extending the zone and/or introducing a one way system to eliminate congestion problems
SZ17	Northview Primary	Northview Crescent	9	2	7	0	Supports idling and eliminates pre scheme parking problems.	Make permanent and introduce a camera. Continue monitoring pupil travel behaviour.
SZ27	Oakington Primary	Oakington Manor Drive	13	12	19	7	Concerns about parking displacement. Supports reduced idling, poor parking and improved air quality. Requests to extend the scheme	Make permanent and consider extending the scheme

SZ12	Our Lady Of Grace Infants	Dollis Hill Avenue	9	13	0	0	Concerned about traffic displacement and access for parents that live further away from the school.	Remain in place and monitor effects of traffic on surrounding roads. Use school travel plan engagement activities to engage with parents that live further away and support with alternative modes of travel
SZ63	Preston Manor	Holycroft Avenue	4	5	2	0	Concerned about pre scheme consultation and displaced parking.	To remove the scheme as the school are no longer using this entrance, it was a temporary arrangement to aid social distancing
SZ6	Preston Park Primary	College Road	11	15	31	5	Reduced congestion around the school, improved safety and calmer environment. Reduced air pollution. Concerns about parking displacement.	Make permanent with a camera and consider introducing more local parking restrictions.
SZ18	Princess Frederica	Purves Road	102	8	67	4	Supports low traffic streets to improve safety and creates a more pleasant environment. Supports reduced air pollution and congestion which also helps with social distancing.	Remain in operation with a camera and include a transition period before removing the barriers to enable time for informing drivers of the changes to the scheme operation.
SZ14	St Joseph's Infants and Juniors	Waverly Avenue and Chatsworth Avenue	13	1	0	0	Supports reduced traffic, air pollution and improved safety.	Make permanent and introduce cameras
SZ5, SZ52	St Joseph's RC Primary	Goodson & Brownlow Road, Northcote Road	7	4	0	1	Support for children's safety and concerns about displaced traffic particularly Brownlow Road.	Make permanent continue monitoring air quality and pupil travel mode to measure long term impact
SZ15	St Mary Magdalen's	Linacre Road	5	0	0	0	Scheme wasn't implemented so cannot comment, support for principal.	Remove scheme unless school support
SZ8	St Mary's CE Primary	Garnet Road	4	2	0	0	Support improved safety, reduced traffic and air pollution. Concerns about access for healthcare facilities, tradespeople and deliveries	Remain in place and continue to monitor for increase in active travel. Consider extending the zone
SZ23	St Robert Southwell	Slough Lane	17	31	0	1	Parking displacement in nearby streets and parents parking across driveways. Some suggested it makes the roads safer and others are concerned about dangerous manoeuvres at the barriers. Also the conflict with the school street outside Kingsbury Green in Old Kenton Lane.	As many of the concerns can be resolved through highway changes and additional education of parents around parking it should remain in place with the consideration to allow the right turn from Slough Lane into Kingsbury Road or extend the scheme. More parking enforcement, cameras and additional signage should be introduced.
SZ11	Stonebridge and Our Lady of Lourdes	Wesley Road	5	0	3	1	Support for improving safety	Remain in place and introduce cameras.
SZ26	Sudbury Primary	Perrin Road	26	10	0	0	Support for safety. Concerns about displaced traffic and affect this has on air pollution.	Remain in place and consider further steps to stop parents parking, possibly expand the scheme or introduce more parking restrictions
SZ25	Uxendon Manor and Claremont High	Greenway and Falcon Way	18	14	6	5	Support reduced traffic and congestion. Concerns as some parents are ignoring the scheme and are parking inconsiderately. Scheme is causing accidents.	Make permanent and consider extending the zone



## EQUALITY IMPACT ASSESSMENT / EQUALITY ANALYSIS

<b>POLICY/PROPOSAL:</b>	Brent Active Travel, Healthy Neighbourhoods and School Streets
<b>DEPARTMENT:</b>	Regeneration and Environment
<b>TEAM:</b>	Project Development, Highways and Infrastructure
<b>LEAD OFFICER:</b>	Sandor Fazekas / Debbie Huckle
<b>DATE:</b>	<b>20 December 2021</b>

*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 Equality Analysis has been prepared in consideration of the recommendations in the report to the Cabinet meeting of 17<sup>th</sup> January 2022 titled: Brent Active Travel – Healthy Neighbourhoods and School Streets. This Cabinet report considers the outcome of monitoring reports and engagement for 5 Healthy (Low Traffic) Neighbourhoods and 30 new School Streets introduced across the borough in 2020, using Transport for London Streetspace funding. The recommendations in the Cabinet report are to make permanent 26 School Street schemes which have been considered successful, and the introduction of ANPR CCTV cameras with exemptions. The recommendation for the 5 Healthy Neighbourhood schemes are that 4 are removed and 1 remains with one restriction removed, as the schemes are generally not supported with high numbers of residents opposing the trial schemes, and the benefits have not been realised. Also, that further engagement takes place considering suggestions / comments and that measures are identified that would provide benefits to the area and be supported by the community.

The Healthy Neighbourhood schemes were designed with strategically placed road restrictions or modal filters, which prevent through traffic but allow access, although the route may be slightly longer. The main principle is that while every resident will still be able to drive on their street, receive deliveries etc. the scheme prevents through traffic and encourages residents to choose to walk or cycle, particularly for short trips. The Brent schemes were designed to use planters and removable bollards with emergency access padlocks. There is signage in place indicating a prohibition for access by motor vehicles, along with CCTV enforcement signs to deter access. Although the intention was to install lockable bollards, these were removed and replaced with plastic barriers to ensure easy access for emergency vehicles, if needed. The schemes therefore rely on compliance with signage and, as they do not have CCTV enforcement cameras, the benefits have not been fully realised.

The School Streets schemes introduce temporary motor traffic restrictions on the roads outside the schools to prevent through traffic. The roads are closed during morning drop-off and afternoon pick-up times through the use of removable physical barriers. Access is

maintained for residents within the school street zone, blue badge holders, emergency vehicles, and all pedestrians and cyclists. All other vehicles are not allowed access during the operational period of the school street.

The Healthy Neighbourhood and School Street schemes aim to change the way in which people travel by reducing motor traffic on residential streets, creating safer, quieter, cleaner, healthier and more pleasant roads that encourage walking and cycling. They have proven to be successful in London and elsewhere in reducing through traffic and changing travel choice.

The School Streets also creates significantly more space for social distancing helping to reduce the spread of COVID-19 amongst children, parents and staff. Often at pick-up and drop-off, the area outside school gates can become very crowded.

The Active Travel programme provides the following benefits to meet the Council's Strategic objectives;

- Increased uptake of sustainable transport modes, particularly cycling and walking, but also public transport and car clubs
- Reduced conventional vehicular trips on the network, particularly at peak times
- Reduced Killed and Seriously Injured (KSI) incidents and slight accidents on Brent's roads
- Reduce the exposure of Brent residents to Particulate Matter (PM) and Nitrogen Dioxide (NO<sub>2</sub>) generated by the transport network

This programme also supports the following Council Strategies;

- Borough Plan 2021-2022
- Brent Long Term Transport Strategy 2015-2035 (to be revised 2022)
- Brent's Third Local Implementation Plan 2019-2041
- Brent Climate & Ecological Emergency Strategy 2021-2030
- Air Quality Action Plan 2017-2022 (to be revised in 2022)
- The programme also supports the emerging Brent Health and Wellbeing Board's Joint Health and Wellbeing Strategy

A review of all the Healthy Neighbourhood and School Street schemes was conducted based on consultation feedback from Healthy Neighbourhood public engagement meetings, air quality and travel survey data. This was to establish if the schemes have achieved their aims of:

- providing space for social distancing
- improving air quality
- encouraging active journeys
- reducing private vehicle use

The conclusions of the review and recommendations have determined the recommendations as to whether the Healthy Neighbourhood schemes, and each of the individual School Street schemes will be made permanent, amended, or removed.

There is also a recommendation that a further Cabinet report is prepared to set out the approach for the development of future schemes and a policy for the enforcement of restrictions using CCTV cameras, which will consider exemptions and equalities.

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

The Active Travel programme could affect all drivers that travel within these areas.

Healthy Neighbourhoods have restrictions which prohibit drivers from gaining direct access to the road network beyond these points, however, by using a slightly longer alternative route, vehicles can still gain access. They allow pedestrians and cyclists to pass through them unimpeded.

School Streets restrict access to a section of road outside the individual schools. These are managed by school staff using cones and/or barriers. Residents living within the zone, Blue Badge holders, deliveries and emergency service vehicles are exempt. As with the healthy neighbourhoods pedestrians and cyclists can access at all times.

Elderly and disabled people might be impacted by the School Street if they need to gain access should a member of school staff not be present, as they would need to move the cones/barriers themselves and may have mobility issues. Ensuring that staff are available or the introduction of ANPR CCTV cameras and exemptions would mitigate the potential impact.

Children and parents and carers will benefit from the School Street as they will have a safer, healthier and more pleasant environment in which to travel to school.

Overall, more vulnerable people, specifically those with health conditions or mobility limitations, will benefit from improved safety where vehicles are restricted access and the likelihood of road traffic collisions is reduced.

Those who are pregnant may be affected by the School Street if they drive and have to park further away and walk the final part of the journey to school, however the scheme will deliver benefits for this group of people e.g. improved air quality.

The improved ability to walk to school may also support more deprived families, in terms of making walking safe and thereby reducing potential car or public transport costs.

## 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.

The Active Travel programme is relevant to the council's public sector equality duty, as it involves removing vehicular access to specific roads for certain people during particular times.

There is a possibility that in doing so, the council may be discriminating against people with a protected characteristic or failing to advance equality of opportunity for those people. The council needs to be aware of and consider the effects of the programme on all persons with protected characteristics. There is a possibility that the School Streets may reduce accessibility for some disabled people, and councils have a duty to make reasonable

adjustments to remove any barriers that disabled people face, so the potential impact on those with disabilities has been analysed and considered in the action plan.

In its current form blue badge holders are exempt from the school streets restrictions and there are plans to replace the barriers / cones with ANPR CCTV enforcement cameras with exemptions, which will eliminate any difficulties some disabled drivers may be experiencing should they wish to access the road in the absence of a member of school staff.

For the Healthy Neighbourhood schemes, the introduction of ANPR CCTV enforcement cameras at some restrictions would ensure easy access for emergency vehicles, when needed, and could also provide exemptions for people with disabilities so that they would not need to take a more circuitous route to gain access to a street or area.

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	Impact Neutral/None	Impact Negative
Age	X		
Sex		X	
Race		X	
Disability		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage		X	

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

#### **Screening Checklist**

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?		X
Would the policy or proposal change or remove services used by vulnerable groups of people?	X	

Has the potential for negative or positive equality impacts been identified with this policy or proposal?	<b>X</b>	
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**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.

Evidence was gathered using a broad range of engagement and information-gathering techniques, including:

- Public consultation
- Parent & guardian consultation
- Meetings with local residents
- Walkabouts
- Resident surveys
- Air quality data
- School interviews
- Travel mode data
- Site observations
- Comparison with other authorities
- Comparison with ward-level and borough-level demographic data
- Research on impact of similar proposals on people with protected characteristics

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**

There will be no additional negative impact on older people. Some older people have mobility or other health issues which mean that they depend on car travel. The scheme ensures that all these people who live within the School Street zone can access their homes by car or taxi by allowing them to apply for a permit. The scheme also ensures that parents, grandparents or guardians with mobility or health issues with a blue badge are exempt from the scheme and can pick up their children easily and conveniently. As the schemes are confined to small areas, the additional journey time for car-reliant older people is minimal. Finally, emergency services can always access the closed roads and the barriers are manned so can be removed in seconds, which means there is no risk of increased response times for older people requiring assistance. Access will be

	<p>improved in the future by the installation of ANPR CCTV cameras with exemptions.</p> <p>Older people with mobility, vision, hearing or health issues will be positively impacted by the schemes. By reducing motor traffic and thus creating more space for pedestrians, the schemes make it easier to cross the road safely or to use a wheelchair or mobility aid, as well as protecting them from exposure to air pollution and COVID-19.</p> <p>There will also be a positive impact on children, as improved road safety will reduce the chance of them being involved in a traffic collision and will make the journey to and from school more pleasant. The schemes will also make children more likely to walk, cycle or scoot to school, which will improve their physical and mental health.</p> <p>Healthy Neighbourhood schemes do not prohibit access to a street and alternative routes are available. Restricting through traffic in residential areas provides safety benefits, particularly for more vulnerable pedestrians, as well as improving air quality and encouraging walking and cycling and a healthier lifestyle.</p>
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## **DISABILITY**

<b>Details of impacts identified</b>	<p>The School Streets schemes maintain access for disabled residents and parents/guardians, which avoids any negative impact on accessibility. It is ensured that any signs or other obstacles connected to the schemes do not restrict accessibility on the pavement, and that the signage and street layout is clear.</p> <p>Healthy Neighbourhood schemes do not prohibit access to a street and alternative routes are available. A policy will be developed for CCTV camera enforcement for Active Travel schemes and consideration will be given to granting disabled people exemptions and direct access, as some may not be able to walk or cycle.</p> <p>Creating more space for walking and cycling and reducing traffic danger has a positive impact on disabled people. In a report by Transport for All (2021), 18% of disabled people reported that road closures decrease traffic danger, especially among deaf and visually impaired participants. This finding also emerged in the recent Joint Health and Wellbeing Strategy. Reducing the number of cars parked on the roadside ensures that dropped kerbs remain accessible for those using wheelchairs or mobility aids. Improving air quality has a positive impact on disabled people with breathing issues.</p> <p>Black taxis can be granted exemptions in the school streets exemption which will further benefit disabled residents and disabled parents/guardians. Transport for All (2021) found that only half of disabled people hold a Blue Badge and recommend that School Street schemes grant dispensation for disabled people by any vehicle they choose, including taxis.</p>
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## **RACE**

<b>Details of impacts identified</b>	<p>Research has shown that Black Londoners are more likely to be exposed to the harmful impacts of motor traffic, such as traffic collisions (Steinbach et al., 2008) and poor air quality (Vaughn, 2016), than other ethnic groups. By improving road safety and air quality, the active travel schemes will have a positive impact on this community.</p> <p>Black people are also the least likely out of all ethnic groups to have access to a car (National Travel Survey, 2009), so they will benefit from the increased space for walking, cycling and scooting.</p> <p>A report by the DfT (2020) found that 52% of taxi drivers are Asian and 37% are Asian and British. Taxi drivers may be slightly inconvenienced by the schemes, but as the schemes are restricted to local areas journey times are unlikely to be significantly increased. Therefore, the impact on Asian taxi drivers is likely to be low.</p>
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## **SEX**

<b>Details of impacts identified</b>	<p>Women are more likely to take on a care-providing role in the family, including dropping off and picking up their children. The 2014 National Travel Survey found that most of the people dropping children off at their school are women aged between 30 and 49. This finding was supported by consultations with parents and residents at Brent schools, where the majority of participants were women.</p> <p>For those women who usually drive their children to school, the schemes may inconvenience them, but for those mothers who walk or cycle their children to school, the schemes will have a positive impact, as they will likely feel that they and their children are safer and healthier as a result. Therefore, overall, the scheme will have a neutral impact on women.</p>
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## **SEXUAL ORIENTATION**

<b>Details of impacts identified</b>	<p>There is no evidence to suggest that the Healthy Neighbourhoods or School Streets schemes will have an impact on people with a particular sexual orientation.</p>
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## **PREGNANCY AND MATERNITY**

<b>Details of impacts identified</b>	<p>Those who are pregnant are likely to have a greater reliance on the car and may be less able to walk a long distance. This may have a negative impact on those picking up their children, as they will need to park further away and walk further to get to the school. This could be mitigated by exempting those who are heavily pregnant from the schemes.</p>
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	On the other hand, those who are pregnant will be positively impacted by the reduction in air pollution, which has been shown to reduce fetal growth (BMJ, 2017). They will also benefit from increased space for social distancing, reducing their chances of catching COVID-19 and other viruses.
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### **RELIGION OR BELIEF**

<b>Details of impacts identified</b>	There are no places of worship within the School Street zones and visitors to places of worship within the Healthy Neighbourhoods might have to drive further they will benefit from reduced air pollution, a more pleasant street environment and improved road safety when entering and leaving the area where their place of worship is situated, generating a neutral impact.
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### **GENDER REASSIGNMENT**

<b>Details of impacts identified</b>	There is no evidence to suggest that the Healthy Neighbourhoods or School Streets schemes will have an impact on people with this characteristic.
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### **MARRIAGE & CIVIL PARTNERSHIP**

<b>Details of impacts identified</b>	There is no evidence to suggest that the Healthy Neighbourhoods or School Streets schemes will have an impact on people of a particular marital status.
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### 3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

Under the Equality Act 2010 the council is required to make adjustments where a physical feature puts a disabled person at a substantial disadvantage, by removing it, altering it or providing a reasonable means of avoiding it.

Where a disabled person needs access to the School Street zone as a resident or parent/guardian, including when they are a passenger in a taxi, someone must operate the barrier or leave a sufficient gap for a vehicle to gain access. The introduction of ANPR CCTV cameras will eliminate this potential problem.

To avoid the risk of being unlawful and to ensure accessibility for everyone, the school street exemptions must include people who are disabled but who do not hold a Blue Badge. Where a disabled person needs to travel by motor vehicle through the zone, there must be



reasonable alternative routes to avoid the street that is closed. The Healthy Neighbourhoods schemes would accommodate access, albeit through a more circuitous route. The introduction of CCTV cameras and potential exemptions would allow access.

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

The engagement activities were representative of the people who could be affected by the proposal.

Healthy Neighbourhood residents meetings were hosted by Living Streets which were impartial and inclusive, these were conducted both online and in person at local venues which were easily accessible. Residents were also able to leave comments on the Council's consultation portal during the trial, and equalities and diversity information collated would indicate that respondents are broadly representative of ward profiles. MP Smarter Travel were contracted to work with the school community and they conducted interviews with the schools and arranged for questionnaires to be sent to parents to obtain their feedback.

Members of the RNIB were included in the consultation process, together with representatives from the Brent Disability Forum and Transport for All.

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

The sexuality data for each Brent ward was unavailable, so analysis of the representation of LGBTQ+ residents within the survey responses compared to ward demographics was not possible. This is something that could be analysed in future.

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

If the action plan is carried out, no significant negative impacts will remain.

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

Further engagement for Healthy Neighbourhoods, further activities to be arranged and there would be a public consultation on any further measures.

Air quality data

Traffic surveys

Site observations

Regular meetings with school and pupil travel survey data.

## 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.

We do not expect a significant negative impact on any group with a protected characteristic for either the Healthy Neighbourhoods or School Streets schemes. The introduction of ANPR CCTV cameras and appropriate exemptions will help to mitigate any potential negative impact.

As further engagement takes place for the Healthy Neighbourhoods schemes and plans are developed, we will closely monitor the potential impact and carry out Equalities screening as part of any future decisions to introduce new or amend existing schemes.

## SECTION D – RESULT

Please select one of the following options. Mark with an "X".

<b>A</b>	<b>CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED</b>	<b>X</b>
<b>B</b>	<b>JUSTIFY AND CONTINUE THE POLICY/PROPOSAL</b>	
<b>C</b>	<b>CHANGE / ADJUST THE POLICY/PROPOSAL</b>	
<b>D</b>	<b>STOP OR ABANDON THE POLICY/PROPOSAL</b>	

## 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.

<b>Action</b>	<b>Expected outcome</b>	<b>Officer</b>	<b>Completion Date</b>
Introduce ANPR CCTV cameras to priority School Street schemes, including those where the school has difficulties staffing the	Easy access maintained for people with exemptions, such as disabled residents and parents/guardians	Debbie Huckle	October 2022


closures. ANPR CCTV will also be considered at some restrictions for future Healthy Neighbourhood schemes.			
Promote the availability of school street permits to all eligible residents. taxis or other visitors serving disabled residents, disabled parents/guardians, and staff of businesses/organisations	Easy access maintained for people with exemptions, such as disabled residents and parents/guardians	Debbie Huckle	October 2022
Ensure those with a disability who are exempt but do not hold a Blue Badge are easily permitted access to the school streets schemes	Easy access maintained for people with exemptions, such as disabled residents and parents/guardians	Debbie Huckle	October 2022
Monitor impacts of the Healthy Neighbourhood scheme going forward	Negative impacts will be identified, understood and reduced as far as possible	Sandor Fazekas	March 2023
Grant school streets exemptions to those who are pregnant, who rely heavily on cars and have difficulty walking a long distance	Easy access for all people with mobility issues	Debbie Huckle	October 2022
Ensure that any signs or other obstacles connected to the schemes do not restrict accessibility on the pavement, and that the signage and street layout is clear	Maximised accessibility for people with disabilities	Debbie Huckle	October 2022

## SECTION F – SIGN OFF

Please ensure this section is signed and dated.

<b>OFFICER:</b>	Debbie Huckle & Sandor Fazekas 05/01/2022
<b>REVIEWING OFFICER:</b>	Angela d'Urso 05/01/2022
<b>HEAD OF SERVICE / Operational Director:</b>	 Tony Kennedy 05/01/2022

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 <b>Brent</b>	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director of Regeneration and Environment</b>
<b>Authority to Tender Contract for Grounds Maintenance Services</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
<b>No. of Appendices:</b>	One Appendix 1: Contract Risks & Mitigations (Exempt Information)
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Kelly Eaton Parks Policy and Projects Manager Tel: 020 8937 5565 Email: <a href="mailto:Kelly.eaton@brent.gov.uk">Kelly.eaton@brent.gov.uk</a>

## 1.0 Introduction

- 1.1 In 2018, Brent adopted a deliberate strategy to synchronise the end dates for its outsourced environmental services so that they coincide for reconsideration at the same time. The Redefining Local Services (RLS) programme was subsequently initiated in May 2019 to develop and implement a commissioning strategy in time for new service arrangements to take effect from 1 April 2023.
- 1.2 In August 2021, Cabinet agreed the Final RLS Delivery Model, which is a "specialist contracts delivery model with low to moderate levels of insourcing" including the high level procurement strategy for those services which will be

outsourced and approval to invite tenders for the first and most pressing procurement in the timetable – an Integrated Street Cleansing, Waste Collections and Winter Maintenance contract ('Integrated Street Cleansing and Waste Contract').

- 1.3 This report presents the procurement strategy and timetable for the second of the RLS services to be issued for tender, the Grounds Maintenance Services contract ('Grounds Maintenance Contract'). This report requests approval to invite tenders in respect of the Grounds Maintenance Contract, as required by Contract Standing Orders 88 and 89.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet approves inviting tenders for the Grounds Maintenance Contract on the basis of the pre-tender considerations set out in paragraph 4.7 of this report, subject to due consideration by officers of any leaseholder observations in response to the stage one section 20 leaseholder consultation, and delegates the final decision to proceed with inviting tenders to the Strategic Director for Regeneration & Environment in consultation with the Lead Member for Environment.
- 2.2 That Cabinet approves Officers evaluating the tenders for the Grounds Maintenance Contract on the basis of the evaluation criteria set out in paragraph 4.7 of this report.

## **3.0 Background**

### **RLS Aims and Objectives**

- 3.1 The aim set by members for the RLS programme is to design and implement a better, more integrated and flexible local services delivery model that improves the look and feel of Brent's public realm. The following RLS programme objectives were defined by Brent's members following the launch of the programme in May 2019:
- Meet residents' and businesses' requirements for the services: fully engage with the community to understand their needs and aspirations
  - A clean, green environment: place clean streets, clean air, carbon reduction, quality green spaces, trees & biodiversity at the heart of the programme
  - Be bold and innovative: explore all possible delivery options and seek out best practice and innovation from other providers, from the UK and abroad
  - Provide the best value possible with available council resources, in the context of post-Covid financial pressures
  - Ensure services are flexible and adaptable to change: build in control, flexibility and resilience to manage future change

### **RLS Programme Scope**

3.2 The RLS programme's scope covers the following functions led by the Environmental Services Directorate (these are outsourced unless indicated otherwise):

- Waste and recycling collections
- Recyclates reprocessing
- Street cleansing
- Winter maintenance
- Grounds maintenance for parks, council housing and highways verges
- Arboricultural services
- Highways services (all works outsourced, policy and projects insourced)
- Street lighting services
- Parking services
- Highways and environmental crime enforcement (insourced)
- Regulatory services (environmental health, food safety, trading standards, licensing) - (insourced)
- Commercial services (cemeteries, pest control) (insourced)
- Community protection (CCTV maintenance outsourced, anti-social behaviour insourced)
- Special Needs Transport (shared service)

3.3 A key element of the RLS programme is the recommissioning of functions that are currently delivered through contracts. The key contracts are included in Table 1 below.

*Table 1: Contracts in scope of RLS*

<b>Contract</b>	<b>Supplier</b>	<b>Annual Value (2020/21)</b>	<b>End / extension</b>
Special Needs Transport (shared service)	LB Harrow	£11m	2022
CCTV Maintenance	Tyco	£0.2m	2022 + 1
Highways Services	FM Conway	£8m	2023
Parking Services	Serco	£6m	2023
Arboricultural Services	Gristwood & Toms	£0.77m	2023 + 2
Street Lighting Services	FM Conway	£1.1m	2023 + 2
Public Realm	Veolia	£18 m	2023 + 7

3.4 The Public Realm contract included waste and recycling collections, recyclates reprocessing, street cleansing, winter maintenance, grounds maintenance and burials. Burials and grounds maintenance in cemeteries were brought in house in December 2020.

## **RLS Service Improvement Priorities**

- 3.5 A comprehensive review of existing environmental services provision was undertaken as part of the RLS programme in order to identify areas for service improvement. The Final RLS Delivery Model will aim to achieve the following overarching objectives, informed by the outcomes of the RLS reviews:
- A neighbourhood approach to managing local issues to meet the needs of local areas
  - A borough-wide approach to managing our assets and infrastructure (e.g. highways, street lighting) to ensure investment is spent well
  - A specialist contracts approach for outsourced services
  - Improved contract management and monitoring for contracted services
  - An intelligence-led approach to the deployment of resources
  - Integrated deployment of environmental enforcement services across public realm
  - Greater responsiveness to addressing issues and problems in the public realm
  - Better digital customer interface with real-time information and issue reporting
  - Additional council capacity for continuous service improvement and innovation
  - Focusing specialist officers where they can add the greatest value, with more triaging between generalist and specialist roles
  - Deliver improved Social Value outcomes via our Social and Ethical Procurement Policy, including: striving for carbon neutrality by 2030 and enhancing nature and biodiversity; the number of local jobs created (where appropriate for the contract), including focus on disadvantaged groups; and the number of SMEs and third sector organisations that benefit from the procurement exercises.

## **Final RLS Delivery Model**

- 3.6 Following statutory best value consultation, the Final RLS Delivery Model, agreed by Cabinet on 16 August 2021, is a “specialist contracts delivery model with low to moderate levels of insourcing”. This delivery model comprises outsourcing using discrete, specialist contracts, and the insourcing and enhancement of a small number of client functions that would provide the Council with greater strategic and financial control and improved contract management and stakeholder engagement.
- 3.7 The agreed future configuration of outsourced services, insourcing and enhancement of related client functions is set out in Table 2 below.



Table 2: Final RLS Delivery Model – Service Configuration

<b>Specialist contracts with either low to moderate level insourcing</b>
<b>Specialist contracts</b>
• Integrated street cleansing, waste collections and winter gritting
• Recyclates reprocessing
• Grounds maintenance
• Parking services
• Tree maintenance
• Street lighting
• Highways Services
<b>Insourcing (TUPE noted where applicable)</b>
• Education, Communication and Outreach function from waste contract (TUPE)
• Informal Parking Appeals (TUPE)
• Tree surveying, data, work orders (TUPE)
• Highways gang for 20% reactive repairs <b>OR</b> full reactive highways maintenance (TUPE)
• Park wardens function (TUPE)
<b>Stronger client (new posts)</b>
• 1 additional highways inspector
<b>Total additional cost recurring revenue: £0.2m - £0.8m</b>
Mobilisation costs can be contained within existing R&E budgets
<b>£0.02m - £0.65m</b> Capital required for tree database and highways reactive maintenance

- 3.8 Grounds maintenance services will be procured as a standalone contract giving specialist green space providers the opportunity to bid directly for the contract. The benefits of this approach are set out in paragraph 4.4 of this report. This approach reflects the trend in London whereby outsourced grounds maintenance service delivery is dominated by specialist green service companies, with these companies serving 14 of the 17 boroughs that have outsourced provision. Boroughs' Good Parks for London scores are on average higher for boroughs serviced by specialist contractors than for boroughs where grounds maintenance is included in an integrated public realm services contract.
- 3.9 Insourcing of the Head Park Warden and five Park Wardens from this service will enable better integration of education and enforcement across the whole public realm in Brent. It will also enable a more strategic and holistic approach to stakeholder management and community engagement of park interests groups and park users and help to increase participation and volunteering in parks. All these staff are on existing LGPS via an Admission agreement with the Council, but there is an additional cost estimated at £32k per annum to

cover Brent's higher employers' pension contribution (35% compared to Veolia's 20%).

### **Grounds Maintenance Services**

- 3.10 Grounds maintenance is currently included in the Public Realm contract and covers Brent's parks and open spaces, housing estates, highways grass verges and allotments. There are approximately 114 parks and open spaces, over 150 playgrounds and sport pitches, over 270 housing estates, over 350 highways grass verges and 21 allotments across the borough which are regularly maintained. The estimated cost of grounds maintenance service provision within the total Public Realm contract is £2.6m per annum, with £400k of this funded from the Housing Revenue account for grounds maintenance on housing estates.
- 3.11 Grounds maintenance services are discretionary, however the Council has a duty of care to maintain our green spaces and ensure health and safety is not compromised. Moreover, providing quality green spaces and enhancing green space provision are key aims of both the RLS programme (a clean, green environment) and the Brent Climate & Ecological Emergency Strategy (theme: nature and green space). Our objective for the borough is ambitious: for Brent to be one of the greenest, most biodiverse and climate-resilient boroughs in London, with our residents better connected to nature. The delivery of an effective grounds maintenance service will ensure that the borough's green spaces are well maintained and create a high quality, safe environment which encourages residents and visitors alike to use the available facilities, adding to their health, wellbeing and quality of life.

## **4.0 Detail**

- 4.1 The procurement strategy for a new Grounds Maintenance Contract is set out in detail in this section.

### **Soft Market Engagement**

- 4.2 The Council held a soft market engagement exercise to discuss the potential approach to tendering for a new grounds maintenance contract with potential bidders. The soft market engagement opportunity was advertised via the Brent e-tendering portal and on the Find a Tender Service. Four expressions of interest were received. Interviews were held with four companies. It was made clear in this process that any proposed procurement approach was provisional and subject to Cabinet decision in January 2022.
- 4.3 The aims of the market engagement were to seek views from potential bidders on the Council's outline procurement strategy and to understand what would make any procurement exercise attractive to the market. The discussions were highly informative and can be summarised as follows:

- There was consensus on the length of the contract linked to the expected life of fleet; a main term of eight years and mutually agreeable extensions of up to a maximum of eight years.
- Most companies would prefer the council to finance the fleet, with the contractor to specify, procure and maintain the fleet at their own risk.
- The proposed use of Competitive Procedure with Negotiation for the procurement of this contract was favoured overall
- There was consensus that litter picking and litter bin emptying functions in parks and open spaces would be best served by the grounds maintenance contractor to aid operational requirements
- Most companies would prefer that fly-tip removal from parks and open spaces is dealt with by the council's cleansing and waste services provider due to risks around tonnages and resourcing requirements
- Although few providers had their own arboriculture division, most would be able to assist with ad hoc tree risk issues such as storm damage, to ensure a reduction in risk to visitors to our green spaces. It was suggested that emergency tree maintenance could be included as a schedule of rates item.
- There was strong support for adopting a neighbourhoods model to delivering grounds maintenance services, with stated benefits including that it provides ownership, familiarity with local residents and potential efficiencies around carbon emissions and overheads
- All companies were supportive of the council's plan to insource the Parks Warden function and confirmed their ability to work alongside an insourced function to achieve shared goals around park safety and community engagement
- All companies shared their experience of enhancing biodiversity and working with 'friends of parks' and community groups in delivering grounds maintenance services
- All companies shared their experience of using intelligence-led approaches to enable efficient delivery of grounds maintenance services. All companies also confirmed the ability to provide a Management Information System (MIS) to track and provide the council access to this data
- All companies supported our Social Value and Ethical Procurement Policy objectives and now see social value as a core part of their business.

### **Benefits of a Standalone Grounds Maintenance Contract**

4.4 A standalone grounds maintenance contract will provide the following benefits and opportunities:

- Maximising the physical and mental health and well-being benefits arising from access to nature and outdoor sports and physical activity
- Promotion of nature and biodiversity, including enhanced horticultural standards
- Implementing a consistent green infrastructure vision and standards across all Council-owned land

- Delivering climate change adaptation measures such as increasing spaces for cooling and shelter and reducing surface water flood risk
- Engagement and involvement of local people in green activities (e.g. tree planting, flower bed maintenance)

### **Vision for the Grounds Maintenance Contract**

4.5 The vision for this contract is to:

- Improve the way Brent 'looks and feels' to residents, businesses and visitors including good quality and clean parks and green spaces;
- Enhance the vibrancy, biodiversity and climate resilience of the borough's parks and green spaces, contributing to the council's objective for Brent to be one of the greenest, most biodiverse and climate resilient boroughs in London by 2030;
- Promote a greater connection to the natural environment for Brent residents, with more opportunities for local stakeholders to access and get involved in 'green activities' and the management and upkeep of their local green spaces;
- Promote the use of the borough's parks as a place where residents can improve their health and mental wellbeing by undertaking exercise in a structured way on good quality sports pitches and well maintained outdoor gyms and playgrounds;
- Make a positive impact on social, environmental and economic sustainability.

### **Business risks associated with the Grounds Maintenance Contract**

4.6 The risks and mitigations associated with the grounds maintenance procurement and contract are identified in the table set out in Appendix 1.

### **Pre-Tender Considerations for the Grounds Maintenance Contract**

4.7 In accordance with the Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the Grounds Maintenance Contract have been set out in Table 3 below.

*Table 3: Grounds Maintenance Contract pre-tender considerations*

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the services.	Grounds maintenance services in parks and open spaces, housing, highways and allotments.
(ii)	The estimated value.	Circa £43m in nominal terms including indexation and exclusive of VAT over 16 years. (£53m inclusive of VAT).
(iii)	The contract term.	The contract term will be a maximum of 16 years, with an initial term of eight years and the option for mutually agreeable extensions of up to eight additional

Ref.	Requirement	Response	
		years.	
(iv)	The tender procedure to be adopted.	<p>The Competitive Procedure with Negotiation (CPN). The grounds for the use of CPN are set out in the legal implications section of this report. The ground that is relevant to the procurement of the Grounds Maintenance Contract is that:</p> <ul style="list-style-type: none"> <li>“the contract cannot be awarded without prior negotiation because of the nature of the requirement, the complexity of its legal and financial make-up for because of its risks”.</li> </ul> <p>The envisaged key areas for negotiation where these grounds are applicable currently comprise: the fleet and equipment strategy, in particular with regard to opportunities for electrification and carbon minimisation; enhanced horticultural standards and biodiversity; improving recycling in parks; community engagement and volunteer programmes; enhanced participation in sports and physical exercise; and business development plan for events arrangement and income generation.</p> <p>In each key area, negotiation with suppliers may be required in order to achieve an overall position that best meets the Council’s requirements, is affordable based on the Council’s budgets, and achieves an agreeable apportionment of risk between Council and provider.</p>	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Statutory consultation with BHM leaseholders – Stage 1 Notice of Intent	29/11/21 – 10/01/22
		Cabinet approval to issue Contract Notice	17/01/22
		Decision to proceed with issuing Contract Notice (Recordable / Delegated Decision)	25/01/22
		Adverts placed	26/01/22
		Expressions of interest returned	26/02/22

Ref.	Requirement	Response	
		Shortlist drawn up in accordance with the Council's approved criteria	11/03/22
		Issue invitation to Submit Initial Tender (ISIT)	15/03/22
		Deadline to submit Initial Tenders (ISIT)	22/04/22
		Letters to successful bidder(s) / Issue invitation to Participate in Negotiation (if required)	09/05/22
		Issue Invitation to Submit Final Tenders (ISFT)	14/06/22
		Deadline to Submit Final Tenders (ISFT)	08/07/22
		Evaluation and moderation of Final Tenders	11/07/22 – 22/07/22
		Report recommending Contract award circulated internally for comment	August 2022
		Cabinet approval to award (in principle decision)	12/09/22 [TBC]
		Cabinet call in period of 5 days	13/09/22 - 19/09/22 [TBC]
		Minimum 10 calendar day standstill period and notification issues to all tenderers and additional debriefing of unsuccessful tenderers	13/09/22 – 23/09/22
		Statutory consultation with BHM leaseholders – Stage 2 Notice of Proposal/Estimates	13/09/22 – 18/10/22
		Period for Council response to written observations from BHM leaseholders	19/10/22 – 9/11/22
		Decision to proceed with award (Key / Delegated Decision)	10/11/22
		Key Decision call in period of 5 days	11/11/22 – 17/11/22

Ref.	Requirement	Response									
		Contract Award letter issued to successful tenderer	18/11/22								
		Contract Mobilisation	21/11/22 – 31/03/23 [4 months]								
		Contract start date	01/04/23								
(vi)	The evaluation criteria and process.	<p>1. At selection stage shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a selection questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <table><tr><td>Quality</td><td>40%</td></tr><tr><td>Social Value</td><td>10%</td></tr><tr><td>Commercial Risk*</td><td>5%</td></tr><tr><td>Price</td><td>45%</td></tr></table> <p>This proposed evaluation criteria supports the goal of enhanced quality of service provision at an affordable cost within the Council’s overall budget provision.</p> <p>*The full Tier 1 criteria for Commercial and Risk is: acceptability of the contractual and risk position based on bidder commentary on and/or mark-up of the Contract, including both the Conditions of Contract and the Schedules.</p>		Quality	40%	Social Value	10%	Commercial Risk*	5%	Price	45%
Quality	40%										
Social Value	10%										
Commercial Risk*	5%										
Price	45%										
(vii)	Any business risks associated with entering the contract.	Business risks and mitigations are outlined in the table in Appendix 1 of this report.									
(viii)	The Council’s Best Value duties.	This procurement process and on-going contractual requirement will ensure that the Council’s Best Value obligations are met.									

Ref.	Requirement	Response
(ix)	Consideration of Public Services (Social Value) Act 2012	The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and 10% of the evaluation criteria will be assigned to evaluating the bidders' social value proposals.
(x)	Any staffing implications, including TUPE and pensions.	See section 9 below.
(xi)	The relevant financial, legal and other considerations.	See sections 6, 7 and 8 below.
(xii)	Sustainability	This procurement will be undertaken in line with the Council's Sustainable Procurement Policy.
(xiii)	Key Performance Indicators / Outcomes	<p>The strategic outcomes for the contract are as follows:</p> <p><b>Strategic Outcome 1:</b> Provide best value and an affordable solution for Grounds Maintenance service provision that lies within the parameters of the Council's available resources</p> <p><b>Strategic Outcome 2:</b> Improve the way Brent 'looks and feels' to its residents, businesses and visitors, by adopting a neighbourhood approach to meet the needs of local areas, including opportunities for the involvement of local stakeholders in the development and maintenance of green spaces</p> <p><b>Strategic Outcome 3:</b> Enhance biodiversity and climate-resilience in the borough's parks and green spaces through differentiated planting strategies and the development of measures to tackle the impacts of climate change (e.g. flooding and drought), ensuring the service contributes to the council's Climate and Ecological Emergency Strategy objective for Brent to be one of the greenest, most biodiverse and climate-resilient boroughs in London by 2030</p> <p><b>Strategic Outcome 4:</b> Ensure a user focused</p>



Ref.	Requirement	Response
		<p>approach, improving the quality, clarity and timeliness of information shared with stakeholders on how the service is being deployed, and quickly resolving service failures</p> <p><b>Strategic Outcome 5:</b> The Contractor reduces the greenhouse gas (GHG) emissions from the operations of the Services to support the Council's commitment to achieve carbon neutrality by 2030 and contribute to the Mayor of London's Emissions Performance Standard (EPS)</p> <p><b>Strategic Outcome 6:</b> The Contractor commits to support the Council's objective to reduce the use of harmful pesticides in the maintenance of green space across the borough</p> <p><b>Strategic Outcome 7:</b> Deliver better Social Value outcomes via the Council's Social and Ethical Procurement Policy</p> <p>The Grounds Maintenance Contract will include a robust KPI framework.</p>
(xiv)	London Living Wage	<p>The existing contractor pays staff working on the Public Realm Contract the London Living Wage. The new Grounds Maintenance Contract will require the payment of the London Living Wage to London based staff working on the contract.</p>
(xv)	Contract Management	<p>The contract will be monitored by the Parks Service of the Environmental Services Directorate. The team will audit the contractor's work and help identify and deliver further opportunities for service efficiencies.</p> <p>The contract will be managed through: a fortnightly (or more frequently if parties agree) Contract Operations Group discussing day to day issues; a monthly Contract Management Group monitoring performance and payment, and a quarterly Contract Partnership Board ensuring that the goals of the contract are being met and determining the future direction of the contract.</p> <p>A partnership/team approach will be fostered in relation to joint delivery of services on the ground between council and contractor staff.</p>

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

### **Further Detail**

#### Core Functions

- 4.9 The core functions to be delivered through the Grounds Maintenance Contract can be summarised as follows:
- Comprehensive grounds maintenance service to deliver agreed standards in all the Borough's parks, open spaces and green space on Brent Housing Management estates, while maximising opportunities for biodiversity and climate resilient planting.
  - Grounds maintenance service for all grass verges and shrub beds on public highways.
  - Maintenance of communal pathways and perimeter hedges in all allotment sites
  - Maintenance of trees within parks, open spaces and Brent Housing Management land
  - Sports pitch management and maintenance service that meets the needs of users and the applicable standards set by the relevant sport governing bodies
  - Litter picking on all green spaces and bin emptying services in parks and open spaces
  - Identification of fly-tipped waste in parks and open spaces
  - Emergency tree works in parks

#### Fleet Financing

- 4.10 In August 2021, Cabinet gave their approval for a total allocation of £15m from prudential borrowing to finance fleet for both the Integrated Street Cleansing and Waste Contract and the Grounds Maintenance Contract. This included a provisional allocation of £2.0m to purchase grounds maintenance fleet and equipment on an "as is" basis, subject the market expressing an interest in this approach during Soft Market Engagement. This capital allocation will allow vehicles to be financed upfront rather than through the life of the contract, and was deemed necessary in order to broaden the number of bidders who can bid for the contracts and to achieve savings for the Council.
- 4.11 The fleet financing strategy will be developed during the Grounds Maintenance Contract procurement process in which we will consider the market's offer and negotiate (if necessary) on the best solution for fleet in relation to the reliability of service provision and our net carbon zero and air quality targets. This will include consideration of the most appropriate timings and phasing of fleet financing and procurement to ensure the Council benefits from reductions in manufacturing costs and developments in the reliability of new technologies as these are introduced and trialled in the market.

- 4.12 It is stressed that this figure is for a like for like fleet and that should the Council wish to introduce electrification of fleet, this will require additional cost not included in these figures above. Officers will consider options in respect of electrification during negotiation on the Grounds Maintenance Contract and will bring back an additional bid for fleet electrification in spring 2022.

## **5.0 Alternative Options Considered**

- 5.1 The alternative delivery model options applicable to the Grounds Maintenance Contract that were identified and assessed as part of the RLS review, and included in the Best Value Consultation that took place in June 2021, are listed below. Further detail on these options can be found in the appendices contained within the August 2021 Cabinet report on the Final RLS Delivery Model. It should be noted that there was limited support for any of these options in the Best Value Consultation responses.

- The 'as is' model of integration within a public realm services contract
- An integrated 'clean and green' contract with street cleansing services
- Local Authority Company
- Internal Provision (i.e. insourcing)
- Multiple contracts model with multiple contracts within service areas

## **6.0 Financial Implications**

- 6.1 The grounds maintenance service is currently included in the Public Realm Contract. The estimated cost of the grounds maintenance provision within the total Public Realm Contract cost is £2.6m per annum, including the Park Wardens function. Of the current provision, £400k of this funded from the Housing Revenue Account for grounds maintenance on housing estates.
- 6.2 The cost of the new Grounds Maintenance Contract will be funded from the existing allocation in R&E budgets for the Public Realm Contract, and from the Housing Revenue Account for grounds maintenance on housing estates.
- 6.3 The additional cost of insourcing the Park Wardens function (£32k per annum) as part of the Final RLS Delivery Model will be met by finding efficiencies or savings within existing Regeneration and Environment budgets.
- 6.4 The £15m capital allocation from prudential borrowing for financing vehicles for the Integrated Street Cleansing and Waste Contract and the Grounds Maintenance Contract (described in paragraph 4.10 to 4.12 above) was approved by Cabinet in August 2021. This included a £2.0m allocation for the purchase of Grounds Maintenance fleet. This figure includes 20% contingency for market and inflationary variations.
- 6.5 This capital allocated will be fully funded by a reduction in the Integrated Street Cleansing and Waste and Grounds Maintenance contract revenue budgets.

## **7.0 Legal Implications**

- 7.1 The Grounds Maintenance Contract falls within the definition of a 'public services contract' under the Public Contracts Regulations 2015 ('PCR 2015') and is above the procurement threshold for services ( £213,744 (inclusive of VAT) from 1 January 2022). As such, the procurement is subject to the full application of the procurement rules under PCR 2015. The contract is also categorised as a high value contract under the Council's contract standing orders and accordingly is subject to the Council's rules for high value contracts.
- 7.2 It is proposed to use the Competitive Procedure with Negotiation (CPN) for the procurement of the Grounds Maintenance Contract. The CPN is a specific legislative procurement route set out in the PCR 2015 which allows contracting authorities to negotiate with bidders on various aspects of the procurement. Use of this procedure is restricted to the circumstances set out in the PCR 2015, namely:
- Where needs cannot be met without adaptation of readily available solutions;
  - Where the works, services or supplies include design or innovative solutions;
  - Where the contract cannot be awarded without prior negotiation because of the nature of the requirement, the complexity of its legal and financial make-up or because of its risks;
  - Where the technical specifications cannot be established with sufficient precision with reference to particular standards; and
  - In the case of where only unacceptable/irregular tenders have been submitted in an open or restricted procedure.
- 7.3 In order to use the CPN procedure for the procurement of the Grounds Maintenance Contract, the Council must establish that the procurement of the services falls within one of the grounds above. The justification for use of the CPN procedure is set out in (iv) of the table at paragraph 4.7 of this report.
- 7.4 The CPN process allows for acceptance of an initial tender following evaluation of initial tenders if that option is included in the Contract Notice advertising the procurement for the contract. In the event that an initial tender is accepted, there would be no negotiation with bidders. The Council will have the freedom to decide whether to proceed with negotiation to seek an improvement to tenders.
- 7.5 Regulation 29 of PCR 2015 requires contracting authorities using the CPN process to define the minimum requirements to be met by all tenderers. This must be done in the procurement documents which are usually issued at the same time as the Contract Notice. Those minimum requirements cannot be subject to negotiation. Accordingly, when conducting any negotiation and taking account of resident feedback from the public engagement exercise referred to in paragraph 10.4 to 10.6, the minimum requirements cannot be changed. However, there will be scope for officers to take resident feedback into account in matters which fall outside of the minimum requirements.

- 7.6 For High Value Contracts valued over £5 million for services, the Cabinet must approve the pre-tender considerations set out in paragraph 4.7 of this report (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 7.7 Once the tendering process is undertaken, Officers will report back to the Cabinet explaining the process undertaken in tendering the contract and recommending award of the contract subject to completion of the leaseholder consultation process.
- 7.8 As the procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar day 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.
- 7.9 There are a number of staff who TUPE transferred to the current contractor in respect of the Public Realm Contract who are entitled to pension protection if they transfer to a new contractor for the Grounds Maintenance Contract and continue to work on delivery of the services. Pension protection will either be via access to the Local Government Pension Scheme or by provision of a broadly comparable scheme. In the event that the Contractor selects the option of access to the LGPS, the Council will enter into an admission agreement with the contractor in respect of such staff. The implications for Council staffing levels are identified in section 9 of this report.

#### Leaseholder Consultation

- 7.10 Given that this is a Qualifying Long-Term Agreement (QLTA) for the purposes of Section 20 of the Landlord and Tenant Act 1985 (as amended), the consultation procedure set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the 2003 Regulations') must be followed. The applicable provision in the 2003 Regulations is Schedule 2, as this is a QLTA where Public Notice is required to be given via the Find a Tender Service at <https://www.find-tender.service.gov.uk/>
- 7.11 The purpose of the consultation procedure is for leaseholders to be kept informed at the key stages of entering into a new contract for grounds maintenance services in Brent, and to permit leaseholders to make written observations within stipulated time periods, to which the Council is required to have regard.

- 7.12 Although leaseholders may encourage contractors to apply through the Find a Tender Service, given the value of the proposed contract they are not entitled to nominate contractors themselves as part of the consultation process.

#### Purchase of the Fleet for the Grounds Maintenance Contract

- 7.13 In August 2021 Cabinet gave provisional approval to use prudential borrowing to fund the fleet for the Grounds Maintenance Contract. The legal implications associated with that decision were addressed in the August Cabinet report. Officers will explore the options for financing the fleet through the CPN procurement process. Proposals will be finalised and the detail will be included in the contract award report for the contracts in due course.

### **8.0 Equality Implications**

- 8.1 In 2020 an Equality Analysis was undertaken in relation to the RLS programme as a whole and no adverse equality or diversity implications were identified. This was updated in July 2021 to include consideration of the Final RLS Delivery Model and again no adverse equality or diversity implications were identified.

- 8.2 We will develop an equality impact assessment (“EIA”) for the Grounds Maintenance Contract during the negotiation process as we start to gain an understanding of any potential changes to the specification and this will be completed in time to inform the contract award report scheduled for September 2022. The EIA will identify if there are any adverse impacts on those with protected characteristics from the proposals and if there are, to decide what acts (if any) should be carried out to mitigate any identified adverse impacts on equalities arising from the proposal(s).

### **9.0 Any Other Implications (HR, Property, Environmental Sustainability – where necessary)**

- 9.1 The Final RLS Delivery Model includes the insourcing of the park warden function. This will involve the TUPE transfer to the Council of contractor staff currently assigned to that function (6 members of staff). The TUPE transfer will need to be managed in partnership with Human Resources and in line with current HR Policies and Procedures and legislative requirements. Throughout these processes, consultation will be required with relevant individuals, partners, stakeholders and Trade Unions as appropriate.

- 9.2 Council-owned satellite depot sites located within the borough’s parks will be made available to the appointed service provider to deliver the Grounds Maintenance Contract. It is envisaged that at least one of these sites will be designated for exclusive use by the Grounds Maintenance contractor, while the remainder may be leased on a shared basis with the provider of the Integrated Street Cleansing and Waste Contract. This will be done by granting a lease to the Grounds Maintenance Contractor and the lease will permit sharing occupation of the depot thereby allowing the Ground Maintenance

Contractor to enter into a sharing arrangement with the Integrated Street Cleansing and Waste contractor.

- 9.3 A clean and green environment is a key priority for the RLS programme and every opportunity is being explored to ensure that future services and depot arrangements are aligned to our commitments to tackle the climate emergency, air pollution, waste and enhance green spaces and biodiversity.

## **10.0 Consultation with Ward Members and Stakeholders**

- 10.1 Targeted consultation on the RLS Delivery Model Options to comply with Section 3 LGA 1999 took place from 17 May to 28 June 2021 and the results of this exercise and how these have influenced the Final RLS Delivery Model are set out in section 4 of the August 2021 Cabinet Report, with further detail in Appendix 1 of that report.
- 10.2 The RLS Members' Reference Group has met several times to consider the RLS programme, the RLS Review, the Delivery Model Options and statutory consultation results, the Final RLS Delivery Model and proposals for public engagement on waste, cleansing and grounds maintenance services this winter.
- 10.3 An All Member meeting took place on 17 November to provide further information on the public engagement programme described in the section below and opportunities for all members to participate.

### **Public Engagement: Let's Take Climate – Waste and Green Space Edition**

- 10.4 The procurement of the Grounds Maintenance Contract, together with the Integrated Street Cleansing and Waste Contract, provides a once in a decade opportunity to address the following objectives in a holistic way:
- Raise awareness amongst the whole community of the council's climate and ecological commitments and the challenges we all face
  - Drive more sustainable behaviours
  - Reduce the environmental impact of our public realm contracts.
- 10.5 An engagement programme titled, 'Let's Talk Climate: Waste and Green Space Edition', will take place over 12 weeks from 15 November 2021 to 4 February 2022, allowing for 9 active weeks avoiding the festive season. The engagement will focus on what the community can do as much as what the Council can do, to work towards net zero and cleaner, greener neighbourhoods.
- 10.6 This engagement will be concluded prior to the commencement of competitive dialogue sessions with bidders in March 2022 on the Integrated Contract and prior to negotiation with GM contract bidders in April 2022, assuming that the competitive procedure with negotiation is used for the GM procurement as is

currently proposed. The procurement process will therefore enable officers to take account of the community's feedback at the appropriate stages.

- 10.7 Further detail on the planned for public engagement programme is set out in the November 2021 Cabinet Member Decision report.

### **Brent Housing Management Leaseholder Consultation**

- 10.8 Grounds maintenance services on housing estates is a core function of the Grounds Maintenance Contract. As stated above in paragraph 7.10, the Council is required (pursuant to section 20 of the Landlord and Tenant Act 1985) to consult with its leaseholders when entering into any Qualifying Long Term Agreement (QLTA).
- 10.9 The statutory consultation with Council Leaseholders will take place in two stages:
- **First Stage - Notice of Intention:** 29 November 2021 to 10 January 2022
  - **Second Stage - Notice of Proposals / Estimates:** 13 September 2022 – 18 October 2022
- 10.10 Both notices are to be completed in accordance with Schedule 2 to the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the 2003 Regulations').
- 10.11 The purpose of the first notice is to provide leaseholders with general information about the proposed contract and to invite their written observations on it, which the Council is required to have regard to.
- 10.12 The purpose of the second notice is for the Council to send leaseholders information about the proposed agreement, including the name of every contractor involved in that agreement and the leaseholders' estimated contributions (if known; otherwise the estimated costs or if these are also not known at the time, the Council should provide this information to the leaseholders once received). The second notice should also include a copy of the proposal itself, or the option to inspect it, inviting written observations from the leaseholders on the same.

### **Related Documents:**

Cabinet – 16 August 2021 – RLS: Final Delivery Model & Integrated Street Cleansing and Waste Contract Procurement Strategy

Cabinet Member Decision – 10 November 2021 – Public Engagement Proposals: Let's Talk Climate – Waste and Green Space Edition

#### **Report sign off:**

**Alan Lunt**


Strategic Director of Regeneration  
and Environment



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

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	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director  Regeneration and Environment</b>
<b>Draft Planning Obligations Supplementary Planning Document – Approval for Consultation</b>	

<b>Wards Affected:</b>	All excluding parts of Harlesden, Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	One Appendix 1: Draft Planning Obligations Supplementary Planning Document
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Jordan Henderson Career Grade Planning Policy Officer Tel: 020 8937 3819 Email: Jordan.henderson@brent.gov.uk

## 1 Purpose of the Report

- 1.1 This report sets out the need for the Council to replace its existing Planning Obligations Supplementary Planning Document (SPD) which was adopted in July 2013.
- 1.2 The SPD is a key document in setting out a range of non-financial and financial planning obligations required to mitigate potential adverse impacts that would otherwise make development requiring planning permission unacceptable.
- 1.3 Consistent with regulations, the document will need to go through a statutory consultation process before it can be adopted. It will provide further guidance and detail on how to implement policies in the forthcoming new Brent Local Plan.

## **2 Recommendations**

Cabinet is asked:

- 2.1 To note the content of this report and Appendix 1 'Draft Planning Obligations Supplementary Planning Document'.
- 2.2 To approve the draft Planning Obligations SPD for public consultation.
- 2.3 To delegate authority to the Lead Member for Regeneration Property & Planning, in consultation with the Strategic Director for Regeneration and Environment, to consider representations made during consultation and adopt the Supplementary Planning Document as part of the Council's suite of Local Plan related documents, and provide authority to revoke the existing 2013 Planning Obligations SPD once superseded.

## **3 Detail**

- 3.1 The Council secures legally binding obligations against planning applications to make them acceptable in planning terms. This is in order to mitigate against site-specific impacts. Legal obligations are used when addressing matters that otherwise cannot be dealt with through conditions attached to a planning permission. This might be for securing affordable housing or for mitigations, such as requiring improvements to an access road, or securing a financial contribution to secure other mitigation measures. This is done under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended).
- 3.2 The Council currently has a Planning Obligations SPD that was adopted in July 2013. This was produced in association with, and complementary to the Council's adoption of the Community Infrastructure Levy (CIL). It was and still is the case that CIL will be the main mechanism for delivering financial contributions towards general infrastructure requirements across the borough resulting from the cumulative impacts of development.
- 3.3 Since 2013 however, there has been a significant change in development plan policies. The London Plan was replaced in 2015 and more recently in 2021. In addition, the Brent Local Plan has been subject to wholesale review and is likely to be adopted in 2022. This has greatly expanded the range of requirements from development, for example the need for training, residents being prioritised for some jobs associated with development, meeting and monitoring energy standards, carbon off-set payments and achieving the urban greening factor. Development within the borough has also changed significantly. Greater densities mean wholly on-site mitigation measures can be more difficult to achieve. Off-site provision is more often required, e.g. meeting shortfall in private on-site amenity standards by obligations to improve local open spaces.
- 3.4 The draft SPD seeks to address these new policy requirements. To assist in simplifying and speeding up the process of issuing timely planning permissions, it seeks to standardise the Council's most commonly sought S106 obligations. In making clear the Council's requirements, the document will provide stakeholders with more certainty when assessing the development potential of

land earlier on in the development process. In doing so, this should speed up negotiations, and help the Council secure a greater range of provisions toward the implementation of the Brent Local Plan, and wider visions for the borough, as outlined in the Council's Borough Plan and other strategies.

- 3.5 The document includes 18 broad planning obligations. Full detail can be found in section 5 of the draft SPD. The planning obligations address the following policy issues:
- affordable housing;
  - affordable workspace;
  - social infrastructure;
  - employment opportunities;
  - open space and children's play space;
  - trees,
  - air quality;
  - carbon-offsetting and decentralised energy;
  - sustainable transport and parking;
  - heritage and design; and
  - other site obligations and administrative fees.
- 3.6 Affordable workspace, social infrastructure, children's play space, trees, air quality, carbon-offsetting, heritage, and design are all new categories of obligation within the new SPD. In addition to these new requirements, existing obligations have been updated to better reflect the new policy context. Notably, this now includes a financial contribution from residential developments delivering between 5 and 9 dwellings. This will help the Council in delivering its strategic target of 50% of all housing to be delivered as affordable. This requirement was derived from a small sites viability assessment. This determined that small sites can viably provide fixed contributions per dwelling towards off-site affordable housing in most cases.
- 3.7 Obligation 6 on Employment Opportunities ensures emphasis remains on securing 20% of construction jobs for unemployed Brent residents. This was drafted with the needs of the 'Brent Works' service, and deliverability in mind.
- 3.8 Each obligation is secured according to National, London Plan, and Brent Local Plan policy requirements. In doing this, the document provides additional guidance on the Council's interpretation and implementation of the policies within its Development Plan.
- 3.9 Once adopted, the document will be a material consideration in the determination of planning applications. The Council will work with applicants early on in the application process seeking compliance with the SDP to ensure acceptable developments. Once adopted, it will supersede the existing Planning Obligations SPD (2013) which will also need to be formally revoked.
- 3.10 As new policies emerge or change, this document will be revised to better reflect the new planning environment, providing the most up to date guidance. In terms of the Local Plan this will likely be every 5 years in accordance with national regulations.

## **4 Next steps**

- 4.1 Subject to consideration by Cabinet, the draft SPD document will have to undergo a formal consultation process, consistent with regulations and the Council's Statement of Community Involvement. The draft SPD's consultation will be for a minimum of 6 weeks, to take place in early 2022.
- 4.2 The Council will receive and respond to representations, and where necessary make proposed amendments to the document prior to its adoption.

## **5 Alternative Options Considered**

- 5.1 To continue using the existing Planning Obligations SPD. This option would be insufficient in dealing with the Council's emerging Local Plan policies, and those of the new London Plan. This would not provide developers with any more certainty around requirements and processes. Greater clarity at the outset is more likely to result in the financial impacts of the full range of obligations being factored into development costs and the price paid for land, which might not be the case with the current outdated SPD.
- 5.2 To revoke the existing SPD and continue without any S106 guidance document. This would result in the same as the above, but would be more significant in reducing the Council's control over obligations sought, and the resulting quality of development outcomes.

## **6 Financial Implications**

- 6.1 Publicising the consultation and the adoption process will require a small amount of expenditure. This is accounted for within the existing planning policy budget.

## **7 Legal Implications**

- 7.1 The document's content is in accordance with national, regional (London Plan), and emerging Brent Local Plan (2019-2041) policies. Consistent with legislation, it does not seek to make new planning policy. It will go through the appropriate processes of adoption as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## **8 Equality Implications**

- 8.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
  - 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.

3. Foster good relations between people who share a protected characteristic and those who do not.
- 8.2 The Planning Obligations SPD has been established to support the draft Local Plan which has been subject to Equality Impact Assessment. This has informed the policies and projects including analysis of potential alternatives. It seeks to reduce adverse impacts and wherever possible improve the outcomes for those with protected characteristics and the social, economic and environmental outcomes of the Plan.
- 8.3 The SPD has also been subject to its own dedicated Equality Impact Assessment. This concluded the following: 'the Planning Obligations SPD, in accordance with the emerging Local Plan and the adopted London Plan will assist the Council in securing a range of measures which will be crucial toward the realisation of the Brent Local Plan, and wider Borough Plan visions. This will positively impact upon a range of protected characteristics, helping to level the playing field for Brent residents, improving equity across the borough, and quality of life generally.
- 9 Any Other Implications (HR, Property, Environmental Sustainability - where necessary)**
- 9.1 No implications at this stage.
- 10 Consultation with Ward Members and Stakeholders**
- 10.1 To date the document has been through extensive internal consultation with a wide range of internal services that are directly related to the subject matter it contains. There has also been engagement with other parties such as the Environment Agency. The document will be subject to a minimum 6-week public consultation following consideration by Cabinet. This will include ward members and other stakeholders, as are included in the extensive Local Plan Consultation Database. The document will be made available on the Council's website as well as in the Council's libraries, and details of the consultation will be outlined in the Members' Bulletin.

**Report sign off:**

**Alan Lunt**

Strategic Director of Regeneration and Environment

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# Draft Planning Obligations Supplementary Planning Document

IN SUPPORT OF THE BRENT LOCAL PLAN 2020-2041  
PLANNING POLICY TEAM

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# 1 Introduction

## What is this document?

- 1.1 The draft Planning Obligations Supplementary Planning Document (SPD) has been produced to advise those whom seek planning permission from Brent Council (the Council), on the general requirements sought through planning obligations. This will provide stakeholders with more certainty when assessing the development potential of land, and more guidance for drafting planning applications. It also provides further guidance and detail on policies within the Brent Local Plan.

## Who is it for?

- 1.2 This guidance should be read by any interested party, and is particularly relevant for developers, who should refer to this SPD when reviewing the requirements of the Council. Residents and other stakeholders within the borough may also wish to consult this document.

## What are Planning Obligations?

- 1.3 Planning Obligations are legal agreements which are entered into by those with an interest in a site gaining planning permission under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended).
- 1.4 They are generally not standardised (although this document will go some way in standardising the most common requirements), but are negotiated as part of the planning application process.
- 1.5 These come in the form of both financial and non-financial obligations. Financial obligations require the developer to pay a sum of money for a particular purpose. A contribution may deliver the required outcome on its own or could be potentially pooled with others to deliver that outcome. Funds can only be used for their stated purpose, and if not implemented within a specified period, applicants can require their return. These terms will usually be for a minimum of 10 years.
- 1.6 Non-financial contributions are sought when it is reasonable for applicants, who have the capacity to do so (as directed by the Community Infrastructure Levy (CIL) regulation 122 tests), to deliver the obligations themselves. This may for example be where a proportion of affordable housing or public open space is required on site.
- 1.7 Where non-financial contributions are made, the applicant may be credited with CIL relief, which otherwise would have been sought had this provision not been made. This has the effect of offsetting the S106 planning obligations through reductions in CIL fees, ultimately allowing the Council to ensure essential infrastructures are delivered.

### When are Planning Obligations required?

- 1.8 S106 obligations are sought to make development acceptable in planning terms. They are implemented to mitigate against site-specific impacts. They are necessitated in instances where assurance of delivery requires legislative weight, which a condition alone cannot provide. They are also used where a specific financial contribution is required to address the impact of a development, as these cannot be required in a planning condition. The obligations must relate directly to the application, and can be used to:
- Prescribe the nature of development (for example, a proportion of the housing development to be affordable);
  - Compensate for any loss or damage resulting from the development;
  - Mitigate impacts of the development.
- 1.9 In doing this, they must also meet the following statutory (CIL regulation 122) tests in being:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.
- 1.10 Prior to the use of a S106 planning obligation, the Council will strive to use all other means as are appropriate given the circumstances. This may include the following:
- Weave the mitigation measures into the planning application itself in discussion with the developer.
  - Where mitigation cannot be delivered directly through the planning application, the Council will use conditions to ensure these matters are addressed.

### How is this document to be used?

- 1.11 This document outlines the Council's approach to S106 planning obligations as required by Local Plan policy, and supported by other Development Plan Documents. This list is not exhaustive, but will help inform applicants of the Council's general requirements, and improve transparency on the negotiation process.
- 1.12 Although this document will set standardised terms for the most commonly sought planning obligations, it cannot include all possible requirements. All development sites are unique, and may call for specific measures to be secured through planning obligations to make them acceptable in planning terms. Applicants should therefore use this document as a guide to help them consider the impacts of their proposal, and how they can be mitigated. This should be done prior to application, and considered alongside other development plan documents.
- 1.13 As new policies emerge or change, this document will be revised to better reflect the new planning environment, providing the most up to date guidance. In terms of the Local Plan this will likely be every 5 years in accordance with national regulations.

## 2 Community Infrastructure Levy (CIL)

### What is the Community Infrastructure Levy (CIL)?

- 2.1 CIL is a standardised financial charge issued for some forms of development to mitigate against the impacts of development on local infrastructure. CIL can be used to support the provision, improvement, replacement, operation, and maintenance of a wide range of uses, including: social infrastructure (schools and health facilities), open spaces and leisure, strategic transport, emergency services, utilities and flood defences.
- 2.2 This is applied on a per square metre basis to qualifying developments delivering 100 sq.m. or more Gross Internal Area (GIA), or the creation of one or more dwellings. This includes new floor space created through the conversion of a single dwelling into multiple dwellings. The charge therefore depends on the size and type of development, with residential and non-residential floorspace having varying charge rates. The Council has produced a CIL Charging Schedule which provides specific details on this matter.
- 2.3 In addition to Brent CIL, the Mayor of London CIL (MCIL2) is collected to provide funding toward strategic transport projects. Currently Mayoral CIL 2 is to help fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
- 2.4 The charges set have been established in consideration of other financial requirements to ensure an effective balance between the needs produced as a result of development, and its overall deliverability/ viability.

### What is the relationship between CIL and S106?

- 2.5 S106 obligations are complementary to the funds received through CIL. Whereas S106 planning obligations are secured to make applications acceptable in planning terms, CIL is secured to ensure the delivery of more strategic infrastructure which it is likely many developments would otherwise have to contribute towards.
- 2.6 To this effect, previous regulations required Local Planning Authorities to produce a list of infrastructure to be funded through CIL (Regulation 123 list). If included within this list, that infrastructure could not then be funded through S106 agreements. Neither could more than five S106 agreements be pooled to finance a single piece of infrastructure. These measures were put in place to make clear the separate purposes of both S106 and CIL. This saw an increase in the delivery of infrastructures through CIL due to the reduced flexibility of S106. Regulations have since been amended, deleting these stipulations, and subsequently increasing S106 flexibility allowing for pooling. Therefore the capacity of S106 to assist the Council in bringing forward infrastructure has been increased, making it more effective in combination with CIL.
- 2.7 The Regulation 123 list has been replaced by the Infrastructure Delivery Plan (IDP) and Infrastructure Funding Statement (IFS). These documents list the infrastructure that Strategic CIL may be spent on and are updated annually. CIL comprises both Strategic and

Neighbourhood CIL. Strategic CIL is to be spent on infrastructure projects which impact the wider area, whereas neighbourhood CIL is to be spent on smaller projects which have more localised impacts and are determined by the community.

- 2.8 CIL is the Council's preferred tool for pooling developer contributions toward infrastructure, and enables a standardised charge to be issued, providing developers with more certainty. Given this, CIL will be the primary means by which the Council funds infrastructure projects. However, due to the above regulation amendments, the Council reserves the right to pool S106 contributions alongside CIL to deliver essential infrastructures if necessary.
- 2.9 All funds will be used to deliver on the priorities of the Brent Local Plan. The Plan, in accordance with national and London Plan policy, provides a positive framework for the growth of the borough to 2041. The IDP and Capital Investment Programme run alongside this document, and provide detailed infrastructure requirements which will arise as a result of this growth.

## 3 Policy Context

### National Planning policy Framework (NPPF)

- 3.1 The NPPF provides the policy context for all subsequent policies within England. This sets out the government's economic, environmental and social objectives as they relate to planning and development. This policy framework provides a starting point for sustainable development, and should be extrapolated into specific policies through the Development Plan Documents of Local Authorities.
- 3.2 Paragraphs 54 to 57 of the NPPF set out the government's policy on planning obligations. These policies refer back to national legislation. This includes the Town and Country Planning Act 1990 (as amended) which introduces S106 planning obligations and how they can be used. It also references the CIL regulations (2010), and in particular regulation 122 which states the criteria that planning obligations must meet to be lawful.

### London Plan

- 3.3 The London Plan (2021) provides the strategic policy approach as set by the Mayor of London for the Greater London area. The Plan provides strategic targets and overarching policy approaches within which London Boroughs need to be in general conformity.
- 3.4 Policy DF1 deals with the delivery of the London Plan and planning obligations. It indicates that in instances where planning obligations undermine the ultimate delivery of a scheme, affordable housing and public transport obligations should be prioritised first. Following these priorities should be health and educational infrastructure, and then affordable workspace, cultural and leisure facilities. Anything which falls outside of these categories should be of final consideration when viability is at stake.

### Brent Local Plan

- 3.5 The Brent Local Plan (2019-2041), in conjunction with regional (London Plan) and national (NPPF) policy, provides the policy framework within which development can take place within the borough. The Brent Local Plan was produced to be in general conformity with the London Plan.
- 3.6 The Brent Local Plan, along with Neighbourhood Plans, and Supplementary Planning Documents (SPD's), make up the borough's Local Development Documents.
- 3.7 This document supports the Local Plan in providing further guidance on the Council's requirements for planning obligations where they are required through policy within the Plan itself.
- 3.8 Like the Plan, this document only relates to the area of the borough for which Brent is the Local Planning Authority. Park Royal, and other small contingent sections have been under the planning authority of the Old Oak and Park Royal Development Corporation (OPDC) since 2015. The OPDC was granted temporary planning powers by the Mayor to manage the development of this area due to its unique potential in delivering wholesale regeneration. Therefore, the OPDC's planning guidance should be followed in this section of the borough.

## 4 Negotiation

- 4.1 The circumstances within which planning obligations can be secured against a planning application are laid out within national, regional and Local Plan policy as stated above and in the 'When are planning obligations required?' section of this document. This section seeks to provide transparency on the Council's process of negotiating planning obligations, including those outlined within section 5 of this document.
- 4.2 Wherever possible, potential impacts arising from development should be addressed in the early stages of the planning application, and should be secured as part of the proposal prior to being sought as planning obligations. On that basis applicants are strongly encouraged to take their early proposals through a pre-application process. This will include design and sustainability reviews, and ensure the meeting of policy. This allows applicants to gauge the Council's perspective, and address any issues early on. Overall, this will help to manage expectations and ensure the optimum development is delivered on the proposed site.

### Application stage

- 4.3 Planning obligations for major applications should be worked out prior to planning committee meetings, and within reasonable timescales to allow decisions to be issued within statutory timeframes. In the instance that an application is acceptable on all other grounds, but requires a planning obligation against it to make it sound in planning terms, the Council will draft a decision to this effect. This may arise through planning committee as a result of requirements by the committee. Following a positive resolution from planning



committee, the applicant must complete the S106 agreement within a reasonable timeframe in order for the decision to be issued.

- 4.4 The advice which the Council has provided on planning obligations may change throughout the application process. This will be a result of issues which arise throughout the course of an application, and may be in light of comments received through formal consultation.
- 4.5 If the Council and the applicant are unable to come to an agreement on the planning obligations, then it may be necessary to review the application and seek a revised resolution from planning committee.
- 4.6 The Council's planning and legal teams will work together on preparing the formal S106 planning obligation. To ensure effective communication between the legal team and the applicant, all communications should be made through the applicant's solicitor. The solicitor's contact details will therefore be required.
- 4.7 In establishing legal agreements with the Council, the applicant will be required to provide details of land charges. All those with a vested interest in the proposed site, and its use going forward, will need to enter into the agreement.
- 4.8 Once a decision to grant planning permission has been reached, and it involves S106 planning obligations, the full permission will be subject to a S106 legal agreement. The agreement will set out all details with regards to the S106 planning obligations, including the costs accrued from the Council's legal team which will be included as a non-material planning obligation itself.

### Delivery triggers

- 4.9 The Council will include delivery triggers in the s106 planning obligation agreement. These will state at which point in the development process the planning obligation is legally required to be delivered. There are a number of different triggers, with each being selected for different types of planning obligation as appropriate. The primary triggers preferred by the Council are as follows:
  - Upon the date that the agreement is executed;
  - Upon or prior to commencement of the development/phase;
  - Upon or prior to completion of the development/phase;
  - Upon or prior to first occupation (of market or affordable tenures) of the development/phase;
  - Upon or prior to 75% of the development/phase for sale units being sold;
  - In some cases, a period post completion (i.e. travel plans) or when a use ceases (i.e. remediation).
- 4.10 For each planning obligation, the developer is expected to notify the Council when they intend to trigger the obligation, in line with the wording of the legal agreement. This will be logged by the Council and may trigger the delivery of one or more planning obligations. Once other trigger points have been arrived at, it is expected that the developer provides

evidence of having started implementation of said planning obligation. Failure to implement and deliver planning obligations by the agreed delivery triggers and within agreed timeframes may result in the Council taking legal action.

- 4.11 Quite often the Council receives applications to amend existing planning conditions attached to consented schemes. The most significant of these conditions are amended by way of an application made under section 73 of the Town and Country Planning Act 1990. In receipt of such an application, the Council considers whether a separate agreement is required to amend the original section 106 agreement. This separate agreement is usually supplemental to the original section 106 agreement and normally referred to as 'Deed of Variation'

### Viability

- 4.12 Viability is now primarily to be considered at Plan making stage. As such, as part of the evidence base for the new Local Plan (2021), the Council produced a Viability Assessment. This considered the impact of policies on the viability, and therefore deliverability, of a range of development types over different areas of the borough. Assessment was broad and focused on a variety of different Site Specific Allocations. This identified that policy compliant development was viable in most cases. As such, it is expected that the vast majority of developments will meet the Development Plan policies, and deliver on the planning obligations outlined within this document as appropriate. As stated above, if applicants feel these requirements unduly impact upon development viability, they will be required to produce a Viability Assessment to demonstrate this robustly. It will only be in exceptional circumstances that applicants cannot meet the Council's financial contributions and therefore need to produce a Viability Assessment.
- 4.13 When schemes cannot, for financial viability reasons, fully provide the obligations it will be for the council to determine the balance of obligations. In these cases, priority will be given to those obligations necessary to manage the most significant impacts of the proposed development and to the priorities provided in policy or as determined by the Council, taking account of specific site constraints. For affordable housing provision, it will be expected that applicants prioritise the identified Brent need. This is for more genuinely affordable housing products, as opposed to a greater provision of affordable housing overall.
- 4.14 Planning obligations need to be 'fairly and reasonably related in scale and kind to the development' in accordance with National policy. Any viability concerns that the applicant may have, as they relate to the required planning obligations, should be raised early in the application process, preferably at pre-application stage. This should take into consideration the Mayor's Affordable Housing and Viability SPG.
- 4.15 In line with London Plan policy, the Council will thoroughly review the assessment. On schemes referable to the Mayor (150+ units/ 30+ meters in height), the GLA will also review the scheme and accompanying Viability Assessment with an aim to maximise affordable housing contributions.

- 4.16 London Plan policy H5, and supporting Local Plan policy BH5 state that the affordable housing threshold approach applies to major developments which meet or exceed this threshold without public subsidy. The threshold for stakeholders varies as follows:
- A minimum of 35%; or
  - 50% for public sector land where there is no portfolio agreement with the Mayor; or
  - 50% for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity;
  - 60% for strategic partners.
- 4.17 Local Plan policy BH5 requires minor residential developments, delivering between 5 and 9 dwellings, to provide financial contributions in lieu of on-site delivery. The Council commissioned a study to advise on an appropriate contribution which would not impact upon viability. The resulting tariffs, as outlined in obligation 3 below, are conservative, and set below the maximums identified as feasible within the study. It is therefore assumed that these will be viable in most cases. There may still be some exceptional instances where site-specific circumstances result in the financial contribution requiring adjustment. In this event, it will be anticipated that the applicant provide a Viability Assessment to evidence their proposed deviation from this obligation. The Council will seek to maximise contributions received where they have been subject to a Viability Assessment.

### Viability review

- 4.18 In instances where meeting affordable housing requirements has been demonstrated as unviable, the Council is likely to require a viability review mechanism(s). These mechanisms are put in place to consider the impact of time, and the changing financial/ development environment upon the viability of policy compliant affordable housing provision. The following triggers may be imposed upon the permission in this instance:
- If significant progress has not been made on site after a period of 2 years after full permission has been granted;
  - On all phased schemes prior to the delivery of any new phase and/ or building;
  - Upon completion of all works;
  - Upon or prior to 75% occupation of the development/phase.
- 4.19 Significant progress for all non-referable major residential applications will be defined as those which have completed all ground works, foundations and slab base of the development/ phase. Those which are referable to the Mayor will need to align with the latest GLA affordable housing guidance, which currently defines significant progress as ‘the completion of all ground preparation works, the foundations for the core of the development, and construction of the ground floor.’ This is not fixed, and dependent on the scale of development and the schemes deviation from policy, may be subject to negotiation should site-specific circumstances require.

- 4.20 The review will consider the previous assumptions made within the viability assessment at planning application stage, under the new financial/ development environment at the time of the review. This will be with an aim to meet affordable housing policy requirements and deliver maximum community benefit on-site, making the application more acceptable in planning terms. Where appropriate, post-delivery review mechanisms will be favoured as this provides the Council with actual as opposed to estimated costs which is less likely to be conservative and help realise greater delivery. A post-delivery review may be triggered upon completion of all works, or upon 75% occupation of development/ phase. This is most likely to be required in instances where permissions have, for viability reasons, failed to deliver satisfactory levels of affordable housing.

## 5 Standard obligations and Heads of Terms

### Overview

- 5.1 This section sets out the most commonly required S106 planning obligations by the Council. These will ensure that an application is acceptable in planning terms, with all potential harm being sufficiently mitigated. Each application will be assessed on a case-by-case basis, taking into consideration all evidence provided, and national, regional and local policies. It is likely that a number of different planning obligations will need to be secured. This will depend on the extent of development and its likely impacts. In certain circumstances applications will require bespoke planning obligations and therefore the standardisation of obligations cannot be entirely comprehensive.
- 5.2 For each obligation, this section provides a threshold for requirement, the contribution required (both material and financial), and a justification for the rationale behind them. These requirements will be a material consideration in assisting the Council in determining planning applications. Reference to the appropriate London and Local Plan policies, and other guidance related to the obligation will be made where necessary.

### Obligation 1: Major Residential Affordable Housing

- 5.3 Major residential developments (10+ dwellings) are expected to deliver on-site affordable housing. Policy BH5 of the Brent Local Plan, in accordance with London Plan policies H5 & 6, states that the strategic target for affordable housing over the Plan period is 50%. The policy also supports the threshold approach stated within policy H5 of the London Plan, enabling applicants to fast track through the planning process without the need for a viability assessment. In order to qualify for the fast track approach, applicants must meet the following criteria:
- 1) Meet or exceed the relevant threshold level of affordable housing on site without public subsidy;
  - 2) Be consistent with the relevant tenure split;
  - 3) Meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant;
  - 4) Demonstrate that they have taken account of the strategic 50 per cent target in London Plan Policy H4 and Local Plan policy BH5, and have sought grant to increase the level of affordable housing.

- 5.4 This threshold can be higher depending on land use and applicant as identified below. Calculations are made by habitable room, not units. In cases where meeting the threshold is not viable and a lower proportion is proposed, the applicant must robustly demonstrate this through a Viability Assessment which aligns with the London Plan Affordable Housing and Viability SPG. The further any development falls short of the relevant affordable housing threshold, the greater the importance of a robust viability assessment to demonstrate why a lower level of affordable housing is necessary for the scheme to go ahead, and the more that should be done to increase the affordable housing contributions during the implementation of the scheme should viability improve.
- 5.5 London Plan policy H16 states that large scale (50+ units) shared living schemes should contribute a financial sum in lieu of affordable housing on site. This can be as a one off payment, or in perpetuity as a proportion of rent received. To better assist the Council in delivering affordable housing, it is considered that the single larger payment is more appropriate. This will assist the Council in meeting its strategic target of 50% of housing to be provided as affordable.
- 5.6 In instances where the meeting of affordable housing requirements has been demonstrated as unviable, the Council is likely to require a viability review mechanism(s). This is outlined in further detail in paragraphs 4.18-19 of this document. This may be in the form of non-financial or financial contributions, depending on what is more appropriate in each instance.

*Table 1: Major residential affordable housing planning obligation requirements*

<b>Local Plan policies</b>	<b>BH5 (Affordable Housing).</b>
<b>London Plan policies</b>	<b>H4 (Delivering Affordable Housing), H5 (Threshold Approach to Applications), H6 (Affordable Housing Tenure), H16 (Large Scale Purpose Built Shared Living).</b>
<b>Threshold</b>	<ol style="list-style-type: none"> <li><b>1. Non build-to-rent developments delivering 10 or more dwellings.</b></li> <li><b>2. 50+ purpose built shared living units as identified by London Plan policy H16.</b></li> </ol>
<b>Non-financial contributions</b>	<ol style="list-style-type: none"> <li><b>1. The percentage of on-site delivery should be maximised to assist the Council in meeting its strategic target of 50% affordable housing. A minimum percentage of affordable housing (by habitable room) to be delivered on-site as identified by the below thresholds where applicable:</b> <ul style="list-style-type: none"> <li><b>• A minimum of 35%; or</b></li> <li><b>• 50% for public sector land where there is no portfolio agreement with the Mayor; or</b></li> <li><b>• 50% for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity;</b></li> <li><b>• 60% for strategic partners (as identified by footnote 51 of the London Plan).</b></li> </ul> </li> </ol>

	<p>The size and tenure mix of these units should be as follows in accordance with the Brent/ local need:</p> <ul style="list-style-type: none"> <li>• <b>Tenure mix:</b> 70% Social Rent/ London Affordable Rent and; 30% intermediate products that meet the definition of genuinely affordable housing, including London Living Rent, affordable rent, and shared ownership, and those within Local Housing Allowance limits. These must be for households within the most up to date income caps identified in the London Housing Strategy or London Plan Annual Monitoring Report.</li> <li>• <b>Size mix:</b> Be broadly aligned with the identified Brent/ local housing need as outlined within Figure 33 of the Local Plan. If this is not feasible/ appropriate on any given site, the applicant must demonstrate why.</li> </ul> <p>The quantum of the affordable housing contribution, above the threshold minimums, and the tenure and size mix, will be considered on a site-by-site basis, being subject to viability in conjunction with other relevant policies. In the instance of an overall reduction below the threshold minimum, the Council will require the tenure mix above to still be met.</p> <p>Affordable housing is typically disposed to an appropriate Registered Provider (RP). Where this is the case, the identified RP will need to be written into any S106 affordable housing agreement.</p>
<b>Financial contributions</b>	<ol style="list-style-type: none"> <li>1. In the majority of cases affordable housing will be delivered on site. It is recognised that in exceptional circumstances this may not be possible. This is most likely to be the case in instances where applications are subject to late stage viability reviews.</li> <li>2. Non-conventional dwellings provided in large scale shared living schemes do not meet conventional dwelling space standards, and as such, are inappropriate for on-site delivery of affordable housing. It is therefore expected that they provide an equivalent financial contribution toward the delivery of affordable elsewhere within the borough. This will be provided as a single up-front payment equivalent to the below: <ul style="list-style-type: none"> <li>• 50% discount on market rates to 35% of the units, or;</li> <li>• 50% discount on market rates to 50% of the units if on public or designated industrial land.</li> </ul> </li> </ol>

## Obligation 2: Build-to-Rent Affordable Housing

- 5.7 Developments proposing build-to-rent units will be subject to the same thresholds and strategic (50%) approaches as standard residential schemes. The tenures, however, will differ, with build-to-rent scheme affordable units being required to be 100% London Living Rent tenure, or lower rental products. This is required by Local Plan policy BH5 as has been determined as viable by the Brent Viability Assessment. This is supported by London Plan policy BH11, stating that where a development is defined as Build to Rent under part B of this policy, that the preference is for all affordable units to be delivered as London Living

Rent. This will support the Council, and the Mayor, in meeting the strategic affordable housing target of 50% by the end of the Plan period.

Table 2: Build-to-Rent affordable housing planning obligation requirements

<b>Local Plan policies</b>	<b>BH3 (Build to Rent), BH5 (Affordable Housing).</b>
<b>London Plan policies</b>	<b>H4 (Delivering Affordable Housing), H5 (Threshold Approach to Applications), H11 (Built to Rent)</b>
<b>Threshold</b>	<b>Build-to-Rent developments as defined within criterion B of London Plan policy H11.</b>
<b>Non-financial contributions</b>	<p><b>A minimum percentage of affordable housing (by habitable room) to be delivered on-site as identified by the below thresholds where applicable:</b></p> <ul style="list-style-type: none"> <li>• A minimum of 35%; or</li> <li>• 50% for public sector land where there is no portfolio agreement with the Mayor; or</li> <li>• 50% for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity;</li> <li>• 60% for strategic partners.</li> </ul> <p><b>The size and tenure mix of these units should be as follows:</b></p> <ul style="list-style-type: none"> <li>• Tenure mix: 100% London Living Rent, or lower.</li> <li>• Size mix: Be broadly aligned with the identified Brent need as outlined within Figure 33 of the Local Plan.</li> </ul> <p><b>The quantum of the affordable housing contribution, above the threshold minimums, and the tenure and size mix, will be considered on a site-by-site basis, being subject to viability in conjunction with other relevant policies. In the instance of an overall reduction below the threshold minimum, the Council will prioritise the delivery of its residents needs for genuinely affordable products. The overall contribution of London Living Rent products, as a percentage of affordable housing delivered on site, will not be permitted to fall below 70%.</b></p>
<b>Financial contributions</b>	<b>It will be anticipated that as part of any early/ late-stage review, additional affordable housing will still be delivered on site. In the event that this is not appropriate, a financial contribution of 50% market value for the additional affordable housing requirement will be sought. This will also be sought as clawback should any of the affordable rented units be sold.</b>

### Obligation 3: Minor Residential Affordable Housing

- 5.8 Minor residential developments, delivering between 5 and 9 units, will be required to provide a financial contribution towards the delivery of affordable housing off-site. This is required by Brent Local Plan policy BH5 as has been determined as viable by the Brent Viability Assessment. This will be in the form of a financial contribution in lieu of on-site delivery. This will assist the Council in meeting its strategic affordable housing target of 50%



by the end of the Plan period. This is especially pertinent given the delivery of housing on smaller sites which is likely to arise under the new Development Plan policy framework.

- 5.9 The Council commissioned a separate study to identify the small sites tariffs outlined below. This took a conservative approach toward contributions, seeking to settle on figures which are deliverable borough wide. Using area specific residual land values, the study determined that a financial contribution of £50,000 per unit would be viable in almost all scenarios across all value areas across the Borough. Whilst higher value areas, identified as zones H & I ([Appendix A](#)), can conservatively provide £100,000 per unit.

Table 3: Minor residential affordable housing planning obligation requirements

<b>Local Plan policies</b>	<b>BH4 (Small Sites and Small Housing Development in Brent), BH5 (Affordable Housing).</b>
<b>London Plan policies</b>	<b>H2 (Small Sites), H4 (Delivering Affordable Housing), H5 (Threshold Approach to Applications), H6 (Affordable Housing Tenure).</b>
<b>Threshold</b>	<b>Residential developments delivering between 5 and 9 dwellings.</b>
<b>Non-financial contributions</b>	<b>N/A</b>
<b>Financial contributions</b>	<p><b>Provide a financial contribution in lieu of on-site delivery in accordance with the below:</b></p> <ul style="list-style-type: none"> <li>• <b>Zones A-E, in accordance with <a href="#">Appendix A</a> of this document, to provide £50,000 per dwelling.</b></li> <li>• <b>Zones H &amp; I, in accordance with <a href="#">Appendix A</a> of this document, to provide £100,000 per dwelling.</b></li> </ul>

#### Obligation 4: Social infrastructure

- 5.10 Policy BS11 of the Local Plan looks to retain and enhance social infrastructure including leisure, cultural and community facilities. Where social infrastructure is included on the application site, this should be retained unless a replacement facility is provided which would better meet the needs of existing users. In situations where a replacement facility is proposed, a S106 planning obligation should be secured to ensure this is delivered.
- 5.11 This policy also states that ‘proposals for new or enhanced social infrastructure facilities, including the consolidation of existing facilities, will be supported by the Council where they maximise the wider community benefit, through if necessary, requiring formal community use agreements.’ To this effect, securing a Community Use Agreement through a S106 planning obligation will help ensure the ongoing effective utilisation of the facility by the community it serves, through its multiple use. This is supported by London Plan policy S1 that seeks to enhance the utilisation of London’s social infrastructure. A template Community Use Agreement, which may be used by applicants where appropriate, is made available by Sports England here: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>



Table 2: Social infrastructure planning obligation requirements

<b>Local Plan policies</b>	<b>BSI1 (Social Infrastructure and Community Facilities)</b>
<b>London Plan policies</b>	<b>S1 (Developing London's Social Infrastructure)</b>
<b>Threshold</b>	<ol style="list-style-type: none"> <li>1. Applications with existing on-site social infrastructure.</li> <li>2. Applications proposing new or enhanced social infrastructure;</li> </ol>
<b>Non-financial contributions</b>	<ol style="list-style-type: none"> <li>1. Applications which propose the replacement of an existing social infrastructure facility should have the delivery of this facility secured through a S106 planning obligation.</li> <li>2. Applications which propose new or enhanced social infrastructure (including replacement facilities) will be expected to provide public access through a Community Use Agreement. Arriving at any agreement, the Council will expect the following from the applicant: <ul style="list-style-type: none"> <li>• Public consultation with any existing/ potential stakeholders;</li> <li>• Consideration of the Councils need as identified in existing/ required evidence documents;</li> </ul> <p>The resulting Community Use Agreement should outline the following terms:</p> <ul style="list-style-type: none"> <li>• Pricing policies with each separate stakeholder group;</li> <li>• Management arrangements;</li> <li>• Times of public/ stakeholder access;</li> <li>• Total weekly/ monthly time allocated to each use;</li> <li>• Duration of the agreement and conditions under which it would waiver;</li> <li>• Flexibility of terms where appropriate.</li> </ul> </li> </ol>
<b>Financial contributions</b>	<b>N/A</b>

### Obligation 5: Affordable workspace

- 5.12 Affordable workspace is workspace that is provided at rent maintained below the market rate for that space for a specific social, cultural and/ or employment development purpose. Ensuring such spaces are available alongside more traditional employment space will help boost Brent's economic strength and diversity. Demand for affordable workspace in Brent currently exceeds supply. The number of small businesses in the borough has substantially increased since 2010. However, much industrial land and office space has made way for new housing, reducing the supply and affordability of workspace for small businesses.
- 5.13 The Local Plan sets the policy requirement that affordable workspace must be secured for the lifetime of the development and disposed/leased to an operator approved by the Council at no more than 50% market value/rent for a minimum of 10 years. The relevant policies can be summarised as follows:
- Policy BE1 states that affordable workspace should be 10% of total new employment floorspace in developments exceeding 3,000 sqm of employment floorspace. This is to be

delivered in Growth Areas identified as most appropriate and in need, including: Alperton, Burnt Oak/ Colindale, Church End, Neasden Stations, Staples Corner, and Wembley.

- Policy BE2 requires 10% of new employment floorspace to be provided as affordable workspace in redevelopment of Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS) identified for intensification through co-location.
- Policy BE3 provides for affordable workspace in mixed-use development on Local Employment Sites (LES).

- 5.14 All affordable workspace is to be provided as research and development, light industrial, and studio workspace. Maker space in light industrial is to be prioritised in order to meet demand. If the development is within one of the identified Growth Areas and designated as SIL or LSIS, the priorities within policy BE2 of the Local Plan should take precedence. This will also assist the Council in meeting its industrial floorspace targets. These requirements are supported by London Plan policy E3, which allows affordable workspace to be secured for a range of sectors in areas where there is an identified need.
- 5.15 Affordable floorspace is normally to be provided on site, and in perpetuity. Only in exceptional circumstances where it is demonstrated that this is inappropriate may these requirements be amended. In such cases, it is likely that a financial contribution in lieu of full on-site delivery will be required toward the furthering of affordable workspace within the borough. All affordable workspace will need to be managed by one of the Councils approved providers which can be found here: [www.brent.gov.uk/your-community/regeneration/affordable-workspace](http://www.brent.gov.uk/your-community/regeneration/affordable-workspace). When delivering affordable workspace it is strongly advised that discussions with operators take place prior to pre-application stage. Further guidance on the Councils requirements for affordable workspace can be found in the Brent Affordable Workspace SPD.

Table 3: Affordable Workspace Planning Obligations

<b>Local Plan policies</b>	<b>BE1 (Economic Growth and Employment Opportunities for All), BE2 (Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS)), BE3 (Local Employment Sites and Work-Live)</b>
<b>London Plan policies</b>	<b>E3 (Affordable Workspace), E4 (Land for Industry, Logistics, and Services to Support London's Economic Function)</b>
<b>Threshold</b>	<ol style="list-style-type: none"> <li>1. Delivery of over 3,000sq.m. employment floorspace in one of the following Growth Areas: Alperton, Burnt Oak/ Colindale, Church End, Neasden Stations, Staples Corner, and Wembley.</li> <li>2. Applications proposing intensification through co-location on Locally Significant Industrial Sites (LSIS) as identified in Local Plan policy BE2.</li> <li>3. Applications proposing delivery of non-employment uses on Local Employment Sites in accordance with part b of policy Local Plan BE3.</li> </ol>
<b>Non-financial contributions</b>	<p>1 &amp; 2. At least 10% of all employment floorspace to be provided as affordable workspace to be delivered as follows:</p> <ul style="list-style-type: none"> <li>• In perpetuity</li> <li>• At no more than 50% of comparable local market rates</li> <li>• Floorspace is to be provided as affordable research and development, light industrial, flexible office and studio workspace</li> <li>• Managed by one of the Councils approved affordable workspace operators</li> </ul>

	<ul style="list-style-type: none"> <li>• With a minimum lease term of 15 years or a minimum long-lease of 125 years</li> <li>• To a minimum fit-out standard as set out in the Affordable Workspace SPD</li> </ul> <p>3. All additional employment floorspace above that which is existing is to be delivered as affordable should the existing employment use not be retained. If within the existing or emerging creative clusters of Harlesden, Wembley Growth Area, Willesden Green, Alperton Growth Area, Kilburn, Kensal Green, Neasden, Queen's Park, Burnt Oak Colindale Growth Area, and Church End Growth Area, affordable workspace is to be provided on-site.</p> <p>All applications delivering affordable workspace will need to be accompanied by an Affordable Workspace Management Plan once an operator is selected. This should cover how the space will be managed, rent levels, and with reasonable priority being given to local people.</p>
Financial contributions	<p>In rare circumstances it may not be appropriate for affordable workspace to be delivered on site. In these instances, developments will need to provide a financial contribution toward the provision and/or refurbishment of affordable workspace elsewhere within the borough. This is particularly likely for Local Employment sites outside of the existing/ emerging creative clusters as identified in part 3 above, for which affordable workspace is unlikely to be successful on-site.</p> <p>Contributions should be calculated as follows:  <math>(50\% \text{ of market rent (per sq.ft.)} \times \text{floor area (GIA in sq.ft.) of proposed Affordable Workspace as per policies BE1 - 4 (sf)}) \times (1 / \text{yield})</math></p> <p>Planning applications for Affordable Workspace should include details of market rents and yields.</p>

### Obligation 6: Employment opportunities

- 5.16 Maximising employment opportunities and enhancing employability skills for Brent's residents is a key priority for the Council as highlighted in the Local Plan. New Local Plan policy BE1 states that an Employment and Training Plan will be required for all major developments providing more than 5,000sq.m. total floorspace, or delivering 50 or more residential units. This is to be prepared in partnership with Brent Works or any successor body. These measures seek to maximise opportunities for residents to enter into apprenticeships and training programmes, and provide them with new skills to help them gain access to the job market.

Table 4: Training and employment opportunities planning obligation requirements.

Local Plan policies	BE1 (Economic Growth and Employment Opportunities for All)
London Plan policies	N/A
Threshold	Major developments proposing:

	<ol style="list-style-type: none"> <li>1. The delivery of 50+ dwellings, or more than 5,000sq.m. overall floorspace;</li> <li>2. Commercial floorspace.</li> </ol>
Non-financial contributions	<ol style="list-style-type: none"> <li>1. Reasonable endeavours must be used to secure a minimum of 20% of construction phase jobs for Brent residents. As a minimum this will be calculated as follows: 1 job for an unemployed resident per 10 C3 units, 25 C2 units, and/or 500sq.m. commercial floorspace. These will need to be secured for a minimum of 26 weeks full time employment.  50% of these should be secured as apprenticeships for Brent residents. These will be secured for a minimum of 52 weeks. This is a minimum and should be maximised as far as is practicable.</li> <li>2. Reasonable endeavours must be used to secure a minimum of 20% of jobs, once operational, for Brent residents. These will be calculated in accordance with the Homes and Communities Agency (HCA) Employment Density Guidance 3rd Edition (2015). For flexible commercial floorspace an average job yield will be taken.</li> </ol> <p>Projected construction and operation phase jobs will be included in an accompanying Employment and Training Plan, as outlined in policy BE1.</p>
Financial contributions	<ol style="list-style-type: none"> <li>1. A support fee for each construction phase job projected to be secured for Brent residents to be provided as follows: (Number of construction phase jobs and apprenticeships projected) x £2,750  For every additional apprenticeship opportunity secured for Brent residents beyond this, £1,000 will be subtracted from this fee. This will be capped at a construction fee reduction of 20%.</li> <li>2. A support fee for each operational phase job projected to be secured for Brent residents to be provided as follows: (Number of operational phase jobs projected x 20%) x £2,750</li> </ol> <p>1 &amp; 2. Providing reasonable endeavours have not been taken, an additional charge against the shortfall in provision of jobs for Brent residents will be required as follows:  (Number of total jobs projected to be secured for Brent residents – Number of jobs secured for Brent residents) x £5000  This will be used to help secure jobs for Brent residents, and therefore will be paid in addition to the support fees above.</p> <p>All positions should be delivered through the Brent Works service. The developer should notify Brent Works, a minimum of 6 months before material start, to support the creation of an Employment and Skills Training</p>

	<p><b>Plan. The developer will appoint a Construction Liaison Officer to liaise with Brent Works during this time who will be responsible for overseeing the delivery of these obligations.</b></p> <p><b>Applicants should speak to the Council during the pre-application stage and early engagement with Brent Works is encouraged.</b></p>
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### Obligation 7: Open space

- 5.17 Policy BG11 of the Local Plan seeks to improve and increase open space within the borough. Requirements of delivery are first broken down by location, and whether or not the development is outside of a Growth Area, or within. For those within Growth Areas, the delivery of open space should be provided in accordance with the Growth Area policies. For those outside, and within areas identified as having an open space deficiency, delivery should be maximised on site. Sites which adjoin existing blue/ green infrastructure should also seek to maximise delivery on site, and integration with the existing green grid. Within the remainder of the borough, delivery should be on-site unless the size and typology of the open space the development generates a need for (with the exception of Local Areas of Play) is within a safe 400m walk of the proposed development.
- 5.18 In all cases contributions should be optimised on-site, with financial contributions in-lieu of this physical provision being proportional to development scale. Financial contributions will go toward either improving the quality/ accessibility of open space, as in areas outside of Growth Areas, or towards the delivery of open space when within Growth Areas. This will enable existing open space to be enhanced where it represents the primary open space within an area, and will help spread the financial requirement across landowners within growth areas where delivery is required on specific sites.
- 5.19 Local Plan policy BH13 requires ground floor family dwellings (3 bed+) to provide 50sq.m. of outdoor private amenity, with all other units needing to deliver 20sq.m. Delivery of on-site open space can offset the required quanta of this private outdoor amenity. This is assuming London Plan policy D6 outdoor amenity standards are met as a minimum. This requires a minimum provision of 5 sq.m. of private outdoor amenity per 1-2 person dwelling, with an additional 1sq.m. being provided for every additional occupant. The shortfall on provision against policy BH13 against policy D6 should be provided as communal outdoor amenity. It is expected that the delivery of onsite open space will be preferable to financial contributions, and assist in meeting scheme viability. Further guidance on this balance will be set out in the Council's forthcoming Amenity SPD.

Table 5: Open space planning obligation requirements.

<b>Local Plan policies</b>	<b>BGI1 (Blue and Green Infrastructure in Brent), BCGA1 (Wembley Growth Area), BEGA1 (Neasden Stations Growth Area), BEGA1a (Neasden Stations Growth Area), BEGA2 (Staples Corner Growth Area), BEGA2a (Staples Corner Growth Area), BNGA1 (Burnt Oak and Colindale Growth Area), BNWGA1 (Northwick Park Growth Area), BNWGA1a (Northwick Park Growth Area), BSGA1 (Church End Growth Area), BSEGA1 (South Kilburn Growth Area), BSWGA1 (Alperton Growth Area).</b>
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London Plan policies	G1 (Green Infrastructure, G2 (London's Green Belt), G3 (Metropolitan Open Land), G4 (Open Space), G5 (Urban Greening), G6 (Biodiversity and Access to Nature)
Threshold	<ol style="list-style-type: none"> <li>1. Developments in Growth Areas;</li> <li>2. All Major residential developments (including those in Growth Areas).</li> </ol>
Non-financial contributions	<ol style="list-style-type: none"> <li>1. <b>Developments in Growth Areas:</b> Delivery of open space in accordance with the respective Growth Area policy. In instances where the location of this open space is prescribed, and this lies within the curtilage of the proposed site, the open space will be expected to be delivered on-site. Where this is not the case, the applicant should provide a financial contribution (as below) proportionate to the scale of the proposed development.</li> <li>2. <b>Major residential developments:</b> Provide private amenity in accordance with the minimum standards outlined in policy BH13. Where private amenity provision is reduced against this requirement, the remainder will be expected to be provided on-site as communal amenity space. For private amenity, this is considered on a per unit basis. Where the standard is met, the minimum Children's Playspace requirements will still need to be met on-site.  Where outdoor amenity is delivered at the ground floor it should be in the form of public open space. Ground floor amenity space has higher amenity value, and should therefore be prioritised.  Delivery of on-site public open space will be given highest priority in wards which have an open space deficit. These include: Alperton, Brondesbury Park, Dudden Hill, Harlesden, Kensal Green, Kilburn, Mapesbury, Queens Park, Queensbury, Tokyngton, Wembley Central and Willesden Green Ward.  All open space should be delivered in accordance with criteria's a-g of Local Plan policy BGI1.</li> </ol>
Financial contributions	<p>In non-priority wards where existing open space is more widely accessible, the provision of on-site open space may be waived (with the exception of Local Areas of Play). This is if the site is within 400 metres safe walking distance of an existing publicly accessible open space of a larger typology than can be provided on site, as identified on the policies map. In this instance, it will be considered acceptable for the applicant to provide financial contributions (as below) for the enhancement of existing off-site open space.</p> <p>Where agreed that on-site provision is not feasible, the Council will accept a financial contribution to enhance the existing open space offer. The contribution will be calculated as follows:</p> <p>(Required private outdoor amenity provision – total on-site delivery (including private outdoor amenity, and communal amenity)) X £200</p>

**An additional £15psq.m should be secured per year to assist the Council in maintaining these spaces.**

### Obligation 8: Children's play space

5.20 London Plan policy S4 states that developments which are likely to be used by children and young people should increase opportunities for play and informal recreation by children of all ages. For residential developments, this translates as a minimum of 10 sq.m. of play space per child. To calculate the child yield of a development, the Mayor's calculator for play space should be used which can be found [here](#). This is supported by the Brent Open Space, Sports and Recreation Study (2019). The delivery of on-site play space will contribute towards the overall quantum of open space and amenity policy requirements.

Table 6: Children's play space planning obligation requirements.

<b>Local Plan policies</b>	<b>BH13 (Residential Amenity Space)</b>						
<b>London Plan policies</b>	<b>S4 (Play and Informal Recreation)</b>						
<b>Threshold</b>	<ol style="list-style-type: none"> <li>1. Developments yielding 10 or more children as calculated through the Mayor's play space calculator.</li> <li>2. Developments yielding fewer than 10 children as calculated through the Mayor's play space calculator.</li> </ol>						
<b>Non-financial contributions</b>	<ol style="list-style-type: none"> <li>1. A minimum of 10 sq.m. of play and informal recreation space per child generated as a result of the development. This will be calculated using the Mayor's play space calculator. The spaces should be in accordance with London Plan policy as follows: <ul style="list-style-type: none"> <li>• Provide a stimulating environment.</li> <li>• Can be accessed safely from the street by children and young people independently.</li> <li>• Form an integral part of the surrounding neighbourhood.</li> <li>• Incorporate trees and/or other forms of greenery.</li> <li>• Is overlooked to enable passive surveillance.</li> <li>• Is not segregated by tenure.</li> <li>• Meets the needs of a range of different aged children.</li> <li>• Include a suitable long-term management/ maintenance plan for the duration of the developments lifetime.</li> </ul> </li> <li>2. Where possible, developments yielding fewer than 10 children should seek to achieve the standards stated above, otherwise a financial contribution will be sought (as below).</li> </ol> <p>Where there is existing access for each age group (as identified in the below table), contribution toward on-site play space as stated above need not apply.</p> <table> <tr> <th>Child Age</th><th>Actual walking distance from residential unit (taking into account barriers)</th></tr> <tr> <td>Under 5's</td><td>100m</td></tr> <tr> <td>5 - 11 year olds</td><td>400m</td></tr> </table>	Child Age	Actual walking distance from residential unit (taking into account barriers)	Under 5's	100m	5 - 11 year olds	400m
Child Age	Actual walking distance from residential unit (taking into account barriers)						
Under 5's	100m						
5 - 11 year olds	400m						



	<b>12+</b>	<b>800m</b>	
<b>Financial contributions</b>	<p><b>2. An appropriate financial contribution toward the delivery and/ or enhancement of off-site play and informal recreation space. This should be delivered nearby in accordance with the above table and the Mayor's play space calculator.</b></p> <p><b>An additional £35 per sq.m should be secured to assist the Council in maintaining these spaces. This will be secured against the sq.m. of formal childrens playspace.</b></p>		

### Obligation 9: Trees

- 5.21 Policy BG12 of the Local Plan seeks to retain existing, whilst the London Plan encourages the delivery of new trees. This is written to accord with the hierarchy of Avoid-Mitigate-Compensate. To this effect, the policy looks to retain on-site trees wherever possible. Replacement trees compensate for those lost, with financial contributions toward off-site planting where this is not possible. It is anticipated that in order for most applicants to meet the London Plan Urban Greening Factor (policy G5) additional trees will need to be delivered.

Table 7: Tree planning obligation requirements.

<b>Local Plan policies</b>	<b>BG12 (Trees and Woodlands)</b>
<b>London Plan policies</b>	<b>G5 (Urban Greening), G7 (Trees and Woodlands)</b>
<b>Threshold</b>	<p><b>1. Developments with a public facing frontage.</b></p> <p><b>2. Developments which will result in the loss of one or more trees.</b></p> <p><b>3. Developments that cannot achieve the relevant urban greening factor score.</b></p>
<b>Non-financial contributions</b>	<p><b>1. Street trees to be provided at regular intervals along all public facing frontages, if possible with connecting tree pits.</b></p> <p><b>2. Where trees are lost, the equivalent tree canopy cover will be expected to be replaced on-site. This will be measured as total canopy area of new trees at the time of planting being equal to canopy area of existing trees proposed for removal.</b></p> <p><b>3. Where the Urban Greening Factor (UGF), as specified within policy G5 of the London Plan, has not been met, additional trees will be required on site to enable development to achieve the UGF.</b></p> <p><b>All trees delivered within the curtilage of the development must be managed by the applicant for the lifetime of the development, with applications being accompanied by a tree management plan.</b></p>
<b>Financial contributions</b>	<b>Where the above is not possible, a financial contribution covering the equivalent off-site provision will be expected. The ecosystem service of the trees being lost will be determined by a DEFRA/ Natural England supported calculator which provides a financially quantifiable sum for their required re-provision elsewhere within the borough. This will also determine the</b>



	<p><b>number of trees required to make up for the deficit in the urban greening factor score.</b></p> <p><b>The Council will also reserve the right to use these contributions toward the maintenance of its existing tree stock.</b></p>
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### Obligation 10: Air quality

5.22 Policy BSUI2 of the Local Plan states that ‘major developments within Growth Areas and Air Quality Focus Areas will be required to be Air Quality Positive and elsewhere Air Quality Neutral.’ In particular, with regards to planning obligations, it also states that ‘where on site delivery of these standards cannot be met, off-site mitigation measures will be required.’ It is accepted that meeting these targets on site will not always be possible. The applicant should therefore be innovative in ensuring the target is ultimately met. This may include through measures such as improving local public transport access and/ or through increasing biodiversity at local open spaces. Efforts should accord with the Brent Air Quality Action Plan. All potential emissions should be calculated using the Emissions Factor Toolkit which is available here: <https://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>. A post completion or occupation monitoring report should be issued to demonstrate compliance.

Table 8: Air quality planning obligation requirements.

<b>Local Plan policies</b>	<b>BSUI2 (Air Quality)</b>
<b>London Plan policies</b>	<b>SI1 (Improving Air Quality)</b>
<b>Threshold</b>	<ol style="list-style-type: none"> <li><b>For air quality positive: major developments within Growth Areas and Air Quality Focus Areas, as identified within the Brent Air Quality Action Plan.</b></li> <li><b>For air quality neutral: all other developments.</b></li> </ol>
<b>Non-financial contributions</b>	<p><b>1 &amp; 2. Demonstrate that all possible measures for reducing development impact on air quality have been explored and implemented, whilst opportunities for local air quality enhancement have been maximised. Where opportunities have been exhausted on-site, supplementary off-site measures will be supported, ensuring the development contributes to the safeguarding/ improvement of local air quality.</b></p> <ol style="list-style-type: none"> <li><b>Demonstrate that proposed measures will result in an air quality positive scheme. To qualify as air quality positive, developments not only have to be net zero carbon, but also contribute actively to a progressive reduction in emissions.</b></li> <li><b>Demonstrate that proposed measures will result in an air quality neutral scheme. To qualify as air quality neutral, the development must meet the building emissions benchmarks set out in the Mayor’s Sustainable Design and Construction SPG.</b></li> </ol>
<b>Financial contributions</b>	<b>Where the above is not possible, a financial contribution covering the equivalent off-site provision will be expected. This should be a last resort and</b>

	<p><b>will only be considered acceptable where all other avenues have been demonstrably pursued. This should be calculated using DEFRA's damage cost calculator for air quality which can be found here:</b></p> <p><a href="https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance#worked-example">https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance#worked-example</a></p>
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### Obligation 11: Decentralised heat and energy

- 5.23 Decentralised, renewable and low carbon energy supply systems can help mitigate against climate change. This is especially so when heat customers and suppliers are co-located. As detailed in the London Plan policy SI3, criterion D 1, major developments are required to select communal energy systems in accordance with the following hierarchy:
- connect to local existing or planned heat networks
  - use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
  - use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
  - use ultra-low NOx gas boilers.
- 5.24 Local Plan policy BSUI1 *requires* district heating networks to be established in all new Growth Areas (Northwick Park, Neasden Stations, and Staples Corner), whilst pre-existing Growth Areas are *expected* to deliver district heating networks. The scale and type of network may vary depending on the context and the quantum of development planned in that area. All major developments also need to connect to/ contribute towards a decentralised energy system. This will assist the Council in meeting its long-term sustainability targets of net zero carbon emissions.
- 5.25 The Council also recognises that decentralised heating and energy is a dynamic sector, and is likely to change considerably over the lifetime of this document. As such, where deviation from the below can be demonstrably justified, and that the proposed deviation will deliver upon the Councils intent of providing resilient and sustainable energy and heating systems, the Council may consider alternative provision. Any such deviation should not compromise the delivery of wider or area specific goals, and may require further carbon-offsetting under obligation 12 of this document.

Table 9: Decentralised energy planning obligation requirements.

<b>Local Plan policies</b>	<b>BSUI1 (Creating a Resilient and Efficient Brent)</b>
<b>London Plan policies</b>	<b>SI2 (Minimising Greenhouse Gas Emissions), SI3 (Energy Infrastructure).</b>
<b>Threshold</b>	<ol style="list-style-type: none"> <li>Major developments in Growth Areas;</li> <li>All major developments.</li> </ol>
<b>Non-financial contributions</b>	<ol style="list-style-type: none"> <li>Where a site is significant in scale, and a district heating network is yet to be established, the applicant will be expected to deliver an energy centre space. Where the location of this space has been</li> </ol>

	<p>established in an adopted masterplan, the applicant will be expected to deliver on-site.</p> <p>2. If a network has already been established in the local vicinity, or it is not feasible to be delivered on site, the development should be connection ready. Alternatively, the applicant may provide a 100% renewable heating system. Where this is not 100% renewable, the applicant will be expected to enable future connection to a network.</p>																
Financial contributions	<p>2. All major developments will be expected to provide financial contributions towards the delivery of a local district heating network. This will be proportionate to the scale of development proposed, and relative to the energy consumption of the proposed units/ commercial floorspace. It will also consider the renewable energy generated by the proposed development, and if to be delivered on site, the cost of the space provided for its occupation. Contributions will therefore be calculated as follows:</p> <p>((Shortfall against net zero-carbon target per annum in tonnes x 1,500) x Growth Area Premium factor*) – costs of space if being delivered on-site (subject to not exceeding 0).</p> <p>*</p> <table border="1"> <thead> <tr> <th>Growth Area</th><th>Premium factor</th></tr> </thead> <tbody> <tr> <td>Neasden</td><td>1.00</td></tr> <tr> <td>Church End</td><td>1.00</td></tr> <tr> <td>Burnt Oak/ Colindale</td><td>1.09</td></tr> <tr> <td>Northwick Park</td><td>1.15</td></tr> <tr> <td>Alpertton</td><td>1.15</td></tr> <tr> <td>Wembley</td><td>1.17</td></tr> <tr> <td>Staples Corner</td><td>1.25</td></tr> </tbody> </table> <p>Developments within the South Kilburn Growth Area will be subject to alternative, historical calculations.</p> <p>Where justified, an alternative fee may be agreed upon. For instance, this may be where there is an existing source of waste heat which can be utilised. The discount will be proportionate to the amount of energy the decentralised network no longer needs to generate.</p> <p>This will incentivise delivery of low energy demand units in the first instance. Average energy demand per unit will be set out in an accompanying sustainability statement which is required to consider the energy demands of all units individually.</p>	Growth Area	Premium factor	Neasden	1.00	Church End	1.00	Burnt Oak/ Colindale	1.09	Northwick Park	1.15	Alpertton	1.15	Wembley	1.17	Staples Corner	1.25
Growth Area	Premium factor																
Neasden	1.00																
Church End	1.00																
Burnt Oak/ Colindale	1.09																
Northwick Park	1.15																
Alpertton	1.15																
Wembley	1.17																
Staples Corner	1.25																

### Obligation 12: Carbon offsetting

5.26 London Plan policy SI2 requires all major developments to be net zero-carbon. This is to be achieved in accordance with the below hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

5.27 For major developments referable to the Mayor, a whole life carbon assessment is required, including embodied carbon within net zero-carbon calculations and targets. For all other major developments, this will only include operational carbon within calculations. Calculations will include both regulated and un-regulated emissions. Calculations from these assessments will be used to inform the below contributions.

5.28 To this effect, major developments will be expected to submit detailed energy strategies outlining how this has been achieved. As a minimum, a 35% reduction against part L of the Building Regulations will be required on-site. Where it is clearly demonstrated that net zero-carbon cannot be achieved on-site, applicants will be expected to provide a cash in lieu contribution toward off-site mitigation. This will be ring-fenced within the Council's Carbon Offset Fund and spent according to the priorities outlined within the Councils Climate and Ecological Emergency Strategy. This will assist the Council in meeting its long-term sustainability targets of net zero-carbon.

Table 10: Sustainability planning obligation requirements.

<b>Local Plan policies</b>	<b>BSUI1 (Creating a Resilient and Efficient Brent)</b>
<b>London Plan policies</b>	<b>SI2 (Minimising Greenhouse Gas Emissions), SI3 (Energy Infrastructure).</b>
<b>Threshold</b>	<b>All major developments.</b>
<b>Non-financial contributions</b>	<b>N/A</b>
<b>Financial contributions</b>	<p><b>(Shortfall against net zero-carbon target per annum in tonnes X current carbon offset price*) X 30 years</b></p> <p><b>* Current carbon offset price as determined by either the GLA or the Council.</b></p> <p><b>Triggers for payment will be as follows:</b>  <b>50% at material start; with the remainder being paid upon completion based on as-built documentation<sup>†</sup>.</b></p> <p><b><sup>†</sup> This would include (but is not limited to), Part L as-built compliance documents and lodged EPC's.</b></p> <p><b>This will further incentivise developers to deliver low-carbon developments throughout the build process.</b></p>

### Obligation 13: Sustainable transport

5.29 Policy BT1 of the Local Plan seeks to increase the uptake of active and sustainable travel (i.e. public transport, walking and cycling). This will assist the Council in meeting the Mayor's strategic target of 80% (as outlined in the Mayor's Transport Strategy) of trips to be undertaken by these modes. The Council aims to achieve this by reducing barriers to the greater uptake of sustainable transport modes, including: securing improvements to the public realm; providing for high-quality, safe and well-connected cycle and pedestrian links; improving public transport connections and links to these; and increasing the provision of infrastructure to support the uptake of low/zero emission vehicles. To this effect, the Council will seek to secure planning obligations to ensure developments accord with this policy aspiration and reduce the impact of private vehicles, particularly the most polluting types. Transport Assessments and Plans should reflect this aspiration and demonstrate how proposed measures help the Council in achieving this strategic target.

Table 11: Sustainable transport planning obligation requirements.

<b>Local Plan policies</b>	<b>BT1 (Sustainable Travel Choice)</b>
<b>London Plan policies</b>	<b>T1 (Strategic Approach to Transport), T2 (Healthy Streets), T3 (Transport Capacity, connectivity and Safeguarding), T4 (Assessing and Mitigating Transport Impacts).</b>
<b>Threshold</b>	<ul style="list-style-type: none"> <li>• Developments delivering greater than 50 units to produce a Travel Plan Statement;</li> <li>• Developments delivering greater than 80 units to produce a Full Travel Plan.</li> <li>• Other schemes which significantly impact upon highways or are in low PTAL areas.</li> </ul>
<b>Non-financial contributions</b>	<p>The following are not extensive, and are as listed in paragraph 6.8.15 of the Local Plan:</p> <ul style="list-style-type: none"> <li>• Provision and implementation of a Travel Plan, including the provision of further mitigation if the targets within the Travel Plan are not met. The Travel Plan should be compatible with the i-trace software, or any successor.</li> <li>• Public transport improvements sufficient to service the scheme or to integrate it with the surrounding area. Developments attracting a significant number of trips in areas with low or moderate public transport accessibility or causing capacity issues to the existing network will only be acceptable when significant public transport improvements are secured which are both viable and justifiable in the longer term.</li> <li>• The extension or bringing forward of on street parking controls or waiting restrictions due to an unacceptable impact on road safety, emergency vehicle access or traffic management.</li> <li>• Provision of improvements to existing pedestrian and/or cycle facilities including footway enhancements along the development frontage and where appropriate, permissive rights of way within the development.</li> <li>• Traffic calming measures.</li> <li>• Acceptable road safety and essential highway improvements, not necessarily restricted to the immediate development area.</li> </ul>

	<ul style="list-style-type: none"> <li>Programmes to reduce car usage and ownership (car pooling, car clubs, cycle sharing schemes).</li> </ul> <p>Transport infrastructure provided as a result of the development will require a supplementary highway agreement under S38 and/or S278 of the Highways Act 1980.</p> <p>The extent to which these obligations are sought will be considered on a site-by-site basis determined by the scale, type, and location of proposals.</p>
Financial contributions	<p>If it is not wholly within the capacity of the development to address issues as listed within Local Plan policy BT1 themselves, financial contributions to the effect of the above will need to be secured to make the application acceptable in planning terms.</p> <p>Travel Plan monitoring fees, refundable to WestTrans, to be provided as follows:</p> <ul style="list-style-type: none"> <li>For schemes referable to the Mayor of London, a fixed fee of £3,250 will be required.</li> <li>For all other Major developments, a fee of £1,600 will be required.</li> </ul>

#### Obligation 14: Vehicle reduction and parking

- 5.30 The Council acknowledges the need for a 'push and pull' approach when it comes to transport. This means 'pushing' people towards more sustainable modes, and 'pulling' them away from their private vehicles. Policies BT2 and BT3 of the Local Plan seek to encourage people to use sustainable forms of transport through limiting the provision of and managing the impacts of parking; and optimising delivery and servicing arrangements in new developments. To ensure that some of the measures required by this policy are carried forward, they will need to be secured through planning obligations.

Table 12: Vehicle reduction and parking planning obligation requirements.

Local Plan policies	BT2 (Parking and Car Free Development), BT3 (Freight and Servicing).
London Plan policies	T6 (Car Parking).
Threshold	All developments.
Non-financial contributions	<ul style="list-style-type: none"> <li>Adhere to a 'Permit-Free' scheme whereby the Owner would inform future occupants of the development that they would not be entitled to permits for any existing or future on-street controlled parking zone.</li> <li>A Car Parking Management Plan setting out how car parking spaces within the development will be allocated and enforced</li> </ul>
Financial contributions	<p>If new on-street parking controls are required as the result of new development (including the provision of a Controlled Parking Zone) or where existing parking controls require amendment, the development would be required to contribute toward this financially. This will be £250 per residential unit.</p> <p>Priority should be given to the provision of facilities to support shared mobility (e.g. car and bike clubs and pooling schemes) above the provision of</p>

	<b>private parking. Where new Car Clubs are proposed, the development will be expected to enter into an agreement with a car club operator to provide vehicles and to promote the scheme, including the provision of three years free membership for residents. If a Car Club is already established in the area, then only the three years free membership would be expected.</b>
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### Obligation 15: Heritage

- 5.31 Policy BHC1 of the Local Plan considers a positive strategy for the heritage assets of Brent. It also includes buildings, structures, gardens and archaeology of local significance. Planning obligations in relation to site specific heritage issues may be sought where measures to preserve or enhance, investigate and/or record, and secure the long term stewardship of heritage assets are required. These will be considered on a case-by-case basis. Priority will be given to the significance of the heritage asset and those included on Historic England's Heritage at Risk Register. It may include contributions towards Brent Museums and Archives, archaeological reports/collections and public art.

<b>Local Plan policies</b>	<b>BHC1 (Brent's Heritage Assets)</b>
<b>London Plan policies</b>	<b>HC1 (Heritage Conservation and Growth)</b>
<b>Threshold</b>	<b>All proposals for or affecting heritage assets</b>
<b>Non-financial contributions</b>	<p><b>Making appropriate provisions for the protection, repair, restoration, interpretation, maintenance or relocation of heritage assets and/or their settings.</b></p> <p><b>To help determine appropriate provisions, it is likely a range of the following assessments will be required: Viability, feasibility, structural, and repair reports. This will also help determine the following requirements: investigation, recording, dissemination and archiving.</b></p>
<b>Financial contributions</b>	<b>Financial contribution (depending on significance) to help restore and repair or mitigate the impact of development particularly on setting.</b>

### Obligation 16: Design

- 5.32 Brent has ambitions to grow, as outlined in the Local Plan. As well as accommodating significant housing and economic growth, the Council also wants to deliver high quality accessible places that people are proud to live in, are environmentally and socially sustainable and improve the character of the borough as a whole. This includes the delivery of high quality residential and commercial developments.
- 5.33 Specialist residential accommodation can cater to the specific needs of a variety of people within the community and design requirements will consequently vary significantly. Accessible and adaptable housing enables people to live more independently while also saving on health and social costs in the future. Commercial floorspace is often delivered in prominent locations, or in locations currently lacking in character, and as such, will require significant design consideration.



- 5.34 All development proposals must lead the way in good urban and sustainable design, positively addressing the design policies within Brent's Local Plan. Development should also follow the advice in relevant Supplementary Planning Documents. These include SPD1, Brent's Design Guide, and SPD2, guidance on residential extensions.
- 5.35 Decisions or changes made after permission has been granted, often through value engineering or minor amendments, can significantly compromise design quality and result in a development which may no longer accord with the Local Plan and supplementary planning guidance. To ensure design quality is delivered through to completion, London Plan policy D4, part F, sets out a number of measures that emphasise the need for detailed design considerations to be maximised, and captured at both early design stages and within the planning application itself. This is opposed to deferring consideration of high impact design considerations until the later discharging of conditions.
- 5.36 In instances where detailed design considerations have not been sufficiently captured within the planning application itself, and any outstanding considerations cannot be addressed via conditions alone, the Council will seek either the appointment of a Design Certifier or architect retention, as appropriate.
- 5.37 The Council will need to be notified in writing if the original architect is no longer to be retained through to completion after receiving planning permission. This should include both an explanation for the decision and the details of the replacement architect. In these instances, and depending on the anticipated implications for design quality, the Council will recommend one of the following:
- Design Certifier not required;
  - Original architect to act as Design Certifier;
  - Different architect to act as Design Certifier; or
  - Retention of original architect through to completion via a retention clause.

<b>Local Plan policies</b>	<b>Specifically: DMP1 (Development Management General Policy), BD1 (Leading the Way in Good Urban Design)</b>
<b>London Plan policies</b>	<b>Specifically: D4 (Delivering Good Design)</b>
<b>Threshold</b>	<b>Major applications which have failed to include sufficient detailed design considerations at planning application stage, and where outstanding considerations cannot be adequately addressed via conditions alone.</b>
<b>Non-financial contributions</b>	<p><b>Depending on the potential impact of outstanding design considerations upon the final design, the Council will recommend either:</b></p> <ul style="list-style-type: none"> <li>• <b>One form of Design Certification; or</b></li> <li>• <b>An architect retention clause as appropriate.</b></li> </ul> <p><b>These will be secured through to completion of the proposed development. They should make specific reference to the architect, their company and/ or the design group where applicable.</b></p>
<b>Financial contributions</b>	<b>N/A</b>



### Obligation 17: Other site specific obligations

- 5.38 There may be circumstances where proposals would result in a material increase in the need or demand for other types of infrastructure or services which are not specifically addressed within this document, and where provision is required in order to make the development acceptable in planning terms. In such cases the council will negotiate with applicants on a case-by-case basis having regard to site specific circumstances. The potential scope of site specific planning obligations is extensive and may include a diverse range of infrastructure and services.

### Obligation 18: Administrative fees

- 5.39 S106 planning obligations must be negotiated, secured, and implemented. Each of these stages requires the Council's resources. They can therefore be determined as an impact of development. This therefore requires the Council to be compensated for administering this additional task. As a result of this the CIL regulations, as came into effect on 1<sup>st</sup> September 2019, state that Local Authorities can seek monitoring fees through S106 planning obligations. This will ensure that appropriate obligations can be sought, and that they will be implemented correctly without issue. The financial contributions have been arrived at through consideration of current CIL requirements, and the equivalent requirements of other London Boroughs. These will be required for both financial and non-financial contributions. Other financial recuperations sought through planning obligations, such as legal fees, will be determined on a case-by-case basis as they are accumulated by the individual application.

Table 13: Administrative fee planning obligation requirements.

<b>Local Plan policies</b>	<b>N/A</b>
<b>London Plan policies</b>	<b>DF1 (Delivery of the Plan and Planning Obligations)</b>
<b>Threshold</b>	<b>All applications which have a S106 planning obligation attached.</b>
<b>Non-financial contributions</b>	<b>N/A</b>
<b>Financial contributions</b>	<p><b>Payment of the Council's legal and other professional costs in:</b></p> <ol style="list-style-type: none"> <li><b>1. Monitoring and enforcing its performance.</b></li> <li><b>2. Legal and other professional fees as they arise.</b></li> </ol> <ol style="list-style-type: none"> <li><b>1. The implementation, monitoring and enforcement fee will be provided in accordance with the S106 monitoring fees spreadsheet which can be found on the Council's webpage.</b></li> <li><b>2. Legal and other professional fees accrued which do not fall under the above, and have explicit charges will be charged back to the development under a planning obligation. The amount will be agreed between the two parties legal teams through an undertaking by the developers solicitor.</b></li> </ol>

## 6 Monitoring Arrangements

### Management

- 6.1 The management and monitoring of S106 planning obligations is overseen by dedicated officers within the Infrastructure Planning team. The process pulls together a number of different departments, including Planning and Legal, and involves collaboration with various service providers.
- 6.2 The Infrastructure Planning team will coordinate the process, monitor compliance with the S106 agreements, log agreements and the implementation of financial and non-financial contributions on the Councils systems.
- 6.3 These will be registered and validated by the Infrastructure Planning team who will conduct an internal consultation with the relevant service providers to ensure the obligation has been upheld. The implementation and delivery of non-financial contributions will require appropriate evidence of commencement and completion.
- 6.4 Following validation of compliance with the obligation, a decision letter will be issued to confirm that the obligation has been upheld. Once delivered the obligations will continue to be monitored to ensure their long-term delivery is maintained to the end of the planning obligations agreed timeframe if applicable.

### Spend

- 6.5 Financial contributions will be used to fund projects through the pooling of other S106 planning obligations, CIL funds and other funding sources as appropriate. The projects will be approximated within the agreement, providing the conditions under which they can be spent, and will be guided by the Council's Infrastructure Delivery Plan and Capital Investment Pipeline.
- 6.6 Given that financial obligations will be paid at a later date than this document was adopted (2022), the final payment will need to be indexed to account for inflation. This is to account for the increased cost in providing necessary mitigation measures and infrastructures. A standardised index from an appropriate government body, such as the Retail Price Index, will be defined within the agreement.
- 6.7 CIL and S106 financial contribution spend will be reported annually through the Infrastructure Funding Statement, as per the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. This will include an annual breakdown of monies collected, allocated, and spent for both CIL and S106. This will ensure transparency of governance over funds, and their responsible spend.

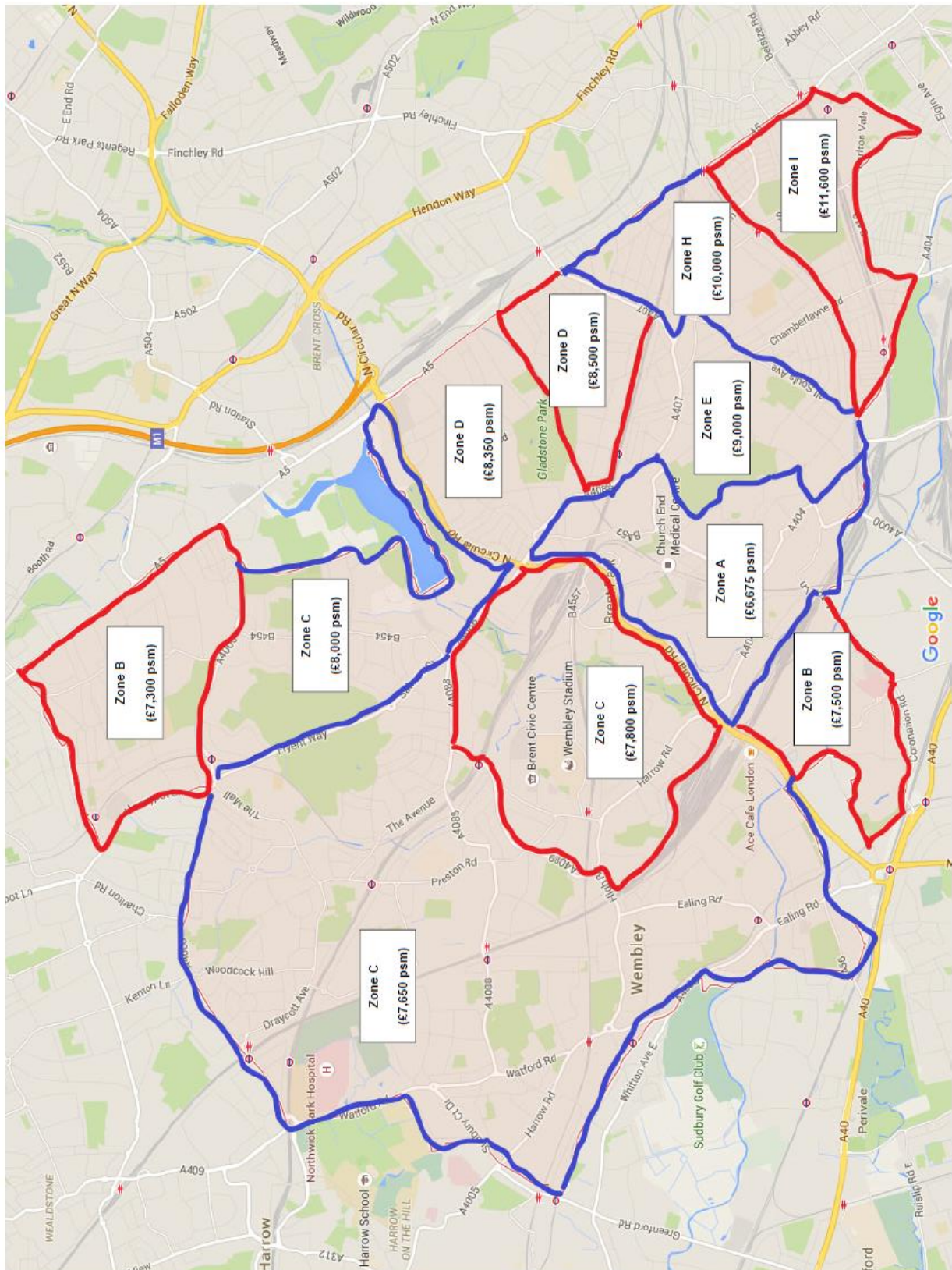
### Enforcement


- 6.8 A clause included in the S106 agreement will ensure prompt payment by requiring interest to be paid where payments are overdue. As a final recourse where other measures have not

been successful and where obligations are not subsequently complied with, the Council will take legal action against those in breach of a S106 agreement. Non-financial obligations are also legally binding and similarly where these have not been met, the Council will seek to legally enforce them. In some cases, this may involve delivery by the Council and recuperation of costs from the developer.

- 6.9 Many of the above obligations will require validation of compliance. It will sometimes be necessary to ensure that compliance and completion of works are to an adequate industry standard. Where necessary a clause will be included to ensure verification of the works by an independent expert.

## Appendix A – Small sites affordable housing value zones



 <b>Brent</b>	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director of Regeneration &amp; Environment</b>
<b>Draft Affordable Workspace Supplementary Planning Document</b>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Two Appendix 1: Draft Affordable Workspace SPD Appendix 2: Draft Equalities Analysis
<b>Background Papers:</b>	<a href="#">Draft Brent Local Plan</a> <a href="#">Affordable Workspace Strategy and Action Plan</a>
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Alice Lester, Operational Director Regeneration Tel: 020 8937 6441 <a href="mailto:Alice.Lester@brent.gov.uk">Alice.Lester@brent.gov.uk</a>  Jonathan Kay, Head of Regeneration Tel: 020 8937 2348 <a href="mailto:Jonathan.Kay@brent.gov.uk">Jonathan.Kay@brent.gov.uk</a>  Honey Nounou, Principal Regeneration Officer Tel: 020 8937 2304 <a href="mailto:Honey.Nounou@brent.gov.uk">Honey.Nounou@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 To present to Cabinet the draft Affordable Workspace Supplementary Planning Document for approval for publication and statutory consultation, and delegate authority for its subsequent adoption as part of the Local Plan.

## 2.0 Recommendation(s)

- 2.1 To approve the draft Affordable Workspace Supplementary Planning Document for publication and statutory consultation.
- 2.2 To delegate authority to the Lead Member for Regeneration, Property & Planning, in consultation with the Strategic Director for Regeneration & Environment, to consider representations made during consultation and adopt the Supplementary Planning Document as part of the Council's suite of Local Plan related documents.



## 3.0 Detail

### Background

- 3.1 Affordable Workspace provides opportunities to grow and retain local businesses and jobs, attract new sectors, incubate start-ups, and is therefore vital to Brent's economic strength and diversity. Whilst demand for Affordable Workspace has significantly increased, supply has failed to keep up; with the number of small businesses in the borough substantially increased since 2010<sup>1</sup> but the supply of suitable premises for its use diminishing.<sup>2</sup>
- 3.2 In September 2020 Cabinet approved the [Affordable Workspace Strategy and Action Plan](#) (AWS) which includes new routes and initiatives to increase affordable workspace across the borough. One action is to develop an Affordable Workspace Supplementary Planning Document (SPD) to provide clarity and detailed guidance to planning applicants and developers on the implementation of Local Plan policies to secure and deliver affordable workspace in new development.
- 3.3 Affordable Workspace is defined in the [London Plan](#) as workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural and or employment development purpose. Brent's Local Plan<sup>3</sup> specifies further that it is workspace leased to an [approved workspace operator](#) at no more than 50% of market value or rents, for the lifetime of a development.

### Affordable Workspace SPD

- 3.4 Officers have developed the draft Affordable Workspace SPD (see Appendix 1) cross departmentally, and in consultation with a range of Affordable Workspace operators.
- 3.5 The draft Affordable Workspace SPD provides detailed guidance to optimise Affordable Workspace in new developments, inform the assessment of planning applications, and will be a material consideration for future planning decisions. Furthermore, the SPD provides guidance on:
- Affordable Workspace policy and context;
  - affordability, discounts to market rents and service charges;
  - delivery outcomes and minimum sizes;
  - Affordable Workspace operators;
  - leasing and disposal arrangements to operators;
  - calculation and circumstances for commuted sums;
  - location and specification recommendations; and
  - Affordable Workspace Management Plan requirements (including priority for Brent residents and sustainability criteria) and monitoring obligations.

Standardised s106 obligation templates and appendices are included to provide further clarity. To ensure the SPD remains relevant over the Local Plan period, the Council will be expected to review the document every 5 years.

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<sup>1</sup> [Brent Affordable Workspace Strategy and Action Plan \(2020\)](#)

<sup>2</sup> Ibid

<sup>3</sup> DMP14 from the 2016 Local Plan and draft Local Plan supporting text 6.4.12

- 3.6 To advance the draft Affordable Workspace SPD towards adoption, statutory public consultation of not less than 4 weeks is required. Consistent with the approach taken with other SPDs, it is recommended that the draft Affordable Workspace SPD is made available for public consultation for a period of 6 weeks. It is recommended the draft Affordable Workspace SPD be presented to Members for approval to that end. Subject to consideration of all consultation representations and any amendments, the final Affordable Workspace SPD would then be presented to Members for adoption and publication.

#### **4.0 Financial Implications**

- 4.1 Costs to produce the draft Affordable Workspace SPD are being met from existing Regeneration budgets.

#### **5.0 Legal Implications**

- 5.1 Town and Country Planning (Local Planning) (England) Regulations 2012 provide for Local Planning Authorities to adopt Supplementary Planning Documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary Planning Documents cannot introduce new policy or allocate sites for development.

#### **6.0 Equality Implications**

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have “due regard” to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

- 6.2 Draft Equalities Analysis (see Appendix 2) will be completed prior to publication and statutory consultation on the draft Affordable Workspace SPD.

#### **7.0 Consultation with Members and Stakeholders**

- 7.1 The Lead Member for Regeneration, Property and Planning has been regularly briefed on the draft Affordable Workspace SPD.
- 7.2 Following Council Management Team review, the draft Affordable Workspace SPD operator and management plan environmental sustainability criteria were strengthened, and targets for Brent residents and businesses to access new affordable workspace increased. The Assistant Chief Executive continues to input into the draft SPD on local workspace priorities, including the Black Business Network and the aims of the Black Community Action Plan.

- 7.3 Statutory public consultation, to start as soon as practical subject to Cabinet approval, for a period of 6 weeks, will provide further opportunities to engage with partners, stakeholders, local residents, businesses and communities. During public consultation officers will also explore ways to expand and diversify the affordable workspace operator list, plus the feasibility of the Council itself becoming an affordable workspace operator.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 Regeneration has developed the draft Affordable Workspace SPD in-house.

**Report sign off:**

***Alan Lunt***

Strategic Director of Regeneration &  
Environment



# **Affordable Workspace Draft Supplementary Planning Document**

**December 2021**

DRAFT



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# 1. Introduction

- 1.1. Affordable Workspace is workspace that is provided at rent maintained below the market rate for that space for a specific social, cultural and or employment development purpose. Ensuring such spaces are available alongside more traditional employment space, will help boost the London Borough of Brent's ("the Council") economic strength and diversity. Affordable Workspace provides opportunities to create places of innovation, cultural enterprise and clusters of priority sectors. In addition to delivering community benefits, Affordable Workspace can be key to placemaking from early stages of mixed-use development.
- 1.2. Demand for Affordable Workspace in Brent exceeds supply. The number of small businesses in the borough has substantially increased since 2010<sup>1</sup>. However, much industrial land and office space has made way for new housing, reducing the supply and affordability of workspace for small businesses.
- 1.3. This document is a Supplementary Planning Document (SPD) to the Council's Local Plan, providing guidance on the implementation of the extant policies DMP14 and policies BE1, BE2, BE3 and BE4 in the draft Local Plan. Once adopted, this SPD will be a material consideration in the determination of planning applications. References to the 'Local Plan' in this document refer to the Council's adopted [2016 Local Plan](#) or where the context admits the emerging [Council Local Plan](#). References to the 'London Plan' refer to the [London Plan 2021](#).
- 1.4. The Council has adopted the [Brent Affordable Workspace Strategy & Action Plan](#). The Action Plan outlines eight actions to increase supply in the borough. This includes facilitating Affordable Workspace in new developments, maximising under-utilised assets, lowering the financial barrier to entry for operators and introducing Affordable Workspace onto the High Street.
- 1.5. Action 1 proposes to develop additional guidance in a Brent Affordable Workspace Supplementary Planning Document to expand on Local Plan Policy. This document aims to assist developers submitting planning applications where affordable workspace is required and demonstrates how policies are applied to deliver Affordable Workspace. This guidance document includes:
  - A definition of Affordable Workspace based on national, London and local policy;
  - The role of Affordable Workspace in diversifying and strengthening mixed-use developments in Growth Areas and town centres;
  - Outline basis for market rents and affordable rents;
  - Affordable Workspace size and delivery outcomes;
  - Location recommendations and specification requirements for different workspace typologies;
  - Affordable Workspace Management Plan requirements;
  - Documents to be provided by planning applicants throughout the development process; and
  - Guidance on monitoring Affordable Workspace planning obligations and timing of payments.

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<sup>1</sup> Brent Affordable Workspace Strategy (2020) <https://www.brent.gov.uk/media/16419071/affordable-work-space.pdf> p3

- 1.6. The Council conducted market research with 49 London-based workspace operators across different typologies (offices, creative studios, makerspaces, kitchens and mixed workspaces) to form a substantive evidence base for this SPD. The findings of the market research can be found in Appendix 1.
- 1.7. This document was developed with the engagement of key stakeholders, including workspace operators. It will be subject to formal public consultation in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.

## **2. Affordable Workspace: Policy Context & Definition**

- 2.1. National planning policy sets the overarching objective for the planning system to help build a strong, responsive and competitive economy. Paragraph 81 of the [National Planning Policy Framework \(NPPF\)](#) as revised July 2021, states that:

*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future...'*

- 2.2. Moreover, paragraph 83 of the NPPF continues to say that:

*"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations"*

- 2.3. The [London Plan](#) Affordable Workspace policy E3, creates a framework for detailed borough specific policies. E3 defines Affordable Workspace as:

*'Workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural, or economic development purpose. It can be provided and/or managed directly by a dedicated workspace provider, a public, private, charitable or other supporting body; through grant and management arrangements (for example through land trusts); and/or secured in perpetuity or for a period of at least 15 years by planning or other agreements.'*

- 2.4. Supporting text to DMP14 from the [2016 Local Plan](#) states:

*'Affordable Workspace is to be disposed/leased to a workspace operator approved by the Council at no more than 50% of market value/rent leased for a minimum of 10 years, and is to remain 'Affordable Workspace' for the lifetime of the development.'*

- 2.5. The draft Local Plan also sets the policy requirement that Affordable Workspace must be secured for the lifetime of the development and disposed/leased to an operator approved by the Council at no more than 50% market value/rent for a minimum of 15 years.
- 2.6. In the draft Local Plan, there are several policies which expand on London Plan Affordable Workspace policy E3 including:

- **Policy BE1** states that Affordable Workspace should be 10% of total new employment floorspace in developments exceeding 3,000 sqm of employment floorspace in Alpertton, Burnt Oak, Colindale, Church End, Neasden, Staples Corner and Wembley Growth Areas.
  - **Policy BE2** requires 10% of new employment floorspace to be provided as Affordable Workspace in redevelopment of Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS) for co-location and intensification.
  - **Policy BE3** provides for Affordable Workspace in mixed-use development on Local Employment Sites (LES).
  - **Policy BE4** promotes workspace in unviable secondary frontage in town centres.
  - **Site Allocations** referring to Affordable Workspace in the Local Plan also require the delivery of Affordable Workspace in new developments.
- 2.7. Within Growth Areas and town centres, affordable workspace is to be for offices, research and development, light industrial and studio workspace, as these uses are more compatible with the residential environment. Elsewhere, general industrial and storage and distribution uses may also be appropriate. Where a site is both a Growth Area and a SIL/LSIS, requirements in Policy BE2 take precedence.

### 3. Affordable Workspace: Regeneration & Economic Development

- 3.1. Affordable Workspace has a key role to play in the regeneration and economic growth of an area. From early development stages, new Affordable Workspace:
- Attracts both start-up and established businesses;
  - Supports the evolution of a rich economic ecosystem;
  - Creates stronger links between business and local communities;
  - Creates unique spaces for a range of sectors that provide socio-economic benefits for the wider public, including charities, social and educational enterprises and creative studios; and
  - Adds vitality and value to developments by bringing a range of activities and uses to the area.
- 3.2. Diverse and inclusive communities need places to live, but also places to work and make. The Council's Growth Areas will be expected to accommodate the majority of regeneration and population growth moving forward. Mixed-use development can create balanced places of housing, employment opportunities and supporting infrastructure. Providing the right type of Affordable Workspace in a primarily residential development will support delivery aspirations for housing and the long-term value of the residential market in mixed-use neighbourhoods.
- 3.3. The COVID-19 pandemic and consequent lockdowns have pushed home and remote working to an all-time high. This unprecedented situation has highlighted that many businesses can remain operational and even thrive when employees are working away from their regular workplace. Moving forward, businesses may opt for a centralised workspace for collaboration, paired with access to a local flexible workspace for lone-working. New mixed-use developments could position the workspace as a unique selling point of the scheme for prospective residents.
- 3.4. Additionally, [\*The Brent Climate & Ecological Emergency Strategy 2021 - 2030\*](#) aims for a sustainable economic recovery and local flexible workspaces could form part of the solution. Local workspaces could reduce the number of people commuting long

distances and gives many the opportunity to 'actively travel' by cycling or walking to their place of work.

- 3.5. [Brent's Affordable Workspace Strategy & Action Plan \(2020\)](#) and [Inclusive Growth Strategy \(2020\)](#) specify the sectors that the Council should prioritise. Affordable Workspace can consolidate existing activity and accelerate the emergence of a recognisable cluster in a priority sector. Specialised and industry-focused Affordable Workspace provides facilities needed by micro, small and medium-sized enterprises on flexible, affordable terms. Additionally, it generates vital social capital by building communities and sectoral hotspots, which attract the best talent in a particular field. New developments can play a pivotal role in creating industry clusters, differentiating the area from other parts of London.



Figure 1: priority sectors set out in the Council's Affordable Workspace Strategy

- 3.6. In early 2021, London retail closure rates were at a five-year high<sup>2</sup> and the pandemic is expected to accelerate the trend. Changing consumer demands and individual leisure consumption patterns, as well as the success of out of town retail centres and rise in online shopping, have all challenged traditional conceptions of town centres and high streets. Affordable Workspaces have the potential to diversify and reinvigorate town centres and high streets over the longer term, where traditional uses have been lost and are no longer viable<sup>3</sup>.

## 4. Affordability, Discount to Market Rent & Service Charges

- 4.1. As per the Affordable Workspace policy requirement (paragraph 2.5), developers/owners must dispose or lease Affordable Workspace to an approved operator at no more than 50% of market rents. The Council encourages disposal of longer leases (either a minimum of 15 years, but preferably 125 years) to make spaces more viable for operators. The minimum 50% discount will be reviewed every 5 years by the Council to ensure that rents remain affordable.
- 4.2. The market rent (value) of Affordable Workspace and its minimum 50% discount will be assessed at the time of the application and prior to occupation, taking into account the nature and location of the proposed development.
- 4.3. The Council will review the market rent (value) evidence submitted. In the case of dispute, the Council and the developer will jointly appoint an independent surveyor at

<sup>2</sup> PwC (2021) Store Openings and Closures: March 2016 – March 2021; Accessed: <https://www.pwc.co.uk/industries/retail-consumer/insights/store-openings-and-closures.html>

<sup>3</sup> Brent Meanwhile Use Strategy (2021)

the cost of the developer, to confirm market rent (value) and maximum service charge levels. The market rent should be reassessed prior to occupation to ensure the rent remains comparable.

- 4.4. Any planning applications for schemes including Affordable Workspace must submit an Affordable Workspace Statement which must include:
- Evidence of comparable market rents, yields and service charges near the application site for use class Eg(i) (office) or Eg(iii) (light industrial) depending on the proposed use in the Affordable Workspace.
  - Design considerations for the Affordable Workspace (see paragraph 7 below for Specification Requirements);
  - Potential uses for the workspace (either flexible desk space, creative studios, makerspace, commercial kitchens, music/media studios); and
  - Evidence of consultation with [approved operators](#) at RIBA stage 1/2.

## 5. Affordable Workspace Size and Delivery Outcomes

- 5.1. Market research<sup>4</sup> with 49 operators revealed that 78% of respondents across all workspace typologies (incubators, accelerators, co-working, creative studios, makerspace, kitchens and mixed workspaces) would not consider a workspace under 465 sqm GIA (5,000 sqft). A third stated that 930 sqm (10,000 sqft) was the optimum size in terms of management and financial viability.
- 5.2. Circumstances may arise where small Affordable Workspaces (less than 300sqm gross internal area) are proposed in Local Employment Sites, Site Allocations, Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS).
- 5.3. Therefore, the Council takes a three-tiered approach with regards to size of proposed Affordable Workspace and its delivery:

**(i) Under 300 sqm** – Due to the challenges around delivering Affordable Workspaces of this size, the Council will instead collect a financial contribution in lieu of the onsite provision (see paragraph 5.6. below for calculation), unless an approved operator is committed to deliver the Affordable Workspace.

**(ii) 300 – 465 sqm** – Affordable Workspace to be disposed to an approved operator (see paragraph 5.5. below). Where the developer/owner is unable to dispose of the Affordable Workspace to an operator 12 months after its practical completion and the developer/owner has provided;

- Written evidence showing that all of the approved operators reject the offer to take up the workspace (together with any reasoning);
- Evidence in relation to the engagement with the Council;
- Evidence of the consultation with operators at design stages;
- Satisfactory evidence (if required by the Council) that the developer/owner sought to address operators' concerns at design stages, where operators had rendered the workspace design unattractive; and
- Satisfactory evidence demonstrating the reasonableness of the commercial terms (rent, lease length, service charge etc.)

The Council will then accept a financial contribution in lieu of the onsite provision.

<sup>4</sup> Appendix 1



**(iii) Over 465 sqm** - Affordable Workspace to be disposed to an approved operator (see paragraph 5.5. below). The requirements in paragraph 5.3 (ii) (with regards to submitting evidence) will apply to a unit over 465 sqm where the developer/owner has been unable to dispose of the Affordable Workspace to an operator 12 months after the practical completion of the unit. However, instead of paying a financial contribution in lieu at 12 months, the developer/owner would be required to first offer the Affordable Workspace to the Council (see paragraph 5.5.6. below). The financial contribution in lieu would then become payable should the Council decide not to take up the space.

5.4. There are two delivery outcomes for the three tiers outlined above:

- **Outcome A (strongly preferred)** – Affordable Workspace disposed of to (and managed by) an approved Affordable Workspace operator; or
- **Outcome B** – The Council takes a financial contribution in lieu of the onsite Affordable Workspace, for the provision of Affordable Workspace offsite but within the Council's administrative area.

5.5. **Outcome A – Acquired/leased and managed by an operator**

The preference is that the developer/owner disposes of the Affordable Workspace to an Affordable Workspace operator (on the Council's [approved list](#)) by way of a lease of not less than 15 years or the grant of a long leasehold interest of not less than 125 years at no more than 50% of market rates. Developers will benefit from working jointly with the Council to select an approved operator.

5.5.1. The criteria for an Affordable Workspace operator to be on the Council's approved list include:

- Credible track record and experience managing Affordable Workspace;
- Illustrate that their workspace is at comparable affordable rates for end-users in Brent by outlining the range of rates and the proportion of each tier<sup>5</sup>;
- Agree to only increase rates to end-users after receiving written permission from the Council. The justification/s for increasing rates must be robust and include substantive evidence;
- A commitment to enter into an Affordable Workspace Management Plan (see paragraph 8 below) for any workspace Affordable Workspace secured by section 106 agreement;
- A commitment to target a 75% allocation of the Affordable Workspace they manage in Brent for Brent residents;
- A commitment to recycle/reinvest any financial surpluses generated from Affordable Workspace they own/manage in Brent back into Affordable Workspace in Brent.
- For-profit organisations must report their company structure and any profit-share agreements with investors;
- Evidence of having a sustainability policy and endeavour to align with the Council by producing a net zero carbon footprint by 2030;
- A commitment to report annually to the Council on employment outputs on Affordable Workspace they own/manage in Brent; and
- A commitment to continue to meet the operator criteria

<sup>5</sup> An illustrative desk-based workspace example: 40% of memberships are hot-desk at £100/person/month, 30% are fixed-desk at £200/person/month and 30% are private offices at £300/person/month.

An illustrative creative studio workspace example: 15% of tenants are in an open studio at £80/month, 15% of tenants are in micro-studios at £150/month, the remaining studios (70%) are leased for £17/sqft/annum



- 5.5.2. The operator will sub-lease the workspace to qualifying residents or local businesses that are eligible as determined by the Affordable Workspace Management Plan (see paragraph 9 below), who are in need of workspace at agreed rents below market rates and contribute to the economic or social wellbeing of the borough.
- 5.5.3. **According to market research<sup>6</sup>, 86% of operators said that it was important to be involved with the design from the planning phases of the development.** By having an operator on board from RIBA Stage 2, the developer can benefit from:
- Reduced risk and cost savings on capital expenditure;
  - Workspace that has an efficient layout and design that meets the market need of the operator in line with the development;
  - Alignment of interests with the operator from early on in the development stages;
  - No post completion business rates liabilities or holding costs associated with vacant space once the workspace is fitted out to the Affordable Workspace specification (paragraph 8 below);
  - Pre-let commercial space prior to material start of the project;
  - Certainty of compliance with all Affordable Workspace planning obligations.
- 5.5.4. Any planning applications including an onsite Affordable Workspace provision must submit an Affordable Workspace Statement (paragraph 4.3. above) which provides evidence of the consultation with approved operators and illustrate how they have influenced the design.
- 5.5.5. **The Council strongly recommends that an Agreement for Lease be signed at planning stages so that the operator can be named in the section 106 obligation.**
- 5.5.6. If an Agreement for Lease with an operator is not possible at RIBA Stage 2, then the developer/owner must endeavour to submit Affordable Workspace lease heads of terms 12 months prior to material start of the building(s) in which the Affordable Workspace is situated as defined by the s106 agreement. The developer should engage with the Council if they experience challenges finding an operator for the Affordable Workspace.
- 5.5.7. Where the developer/owner has been unable to secure an operator 12 months after practical completion (for workspaces over 465 sqm) having used reasonable endeavour to let the space, then the developer must offer at a minimum a 125-year lease to the Council on the same terms as if it were to an Affordable Workspace operator. The Council can either accept or decline the offer in writing within 6 months from when the offer was made (or such other later time as may be agreed by the parties). If the Council accepts the offer, they will assume the role of operator or sub-lease the space to an approved operator.
- 5.5.8. If the Council declines the offer within the relevant timeframe, then the developer/owner still has the option to manage the Affordable Workspace themselves and lease/license it directly to Affordable Workspace occupiers (provided always subject to the terms outlined in paragraph 5.5.9. below). Alternatively, the developer/owner can pay a financial contribution in lieu of the onsite provision (see paragraph 5.6. below).

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<sup>6</sup> See Appendix 1

- 5.5.9. If the developer/owner decides to manage the Affordable Workspace themselves, they must;
- Be an approved Affordable Workspace operator (the developer/owner must apply to the Council to be included on the approved list and will be assessed against the criteria identified in paragraph 5.5.1.;
  - Fully fit-out and furnish the space and rent desks or studios at fixed fees on flexible terms (as approved by the Council in advance); and
  - Submit an Affordable Workspace Specification (see paragraph 7 below) and Affordable Workspace Management Plan (see paragraph 8 below) in the specified timeframes for the Council's approval and that approval having been confirmed.
- 5.5.10 If for whatever reason Affordable Workspace is not disposed to an operator and the Council has declined the space, then the developer/owner is to pay a financial contribution in lieu of providing onsite provision (calculated in accordance with 5.6. below).

#### 5.6. **Outcome B – Financial contribution in lieu**

A financial contribution in lieu will be acceptable when;

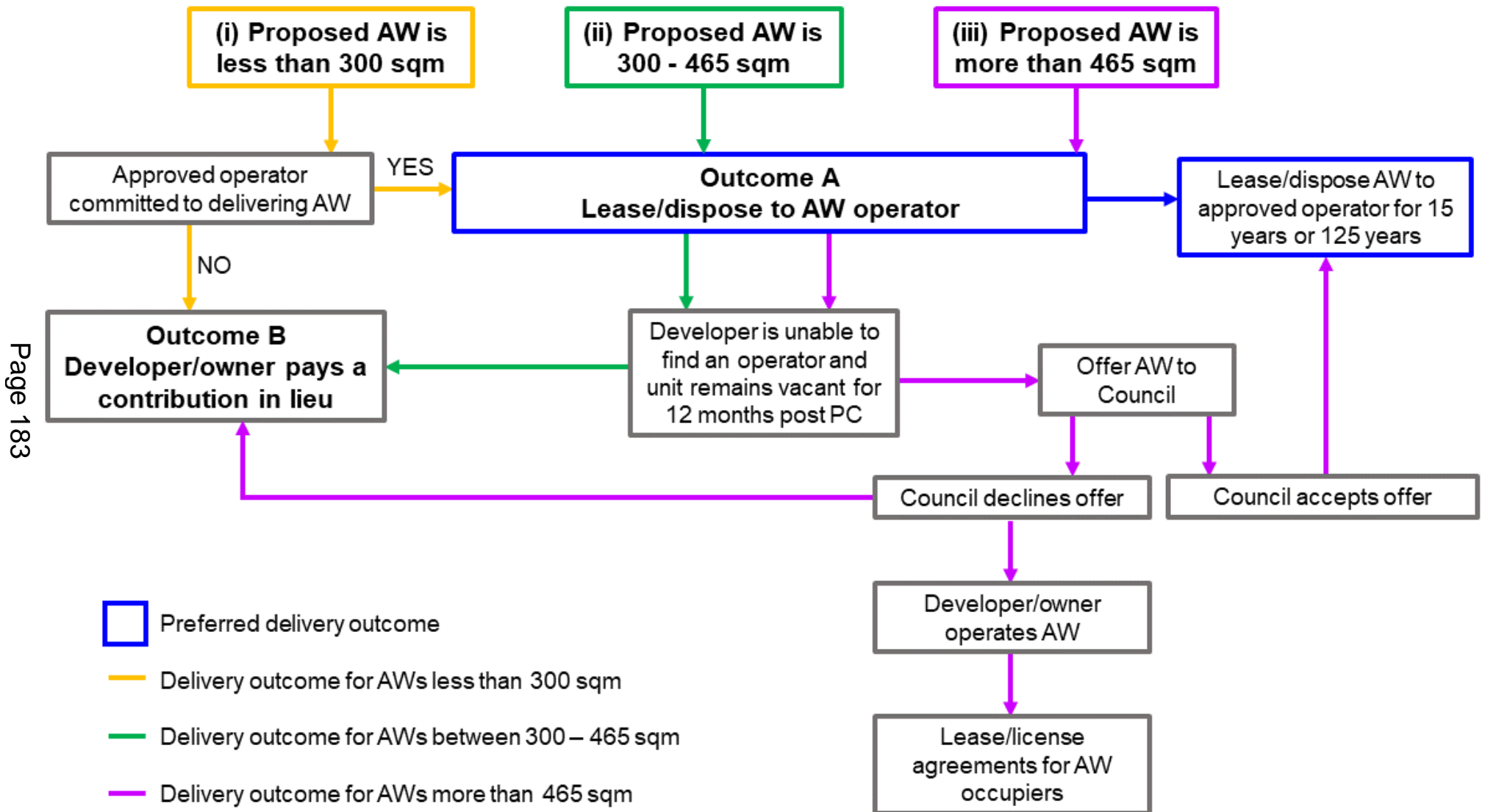
- The proposed Affordable Workspace is less than 300 sqm and none of the approved operators will commit to manage it (see 5.3.(i) above);
  - The Affordable Workspace is between 300 and 465 sqm and has remained vacant for 12 months after its practical completion; or
  - The Affordable Workspace is over 465 sqm, has remained vacant for 12 months after its practical completion and the Council has declined the developers offer for the unit.
- 5.6.1. The developer/owner must demonstrate that they have adequately engaged with Affordable Workspace operators in accordance with the terms of paragraph 5.3.(ii) above.
- 5.6.2. The financial contribution in lieu of onsite provision will be calculated as follows:

***[50% of market rent/sqft/annum \* floor area (GIA) of proposed Affordable Workspace as per policies BE1 - 4 (sf)] \* [1 / yield]***

For example: (£12.50 [50% of £25/sqft] \* 5,000 sqft) / 0.06 [i.e. 6%] = £1,041,667

- 5.6.3. Planning applications for Affordable Workspace should include details of market rents, yields and service charges, substantiated by evidence of local comparable workspaces in the Affordable Workspace Statement (see paragraph 4.3.). If the Council agrees with the market rent and yield submitted as part of the Affordable Workspace Statement at planning stages, then these values will be used to calculate the financial contribution in lieu. In the case of dispute over market rents and/or yields, the Council and developer will jointly appoint an independent surveyor at the cost of the developer to determine a market rent/yield.
- 5.6.4. Financial contribution in lieu for Affordable Workspace will be secured by s106 obligation and be payable within 20 working days of agreeing with the Council in writing to pay the contribution. The financial contribution in lieu will be used towards the purchase, construction or fit-out of Affordable Workspace elsewhere in the Council's administrative area.

Figure 2: Process chart for size and delivery outcomes of proposed Affordable Workspace



## 6. Location Recommendations

- 6.1. The [Affordable Workspace Strategy & Action Plan](#)<sup>7</sup> recommends different types of workspace by location. The table below builds on outcomes from the *Strategy* and includes research from ongoing masterplanning exercises of strategic sites within the Council. This guidance is to help applicants understand different viable Affordable Workspaces options in locations across the borough. The exact format of any workspace will however be determined through the engagement with operators and the Council.

Growth Area	Typology Recommendation <sup>8</sup>
<b>North</b>	
<b>Burnt Oak and Colindale</b>	<ul style="list-style-type: none"> <li>• Flexible desk space (Incubators, Accelerators and Co-working (IACs)) for small to medium businesses</li> <li>• Cluster could include priority sectors for Digital, Knowledge Economy and Circular Economy</li> <li>• Creative workspaces in LSIS (light industrial)</li> </ul>
<b>Northwick Park</b>	<ul style="list-style-type: none"> <li>• Specialist IACs for med-tech</li> <li>• Laboratory space connected to the hospital and/or university for the Life Science sector</li> </ul>
<b>Central</b>	
<b>Neasden and Church End</b>	<ul style="list-style-type: none"> <li>• IACs for small businesses with community focus and work with local charities/organisations</li> <li>• Cluster workspaces for the creative industry, like film and music studios, to build on existing workspace infrastructure</li> <li>• Makerspace for small businesses to co-locate with larger industrial units and more established companies</li> </ul>
<b>Staples Corner</b>	<ul style="list-style-type: none"> <li>• Commercial industrial uses to co-locate with new residential schemes</li> <li>• Makerspace and kitchens to support priority sectors of Manufacturing and Food Preparation</li> </ul>
<b>Willesden</b>	<ul style="list-style-type: none"> <li>• Public facing workspace on the high street in previously vacant retail spaces</li> <li>• Small community makerspaces</li> </ul>
<b>Wembley</b>	<ul style="list-style-type: none"> <li>• Build on existing studios to create a creative cluster, including gallery and community space.</li> <li>• IACs/move-on office space for more established businesses.</li> </ul>
<b>South</b>	
<b>Alperton</b>	<ul style="list-style-type: none"> <li>• Build on existing studios to create a creative cluster.</li> <li>• Work with the canal to create a variety of indoor/outdoor public and private workspace.</li> <li>• Support the existing industrial uses and provide start-up space for new industrial businesses.</li> </ul>
<b>Harlesden</b>	<ul style="list-style-type: none"> <li>• IACs for small local businesses</li> <li>• Music studios to accommodate local creatives and foster existing culture.</li> </ul>
<b>Kilburn</b>	<ul style="list-style-type: none"> <li>• IACs for self-employed and small businesses</li> <li>• Kitchen workspace with public interface</li> <li>• Cluster could include priority sectors for Digital, Knowledge Economy and Circular Economy</li> </ul>

<sup>7</sup> Page 129

<sup>8</sup> For definitions and examples of different workspace typologies, see pages 38 – 51 of the *Affordable Workspace Strategy & Action Plan*.

## 7. Specification Requirements

- 7.1. The Affordable Workspace specification should include a comprehensive scope of works detailing how the developer/owner is to meet the requirements of the section 106 agreement, including relevant reports and drawings from consultants. The specification must also be submitted 3 months after the implementation of the development of the building(s) which are to contain the Affordable Workspace (or such other time as may be agreed by the council).
- 7.2. Different workspace typologies require different specifications. The specifications below are based on market research and previous Affordable Workspaces secured and delivered through section 106 obligations. Therefore, the developer should understand which type of activities that will take place in the workspace prior to construction phases.
- 7.3. Specification for **managed offices, incubators, accelerators and co-working space** should include at a minimum:
- Finished to a standard that will allow for immediate occupation, including secure entrance(s), heating, LED lighting, kitchenette(s), WC facilities and floor screed to door level;
  - Fully enclosed with perimeter walls and consented windows and doors installed and secured;
  - Floors to be power loaded with a minimum 3.5 kN/m<sup>2</sup> loading capacity;
  - Mechanically or naturally ventilated depending on Planning Permission requirements; and the reasonable requirements of the Affordable Workspace operator;
  - Internet infrastructure with dedicated fibre connected to the Affordable Workspace;
  - All statutory services to be supplied, capped, tested and separately metered and all drainage to be installed and connected;
  - Comply with all relevant accessibility regulations and requirements;
  - Comply with all relevant building and fire regulations and requirements;
  - Electric connection to be supplied;
  - Accessible 24/7 hours basis;
  - Access for servicing and delivery provisions; and
  - Access to cycle storage.
- 7.4. Specification for **creative studios** should include at a minimum:
- Finished to a standard that will allow for immediate occupation, including secure entrance(s), LED lighting, kitchenette(s), WC facilities and floor screed to door level;
  - Plumbing and drainage capacity for wash-up spaces;
  - Fully enclosed with perimeter walls and consented windows and doors installed and secured;
  - Floors to be power loaded with a minimum 3.5 kN/m<sup>2</sup> loading capacity;
  - Naturally ventilated unless otherwise specified by operator. Mechanical ventilation to be provided at the reasonable requirements of the operator;
  - All statutory services to be supplied, capped, tested and separately metered and all drainage to be installed and connected;
  - Comply with all relevant accessibility regulations and requirements;
  - Comply with all relevant building and fire regulations and requirements;
  - Electricity connection to be supplied;
  - Accessible 24/7 hours basis;
  - Access to cycle storage;

- Dedicated access to disabled parking space and loading bay;
- If above ground floor, goods lift to be provided; and
- Sound insulation between Affordable Workspace and residential uses (highly recommended).

7.5. **Makerspace** should include the specification from 7.4. at a minimum, in addition to:

- Extra mechanical ventilation capacity at the reasonable requirements of the operator; and
- Double height entrances/roller shutters.

7.6. **Kitchens** should include the specification from 7.4. at a minimum, in addition to:

- Installed additional electrical capacity including three phase as required in order to facilitate an all-electric commercial kitchen; and
- Extra mechanical ventilation and electricity capacity at the reasonable requirements of the operator.

7.7. If the developer signs lease Heads of Terms with an operator at RIBA Stage 2, then the operator can decide to take an Affordable Workspace at shell and core with a financial contribution towards the cost of fitting out the space instead of fit-out to specification (paragraphs 7.3. – 7.6. above). The financial contribution amount (per sqm) will be negotiated and included in the section 106 agreement as part of the signed lease Heads of Terms.

## 8. Affordable Workspace Management Plan Requirements

8.1. Delivery approach Outcome A (see paragraph 5.5. above) requires the developer/owner to ensure the operator submit an Affordable Workspace Management Plan to the Council 3 months prior to practical completion of the building(s) in which the Affordable Workspace is situated (see Appendix 3 for template). In a case where the developer/owner is unable to ensure the submission of the Plan due to not having an operator signed, they must submit justifications and evidence (as per paragraph 5.3(ii)) in writing to the Council.

8.2. The Plan should outline the use and occupation terms for the end-users including:

- Access criteria
- Rates to occupiers (including all rents and charges payable, and the full range of any membership options) based on evidence of open market workspace rents and commercial viability
- Agreement to prioritise local Brent residents in allocating space with a fill target of 75% Brent residents; and to give consideration to any Council referrals for end-users
- Lease and/or license terms
- Indicative floorplans describing the proposed sub-division of the space
- Proposed fit-out specification of the space
- Marketing strategy for the space including any use of publications, websites and advertising, with a particular focus to attract Brent residents
- Agreement to have an annual review with the Council and report the amount of occupiers, the end-user rent and lease/license terms, social value objectives and any other information or data reasonably required by the Council.

- If the space is provided as office space, the operator should commit to offering a minimum 40% of the space as open workspace (for fixed desks and hot desks) unless otherwise agreed in writing with the Council
  - Agreement to aim to reinvest any surpluses generated from any Affordable Workspace owned/managed in London Borough of Brent into Affordable Workspace in the London Borough of Brent unless otherwise agreed with the Council in writing.
  - Statement from the operator confirming its agreement to the terms of the Plan.
- 8.3. The Plan should set out measurable and achievable 'social value' objectives which could include (but not limited) to the following:
- Volunteered hours of workspace members to the local community/schools/charities etc.
  - Apprenticeships/internships provided
  - Free/reduced memberships for disadvantaged/young founders who are Brent residents
  - London Living Wage workspace where all businesses are encouraged to pay the LLW to their employees.
  - Provide business advice, support and networking events for membership base
  - Climate emergency sustainability goals around reducing energy use, reducing water use, reducing waste and purchasing sustainably.
- The objectives will be reviewed and reset annually as part of the review process.
- 8.4. The rates to occupiers must be evidenced with comparable workspaces to demonstrate that they are affordable and reasonable for end users in Brent.

## **9. Monitoring s106 Obligations**

- 9.1. All section 106 obligations pertaining to the Affordable Workspace must be evidenced in writing (letters or email) and submitted to the Council in a timely manner (outlined in Table 1 on page 15). For additional information about meeting planning obligations, refer to the emerging Planning Obligation Supplementary Planning Document.
- 9.2. As noted above in paragraph 5.5.3., there are significant benefits from entering into an Agreement for Lease with an operator as early on in the design phases as possible. The developer/owner should endeavour to have entered into an Agreement for Lease with an operator 6 months prior to material start as defined in the s106 obligation. The signed agreement should be sent prior to this point as evidence of meeting the obligation.
- 9.3. The Affordable Workspace Specification should include a comprehensive scope of works, detailing how the developer/owner is to meet the requirements of the section 106 agreement, including relevant reports and drawings from consultants. The Specification must also be submitted 3 months after the implementation of the development to the building(s) which are to contain the Affordable Workspace (or such other time as may be agreed by the council).
- 9.4. The Affordable Workspace Management Plan (Section 8 and Appendix 3) is to be produced by the operator, however the developer is responsible for it to be submitted to the Council 3 months prior to practical completion of the building/s in which the Affordable Workspace is situated. The Plan includes the agreement of the operator to have an annual review with the Council on the anniversary of the Council's written acceptance of the Affordable Workspace Plan.

Table 1: Summary of documents to submit to meet Affordable Workspace s106 obligations.

Document to submit to the Council	What should the document include?	Who submits it?	When should it be submitted by?
Affordable Workspace Statement (1 – 2 pages)	<ul style="list-style-type: none"> <li>• Evidence of comparable market rents, yields and service charges near the application site for use class Eg(i) or Eg(iii) depending on the proposed use in the Affordable Workspace.</li> <li>• Design considerations for the Affordable Workspace (see paragraph 8 for specification requirements);</li> <li>• Potential uses for the workspace (either flexible desk space, creative studios, makerspace, commercial kitchens, music/media studios); and</li> <li>• Evidence of consultation with <a href="#">approved operators</a> at RIBA stage 1/2.</li> </ul>	Developer submitting planning application for scheme including Affordable Workspace	As part of planning application
Affordable Workspace Lease Heads of Terms	<ul style="list-style-type: none"> <li>• Rent, service charge, insurance, VAT (if applicable);</li> <li>• Term, lease breaks, rent reviews and rent free periods;</li> <li>• Assignment and underletting;</li> <li>• Permitted use; and</li> <li>• Repairs.</li> </ul>	Developer submitting planning application for scheme including Affordable Workspace	12 months prior to material start of the building(s) in which the Affordable Workspace is situated
Affordable Workspace Specification	<p>A comprehensive scope of works detailing how the developer is meeting the requirements of the section 106 obligation, including relevant reports and drawings from consultants. The specification may include, but will not be limited to:</p> <ul style="list-style-type: none"> <li>• Sub-structure;</li> <li>• Frame/structural loadings;</li> <li>• Finishes;</li> <li>• Services and systems;</li> <li>• External works;</li> <li>• Access and floorplans;</li> <li>• Fire strategy; and</li> <li>• Exclusions</li> </ul>	Developer with an approved scheme including Affordable Workspace	3 months after material start of the building(s) which contain the Affordable Workspace
Affordable Workspace Management Plan	See Appendix 2 for template	Operator taking the lease for the Affordable Workspace	3 months prior to practical completion of the building(s) which contain the Affordable Workspace



# **Appendix 1**

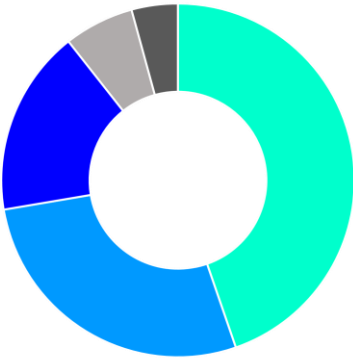
## **Operator Market Research**

DRAFT

In January 2021, Brent Council conducted market research with

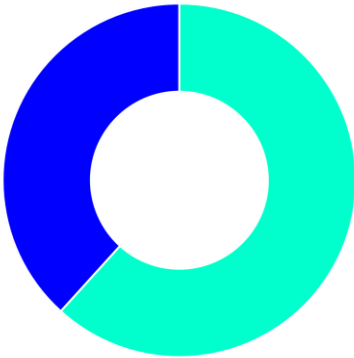
# 49 Workspace Operators

TYPOLGY



- 43% Office/Coworking
- 29% Creative Studios
- 18% Mix of workspaces
- 6% Makerspaces
- 4% Kitchens

ORGANISATION TYPE



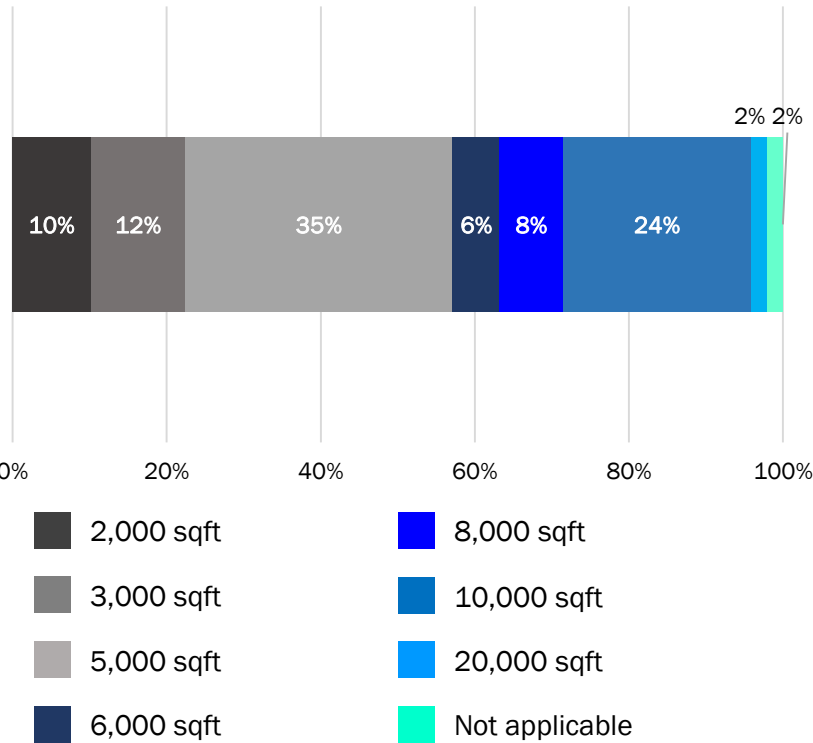
- 63% Non-for-profit/charity
- 37% For profit

SITES UNDER MANAGEMENT



- 8% 0 sites
- 41% 1 site
- 12% 2 – 4 sites
- 16% 5 – 8 sites
- 22% 9+ sites

## 1 | WHAT IS THE MINIMUM SIZE SPACE YOU WOULD CONSIDER LEASING/ACQUIRING?



33% of operators said that 10,000 sqft is ideal

**78% would not consider a space smaller than 5,000 sqft**

*“Operating costs (mainly staff) in a 1,000 sqft space are similar to a 10,000 sqft space and therefore scale of space increases financial viability for the operator and the ability to make the space affordable for end users”*

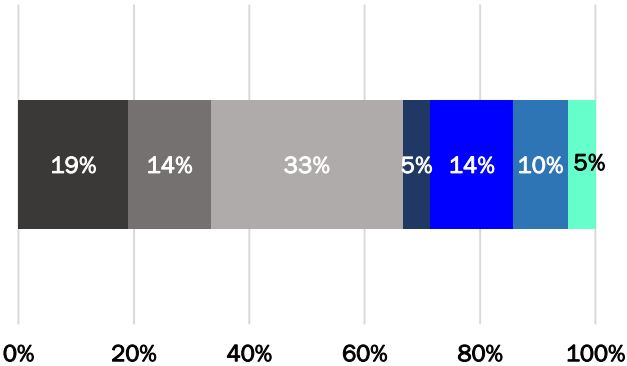
**Office studio operator**



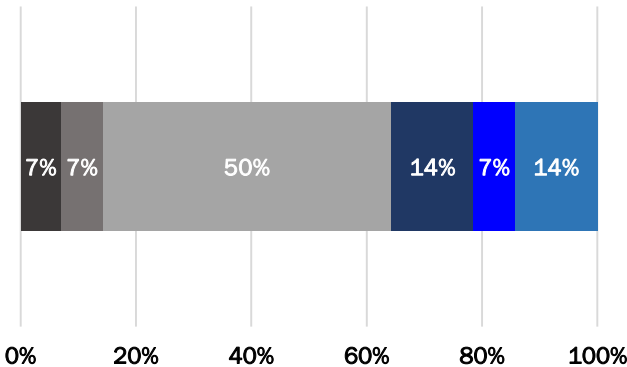
# Minimum Size By Typology

## 1 | WHAT IS THE MINIMUM SIZE SPACE YOU WOULD CONSIDER LEASING/ACQUIRING?

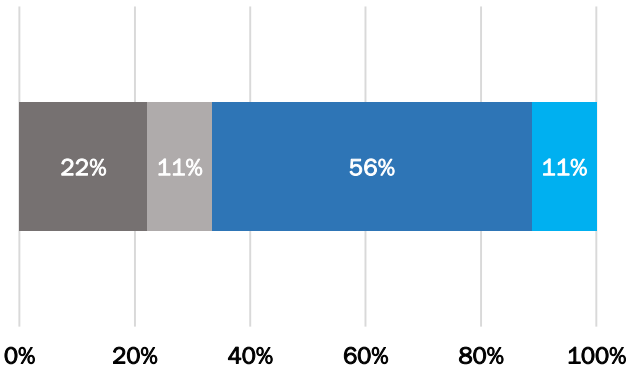
### OFFICE



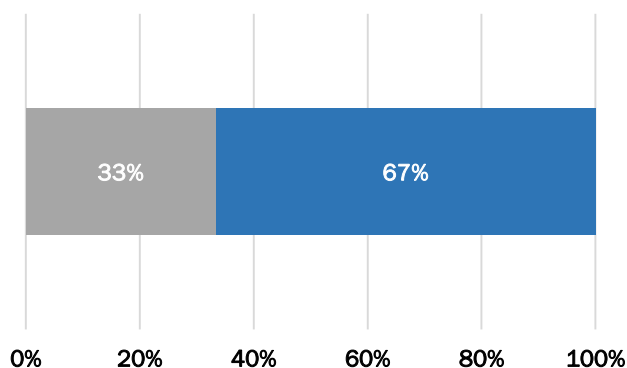
### CREATIVE STUDIOS



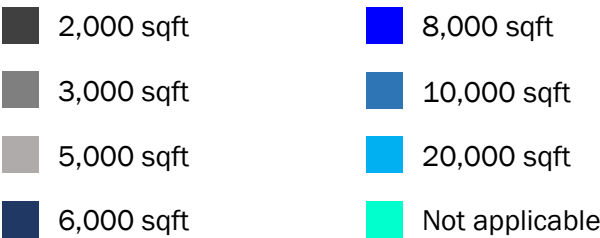
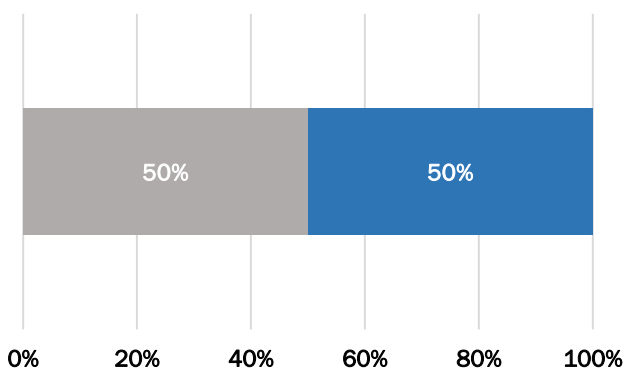
### MIX



### MAKERSPACE

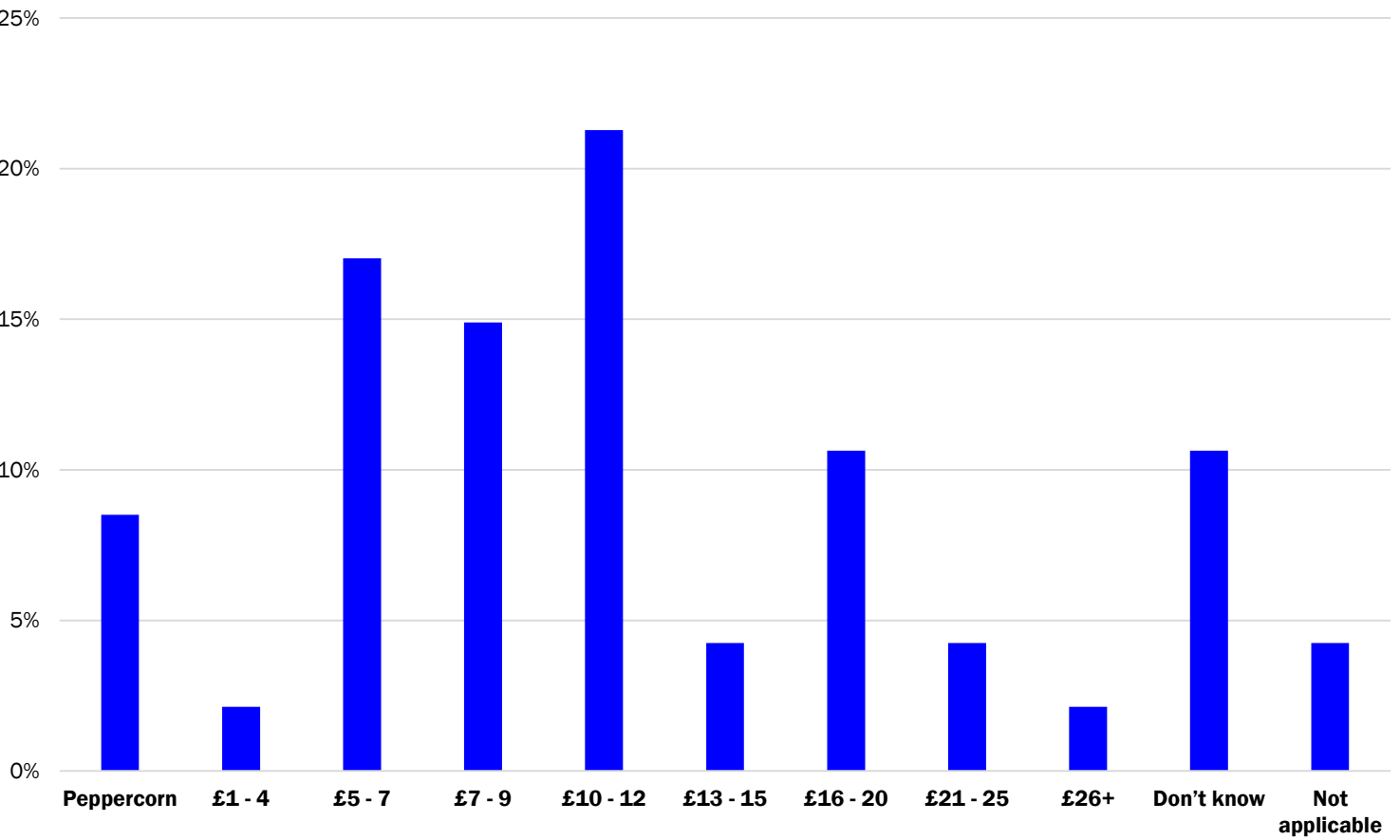


### KITCHEN

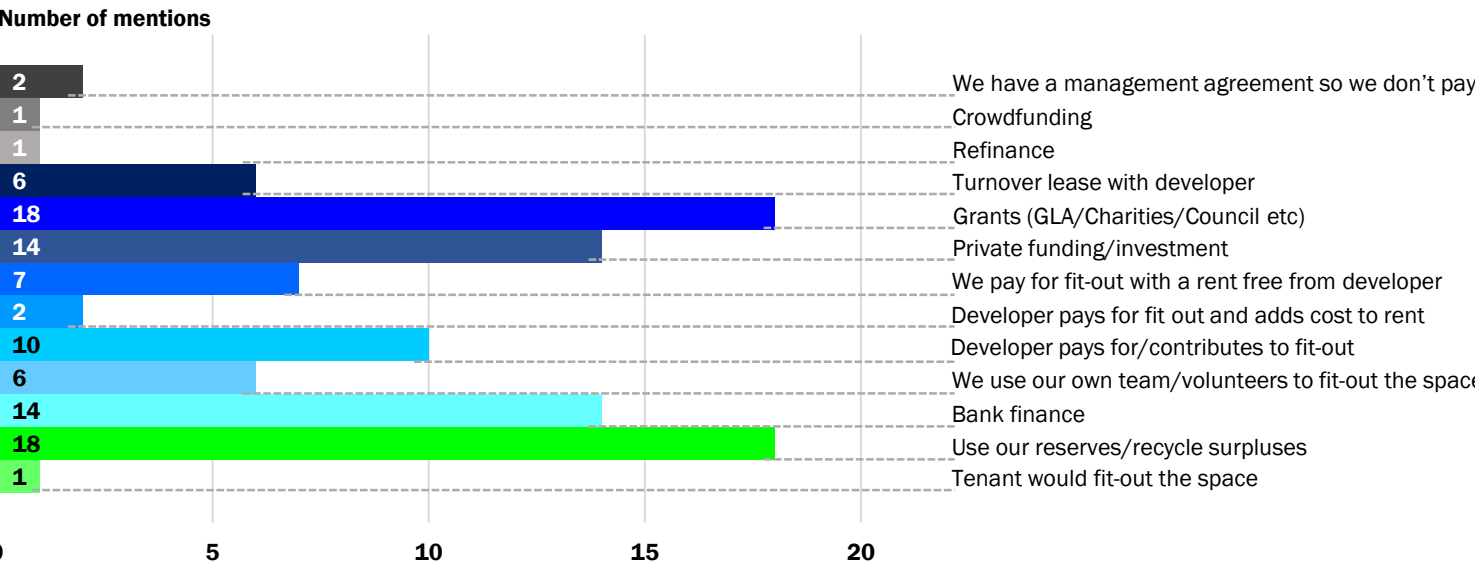


# Costs

## 2 | WHAT IS THE MAXIMUM YOU COULD PAY FOR RENT AND SERVICE CHARGE £/SQFT (IN BRENT – ZONE 3/4) TO KEEP THE WORKSPACE AFFORDABLE FOR END-USERS?



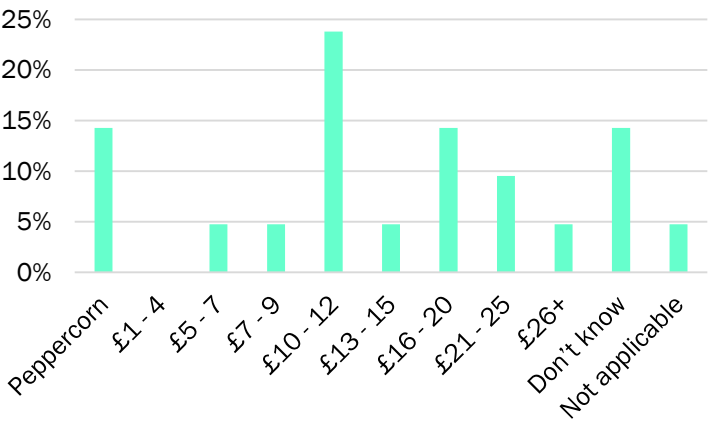
## 3 | IF YOU HAD THE OPORTUNITY TO LEASE/ACQUIRE A WORKSPACE IN A NEW DEVELOPMENT, HOW WOULD YOU FUND THE FIT-OUT FOR A SHELL AND CORE SPACE?



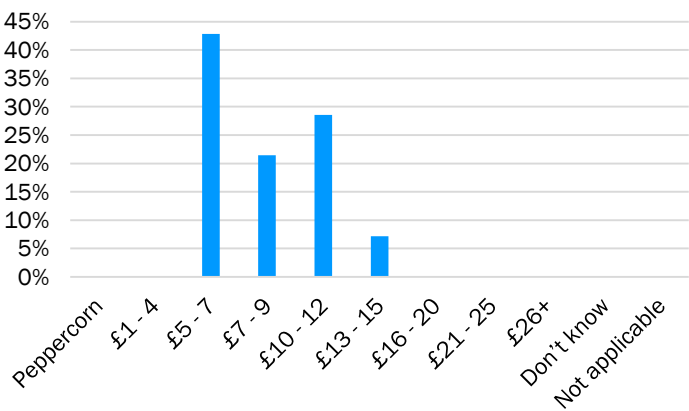
# Costs By Typology

2 | WHAT IS THE MAXIMUM YOU COULD PAY FOR RENT AND SERVICE CHARGE £/SQFT (IN BRENT – ZONE 3/4) TO KEEP THE WORKSPACE AFFORDABLE FOR END-USERS?

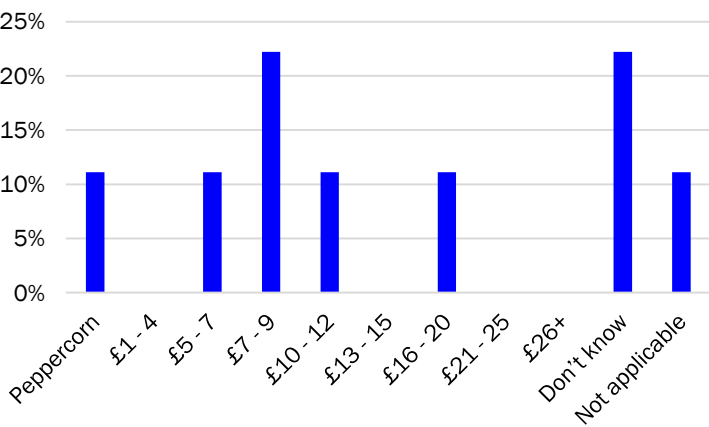
## OFFICE



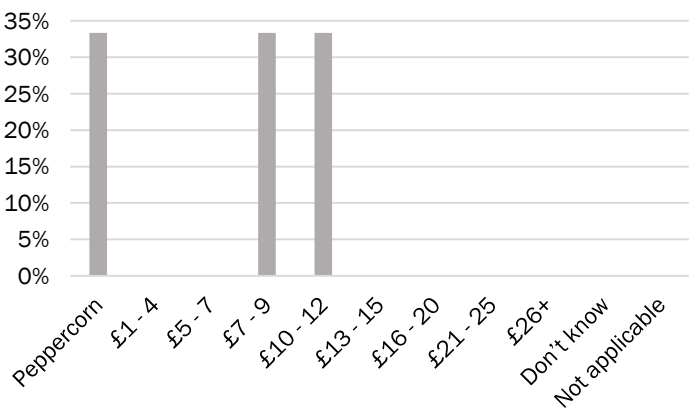
## CREATIVE STUDIOS



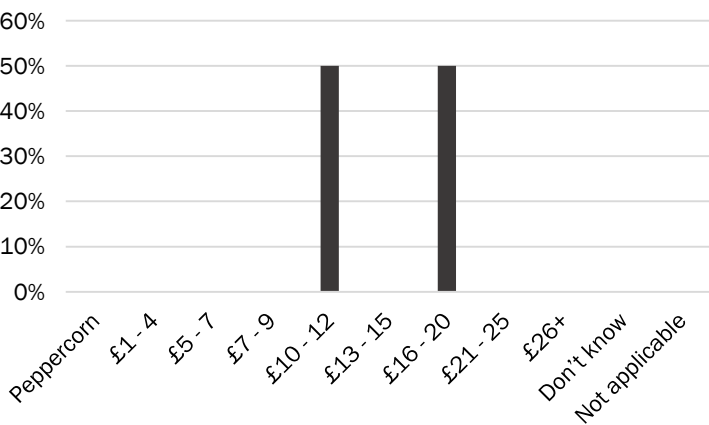
## MIX



## MAKERSPACE



## KITCHEN



# Specification

## 4 | WHAT IS MISSING FROM THE FOLLOWING SECTION 106 FIT-OUT SPECIFICATION?

- Finished to a standard that will allow for immediate occupation including secure entrance(s), heating, lighting, kitchenette(s) and WC facilities;
- Fully enclosed with perimeter walls and consented windows and doors installed and secure;
- The floors to be power loaded with a minimum 3.5Kn loading capacity (2.5 + 1 Kn) but must be able to accommodate Use Classes B1(a) - (c);
- Mechanically or naturally ventilated depending on Planning Permission requirements and reasonable requirements by the Affordable Workspace Operator;
- All statutory services are to be supplied, capped, tested and separately metered. All drainage to be installed and connected;
- To comply with all relevant accessibility regulations and requirements;
- Electrical supply to be 3 phase; and
- Accessible 24/7

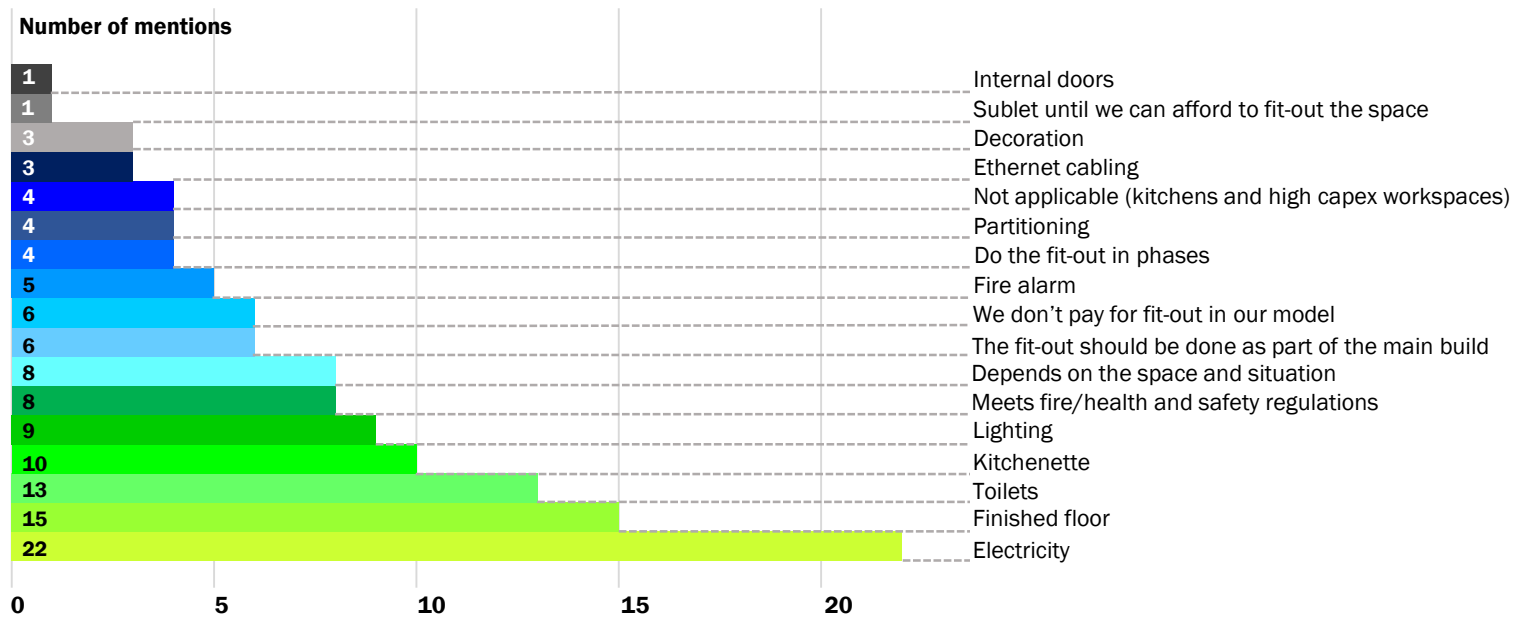
	OFFICE/ COWORKING	CREATIVE STUDIOS	MAKERSPACE	KITCHEN	MIX OF WORKSPACES
Internet infrastructure	12	1			3
Natural over mechanical ventilation	2	8	1		1
Dedicated loading bay		6	2	2	1
Cycle storage	2	5	1		
Meets building/health & safety/fire regs	5	2			1
Good natural light	2	4			1
Cash contribution + shell and core		4		1	2
Extra ventilation capacity		1	2	1	2
Mag-lock doors, CCTV, roller-shutters	2	2			2
Remove heating from the list		5			
Ground floor unit	1	2		1	1
Disabled parking		4			
Waste strategy		3	1		
Sound insulation		3	1		
Goods lift if above ground floor		2		1	1
Gas connection				2	
High capacity for electricity				2	



The responses to question 4 are the amount of time each of the options was mentioned. These were not offered as options, but rather they were mentioned independently by the operators.

# Specification

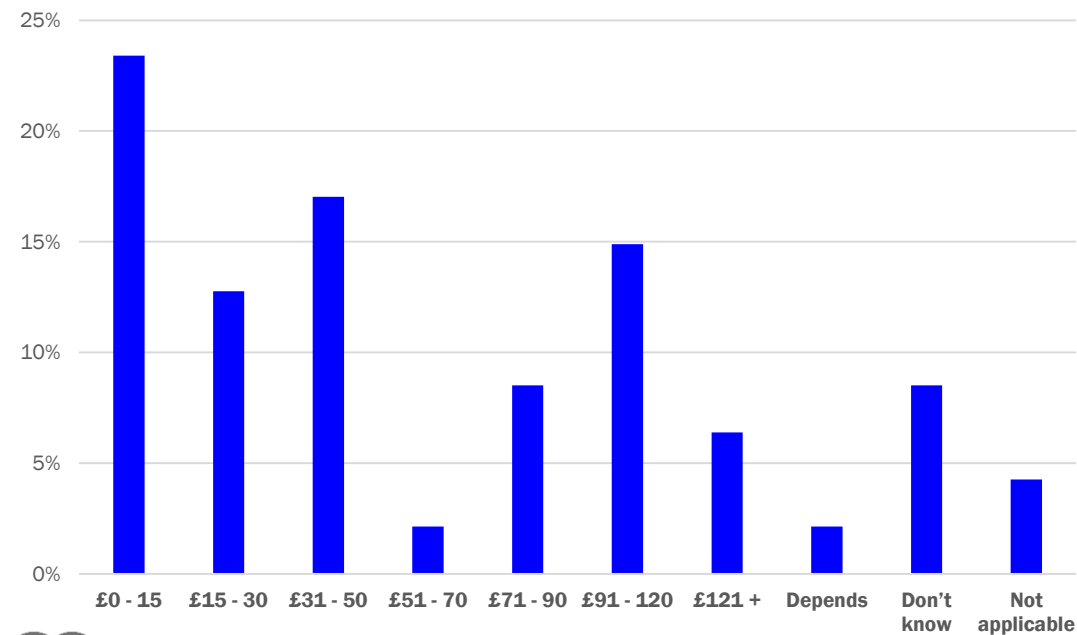
## 5 | WHAT LEVEL OF FIT-OUT DOES A WORKSPACE REQUIRE FROM SHELL & CORE TO BE FINANCIALLY VIABLE?



**55% of operators  
fit-out their  
workspace for  
under £50/sqft**

*“Cost of fit-out depends on building,  
location and end-users, but in  
general we try to keep upfront capex  
costs down and keep the space at  
affordable rates.”*  
**Creative studio operator**

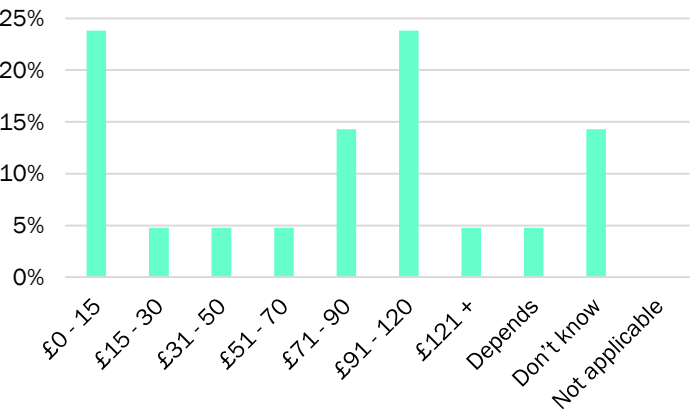
## 6 | HOW MUCH WOULD YOU BUDGET FOR A WORKSPACE FIT-OUT FROM SHELL AND CORE (£/SQFT)?



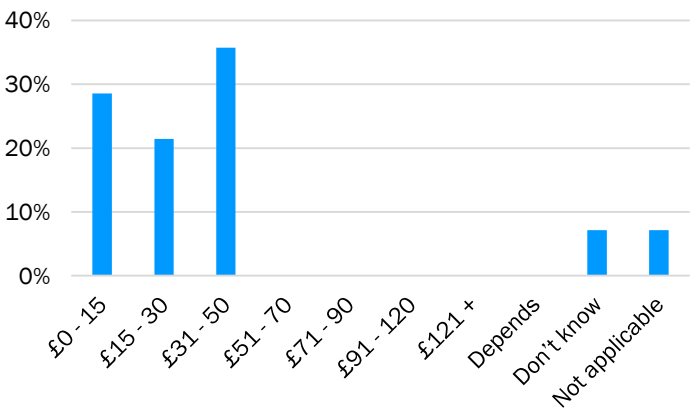
# Specification By Typology

## 6 | HOW MUCH WOULD YOU BUDGET FOR A WORKSPACE FIT-OUT FROM SHELL AND CORE (£/SQFT)?

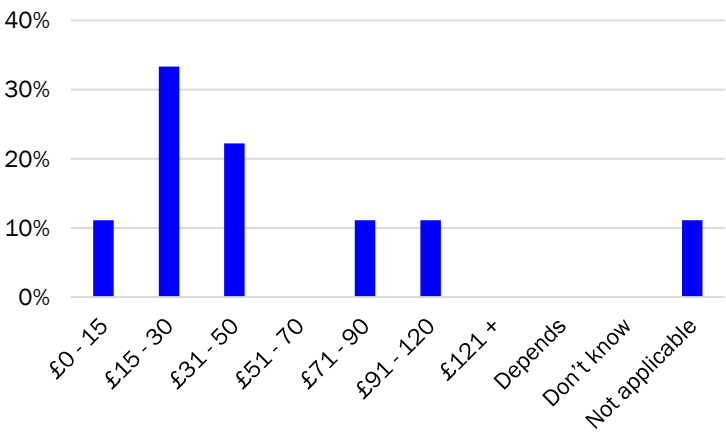
### OFFICE



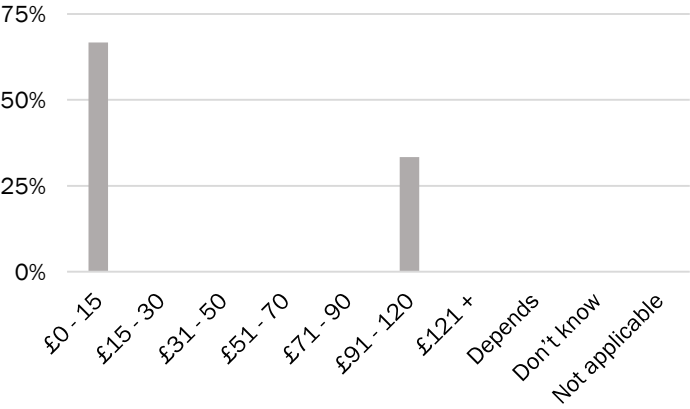
### CREATIVE STUDIOS



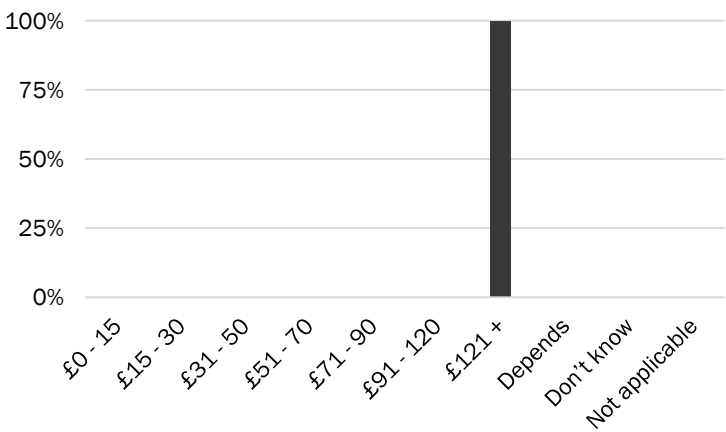
### MIX



### MAKERSPACE



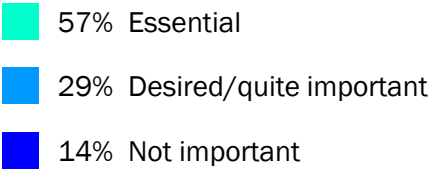
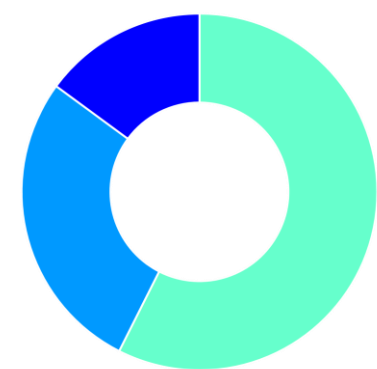
### KITCHEN





# Workspace in New Development

## 7 | HOW IMPORTANT IS IT THAT YOU ARE INVOLVED IN THE DEVELOPMENT FROM DESIGN AND PLANNING STAGES?



86% of operators say that it is important to be involved with the workspace from the design and planning stages

## 8 | WHAT ARE THE MAIN CHALLENGES FOR NEW AFFORDABLE WORKSPACE DELIVERED IN MIXED-USE DEVELOPMENT?

	OFFICE/ COWORKING	CREATIVE STUDIOS	MAKERSPACE	KITCHEN	MIX OF WORKSPACES
Financial viability and getting funds	8	6	2	1	3
Misalignment of values with developer	2	5	1		2
Finding the right size/location	3	1	1	2	3
Local demand	6	1	1		2
Noise from workspace	2	1	1	1	3
Separate access	4	2		1	1
Need for natural light as well as privacy		4			1
Dealing with residential neighbours	4	1			2
Security	2				1
Fumes from workspace activity			1	1	2
Having relationship with Council	1				
Loading bay in right location		1		1	2



The responses to question 8 are the amount of times each point was mentioned. These were not offered as options, but rather they were mentioned independently by the operators.

# **Appendix 2**

## **Affordable Workspace Management Plan**

## Affordable Workspace Management Plan

*The headings below provide an overview of the information that the Council expects as part of the Affordable Workspace Management Plan, to be agreed between the Affordable Workspace operator and the Council.*

### Affordable Workspace Operator

- Overview, background of organisation, including details of operation of other affordable workspaces.
- Confirmation that the operator meets Council's Affordable Workspace criteria:
  - Credible track record and experience managing Affordable Workspace;
  - Illustrate that their workspace is at comparable affordable rates for end-users in Brent by outlining the range of rates and the proportion of each tier<sup>9</sup>;
  - Agree to only increase rates to end-users after receiving written permission from the Council. The justification/s for increasing rates must be robust and include substantive evidence;
  - A commitment to enter into an Affordable Workspace Management Plan (see paragraph 8 above) for any workspace Affordable Workspace secured by section 106 agreement;
  - A commitment to target a 75% allocation of the Affordable Workspace they manage in Brent for Brent residents; and give consideration to any Council referrals for end-users;
  - A commitment to recycle/reinvest any financial surpluses generated from Affordable Workspace they own/manage in Brent back into Affordable Workspace in Brent.
  - For-profit organisations must report their company structure and any profit-share agreements with investors;
  - Evidence of having a sustainability policy and endeavour to align with the Council by producing a net zero carbon footprint by 2030;
  - A commitment to report annually to the Council on employment outputs on Affordable Workspace they own/manage in Brent; and
  - A commitment to continue to meet the operator criteria

### Affordable Workspace Proposal

- No of studios (and size) / desk spaces / meeting rooms / other (depending on Affordable Workspace operator selected)
- Services, support (e.g. mentoring and training for tenants) and facilities provided
- Management of space
- Hours of operation

### Tenant's terms

- Application process for selecting members and confirmation of priority for Brent residents and target minimum 75% of members to be from Brent. The operator should endeavour to fill studios and/or desks with Brent residents and give consideration to any Council referrals for end-users.
- Rent (and service charge if applicable) per sqft / sqm / desk charged to tenants
- Lease / letting arrangements

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<sup>9</sup> An illustrative desk-based workspace example: 40% of memberships are hot-desk at £100/person/month, 30% are fixed-desk at £200/person/month and 30% are private offices at £300/person/month.

An illustrative creative studio workspace example: 15% of tenants are in an open studio at £80/month, 15% of tenants are in micro-studios at £150/month, the remaining studios (70%) are leased for £17/sqft/annum

- If the space is provided as office space, the operator should commit to offering a minimum 40% of the space as open workspace (for fixed desks and hot desks) unless otherwise agreed in writing with the Council

### **Plans and fit-out**

- Plans that show the subdivision of the space
- Specification and scope of works for proposed fit-out. We encourage recycled and low-embodied carbon materials where possible.

### **Sustainability**

- Evidence of operating as sustainably as possible within the workspace: only using energy where necessary; reducing waste and recycling correctly; and encouraging workspace users to use sustainable modes of transport where possible when coming to and from the site.
- Facilitate the provision of zero carbon energy either through bulk supply or by individual renewable energy contracts.

### **Marketing plan**

- To include advertising in The Brent Magazine, the Council's monthly e-newsletter to residents, local press, local libraries and applicable arts and crafts websites and advertising channels.

### **Partnerships and Activities**

- Proposed partnerships with local organisations e.g. schools, youth group, business associations
- Opportunities for internships / apprenticeships
- Engagement / outreach activities with local community
- Networking events

### **Outputs**

- Anticipated outputs by end year 1, year 3 and year 5 e.g. training sessions, internships, outreach activities etc.

### **Health & Safety and Insurances**

- Confirmation of compliance with all relevant Health & Safety legislation, and ensure adequate insurances are in place throughout the lease term

### **Review of Affordable Workspace Management Plan**

- Agreement to have an annual review with the Council on the performance and outputs of the Affordable Workspace Management Plan, including:
  - Affordable Workspace rents charged to each Affordable Workspace occupier
  - Provide copies or procure that the Affordable Workspace operator provides copies of all occupational leases/licences granted to Affordable Workspace occupiers
  - Performance against set objectives in the Management Plan
  - Any other information or data required by the Council, to be updated/amended from time-to-time to reflect any changing requirements.

# **Appendix 3**

## **S106 obligations template**

## DEFINITIONS AND INTERPRETATION

<b>Affordable Workspace</b>	means workspace that is provided at rents maintained below the market rate for that space and used for a specific social, cultural, or economic development purpose
<b>Affordable Workspace Contribution</b>	means a financial contribution in the sum of [ ] pounds (£[ ]) which payable to the Council by the Owner
<b>Affordable Workspace Heads of Terms</b>	<p>means a document setting out the terms of the commercial lease (which is to be entered into by the Owner and the Affordable Workspace Operator) for the Affordable Workspace Unit and which are to include:</p> <ul style="list-style-type: none"><li>(a) the tenancy term period</li><li>(b) an agreed rent of no more than the Affordable Workspace Operator Rent or (if applicable) a financial consideration of no more than the Affordable Workspace Operator Price</li><li>(c) service charges</li><li>(d) the extent of the demised area</li><li>(e) the anticipated date of occupation</li><li>(f) a schedule of the landlord's works, to be carried out prior to the occupation of the unit</li></ul>
<b>Affordable Workspace Layout Plan</b>	means the floorspace [ sqm] shown for identification purposes coloured [ ] on the [plan] attached to this Deed
<b>Affordable Workspace Management Plan</b>	<p>means the management plan relating to the use and occupation of the Affordable Workspace Unit by Affordable Workspace Occupiers and which is to include the following (although not an exhaustive list):</p> <ul style="list-style-type: none"><li>(a) the proposed access criteria for an Affordable Workspace Occupier</li><li>(b) the proposed Affordable Workspace Rent to be charged to an Affordable Workspace Occupier based upon evidence and analysis of local open market workspace rents and commercial viability and to be undertaken by the Affordable Workspace Operator and made available to the Council</li><li>(c) an agreement to prioritise Local People in allocating space in the Affordable Workspace Unit and target at least 50% of Affordable Workspace Occupiers to be as such</li><li>(d) the proposed lease or licence terms for Affordable Workspace Occupiers</li></ul>

- (e) indicative floor plans describing the proposed sub-division of the Affordable Workspace Unit to Affordable Workspace Occupiers
- (f) the proposed fit out of the Affordable Workspace following implementation of any proposed sub-division of the Affordable Workspace Unit
- (g) the methodology to support the proposed marketing strategy for the Affordable Workspace Unit including the publications, websites or spaces that will be utilised to advertise the available space, with particular focus on advertising and attracting Brent residents
- (h) if the space is provided as office space, the Operator should commit to offering a minimum 40% of the space as open workspace (for fixed desks and 'hot desking' desks) unless otherwise agreed in writing with the Council
- (i) a commitment that secures the submission (by the Affordable Workspace Operator) of an annual report to the Council which sets out the following:
  - (i) the Affordable Workspace Occupiers that have or are occupying the Affordable Workspace Unit,
  - (ii) the leases or licences with the Affordable Workspace Occupiers,
  - (iii) the current Affordable Workspace Occupier Rent, and
  - (iv) any other information or data reasonably required by the Council
- (j) a commitment that secures the Affordable Workspace Operator (unless the Council otherwise agrees) to apply any financial surplus from the Affordable Workspace Unit towards the marketing and/or the improvement, maintenance and/or repair of the Affordable Workspace Unit or the provision of other Affordable Workspace within the Council's administrative area and/or the affordability of the Affordable Workspace Unit to the Affordable Workspace Occupiers;
- (k) a commitment that secures from the Affordable Workspace Operator that the Affordable Workspace Unit shall only be used in accordance with the terms of the Affordable Workspace Management Plan including by any under tenant

<b>Affordable Workspace Occupiers</b>	means any qualifying resident or local business that is eligible by reference to the Affordable Workspace Management Plan to occupy the Affordable Workspace Unit
<b>Affordable Workspace Operator</b>	means: <ul style="list-style-type: none"> <li>(a) the Council; or</li> <li>(b) any other organisation incorporated for the provision of affordable workspace (as approved by the Council)</li> </ul>
<b>Affordable Workspace Operator Price</b>	means a financial consideration to be paid by the Affordable Workspace Operator upon the grant of a lease of the Affordable Workspace Unit (for a term of not less than 125 years) which is to be no greater than 50% of the equivalent value if the lease was disposed of at open market value as certified by the Independent Surveyor (and whereby any service charge shall be calculated in accordance with the Royal Institution of Chartered Surveyors guidance on service charges in commercial property 3rd edition or such updated version of that guidance as is issued from time to time)
<b>Affordable Workspace Operator Rent</b>	means the rent to be charged by the Owner to the Affordable Workspace Operator for a lease (if the Affordable Workspace Operator does not acquire a lease for a term of not less than 125 years) in the Affordable Workspace Unit) and which is to be no greater than fifty per centum (50%) of the Local Market Rents or no greater than <b>[insert figure (£)]</b> per square feet of net internal area (whichever is the lower)
<b>Affordable Workspace Specification</b>	means the specification for the Affordable Workspace Unit which shall include at a minimum (unless they are not required by the Affordable Workspace Operator and it is approved by the Council in writing) the following: <ul style="list-style-type: none"> <li>a) to be finished to a standard that will allow for immediate occupation including secure entrance(s), heating, lighting, kitchenette(s) and WC facilities;</li> <li>b) fully enclosed with perimeter walls and consented windows and doors installed and secure;</li> <li>c) floors to be power loaded with a minimum 3.5 Kn loading capacity to accommodate Use Class E(g)(i) or E(g)(iii);</li> </ul>



- d) to be mechanically or naturally ventilated depending on Planning Permission requirements and the reasonable requirements of the Affordable Workspace Operator;
- e) all statutory services including electricity to be supplied, capped, tested and separately metered and drainage to be installed and connected;
- f) to be connected to internet infrastructure with dedicated fibre for the Affordable Workspace Unit;
- g) compliance with all relevant accessibility regulations and requirements;
- h) Comply with all relevant building and fire regulations and requirements;
- i) Access for servicing and delivery provisions;
- j) Access to cycle storage; and
- k) accessible 24/7

**Affordable Workspace Unit**

means the unit being [ ]sq m (gross internal area) of workspace shown for identification purposes on the Affordable Workspace Layout Plan which is to be provided as Affordable Workspace for the lifetime of the Development (and for the avoidance doubt not to be used other than as approved by the Council in writing)

**Building**

means any building containing the Affordable Workspace Unit

**Disposed Of**

means either:

- a) the grant of a lease of the Affordable Workspace Unit to an Affordable Workspace Operator at the Affordable Workspace Operator Rent and for a term of not less than 15 years; or
- b) the grant of lease of the Affordable Workspace Unit to an Affordable Workspace Operator for a term period of not less than one hundred and twenty five (125) years and at the Affordable Workspace Operator Price

**Draft Agreement for Lease**

means a draft agreement for lease for the Affordable Workspace Unit which is to be entered into by the Owner and the Affordable Workspace Operator

**Independent Surveyor**

means a chartered surveyor of at least 10 years' experience in developments similar to the Development agreed between the

	parties or determined by the President of the RICS on referral by either party in the absence of agreement
<b>Lease Agreement</b>	means binding legal agreement for the disposal of the Affordable Workspace Unit to an Affordable Workspace Operator
<b>Local Market Rent</b>	means the rent for floorspace in the [ward] and local area for uses falling within Use Class [ ] which has been assessed in accordance with the provisions of [Affordable Workspace Schedule]
<b>Owner's Offer</b>	means an offer (in writing) made by the Owner to the Council to dispose of the Affordable Workspace Unit to the Council by way of: <ul style="list-style-type: none"> <li>a) a lease for a term period of not less than one hundred and twenty five (125) years; and</li> <li>b) at the Affordable Workspace Operator Price (such amount accompanied by reasonable evidence)</li> </ul>
<b>Phase</b>	means any phase or sub phase of the Development
<b>Trigger Date</b>	means a date being twelve (12) calendar months from (but not including) the date of the Practical Completion of the Development or Building or Phase (whichever happens first)
<b>Use Class</b>	means a use class as set out in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as in force on the 1 September 2020

*[Option A- AW of 300 – 465 sqm, a financial contribution if after 12 months remains vacant and thereby discharge the requirement to deliver the AW on site]*

**Schedule [ ]**  
**AFFORDABLE WORKSPACE**

1. The Owner covenants:
  - a) to submit to the Council the Affordable Workspace Heads of Terms for its approval and not less than twelve (12) months prior to the Material Start (or such later period of time as agreed by the Council in writing);
  - b) to use all reasonable endeavours to enter into and complete the Draft Agreement for Lease or the Lease Agreement based upon the approved Affordable Workspace Heads of Terms
2. The Owner covenants:
  - a) to submit to the Council (for its approval) the Affordable Workspace Specification three (3) calendar months prior to the Material Start; and
  - b) not to Occupy or permit the Occupation of the Affordable Workspace Unit unless and until the Affordable Workspace Specification has been approved by the Council in writing
3. The Owner covenants to provide the Affordable Workspace Unit in accordance with the approved Affordable Workspace Specification and at the Owner's cost.
4. It is hereby agreed in the event of a dispute relating to the calculation of the Affordable Workspace Operator Rent and or the Affordable Workspace Operator Price such dispute shall be determined in accordance with clause **[general dispute resolution clause]** of this Deed
5. The Owner covenants not to Occupy or permit the Occupation of more than 50% of the Open Market Housing Units unless and until:
  - a) the Affordable Workspace Unit has been leased to an Affordable Workspace Operator for a term period of not less than 15 years at the Affordable Workspace Operator Rent; or
  - b) the Affordable Workspace Unit has been leased to an Affordable Workspace Operator for a term period of not less than one hundred and twenty five (125) years and at the Affordable Workspace Operator Price.

6. For the avoidance of doubt (and without limitation), it shall be reasonable for the Owner to include the following terms in the lease or transfer deed of the Affordable Workspace Unit to the Affordable Workspace Operator:
  - a) a restriction preventing uses other than uses within **Use Class** [ ]
  - b) a restriction preventing uses that could cause nuisance and/or annoyance (such as, by way of example and not by way of limitation, use as a needle exchange or for drug dispensation and/or use), and/or
  - c) terms ensuring that neither the Affordable Workspace Operator or any Affordable Workspace Occupier have any statutory right to a new lease, and/or
  - d) a requirement for the Affordable Workspace Operator to obtain the prior written approval of the Owner to the identity of any proposed Affordable Workspace Occupier before such Affordable Workspace Occupier takes up such occupation (such approval not to be unreasonably withheld or delayed), and/or
  - e) terms that entitle the Owner to charge a reasonable service charge to the Affordable Workspace Operator accordance with the Royal Institution of Chartered Surveyors guidance on service charges in commercial property 1st edition September 2018 or such updated version of that guidance as is issued from time to time
7. The Owner shall no later than three (3) months prior to the anticipated date of Practical Completion of the Development procure that the Affordable Workspace Operator submits an Affordable Workspace Management Plan to the Council for its approval in writing
8. The Owner shall not permit the Occupation of more than 75% of the Open Market Housing Units unless and until the Affordable Workspace Management Plan has been approved (and in writing) by the Council
9. Following submission to the Council of the Affordable Workspace Management Plan by the Affordable Workspace Operator, the Council shall as soon as reasonably practicable and in any event within 20 Working Days of receipt of the Affordable Workspace Plan either:
  - a) confirm to the Owner and, if the Affordable Workspace Operator is in place at that time, also the Affordable Workspace Operator in writing that the Affordable Workspace Plan is approved; or

- b) request in writing such additional information required as is reasonable in the circumstances having regard to the purpose of the Affordable Workspace Management Plan

and in the event that the Council does not respond to the Owner in writing in accordance with paragraph 9 (a) or (b) (above) within the said 30 Working Days, the Affordable Workspace Management Plan shall be deemed to have been approved by the Council

10. In the event that the Council has made a written request in accordance with paragraph 9 (b) above, the Owner shall procure that the Affordable Workspace Operator provides to the Council with such information so requested within 10 Working Days (or within such other period as agreed by the Council)

11. Following receipt to the Council of the further information so requested under paragraph 9 (b) (above), the Council shall as soon as reasonably practicable and in any event within 20 Working Days either:

- a) confirm to the Owner and Affordable Workspace Operator in writing that the Affordable Workspace Management Plan is approved; or
- b) inform the Owner and Affordable Workspace Operator in writing that the Affordable Workspace Management Plan is rejected (and provide its reasons)

and in the event that the Council does not respond to the Owner in writing in accordance with paragraph 11 (a) or (b) (above) within the said 30 Working Days period then the Affordable Workspace Management Plan shall be deemed to be approved by the Council

12. In the event that the Council rejects the Affordable Workspace Management Plan in accordance with paragraph 11.(b) (above), the Council and the Owner will have a further period of 15 Working Days beginning on the expiry of the 20 Working Days period referred to in paragraph 11 above in which to agree an Affordable Workspace Management Plan

13. If after the 15 Working Days period referred to under paragraph 12 (above), an Affordable Workspace Management Plan is not agreed between the Council and the Owner, each party shall be entitled to refer the matter to an expert in accordance with clause [the general dispute resolution clause] of this Deed for determination

14. In the event that the Affordable Workspace Management Plan is referred to an expert pursuant to paragraph 13 (above), the Occupation restriction referred to in paragraph 8 above shall no longer apply
15. The Owner covenants that the Affordable Workspace Unit shall not be used or Occupied until the Affordable Workspace Management Plan has been approved by the Council or determined by an expert (in accordance with paragraph 14 (above))
16. The Owner covenants;
  - a) that the Affordable Workspace Unit shall only be used as Affordable Workspace (and as approved by the Council in writing); and
  - b) to procure that following Practical Completion (of the Affordable Workspace Unit) the Affordable Workspace Unit is made available for use and is operated in accordance with the approved Affordable Workspace Management Plan (as amended from time to time as agreed by the Council in writing) for the lifetime of the Development or as otherwise agreed in writing by the Council
17. The Owner shall procure that the Affordable Workspace Operator submits a report to the Council annually setting out details of all Affordable Workspace Occupiers, Affordable Workspace Rents charged to each Affordable Workspace Occupier and provide copies or procure that the Affordable Workspace Operator provides copies of all occupational leases/licences granted to Affordable Workspace Occupiers and any other information or data required by the Council
18. The Owner covenants to pay the Council's reasonable and proper costs incurred by the Council in connection with the approval of the Affordable Workspace Specification and Affordable Workspace Management Plan
19. The Owner shall in the event of non-compliance with any part of this schedule upon written notice from the Council take all steps reasonably required by the Council to remedy the non-compliance within six (6) calendar months of the notice (unless otherwise agreed in writing by the Council) PROVIDED ALWAYS that the Council shall not serve such a notice in relation to the Affordable Workspace Management Plan where an expert has been appointed pursuant to paragraph 14 (above) and the matter is yet to be determined by the expert

20. The Owner covenants to pay to the Council the Affordable Workspace Contribution (and within 20 Working Days) in the event that the Affordable Workspace Unit has not been Disposed Of by the Trigger Date
21. Subject to the safe receipt of the Affordable Workspace Contribution by the Council (having been paid by the Owner to the Council in full) pursuant to paragraph 20 (above), paragraphs 1 to 2 (inclusive) and 4 to 18 (inclusive) of this schedule shall no longer apply to the Affordable Workspace Unit (and which for the avoidance of doubt shall remain as Use Class [ ] and may be disposed of by the Owner on the open market
22. In the event that the Affordable Workspace Unit is leased to the Affordable Workspace Operator at the Affordable Workspace Operator Rent to include in the lease agreement or transfer deed a (tenant only) break right allowing the Affordable Workspace Operator the right to end the tenancy upon the fifth anniversary date of the grant of the lease and thereafter every five years (rolling)

*[Option B – AW of over 465sqm to include terms that secure an offer of the AW to the council if still vacant after 12 months]*

**Schedule [ ]**  
**AFFORDABLE WORKSPACE**

1. The Owner covenants:
  - a) to submit to the Council the Affordable Workspace Heads of Terms for its approval and not less than twelve (12) months prior to the Material Start (or such later period of time as agreed by the Council in writing);
  - b) to use all reasonable endeavours to enter into and complete the Draft Agreement for Lease or the Lease Agreement based upon the approved Affordable Workspace Heads of Terms
2. The Owner covenants:
  - a) to submit to the Council (for its approval) the Affordable Workspace Specification three (3) calendar months prior to the Material Start; and
  - b) not to Occupy or permit the Occupation of the Affordable Workspace Unit unless and until the Affordable Workspace Specification has been approved by the Council in writing
3. The Owner covenants to provide the Affordable Workspace Unit in accordance with the approved Affordable Workspace Specification and at the Owner's cost.
4. It is hereby agreed in the event of a dispute relating to the calculation of the Affordable Workspace Operator Rent and or the Affordable Workspace Operator Price such dispute shall be determined in accordance with clause **[general dispute resolution clause]** of this Deed
5. The Owner covenants not to Occupy or permit the Occupation of more than 50% of the Open Market Housing Units unless and until:
  - a) the Affordable Workspace Unit has been leased to an Affordable Workspace Operator for a term period of not less than 15 years at the Affordable Workspace Operator Rent; or
  - b) the Affordable Workspace Unit has been leased to an Affordable Workspace Operator for a term period of not less than one hundred and twenty five (125) years and at the Affordable Workspace Operator Price.



6. For the avoidance of doubt (and without limitation), it shall be reasonable for the Owner to include the following terms in the lease or transfer deed of the Affordable Workspace Unit to the Affordable Workspace Operator:
- a) a restriction preventing uses other than uses within **Use Class** [ ]
  - b) a restriction preventing uses that could cause nuisance and/or annoyance (such as, by way of example and not by way of limitation, use as a needle exchange or for drug dispensation and/or use), and/or
  - c) terms ensuring that neither the Affordable Workspace Operator or any Affordable Workspace Occupier have any statutory right to a new lease, and/or
  - d) a requirement for the Affordable Workspace Operator to obtain the prior written approval of the Owner to the identity of any proposed Affordable Workspace Occupier before such Affordable Workspace Occupier takes up such occupation (such approval not to be unreasonably withheld or delayed), and/or
  - e) terms that entitle the Owner to charge a reasonable service charge to the Affordable Workspace Operator accordance with the Royal Institution of Chartered Surveyors guidance on service charges in commercial property 1st edition September 2018 or such updated version of that guidance as is issued from time to time
7. The Owner shall no later than three (3) months prior to the anticipated date of Practical Completion of the Development procure that the Affordable Workspace Operator submits an Affordable Workspace Management Plan to the Council for its approval in writing
8. The Owner shall not permit the Occupation of more than 75% of the Open Market Housing Units unless and until the Affordable Workspace Management Plan has been approved (and in writing) by the Council
9. Following submission to the Council of the Affordable Workspace Management Plan by the Affordable Workspace Operator, the Council shall as soon as reasonably practicable and in any event within 20 Working Days of receipt of the Affordable Workspace Plan either:
- c) confirm to the Owner and, if the Affordable Workspace Operator is in place at that time, also the Affordable Workspace Operator in writing that the Affordable Workspace Plan is approved; or

- d) request in writing such additional information required as is reasonable in the circumstances having regard to the purpose of the Affordable Workspace Management Plan

and in the event that the Council does not respond to the Owner in writing in accordance with paragraph 9 (a) or (b) (above) within the said 30 Working Days, the Affordable Workspace Management Plan shall be deemed to have been approved by the Council

10. In the event that the Council has made a written request in accordance with paragraph 9 (b) above, the Owner shall procure that the Affordable Workspace Operator provides to the Council with such information so requested within 10 Working Days (or within such other period as agreed by the Council)

11. Following receipt to the Council of the further information so requested under paragraph 9 (b) (above), the Council shall as soon as reasonably practicable and in any event within 20 Working Days either:

- c) confirm to the Owner and Affordable Workspace Operator in writing that the Affordable Workspace Management Plan is approved; or
- d) inform the Owner and Affordable Workspace Operator in writing that the Affordable Workspace Management Plan is rejected (and provide its reasons)

and in the event that the Council does not respond to the Owner in writing in accordance with paragraph 11 (a) or (b) (above) within the said 30 Working Days period then the Affordable Workspace Management Plan shall be deemed to be approved by the Council

12. In the event that the Council rejects the Affordable Workspace Management Plan in accordance with paragraph 11.(b) (above), the Council and the Owner will have a further period of 15 Working Days beginning on the expiry of the 20 Working Days period referred to in paragraph 11 above in which to agree an Affordable Workspace Management Plan

13. If after the 15 Working Days period referred to under paragraph 12 (above), an Affordable Workspace Management Plan is not agreed between the Council and the Owner, each party shall be entitled to refer the matter to an expert in accordance with clause [the general dispute resolution clause] of this Deed for determination

14. In the event that the Affordable Workspace Management Plan is referred to an expert pursuant to paragraph 13 (above), the Occupation restriction referred to in paragraph 8 above shall no longer apply
15. The Owner covenants that the Affordable Workspace Unit shall not be used or Occupied until the Affordable Workspace Management Plan has been approved by the Council or determined by an expert (in accordance with paragraph 14 (above))
16. The Owner covenants;
  - a) that the Affordable Workspace Unit shall only be used as Affordable Workspace (and as approved by the Council in writing); and
  - b) to procure that following Practical Completion (of the Affordable Workspace Unit) the Affordable Workspace is made available for use and is operated in accordance with the approved Affordable Workspace Management Plan (as amended from time to time as agreed by the Council in writing) for the lifetime of the Development or as otherwise agreed in writing by the Council
17. The Owner shall procure that the Affordable Workspace Operator submits a report to the Council annually setting out details of all Affordable Workspace Occupiers, Affordable Workspace Rents charged to each Affordable Workspace Occupier and provide copies or procure that the Affordable Workspace Operator provides copies of all occupational leases/licences granted to Affordable Workspace Occupiers and any other information or data required by the Council
18. The Owner covenants to pay the Council's reasonable and proper costs incurred by the Council in connection with the approval of the Affordable Workspace Specification and Affordable Workspace Management Plan
19. The Owner shall in the event of non-compliance with any part of this schedule upon written notice from the Council take all steps reasonably required by the Council to remedy the non-compliance within six (6) calendar months of the notice (unless otherwise agreed in writing by the Council) PROVIDED ALWAYS that the Council shall not serve such a notice in relation to the Affordable Workspace Management Plan where an expert has been appointed pursuant to paragraph 14 (above) and the matter is yet to be determined by the expert

20. The Owner covenants to send to the Council the Owner's Offer (in writing) in the event that the Affordable Workspace Unit has not been Disposed Of by the Trigger Date
21. If the Council notifies the Owners in writing ("**Council Acceptance**") within six (6) calendar months of the date of receipt of the Owner's Offer that it wishes to accept the Owner's Offer, then the Owner and the Council shall use reasonable endeavours to enter into the lease for the Affordable Workspace Unit on reasonable commercial terms for the Affordable Workspace Unit
22. If the Owner does not receive a Council Acceptance within six (6) calendar months of receipt by the Council of the Owners' Offer then the Owner's Offer shall have lapsed and the Owner shall not be required to accept any Council Acceptance thereafter
23. The Owner covenants to pay to the Council the Affordable Workspace Contribution (and no later 20 Working Days) if paragraph 21 (above) applies and the Owner and the Council have not entered into a lease of the Affordable Workspace Unit within nine (9) months of the date of the Council's notice, or in the event that paragraph 22 (above) applies
24. Subject to the safe receipt of the Affordable Workspace Contribution by the Council (having been paid by the Owner to the Council in full) pursuant to paragraph 23 (above), paragraphs 1 to 2 (inclusive) and 4 to 18 (inclusive) of this schedule shall no longer apply to the Affordable Workspace Unit (and which for the avoidance of doubt shall remain as Use Class [ ] and may be disposed of by the Owner on the open market
25. For the avoidance of doubt, it is hereby agreed:
- a) if a lease of the Affordable Workspace Unit is entered into in accordance with paragraph 21 (above), the Owner shall construct the Affordable Workspace Unit in accordance with the approved Affordable Workspace Specification unless otherwise agreed by the Council; and
  - b) in the event that the Affordable Workspace Unit is leased to the Affordable Workspace Operator at the Affordable Workspace Operator Rent to include in the lease agreement or transfer deed a (tenant only) break right allowing the Affordable Workspace Operator the right to end the tenancy upon the fifth anniversary date of the grant of the lease and thereafter every five years (rolling)



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## EQUALITY ANALYSIS (EA)

<b>POLICY/PROPOSAL:</b>	Draft Affordable Workspace Supplementary Planning Document
<b>DEPARTMENT:</b>	Regeneration & Environment
<b>TEAM:</b>	Regeneration
<b>LEAD OFFICER:</b>	Honey Nounou
<b>DATE:</b>	17/12/21

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

### SECTION A – INITIAL SCREENING

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

The Council in 2020 adopted the [\*Brent Affordable Workspace Strategy & Action Plan\*](#), which outlines eight actions to increase supply in the borough. Action 1 proposes a Brent Affordable Workspace Supplementary Planning Document (SPD) to provide additional guidance on how Local Plan Policy for affordable workspace is expected to be delivered.

The draft Affordable Workspace SPD provides detailed guidance to optimise Affordable Workspace in new developments, provides clarity to planning applicants, will inform the assessment of planning applications, and be a material consideration for future planning decisions. Furthermore, the SPD:

- details Affordable Workspace policy and context;
- provides guidance on affordability, discounts to market rents and service charges;
- explains delivery outcomes and minimum sizes;
- outlines leasing and disposal arrangements to operators;
- illustrates the calculation and circumstances for commuted sums;
- provides location and specification recommendations; and
- outlines the management plan requirements and monitoring obligations.

Standardised Affordable Workspace s106 obligation templates and Affordable Workspace Management Plans are included to provide further clarity. To ensure the SPD remains relevant over the Local Plan period, the Council will be expected to review the document every 5 years.

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

The draft Affordable Workspace SPD would affect various groups of people in the borough, including developers, Affordable Workspace operators, businesses, residents, ward members, town teams and community groups.

#### **Disadvantaged groups**

Access to low cost workspaces has the potential to benefit disadvantaged groups, particularly economically disadvantaged groups. The proposed SPD will facilitate the delivery of new, high-quality Affordable Workspace in higher-value locations within the borough including

Wembley and Kilburn. Affordable Workspace operators provide start-ups and SMEs with managed affordable space to work and grow their business. All new affordable workspace buildings will be Disability Discrimination Act (DDA) compliant and meet current building and accessibility standards.

### **Women**

Women could also be positively impacted. Affordable Workspace is often available on flexible, easy-in easy-out terms, thereby accommodating working pregnant women and mothers, who may only want to work on a part time basis and not be able to commit to a long term lease (particularly self-employed women).

### **BAME Community**

Brent is ethnically diverse with 65% of its population from black, Asian and ethnic backgrounds (BAME). The SPD aims to prioritise and meet the workspace requirements of local residents and businesses, including the Black Business Network and the aims of the Black Community Action Plan.

### **Young People**

Affordable Workspace provides young entrepreneurs with a space to test their ideas and grow their businesses, with the physical space often overlaid by business support packages and networking opportunities. Younger people will generally have less wealth and less disposable income and by facilitating more Affordable Workspace, the SPD will have a positive impact on younger people in Brent.

### **Developers**

The draft Affordable Workspace SPD provides planning and development guidance to facilitate the delivery of Affordable Workspace by developers across the borough, and sets out a clear and robust framework for collaboration with operators from the earliest stages of development.

### **Operators**

The SPD has been drawn up based on market research conducted with Affordable Workspace operators. Research included typology, quantum and location preferences. The SPD therefore provides a framework for the delivery of workspace most suitable for operators and residents in Brent.

### **Mitigating impacts**

There must be proper planning for the impacts that workspaces and their operations will have upon places, and transparent engagement with people likely to use Affordable Workspace in advance of their delivery. Affordable Workspace should be monitored to gauge supply and demand for different types of space and sectors in the borough, and this intelligence fed into planning policy and guidance.

All promotional materials should be provided in an accessible way, such as being published online, in plain English and in an accessible format, so they are readily available to the public.

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, there is relevance to the council's public sector equality duty, and due regard to such is paid in drawing up this equality analysis. The principles and proposals in the draft Affordable Workspace SPD will guide delivery of Affordable Workspace in the borough over the coming



years, and therefore should aim to remove or minimise disadvantages which are connected to characteristics of protected groups.

The draft Affordable Workspace SPD aims to provide guidance for developers in delivering suitable workspace across the borough. Increased provision of Affordable Workspace is expected to advance equality of opportunity, by giving those with less financial security the opportunity to access spaces in the borough. End users and tenants could potentially be prioritised or referred from disadvantaged groups (see above at Q2).

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		
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity	X		
Marriage		X	

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

SCREENING CHECKLIST		
	YES	NO
Have you established that the policy or proposal is 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	
<p><b>If you have answered YES to ANY of the above, then proceed to section B.</b>  <b>If you have answered NO to ALL of the above, then proceed straight to section D.</b></p>		

## SECTION B – IMPACTS ANALYSIS

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

The draft Affordable Workspace SPD is a direct result of Brent's adopted Affordable Workspace Strategy and Action Plan, which itself was supported by extensive research on affordable workspace and local affordability, including council commissioned research and business survey work undertaken by consultants Hatch Regeneris.

The draft Affordable Workspace SPD has built on robust baseline analysis and followed engagement with internal and external stakeholders; Greater London Authority (GLA), local authority best practice, operators, developers, council management team and lead member. Brent's draft Local Plan sets out four new Affordable Workspace policies (BE1, BE2, BE3 and BE4), and was extensively consulted upon and subject to its own equality impact assessment:

[https://www.brent.gov.uk/media/16415876/core\\_gen\\_04-equalities-impact-assessment.pdf](https://www.brent.gov.uk/media/16415876/core_gen_04-equalities-impact-assessment.pdf).

The draft Affordable Workspace SPD was drawn up by colleagues in the Regeneration Team, who conducted market research with 49 London-based workspace operators across different typologies (offices, creative studios, makerspaces, kitchens and mixed workspaces) to form a substantive evidence base for this SPD. The findings of the market research can be found in Appendix 1 of the draft Affordable Workspace SPD.

The draft Affordable Workspace SPD will be subject to formal public consultation for a minimum of 6 weeks in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. This will provide the opportunity for developers and local businesses, residents and communities to provide input into the SPD.

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".

<b>AGE</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>Affordable Workspace provides young entrepreneurs with a space to test their ideas and grow their businesses. Younger people will generally have less wealth and less disposable income, and by facilitating more affordable workspace, the SPD will have a positive impact on younger people in Brent.</li> </ul>
<b>DISABILITY</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>All new developments including Affordable Workspace are required to be DDA compliant, accessible and meet current building standards. Disabled people will therefore benefit from access and be positively impacted by Affordable Workspace.</li> </ul>
<b>RACE</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>The SPD aims to prioritise and meet the workspace requirements of local residents and businesses, including the Black Business Network and the aims of the Black Community Action Plan. Consultation with the Black Business Network will inform how to</li> </ul>

	best provide Affordable Workspace for this community and will have a positive impact.
<b>SEX</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>No obvious impact upon groups with the protected characteristics of Sex is identified in this equality analysis.</li> </ul>
<b>SEXUAL ORIENTATION</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>No obvious impact upon groups with the protected characteristics of Sexual Orientation is identified in this equality analysis.</li> </ul>
<b>PREGANCY AND MATERNITY</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>The draft Affordable Workspace SPD seeks to encourage the provision of affordable, accessible, flexible spaces in the borough that would accommodate pregnant women and mothers, particularly self-employed mothers and pregnant women.</li> </ul>
<b>RELIGION OR BELIEF</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>No obvious impact upon groups with the protected characteristics of Religion or Belief is identified in this equality analysis.</li> </ul>
<b>GENDER REASSIGNMENT</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>No obvious impact upon groups with the protected characteristics of Gender Reassignment is identified in this equality analysis.</li> </ul>
<b>MARRIAGE &amp; CIVIL PARTNERSHIP</b>	
<b>Details of impacts identified</b>	<ul style="list-style-type: none"> <li>No obvious impact upon groups with the protected characteristics of Marriage &amp; Civil Partnership is identified in this equality analysis.</li> </ul>

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?

The draft Affordable Workspace SPD was developed through consultation with Affordable Workspace operators who provided a substantive evidence base. Successful delivery of Affordable Workspace requires partnerships between developers/landlords, the Council, Affordable Workspace operators, and end-users. The Council is committed to ongoing discussions with operators in the context of new Affordable Workspace in the development pipeline.

Applications to join the approved Affordable Workspace operator list will seek to ensure that operators take into account any impacts their occupancy of spaces will have upon protected groups in the borough, and how they can mitigate negative impacts and maximise the benefits.

The draft Affordable Workspace SPD also draws upon Brent's adopted Affordable Workspace Strategy & Action Plan and supporting evidence base. Evidence includes council commissioned research and business survey work which defines workspace affordability where cost of workspace should be up to 20% of annual turnover. This has informed the SPD guidance on how to define and secure affordability.

Statutory public consultation on the draft Affordable Workspace SPD will provide a further opportunity to engage developers and local businesses, residents and communities.

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

N/A

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

N/A

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

The draft Affordable Workspace SPD outlines preferred delivery approaches, Affordable Workspace Management Plan requirements to be provided by planning applications at planning submission and secured under s106 obligations, as well as guidance on monitoring Affordable Workspace planning obligations and timing of payments.

All section 106 obligations pertaining to Affordable Workspace must be evidenced in writing and submitted to the Council in a timely manner (outlined in Table 1 on page 15). For additional information about meeting planning obligations, refer to the emerging Planning Obligation Supplementary Planning Document.

The Affordable Workspace Specification should include a comprehensive scope of works, detailing how the developer/owner is to meet the requirements of the section 106 agreement, including relevant reports and drawings from consultants. The Specification must also be submitted three months after the implementation of the development to the building(s) which are to contain the Affordable Workspace (or such other time as may be agreed by the council).

The Affordable Workspace Management Plan sets out a series of criteria for Affordable Workspace operators for each new Affordable Workspace, which must be agreed by the Council. Detail including affordable rents and services charges levels, and a target level of occupancy by local business and residents, must be agreed and plan performance monitored on an annual basis.

The Council's list of Preferred Affordable Workspace operators will also be monitored to ensure Affordable Workspace continues to deliver specific economic, social or cultural benefits to the local community. The Council has and will continue to have an ongoing relationship with these Operators.

## 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 strategic objectives of the draft Affordable Workspace SPD are to provide a robust framework for an increased delivery of Affordable Workspace across the borough, for the benefit of local businesses, residents and communities.

This assessment of the draft Affordable Workspace SPD will likely have a positive impact on equality in the borough. The SPD aims to facilitate delivery of low cost space to support local businesses and communities, and provide opportunities for business and employment growth, in particular the BAME community who make up a large proportion of the Brent population. It will have positive impacts by providing new Affordable Workspace which will be accessible to disabled people. Women, including pregnant women and mothers, could be expected to benefit from Affordable Workspace due to the flexible lease terms provided, as will small and medium-sized enterprises for whom the costs of traditional workspace are too high. Additionally, young people who may not have so much disposable income will benefit from more Affordable Workspace, which will support them to start-up and grow a business.

The SPD will enable the Council to expand and diversify its list of preferred Affordable Workspace operators to ensure workspace continues to deliver specific cultural, social and economic development objectives to the borough. Finally, the SPD will facilitate the delivery of more affordable workspace in Brent, supporting social, cultural and economic outputs, economic recovery and provide a platform to reduce economic deprivation.

## SECTION D – RESULT

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

## 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
Statutory public consultation for a minimum of 6 weeks	Review of all comments received through consultation process	HN	Spring 2022
Modification made following consultation and Equality Analysis updated	Integrate all comments and feedback	HN	Spring 2022
Adoption of the Affordable Workspace SPD	The Affordable Workspace SPD will now apply, any development proposals must take into account and adhere to the principles set out and guidance provided.		Spring/Summer 2022
Review periodically (every 5 years)	Monitor and review equalities impacts	HN	n/a

#### SECTION F – SIGN OFF

Please ensure this section is signed and dated.

<b>OFFICER:</b>	Honey Nounou, Principal Regeneration Officer
<b>REVIEWING OFFICER:</b>	Angela d'Urso, Strategic Partnerships, Policy & Scrutiny Manager
<b>HEAD OF SERVICE:</b>	Jonathan Kay, Head of Regeneration

 <b>Brent</b>	<b>Cabinet</b> 17 January 2022
	<b>Report from the Strategic Director of Community Wellbeing</b>
<b>Amendments to the Housing Allocation Scheme</b>	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three Appendix 1: Allocation Scheme consultation results Appendix 2: Equalities Impact Assessment - give reasonable preference to homeless households Appendix 3: Equalities Impact Assessment - Transfers
Background Papers:	None
Contact Officer:	Laurence Coaker Head of Housing Needs 020 8937 2788 Email: Laurence.Coaker@brent.gov.uk

## 1. Purpose of Report

- 1.1 This report sets out the proposed changes to the Council's Housing Allocation Scheme, the consultation responses to those changes, the recommendations and the impact following formal consultation with key stakeholders on a number of issues.
- 1.2 The review of the Allocation Scheme commenced in January, and has been informed by recommendations from the Stock Maximisation Report, which were approved by Cabinet on 16 August 2021 and is designed to ensure the scheme is fully compliant with legislation, following a recent legal challenge. The review also considered the implementation of the Domestic Abuse Act 2021 (the DAA 2021) and whether there are any further amendments necessary arising out of the changes made in light of the amendments to the Statutory guidance issued



by the then Secretary of State for Housing, Communities and Local Government (now known as the Department for Levelling Up, Housing & Communities) "Allocation of accommodation: guidance for local authorities" amended in December 2020 and July 2021

- 1.3 The report sets out how the consultation was conducted, whom we consulted with and what the outcomes were for each of the issues that were considered, as well as providing the full results of the online consultation in Appendix 1.

## **2. Recommendations**

Cabinet resolves:

- 2.1 To approve the following changes to the current Allocations Scheme:
- (a) Change 1: Give reasonable preference to homeless households as set out in paragraphs 6.2 to 6.4 of this report;
  - (b) Change 2 - Give priority to existing Council tenants, who need a transfer, to bid for all new build properties as set out in paragraphs 6.5 to 6.12 of this report;
  - (c) Change 3 - Emergency Management Transfers as set out in paragraphs 6.13 to 6.19 of this report;
  - (d) Change 4 - Transfers due to Overcrowding as set out in paragraphs 6.20 to 6.24 of this report;
  - (e) Change 5 - Award Priority Band A to Special Guardians as set out in paragraphs 6.25 to 6.28 of this report;
  - (f) Change 6 - Decant moves for essential repair as set out in paragraphs 6.29 to 6.33 of this report.
- 2.2 To note and give due regard to the content of the Equalities Impact Assessments in Appendices 2 & 3 of the report.
- 2.3 To delegate authority to the Strategic Director Community Wellbeing to implement the proposed changes to the Council's Allocation Scheme as set out in paragraph 2.1 above.

## **3. Background**

- 3.1 The Council is statutorily obliged to have a scheme for allocating the limited amount of social housing that is available. Brent's scheme was last reviewed in 2019, when revisions were implemented to introduce Local Lettings policies for new developments on existing Council estates and regeneration areas. As well as revisions to quotas and giving appropriate priority for social housing to victims of domestic abuse, living in a refuge or other forms of temporary accommodation
- 3.2 The Council now proposes to make some more changes to make sure that the Scheme works to make the most effective use of the social housing that becomes available. This is important because the supply of homes is limited and the Council can only meet a small amount of the demand each year. As at



19 November 2021, there were 2,633 households in priority Bands A-C on the Council's Housing Register, of whom The Council has accepted the main homeless duty to 1,521. There are a further 21,862 in Band D, making a total of 24,495. However, only households in priority Bands A-C are eligible to bid, as they have an identified housing need as defined by the Council's current Allocation Scheme.

- 3.3 The Housing Act 1996 Part VI ("The 1996 Act") provides the following: The scheme must be framed so as to give reasonable preference to any applicant who falls within the statutory reasonable preference categories as set out in the 1996 Act over those who do not. There is no requirement to give equal weight to each of the reasonable preference categories, but local authorities will need to demonstrate that overall, reasonable preferences have been given to all of them. Local housing authorities may frame their scheme so as to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs. Following a recent legal challenge, amendments to the scheme are required to ensure that it is compliant for all homeless households who fall within the statutory reasonable preference categories.
- 3.4 The Domestic Abuse Bill received Royal Assent on 29 April 2021, and is now an Act of Parliament (law). Only one element of the Domestic Abuse Act 2021 concerns the allocation of social housing, and therefore could potentially affect the Council's Allocation Scheme. However, no amendment to the scheme is necessary, as all new social housing allocations, including those made to domestic abuse victims, are lifetime tenancies. Nor were any changes required in light of the amendments to the "Allocation of accommodation: guidance for local authorities" July 2021, or subsequent amendments to the immigration eligibility criteria in September 2021.

#### **4. Context**

- 4.1 The focus of the allocations scheme is on the demand that might realistically be met, rather than the demand that actually exists. The scheme is framed to give households on the register a more realistic sense of the current housing crisis and to manage their expectations. Households with the most acute need, e.g. who are homeless, severely overcrowded or whose living situation is inappropriate because of medical need or poor conditions are given priority to bid for properties, by being placed in bands A-C. Households with a recognised housing need that are less acute, e.g. overcrowded by one bedroom, are placed in band D. This is to reflect the fact that there is insufficient supply of social housing to meet the needs of all households on the register, as approximately only 600 social homes become available each year.
- 4.2 The Council is committed to doing everything it can to support all residents in housing need and increase the supply of affordable housing. The New Council Homes Programme (NCHP) has set an ambitious Council house building programme, which will deliver about 2000 new Council homes by 2028. To date we have delivered 563 new homes, with a further currently 278 on site. In

addition, we have 465 either with planning permission or submitted for planning permission and a further 1336 under feasibility.

4.3 We are also looking at every opportunity to increase the supply of social housing, in order to meet existing and future housing need. We are;

- Identifying new development opportunities on existing Council owned land and new sites.
- Working with partner Registered Providers and i4B to maximise the amount of affordable housing they are able to provide and tailoring this to housing need in Brent.
- Being aware of new private developments and the proposals for Affordable Housing and working with Planning colleagues to maximise the amount.

4.4 The Council is also making the best use of existing the Council Housing stock, through the initiatives approved by Cabinet in August 2021, in the Stock Maximisation report. In particular identifying current tenants whose needs can be better met by moving to a more appropriate accommodation. This has led to:

- Working with Private Housing Services to ensure that Adaptations meet housing need and that Empty Properties brought back into use also meet the housing need.
- Analysing cases of overcrowding with a view to considering whether extending the property is a practical solution to alleviate the issue.
- Analysing identified under occupied Council homes and working with residents to identify the type of offer that will help and encourage them to downsize, thereby freeing up larger homes for families who need them.
- Analysing cases where Council tenants are receiving care support and whether their circumstances can be improved by moving to newly built homes, including Independent Living homes.
- Making funds available to Council tenants who desire to buy a new home in the private market.

4.5 Unfortunately, people with “No Recourse to Public Funds” are excluded from bidding for social housing, as they are not eligible to join the Housing Register, as defined by legislation, due to their immigration status. The housing department work closely with colleagues in Adult Social Care to consider the circumstances of these individuals, to determine on a case by case basis what discretionary powers we have to support and/or accommodate them.

## **5. Consultation**

5.1 As the Allocation Scheme is a statutory document, formal consultation is required when any alterations to the allocation scheme are proposed, which reflect a major change of policy (section 166A(13) of the 1996 Act). The Housing Needs service undertook a consultation exercise, which launched on 5 August 2021 and ended on 14 October 2021, through an on-line consultation survey. As well as advertising the consultation survey on the Council’s website,

and on the Locata home page, every household currently on the Housing Register (including Band D) was notified and invited to participate.

5.2 Formal Workshops were also held with key stakeholders as set out below:

Registered Providers

An online consultation meeting took place on 29 September 2021 with the major Registered Provider partners who the Council work with

Voluntary Sector

An online presentation on the proposed changes was given at the Brent Homelessness Forum on 6 October 2021, attended by key voluntary sector agencies who the Council work with

Adult Social Care

An online consultation meeting took place on 14 October 2021 with Heads of Service and Team Leaders

Children and Young People's Services

An online consultation meeting took place on 30 September 2021 with Heads of Service and Team Leaders

These workshops were an opportunity to go through some of the more technical issues in depth. The proposed changes were well received, with only points of clarification raised. Attendees were invited to formally submit their views via the online consultation.

## **6. Proposals and Recommendations**

- 6.1 Each of the six proposals are set out below alongside the results of the consultation feedback. Recommendations are based on the likely impact of the proposal on Brent's strategic objective to maximise the use of the limited stock of social housing and reducing overcrowding.

### **Change 1 - Give reasonable preference to homeless households**

- 6.2 The first proposed amendment is to ensure that the scheme gives reasonable preference to homeless households who fall within the statutory reasonable preference categories as set out in the 1996 Act. Currently, all homeless households are given reasonable preference, by being placed in Priority Band C on Locata, once the main duty has been accepted under homelessness legislation. However, under the 1996 Act the Council is also required to give reasonable preference to all homeless households, irrespective of whether the main duty has been accepted. This cohort includes those households who are owed a 56 day prevention or relief duty under the Homelessness Reduction Act 2017, households who do not have a priority need, or are intentionally homeless; as defined by homelessness legislation, or have refused an offer of suitable accommodation. It is therefore proposed that all homeless households, as specified above, are placed into a new Priority Band C – (minus), that will be created in Locata.

### ***Impact***

- 6.3 In practice, there are 3 outcomes for homeless households on the Housing Register. (1) Homelessness is prevented or Relieved - most of these households will have their homelessness prevented through the prevention work currently undertaken by the Housing Needs team. The majority of households will be made private rented sector accommodation offers during the prevention and relief duty and once housed their places on the Housing Register will then be reassessed, taking into account that they are no longer homeless. (2) When homelessness is not prevented or relieved, if the main duty is accepted, the household will be moved up to priority band C on Locata. (3) However, if the main duty is not accepted, or the applicant refuses an offer of suitable accommodation and remains homeless, the applicant will remain in Priority Band C- (minus). This cohort of homeless households will therefore have a lower priority than those households in Band C to whom the Council has accepted the main duty. However, this cohort will still be eligible to bid on LOCATA (as long as they fulfil the resident's criteria after any Part 7 duties have been lawfully ended) and therefore will have a reasonable preference over those applicants in Band D. There will not be an impact on homeless households to whom the Council has accepted the main duty, and require a family sized home, as they will have a higher priority. There may be some impact for single homeless households, who may be successful in securing less desirable bedsit accommodation, as people in high bands may not bid.

### ***Recommendation***

- 6.4 It is recommended to approve this proposal as giving reasonable preference to homeless households who fall within the statutory reasonable preference categories is a statutory requirement of the scheme. The current allocation scheme is subject to a threat of a Judicial Review, which has been adjourned to March 2022, on the basis that this amendment to the scheme is implemented. This recommendation was supported by 80% of the responses to the on-line consultation survey agree with this proposal, and a further 6% neither agree nor disagree.

### **Change 2 - Give priority to existing Council tenants, who need a transfer, to bid for all new build properties**

- 6.5 A tenant can apply for a transfer on the basis of housing need – for example that the household is overcrowded – and the application will be assessed on the basis of reasonable preference. However, the Council is also able to set its own transfer policies in relation to tenants who have asked for a transfer but do not meet the reasonable preference criteria. There are currently 327 Council Tenants who are registered for a transfer due to overcrowding, medical or other reason (including under-occupation, domestic abuse, urgent decant) and have been assessed in Bands A-C.
- 6.6 In the previous review of the Allocation Scheme in 2019, existing tenants who are registered for a transfer were given priority to bid for new properties that become available on their estate, to enable them to remain on the estate and avoid having to relocate to another area. It is now proposed that existing

Council tenants who are registered for a transfer should be given priority to bid for all new build Council properties. Higher priority will be given to those tenants living in the new development area for new build properties compared with Council tenants living outside the relevant new development area.

- 6.7 In recent years, the Council has been allocating a very high percentage (70%) of all available social housing to accepted homeless households, to help reduce the number of families living in Temporary Accommodation. This percentage was reduced to 60% in August 2021, following a recommendation made to Cabinet in the Stock Maximisation report. However, this high percentage of available properties allocated to homeless households has resulted in fewer properties being available for existing Council tenants who are overcrowded, and require a larger property to live in. Although these overcrowded families did benefit from the change referred to in paragraph 5.6 above, this only gave them priority to bid for new properties that are available on their existing estate. Families living in overcrowded housing was one of the main issues that came up in recent consultation meetings with the black community in Brent.

### ***Impact***

- 6.8 By giving existing Council tenants registered for a transfer priority to bid for all new build properties, they will be given priority to secure a transfer to suitable accommodation over accepted homeless households and home seekers living in the private sector. However, the properties that the existing tenants move out of will then become available for accepted homeless households, and home seekers to bid for.
- 6.9 A breakdown of the households who are currently registered for a transfer, showing what size of accommodation they require, is illustrated in table 1 below.

*Table 1. Brent Council Tenants who are registered for a transfer Bands A-C on the Housing Register*

<b>Reason for Transfer</b>	<b>Number of households</b>	<b>Number of bed required</b>
Overcrowded	2	2
	<b>33</b>	<b>3</b>
	<b>31</b>	<b>4+</b>
Medical	11	1
	13	2
	<b>14</b>	<b>3</b>
	<b>6</b>	<b>4</b>
Other	124	1
	63	2
	<b>30</b>	<b>3+</b>
<b>Total</b>	217	

- 6.10 These are currently 77 exiting tenants who require a 3 bedroom property, and 37 tenants who require a 4+ bedroom property. A review of the properties that these families are currently living in has confirmed that only one property has the possible potential to be extended to make it larger, as the majority of the properties are in blocks of flats. If these tenants are prioritised for an allocation to all new build properties, there will be fewer large properties available to allocate to larger accepted homeless families, currently living in Temporary Accommodation. However, the New Council Homes Programme (NCHP) is now prioritising building and increased number of larger properties. Which, combined with the initiatives in the Stock Maximisation report, approved by Cabinet on 16 August 2021, to make the best use of our housing stock, will mitigate the impact on larger homeless households waiting for an allocation of social housing to end their homelessness.
- 6.11 There is already a shortage in supply of 3 and 4 bedroom social housing that is available. The impact of this on accepted homeless households living in TA is that they have to wait longer for accommodation to become available. Table 2 below illustrates the number of accepted homeless households, broken down by bedroom size needed.

*Table 2 the number of accepted homeless households, broken down by bedroom size needed*

Bedroom Required	Size	Number of Households
1		106
2		413
3		701
4		277
5		44
6		2
Total		1543

### **Recommendation**

- 6.12 It is recommended to approve this proposal, as it will help address the very real problem of overcrowding in existing Council properties. There will be an impact on larger homeless families currently living in Temporary Accommodation. However, this will be mitigated by increasing the overall supply of larger properties, through development of new homes via the NHCP as well as the initiatives set out in the Stock Maximisation report. This recommendation was supported by 78% of the responses to the on-line consultation survey agree with this proposal, and a further 9% neither agree nor disagree.

### **Change 3 - Emergency Management Transfers**

- 6.13 Brent Council tenants and tenants of Registered Providers where the Council has nomination rights, may be provided with an emergency management transfer. This will occur when the Allocations Panel has determined that a

transfer to alternative social housing is essential to ensure the personal safety of the tenant, members of their household and/or the local community.

- 6.14 Where the Allocations Panel approves the transfer, the household will be placed in Priority Band A and may be made a 'direct offer' of alternative accommodation on a like-for-like basis in terms of the number of bedrooms in the new property. Where the household has already been awarded medical priority, the home that they are offered will reflect their assessed needs.
- 6.15 However, where the household is overcrowded in their existing property, and there are no significant health issues, they are currently transferred to a property of the same size, and therefore the transfer does not address the issue of the overcrowding. This is because the reason the household has been awarded an emergency management transfer is to address the issue of personal safety, often related to domestic abuse, gang related violence, hate crime or threats to kill.
- 6.16 It is proposed that the scheme should be amended so that households who are transferred due to an emergency, are moved to the appropriate size accommodation to meet all of their housing needs, including overcrowding.

#### ***Impact***

- 6.17 This change will have a positive impact on those households who, through no fault of their own, need to transfer to another property to ensure their personal safety and the safety of their family. It will mean that all of their housing needs are met, as overcrowded households will transfer to larger properties avoiding the need to move twice. It will, however result in fewer large properties being available for accepted homeless families living in Temporary Accommodation, which as stated above will be mitigated through the NCHP and Stock Maximisation programme.
- 6.18 However, the number of households who receive an emergency management transfer is low. In the last 12 months, only 15 households were transferred for this reason, and some of these were actually moved to larger accommodation, due to underlying medical issues.

#### ***Recommendation***

- 6.19 It is recommended to approve this proposal, as it will address all of the housing needs of households who require an emergency management transfer, avoiding the need to move twice. As stated in 5.11, the impact on homeless families living in Temporary Accommodation, will be mitigated by increasing the overall supply of larger properties through the NCHP and Stock Maximisation programme. This recommendation was supported by 86% of the responses to the on-line consultation survey agree with this proposal, and a further 8% neither agree nor disagree.

#### **Change 4 - Transfers due to Overcrowding**

- 6.20 As in most London boroughs, families living in overcrowded accommodation is a serious problem in Brent. Prior to the review of the allocation scheme in 2014,

there were over 20,000 households with priority banding for social housing on the Housing Register. Approximately 16,000 of these households had been awarded priority due to being overcrowded, and needing one additional bedroom. The Allocation Scheme was therefore amended to target those in the greatest need, by only giving priority banding to those families who were most severely overcrowded, lacking two bedrooms or more.

- 6.21 Families living in overcrowded accommodation can be divided into three cohorts, Council Tenants, Housing Association Tenants, and Private Rented Sector Tenants (PRS). This proposed change will affect Council Tenants who are overcrowded. Families living in the PRS, who are lacking more than two bedrooms or are statutory overcrowded, are dealt with under homelessness legislation. A family is defined as being statutorily overcrowded, either through not having a sufficient number of rooms available for people to sleep in, or the amount of space in the home not being enough for the number of people living in it. Council Tenants and Housing Association Tenants who are overcrowded are dealt with through the Allocations Scheme. The current Allocation Scheme is framed to give priority banding to social housing tenants as follows;

*Council Tenants*

- Lacking one bedroom no priority
- Lacking two bedrooms – Priority Band C
- Statutory Overcrowded – Priority Band B

*Housing Association Tenants*

- If their Housing Association is a member of Locata, the family must approach their Housing Association landlord for a transfer, as they are responsible for dealing with the overcrowding in line with their Housing Allocation Scheme.
- If the Housing Association is not a member of Locata, or the family are severely overcrowded, the family have the option to apply to the Council as homeless.

- 6.22 It is proposed to amend the scheme to award priority band B to all Council tenants who are lacking three bedrooms or more.

***Impact***

- 6.23 This is largely a technical change as it is highly likely that the majority of Council tenants who lack three bedrooms, would meet the definition of statutory overcrowded, and would therefore have been awarded priority Band B anyway. The impact of this change is therefore not considered significant. However, there may be some families who would not meet the definition (due to the age, sex of their children, or room measurements) who will benefit from this change.

***Recommendation***

- 6.24 It is recommended to approve this proposal, as it will be a lot clearer for tenants to know that if they are lacking 3 bedrooms or more, they will automatically be awarded Band B priority, rather than have to worry about whether they meet the definition of being statutory overcrowded. This clearer explanation of how the Council is acknowledging and addressing the housing needs of



overcrowded families is in direct response to the consultation with the black community in Brent. This recommendation was supported by 64% of the responses to the on-line consultation survey agree with this proposal, and a further 18% neither agree nor disagree.

### **Change 5 - Award Priority Band A to Special Guardians**

- 6.25 The current Allocation Scheme recognises the contribution that Brent foster carers and adopters make towards ensuring that children that are under the Council's care have appropriate housing. Priority Band A is awarded on a case by case basis, working closely with the Council's Children and Young People Service to ensure the households' re-housing requirements are prioritised within the scheme.
- 6.26 However, the scheme does not currently cover Special Guardianships, where an order has been made by the Family Court that places a child or young person to live with someone other than their parent(s) on a long-term basis. Therefore, it is proposed that the current scheme should be amended to include giving priority for cases involving Special Guardianships.

#### ***Impact***

- 6.27 It is anticipated that the impact of this proposal will be relatively low, as the number of cases involving Special Guardianships is small. It will also not be mandatory that all households with a Special Guardianship arrangement will be awarded priority, but only those arrangements that ensure that children who are under the Council's care and are supported by Brent's Children and Young People Services, are awarded priority.

#### ***Recommendation***

- 6.28 It is recommended to approve this proposal as the allocation scheme will be explicit in supporting a household who require alternative housing to enable a child to reside with them, under a Special Guardianship arrangement, and will therefore have a positive impact on the family as a whole. This recommendation was supported by 68% of the responses to the on-line consultation survey agree with this proposal, and a further 19% neither agree nor disagree.

### **Change 6 - Decant moves for essential repair**

- 6.29 It is sometimes necessary for a property to be vacant, to enable the Council to complete major repairs. Moves will usually be temporary but in some circumstances consideration will be given to permanent moves arising from a decant. The Allocations Panel will also consider whether or not, for technical or safety reasons, it is feasible for the applicant to remain in their home while the works are carried out around them. For the tenant to be awarded decant priority, the Allocations Panel will need to be satisfied that the work is so disruptive that it cannot be completed with the tenants remaining in occupation and either:

- The work is likely to take more than 3 months to complete; or

- The health of the tenant or a member of their household will be severely affected if they have to leave their home and then move back again at a later date
- 6.30 In most instances where essential repairs are required officers are able to give a good indication of how long works should take, and therefore whether the work is likely to take more than 3 months and trigger a permanent transfer. However, sometimes the Council might not be able to complete works in three months because the works have become more complex than initially diagnosed or because of circumstances beyond our control.
- 6.31 The current wording of the scheme regarding decant moves for essential repairs to Council properties does not provide any flexibility for the Council to apply discretion. This is because the current wording states “If the work is estimated to take less than three months but then runs on for longer, the tenant will be awarded decant priority”. It is therefore proposed to amend the wording to read ‘If the works to the property are estimated to take three months but this timescale is not achieved, the tenant may be awarded decant priority’.

#### **Impact**

- 6.32 This amendment is a minor change in the wording of the scheme, designed to give more flexibility to BHM (Brent Housing Management) in deciding whether or not a household should be given priority for a transfer.

#### **Recommendation**

- 6.33 It is recommended to approve this proposal, as it will give officers discretion to determine whether a household should receive a priority for a transfer, where the repairs to their current accommodation have over-run due to unforeseen circumstances, which are beyond the control of the Council. However, their property will be suitable for them to continue to occupy, once the repairs are finalised. The amendment will not be used to unnecessarily prolong any repair which is necessary. This recommendation was supported by 64% of the responses to the on-line consultation survey agree with this proposal, and a further 24% neither agree nor disagree

## **7. Financial Implications**

- 7.1 There are a number of proposals, each of which will have a varying degree of financial impact, dependent on the impact these measures have on existing households in temporary accommodation.
- 7.2 Changing the allocation process to give priority to existing Council tenants to bid for new build properties will reduce the availability of these properties to those living in Temporary Accommodation. However, as existing tenants will effectively be moving within the Council’s existing stock, each new build property will still increase the overall supply and there will be opportunities for those in Temporary Accommodation to move into the properties that become vacated by those moving into new properties.

- 7.3 There is a risk of larger households within Temporary Accommodation having less opportunity to move into a new property. Over the medium term, this may lead to increased costs within Temporary Accommodation, particularly as the availability of more affordable Temporary Accommodation for larger households through the Housing Association Leaseholder Scheme (HALS) is decreasing over time. This may lead to higher costs if these households remain in Temporary Accommodation for extended periods.

## **8. Legal Implications**

### *Allocations Scheme*

- 8.1 The requirements regarding allocations schemes are set out in section 166A of the Housing Act 1996 ("the 1996 Act"), which has been inserted by section 147 of the Localism Act 2011.
- 8.2 Under section 166A(1) of the 1996 Act, every local housing authority (which includes Brent Council) shall have a scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation. The allocations scheme must also include the authority's statement on offering choice of accommodation or how people are offered the opportunity to express their choice.
- 8.3 Under section 166A(14) of the 1996 Act, a local housing authority shall not allocate social housing accommodation except in accordance with their allocation scheme. In other words, if a Council pursues allocation policies that are outside its scheme, then it will be deemed to be unlawful.
- 8.4 Under section 166A(12) of the 1996 Act, a local housing authority must, in preparing or modifying their allocation scheme, have regard to: (a) its current homelessness strategy under Section 1 of the Homelessness Act 2002, (b) its current tenancy strategy under Section 150 of the Localism Act 2011, and (c) as Brent Council is a London Borough, the London housing strategy prepared by the Mayor of London.
- 8.5 Section 166A(3) of the 1996 Act outlines priorities to which the scheme must give reasonable preference. These categories are outlined in detail within the scheme, but in summary they are;
- Homeless households
  - Homeless households in temporary accommodation
  - People living in overcrowded or unsatisfactory housing
  - People who need to move on medical or welfare grounds (including any ground relating to a disability)
  - People who need to move to a particular locality within the district where to not move them would cause hardship (to themselves or others).
- 8.6 Additional preference may be given to any particular category where there is urgent housing need.
- 8.7 Subject to the content of section 166A(3) of the 1996 Act as set out in the previous paragraph, the allocations scheme may contain provision about the

allocation of particular housing accommodation: (a) to a person who makes a specific application for that accommodation; (b) to persons of a particular description (whether or not they are within the categories set out in the previous paragraph). The Secretary of State has the power to make regulations to specify factors which a local housing authority in England must not take into account in allocating housing accommodation.

- 8.8 The allocations scheme must be framed so as to secure that an applicant for an allocation of housing accommodation has the right to request such general information as will enable him to assess— (i) how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of a group of people who are to be given a reasonable preference); and (ii) whether housing accommodation appropriate to his needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him.
- 8.9 The allocations scheme must also be framed so that an applicant for a housing allocation has the right to request the Council to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him and he also has the right to request a review of such a decision and to be informed of the decision on the review and the grounds for it. There is also the right to request a review against a decision of the Council by an applicant on grounds of being ineligible for an allocation and of not being a qualifying person to be allowed to be given an allocation of housing under section 160ZA(9) of the 1996 Act.
- 8.10 Section 160ZA of the 1996 Act sets out which classes of persons that local authorities shall not allocate housing accommodation under their allocations scheme and these are mainly on grounds of immigration status.
- 8.11 The Department for Communities and Local Government issued statutory guidance in June 2012 entitled: Allocation of accommodation: guidance for local housing authorities in England, this guidance was substantially updated in January 2021 (with minor further updates in July and September 2021). In addition, further statutory guidance was issued in November 2018, entitled Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation. The Council has given regard to this statutory guidance when drafting and preparing proposed amendments to its allocations scheme.
- 8.12 When considering the proposed changes to the allocations scheme, consideration needs to be given to the impact on families and children under the right to respect for private and family life under Article 8 of the European Convention of Human Rights and section 11 of the Children Act 2004, the latter of which places a duty on local authorities to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. The Council is also required to have due regard to the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010 when drafting and amending its allocation scheme.

- 8.13 An Equality Impact Assessment (“EIA”) has been carried out in respect of the proposed changes to the Council’s allocations scheme and the results of the EIA will need to be considered by the Cabinet when it makes a final decision. The EIA will assist the Cabinet in meeting its requirement to comply with the PSED when making a final decision on whether to approve the proposed changes to the Council’s allocations scheme. The EIA clarifies that none of the proposed changes to the Council’s allocations scheme will adversely affect any groups with “protected characteristics” under the Equality Act 2010 and because there are no adverse implications, no mitigating actions are necessary.

## **9. Diversity Implications**

- 9.1 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and those who do not share that protected characteristic
- 9.2 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination.
- 9.3 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 9.4 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the provision of localised council tax support for the area of Brent. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Cabinet, Members of the Cabinet must consider the effect that implementing or amending a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this and an equality impact assessment is attached to this report.
- 9.5 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and

interest groups and by gathering detail and statistics from the Council's Housing Register.

- 9.6 Where it is apparent from the analysis of the information that the policy, or amendments to the policy, would have an adverse effect on equality, then adjustments should be made to avoid that effect and this is known as "mitigation".
- 9.7 The public sector equality duty is not to achieve the objectives or take the steps set out in section 149 of the Equality Act 2010. The duty on the Council is bring these important objectives relating to discrimination into consideration when carrying out its public functions. The phrase "due regard" means the regard that is appropriate in all the particular circumstances in which the Council is carrying out its functions. There must be a proper regard for the goals set out in section 149 of the 2010 Act. At the same time, when the Members of the Cabinet make their decision on amending its allocations scheme, they must also pay regard to countervailing factors which it is proper and reasonable for them to consider. Budgetary pressures and economic and practical factors will often be important. The amount of weight to be placed on the countervailing factors in the decision making process will be for Members of the Cabinet to decide when it makes its final decision.
- 9.8 An EIA has been carried out to determine the impact of the proposed changes. The EIA on the proposed change (1), to give reasonable preference to homeless households, is attached at Appendix 2. The EIA on the proposed changes (2), (3) and (4), regarding transfers is attached at Appendix 3. The EIA on proposed change (5) Special Guardianship and proposed change (6) Decant moves for essential repair, confirmed that the number of people potentially affected is very small. Given the very limited data available, it is not feasible to carry out a full analysis on these proposals, however there is no evidence to suggest that anyone with a protected characteristic would be adversely affected by this proposed change.
- 9.9 The EIA's at Appendix 2 and 3 clarifies that none of the proposed changes to the Council's allocations scheme will adversely affect any groups with "protected characteristics" under the Equality Act 2010 and because there are no adverse implications, no mitigating actions are necessary.

**Report sign off:**

**Phil Porter**

Strategic Director of Community  
Wellbeing

Do you agree the Council's Allocations Scheme should be amended to give a housing priority to people on the waiting list to households who are homeless, or are threatened with homelessness (and likely to become homeless within 56 days)? N=223

Page 24  
The current Allocations Scheme gives priority to eligible Council tenants to bid for new build properties on their resident estate. It is proposed that this priority is extended to all new build properties in Brent. Do you agree? N=226

At present the Allocations Scheme allocates a 'like for like' property (in terms of the number of bedrooms) to an emergency management transfer case. For example, a household that needs to be transferred due to medical reasons or fear of violence, does so regardless of the bedroom needs of the household - therefore the transfer does not address the issue of overcrowding. It is proposed that the scheme should be amended so that emergency transfer households are transferred to the appropriate sized accommodation to meet all of their housing needs, including overcrowding. Do you agree? N=223

Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree



Agree/Strongly Agree: 80%

Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree



Agree/Strongly Agree: 78%

Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree



Agree/Strongly Agree: 86%

At present, the Allocations Scheme gives Band C priority to social housing tenants who are overcrowded by two bedrooms or more. It is proposed to amend the scheme to award Band B priority to all council tenants who are overcrowded by three bedrooms or more. Do you agree with this proposal? N=220

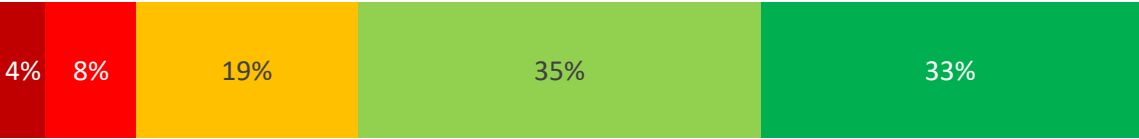
Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree



Agree/Strongly Agree: 64%

On recommendation from Children’s Services it is proposed that, as with Brent-approved Foster Carers and Adopters, we give equal Band A Priority to Special Guardians of under-18's in Care. Do you agree? N=223

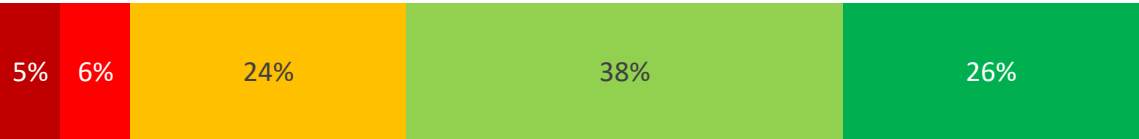
Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree



Agree/Strongly Agree: 69%

It is proposed that we amend the wording on the current Allocations Scheme from “If the work is estimated to take less than three months but runs on for longer, the tenant will be awarded Decant Priority” to “If the work is estimated to take three months but this timescale is not achieved, the tenant may be awarded Decant Priority”. Do you agree? N=227

Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree



Agree/Strongly Agree: 64%



## EQUALITY ANALYSIS (EA)

<b>POLICY/PROPOSAL:</b>	Give reasonable preference to homeless households
<b>DEPARTMENT:</b>	Housing
<b>TEAM:</b>	Housing Needs
<b>LEAD OFFICER:</b>	
<b>DATE:</b>	

*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.

Homeless households are included in the statutory reasonable preference categories as set out in the Act. Currently, all homeless households are given reasonable preference, by being placed in Priority Band C, once the main duty has been accepted under homelessness legislation. However, under the Act the Council is also required to give reasonable preference to all homeless households, irrespective of whether the main duty has been accepted. This cohort includes those households who are owed a 56 day relief duty under the Homelessness Reduction Act 2017, households who do not have a priority need, or are intentionally homeless; as defined by homelessness legislation, or have refused an offer of suitable accommodation. It is therefore proposed that all homeless households, as specified above, are placed into Priority Band C.

The following are the duty accepted categories:

**Duty to prevent homelessness:** The team support families who are at risk of losing their home as soon as they are threatened with homelessness within 56 days, by helping them to remain in their current accommodation, if the property is suitable to continue to occupy.

**Duty to take steps to relieve homelessness:** This duty is triggered when a family are already homeless. The team provide advice and assistance to help people find suitable accommodation in the private rented sector for themselves and their families. Families are supported to find their own accommodation, and if it is suitable, and affordable, will pay the owner an incentive payment, to secure the property.

The Main Housing Duty: After 56 days, the relief duty comes to an end if the family have not been able to secure alternative accommodation. The team will then assess whether or not the main housing duty (under the Housing Act 1996) is triggered. The main housing duty is owed to those families who remain homeless after the relief duty, are in priority need and have not made themselves intentionally homeless. The Council will be under a duty to secure suitable accommodation, which is likely to be in the private rented sector.

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

It is envisaged that many of these households will have their homelessness relieved through private sector accommodation offers made during the relief duty. When homelessness is not relieved, and the Council does not accept the main duty, the applicant will remain in Priority Band C, as long as they fulfil the five year residence criteria. However, the Locata system used to manage the Housing Register already has built-in functionality that gives this cohort of homeless households a lower priority than those households in Band C to whom the Council has accepted the main duty. This means although this new cohort have a reasonable preference and will be able to bid on LOCATA there will not be an impact on homeless households to whom the Council has accepted the main duty, as they will have a higher priority.

## 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, there is relevance to equality and the council's public sector equality duty as within the cohort of people accessing this service some protected groups are over-represented compared to the borough as a whole.

This is due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy. It is also an effect of poverty and disadvantage: some ethnic groups, for example Black Africans, are over-represented among homeless households. Black Africans make up 21% of current accepted homeless households compared to 7.9% in the wider borough.

(Source: 2016 population from GLA)

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

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

### **Screening Checklist**

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?	X	
Would the policy or proposal change or remove services used by vulnerable groups of people?	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.**

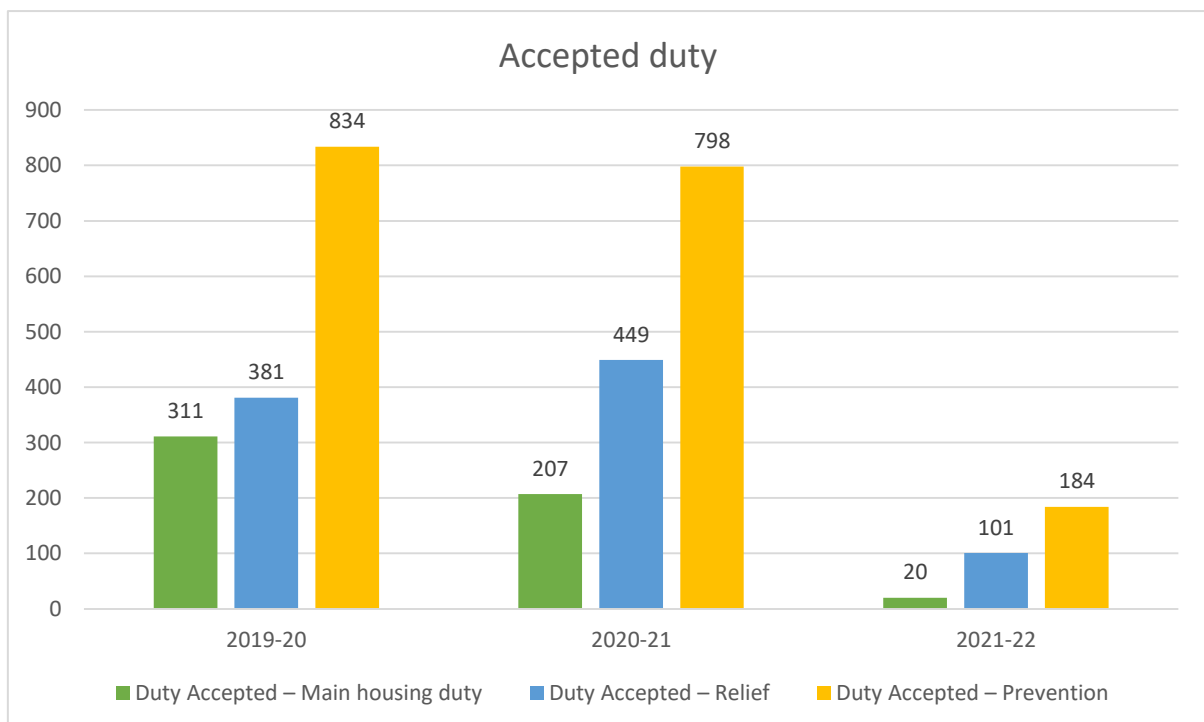
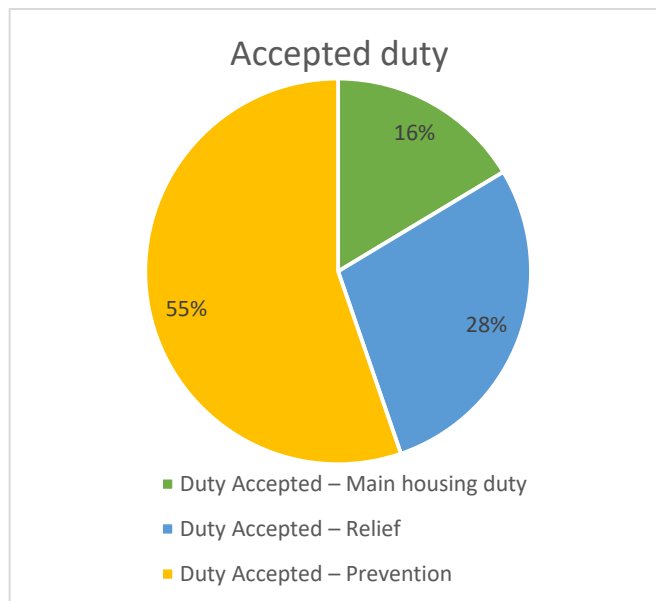
## SECTION B – IMPACTS ANALYSIS

- 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.

From 1<sup>st</sup> April 2019 to 31<sup>st</sup> July 2021, the number of duties accepted are 3,285. Of these, the number of main housing duties accepted are 538 (16%) and the remaining in the accepted duty are 2,747 (84%).

Of these 84%, the number of duties in the prevention stage are 1,816 (55%) and the number of duties in the relief stage are 931 (28%).

Year of application <input type="text"/>	Duty Accepted – Main housing duty	Duty Accepted – Relief	Duty Accepted – Prevention	Total
2019-20	311	381	834	1526
2020-21	207	449	798	1454
2021-22	20	101	184	305
<b>Total</b>	<b>538</b>	<b>931</b>	<b>1816</b>	<b>3285</b>
	16%	28%	55%	100%
		84%		



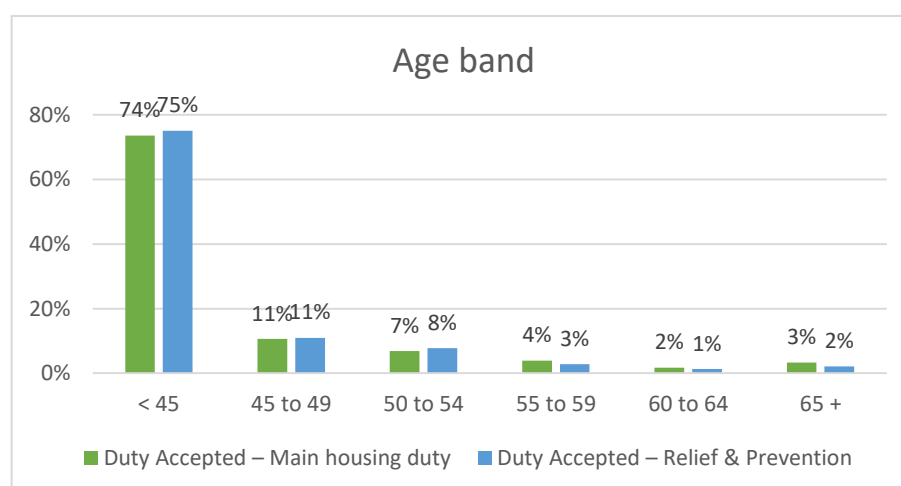
The charts below compare the main housing duty (green bars) to the relief and prevention duty (blue bars). Overall the profiles are reasonably similar.

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

## AGE

### Details of impacts identified

The profile is that of a relatively young age. Under age 45 years make up around three-quarters of this profile and are over represented compared to brents population. The profiles are infact very similar for those with duty accepted in the relief and prevention category compared to the main housing category. The under 45s and 50 to 54 age group is over represented in the relief and prevention category by only 1 percent.



## DISABILITY

### Details of impacts identified

The disability proportion is around 0.2%. The presence of disability in both cohorts is much less 14% in the wider Brent population.

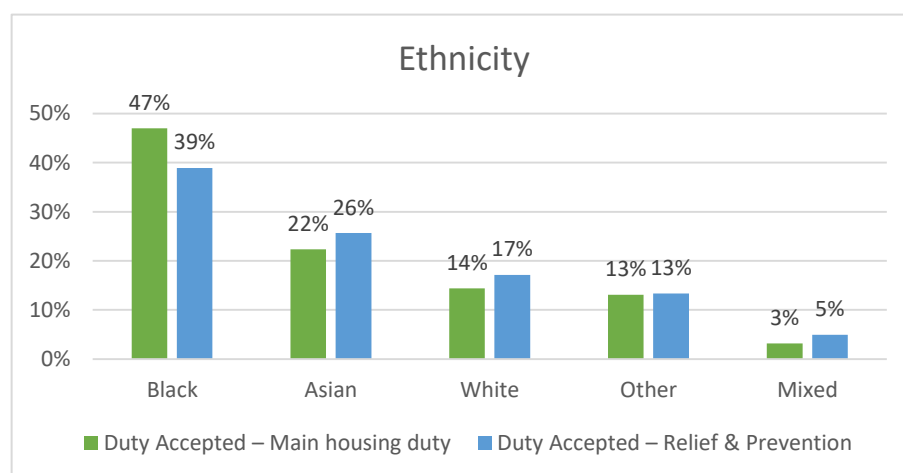
We believe the low presence of diability is likely to be a lack of data collection on this charctrastic. In the relief and prevention cohort 70% of the records no have disability data completed .

	Duty Accepted – Main housing duty	Duty Accepted – Relief & Prevention	Duty Accepted – Main housing duty	Duty Accepted – Relief & Prevention
No data	33%	71%	177	1943
No	67%	29%	360	799
Yes	0.2%	0.2%	1	5
Total	100%	100%	538	2747

## RACE

### Details of impacts identified

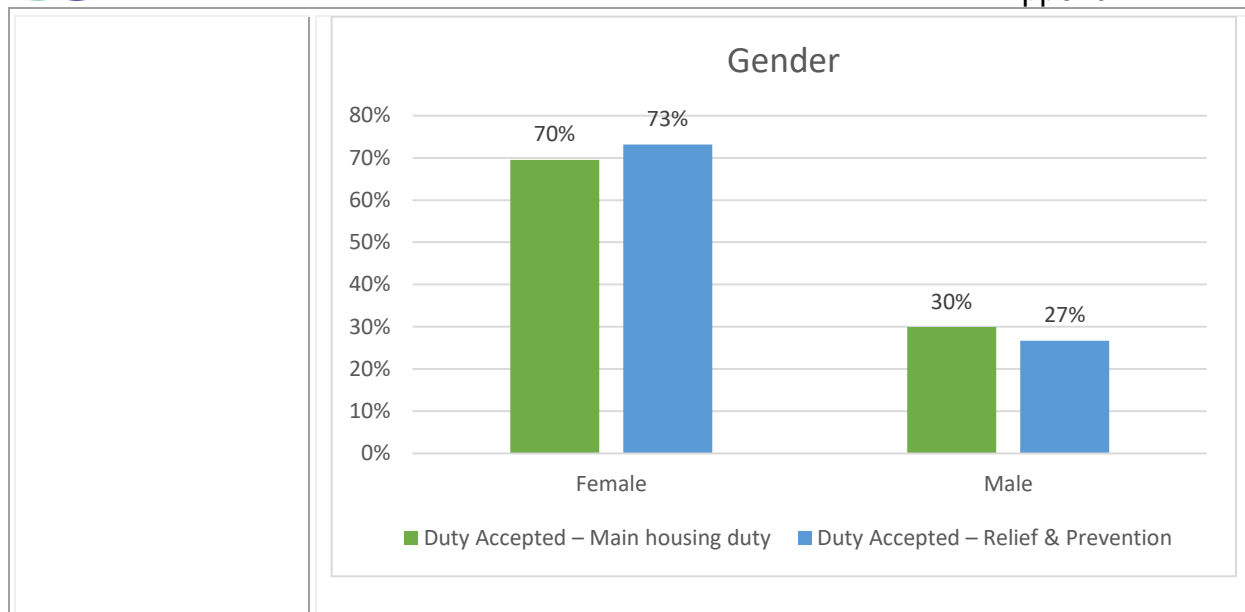
Blacks are over represented in this category, followed by Asian, White then other, then mixed. Compared to the wider Brent population, black households are over-represented in both cohorts. In Brent, black people make up 21% whereas this is 47% and 39% in both cohorts. The Asian, White and Mixed groups are over represented in the relief and prevention category by 3%-4%..



## SEX

### Details of impacts identified

As the graph shows, female are over-represented in both cohorts, over 70%. Females make up 49% of Brent's population. Females are also over represented in the relief and prevention category, but only by 2% to 73%. In general women are over represented in the cohorts receiving housing services due to reasons such as maternal parenting, social attitudes and economic deprivation. Both profiles above are similar.



### **SEXUAL ORIENTATION**

Details of impacts identified	Duty Accepted – Main housing duty	Duty Accepted – Relief & Prevention	Duty Accepted – Main housing duty	Duty Accepted – Relief & Prevention
Heterosexual	84%	88%	415	2170
Other sexual	14%	10%	70	259
Gay / Lesbian	2%	1%	9	35
Bisexual	0%	0%	1	9
Total	100%	100%	495	2473

We have limited data on this cohort therefore any numbers will not be a true representation.

### **PREGANCY AND MATERNITY**

Details of impacts identified	We have limited data on this cohort therefore any numbers will not be a true representation. In addition, these are the pregnancies if declared and live at the time.
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### **RELIGION OR BELIEF**

Details of impacts identified	Duty Accepted – Main housing duty	Duty Accepted – Relief & Prevention	Duty Accepted – Main housing duty	Duty Accepted – Relief & Prevention
Not Stated	92%	96%	495	2640
Buddhist	0%	0%	0	0

	Christian	3%	2%	16	45
	Hindu	1%	0%	3	2
	Jew	0%	0%	0	0
	Muslim	4%	2%	20	49
	No Religion	0%	0%	2	5
	Other	0%	0%	2	6
	Total	100%	100%	538	2747
<p>We have limited data on this cohort therefore any numbers will not be a true representation. Over 90% in both cohorts have not stated their religion.</p>					

### **GENDER REASSIGNMENT**

<b>Details of impacts identified</b>	We have limited data on this cohort therefore any numbers will not be a true representation.
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### **MARRIAGE & CIVIL PARTNERSHIP**

<b>Details of impacts identified</b>	We have limited data on this cohort therefore any numbers will not be a true representation.
--------------------------------------	--

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?

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

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



We do not envisage any negative impact on the relief and prevention cohort as those in main duty will continue to have a higher priority as was previously the case.

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

## 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 charts compare the duty accepted – main housing duty cohort, 538 (green bars) to duty accepted for relief and prevention, 2,747 (blue bars).

**Age:** The profile is that of a relatively younger age. Under age 45 years make up around three-quarters of this profile and are over represented compared to Brents population. The under 45s and 50 to 54 age group is over represented in the relief and prevention category by only 1 percent.

**Sex:** Females are over-represented in both the main housing duty cohort (70%) and the relief and prevention cohort (73%) and compared to the female population which makes up 43% in Brent. The profiles are in fact very similar for both cohorts with females representing 2% more in the relief and prevention category at 73% compared to the main housing duty category. Women are over represented in both the cohorts as expected due to reasons such as maternal parenting, social attitudes and economic deprivation.

**Race:** Blacks are over represented in this category, followed by Asian, White then other, then mixed. Compared to the wider Brent population, black households are over-represented in both cohorts. In Brent, black people make up 21% whereas this is 47% and 39% in both cohorts. The Asian, White and Mixed groups are over represented in the relief and prevention category by 3%-4%.

In summary, in the relief and the prevention category there is only 1% more under 45s and 50-54, 2% more females and 4% more Asian and 3% more white and 2% more mixed. We expect no impact on the relief and prevention cohort as those in main duty will continue to have a higher priority.

## SECTION D – RESULT

Please select one of the following options. Mark with an "X".

<b>A</b>	<b>CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED</b>	<b>X</b>
<b>B</b>	<b>JUSTIFY AND CONTINUE THE POLICY/PROPOSAL</b>	
<b>C</b>	<b>CHANGE / ADJUST THE POLICY/PROPOSAL</b>	
<b>D</b>	<b>STOP OR ABANDON THE POLICY/PROPOSAL</b>	

## 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.

<b>Action</b>	<b>Expected outcome</b>	<b>Officer</b>	<b>Completion Date</b>

## SECTION F – SIGN OFF

Please ensure this section is signed and dated.

<b>OFFICER:</b>	
<b>REVIEWING OFFICER:</b>	
<b>HEAD OF SERVICE / Operational Director:</b>	

## EQUALITY ANALYSIS (EA)

<b>POLICY/PROPOSAL:</b>	Amendments to the Housing Allocation Scheme - Transfers
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### 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 Equality Analysis covers proposals to make amendments to the Housing Allocation Scheme, that impact existing Council tenants who require a transfer, namely

- Give priority to existing Council tenants, who need a transfer, to bid for all new build properties
- Emergency Management Transfers
- Transfers due to Overcrowding

A tenant can apply for a transfer on the basis of housing need – for example that the household is overcrowded – and the application will be assessed on the basis of reasonable preference. However, the Council is also able to set its own transfer policies in relation to tenants who have asked for a transfer but do not meet the reasonable preference criteria. It proposed that existing Council tenants who are registered for a transfer should be given priority to bid for all new build Council properties. Higher priority will be given to those tenants living in the new development area for new build properties compared with Council tenants living outside the relevant new development area.

Brent Council tenants and tenants of Registered Providers where the Council has nomination rights, may be provided with an emergency management transfer. This will occur when the Allocations Panel has determined that a transfer to alternative social housing is essential to ensure the personal safety of the tenant, members of their household and/or the local community. Where the Allocations Panel approves the transfer, the household will be placed in Priority Band A and may be made a ‘direct offer’ of alternative accommodation on a like-for-like basis in terms of the number of bedrooms in the new property. It is proposed that the scheme should be amended so that households who are transferred due to an emergency, are moved to the appropriate size accommodation to meet all of their housing needs, including overcrowding.

The current Allocation Scheme is framed to give priority banding to Council tenants as follows;

- Lacking one bedroom no priority
- Lacking two bedrooms – Priority Band C
- Statutory Overcrowded – Priority Band B

It is proposed to amend the scheme to automatically award priority band B to all Council tenants who are lacking three bedrooms or more

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

By giving existing tenants registered for a transfer priority to bid for new units that become available they will be better placed to secure a property, over homeless households living in temporary accommodation and other tenants who may have been waiting for a transfer for a longer period

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, there is relevance to equality and the council's public sector equality duty as within the cohort of people accessing this service some protected groups are over-represented compared to the borough as a whole.

This is due to the criteria through which priority need is established under the relevant legislation: for example, a household may be regarded as being in priority need owing to age, to a physical disability or mental health condition or to pregnancy or old age

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

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

**Screening Checklist**

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?	X	
Would the policy or proposal change or remove services used by vulnerable groups of people?	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.

To assess the impact of these proposal, we have identified and analysed 291 households that make-up the council's transfer waiting list. This cohort was obtained from the social housing allocation system (Locata) used by Brent Council.

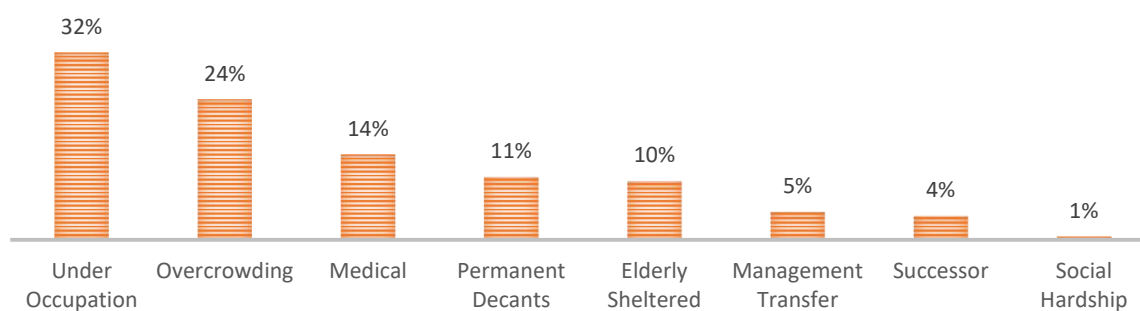
### Methodology

A series of pivot tables and illustrative graphs were created to analyse data related to each of the protected characteristics, these were repeated for each cohort. In some areas, further complex analysis was concluded. For example, when analysing age data, we also added the housing register's 'banding reasons' to show the type of needs of the cohort.

In addition, the band reason was analysed for all 291 households on the transfer waiting list. This is because the reason for being on the transfer waiting list is key to understanding patterns and trends. The following graph illustrates the banding reasons for both cohorts:

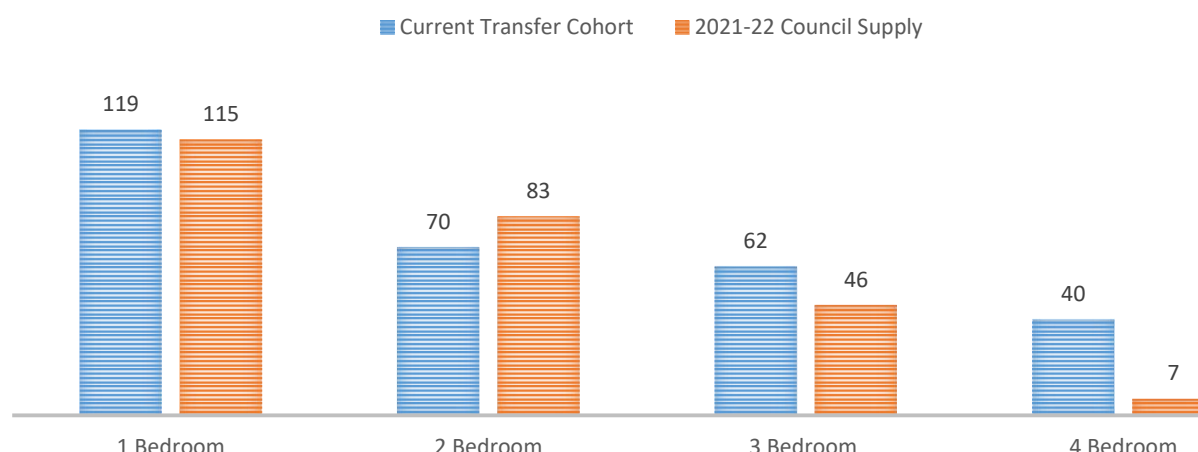
Band reason	Count	%
Under Occupation	92	32%
Overcrowding	69	24%
Medical	42	14%
Permanent Decants	31	11%
Elderly Sheltered	29	10%
Management Transfer	14	5%
Successor	12	4%
Social Hardship	2	1%

### SOCIAL HOUSING TENANTS REASON FOR PLACEMENT ON THE TRANSFER LIST (TOTAL 291)



by reviewing the benefit of this policy based on upcoming supply for this financial year against our current transfer cohort we are able to establish the following:

## CURRENT TRANSFER APPLICANT REPORTED BEDROOM NEED IN COMPARISON TO INCOMING HOUSING SUPPLY



- Although the above graph displays those having a 1 bedroom need being equalled by upcoming housing supply. It is worth noting that as mentioned previously, under occupiers and elderly sheltered applicants are over 50% of the 1 bedroom transfer cohort.
- 100% of transfer tenants who have reported a bedroom need of two bedrooms will benefit from the policy change. If all upcoming two bedroom stock is taken by our transfer cohort there by an 18% (13) surplus properties which will go through to others on the housing needs list.
- 74% (46) of transfer tenants will benefit from this policy who require a bedroom need. In terms of ethnicity the black community will be over-represented within this cohort as they are 60% of the cohort who will would benefit from a transfer three bedroom property, followed by the Asian community who are 17% of the benefiting cohort.
- 17% (7) of those reporting a four bedroom need within the transfer cohort will benefit positivity from this policy change. From the seven that will benefit, we can see that 71% will come from the black community (5), although this is an overrepresentation of the black community, they make up 35% of the overall Brent community.

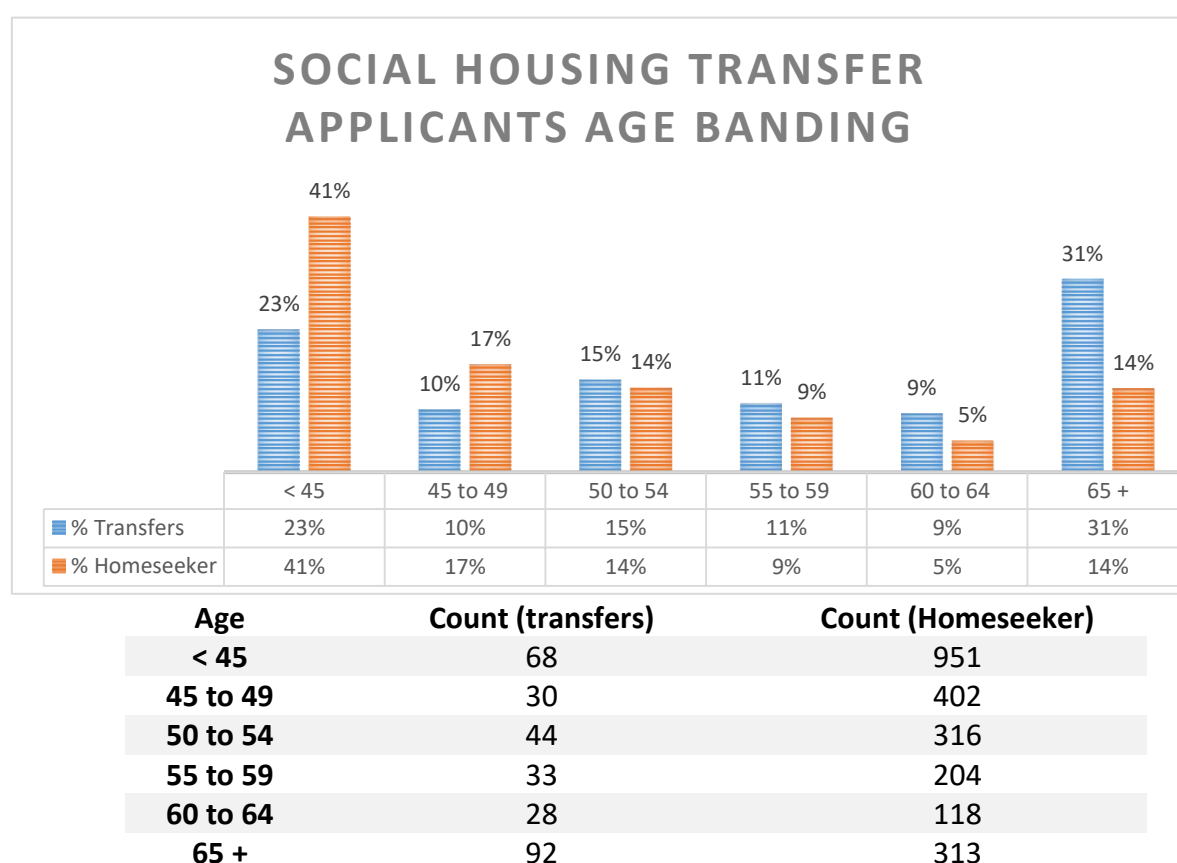
It is also worth noting that Choice Based Letting (CBL) policy still applies; meaning that it is down to applicant whether or not they will accept the offer being presented to them. Although CBL is positive towards tenants and others on the housing list it can also have negative effects the transfer list due to the fact that these decisions cannot be enforced by the Housing Needs Service and could possibly refuse to move to alternative accommodation

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

The below graph shows a significant disproportion at both sides of the age demographic of our social housing tenants.

Although between ages 45-64 there are no significant differences in terms of age of the cohort despite the number of people within both the transfer and homeseeker categories, we can see there is a high representation of our homeseekers are aged under 45 (951) as well as there being a high representation of the transfer tenants aged over 65+ (92). From this analysis we can see this policy change would greatly benefit those 65+ in the transfer category in terms of access of new build properties.



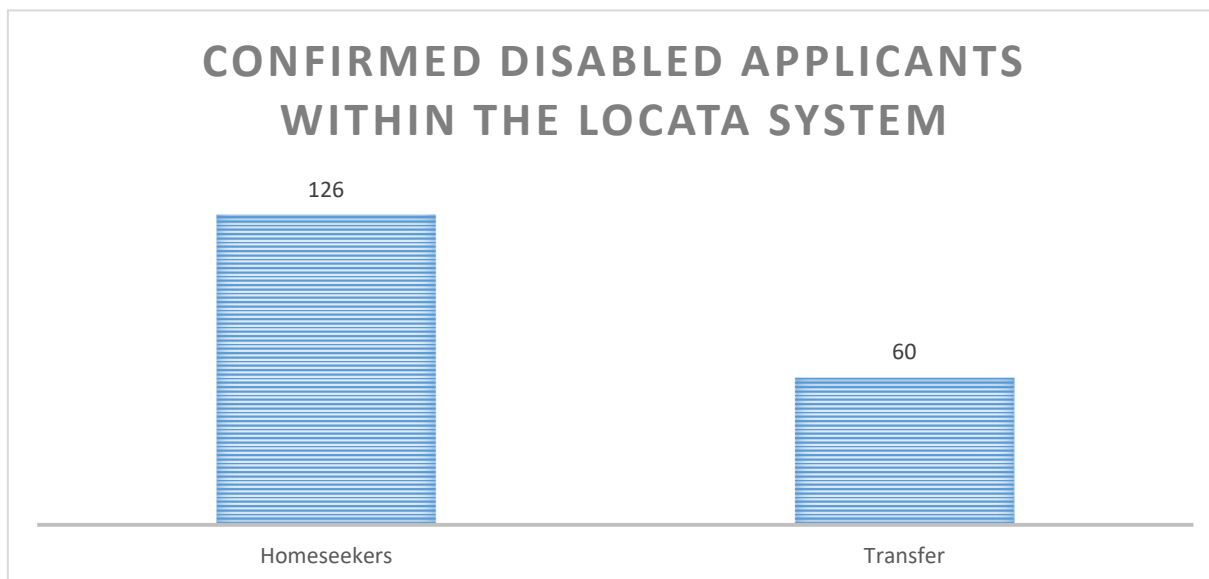
Due to the nature of the transfer list, it is not unexpected that we see an older group represented as those on the list would have been allocated social housing based on their need at the time and then over time their needs have changed. For the older group this



tends to be due to under occupying (43%), elderly sheltered accommodation needs (29%) and medical needs (13%).

## **DISABILITY**

On Locata there are currently 186 confirmed disabled applicants, from which 64% (126) are homeseekers and 32% (60) are transfer cases.

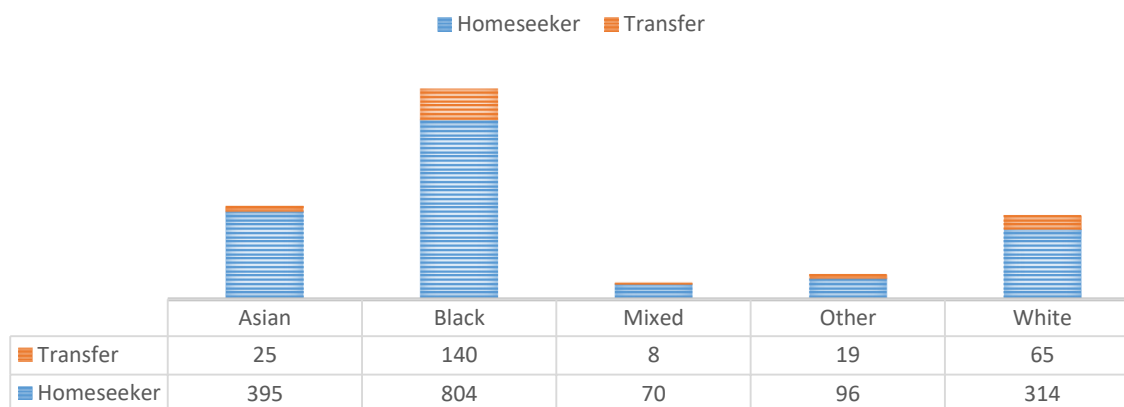


The representation of households with disabilities in the Homeseekers cohort (64%) is over twice the size of the transfer cohort (32%). Both cohorts are over double of percentage of disabled people in the Brent population, which is 14.4% again this is because the nature of the transfer list prioritises those with medical needs as well as the age demographic of the transfer cohort due to moving to elderly sheltered accommodation.

## **RACE**

The below graph shows the transfer list compared to the benefiting cohort by ethnicity. The below data is based on the 257 transfer applicants where ethnicity data was available to analyse, which is 88% of the total transfer cohort.

## TRANSFER AND HOMESSEEKER APPLICANTS BASED ON ETHNICITY



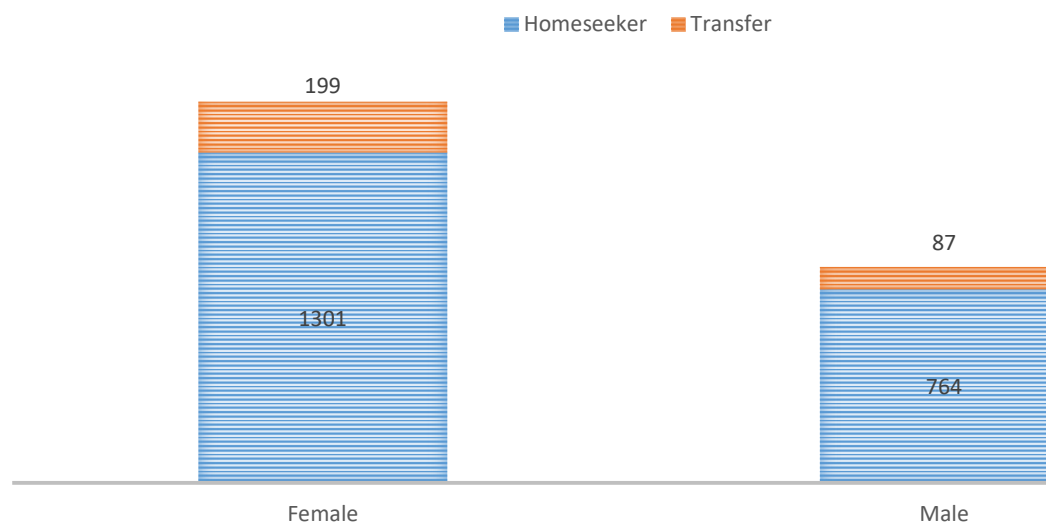
- 19% (379) of the Housing waiting list is white. 25% (65) of the 257 households on the transfer waiting list are white, who would benefit positively from this policy change. In the wider Brent population, 35% are white.
- 48% (944) of the Housing waiting list is black. 54% (140) of the 257 households in the transfer waiting list are also black, who would benefit positively from this policy change. In Brent population, 35% are black.
- 24% (420) of the Housing waiting list is Asian. 10% (25) of the 257 households in the transfer waiting list are Asian, who would benefit positively from the policy change. In Brent's population, 21% are Asian.
- 6% (115) of the Housing waiting list stated their ethnicity as other. 7% (19) of the 257 households in the transfer waiting list are of other ethnic backgrounds, who would benefit positively from the policy change

As shown in the graph above, Black households are highly represented in both cohorts while Asian households are under-represented in both cohorts when compared to the wider population in Brent. In addition, households of mixed ethnic backgrounds are also underrepresented in the benefiting cohort at 3% (8).

### SEX/GENDER

57% (1503) of both homeseeker and transfer cases are headed by women. Women also head likewise 68% (199) of the transfer cases, which would benefit from the policy change. Both cohorts share similarity in their gender structure

## GENDER BREAKDOWN OF HOMESEAKER AND TRANSFER CASES



Households headed by men are under-represented in both the transfer cohort and the benefiting cohort; men make up 50.9% of Brent's population. This is expected as due to the criteria through which priority housing need is established under the relevant legislation for example pregnancy and children. Female headed households make up over half of the council's housing waiting list and those living in council housing

### **SEXUAL ORIENTATION**

There was insufficient information available to analyse the sexual orientation of both cohorts. LGBT people make up 5-7% of the population in Brent.

### **PREGANCY AND MATERNITY**

Of the 291 households in Brent Council's transfer list, 18 applicants have a pregnancy/maternity indicator. This is 4% in the cohort that would benefit from the proposal changes.

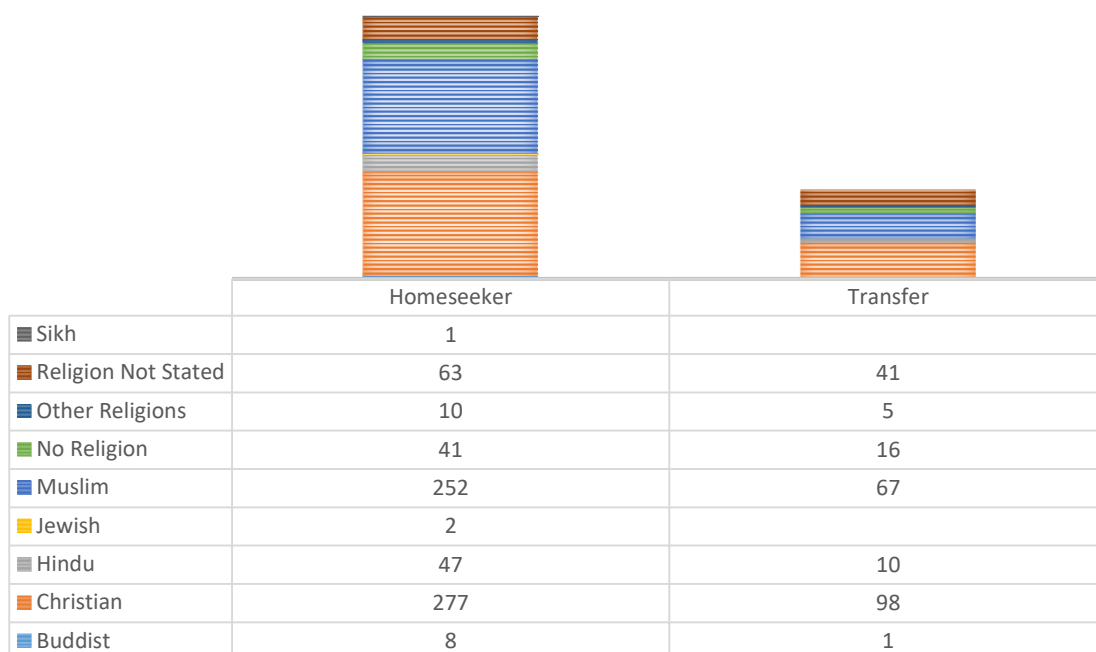
It is important to underline that data on pregnancy/maternity is mostly historical indicators and do not confirm that the pregnancies are current

### **RELIGION OR BELIEF**

The below graph shows the religion or belief of the applicants on the transfer list compared to the benefiting cohort. The below data is based on 81% (238) transfer and

30% (700 transfer applicants where data was available to analyse, which is 88% of the total transfer cohort.

## HOMESEEKER AND TRANSFER COHORT DIVIDED BY RELIGIOUS BELIEF



- 41% (98) of the 238 households in the transfer waiting list are Christians, while 40% (277) of homeseekers are Christian. This is similar to the representation within Brent's overall population, 41% are Christians.
- 28% (67) of the 238 households in the transfer waiting list are Muslims, while 36% (252) of the homeseekers are Muslim. There is an over representation of the Muslim community within the transfer cohort when compared to Brent's overall population where 19% are Muslims.
- 17% (41) of the 238 households in the transfer waiting list have no religion, while 9% (63) of the homeseeker do not have a religion. This is similar to their representation within Brent's Overall population, 11% have no religion.
- 4% (10) of the 298 households in the transfer waiting list are Hindus, while 7% (46) of homeseekers are also Hindu, this means there is underrepresentation of the Hindu community with these cohorts overall within Brent's population, where the Hindu population is 18%.
- 4% of the 267 households in the transfer waiting list have other religions. This is 15% in the cohort that would benefit from the proposal. In Brent's population, 11% practice other religions.

As shown in the graph above, Hindus are underrepresented within both cohorts based on the overall population of the Hindu community within the borough. Moreover, Muslim households are over-represented in both cohorts compared to the wider Brent population. Looking further into the data we can see that 46% of Muslim households are on the transfer list due to overcrowding and 26% are due to medical needs.

### **GENDER REASSIGNMENT**

There is insufficient data regarding gender reassignment of the 298 households in the transfer waiting list. The Diversity in Brent document states that 3,400 people in Brent experience gender variance (based on GLA population projections, that equates to 1% of the borough population) Source: Stonewall.

We do not however consider there to be any adverse impacts on this group based on gender variance. This is because of the small size of both cohorts in the transfer list and the matched cohort

### **MARRIAGE & CIVIL PARTNERSHIP**

There is insufficient data regarding marital status of the households on the transfer list to assess the impact on these groups. We do not however consider there to be any adverse impacts on this group

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?

Yes, a number of engagement initiatives were undertaken to gather the views of those affected by the changes to the policy as outlined below. Further engagement is not required.

Formal consultation was launched on 5 August 2021 and ended on 14 October 2021, through an on-line consultation survey. As well as advertising the consultation survey on the Council's website, and on the Locata home page, every household currently on the housing register (including Band D) was notified. Consultation workshops were also held with the following stakeholders;

- Registered Providers
- Voluntary Sector
- Adult Social Care
- Children's and Young People Services

As some of the issues that were being consulted on are fairly technical the purpose of these workshops was to go through each issue in detail and to give people the opportunity to ask questions to clarify what we were asking them to give their opinion on. Attendees were then encouraged to express their opinions via the consultation survey that was made available via the Council's consultation portal.

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

Data on applicants and households in regards to their protected characteristics, particularly in areas where limited data prevents us drawing any conclusions (as listed below) would help improve our equality analysis.

- Sexual orientation
- Gender reassignment
- Religion or belief
- Pregnancy or maternity
- Marriage

The introduction of a new customer portal from April 2018 where homeless applicants can make an application directly and include their demographic information will help to improve data capture in this area.

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

Households who are not Brent Council Tenants would have less priority, as the priority would be given to Brent Council Tenants who are registered for a transfer first. However the properties that become void following the transfer will be available to other cohorts. Also the impact will be mitigated by increasing the overall supply of accommodation through the Stock Maximisation programme and the the New Council Homes Programme (NCHP)

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

All allocations of properties made under this proposal will be monitored in line with the Council's Allocation Scheme.

## 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.

Although the number of households on the transfer waiting list is small, this proposal would positively enable transfer applicants in retaining their local connections, communities and services.

For example, children would maintain accessing the same schools and activities. In addition, this would enable older people to continue accessing the same services and community activities. Under-occupiers are a group that the Council is actively working with to help find them suitable accommodation which would in turn release larger sized properties for overcrowded households in the borough.

**Age:** There is high representation of the transfer tenants aged over 65+ . This policy change would greatly benefit those 65+ in the transfer category in terms of access of new build properties.

**Disability:** The high presence of disabled households in the transfer waiting list is expected as these households seek properties that meet their medical needs. The ability to move to suitable accommodation when made available will offer a positive impact for this group

**Race:** Black households are highly represented in both cohorts while Asian households are under-represented in both cohorts when compared to the wider population in Brent. In addition, households of mixed ethnic backgrounds are also under represented in the benefiting cohort at 3%. Due the availability of social housing, the numbers and structure of ethnic groups in the transfer waiting list, reflects the presence of established communities with the larger groups represented in line with Brent's population statistics. This can lead to over-representation of particular ethnic group/s, this proposal would reaffirm this situation.

**Sex:** Households headed by men are under-represented, however this is expected as due to the criteria through which priority housing need is established under the relevant legislation for example pregnancy and dependent children. .

**Sexual orientation:** None of the households benefiting from the proposal is LGBT, this could be due to data gaps regarding the sexual orientation of housing applicants..

**Religion:** Hindus are underrepresented within both cohorts based on the overall population of the Hindu community within the borough. Moreover, Muslim households are over-represented in both cohorts compared to the wider Brent population.


## SECTION D – RESULT

*Please select one of the following options. Mark with an "X".*

<b>A</b>	<b>CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED</b>	<b>X</b>
<b>B</b>	<b>JUSTIFY AND CONTINUE THE POLICY/PROPOSAL</b>	
<b>C</b>	<b>CHANGE / ADJUST THE POLICY/PROPOSAL</b>	
<b>D</b>	<b>STOP OR ABANDON THE POLICY/PROPOSAL</b>	

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 <b>Brent</b>	<b>Cabinet</b> 17 January 2022
	<b>Report of the Director of Finance</b>
<b>Quarter 3 Financial Report 2021/22</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Two Appendix 1: Savings Delivery Tracker Appendix 2: Recovery Initiatives Q3
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Minesh Patel, Director of Finance Tel: 020 8937 4043 Email: <a href="mailto:Minesh.Patel@Brent.gov.uk">Minesh.Patel@Brent.gov.uk</a>  Ben Ainsworth, Head of Finance Tel: 020 8937 1731 Email: <a href="mailto:Benjamin.Ainsworth@Brent.gov.uk">Benjamin.Ainsworth@Brent.gov.uk</a>

## 1. Summary

- 1.1. This report sets out the current forecast of income and expenditure versus the revenue budget for 2021/22 and other key financial information. Total pressures for the year are forecast to amount to £6.9m.
- 1.2. £5.4m of the pressure relates to the Dedicated Schools Grant (DSG), and needs to be recovered from DSG received in future years. £1.5m of the pressure relates to Children and Young People (CYP) General Fund (GF) due to an increase in the number of Unaccompanied Asylum Seeking Children as detailed in section 3.2 of this report.
- 1.3. The 2021/22 budget was set to accommodate an estimate of the level of additional costs and losses of income arising as a result of the COVID-19 pandemic. The current estimate is £25.1m, of which £9.2m will be funded from growth given to service areas and the remainder is intended to be funded by specific government grants received in-year.

Table 1	Budget	Forecast	Overspend / (Underspend)
	£m	£m	£m
Chief Executive Department	29.2	29.2	0.0
Children and Young People	60.6	62.1	1.5
Community and Well-Being	134.1	134.1	0.0
Customer & Digital Services	29.0	29.0	0.0
Regeneration & Environment	51.8	51.8	0.0
<b>Subtotal Service Area Budgets</b>	<b>304.7</b>	<b>306.2</b>	<b>1.5</b>
Central items	(304.7)	(304.7)	0.0
<b>Grand Total General Fund Budgets</b>	<b>0.0</b>	<b>1.5</b>	<b>1.5</b>
DSG Funded Activity	0.0	5.4	5.4
Housing Revenue Account (HRA)	0.0	0.0	0.0
<b>Position before COVID-19 funding</b>	<b>0.0</b>	<b>6.9</b>	<b>6.9</b>

DSG gross income and expenditure			
	Budget	Forecast	(Under)/ Overspend
	£m	£m	£m
<b>DSG</b>			
Income	(203.7)	(203.1)	0.6
Expenditure	203.7	208.5	4.8
	<b>0.0</b>	<b>5.4</b>	<b>5.4</b>

HRA gross income and expenditure			
HRA	Budget	Forecast	(Under)/ Overspend
Income	(56.7)	(56.7)	0.0
Expenditure	56.7	56.7	0.0
	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

- 1.4. The General Fund is forecasting an overall overspend of £1.5m. It is currently expected that this will be contained within the corporate contingency built into the 2021/22 budget. However, this is a one off solution and if these pressures are

expected to continue, further work will need to be done to understand how this could be contained in 2022/23.

- 1.5. At the time of writing, there are significant uncertainties connected with COVID-19, such as how individuals and businesses will change their behaviour following the pandemic, how quickly the economy will recover from COVID-19, and how severe the COVID-19 infections resulting from the omicron variant will be.
- 1.6. The Quarter 2 report reported the risk to the Council's budget from the significant increase in asylum seekers and refugees arriving in the UK. While the Council continues to be committed to supporting vulnerable families and individuals seeking asylum, it is important that the asylum seeker dispersal scheme is proportionate and reasonable across all London Boroughs and nationally. For Under 18 Semi Independent placements this risk has crystallised and the Council currently forecasts an overspend of £1.5m due to the increase in the number of Unaccompanied Asylum Seeking Children which has led to increases in the number of placements that Brent is supporting. For the other Services that this may affect, across Community Safety, Housing services, Adult Social Care, Public Health and Children's Services, there is still a concern that the funding from Government will not cover the totality of pressures expected.
- 1.7. The Council's budget has savings of £8.5m this year, and £2.7m next year. The latest savings delivery tracker in Appendix A shows that the Council is on track to deliver £10.4m of these savings, with £0.8m delayed. The detail below in section three highlights any implications for the overall forecast. Overall, the latest forecast on savings is broadly positive at this stage of the financial year, in that the majority of savings are on track to be delivered and mitigating actions have been put in place for those savings identified as delayed. Further details are set out in Appendix A.
- 1.8. In July 2021, Full Council agreed £17.6m of funding from reserves to promote the recovery from COVID-19. This year's budget is £10.4m and is currently forecast to be spent in full, details of which are in Appendix B.
- 1.9. The pandemic has also created some significant risks for the Council's capital programme, such as increasing costs for construction and housing acquisitions, which are detailed in section 4. The capital programme is forecast to underspend by £17.8m overall, as shown in the table below, and detailed in section 4:

Directorate	Original Budget Approved Feb 21 (£m)	Revised Budget	Current Forecast	Over / (Under) Spend to Budget
		(£m)	(£m)	(£m)
Corporate Landlord	12.2	11.9	12.0	0.1
Housing GF	60.6	56.3	52.8	(3.5)
Housing HRA	64.1	63.8	60.9	(2.8)
PRS I4B	24.4	24.4	17.6	(6.8)
Public Realm	11.9	15.5	18.1	2.5
Regeneration	35.2	12.2	9.8	(2.5)
Schools	26.2	9.7	8.1	(1.6)
South Kilburn	23.4	17.8	14.9	(2.9)
St Raphael's	1.3	2.6	2.3	(0.3)
<b>Total</b>	<b>259.4</b>	<b>214.2</b>	<b>196.5</b>	<b>(17.8)</b>

- 1.10. As reported to Cabinet in July 2021, the Council agreed a two year budget in February 2021 covering the period 2021/22 and 2022/23. In February 2022 it would be open to Council, subject to all the usual planning uncertainties and caveats, simply to re-confirm the proposals set out a year earlier, which would result in a balanced budget for the 2022/23 financial year. The draft 2022/23 budget was published at the Cabinet meeting of 6 December 2021.
- 1.11. The provisional Local Government Finance Settlement announced on 16 December was much in line with expectations set by the Autumn Budget and Spending Review in October. As a result, there is no need to change the draft budget agreed by Cabinet on 6 December. Subject to the outcome of the statutory processes of consultation, scrutiny and equality analyses, the budget to be presented to Cabinet on 7 February 2022 is expected to be unchanged from the draft budget.
- 1.12. The settlement increases RSG by the September CPI figures of 3%. This inflation factor is also applied to the Improved Better Care Fund and Social Care Grant. The Social Care Grant includes an additional allocation of £3.34m for new burdens and cost pressures expected across Adults and Children's social care. In previous years, the ASC precept was at least 2%, but this year is only 1% - this grant helps to fund the resulting gap and the additional growth in demand.
- 1.13. There is a new grant entitled Market Sustainability and Fair Cost of Care Fund. Brent's allocation is £0.9m and is intended to fund new burdens arising from reform of the care system. A new one-off Services Grant was announced with Brent allocated £6.1m of funding. This grant is not ring fenced but is intended to cover new burdens, such as National Insurance Contribution increases for Brent and suppliers and other expected inflationary pressures, and it is therefore assumed to be revenue neutral. The settlement confirms that the 'referendum limit' for council tax will remain at up to 2% and that the social care precept will reduce from at 2% to 1%. The budget assumption that Brent will increase its share of the council tax by 2.99% therefore remains sound.
- 1.14. The government has also announced a new COVID-19 Additional Relief Fund (CARF) of £1.5 billion, with Brent's allocation being £7.6m. CARF is targeted at businesses that have so far not benefited from previous business grant schemes or relief on their

business rates. Analysis of businesses that may be eligible is currently underway, with the aim to distribute this funding as soon as possible.

## **2. Recommendation**

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

2.2. To note the budget setting strategy for 2022/23.

## **3. Revenue Detail**

### **3.1. Chief Executive Department (CE)**

<b>Chief Executive Department</b>	<b>Budget (£m)</b>	<b>Forecast (£m)</b>	<b>Overspend / (Underspend) (£m)</b>
Legal, HR and Audit	10.0	10.0	0.0
Finance	9.4	9.4	0.0
Assistant Chief Executive	9.8	9.8	0.0
<b>Total</b>	<b>29.2</b>	<b>29.2</b>	<b>0.0</b>

### **Summary**

3.1.1 Legal, Human Resources (HR) and Audit are currently forecasting to budget for 2021/22.

3.1.2 Finance is forecasting to budget for 2021/22.

3.1.3 The Assistant Chief Executive (ACE) department is currently forecasting to budget for 2021/22. The department has been allocated £1m for the delivery of the Borough Plan and £0.9m for the Recovery Initiatives projects.

### **Risks and uncertainties**

3.1.4 There is uncertainty in the conferences and events income forecast which is dependent on developments around COVID-19 and the potential for further restrictions. The outturn, which has been heavily affected by restrictions in the past year continues to be reviewed as the pandemic evolves.

### **Savings and Slippages**

3.1.5 A total of £0.3m savings were planned to be delivered from the department's budgets. The department is on track to deliver the savings.

### **Recovery Initiatives**

3.1.6 The department has been allocated £0.9m, comprised of £0.2m for revenue projects and £0.7m for capital projects (reported in paragraph 4.14) to fund the recovery initiatives. These focus on supporting communities and the environmental recovery. The projects for each of the initiatives are on track to be delivered.

### **Borough Plan**

3.1.7 The table below provides details of the Borough Plan schemes, committed and forecast spend as at quarter 3.

<b>Borough Plan Themes</b>	<b>Budget £000</b>	<b>Committed Expenditure £000</b>	<b>Underspend £000</b>
Black Community Action Plan (BCAP)	460	410	50
Climate Emergency Strategy	300	250	50
Poverty Commission	240	240	-
<b>Grand Total</b>	<b>1,000</b>	<b>900</b>	<b>100</b>

#### **BCAP**

Progress has been made with the delivery of the consultant briefs that will allow several key initiatives identified in the Year One Delivery Plan to be delivered.

#### **Climate Emergency Strategy**

Activity is split between three operational projects and recruitment of two new posts. The recruitment into posts is underway. There has been spend towards the Brent Climate Festival which took place recently at same period as the Cop26 and The Together Towards Zero Small Grants Scheme is about to launch.

#### **Poverty Commission**

Economy and Jobs - Activity is focused on interventions to improve employment opportunities for people with disabilities.

Financial Inclusion and Welfare - Activity is focused on financial upskilling (3 cohorts), debt advisory support and financial inclusion training delivered through Brent Hubs.

### **3.2 Children and Young People (CYP) (General Fund)**

<b>CYP Department</b>	<b>Budget (£m)</b>	<b>Forecast (£m)</b>	<b>Overspend / (Underspend) (£m)</b>
Central Management	5.1	5.1	0.0
Early Help	5.6	5.6	0.0
Inclusion	1.8	1.8	0.0
Localities	18.6	18.6	0.0
Looked After Children and Permanency	6.6	6.6	0.0
Forward Planning, Performance & Partnerships	20.0	21.5	1.5
Safeguarding and Quality Assurance	2.7	2.7	0.0
Setting and School Effectiveness	0.2	0.2	0.0
<b>Total</b>	<b>60.6</b>	<b>62.1</b>	<b>1.5</b>

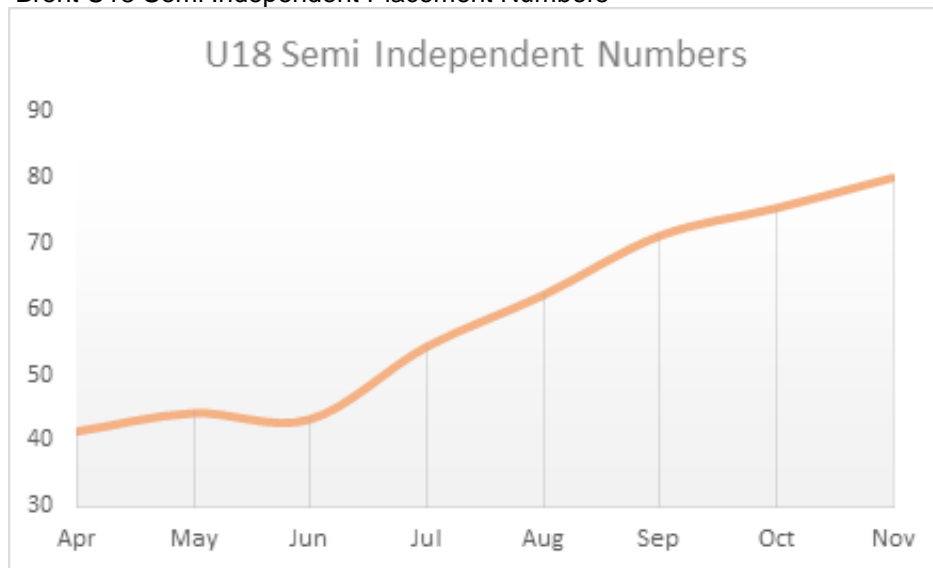
## Summary

- 3.2.1 The Children and Young People department is currently forecasting a £1.5m overspend. This is following an increase in the number of Unaccompanied Asylum Seeking Children presenting to the borough since Quarter 2. There are a number of further risks and uncertainties discussed below which may have an impact on this position going forward.

### Under 18 Semi Independent

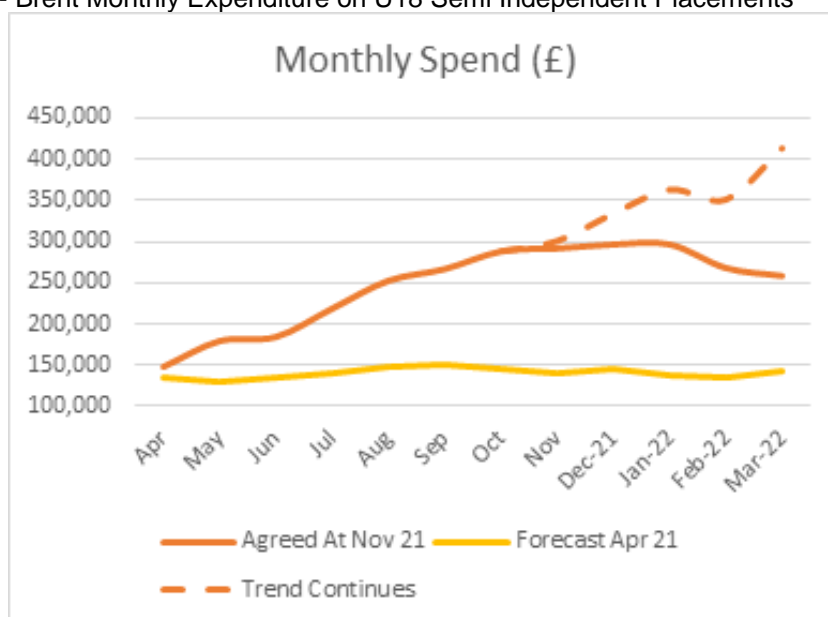
- 3.2.2 Following an increase in the number of Unaccompanied Asylum Seeking Children (UASCs) presenting themselves from July, the number of U18 Semi Independent placements that Brent is supporting rose from 42 in April to 87 in November.

Graph 1 - Brent U18 Semi Independent Placement Numbers



- 3.2.3 Numbers remained around 40 for the first quarter before rising from July to November. This is part of a wider trend being experienced by Local Authorities nationally and there is uncertainty around whether numbers will continue to rise at the same rate until the end of the financial year.

Graph 2 - Brent Monthly Expenditure on U18 Semi Independent Placements



- 3.2.4 The increase in numbers has been reflected in expenditure. The orange line shows the monthly spend for all semi-independent U18 packages agreed as at 24th November 2021, compared with the spend forecast in April shown in yellow. The dotted line shows what could happen to expenditure if the numbers continue to grow at current rates. If no new packages were agreed from now until 31/3/22 in-year spend on placements will increase by £1.25m from our April forecast, and if the trend experienced since July were to continue to March it will increase by £1.6m. For this forecast a £1.5m pressure has been assumed.
- 3.2.5 Spend in 2022-23 is likely to be higher as the full year cost is reflected. A further medium-term pressure is likely to be felt in the 18+ Care Leavers as the number of Semi-Independent placements have increased which is exacerbated by the shortage of suitable housing supply.
- 3.2.6 The increase in UASC numbers has also had an impact in Looked After Children and Permanency owing to; specialist age assessment social workers (£175k), legal costs (£240k), additional personal advisors to manage cases (£60k) and subsistence costs (£50k). The combined burden of these costs is £0.525m. This is currently expected to be met within current budgets but risks overspend if numbers continue to rise. The UASC Grant income will also increase as the numbers increase as funding is dependent upon claims submitted to the Home Office. The grant income is £143 per day and covers the placement cost. However, following age assessments, some young people are shown to be 18+ for whom Brent do not receive any funding and the current cohort of UASCs are believed to have a high proportion of adults. Reducing the time taken for Merton Compliant Age Assessments will reduce the period Brent supports ineligible individuals. Brent have employed four specialist social workers to carry out age assessments at a cost of £0.175m to mitigate this pressure.

### Risks and uncertainties

- 3.2.7 There remain a number of risks and uncertainties within the department that may affect the projected outturn such as:
- Rising caseloads in the Localities and Looked After Children (LAC) and Permanency service which are above the budgeted levels of circa 2,500 mainly



due to an increase in referrals linked to asylum seeker dispersals and the impact of COVID-19.

- This has led to an increase in temporary agency social work staff. There has been a 20.9% increase in the number of cases to 2,806 exceeding the budgeted levels of 2,500 cases by 12% and the challenge also remains that many of these cases are highly complex.
- The high caseloads and complexity of cases as well as attractive offers and manageable caseloads from other local authorities are creating a challenge with recruitment and retention of skilled and experienced social workers. However, CYP management undertook a project to review the Localities caseload pressures where there is a noticeable increase, and the outcomes include increasing the number of social workers in the service from 66 to 80 at an additional annual cost of c£1.5m which will be contained within growth funds allocated in the 2021/22 budget.
- Management will also continue to monitor the use of agency workers and continue the drive to recruit permanent staff. This coupled with one-off funds to cover the costs of £1.2m of Covid-19 related pressures arising from agency staffing costs and a bridging team to manage the surge in cases brings the Localities service area forecast to a breakeven position.
- The volatility of placement costs for Looked after Children (LAC) within the Forward Planning, Performance and Partnerships service and Children with Disabilities within the Localities Service remain a risk.
  - An individual high cost residential or secure placement can cost over £0.3m per annum. The highest current residential placement is £10.5k per week. However, there have been multiple successful step-downs from expensive residential placements to semi-independent with an average weekly rate of £770 or independent foster placements, with an average cost of £890 per week.
  - Due to the pandemic, a delay still remains in the Home Office processing immigration status claims for care leavers and also delays in moving care leavers into their own tenancies. This has led to an increase in the number of over 18s being supported by the CYP budget and numbers have grown from the start of the pandemic which will be exacerbated by the increase in care leavers, i.e., 88 in January 2020 to 142 by November 2021, a 61% increase.
- Management actions in place to control spend include establishing additional sign off processes at Children's Placement Panel; undertaking further work with finance colleagues to refine the forecast; more challenge and support around stepdown arrangements from residential placements to foster placements and/or semi-independent placements, monitoring and actively supporting the transition of care leavers to their own tenancies.
- The forecast also assumes income will be received from the Home Office for Unaccompanied Asylum-Seeking Children (UASC). However, there is a risk that if by September 2021 the number of UASCs are below the higher rate threshold of 0.07% (around 56) of the child population, Brent will receive a lower daily UASC funding rate. On the most recent funding statement from the Home Office, to September 21, of a total of 70 claims, 31 had been agreed, 2 had been invalidated following age assessments and 37 were under review pending age assessments. If the majority of the cases under review are invalidated Brent would receive the lower daily rate of £114 rather than £143. If all of the pending cases were shown to be Over 18, Brent would lose £1million of potential income. The forecast has assumed half of outstanding cases are shown to be children.

## **Savings and Slippages**

- 3.2.8 The department has a savings target of £0.6m of which £0.25m is at risk of slipping, due to the impact of the COVID-19 pandemic and these include:
- £0.15m CYP003 - Adjusting resources in demand led budgets (reduction in staffing assuming low caseloads). The LAC & Permanency service has seen caseloads increase due to the pandemic and asylum seeker dispersals.
  - £0.1m CYP002 - The Short Breaks Centre (SBC) and the Gordon Brown Centre (GBC) CYP005 each have a savings target of £50k to sell spare capacity at the SBC to neighbouring authorities at market rate, and increase trading at the GBC. These slippages are forecast to be mitigated by the Covid-19 funding budgeted for 2021/22.

## **Recovery Initiatives**

- 3.2.9 The department has been allocated £1.7m to spend on recovery initiative projects across two financial years. The current forecast for 2021/22 assumes that £1.2m of the funds will be spent on:
- Setting up a team of specialist social workers, who are skilled in adolescent safeguarding interventions to deliver statutory work alongside current preventative services at a cost of £0.2m. The recruitment process for two additional social workers has commenced. (KSP-CYP-001)
  - Fund the West London Fostering Collaboration project cross-borough co-ordination through two consultants (KSP-CYP-002); the consultants have already started working on this project.
  - Fund consultancy costs for the development of a post-16 skills resource for young people with SEND and feasibility studies; project management work for this has commenced (KSP-CYP-004).
  - Fund Mental Health Support Teams in schools through specialist pre diagnostic support which began in October and expansion of the current offer through the Anna Freud Centre from January (KSP-CYP-005).
  - Development of community based young person peer-to-peer support through a commissioned community sector provider and digital support packages (KSP-CYP-006).
  - A year long programme of evidence based education recovery actions in Brent Schools. (KSP-CYP-007).

## Summary of Key Assumptions

Key Assumption	Downside if worse	Upside if Better	Mitigations
LAC and Care Leaver placements forecast assumes numbers of about 762 and unit costs reflect current trends.	An increase in the number of high cost residential or secure placements would place pressure on the budget e.g., an increase by 3 would cause an in-year pressure of c£0.4m	Increased step-down arrangements result in falling number of residential placements. A single stepdown from a residential placement to a semi-independent placement could reduce expenditure by c£0.1m in-year.	Targeted stepdown arrangements to support more children to transition from residential to foster and/or semi-independent placements. Supporting the transition of care leavers to their own tenancies. Maximising Joint commissioning with health to ensure contributions to placement costs where applicable.
UASC Numbers will stay below the high-rate threshold of 0.07% (~56 for Brent) of the child population by the end of September 21, causing Brent's UASC daily funding rate to fall from £143 to £114.	Results of age assessments cause end of September UASC numbers to fall below threshold and grant funding reduces further than has been forecast.	If Brent's numbers exceed the higher rate threshold the daily rate funding will remain at £143 for the remainder of the year, which would increase the UASC Grant income forecast by £0.25m	Monthly monitoring of UASC numbers, with an increase expected over summer months.
Owing to the challenges experienced in Localities of recruiting permanently, it is assumed that the proportion of agency staff in this service area will remain steady through the year.	If the proportion of agency staff in this area were to increase, expenditure would increase by £20k per additional agency staff compared to their permanent equivalent. As of July 2021, Localities had 68 Agency staff.	If the number of staff were reduced this would reduce expenditure at an equal rate of £20k per staff member.	Continued management action to recruit permanent staff and review all agency posts regularly.

### 3.3 Community Well-Being (CWB) (General Fund)

CWB Department	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Housing	4.0	4.0	0.0
Public Health	22.8	22.8	0.0
Culture	5.1	5.1	0.0
Adult Social Care	102.2	102.2	0.0
<b>Total</b>	<b>134.1</b>	<b>134.1</b>	<b>0.0</b>

#### Forecast

- 3.3.1 Based on current trends and assumptions around COVID-19 implications, the Community Wellbeing department is forecasting a break-even position for 2021/22.
- 3.3.2 The department's finances have been significantly impacted by the COVID-19 outbreak in 2020/21. The 2021/22 budget has been set accordingly and takes into account that some pressures are expected to remain in this financial year.
- 3.3.3 The increased demand for mental health services resulted in an increased number of placements made over the COVID-19 period. The continuing effects of the prolonged pandemic on mental health are resulting in ongoing greater than anticipated budgetary pressure on this service estimated at £1.5m.
- 3.3.4 In order to mitigate against the projected overspend, the service is working with commissioning to identify care providers to support people with mental health needs returning to Brent supported living from out of area placements. A reduced demand for residential and nursing placements also offsets the identified budgetary pressures.

#### Risks and uncertainties

- 3.3.5 There are a number of other risks and uncertainties within the service that could affect the assumptions made and the overall forecast outturn. The key risks and uncertainties predominately relate to Housing and Adult Social Care services.
- 3.3.6 Within Housing, the collection rate of rental income is still below the levels achieved prior to the pandemic. There are uncertainties in relation to the time required for the fall in rental income collected to be reversed, and for any improvement to rent collection rates to be sustained in order to provide assurance that the upward trend will continue. Prolonged effects of the pandemic and a potential future recession are likely slow this recovery in collection rates, leading to a greater income shortfall within the Housing service. Whilst the budget set for 2021/22 takes a likely temporary decrease in collection rates into account, if this decrease is greater than anticipated, this could create a budgetary pressure. A 10% drop in collection rates could cost over £2m. This pressure is anticipated to remain in the medium-term and the Council's Medium Term Financial Strategy is being adjusted for future years to accommodate this. Collection rates are being closely monitored and there are ongoing investigations to better understand the drivers for the movements.
- 3.3.7 The impact of the lifting of the eviction ban has been managed by proactive early intervention work. As such, the numbers of households within Temporary

Accommodation did not increase following the lifting of the ban. However, in the longer run, the lifting of the ban could lead to an increased demand for temporary accommodation for homeless people. Based on scenario planning, the 2021/22 budget allows for an associated increase in costs, however there is a risk that the demand could be higher than anticipated. A 10% increase in tenancies could cost the Council an additional £0.6m in 2021/22.

- 3.3.8 Within Adult Social Care, a rise in homecare hours is expected to be offset by a reduction in costs as a result of a decreased demand for residential and nursing placements. However, if reliance on Council support and the increased complexity of care needs are greater than anticipated, this could create additional budgetary pressures. A number of home care and direct payments care packages has increased by 8% when compared to the same time last year, whilst the average homecare weekly cost has risen by 27%. At the current costs, a 1% increase in homecare clients would cost the Council an additional £0.8m per annum.
- 3.3.9 As a result of the Clinical Commissioning Group (CCG) funding of residential and nursing placements ceasing, the Council has inherited some additional and more expensive placements. However, a formal pooled budget arrangement with Brent CCG for COVID-19 hospital discharges has been agreed to cover the cost of some of these placements and timely re-assessments are taking place.
- 3.3.10 In addition, within Culture, a restricted capacity and a slow uptake of leisure centres' and libraries' offers could lead to higher than anticipated losses of income. Current income losses are contained within budgeted assumptions of a 30% reduction.

### **Savings and Slippages**

- 3.3.11 A total of £3.7m savings were planned from the department budgets, in addition to £2m that relate to the ongoing New Accommodation for Independent Living (NAIL) programme and were re-profiled from the 2020/21 financial year.
- 3.3.12 There is an anticipated £0.3m slippage against one of the savings that relates to the creation of the in-house re-ablement service as the launch of the in-house service has been pushed back to April 2022. This slippage is forecast to be maintained within the existing Community Wellbeing budget and offset by a reduction in costs due to early care package terminations.

### **Recovery Initiatives**

- 3.3.13 The department has been allocated £0.5m to fund the recovery initiative projects that focus on reducing health inequalities. Of the total allocated funding, £0.2m is forecast to be spent by the end of the financial year. The list below presents the initiatives that the allocated funding is being utilised for.
- Universal healthy start and physical activity programmes (£0.3m)
  - Tackling childhood obesity and addressing tooth decay in children (£0.1m)
  - Providing mental health support for families who are living in emergency accommodation (£0.05m)
  - Provision of Community Perinatal Nurse 0-19 years commissioned services (£0.05m)

- 3.3.14 The Universal Healthy Start programme will roll out universal service across Brent. The programme will be commence in January and continue into the next financial year.
- 3.3.15 Work has been done in partnership with colleagues in the Brent Health Matters Team for the Physical Activity Programme to gauge what residents would like to see in terms of health and wellbeing support. A series of roadshows and events are being planned where a number of services will be offered to help residents access information and health testing (Diabetes, Blood Pressure, Cholesterol). Physical Activity sessions will also be included in the activities at these events.
- 3.3.16 As part of the Oral Health project focusing on addressing tooth decay in children, the oral health mobile bus is targeted at schools across Brent with the highest obesity rates from the 2019/2020 NCMP data. Involved in the project were the oral health promotion team, weight management team, libraries and EY staff along with public health and the dentists.
- 3.3.17 Two posts are being commissioned on a fixed term contract basis to deliver Perinatal Health visitor support and Mental Health Support for families who are living in emergency accommodation.
- 3.3.18 The Tackling Childhood Obesity project includes the delivery of the HENRY (Health, Exercise and Nutrition for the Really Young) programme within the 0-19 service and Family Wellbeing Centres.

### **Reform of Adult Social Care by Central Government**

- 3.3.19 The Government has announced a new plan for health and social care that would increase spending in this sector across the UK by an estimated £12 billion per year from April 2022 and bring into effect social care reforms by October 2023. The Government is to invest £5.4 billion in adult social care over the next three years, of which £3.6 billion will go directly to local government.
- 3.3.20 The funding is aimed to help pay for new supported housing that is to be increased through £300 million investment, for new technology and digitisation backed by at least £150 million and for £500 million investment providing the adult social care workforce with the opportunity to progress in their careers. The reform programme also includes £70 million to improve the delivery and standard of care, an increase to the upper limit of the Disabled Facilities Grant for home adaptations, up to £25 million to kickstart a change in the services provided to support unpaid carers and a new national website to provide easily accessible information and at least £5 million to pilot new ways to help people understand and access the care and support available.
- 3.3.21 The plan for the first time provides a limit to the cost of care for everyone in the adult social care system, and significantly increases state support. From October 2023, the Government will introduce a new £86,000 cap on the amount one will spend on their personal care over their lifetime. In addition, changes will be made to financial assistance provided to people without substantial assets and self-funders' support. This will consume the bulk of the £5.4billion available across the country, although some limited funding to address some other issues such as improving qualifications within the sector will be available. Given the focus on capping costs of adult social care, it is unlikely that this level of funding will be sufficient to significantly increase pay in the sector or significantly increase access to adult social care, unless the

reforms proposed to the sector in the plan deliver major efficiency gains. This is in addition to the current levels of uncertainty in relation to IBCF, social care grant and continuation of the adult social care precept.

- 3.3.22 The new reform will create the need for significant changes to policy and processes in order to adapt to the changes. Due to variations in the demography, the impact will vary across different Local Authorities. The market is also going to be significantly impacted and the overall cost of care is likely to increase, making any efficiency gains from this plan unlikely. Over the medium and long term capping adult social care costs will increase the challenge of growing costs due to an aging population. It is unclear from the paper whether additional funding will be forthcoming from central government for this or if this will need to be funded by Local Authorities through their existing and limited resources and savings from service delivery.

### Summary of Key Assumptions

Key Assumption	Downside if worse	Upside if better	Mitigations
The additional numbers of homeless people can be managed within the existing budgets.	Each person costs on average £340 per week to accommodate, so a delay for 13 weeks (1 quarter) of 20 people would cost an additional £0.1m.	Faster progress on homeless pathways will reduce expenditure by £340 per person per week.	Additional support (at additional cost) is being brought in to assist moving homeless clients along the various pathways.  Use of FHSG reserves could help to offset the overspend if required.
The YTD collection rates for Housing Needs recover to pre-pandemic levels by the end of the financial year.	A 5% worsening in the collection rate will cost £0.8m	A 5% improvement in the collection rate will recover £0.8m.	Collection rates are being closely monitored and investigations into the drivers for the movements in the collection rates are ongoing.
That the additional cost of CCG placements reverts to the Council from September onwards.		Projected at £0.2m a month and if the NHS continues to fund this will bring the forecast cost down.	Work with the CCG to prevent excessively priced care packages and review all care placements, to ensure that social care is responsible for funding those costs only.

### 3.4 Customer & Digital Services (CDS)

<b>Operational Directorate</b>	<b>Budget (£m)</b>	<b>Forecast (£m)</b>	<b>Overspend / (Underspend) (£m)</b>
Customer and Digital Services Directorate	0.8	0.9	0.1
Customer Services	16.6	16.6	0.0
Digital Services	0.0	0.0	0.0
ICT Client and Applications Support	6.6	6.7	0.1
Procurement	1.3	1.2	(0.1)
Transformation	3.7	3.6	(0.1)
<b>Total</b>	<b>29.0</b>	<b>29.0</b>	<b>0.0</b>

#### Summary

3.4.1 The CDS department is currently forecasting to budget for 2021/22.

#### Risks and uncertainties

3.4.2 The department's net position includes COVID-19 related pressures from work undertaken to support residents and businesses. The risks include:

- The risk that further restrictions may require additional shielding costs.
- The Customer Access department continues to deliver COVID-19 related projects. This includes the Local Test and Trace Service, the processing of Grants for Businesses affected by COVID-19, Self-Isolation Payments and the local COVID-19 test booking line and COVID-19 Support line. At this stage the growth allocated to the department, as well as specific central government grant funding, is sufficient to cover these costs. These projects are regularly reviewed to ensure they are contained within the grants made available from government.

#### Savings and Slippages

3.4.3 A total of £0.6m savings were planned to be delivered from the department's budgets. The department is on track to deliver the savings.

#### Recovery Initiatives

3.4.4 The department has been allocated £1.7m comprised of £1.1m for revenue projects and £0.6m for capital projects (reported in paragraph 4.14) to fund the recovery initiative projects that focus on supporting communities and businesses recovery. The projects for each of the initiatives are on track to be delivered.



### 3.5 Regeneration & Environment (R&E)

R&E	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Environmental Services	37.2	36.8	(0.4)
Regeneration Services	1.1	1.3	0.2
Property Services	6.4	6.8	0.4
R&E Directorate	7.1	6.9	(0.2)
<b>Total</b>	<b>51.8</b>	<b>51.8</b>	<b>0.0</b>

#### Forecast

- 3.5.1 The Regeneration & Environment department is currently forecasting a break even position for 2021/22. The forecast break even position consists of a £0.4m overspend in Property and a £0.2m overspend in Regeneration, which is mitigated by underspends in Environmental Services and R&E Directorate.
- 3.5.2 The reported £0.4m overspend in Property relates to the use of agency staff which is planned to be reduced by March 2022 or sooner if possible, and water bills. The service is looking at mitigating actions such as converting posts to permanent positions sooner than March 2022 in order to reduce the overspend.
- 3.5.3 Regeneration is forecasting an overspend relating to reduced income in Building Control beyond the budgeted income reduction.
- 3.5.4 Within Environmental Services there are underspends forecast within Public Realm due to a one-off historic invoicing adjustment (£0.2m), and the insourcing of cemeteries ground maintenance (£0.2m). The forecast underspend in the R&E Directorate relates to savings delivered early.

#### Risks and Uncertainties

- 3.5.5 R&E has an income budget of £47m. A small percentage change can have a large monetary impact. For example, an additional 1% reduction in income would be equivalent to around £0.5m. Commercial rental income is likely to suffer as tenants may be unable to pay rent. There is a current moratorium on landlord action for rent arrears until 25 March 2022. The longer-term impact on income anticipated from planning applications and building control applications is also uncertain due to slow progress on current major projects and a potential reduction in the number of new major projects received.
- 3.5.6 The Highways revenue budget is reliant on TfL LIP funding which has been significantly reduced due to severe financial pressures. TfL confirmed funding available up to 11th December 2021 and further funding remains uncertain. TfL are in negotiation with the Government on funding for the last quarter of the financial year and beyond. The forecast assumes a £0.5m impact on the revenue budget. Until this funding is confirmed there is a risk that the actual impact is higher (or lower) than the current estimate. Should additional TfL funding be made available for Q4 the deficit would be further reduced. The service has estimated that if this risk was to materialise, the impact could be mitigated by release of agency staff, alongside Covid-19 growth funding provided to the department.

- 3.5.7 Brent Transport Service is run as a shared service with Harrow Council. The service is currently forecasting a break-even position; however, Harrow has indicated there could be a potential underspend BTS due to a reduction in the number of Adults routes in operation. This continues to be reviewed to understand the likelihood and financial impact of the driver and escort requirements on the routes.

### **Savings & Slippages**

- 3.5.8 The department has a target of £0.9m savings to be achieved in 2021/22. Of these, all are on track to be fully delivered or have had alternative savings found.

### **Recovery Initiatives**

- 3.5.9 R&E has been allocated £4.2m revenue funding for recovery initiatives, of which £1.8m are budgeted to be spent in 2021/22 and £2.4m in 2022/23. The projects are not reporting any slippage and funding is expected to be utilised within this timeframe.
- 3.5.10 In addition, R&E and CDS are working jointly on projects with total revenue budget of £2.7m, of which £0.7m relates to 2021/22 and £2.0m relates to 2022/23.

### **Summary of Key Assumptions**

<b>Key Assumption</b>	<b>Downside if worse</b>	<b>Upside if better</b>	<b>Mitigations</b>
Parking income will continue to recover to pre-pandemic levels and will not be affected by further COVID-19 restrictions.	Increased pressure on the budget if income falls below the current forecast level.	If activity recovers faster than expected, then this would increase the income collected	COVID-19 growth of £0.7m has been provided to cover the estimated impact of COVID-19 restrictions to parking income.
SEN Transport taxi spend is budgeted to increase by 5% compared to the previous academic year.	Every additional child requiring transport via taxis costs the Council an average of £11,300 per annum.	Reduction in the growth requirement for future years.	The service is monitored as part of the shared service with Harrow. Client numbers can therefore be planned for.  Initial discussions have been held with a consultant to undertake a strategic review of this service.

Key Assumption	Downside if worse	Upside if better	Mitigations
Facilities Management will not be disrupted by the changes to the contract from the 1 <sup>st</sup> July 2021. Soft FM services have bought in house, and a new contract awarded for Hard FM services (with new buildings bought under the arrangements).	Potential for additional costs to arise if the service does not operate as planned.  Additional buildings have been included in the service. Budget realignments are required to cover these services.	The service will operate as expected and within budget. Can then look for efficiencies within the service.	Increased monitoring of the contract in initial months.  Some contingency had been built into the project within the first year.

### 3.6 Central items

#### Collection Fund

- 3.6.1 The budgeted net collectible amount for Council Tax (after exemptions, discounts and Council Tax support) is £175.9m. The actual net collectible amount as at October 2021 is £174.2m, a reduction of £0.6m since July 2021. It is expected that this figure may decrease during the year if new properties are not completed as expected and Council Tax Support granted to residents increase further due to COVID-19. This is being closely monitored to assess the overall impact over the timeframe of the medium-term financial plan. As at the end of October 2021, the amount collected was 60.2%, a shortfall of 1.3% when compared to the in-year target. The amount collected in the same period last year was 61.3%, however, pre-pandemic collection rates at the same period were around 7% higher amounting to £12m. If the under-collection of tax continues throughout the year it will have an adverse effect on the Council's cashflow and possible implications for the medium-term financial plan.
- 3.6.2 The budgeted net collectible amounts for Business Rates (after exemptions, reliefs and discounts) is £136.0m. The actual net collectible amount as at October 2021 is £102.7m, a decrease of £2.1m since July 2021. This decrease is mainly due to additional reliefs for the retail, hospitality and leisure sector that were announced at last years Spending Review. Further reductions may occur due to reductions in properties and successful appeals against rateable values. Additional grants will be made available to the Council to offset the loss of income from the additional reliefs. As at the end of October 2021, the amount collected was 54.5%. The amount collected in the same period last year was 49.5%. Prior to the pandemic the levels collected during the same period were around 11% higher, amounting to just over £11m.
- 3.6.3 Movements between the budget and actual collectable amounts affect the overall level of balances held in the Collection Fund at year-end after deducting charges, with deficits requiring repayment by all of the precepting authorities in future years. At the end of 2020/21, additional amounts due to the General Fund totaling £20.3m were transferred into reserves to repay the Council's share of the deficit. This will be repaid over three years, in-line with national accounting rules governing the Collection Fund. The income due to the General Fund from the Collection Fund is forecast on budget with no variation expected in the current year. However, it is expected that the additional grants received from central government will generate

a surplus in the general fund that will be required in future years to repay the collection fund to bring it back into balance. The overall impact will be closely monitored to assess the impact on the Council's MTFS (medium term financial strategy).

## COVID-19

- 3.6.4 The financial impact of COVID-19 has continued through 2021/22. The latest estimated cost, as at November 2021, is £25.1m across the General Fund. This figure is likely to grow for the remainder of the financial year as additional restrictions are introduced as a result of the new variant. Central government has allocated additional funding totaling £19.8m for the Council in 2021/22, by way of specific and general grants, to contain the financial impact. Any net impact will be considered corporately, including the use of COVID-19 grants that were not fully utilised and held in reserves in 2020/21.

## 3.7 Dedicated Schools Grant (DSG)

Funding Blocks	Overall DSG Funding 2021/22	Forecast Expenditure	Overspend / (Underspend)
	£m	£m	£m
Schools Block	117.5	117.5	0.0
High Needs Block	60.5	65.7	5.1
Early Years Block	23.4	23.9	0.5
Central Block	2.3	2.1	(0.2)
<b>Total DSG</b>	<b>203.7</b>	<b>209.2</b>	<b>5.4</b>

### Summary

- 3.7.1 The DSG forecast is a deficit of £5.4m, against grant funds of £203.7m for 2021/22, resulting mainly from the High Needs (HN) Block.
- 3.7.2 In 2021/22, the DSG HN Block allocation increased by £6m compared to 2020/21. Despite this increase in funding, the increased demand for HN provision is forecast to contribute mainly to the overall DSG expenditure exceeding income, resulting in a cumulative deficit of £15.9m by the end of the financial year.
- 3.7.3 A balanced budget was set for the HN Block with an identified risk of overspend if the number of children and young people with Education Health and Care Plans (EHCPs) continued to grow at the same rate as in recent years, rather than the growth levelling off. As envisaged, the number of EHCPs has continued to rise, albeit at a slower rate than anticipated; with a 0.6% increase from January 2021 to September 2021. As a result, the DSG HN Block expenditure is expected to exceed income by a forecast £5.1m in 2021/22.
- 3.7.4 The Early Years Block of the DSG is forecasting a deficit of £0.5m due to an adjustment in funding by the DfE which relates to the 2020/21 financial year. This is due to a drop in pupil numbers requiring Nursery education as a result of the Covid Pandemic. This reduction in funding applies to all local authorities in receipt of Early Years funding apart from three. The DfE recognises the impact of this and further information will be made available later in the year to confirm if local authorities will

receive any additional funding following the exceptional census carried out in May 2021.

- 3.7.5 The Central Block of the DSG (£2.3m) funds central services for schools. This includes a set contribution towards pension strain costs for former school employees of £0.6m, and it is a long-term annual commitment. There is a forecast underspend of £0.2m on the Central Block, mainly arising from in year vacancies in the Admissions and the School Effectiveness Services.

### **Forecast**

- 3.7.6 The £5.4m deficit is £1.2m more than the reported pressure of £4.2m in Quarter 2. This additional pressure is mainly due an adjustment of the 2020/21 funding for the Early Years Block which was announced by the DfE in November 2021. The adjustment will see a reduction of £0.5m against the DSG funding allocation for this financial year. There has also been a revision of the forecast for alternative provision for excluded pupils which reflects an additional pressure of £0.6m; mainly due to the variability of pupil numbers and charges for this service. The forecast also includes a projection of £0.1m base funding for the newly developed Additionally Resourced Provisions (ARPs), commencing in November 2021.
- 3.7.7 The pressures in the HN Block are due to continual increases in EHCP numbers which has resulted in forecast overspends against top-up funding, predominantly in mainstream schools, out-of-borough special schools, independent residential schools and post-16 placements. The growth in EHCPs is a national and London-wide trend whereby the number of children assessed as meeting the threshold for support continues to increase, but HN funding has not increased in line with the continued growth in overall pupil numbers, which has created financial pressures.

The HN forecast assumes an 11% projected increase in the number of EHCPs comparing 2805 at the end of 2020/21 to a 2021/22 projection of 3114. As at the end of August 2021, there were 2,779 EHCPs compared to 2,556 in August 2020, representing an 8.7% increase in EHCPs over the 12-month period. This indicates that the rate of growth is slower than predicted in the deficit management plan, as a result of action plans put in place to manage demand; for example, to date, 88 EHCPs have ceased resulting in a cost avoidance of £0.56m. This has stemmed from improvements in the annual EHCP review process to enhance the scrutiny and review of plans and consider the length of time plans should remain in place. Plans cease when appropriate to do so and packages of support reduced where levels of needs have changed.

- 3.7.8 The £5.1m HN forecast position is a result of the following pressures:
- £2.9m forecast pressures against Brent mainstream and special schools due to an increase in the number of High Needs places being funded;
  - £1.5m forecast pressures against mainstream, independent and out of borough special schools' top up funding due to increased number of pupils;
  - £0.7m additional pressure against the HN Block for the recoupment of funding to be allocated to other local authorities for out of borough placements; following an adjustment by the DfE in July 2021.
- 3.7.9 The DfE requires Local Authorities to have a management plan agreed by the Schools Forum in place to recover the deficit over a number of years. In June 2021,

the Schools Forum was presented with the DSG Management plan which set out actions being taking to manage demand, improve sufficiency of places and financial management. A follow up on the actions set out by the task group which is led by the Strategic Director of CYP will be presented at the Schools Forum in February 2022. The group continues to work on a number of options to recover the deficit, including:

- The introduction of the SEN Support fund with the expectation to manage demand, as part of the Graduated Response Programme which involves: improved quality EHCP assessment, person centered planning and SMART annual reviews. Young people will be provided with earlier support, thereby reducing the need for an EHCP to trigger additional support. £0.5m has been approved by the Schools Forum for SEN Support and the pilot commenced in September 2021.
- Looking to establish more SEND provision in the borough as part of the School Place Planning Strategy 2019-23 Refresh. This includes a plan to develop new ARPs (7 in Primary and 2 in Secondary) in the academic year 2022/23. This will reduce the need for young people to be placed in schools in other boroughs. Two new ARPs have now been developed at Kilburn Park and Carlton Vale Infant School and commenced service in November 2021.
- Ensuring there is full cost recovery from other local authorities that place pupils in Brent special schools including administration and other specific costs. A 5% charge applied on the top-up element for all placing authorities is now effective from September 2021, in recognition of the additional services put into place by Brent. This would generate c£0.04m income in this financial year pro rata.
- Continued central government lobbying with an active involvement from the Deputy Leader of the Council.

## HRA

HRA	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
HRA	0.0*	0.0	0.0

\* The HRA budget is comprised of £56.7m expenditure and £56.7m income

## Forecast

- 3.7.10 The budgets for the Housing Management function are contained within the ring-fenced Housing Revenue Account (HRA), which has a balanced budget set for 2021/22.
- 3.7.11 The overall forecast for the HRA is a break-even position for 2021/22. This is a net result of a £0.2m overspend being mitigated by a £0.2m underspend. The individual variances consist of:
- £0.2m additional costs over budget related to disrepair claims and placing tenants in emergency accommodation
  - £0.2m in-year underspend on staffing costs due to vacancies

## Risks and uncertainties

- 3.7.12 The main risk and uncertainty within the HRA (that could affect the projected outturn and assumptions made) is associated with rent collection. The impact on rental income collection rates and the subsequent increase in arrears due to the prolonged effects of the pandemic is uncertain. A 5% drop in collection rates could result in an increase in rent arrears of over £2m. Scenario analysis has been undertaken in order to evaluate a range of potential options and explore the extent of possible mitigating actions required.

## 4 Capital Programme

- 4.1 The table below sets out the current capital programme forecast to the revised budget position of £214.2m as of October 2021. This also includes the new projects approved as part of the recovery initiatives. The original approved capital programme for 2021/22 totaled £259.4m.

Directorate	Original Budget Approved Feb 21 (£m)	Revised Budget	Current Forecast	Over / (Under) Spend to Budget
		(£m)	(£m)	(£m)
Corporate Landlord	12.2	11.9	12	0.1
Housing GF	60.6	56.3	52.8	(3.5)
Housing HRA	64.1	63.8	60.9	(2.8)
PRS I4B	24.4	24.4	17.6	(6.8)
Public Realm	11.9	15.5	18.1	2.5
Regeneration	35.2	12.2	9.8	(2.5)
Schools	26.2	9.7	8.1	(1.6)
South Kilburn	23.4	17.8	14.9	(2.9)
St Raphael's	1.3	2.6	2.3	(0.3)
<b>Total</b>	<b>259.4</b>	<b>214.2</b>	<b>196.5</b>	<b>(17.8)</b>

- 4.2 An underspend of £17.8m is being forecast against the current revised budget. An explanation of the variance of current forecast to the revised budget for each board area is provided in the paragraphs below.

### Corporate Landlord

- 4.3 There is currently a projected overspend of £0.1m, due largely to an additional critical works required for the libraries, which were not known at the time of budgeting.

### Regeneration

- 4.4 The Regeneration Board is currently forecast to underspend by £2.5m across the Morland Gardens and Harlesden Masterplanning schemes. This budget will be re-profiled into future years. On Morland Gardens, the spend so far has been on Stonebridge Annexe on works and consultant fees. The remaining forecast spend this year will be initial set up fees but for the pre-construction phase but not the main building works as envisaged, hence the spend being lower than forecast. This is

because when the initial tendering was done at the beginning of 2021/22, no bids were received and the programme had to be retendered. The bids from the retendering exercise are currently being evaluated. The Harlesden Regeneration programme has experienced delays appointing a local operator, which has delayed the capital spend as the main capital works will not commence until a local operator is selected.

#### **St Raphael's**

- 4.5 The scheme is expected to underspend by £0.3m in the first phase due to lower than expected costs as part of the master planning stage. The budget for the design of the remaining infill sites and scoping of the infill plus improvement activities has been approved at Cabinet.

#### **Housing, Care and Investment**

- 4.6 The Housing General Fund programme is forecasting an underspend of £3.5m, mainly due to the Housing Infrastructure Fund (Northwick Park) underspend of £3.2m in this financial year. The programme experienced delays with the contractor appointment resulting in delays in the programmed works.
- 4.7 The Housing HRA programme is forecasting an underspend of £2.8m due to many combined budget variances, most significantly £1.7m on Pharmond due to start on site being delayed until September 2021, £2.4m underspend on Lidding Road due to a later start on site of Q1 2022, £1.3m underspend on Seymour Road, start on site delayed to Q1 2022. There is currently a £1.1m overspend on Weston House, as the final settlement of the account has been negotiated.
- 4.8 The Private Rented Sector Project has an underspend of £6.8m due to a reduced rate of purchasing in the first half of the year. A further 40 to 45 properties will be purchased in 2021/22.

#### **Schools**

- 4.9 The underspend is partly due to the School AMP and Roe Green projects which are forecasting £0.7m for the next financial year owing to delays in the procurement. The budget will be reprofiled into future years. There are also £0.9m of projects forecasting an overall underspend, this is £0.1m for phase 3 projects at Byron Court & Stonebridge, £0.4m for London Road and Queens Park feasibility and £0.4m from the Ark Elvin council contributions. All these projects are due to or have completed this financial year, allowing the funding to be released.

#### **South Kilburn**

- 4.10 The underspend primarily relates to changes in acquisition forecasts for the year after consultations with leaseholders. The forecast for Austin House & Blake Court along with Craik Court, Crone Court & Zangwell House have been reduced by £2.3m. These changes are all due to reduced interest from leaseholders. Any underspend will be used in future financial years. There is also an underspend of £0.6m on the NWCC scheme as design costs were lower than original budget, allowing the budget to be reduced.

#### **Public Realm**

- 4.11 There is a £1.7m overspend due to the NER connector project costs escalating although final figures are yet to be agreed with commercial meetings ongoing. There is an additional £1m allocation remaining in the SCIL approval by cabinet, which can be applied once the figures are finalised leaving a pressure of £0.7m. The remaining



overspend of £0.8m is from the Hostile Vehicle Mitigation S106 Project, there is additional S106 budget to be applied, although there will still be a gap of around £0.3m, that needs to be met from other sources.

### **Recovery Initiatives**

- 4.12 The Capital Programme has been allocated £7.6m to fund a number of recovery initiative projects across the Council of which £2.9m has been budgeted for 2021/22. The funding is expected to spend to budget in the current financial year on the following initiatives:

#### **Corporate Landlord**

- Decarbonisation via LED lighting upgrades (£500k)
- Zero carbon schools project (£200k)
- Bubltown (£23k)
- FAME Database (£44k)
- Pilot Business Support Fund (£83k)
- Digital Packages for Children and Young People (£200k)

#### **Public Realm**

- Wembley High Street Recovery (£663k)
- Public Realm Priorities (£400k)
- Church End (£800k)

## **5 Financial Implications**

- 5.1 This report is about the Council's financial position in 2021/22, but there are no direct financial implications in agreeing the report.

## **6 Legal Implications**

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

## **7 Equality Implications**

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

**Report sign off:**

**Minesh Patel**  
Director of Finance

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**MTFS Savings Delivery Tracker 2021/22 - 2022/23**

Department	Index	Reference	2021/22 original saving (£000)	2022/23 original saving (£000)	Savings on track to be delivered (£000)	Slippage on delivery but still achievable (£000)	Description	RAG Status	Comments / Mitigating Actions
Community Wellbeing	2021-23 CWB 001	Reablement	460	120	320	260	Delivering the outcomes of the Newton Europe project, to increase the number of people going through Reablement, create better quality Reablement and clearer pathways, and minimise costs. Make further savings by reducing local authority contributions to rehab (health) element of the service.	Green	£200k of this has already been achieved through no longer contributing to the pooled budget. The remaining £380k will be achieved through improved reablement care practices which should reduce the need for ongoing adult social care packages after reablement care packages have been completed. Currently it is likely that reablement will be delivered in-house, however the implementation timeline has been been delayed.
Community Wellbeing	2021-23 CWB 003	Placement Review	250		250		Continuing robust challenge of individual package costs based on evidence as part of annual placement reviews.	Green	These savings will be achieved throughout the year as care placements are reviewed and fee reductions achieved through re-negotiated fees and step downs in care requirements
Community Wellbeing	2021-23 CWB 004	Deprivation of Liberty Safeguards (DoLS) provision	30		30		Best Interest Assessments (BIAs) could be done internally; cost savings based on options including payment to staff vs external BIAs.	Green	On track to deliver this saving.
Community Wellbeing	2021-23 CWB 005	Community Care recommissioning	750		750		Recommissioning all external day care / homecare provision, restructuring provision into a new, lower cost model and inclusion of Public Health (PH) outcomes into new model of deliver to allow for rebadging of funding from PH grant.	Green	Will be achieved through homecare reprocurement which will be completed by January 2021.
Community Wellbeing	2021-23 CWB 006	Properties to relieve Temporary Accommodation	1,430	560	1,990		Additional properties obtained which reduce demand for Temporary Accommodation.	Green	Savings are on track to be delivered
Community Wellbeing	CWB C2	Salaries Capitalisation	100		100		Capitalising more salaries spend within the Housing Partnerships Service.	Green	Savings are on track to be delivered
Community Wellbeing	CWB C3	Concessionary Fares / Freedom passes	1,000		1,000		Freedom Passes cost the Council £15m per annum and the charge in based on usage over the last two years. A reduction in charges are anticipated as a result of the pandemic. The current estimates from TFL indicate a 2-year benefit of £1m which is the midpoint of the best and worst case scenarios provided by TFL.	Green	Savings are on track to be delivered
<b>Sub Total</b>			<b>4,020</b>	<b>680</b>	<b>4,440</b>	<b>260</b>			
Regeneration & Environment	2021-23 R&E 001	General Efficiencies across R&E	215		215		A review of the forecast underspends across the department to identify underspends that are recurring.	Green	On track to deliver this saving, though may be subsumed into a larger extended savings exercise now necessary as part of the medium term financial strategy (MTFS).
Regeneration & Environment	2021-23 R&E 002	Lighting Maintenance	140		140		10% efficiency saving from new lighting maintenance contract	Green	Savings are on track to be delivered
Regeneration & Environment	2021-23 R&E 003	Schemes/Drainage fees	100		100		Increase the level of fees applied to the delivery of large scale funded infrastructure improvement projects	Green	The Highways revenue budget is reliant on TfL LIP (Local Implementation Plan) funding which has been significantly reduced due to severe financial pressures. The ability to increase income from fees now very limited. Covid budget growth has been received to offset the non-delivery of this saving.

Department	Index	Reference	2021/22 original saving (£000)	2022/23 original saving (£000)	Savings on track to be delivered (£000)	Slippage on delivery but still achievable (£000)	Description	RAG Status	Comments / Mitigating Actions
Regeneration & Environment	2021-23 R&E 004	Damage Cost Recovery		50	50		Deploying an officer to more proactively recover the cost of repairs from developers and builders causing damage to the public highway.	Green	Savings are on track to be delivered
Regeneration & Environment	2021-23 R&E 005	Building Control Fees Review	50			50	a) Charge more - increase Building Control (BC) published fees by 10% (up to 15 dwellings) b) more business from in-house	Green	One-off covid growth funding has been allocated for 2021/22 which will cover the slippage of this saving. On track to be achieved in 2022/23.
Regeneration & Environment	2021-23 R&E 006	Brent Transport Services move		150		150	Relocating buses back to Brent from Harrow to reduce operating times and costs	Amber	There is a risk of delay to this saving being achieved due to a delay in appointing a consultant to review the service and identify where savings can be made
Regeneration & Environment	2021-23 R&E 007	Pre-app service; review basic and enhanced offer	5		5		Review fees and charges for 'place making' advice as part of enhanced pre-app service	Green	Still achievable in that fees will increase; however covid impact on volume of work unknown
Regeneration & Environment	2021-23 R&E 009	Apprenticeship levy commercial offer	15	30	45		Offer to businesses on how to use the apprenticeship levy	Green	Alternative savings will be found within R&E. Not achievable in the initially intended form. There are proposals nationally to reform the Apprenticeship Levy. We will await these changes before progressing any proposals.
Regeneration & Environment	2021-23 R&E 011	Facilities Management contract review	70		70		Utilise 12 month contract extension (July 2010 - June 2021) agreement to explore opportunities and impacts linked to savings.	Green	On track to be delivered
Regeneration & Environment	R&E A1	Capitalisation	340		340		Allocating activity to capital projects enabling costs to be transferred from General Fund (GF) to capital	Green	Savings are on track to be delivered
Regeneration & Environment	R&E A2	Brent Transport Service		100		100	A review of the commercial aspects of the service to identify operational efficiencies, particularly with respect to route rationalisation, parking arrangements and on-bus support requirements. This will extend to a joint review with Children and Young People (CYP) of what opportunities there might be to promote and facilitate better take-up of independent travel by pupils.	Amber	There is a risk of delay to this saving being achieved due to a delay in appointing a consultant to review the service and identify where savings can be made
<b>Sub Total</b>			<b>935</b>	<b>330</b>	<b>965</b>	<b>300</b>			
Children & Young People	2021-23 CYP 001	Clawback of unused Direct Payments	25		25		Implementation of card payments for Direct Payment clients means the service will be able to reclaim unused or overpaid funds immediately. For a variety of reasons direct payments may no longer be required by a family for the purposes of supporting their child. At present there is a risk that payments can continue for several months before they are amended. The card system will allow officers to identify overpayments and reclaim these rapidly. CWD Direct Payments value £500k per year. A 5% clawback rate would equal £25K.	Green	Savings on track to be delivered. Regular reviews will be undertaken to identify funds to be clawed back.

Department	Index	Reference	2021/22 original saving (£000)	2022/23 original saving (£000)	Savings on track to be delivered (£000)	Slippage on delivery but still achievable (£000)	Description	RAG Status	Comments / Mitigating Actions
Children & Young People	2021-23 CYP 002	Short Breaks Centre	50			50	It is proposed that existing spare capacity of respite beds/nights at the Ade Adepitan Short Breaks Centre (SBC) will be sold to neighbouring authorities at market rates. The intention is to sell the beds at £730 per night for planned stays and £910 for emergency bookings. Selling the nights will reduce voids at relatively low marginal cost as payments for the management, building and other operational costs are met from within the existing budget.	Amber	Due to the impact of the Covid-19 pandemic there have been fewer children using the facilities. The saving is dependent on neighbouring authorities purchasing beds at the centre.
Children & Young People	2021-23 CYP 003	Adjusting resources in demand led budgets	150			150	The rate of Looked After Children per 10,000 of population is historically low in Brent and the current rate is low when compared to statistical neighbours. Although with expected population growth this number is likely to increase, it should however be in line with the current statistical measure. With the assumption that this low rate continues over the next 18 months a reduction in the budget in line with posts currently being held vacant could be implemented to align resource to demand.	Amber	Saving assumption to be reviewed due to an increase in caseloads in the the LAC & Permanency service.
Children & Young People	2021-23 CYP 004	Review and zero base other service area budgets	100		100		Review and zero base other service area budgets to achieve and accumulate minor savings. Budget analysis to be carried out on non-staff and non-frontline service budgets across CYP. The exercise will concentrate on those budgets which have historically underspent or which represent discretionary spend. For example; 1. The CYP Learning and Development budget is centralised in the SQA service area, and has underspent in recent years. A costed plan could be designed to meet key requirements, such as ensuring Continuous Professional Development for social workers, and deliver a saving.	Green	On track to be delivered
Children & Young People	2021-23 CYP 005	Increased income target for the Gordon Brown Centre	50			50	Increased income target for the Gordon Brown Centre. The Centre has benefitted from recent capital investment, and successful summer trading in 2019 indicates a forecast surplus of £50k against the current net zero budget.	Amber	There has been reduced income due to Covid-19 restrictions which limited the centre's capacity and the activities that it could offer between April and June 2021. For example, there were no residential visits. This led to a significant fall in income. Since June, following the lifting of some restrictions in May, the centre has been able to host residential visits, albeit within some continuing restrictions. With the lifting of nearly all restrictions from 19 July, the centre is now able to operate at full capacity.
Children & Young People	2021-23 CYP 006	10% saving on commissioning	50		50		10% saving on commissioning when contracts become due. The CYP procurement forward plan identifies a number of contracts which are due to go out to tender for new contracts to commence for April 2021, including for Speech and Language Therapy services and Mental Health and Wellbeing services.	Green	On track to be delivered

Department	Index	Reference	2021/22 original saving (£000)	2022/23 original saving (£000)	Savings on track to be delivered (£000)	Slippage on delivery but still achievable (£000)	Description	RAG Status	Comments / Mitigating Actions
Children & Young People	CYP A3	Gordon Brown Centre		300	300		An expanded use of the Centre, either supporting families with children at risk of being taken into care or as a residential provision for Looked After Children, would realise either cost avoidance or additional income.	Green	This project is underway. A cross-departmental working group is in place to identify options and plan for the additional provision.
Children & Young People	CYP B1	Integration with health	180		180		Opportunities to deliver more efficient commissioning and service delivery, building on established joint commissioning, have previously been identified with health partners. It is proposed that these opportunities are revisited by Brent Council commissioning and/or directly providing provision on behalf of Brent Clinical Commissioning Group (CCG) to deliver more efficient services and achieve savings.	Amber	CYP Commissioning & Resources team is working with Health and Public Health colleagues to review commissioning approaches with the aim to realise efficiencies.
<b>Sub Total</b>			<b>605</b>	<b>300</b>	<b>655</b>	<b>250</b>			
Assistant Chief Executive	2021-23 CE 003	Efficiency savings		100	100		Efficiency savings within Assistant Chief Executive	Green	Savings are on track to be delivered
Assistant Chief Executive	ACE A1	Executive support team	52		52		Delete 1.5 scale 4 posts (Executive support asst)	Green	Savings are on track to be delivered
Assistant Chief Executive	ACE A2	Governance	10		10		Deletion and realignment of post (NB: this is contingent on staying with virtual or physical meetings i.e. not moving to hybrid meetings)	Green	Savings are on track to be delivered
Assistant Chief Executive	ACE A3	Chief Executive Office	30		30		Reduce various small budget lines	Green	Savings are on track to be delivered
<b>Sub Total</b>			<b>92</b>	<b>100</b>	<b>192</b>	<b>-</b>			
Chief Executive	2021-23 CE 001	Efficiency savings		100	100		Efficiency savings within Legal, Human Resources (HR), Audit & Investigations	Green	Savings are on track to be delivered
Chief Executive	2021-23 CE 002	Efficiency savings		100	100		Efficiency savings within Finance	Green	Savings are on track to be delivered
Chief Executive	CE A1	Reduce an assistant account post		50	50		This saving can be achievable through efficiencies expected from the Oracle Cloud implementation, for example through more efficient working practices	Green	Savings are on track to be delivered
Chief Executive	CE A2	Energy savings	100		100		Savings are expected from reduced energy usage from council owned buildings.	Green	Savings are on track to be delivered
Chief Executive	CE B2	Restructure in a Legal Team	60		60		Reduce Principal Lawyer posts by 1 enabling a team restructure	Green	Savings are on track to be delivered
Chief Executive	CE B5	Restructure in an HR team	50		50		Delete two roles and redistribute essential functions. Cease routine Occupational Health (OH) checks on new recruits.	Green	Savings are on track to be delivered
<b>Sub Total</b>			<b>210</b>	<b>250</b>	<b>460</b>	<b>-</b>			
Customer & Digital Services	2021-23 CDS 001	ICT Client and Application support - Income generation	80		80		Increase in income generated from charging for IT support	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 003	ICT Client and Application support - Printing Costs	40		40		Expected reduction in printing costs	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 004	ICT Client and Application support - Salaries		160	160		ICT Client & Applications staffing efficiencies	Green	Savings are on track to be delivered

Department	Index	Reference	2021/22 original saving (£000)	2022/23 original saving (£000)	Savings on track to be delivered (£000)	Slippage on delivery but still achievable (£000)	Description	RAG Status	Comments / Mitigating Actions
Customer & Digital Services	2021-23 CDS 005	ICT Client and Application support - Oracle changes budget	20		20		Reduction in changes to the current Oracle system	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 006	Merger of Housing and BCS contact centre	50	50	100		Merger of Housing and Brent Customer Service (BCS) contact centre	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 007	Reduction in Postal Costs		30	30		Reduction in Postal Costs	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 008	Savings from new Council Tax Support scheme	50		50		Staff saving arising out of the new, simplified, Council Tax Support scheme	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 009	Increased automation in Customer Services	50	50	100		Increased automation in Customer Services	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 010	Replace IEG (on line benefits form)		75	75		Replace IEG (IEG is external company) (on line benefits form)	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 011	Staffing efficiencies in Customer Services	50	95	145		Staffing efficiencies in Customer Services	Green	Savings are on track to be delivered
Customer & Digital Services	2021-23 CDS 012	Transformation - Staffing efficiencies		100	100		Staffing efficiencies	Green	Savings are on track to be delivered
Customer & Digital Services	CDS A2	Customer Service Operations	75		75		A full review of the customer front face offer in the Civic Centre would take place from autumn 2020 onwards. The intention would be to retain a 4 hours a day 5-day week service managed by customer services (as has been the case since July 2020). In addition to this, it is proposed to establish an additional Hub in the Civic Centre in line with the current 5 community hubs. This would enhance the support on offer at the civic centre to our most vulnerable residents.	Green	Savings are on track to be delivered
Customer & Digital Services	CDS A4	Revenue and Debt	75		75		Reduction of vacant Enforcement Service Manager P06 post. Post is currently vacant.	Green	Savings are on track to be delivered
Customer & Digital Services	CDS A5	Resilience contract	100		100		Review of benefits assessment process, review of the Scale 6 Assessment Officer posts and reduction in use of the resilience contract.	Green	Savings are on track to be delivered
<b>Sub Total</b>			<b>590</b>	<b>560</b>	<b>1,150</b>	<b>-</b>			
Corporate	CORP A1	Reduction in procurement spend	500	500			This new work stream consists of an ongoing procurement and contract management review, covering new procurement activity, re-scoping of contracts and reviewing inflationary uplifts.	Green	This saving is expected to be delivered following a review of procurement spend and upcoming contract renewals by the Commissioning and Procurement Board
Corporate	CORP A2	Voluntary Redundancy Scheme	1,500				The voluntary redundancy scheme closed in October 2020 and based on the number of accepted applications c£1.5m can be saved from the budgeted establishment.	Green	Savings have been delivered

Department	Index	Reference	2021/22 original saving (£000)	2022/23 original saving (£000)	Savings on track to be delivered (£000)	Slippage on delivery but still achievable (£000)	Description	RAG Status	Comments / Mitigating Actions
Sub Total			2,000	500	-	-			
Grand Total			8,452	2,720	7,862	810			




	A	B	C	D	E	F	G	H	I	J	K
	Depart ment	Unique Reference No.	Theme	Project/ Proposal	Budget £000	Budget 21-22 £000	Budget Future Years	Spend to date £000	Forecast Spend 21- 22 £000	RAG Status	Comments
1											
2	ACE	KSP-ACE-002	Green and environmental Recovery	Decarbonisation via LED Lighting Upgrades	500	500	-	-	500	Green	Work planned as part of a wider decarbonisation project with funding requirements to spend during 2021/22. New project manager in place so delivery on track.
3	ACE	KSP-ACE-005	Supporting Communities	Black Excellence Quality Mark (BCAP) Projects	123	39	84	-	39	Green	Consultant brief developed and in procurement, and on track to fully spend to budget.
4	ACE	KSP-ACE-006	Supporting Communities	Black Excellence Quality Mark (BCAP) Markets	45	11	34	-	11	Green	Developed brief for BCAP stakeholders. Project on track to fully spend to budget.
5	ACE/CYP	KSP-ACE-009	Green and environmental Recovery	Zero Carbon Schools Project	200	75	125	-	75	Green	Project is on track to spend full budget this financial year for Carbon reduction feasibility studies across five schools in Brent.
6	CDS/R&E	KSP-CDS-001	Supporting Businesses	Bubltown	23	17	7	13	17	Green	21-22 Spend on track includes Mobilisation - launch of app with initial businesses, Project delivery - communication and marketing and Project delivery - completion of pilot of BuyBrent app.
7	CDS/R&E	KSP-CDS-002	Supporting Businesses	FAME Database	44	44	-	-	44	Green	Project is on track. Recruitment for the new post to support the project is ongoing.
8	CDS/R&E	KSP-CDS-003	Supporting Businesses	Pilot Business Support Fund	200	200		-	200	Green	Project currently on track with expenditure expected to March 2022.
9	CDS	KSP-CDS-004	Supporting Businesses	Wembley Park co-working space	479	103	376		103	Green	This is a 2 year programme. Project is on track to fully spend to budget in 2021/22.
10	CDS/R&E	KSP-CDS-005	Supporting Businesses	Additional Restrictions Grant Scheme to support businesses	2,650	718	1,932	43	718	Green	Work is underway to deliver projects this financial year including events, digital skills training etc. and expenditure for 21-22 includes £250K of grants.
11	CDS	KSP-CDS-006	Supporting Communities	Digital Packages for Children and Young People	300	100	200	-	100	Green	Project currently working to plan with forecast based on expected demand for the equipment.
12	CWB	KSP-CWB-004	Reducing Health Inequalities	Tackling Childhood Obesity	32	32	-	-	32	Green	Project is on track. Scoping exercise undertaken to identify who will be able to deliver the HENRY programme within the 0-19 service and FWC. Next step to decide plan on delivery. Sessions should start in January.
13	CWB	KSP-CWB-005	Reducing Health Inequalities	Addressing tooth decay in children	60	10	51	10	10	Green	Project is on track. The bus service has started, but it is currently planned to be paused over the winter, and will restart at the latest in March 2022, however options for running a similar service through the winter are also being explored.
14	CWB	KSP-CWB-006	Reducing Health Inequalities	Universal Healthy Start	225	45	180	1	45	Green	Steering group to roll out universal service across Brent. Plan to have the programme up in running in January.
15	CWB	KSP-CWB-007	Reducing Health Inequalities	Physical Activity Programme	76	19	57	3	19	Green	Project is on track
16	CWB	KSP-CWB-008	Reducing Health Inequalities	Mental Health Support for families who are living in emergency accommodation	45	45	-	-	45	Green	Project is on track
17	CWB	KSP-CWB-009	Reducing Health Inequalities	Provision of Community Perinatal Nurse 0-19 years Commissioned Services	55	55	-	-	55	Green	Project is on track
18	CYP	KSP-CYP-001	Supporting Communities	Scale up of the Accelerated Support Team	337	106	231	-	106	Green	The funding is to be used for recruiting additional AST team members for 18 months from Summer 2021 - March 2022. Recruitment is in process for 2 additional Social workers , a practice lead and a gangs /reduction in violence officer. The operational plan for AST has been updated to reflect a different way of working. Information is being shared across appropriate teams to facilitate referrals of vulnerable young people where they will benefit from intensive intervention.

	A	B	C	D	E	F	G	H	I	J	K
19	CYP	KSP-CYP-002	Supporting Communities	West London Fostering Collaboration Project	58	23	35	-	23	Green	The resource is being used to fund cross-borough co-ordination through 2 consultants, who have produced a large amount of research activity, consultation work and background planning. The next stage is to decide with the 3 other boroughs (Harrow, Ealing, Hounslow) the extent of the proposed collaboration and for an implementation plan to be agreed, with operational changes ready to commence from April 2023. Brent continues to chair steering group activity'.
20	CYP	KSP-CYP-003	Supporting Communities	The Gordon Brown Centre (GBC)	200	100	100	-	100	Green	Project group has been established. Workshops have been held with professionals and young people to design pilot projects. Commissioning of a pilot for assessments is underway.
21	CYP	KSP-CYP-004	Supporting Communities	Development of a post-16 skills resource centre for young people with SEND	146	50	96	-	50	Green	Consultants Social Finance have been awarded the contract and the funding for 2021/22 would be to fund project management costs and for the feasibility study on the horticultural centre.
22	CYP	KSP-CYP-005	Reducing Health Inequalities	Mental Health Support Teams in schools	270	270		-	270	Green	Expansion of the current service offer through Anna Freud is planned for the Autumn term. Mental Health Support Teams in schools pilot programme (covering both primary and secondary schools) is expanding with an additional Team from January 2022. Pilot mental health support in schools offer is being developed with Brent secondary schools who do not yet have access to a MHST, for a gradual roll out which began during the Autumn term. Specialist pre diagnostic support is being commissioned since October 2021.
23	CYP	KSP-CYP-006	Reducing Health Inequalities	Community based peer support	180	180		-	180	Green	Mapping is underway with health providers of identified young people who need additional support and can't access CAMHS. Proposals are being linked to Brent local voluntary sector provision and the work being undertaken in the BCAP steering group regarding proposals on targeted peer support.
24	CYP	KSP-CYP-007	Supporting Communities	Education recovery	520	420	100	-	420	Green	Project is on track. Spend proposals include: Establishment of Recovery Practice Leaders network in every Brent School. Digital and evidence based recovery initiatives and curriculum enrichment. To fund a year-long programme of evidence-based education recovery action in Brent schools: evidence based recovery based on priority groups and vulnerable children. To fund a year-long programme of evidence-based education recovery action in Brent schools: curriculum enrichment.

	A	B	C	D	E	F	G	H	I	J	K
25	R&E	KSP-R&E-001	Green and environmental Recovery	Transfer of Waste Disposal team from Veolia	150	-	150	-	-	Green	Discussions with Veolia regarding a staff transfer will commence in 2022 once internal structures have been re-aligned and appropriate management arrangements for this incoming team have been established. The work to reduce waste continues, nevertheless, as this is an established core area of work for the contractor.
26	R&E	KSP-R&E-002	Green and environmental Recovery	SEN Transport	300	100	200	-	100	Green	Project is on track to appoint consultant/Individual to undertake review with the Programme concluding and providing recommendations for change.
27	R&E	KSP-R&E-003	Supporting Businesses	Brent Works	500	338	163	24	338	Green	Project on track, finalising tender specifications to commission element of the projects, other elements to be delivered by Brent Works.
28	R&E	KSP-R&E-004	Supporting Businesses	Wembley High Street Recovery	3,600	3,445	155	609	3,445	Green	£600k is earmarked for revenue expenditure to support improvements to shop fronts, meanwhile space, events, training, comms etc is progressing as planned but requirement for detailed agreements with shop owners will defer some spend to 2022-23.  Trial hole testing has been undertaken and this has identified opportunities for cost reduction and time-savings. Visualisation plans for the improvements are being prepared. A materials palette has been agreed and these materials have been order. Delivery took place in October and work has since commenced on phases 1-3 with an April completion still anticipated. Project engineers have been appointed and a project governance structure is established.
29	R&E	KSP-R&E-005	Green and environmental Recovery	Public Realm Priorities 2021-22	3,290	2,354	936	-	2,354	Green	A programme is agreed with Gristwood and Toms for the removal of tree stumps. This will be a 12 month programme and is on track.  Veolia have been unable to progress the requirement to apply additional drivers, operatives and vehicles to the proposed initiatives around enhanced cleansing. This is due to the national shortage of HGV drivers, however the situation is now improving.  A tender is advertised for a continuation of the jet patching work that is proposed to resolve pot-hole issues across the borough. This has seen a contractor deployed for a four month period since the end of September. Work to create an additional Neighbourhood grouping of wards is completed, with appointments made to an additional Neighbourhood Manager post, and other waste enforcement posts.  Additional footways have been identified for improvement as part of the asphalt programme. These will be actioned by way of a continuation of that programme once current work is completed.
30	R&E	KSP-R&E-006	Supporting Communities	Gang and Violent Crime Impact and awareness training	35	35	-	-	35	Green	Programme development is on track.
31	R&E	KSP-R&E-007	Supporting Communities	Knife bins	19	19	-	-	19	Green	Locations have been agreed, and we are working with a provider of the bins to move forward. Project is on track.
32	R&E	KSP-R&E-008	Supporting Communities	Deployment of WCCTV Units and 6 ANPR cameras	129	129	-	-	129	Green	Order of new CCTV units and ANPR has been made and we await delivery.

	A	B	C	D	E	F	G	H	I	J	K
33	R&E	KSP-R&E-009	Supporting Businesses	Church end	2,800	788	2,012	6	788	Green	Project and budget planning has been completed on economic development activities. A gphant chart will be completed imminently as well as a risk analysis with mitigations. A streetscene design is being prepared. This will require a review of parking and loading arrangements. Consultation with the community will be required to inform the design and the materials. A 10-12 week lead is required for the supply of materials so that work can commence in April 2022.
34	Total				17,591	10,368	7,223	709	10,368		

	<b>Cabinet</b> 17 January 2022
	<b>Report from the Director of Finance</b>
<b>Treasury Management Mid-Year Report 2021-22</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	One Appendix 1: Treasury Management Indicators
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Amanda Healy Head of Finance Email: amanda.healy@brent.gov.uk Tel: 020 8937 5912  Homun Bui Senior Finance Analyst Email: Homun.Bui@brent.gov.uk Tel: 020 8937 3745

## 1.0 Purpose of the Report

- 1.1 This report updates Members on treasury activity for the first half of the financial year 2021-22.

## 2.0 Recommendation(s)

- 2.1 Cabinet is asked to note the 2021-22 Mid-Year Treasury report and ask that it be forwarded to Council, in compliance with CIPFA's Code of Practice on Treasury Management (the Code).

## 3.0 Detail

## **Background**

- 3.1 The Council's Treasury Management Strategy is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year.
- 3.2 The Code also recommends that Members be informed of Treasury Management activities at least twice a year. This update report therefore ensures this authority is embracing best practice in accordance with CIPFA's recommendations.
- 3.3 Treasury Management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 3.4 In addition to reporting on risk management, the Code requires the Council to report on any financial instruments entered into to manage treasury risks.

## **Economic Background**

- 3.5 The economic recovery from coronavirus pandemic continued to dominate the first half of the financial year. By the end of the period over 48 million people in the UK had received their first dose of a COVID-19 vaccine and almost 45 million their second dose.
- 3.6 The Bank of England (BoE) maintained Bank Rate at 0.1% and its Quantitative Easing programme at £895 billion. In its September 2021 policy announcement, the BoE noted it now expected the UK economy to grow at a slower pace than was predicted in August, as the pace of the global recovery had shown signs of slowing and there were concerns inflationary pressures may be more persistent.
- 3.7 Bank expectations for GDP growth for the third (calendar) quarter were revised down to 2.1% (from 2.9%), in part reflecting tighter supply conditions. The path of CPI inflation is now expected to rise slightly above 4% in the last three months of 2021, due to higher energy prices and core goods inflation.
- 3.8 Government initiatives continued to support the economy through the first half of the financial year but came to an end on 30th September 2021, with businesses required to either take back the 1.6 million workers on the furlough scheme or make them redundant.
- 3.9 In the three months to July, the unemployment rate fell to 4.6%. The employment rate increased, and economic activity rates decreased, suggesting an improving labour market picture. Latest data showed growth in average total pay (including bonuses) and regular pay (excluding bonuses) among employees was 8.3% and 6.3% respectively over the period. However, part of

the robust growth figures is due to a base effect from a decline in average pay in the spring of last year associated with the furlough scheme.

- 3.10 Annual CPI inflation rose to 3.2% in August, exceeding expectations for 2.9%, with the largest upward contribution coming from restaurants and hotels. The Bank of England now expects inflation to exceed 4% by the end of the calendar year owing largely to developments in energy and goods prices. The Office of National Statistics' (ONS') preferred measure of CPIH which includes owner-occupied housing was 3.0% year/year, marginally higher than expectations for 2.7%.
- 3.11 The Federal Reserve maintained the Fed Funds rate at between 0% and 0.25% but announced a change to its inflation-targeting regime. The European Central Bank maintained its base rate at 0% and deposit rate at -0.5%.
- 3.12 The 5-year UK benchmark gilt yield began the financial year at 0.36% before declining to 0.33% by the end of June 2021 and then climbing to 0.64% on 30th September. Over the same period the 10 year gilt yield fell from 0.80% to 0.71% before rising to 1.03% and the 20-year yield declined from 1.31% to 1.21% and then increased to 1.37%.
- 3.13 The movement in standard rates at which local authorities can borrow from the Public Works Loans Board (PWLB) on maturity loans is shown in the table below including the highest and lowest rates during the period.

#### **PWLB Rates %**

Period	Mar-21	Jun-21	Sep-21	Period Low	Period High
1 year	0.98	1.03	1.10	0.95	1.18
5 year	1.36	1.38	1.43	1.25	1.62
10 year	1.85	1.86	1.80	1.59	2.01
20 Year	2.29	2.28	2.15	1.93	2.44
30 year	2.33	2.30	2.14	1.92	2.46

#### **Debt Management**

- 3.14 Local authorities can borrow from the PWLB provided they can confirm they are not planning to purchase 'investment assets primarily for yield' in the current or next two financial years, with confirmation of the purpose of capital expenditure from the Section 151 Officer. Councils that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing. The Council is not planning to purchase any investment assets primarily for yield within the next three years and so is able fully access the PWLB.
- 3.15 Competitive market alternatives may be available for Councils with or without access to the PWLB. However, the financial strength of the individual Council

and borrowing purpose will be scrutinised by commercial lenders. Further changes to the CIPFA Prudential Code expected in December 2021 are likely to prohibit borrowing for the primary purpose of commercial return even where the source of borrowing is not the PWLB.

- 3.16 The settlement time for a PWLB loan has been extended from two working days (T+2) to five working days (T+5). In a move to protect the PWLB against negative interest rates, the minimum interest rate for PWLB loans has also been set at 0.01% and the interest charged on late repayments will be the higher of Bank of England Base Rate or 0.1%.
- 3.17 The Infrastructure Bank which is wholly owned and backed by HM Treasury has earmarked £4bn for lending to local authorities. The availability of this lending, for which there will be a bidding process, is yet to commence. Loans will be available for qualifying projects at gilt yields plus 0.6%, which is 0.2% lower than the PWLB certainty rate
- 3.18 The Municipal Bonds Agency (MBA) is working to deliver a new short-term loan solution, available in the first instance to principal local authorities in England, allowing them access to short-dated, low rate, flexible debt. The minimum loan size is expected to be £25 million. Importantly, local authorities will borrow in their own name and will not cross guarantee any other authorities.

The table below demonstrates no new long term loans have been raised so far this year:

	Balance on 01/04/2021	Debt repaid*	New Borrowing	Balance on 30/09/2021
	£m	£m	£m	£m
Short Term Borrowing	117.0	70.0	10.0	57.0
Long Term Borrowing	542.1	6.6	0.0	535.5
<b>TOTAL BORROWING</b>	<b>659.1</b>	<b>76.6</b>	<b>10.0</b>	<b>592.5</b>
Average Rate of Borrowing %	3.3%	0.3%	0.3%	3.6%

*\* £91.1m of the PWLB loans are referred to as EIP, whereby the Councils pays down the loans in half-yearly equal installments over the lifetime of the loan. The marginal increase in the average interest rate can be attributed to the Council paying back its EIP loans and short-term borrowing. This is because the EIP loans have a much lower average interest rate of 1.79% and the short-term borrowing had an average interest rate of 0.20% compared with the rest of the debt, which is 5.13%.*

- 3.19 The Council's main objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective.
- 3.20 In keeping with these objectives, new external borrowing was kept to a minimum of £10m to meet cash flow requirements. This strategy enabled the Council to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. With short-term interest rates remaining much



lower than long-term rates and temporary investments earning Bank Rate or lower, the Council considered it more cost effective in the near term to use internal resources and borrowing short-term loans to manage cash flow.

- 3.21 The Council has an increasing Capital Financing Requirement due to the elements of the capital programme funded by borrowing. An estimated borrowing requirement is determined by the liability benchmark, which takes into account the Council's usable reserves, planned capital expenditure and minimum revenue provision. This has shown that further borrowing of £60m will be required during 2021/22.
- 3.22 PWLB funding margins have remained relatively low in the first half of 21/22, there has been no evidence that lower rates can be achieved through alternative sources of funding. Given the low rates of borrowing, the Council will also consider forward funded deals in order to secure low rates. The Council will continue to monitor alternative sources of funding and pursue the lower cost solutions and opportunities as they arise. The Council will evaluate and pursue these lower cost solutions and opportunities as they arise and will look to take advantage of the low borrowing rates for the HRA to provide certainty for its business plan.
- 3.23 The persistence of low interest rates (see para 3.13) means that it would be uneconomic to reschedule PWLB debt, because early repayment of the loan would incur a heavy penalty, to compensate the PWLB for having to lend the money on at lower rates. The cost of re-financing our loans under the Government's approach means is not economical however, this analysis might change if interest rates returned to higher levels.
- 3.24 The Authority continues to hold £70.5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate as set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during the quarter.

### **Treasury Investment Activity**

- 3.25 The Council holds invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Council's investment balances ranged between £152.9m and £42.5m due to timing differences between income and expenditure.
- 3.26 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 3.27 The Council's investment position is shown in the table below.

	Balance on 01/04/2021 £m	Investments Repaid £m	Investments Made £m	Balance on 30/09/2021 £m
Debt Management Account Deposit Facility	0.0	0.0	0.0	0.0
Money Market Funds	82.7	331.3	314.3	65.7
<b>TOTAL INVESTMENTS</b>	<b>82.7</b>	<b>331.3</b>	<b>314.3</b>	<b>65.7</b>
Average Rate of Investments	0.01%	0.01%	0.02%	0.02%

- 3.28 The Council held most of its cash in Money Market Funds. The return on Money Market Funds net of fees also fell over the six months and for many funds net returns range between 0% and 0.3%. In many instances, the fund management companies have temporarily lowered or waived fees to maintain a positive net return.
- 3.29 On 30th September the overnight deposit rates on Debt Management Account Deposit Facility (DMADF) deposits dropped below zero percent to -0.015% due to a fall in the Q3 Gilt markets. The rate was 0.01% for all other longer maturities. All rates returned to 0.01% the following day. The Council did not incur any negative interest rate during the first half of 2021/22.
- 3.30 The inter-local authority market has remained above zero throughout the first half of the year but rates have remained extremely low. There is limited availability for investments with local authorities for less than one-month so the Council utilised money market funds to manage these short-term differences between income and expenditure.
- 3.31 There was a £17m downward movement in short-term investments as short-term borrowing matured throughout the first half of the year. Investment balances are expected to remain low over the next 6 months as the Council's internal resources have been utilised and new borrowing is required. The Council is reviewing its borrowing options which may include short-term loans, PWLB borrowing and forward borrowing.
- 3.32 Security of capital has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2021/22. In accordance with the policy, new investments can be made with the following classes of institutions:
- A+ or above rated banks;
  - AAA rated Money Market Funds;
  - Other Local Authorities;
  - Housing Associations;
  - UK Debt Management Office;
  - Corporate Bonds
  - Collective Investment Schemes (Pooled Funds)
  - Real Estate Investment Trusts

A short summary of the investment products available to the council along with an indication of relative risk is provided below:

- 3.33 The table below shows the different assets classes available to the council for its investment portfolio together with the major driver of the return and a summary of the key risks for each asset class.

Asset Classes (approx. return)	Cash (0.3%)	Bonds (1.0%)	Equities (4.0%)	Property (3.25%)
Income driven by	Short term interest rates	Medium term interest rates	Dividends / share prices	Rental income / vacancies
Key Risk(s)	Bank defaults	Company defaults	Company performance and perception of future performance	Property prices, least liquid asset class

- 3.34 Detailed consideration of the other asset classes would need to be undertaken by the Council prior to investment in conjunction with its treasury advisors. However, investments in Equities and Property classes tend to be considered over a longer time frame, which are not currently suitable for the Council given its significant capital spending plans.

### Risks

- 3.35 Regardless of the approach taken, the Council will be required to manage significant risks in relation to its treasury investment portfolio. Some key risks are: -

- Liquidity risk - that is the council having funds tied up in long-term investments when it needs to use that money. Increasing the duration of fixed cash deposits increases liquidity risk, however this can be mitigated through good cash flow management.

Mitigation – see Prudential Indicator 2 – Appendix 1

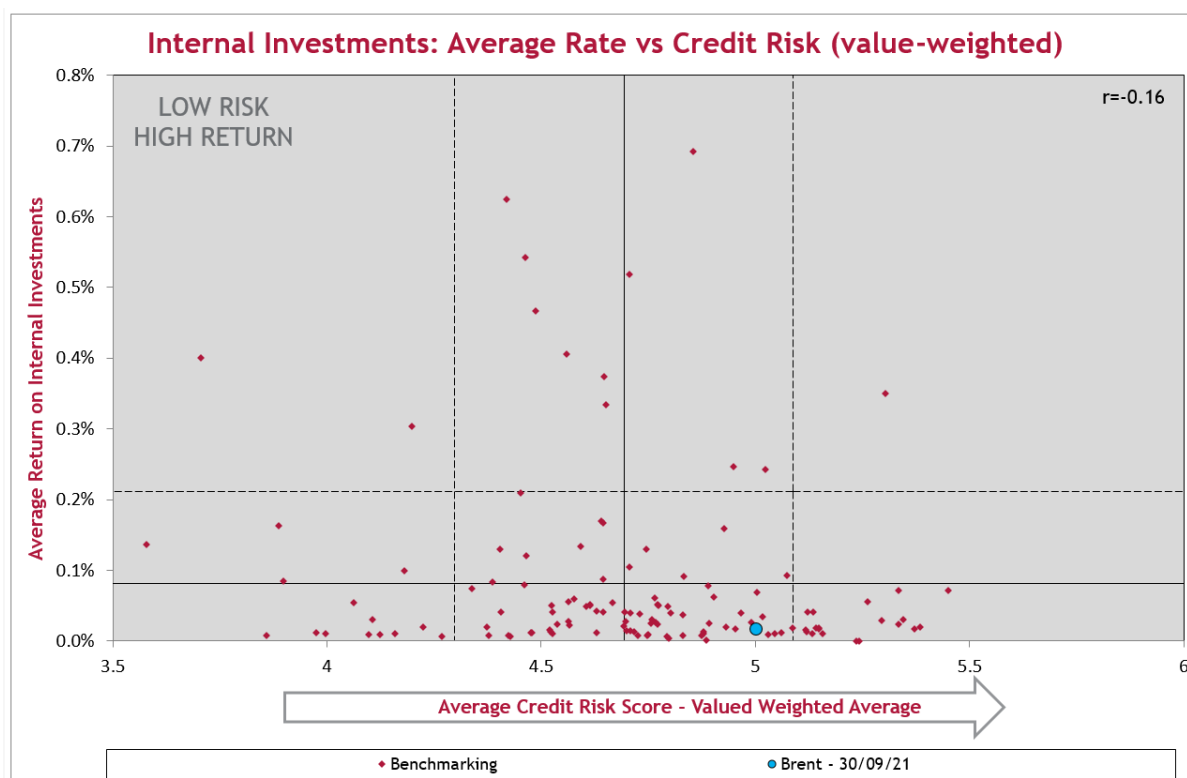
- Credit risk - the risk that a bank or other institution will not be able to pay back the money invested with it. For longer term investments, the council is more exposed to credit risk. Should a counterparty's credit worthiness change, the council may not be able to get all their money back or may face heavy penalties if it can do so.

Mitigation – see Prudential Indicator 1 – Appendix 1

- Interest rate risk – the risk of the council's budget being affected by unforeseen changes in interest rates. Longer term cash deposits increase this risk and will negatively affect the council should interest rates rise. On the other hand, the council may benefit should interest rates fall.

### Benchmarking to other councils

- 3.36 The graph below shows a comparison between Brent's investment portfolio and that of Arlingclose's (the Council's treasury advisor) other Local Authority clients. Brent's portfolio has a very low risk profile compared with many of the others and has a much shorter dated, which also equates to a lower yield. However, many authorities are to the left of Brent, obtaining similar yields for much higher risk.



- 3.37 A credit rating of 4 is equivalent to credit score of AA-. The Council has a target rating of A which is a rating of 6. The current portfolio has a credit rating of A+ (Credit score 5) which exceeds our target rating.

### Budgeted Income And Outturn

- 3.38 The Council's external interest budget for the year is £23.6m, and for investment income is £6.6m. The average cash balances, representing the Council's reserves and working balances, were £107m during the period to 30 September 2021. The Council expects to receive significantly lower income from its cash and short-dated money market investments than it did in 2020/21 and earlier years due to the low interest rate environment and the immediate cash requirements, which only allow for short-term investments. Dividends and income paid will ultimately depend on many factors including but not limited to the duration of COVID-19 and the extent of its economic impact.

## **Compliance**

- 3.39 Officers confirm that they have complied with its Treasury Management Indicators for 2021/22, which were set in February 2021 as part of the Council's Treasury Management Strategy Statement (TMSS). Details can be found in Appendix 1.

## **Summary**

- 3.40 In compliance with the requirements of the CIPFA Code of Practice, this report provides Members with a summary report of the treasury management activity during the first half of 2021/22. As indicated in this report, none of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

## **4.0 Financial Implications**

- 4.1 These are covered throughout the report.

## **5.0 Legal Implications**

- 5.1 There are no direct legal implications.

## **6.0 Equality Implications**

- 6.1 No direct implications.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 None.

## **8.0 Human Resources/Property Implications**

- 8.1 No direct implications.

### **Related Document:**

Treasury Management Strategy – Report to Full Council as part of the Budget Report – February 2021.

### **Report sign off:**

**Minesh Patel**  
Director of Finance

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## Appendix 1

### Treasury Management Indicators

**Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

1. Credit risk indicator	Target	Actual
Portfolio average credit rating	A	A+

**Liquidity :** The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling [three] month period, without additional borrowing.

2. Liquidity risk Indicator	Target	Actual
Total cash available within 3 months	£20m	£66m

**Interest Rate Exposures:** This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interest rates will be:

3. Interest rate risk indicator	Limit	Achieved
Upper limit on one-year revenue impact of a 1% rise in interest rates	£5m	£0.1m
Upper limit on one-year revenue impact of a 1% fall in interest rates	£5m	£0.1m

*The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at current rates.*

**Maturity structure of borrowing:** This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Maturity Structure of Fixed Rate Borrowing	Upper Limit	Lower Limit	Actual Fixed Rate Borrowing as at 30/09/21	% Fixed Rate Borrowing as at 30/09/21	Compliance with Set Limits?
	%	%	£m		
Under 12 months	40	0	53.0	9%	Yes
12 months and within 24 months	40	0	5.0	1%	Yes
24 months and within 5 years	40	0	0.0	0%	Yes
5 years and within 10 years	60	0	0.0	0%	Yes
10 years and within 20 years	75	0	148.4	25%	Yes
20 years and within 30 years	75	0	101.9	17%	Yes
30 years and within 40 years	75	0	223.7	38%	Yes
Over 40 years	75	0	60.50	10%	Yes


*Time periods start on the first day of each financial year. LOBOs are classified as maturing on the next call date i.e. the earliest date that the lender can require repayment.*

**Principal sums invested for periods longer than a year:** The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

The limits on the long-term principal sum invested to final maturities beyond the period end will be:

Principal sums invested for periods longer than a year:	Principal invested beyond 21/22 year end	Principal invested beyond 22/23 year end	Principal invested beyond 23/24 year end
Limit	£50m	£50m	£50m
Actual sums invested for longer than a year	£0	£0	£0



	<b>Cabinet</b> 17 January 2022
	<b>Report from the Assistant Chief Executive</b>
<b>2021/22 Quarter 2 (July – September) Performance Report</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix A: Corporate Performance Scorecard
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Lorna Hughes Head of Strategy and Partnerships Tel: 020 8937 5068 Email: lorna.hughes@brent.gov.uk

## 1.0 Purpose of the Report

- 1.1 This report and the performance scorecard (**Appendix A**) set out the position on the Council's performance in the second quarter of 2021/22. The content and format of the report and scorecard have been constructed to focus primarily on the Council's Borough Plan: Building a Better Brent (2021-2022), and its priorities.
- 1.2 This report will provide Cabinet with a corporate overview of performance in key Borough Plan priority areas, to support informed decision-making and to manage performance effectively.
- 1.3 The Borough Plan: Building a Better Brent 2021-22 refresh was agreed by Full Council in February 2021. This refresh updated the Borough Plan 2019-23. It provides a strategic picture of where the Council would like to be by 2022 and how it intends to get there. The Borough Plan has five overarching strategic priorities, each with detailed desired outcomes. To assist in the delivery of these outcomes, specific key activities have been identified - there are known as annual Delivery Plan Priorities.
- 1.4 The five priorities set out in the Borough Plan (2021-22) and their desired outcomes are as follows:

- Every opportunity to succeed:
  - Improvement in Key Stage results for boys of Black Caribbean heritage, looked-after children and care leavers
  - High-level skills achievement
  - Increase in average wage
  - Increased opportunities for children and young people to succeed
- A future built for everyone, an economy fit for all:
  - Increased levels of labour market participation and training support
  - Increase in inward investment achieved via the council
  - Adopt our new Local Plan, setting out our vision, priorities and areas for future development in the Borough.
  - Increase in housing supply
  - Reduction in the number of households in temporary accommodation
  - Reduction in number of people who are homeless in the Borough and effective support for those who are homeless
  - Keep traffic moving and our roads and pavements in good repair
- A cleaner, more considerate Brent:
  - Considerable and measurable progress made in reaching net zero carbon emissions, improving air quality and reducing fuel poverty
  - A cleaner more attractive borough
- A borough where we can all feel safe, secure, happy and healthy:
  - Reduction in anti-social behaviour, the risk of harm and re-offending
  - Reduction in violent crime, including gang and knife crime
  - Support our most vulnerable adults, enabling them to choose and control the services they receive, to remain independent and lead active lives
  - Improve the health of Brent residents and reduce health inequalities
  - Make Brent a place where culture is celebrated and vibrant
- Strong foundations:
  - Address digital exclusion and enable residents to get online
  - Making every pound count
  - Building services around residents and their needs
  - Increase in resident satisfaction
  - Increase in resident involvement

1.5 The Corporate Performance Scorecard (Appendix A) sets out the suite of key performance indicators (KPIs) being monitored corporately.

1.6 Where data is not provided, the following apply:

- The measure is annual
- The data is not yet available due to seasonal services and data collection
- The data has not yet been released by a partner organisation e.g. NHS, Met Police etc.

## **2.0 Recommendation(s)**

2.1 Cabinet has been asked to:

- a. Note the performance information contained in the new format performance report.
- b. Consider the current and future strategic risks associated with the information provided and agree remedial actions on strategic risks as appropriate.
- c. Challenge progress with responsible officers as necessary.

### **3.0 Detail**

#### The Policy and Performance Framework

- 3.1 A new performance framework has been developed for 2021/22 that sets out how the council will manage its performance from the start of the year. The new framework ensures focus on delivering improved outcomes by driving improvement throughout the organisation. The performance framework covers:

Tier 1 – the Borough Plan and delivery plan (refreshed)

Tier 2 – key corporate strategies and plans: Black Community Action Plan, Equality Strategy, Poverty Commission, Climate Emergency Strategy and Joint Health and Wellbeing Strategy (in development).

- 3.2 The framework has been developed with a number of principles in mind:
- There should be a clear golden thread from the Borough Plan to front line delivery
  - The Borough Plan and key strategies/plans are interlinked and cross-referenced
  - Performance measures must be proportionate and meaningful, and include the use of 'journey' indicators to demonstrate progression.
- 3.3 The new framework introduces a new performance-reporting tool (SPINE). SPINE has been developed in house and uses Power BI to store and generate reports. The new tool includes increased automation and reporting capabilities. The benefits of the new tool are:
- Increased accuracy
  - Undemanding data collection process which eradicates multiple data requests
  - Customised reporting using Power BI to cater for all levels of reporting and detail.
  - All departments can use the data repository to build their own dashboards and reports.

#### Borough Plan indicators

- 3.4 Overall, there are currently 62 Borough Plan key indicators in the Q2 performance scorecard. During this quarter, there has been a 40% reduction in the number of Red ratings from Q1. There are now 6 Red ratings across all services (Borough Plan measures only), reduced from 10 in Q1.

Department	Q1 2021-22	Q2 2021-22	Trajectory
Chief Executive	0	0	→
Children & Young People	0	1	↑
Community Wellbeing	6	4	↓
Customer & Digital Services	1	0	↓
Regeneration & Environment	3	1	↓

3.5 KPIs are rated Red, Purple, Amber or Green depending on their performance:

- Green KPIs have met or exceeded their target
- Amber KPIs are between 0.01% and 5% outside of their target
- Red KPIs are 5% or greater outside of their target
- Purple KPIs are new – they show performance outside of target, but performance is directly attributable to the impact of the Covid-19 pandemic.

Of the 62 Borough Plan indicators for Q2:

- 30 are on or above target (green)
- 5 just off target (amber)
- 6 off target (red)
- 2 are off target due to Covid-19 (purple)
- 16 provide contextual information
- Corporate performance is awaiting data from CWB on 3 indicators.

Internal business performance indicators

3.6 An additional 14 internal business indicators are included in the corporate performance scorecard.

- 2 are on or above target (green)
- 2 just off target (amber)
- 7 off target (red)
- 1 is off target due to Covid-19 (purple)
- 2 indicators provide contextual information

3.7 A summary of performance is outlined in the following sections

**Every opportunity to succeed**

**Amber, green and contextual KPIs**

3.8 5 local apprenticeships or work experience opportunities for disadvantaged groups and young people through SVEPP (Social Value and Ethical Procurement Policy) have been secured in Q2 giving this new measure a Green rating. These are the first placements confirmed for this year. The Procurement team continue to work with directorates and delivery partners to ensure placements or apprenticeship opportunities consider social value as an additional benefit when procuring.

3.9 The percentage of care leavers aged 19-21 in education, employment or training (EET) continues to perform above target levels in Q2 at 65%, against a target of 57%. The Leaving Care Teams and Prospects have been undertaking targeted work to help young people move into EET. The consequence of their work is another positive outturn that is higher than the same period last year.

- 3.10 There have been another 77 Employment and Apprenticeship outcomes through Brent Works resulting in a year to date achievement of 162 against a target of 120. The service has performed exceptionally well once again and has built on the positive outcomes from Q1. An encouraging 18 apprenticeship placements are included in the Q2 outturn. The mid-year outturn is a vast improvement in comparison to this time last year when the actual was 56.
- 3.11 The number of students enrolled on Brent Start courses at the end of Q2 has also performed well with 5,041 positive outcomes against a target of 5,000. Almost 4,000 outcomes were delivered through Adult Skills learning and the remainder through Community learning and non-funded learning schemes. This is the final figure for the academic year 2020-21.
- 3.12 The percentage of Looked After Children (LAC) in education, employment or training (EET) has ended Q2 at 71% (contextual). There are currently 37 NEET young people, all of whom are working with the Post-16 life coach and Prospects job coaches. Brent Virtual School is continuing to work closely with Prospects to support young people into EET.

### **A future built for everyone, an economy fit for all**

#### **Red and purple KPIs**

- 3.13 Performance for the voids indicators are both outside of target. However, the voids recovery plan has had a considerable impact on the turnaround time and therefore outturns for both minor and major voids has shown vast improvements from Q1 with the average re-let times for minor voids dropping from 121.2 days to 67.5 days. Monthly data shows incremental improvements and the service expects to be on target by Q3.
- 3.14 18 affordable homes have now been delivered by i4B this year against a Q2 target of 30. Purchases to date have been below target. However, there is a healthy number of properties in the pipeline with 8 properties due to complete, 16 in Development Approval (DA) and a further 27 properties in conveyancing.
- 3.15 The performance of Category 2 highways defects repaired on time continues to perform outside of target levels but has shown improvement from Q1 with the Q2 outturn reported at 67.9% against a target of 90%. Performance has improved greatly during this quarter, however, a number of repairs are still falling outside the 7 & 28 day timescales and this is bringing the monthly performance scores down as late repairs often fall into the following months' scoring. There are a number of reason for late repairs and some are outside the contractor's control, such as abortive visits due to obstructions, such as park cars or sensitive routes requiring additional traffic management. The department continue to work with the contractor to interrogate late and outstanding repairs. They will also require the contractor to highlight issues early so they can consider appropriate action and ensure defects that should be repaired on time meet the set timescales.

#### **Amber, green and contextual KPIs**

- 3.16 The number of households in temporary accommodation has reduced once again in Q2 continuing its positive trend (actual YTD – 1,646 against target – 1,626) giving it an Amber rating. A very ambitious target of 1,400 households

in TA has been set as a year-end target and it is important to note that the service has seen an increase in the number of people needing temporary accommodation. Hence, achieving a continued reduction is a demonstration of excellent work the service does. The supply of social housing is a significant factor in achieving this target and quarterly milestones will therefore be affected by the delivery of new build accommodation. There are new developments due to be delivered in Q3 and Q4, and coupled with the continued prevention of homelessness work, officers are confident that this target will be achieved.

- 3.17 3,484 Houses of Multiple Occupation are now licensed in Brent, against a target of 3,500 thus achieving a Amber rating for Q2. The department continue to see a steady flow of licence applications being made each month with 99 new or renewal applications being made in September alone. With additional enforcement action and increased communications, it is expected that an increase in the number of HMO applications will be processed for the remainder of the year.
- 3.18 75 affordable homes have been delivered by external partners (including S106) against a target of 77. This is a vast improvement from Q1 and highlights the steady progress the department continues to make working with external partners. The Council is currently predicting development of 6064 new affordable homes over the period 2019-2024 exceeding the target by 4000 over the period in question.
- 3.19 At the end of Q2, 854 new council homes have now been delivered giving the measure a Green rating against a year to date target of 800. The Council has one of the largest and ambitious programmes in London and is predicting a total of 1047 homes being completed by end 2024.
- 3.20 The number of empty properties refurbished and brought back in to use within the borough at the end of Q2 is 45, against a target of 45 giving it a Green rating and showing good progress from Q1 (16). Empty property cases continue to be processed and the department are in line with the Q2 profile figure. Nevertheless, the rental market is volatile and they are seeing a number of developers who have applied for Empty Property Grants pulling out of the scheme at the last minute. Nevertheless, Housing are confident that they will achieve the end of year target.
- 3.21 The percentage of homelessness prevented and relieved is performing above target (64.5% as against a target of 50%) showing further improvement from Q1. Prevention numbers remain high due to proactively working with households who are threatened with homelessness through initiatives such as the Find Your Home scheme and proactively contacting households who have applied for financial assistance during the pandemic.
- 3.22 1,582 students have participated in a Brent ESOL course during this academic year (2020-21), against a target of 1,500. The figure shows continued improvement in this area and highlights the willingness of residents to take part in such services.
- 3.23 The number of employment outcomes in growth sectors through Brent employment services is performing extremely well against with an actual of 57. 29 of these were secured in Q2 alone. These outcomes continue to be

achieved in digital tech, pharmaceutical, construction, creative and health and social care.

- 3.24 The number of local suppliers we use in Brent is also performing above target levels, with an outcome of 22.5% against a revised target of 20%. The Council's work in engaging with the local supplier base is beginning to realise benefits with more suppliers who bid having a successful outcome and being awarded a contract.
- 3.25 The amount of CIL collected to date is £4,657,208 (contextual). The year to date figure excludes money received during the Oracle Cloud switch over period. The CIL received is collected when developments commence, which is out of the Council's hands.

### **A cleaner, more considerate Brent**

#### **Red and purple KPIs**

- 3.26 An average of 133.3 kilograms of residual household waste was collected per household in Q2, bringing the YTD average to 271.9kg against a target of 240kg. The Covid-19 remote working and furlough arrangements have caused more residents to be at home more of the time. This means waste which would normally end up in the commercial waste stream from offices and restaurants has moved to the residential waste stream to be collected by Brent Council. This situation will continue to be monitored closely by both officers and contractor. Additionally, a piece of work is underway for the Brent Climate Festival and plans for RLS may also impact on household attitudes to waste.

#### **Amber, green and contextual KPIs**

- 3.27 101 electric vehicle-charging points have now been installed across the borough against a planned YTD target of 100, rating this indicator Green for the first time. The delay reported earlier in the year due to technical issue with equipment has now been resolved. The remaining planned installations will be completed by December and it is anticipated that all EVCPs will be live by mid December 2021.
- 3.28 The number of apprentices working towards qualifications in the green circular economy is a new measure for this year. Performance is above target, with actual performance of 16 against a target of 10. A further 2 apprentices have been recruited for commencement in Q3. The majority of these are green apprenticeships linked to the construction industry.
- 3.29 1,094 waste cases have been investigated during Q1 and Q2 that have led to enforcement actions. This is a very positive start to the year and number of cases investigated and actioned this year has already exceeded last year's number of 506.
- 3.30 There have been no further trees planted in streets and public spaces during Q1. Tree planting is seasonal and is usually undertaken from October to March, so no trees will be planted in the first and second quarters of the year.

### **A borough where we can all feel safe, secure, happy and healthy**

### **Red and purple KPIs**

- 3.31 The percentage of children becoming subject to a Child Protection plan for a second or subsequent time is reported at 20% and is higher than its target of 12%. However, the YTD figure highlights a reduction from the 23% reported in Q1. The increase in the percentage of repeat child protection plans reflects that multiple vulnerability factors for families, including parental mental health and drug and alcohol misuse, have increased during the COVID-19 pandemic, leading to escalations in risk and need. Repeat CP Plans are being closely monitored by Child Protection Advisors to ensure appropriate actions are taking place and that support is in place for families place.
- 3.32 The rate of referrals per 10,000 children has a Red rating for Q2 with an actual YTD figure of 298.7 against a target of 270. The rate of referrals is higher than at the same time last year, with an increase in referrals seen since schools returned. Increased demand is being monitored closely to ensure there is sufficient capacity in the service to respond.
- 3.33 The number of new admissions to residential and nursing care homes for people aged 65+ (actual YTD – 87, target – 75) is also rated Red. Since April 2021, nursing home placements with NHS funding are in the process of transfer to Brent. Hence, there was a spike in cases particularly at the beginning of the year.

### **Amber, green and contextual KPIs**

- 3.34 The rate of Early Help Assessments and reviews completed per 10,000 children is just below the target rate of 135 with an actual of 132.5. The likelihood of achieving the year-end target is high. Recruitment activity has ensured that all keyworker vacancies have been filled and waiting lists for assessments are gradually being cleared.
- 3.35 Stability of placements of Looked After Children: three or more placement moves (percentage) (actual YTD – 10.6%, target – 12%) has moved from an Amber rating in Q1 to Green in Q2. Monthly placement stability meetings continue to identify, track and monitor closely children and young people who have had 2 or more placement moves to ensure that any placement stability risks are proactively managed.
- 3.36 The Child Protection rate per 10,000 children measure has performed well again in Q2, with an actual of 40.8 against a target of 45. The Child Protection Rate has remained the same as Q1 and remains below its YTD target.
- 3.37 The reoffending rate by young offenders per cohort has an YTD actual of 39.2% with the target set at 50% meaning the measure earns a Green rating. The re-offending rate continues to improve and is below the reported rate at the same time last year.
- 3.38 Both Public Health indicators are performing above target. 95% of new birth visits took place within 14 days (target – 95%) and were primarily delivered as virtual contacts. There has been a slight reduction in the uptake in Q2 as a result of staffing issues due to illness but uptake remains on target on a YTD basis.



- 3.39 The percentage of successful completions as a proportion of all opiate drug users in treatment was 6% (target – 4.8%). Brent services for opiate users continued to exceed the target and were maintained during the period. Clinical interventions, including secondary prescribing, are operating to ensure that services remain accessible and clinically safe.
- 3.40 A new culture indicator measures the increase in the number of people participating in heritage activity with an actual of 18,398 against a target of 15,000. Several successful in person events and the launch of a new exhibition that is in partnership with the National Portrait Gallery along with relaxations of Covid measures have made for good figures for in person activity. The NPG partnership has supported high digital figures through their marketing and social media support. The department have also purchased social media promotions during this quarter which has translated into attendance at events and high digital figures.
- 3.41 Increase in loans of physical and electronic stock from the libraries is performing well above target levels (actual YTD – 432,687, target – 259,212). Increase in social and physical cultural infrastructure in the borough: five meanwhile / temporary spaces secured for performance or artist studios through the NCHP programme is performing at the target level of 5. Although there has been no further movement on this measure in Q2, the NCHP programme is working towards bringing on up to three vacant units through the business transformation fund, animating the High Streets programme.
- 3.42 Delivery of specialist accommodation (property receiving enhanced housing management) is a new measure for 2021/22 (contextual). It is currently performing within target, with 21 units now delivered. The department are confident that the annual projections of 94 will be met with a plan in place for further schemes for the remainder of this year.

## **Strong foundations**

### **Amber, green and contextual KPIs**

- 3.43 Current rent collected as a percentage of rent due is at 97.6% giving it an Amber rating. Year to date rent collection is stable but not yet meeting the increased target. Collection rates have been affected by a delay in £100K of Housing Benefit being posted to accounts, which was linked to the changes in Oracle Cloud. This money will be posted in Q3.
- 3.44 Revenue income secured from our commercial portfolio is rated Green (actual YTD – £1,356,006, target – £1,300,000). Since Q1, the central debt recovery team have been collecting arrears and engaging with those affected by the pandemic closures to agree debt repayment plans. The team are also expecting a higher cash collection rate in coming months as the pandemic eases and businesses get back to normal trading.
- 3.45 Community Hubs continue to perform very well, with a further 2,486 residents accessing a hub in Q2 bring the YTD total to 4,822 against a target of 1,950. There was a slight increase in number of people accessing the Hubs in Q2 due face-to-face operations being provided 1 day a week at each Hub site with high demand alongside the phone service.

- 3.46 Performance has been above target level in increasing online service uptake as shown in the measure “25% increase in the number of transactions undertaken online across the website (non-logged in state) compared to 2020/21” (actual YTD – 227,939, target – 186,140). The inclusion of transactions in My Account has continued to create a natural uplift in the number of monthly transactions. Transactions were down over the summer period but this a typical seasonal fluctuation, as people tend to be away in the summer months. The website redevelopment programme will further address and improve the experience residents have when they complete a transaction online. As well looking to improve the design, navigation and ease of understanding, there is a significant strand of work underway to simplify and streamline how we design and publish online forms across the website and My Account.
- 3.47 The new social value Procurement indicator – hours contributed toward supporting/financial commitment for sponsorship of community-led initiatives [SVEPP] introduced for this year continues to perform well and it's YTD performance is above target levels (actual YTD – 23, target – 20).
- 3.48 The number of residents engaging with the participatory budgeting pilot is performing very exceptionally with 1,230 interactions now recorded. These include presentations to groups, one to one by email, phone and in person contacts. This is a positive start for the service and it is anticipated that engagement levels will continue to meet projected expectations throughout the year.
- 3.49 The number of people attending Brent Connects forums is now at 138 for the first two quarters of this year. In July, Brent Connects was attended by 102 residents, 10 LBB Staff and 26 Councillors. The meeting focused on the climate emergency that included a presentation from residents on the participatory budgeting programme. The department continue to make improvements to the experience and accessibility of online meetings and are developing a structure that increases inclusivity and provides a platform for residents to discuss what is important to them.
- 3.50 The number of referrals to food banks made through Brent Hubs at the end of Q2 is 1,745. The number of referrals being made to the foodbanks has levelled off in Q2 after consistently being over 300 referrals per month in the previous quarter. This can in part be attributed to the additional support that Hub advisors have been providing to residents by completing further assessments with those requesting food aid.

## **Internal Business**

### **Red and purple KPIs**

- 3.51 The average days taken to process new benefit claims and change events is again outside of target in Q2 of 8.7 days with an actual of 11.6 days giving it a Purple rating. The caseload has not reduced at the same level as the previous year on UC. The number of new claims and change in circumstances has increased dramatically, approximately three times more. The £20 reduction in welfare benefits, end of eviction bans and recovery of council tax has had an impact on change in circumstances being reported. Legislative changes of furlough ending from September will have a huge impact on processing days

in the next quarter. Additional resources have now been deployed to account for the increased demand.

- 3.52 The value of Housing Benefits Overpayments recovered as a percentage of debt created in year is outside target (actual YTD – 76.6%, target –85%). The department continue to work towards achieving the ambitious target set for the year of collecting 85% of debt raised in year.

### **Amber, green and contextual KPIs**

- 3.53 The Council Tax collection rate is just outside of target; with a rate of 52% falling slightly short against a target of 52.9%. Recovery activity continues to be ramped up alongside efforts to ensure residents receive support in dealing with any arrears. Collection Non-Domestic Business Rates (NNDR) is however on target achieving a rate of 45.8% meeting its Q2 target. Following the issue of bills with retail relief in July, collection has improved. Nevertheless, businesses continue to be affected by the pandemic and the department will continue to monitor the situation closely.

### **Focus on Complaints, FOI and Member enquiries**

- 3.54 The four indicators measuring Stage 1 and 2 complaints have a RAG rating of Red, as they did not meet the target of 100% of cases responded to within timescale. (Actual – Stage 1 Corporate: 86.7%, Stage 1 Statutory: 75%, Stage 2 Corporate: 67.7%, Stage 2 Statutory: 28.6%). However, all but one of the four measures have shown a positive direction of travel and have reported better performance rates than in Q1.
- 3.55 For Stage 1 (corporate) complaints, response rates varied from 78.9% for CYP up to 97.9% for CDS during this quarter. Of the 366 Stage 1 complaints received in Q2, CWB had the highest number with 219 whilst the CEx department received the least with 6. The corporate complaints team continue to report weekly on complaint performance so that service areas can improve timeliness. Training continues to be delivered to service areas to improve quality and timeliness of responses.
- 3.56 Performance has remained steady for Stage 2 Corporate and Stage 2 Statutory KPIs in Q2. There were 3 Stage 2 statutory complaint investigations in Q2. This consisted of one CYP case and two ASC cases. One ASC case was closed on time in August, with the other 2 cases overdue. With the shortage of external independent investigators, this has had a bearing on CYP complaint responses in particular. The team are working towards improving timeliness and it is expected that response times will improve for the remainder of the year.
- 3.57 Member Enquiry response performance has remained consistent with 92.5% of enquiries responded in time. The total number of enquiries received remains high with 1,616 recorded for this quarter. 1,463 enquiries were closed on time but the measure remains red, with a target set at 100%. The Complaints department continue to monitor the response rate and increasing number of enquiries. Additionally, two training sessions with Councillors have taken place together with internal communications and training planned to improve service area responses.

- 3.58 The percentage of FOI requests responded to within 20 working days is just off target (actual YTD – 88.4%, target –90%). A total of 353 FOIs were received this quarter, with 308 responded to on time.

#### **4.0 Financial Implications**

- 4.1 None

#### **5.0 Legal Implications**

- 5.1 In Table 3 of Part 3 of the council's constitution, it states that the Cabinet is responsible for formulating and preparing a sustainable community strategy and then submitting the same to Full Council for consideration and adoption or approval. The Sustainable Community Strategy constitutes part of the council's Policy Framework. The Council's Borough Plan, which is its current sustainable community strategy, was agreed by Full Council in 2019.

#### **6.0 Equality Implications**

- 6.1 There are no direct diversity implications. However, the report includes performance measures related to the council's diversity objectives and is part of the framework for ensuring delivery of these key outcomes. Service areas have the responsibility for managing the delivery and performance of their services. Therefore, the service area would also need to consider if a variation in performance could lead to equality implications at a service level.

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Not applicable.

#### **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None

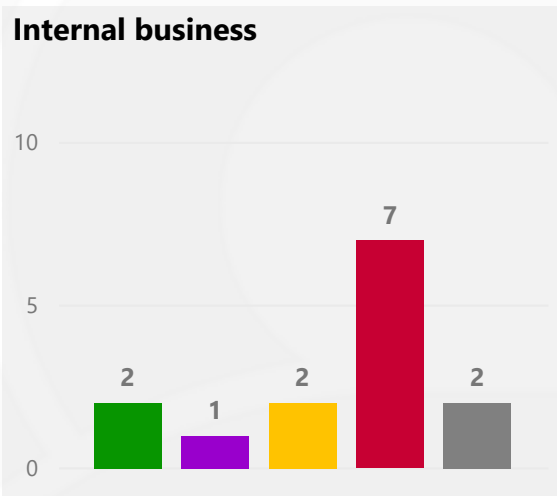
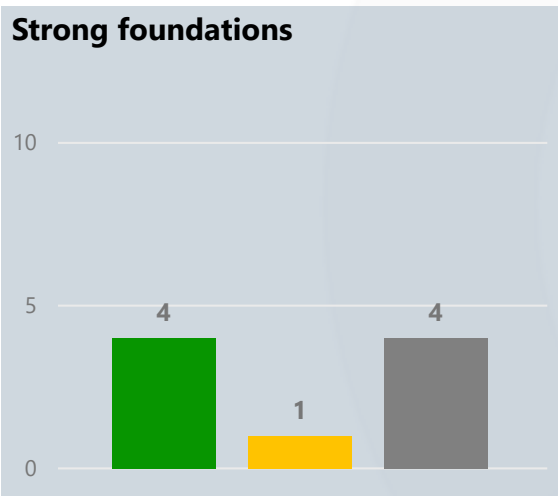
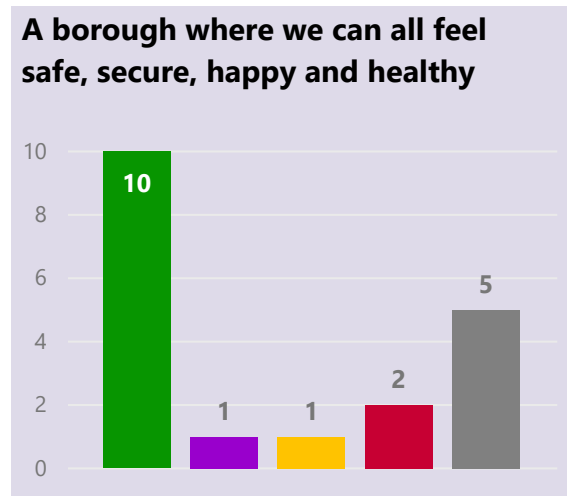
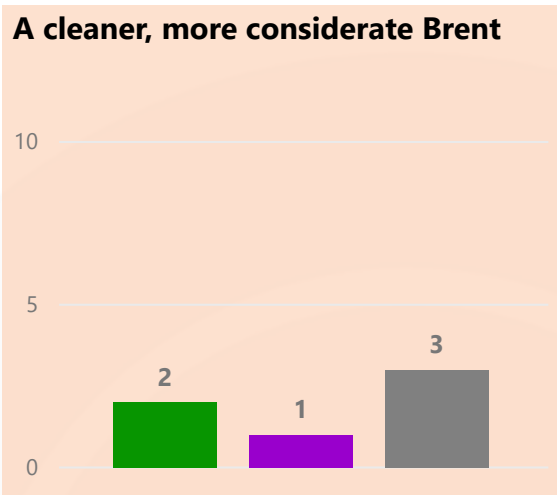
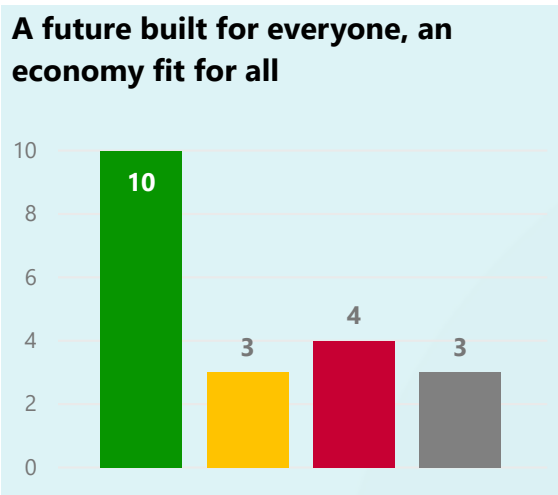
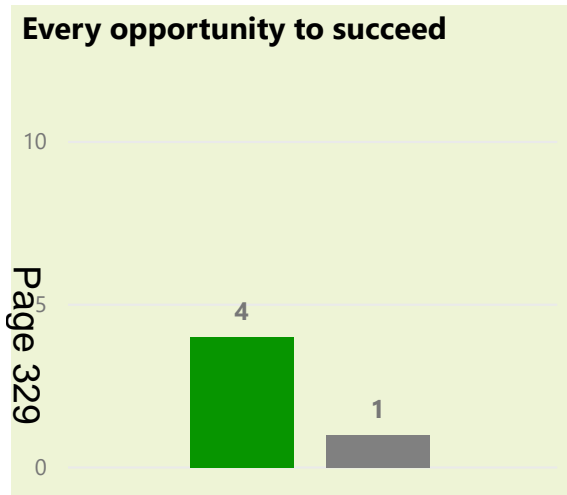
**Report sign off:**

**Shazia Hussain**

Assistant Chief Executive

# Corporate Performance Report Q2 2021-22

## Indicators by RAG Rating



### Key for Performance Rating

Unless otherwise defined, performance information is assessed using the following tolerances to give a RAG rating:

- Green** – At target or exceeding target
- Purple** – Outside target and where performance is directly attributable to the impact of COVID-19
- Amber** – 0.01% - 5% outside target, where performance is not directly attributable to the impact of COVID-19
- Red** – Greater than 5% outside target, where performance is not directly attributable to the impact of COVID-19

**Contextual** – No target set

**n/a** – Data not available

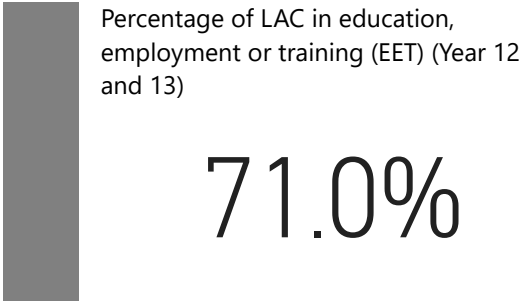
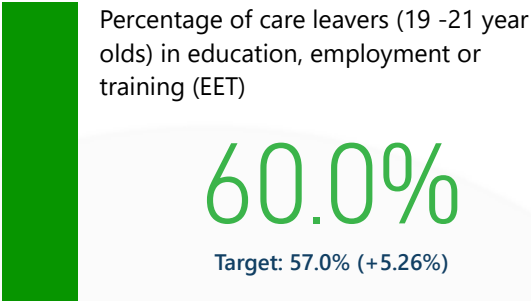
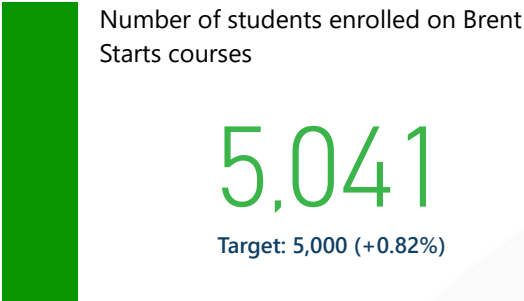
### Count of Red Ratings for Borough Plan KPIs by Department

Department	Q1 2021-22	Q2 2021-22	Trajectory
Chief Executive	0	0	➡
Children & Young People	0	1	⬆
Community Wellbeing	6	4	⬇
Customer & Digital Services	1	0	⬇
Regeneration & Environment	3	1	⬇

# Corporate Performance Report Q2 2021-22

Every opportunity to succeed

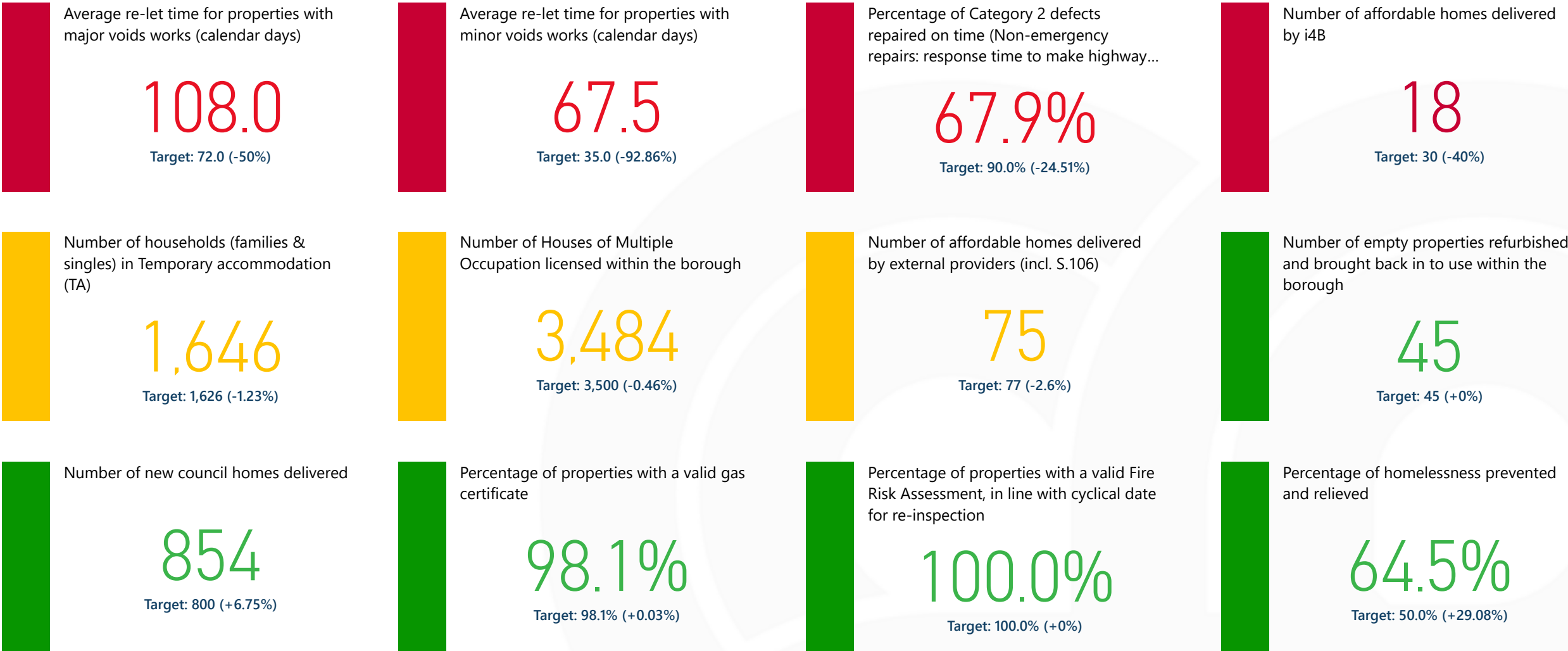
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# Corporate Performance Report Q2 2021-22

A future built for everyone, an economy fit for all

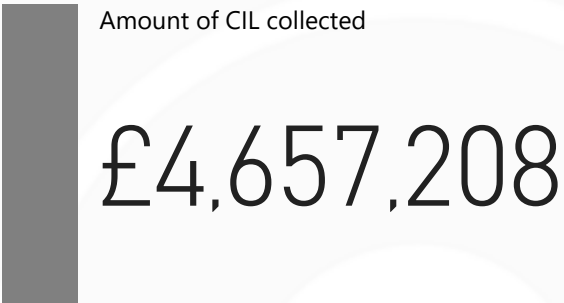
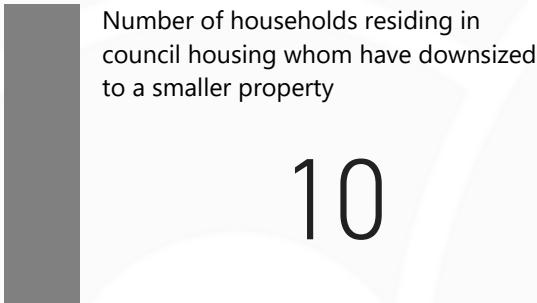
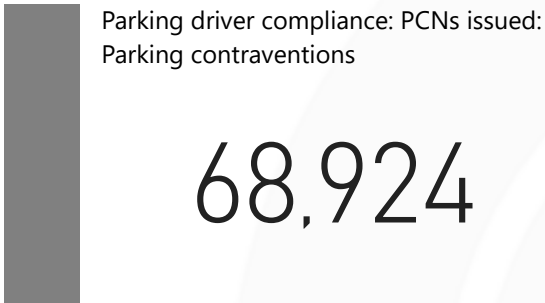
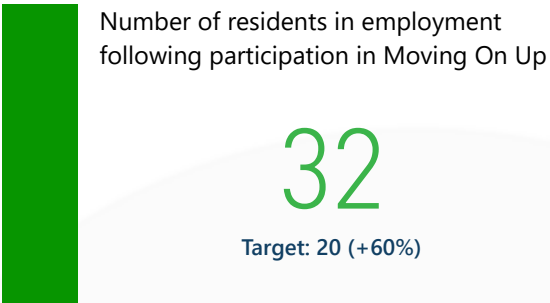
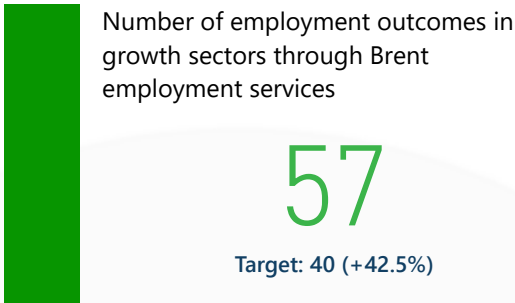
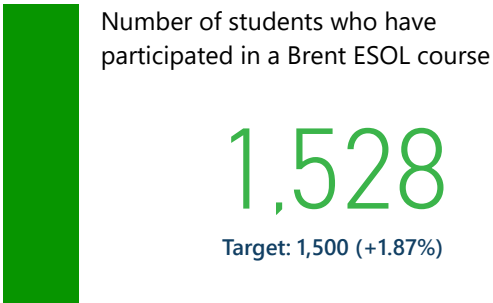
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# Corporate Performance Report Q2 2021-22

A future built for everyone, an economy fit for all

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# Corporate Performance Report Q2 2021-22

## A cleaner, more considerate Brent



Number of kilograms of residual household waste collected per household

271.9

Target: 240 (-13.27%)



Additional electric vehicle charging points installed across the borough

101

Target: 100 (+1%)



Number of apprentices working towards qualifications in the green circular economy

16

Target: 10 (+60%)



Number of trees we plant on our streets and in our public spaces

0



Number of waste cases investigated which lead to enforcement action

1,094



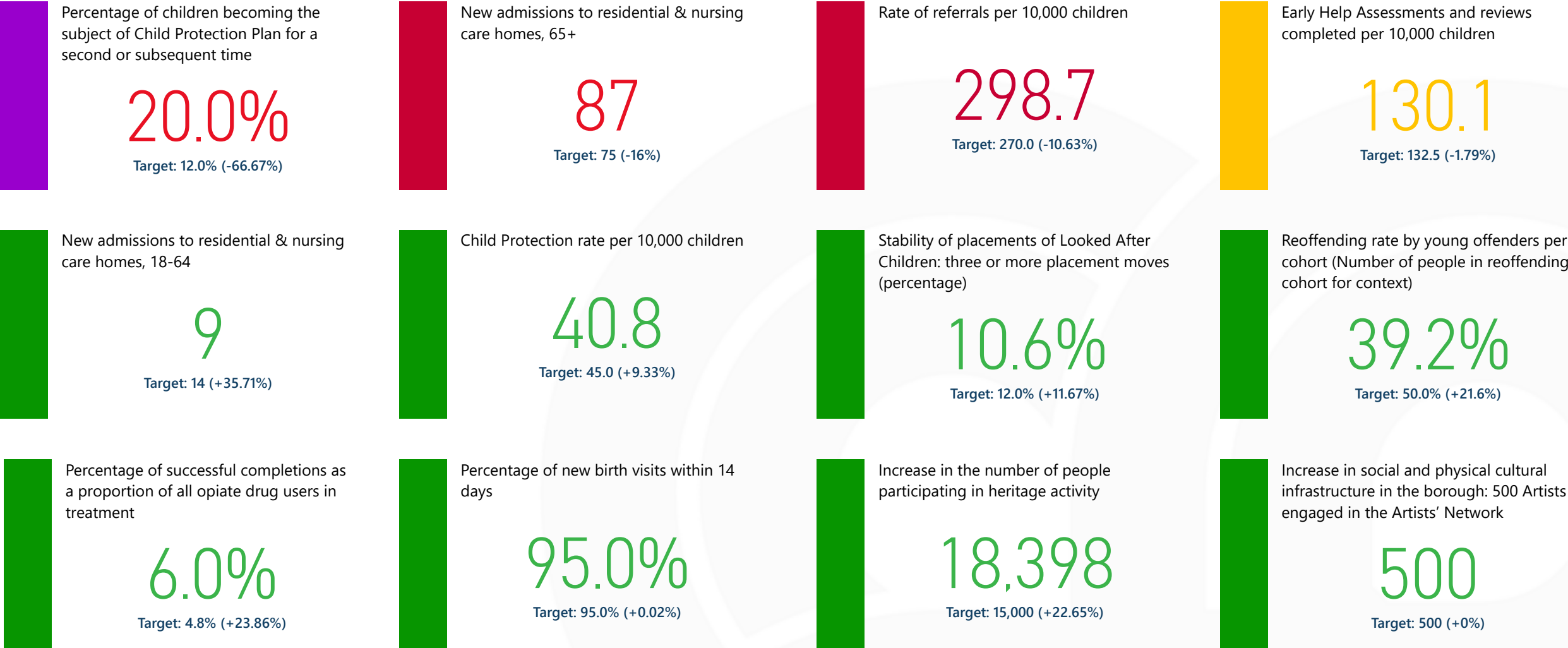
Total cost of energy efficiency works on pilot properties

£175,000

# Corporate Performance Report Q2 2021-22

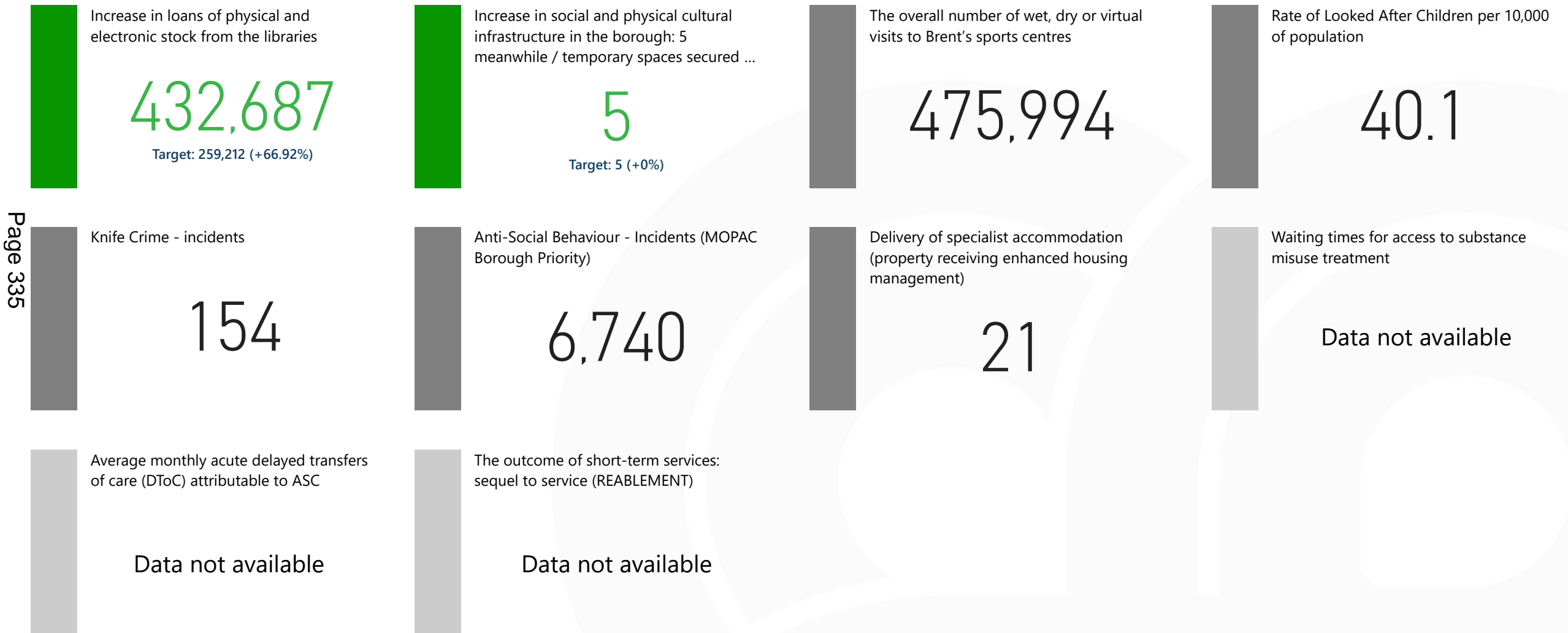
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# Corporate Performance Report Q2 2021-22

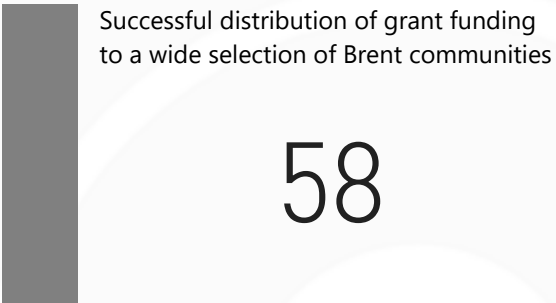
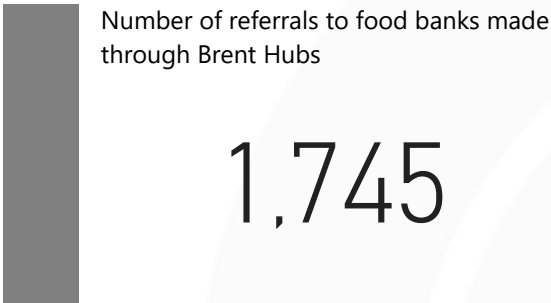
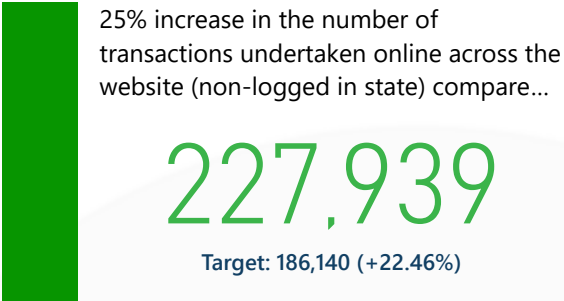
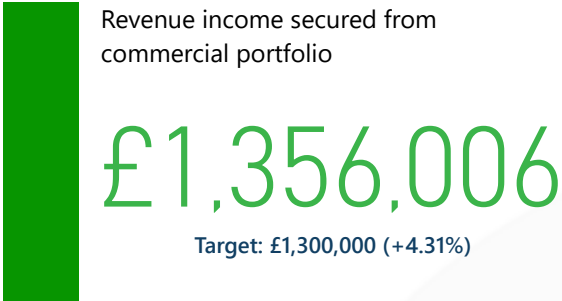
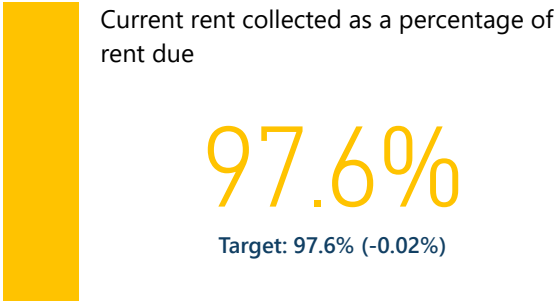
A borough where we can all feel safe, secure, happy and healthy



# Corporate Performance Report Q2 2021-22

## Strong foundations

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# Corporate Performance Report Q2 2021-22

## Internal business



Average days taken to process new benefit claims and change events

11.6

Target: 8.7 (-32.76%)



Percentage of staff who have completed mandatory online Information Governance courses within one month ...

79.0%

Target: 90.0% (-12.22%)



Value of HB overpayments recovered as % of debt created in year

76.6%

Target: 85.0% (-9.92%)



Percentage of Council Tax collected

52.0%

Target: 52.9% (-1.7%)

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Percentage of Subject Access Requests (SARs) responded to within the statutory timescales

98.0%

Target: 90.0% (+8.89%)



Non-Domestic Business Rates (NNDR)

45.8%

Target: 45.8% (+0%)

# Corporate Performance Report Q2 2021-22

## Internal business - Complaints focus

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