



Executive

Monday, 26 July 2010 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

John (Chair)	Leader of the Council
Butt (Vice-Chair)	Deputy Leader of the Council
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Economic Development
Jones	Lead Member for Human Resources and Diversity, Local Democracy and Consultation
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults, Health and Social Care
Powney	Lead Member for Environment, Planning and Culture
Thomas	Lead Member for Housing and Customer Services

For further information contact: Anne Reid, Principal Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item **Page**

1 Declarations of personal and prejudicial interests

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2 Minutes of the previous meeting 1 - 10

3 Matters arising (if any)

4 Deputations (if any)

Children and Families Reports

5 Determination of proposals for the alteration (expansion by one form entry) of Park Lane Primary School 11 - 30

This report seeks the Executive's determination of the statutory proposals (published on 20 May 2010) for the alteration of Park Lane Primary School with the net effect that the school expands to a 2fe school. The report also requests an exemption from contract standing orders in relation to the appointment of a structural engineer to design the expansion scheme.

(Appendix circulated separately)

Ward Affected:

Alperton;
Preston;
Sudbury;
Tokyngton;
Wembley
Central;

Lead Member: Councillor Arnold

Contact Officer: John Christie, Director of
Children and Families

Tel: 020 8937 3130 john.christie@brent.gov.uk

6 Brent Transport Service approval for procurement of managed service contract staff 31 - 44

This report requests approval to invite tenders in respect of a 'Managed Services for the Supply of Staff Services' contract for Brent Transport Services, as required by Contract Standing orders 88 and 89, to commence in April 2011.

Ward Affected:

All Wards;

Lead Member: Councillor Arnold

Contact Officer: John Christie, Director of

Housing and Community Care Reports

7 Criteria for transport services 45 - 56

This report seeks approval for an Eligibility Policy which provides clear criteria for access to transport provision and promotes the adoption of alternatives, including the provision of independent travel training, which reflect the needs of the individual and help to promote greater independence.

Ward Affected: All Wards;
Lead Member: Councillor R Moher
Contact Officer: Lance Douglas, Quality and Support
Tel: 020 8937 4048 lance.douglas@brent.gov.uk

8 Modernisation of Direct Services 57 - 82

The Direct Services Review is part of Adult Social Care Transformation. The Day Opportunities Strategy has been developed through this review. The Strategy aims to improve the provision of direct services provided by the Council to vulnerable people and provide better value for money. The report identifies the need to consult on the strategy with service users, carers and stakeholders. The report also highlights the immediate problems with Stonebridge day centre. The day centre is no longer fit for purpose and requires £150,000 immediate structural repair work followed by an ongoing programme of remedial work.

Ward Affected: All Wards;
Lead Member: Councillor R Moher
Contact Officer: Alison Elliott, Adult Social Care
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

Environment and Culture Reports

9 Soil conditions investigations at St Raphael's and Brentfield estates 83 - 90

Benzo-a-pyrene levels that may pose a significant possibility of significant harm have been identified in three areas, two areas of St Raphael's Estate and one in Brentfield estate. It is imperative that we apply to Environment Agency for remediation assessments works (consisting of structural, utilities and ecological surveys) funding in July 2010. The results of these surveys are required prior to applying for remediation treatment funding. If the application is successful, the provision will be made by The Environment Agency in September/October 2010. We intend to apply for remediation treatment (removal and replacement of contaminated soil) funding when the next window opens in November 2010. The Environment Agency anticipates that £10 million allocation

(recently reduced from 17.5 million) will continue to be provided by central government but cannot confirm this until after the Comprehensive Spending review in October 2010.

Ward Affected:
Stonebridge;

Lead Member: Councillor Powney
Contact Officer: Yogini Patel, Environmental Health
Tel: 020 8937 5262 yogini.patel@brent.gov.uk

Central Reports

10 Transition Services Task Group

91 - 94

The Transitions Services Task Group report has been considered and agreed by the Overview and Scrutiny Committee. This report presents the task group's work to the Executive for approval. The Overview and Scrutiny Committee established the Transitions Services Task group to look at the services in place for vulnerable young people in Brent aged 16 to 25.

(Appendix circulated separately)

Ward Affected:
All Wards;

Contact Officer: Andrew Davies, Policy and Regeneration
Tel: 020 8937 1359
andrew.davies@brent.gov.uk

11 Budget Strategy 2011/12 to 2014/15

95 - 112

This report sets out the financial prospects for the Council for the next four years within the context of unprecedented reductions in funding for local authorities. It seeks Executive approval for the overall budget strategy based on the One Council Programme. This aims to deliver cost reductions through a planned and strategic approach to service provision. This will be mindful of the priority objectives which will be set out in the new Corporate Strategy.

Ward Affected:
All Wards;

Lead Member: Councillor John
Contact Officer: Duncan McLeod, Director of Finance and Corporate Resources
Tel: 020 8937 1424
duncan.mcleod@brent.gov.uk

12 Relocation of Albert Road Day Care Centre

113 -
120

This report informs Members of the progress to date in the provision of new facilities for Adult Day Care and seeks approval to the revised cost of the project. This report also seeks approval of the variation of the Council's lease with Gujarati Ayra Association London (GAA London).
(Appendix also below)

Ward Affected: Kenton; Kilburn;
Lead Member: Councillor Butt
Contact Officer: Richard Barrett, Property and Asset Management
Tel: 020 8937 1334 richard.barrett@brent.gov.uk

13 Brent Engagement Strategy 121 - 124

This report presents Executive members with a draft of the new Community Consultation, Engagement and Empowerment Strategy – the Brent Engagement Strategy 2010/14. This strategy replaces the Community Consultation and Engagement Strategy 2006/09.

Ward Affected: All Wards;
Lead Member: Councillor Jones
Contact Officer: Owen Thomson, Head of Consultation
Tel: 020 8937 1055
owen.thomson@brent.gov.uk

14 Performance and Finance Quarter 4, 2009-2010 125 - 152

This report summarises Brent Council's spending, activity and performance in Quarter 4, 2009/10 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary. The report also contains details of the recent government announcements reducing various grants to the council and asks the Executive to agree action to balance the revenue budget.

(Appendices A-F circulated separately)

Ward Affected: All Wards;
Lead Member: Councillor John
Contact Officer: Phil Newby, Director of Policy and Regeneration
Tel: 020 8937 1032 phil.newby@brent.gov.uk
Director of Finance and Corporate Resources
Tel: 020 8937 1290
duncan.mcleod@brent.gov.uk

15 Reference of item considered by Forward Plan Select Committee 153 - 158

The Forward Plan Select Committee at their meeting on 8 July referred the following items considered at the meeting of the Executive in June for further consideration:

- enforcement of Moving Traffic and Parking Contraventions by means of CCTV cameras
- Main Programme Grant – funding for organisations providing regeneration, crime and community safety services (three year funding)

Extract from minutes attached

16 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

17 Exclusion of Press and Public

The following item is not for publication as it relates to the following category of exempt information as specified in the Local Government Act 1972 namely:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

APPENDIX

Learning Disability Resource Centre – relocation from Albert Road, South Kilburn to John Billam Playing Fields, Woodcock Hill, Kenton

(Report above refers)

Wards affected:
Kenton;
Kilburn;

Lead Member: Councillor Butt
Contact Officer: Richard Barrett,
Property and Asset Management
Tel: 020 8937 1334
richard.barrett@brent.gov.uk

Date of the next meeting: Monday, 11 August 2010



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Wednesday, 23 June 2010 at 7.00 pm

PRESENT: Councillor John (Chair), Councillor Butt (Vice-Chair) and Councillors Arnold, Beswick, Crane, Jones, J Moher, R Moher, Powney and Thomas

ALSO PRESENT: Councillors Cummins and Sheth

1. **Declarations of personal and prejudicial interests**

None.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 April 2010 be approved as an accurate record of the meeting.

3. **Order of business**

The Executive agreed to change the order of business to take earlier in the meeting those items for which members of the public were present.

4. **Deputation - Main programme grant - funding for organisations providing Regeneration, Crime and Community Safety Services (3 year funding)**

Martin Redston addressed the meeting on behalf of Brent Arts Council which operated from the Stables Gallery in Gladstone Park. The organisation provided arts facilities for the borough including exhibitions throughout the year and off site activity and received a small grant of £10,000 which was used to fund operational costs including security, printing and postage. Mr Redston stated that as requested, they had submitted their application for three year funding under the regeneration theme however he felt that the resultant report before members contained a number of inaccuracies. Mr Redston stated that a decision not give a grant to Brent Arts Council would mean that the organisation would cease to function from Stables Gallery resulting in the closure of the building leaving it at risk of vandalism. He urged the Executive to defer the report for more detailed consideration following consultation.

5. **Main Programme Grant - funding for organisations providing Regeneration, Crime and Community Safety Services (3 year funding)**

Councillor R Moher, in introducing the report, responded to the deputation earlier in the meeting from Martin Redston (Brent Arts Council). She referred to the approach introduced by the previous Administration to fund on a three yearly basis, on themes linked to service priorities from the Corporate Strategy. The aim was to help organisations previously not in receipt of grant funding to be encouraged to apply. Councillor Moher added that the decision on grant funding was due to have been taken earlier in the year however the new Administration had decided to adopt the theme approach as an interim measure pending agreement on a new strategy. A capacity building fund had been started and more money should be available for arts in Brent. Councillor Moher concluded the funding process to be fair and each application had been considered on merit based on the theme. Councillor Moher proposed that the recommendations in the report be adopted.

Councillor John (Leader of the Council) contributed that grant funding levels had been unchanged for a number of years and there was no possibility of a budget increase particularly in the light of recent central government public sector spending cut announcements. It was only open to the council to decide on how the limited funds could be distributed. Previous themes for the first two years were children and young people and now regeneration, crime and community safety. A third theme would now have to be decided by the new Administration. Councillor Powney (Lead Member, Environment, Planning and Culture) commented that the theme based approach allowed all organisations to be assessed by the same criteria and it would not be fair to give special treatment to a few. The Executive noted that organisations unsuccessful this time, could apply in the following year. Brent Arts Council were advised to approach the voluntary sector team for advice.

The Executive agreed the recommendations.

RESOLVED:-

- (i) that the schemes and funding allocations recommended in paragraph 3.16 of the report from the Director of Housing and Community Care be noted and approved, the allocations to be made from 1 July 2010 until 31 March 2013;
- (ii) that officers' individual assessment reports for all the organisations that applied for funding detailed in Appendix E be noted, as summarised with officers' recommendations and set out in Appendix D of the Director's report;
- (iii) that all funding be made subject to the council's grant conditions and that each organisation approved, sign an agreement with the council, stating the purpose of the grant and expected outcomes before funding is released;
- (v) that it be noted that an exit fund of approximately £48,908 will be created for organisations previously funded from the MPG but were unsuccessful in their bid for the new fund;
- (v) that in cases where an organisation either declines their grant during the funding period or the grant is withdrawn for performance reasons, that the decision to re-allocate the fund be delegated to the Director of Housing and Community Care.

6. **Appointment to Committees 2010/11**

- (i) that approval be given to the following appointments:

LONDON COUNCILS GRANTS COMMITTEE (ASSOCIATED JOINT COMMITTEE)

R MOHER	Arnold (Deputy) Butt (Deputy) Jones (Deputy)
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- (ii) that the following appointments of members, chair and vice chair to the Highways Committee by the Leader of the Council be noted:

HIGHWAYS COMMITTEE

BESWICK	John
BUTT	Arnold
JONES	R Moher
J MOHER (C)	Thomas
POWNEY (VC)	Crane

7. **Award of contract for construction of Kingsbury intergenerational children's centre**

The report from the Director of Children and Families outlined the services for children and families that would be offered from the proposed Kingsbury Intergenerational Children's Centre. It explained the background to the centre proposal which now included a Phase 3 Sure Start Children's Centre, facilities for Extended Services for children and young people and accommodation for the Kingsbury Early Intervention Locality Team. The Lead Member for Children and Families, Councillor Arnold, in introducing the report stated that approval in principle was being sought at this stage as it was unclear if collocation funding was secure and also as the application would need to be resubmitted for planning permission. Councillor J Moher (Lead Member, Highways and Transportation) expressed a wish that the new centre would serve residents in areas of Fryent and Kingsbury wards and asked that it be widely publicised.

The recommendations in the report were approved.

RESOLVED:-

- (i) that approval in principle be given to the development of the Kingsbury Intergenerational Children's Centre (as described in the report from the Director of Children and Families) on the site of Kingsbury High School;
- (ii) that approval be given to the submission of a revised planning application for that scheme.

8. **Award of building contract for the extension work at Sudbury Primary School**

The report from the Director of Children and Families requested approval for the award of a contract in relation to the construction works at Sudbury Primary School. The contractor was from the IESE (Improvement and Efficiency South East) Buildings Work-stream Construction Framework and the works would involve part

newbuild and part remodel and refurbishment of existing buildings to provide additional capacity at Sudbury Primary School to enable them to accommodate an expanded 4FE [840 children from Year R to Year 6 plus a Nursery] Primary School. Councillor Arnold, in recommending approval of the proposal, referred to the current pressure on school places and the Executive noted that the project would be completed in time for the 2011 intake.

The Executive also had before an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:-

- (i) that approval be given to the award of a contract for pre-construction services to Morgan Ashurst in relation to the construction works at Sudbury Primary School;
- (ii) that approval be given to the award of a contract to Morgan Ashurst, with a maximum sum stated in the report from the Director of Children and Families, for the construction works at Sudbury Primary School to provide part new build accommodation and part remodel (and refurbishment) of the existing buildings.

9. **Brent Local Development Framework - adoption of the core strategy**

Councillor Powney (Lead Member, Environment, Planning and Culture) asked the Executive to recommend to Full Council on 12 July the adoption of Brent's Core Strategy, as submitted to the Secretary of State in September 2009. The Planning Inspector had recommended a number of changes which were binding on the council and which Councillor Powney summarised to the Executive. He stated that it was now for the Executive to endorse the Core Strategy and to refer it to Full Council for adoption.

RESOLVED:-

that Full Council be recommended to adopt the Core Strategy, as submitted to the Secretary of State and incorporating the changes recommended by the Inspector, and set out in Appendix 1 of the report from the Director of Environment and Culture.

10. **Enforcement of moving traffic and parking contraventions by means of CCTV cameras**

The report from the Director of Environment and Culture provided the Executive with an update following approval in principle on 16 March 2009 for officers to arrange the transfer of powers to the Council for the enforcement of moving traffic contraventions (MTCs), as listed in Appendix A of the Director's report.

Councillor J Moher (Lead Member, Highways and Transportation) in introducing the report reminded the Executive that the proposal had been agreed in principle by the previous Administration and now needed to be referred to Full Council for adoption. Introduction would be phased and staff trained to monitor. Approximately 20 local authorities have already introduced the scheme. While there would be introductory costs, the scheme was expected to be a source of income after years two and three. The scheme would be subject to regular review.

Questions were raised on the costs of the proposals including whether the statutory agencies previously involved in this work would be helping to meet the council's costs, how to manage service utilities that cause congestion and whether the council would be reimbursed for court costs.

The Executive agreed the recommendations

RESOLVED:-

- (i) that a resolution be placed before Full Council seeking approval for the transfer of powers to the Council from the Metropolitan Police to enforce moving traffic contraventions, as is required by the London Local Authorities and Transport for London Act 2003 and that 1 January 2011 be the date from which the Borough will take on these powers;
- (ii) that officers be authorised to carry out all necessary steps to enable the borough council to begin enforcement on 1 January 2011 in accordance with the Code of Practice for operation of CCTV enforcement cameras in the London Borough of Brent;
- (iii) that the full set-up costs of introducing the CCTV enforcement of MTCs (£1,104,000) be funded through prudential borrowing (as referred to in paragraph 8.2 of the report from the Director of Environment and Culture), the costs of which will be met from income generated by the scheme;
- (iv) that the scheme be monitored from the appointed start date and that a review be carried out following six and twelve months of operation;
- (v) that the Head of Transportation be authorised to enter into such agreements or arrangements as he sees fit for the enforcement of MTCs referred to in Appendix A of the Director's report which occur on those parts of boundary roads which fall within the areas of neighbouring boroughs.

11. Main programme grant funding 2010/2011

The report from the Director of Housing and Community Care provided the Executive with details of local voluntary organisations that have applied for renewal of their one year funding from the Council's Main Programme Grant (MPG) for 2010/11. In November 2008, the Executive agreed that each year a grant would be provided to currently funded organisations not affected by the new three-year funding programme. The groups recommended in the Director's report have been in receipt of the MPG for some time and pending the change in the funding process, would continue to receive funding until they were eligible to apply for the new three-

year programme. The report provided details of the funding that will be renewed for 2010/11.

RESOLVED:-

- (i) that approval be given to the allocation of the Main Programme Grants for 2010/11 as summarised in Appendix A and detailed in individual reports attached as Appendix B to the report from the Director of Housing and Community Care;
- (ii) that it be noted that the funding recommendations would commence on 1 July 2010;
- (iii) that all funding made be subject to the Council's Grant Conditions, and that the funding be subject to each organisation agreeing and abiding by a statement of purpose with the Council;
- (iv) that it be noted that of the 12 organisations that previously received funding in 2009/10, 11 have re-applied. One organisation did not re-apply and therefore has not been recommended for the grant. Another organisation also applied for the three-year funding and has been recommended and therefore its one-year grant has not been recommended.

12. **Amendment to Housing and Social Care Non HRA PFI project - authority to award Phase 2 of contract report**

The report from the Director of Housing and Community Care notified the Executive of an amendment that was required to be made to a recommendation approved by members in relation to the Housing and Social Care Non HRA PFI Project at the meeting of the Executive held on 15 March 2010. The Executive was asked to give approval to the number of units to be delivered under Phase 2 of the PFI scheme.

RESOLVED:

- (i) that the revised total of units to be delivered at Phase 2 of the scheme is **169 units** instead of the 165 units that were reported to members in the report presented on 15 March 2010;
- (ii) that the revised total of 169 units at Phase 2 of the scheme be agreed, taking the total units for Phase 1 and Phase 2 to 384 as set out in paragraph 4.6 of the report submitted to the Executive on 15 March 2010.

13. **Brent Council becoming a national beacon of diversity best practice**

Councillor Jones (Lead Member, HR and Diversity, Local Democracy and Consultation) introduced the report which set out the council's aspiration to become a beacon of diversity best practice and achievements to date. Councillor Jones stated that the council was in a good position to become a beacon and that with the demise of the Comprehensive Area Assessment it would be even more important to have a monitoring regime. She recommended endorsement of the approach and agreement to the assessment.

- (i) that the report be noted;
- (ii) that the eight key indicators which will ensure that Brent Council becomes a national beacon of diversity best practice be endorsed;
- (iii) that as part of achieving our aspiration for Brent Council to become a national beacon of diversity best practice, the five stage approach to meeting the EFLG assessment be endorsed.

14. **South Kilburn Regeneration - next steps**

The report from the Directors of Policy and Regeneration and Housing and Community Care summarised the progress made since February 2010 on the regeneration of South Kilburn, and set out proposals for building on the momentum established by the Council over the past year. Specifically the report set out proposals for re-investing the capital receipts secured through the advance stages of South Kilburn's regeneration, as agreed by the Executive in February 2010. Councillor Crane (Lead Member, Regeneration and Economic Development) reminded the Executive that this was a much needed project and that agreement was required for the compulsory purchase of properties and the next phase of planning permission. He referred to proposals for a Healthy Living Centre in partnership with GPs and the NHS which would be an important part of the scheme. Capital receipts to be generated would be used to repay the debt and end interest incurred.

The Executive welcomed the report.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:-

- (i) that the progress made on the South Kilburn Regeneration project as set out in the report from the Directors of Policy and Regeneration and Housing and Community Care be noted;
- (ii) that the remainder of Phase 1 of the regeneration proposals be progressed in line with the overall phasing strategy, incorporating the redevelopment of Cambridge Court, Wells Court, Hicks Bolton House, Bond House and Ely Court;
- (iii) that it be noted that officers were working with the Homes and Communities Agency to prepare a short, medium and long term investment strategy for South Kilburn;
- (iv) that officers progress a detailed planning application for Cambridge Court (Zone 6i) and Wells Court (Zone 6D) for approximately 105 new homes;

- (v) that officers progress a detailed planning application for the Ely Court site (Zones 6iii and 6iv);
- (vi) that officers progress a detailed planning application for the Bond House and Hicks Bolton House sites (Zones 13N and 13S);
- (vii) that it be noted that the new social rented housing developed as part of the above sites has the primary purpose of delivering decant accommodation for residents from blocks within Phase 2 of the regeneration programme;
- (viii) that officers be authorised to begin the procurement process to assemble an EU compliant framework of prospective developer partners to bring forward the remaining Phase 1 sites, and future Phase 2 and 3 sites;
- (ix) that approval be given to the assessment criteria set out in paragraph 3.24 of the Directors' report which will be used to select prospective development partners for inclusion on the framework;
- (x) that approval be given to the making of compulsory purchase orders (CPOs) to acquire (a) the leasehold interests listed in appendix 2 of the Directors' report (the CPO Land) and (b) any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976;
- (xi) that approval be given to the submissions of the CPOs, once made, to the Secretary of State for confirmation whilst at the same time seeking to acquire the land by private negotiated treaty on such terms as may be agreed by the Director of Finance and Corporate Resources;
- (xii) that approval be given to:
 - (a) the Director of Housing and Community Care entering into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPOs and including the offering back of any part of the CPO Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
 - (b) the making of one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPOs be confirmed by the Secretary of State;
 - (c) the service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;
 - (d) the Director of Housing and Community Care removing from the CPOs any plot (or interest therein) no longer required to be acquired

compulsorily for the scheme to proceed and to amend the interests scheduled in the CPOs (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);

(e) the Director of Housing and Community Care within the defined boundary of the CPO Land, acquiring land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;

(f) the Director of Housing and Community Care, if so advised, seeking to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

- (xiii) that approval be given to enter into a legal agreement with the South Kilburn Neighbourhood Trust (SKNT) requiring the repayment to SKNT of New Deal for Communities (NDC) Grant of up to £2.5m in 2009/10 and 2010/11 used to fund leaseholder buy backs in the next demolition phase of the South Kilburn redevelopment programme;
- (xiv) that the proposals set out in paragraphs 3.9-3.13 of the Directors' report to establish a consistent, effective and efficient approach to neighbourhood management in South Kilburn be noted;
- (xv) that authority be delegated to the Director of Housing and Community Care in consultation with the Lead Member for Housing and Customer Services, to agree the proposed allocation policy for phase 1 as set out in Appendix 1 to the Directors' report or with such amendments as he sees fit following consultation with residents and stakeholders.
- (xvi) that approval be given to the ongoing community engagement and consultation approach set out in paragraphs 3.29-3.33 of the Directors' report;
- (xvii) that the Director of Housing and Community Care be authorised to seek the Secretary of State's consent to the disposal and redevelopment of phase 1 sites on the estate for the purposes of ground 10A of Schedule 2 to the Housing Act 1985 to enable the Council to apply for a court order to obtain vacant possession of residential dwellings let under secure tenancies.

15. **Code of Corporate Governance**

The report from the Director of Finance and Corporate Resources and the Borough Solicitor sought approval from the Executive for the adoption of a new Code of Corporate Governance.

RESOLVED:-

that the Code of Corporate Governance as appended to the report from the Director of Finance and Corporate Resources and the Borough Solicitor be adopted.

16. Authority to Award a contract for Office Supplies

The report from the Director of Business Transformation requested approval to award a contract in the form of a call off contract from a framework agreement established by the London Contracts and Supply Group for office supplies. The report detailed briefly the procedure followed leading to the award of the framework agreement and why there has been a decision to call off from the framework agreement.

RESOLVED:-

that approval be given to the award of the contract for office supplies to Office Depot (UK) Ltd for a term of 3 years 9 months commencing on 1 July 2010.

17. National non domestic rate relief and hardship relief

The Council has the discretion to award rate relief to charities or non-profit making bodies. The report from the Director of Finance and Corporate Resources included applications received since the Executive last considered relief in December 2009. Councillor Butt (Lead Member, Resources) advised that the applications all met the criteria and funding could be met from within budget provision.

RESOLVED:-

that approval be given to the discretionary rate relief applications as set out in appendices 2, 3 and 4 of the report from the Director of Finance and Corporate Resources.

18. Reference of item considered by Forward Plan Select Committee (if any)


None.

19. Any Other Urgent Business

None.

The meeting ended at 7.35 pm

A JOHN
Chair

	<p style="text-align: center;">Executive 26 July 2010</p> <p style="text-align: center;">Report from the Director of Children and Families</p>
<p style="text-align: right;">Wards affected: Wembley Central, Tokyngton, Sudbury, Alperton, Preston</p>	
<p>Determination of proposal to alter Park Lane Primary School</p>	

1.0 SUMMARY

- 1.1 This report seeks the Executive's determination of the statutory proposals (published on 20 May 2010) for the alteration of Park Lane Primary School with the net effect that the school expands to a 2fe school.
- 1.2 The report also requests an exemption from contract standing orders in relation to the appointment of a structural engineer to design the expansion scheme.

2.0 RECOMMENDATIONS

The Executive are requested to:

- 2.1 Approve the statutory proposal published on 20 May 2010 for the alteration of Park Lane Primary School so that it expands from 210 places to 420 places with effect from January 2011, conditional upon the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by January 2011.
- 2.2 Approve an exemption to the requirement in Contract Standing Orders to get three quotes for a Low Value Contract in relation to the appointment of a structural engineer for this expansion project, on the basis of the good operational and financial reasons set out in paragraph 3.5 of the report.

3.0 DETAIL

3.1 Background

- 3.1.1 The diversity and mobility of Brent's population is increasing and this is reflected in the population growth. The Office for National Statistics (ONS) estimates that in 2006 Brent's population was 271,400. However, independent

research commissioned by Brent Council estimates the figure to be nearer 289,000 in March 2007 (347,541 GP registered population).

- 3.1.2 The growth in the Brent's population predominantly comprises of young adults, often with pre-school or young children and this is reflected in the increasing demand for school places. Numbers of four year olds on roll are expected to rise steeply over the next three to four years. Overall the demand for primary school places is forecast to exceed the supply of places.
- 3.1.3 62 Reception (Year R) aged children remained without a place on 9th June 2010. The majority of applicants have been offered a place, but the offers have not been taken up due to varying parental choice. Similarly, 86 pupils remained unplaced on 9 June 2010 between Year 1 (Y1) and Year 6 (Y6) classes.
- 3.1.4 The Local Authority (LA) has been reviewing capacity constraints at all the primary schools to meet its statutory obligation for providing sufficient school places. Park Lane is one such primary school.
- 3.1.5 Brent Council has proposed the expansion of Park Lane Primary School to increase the number of Year R to Y6 places from 1 form of entry (FE) to 2FE and to also improve the quality of accommodation through additional specialist provision, including, building a food & science classroom, library resource, staff PPA room and installation of a lift.
- 3.1.6 Park Lane Primary School is a coeducational, non-denominational Community school for age 3-11 pupils. It is a popular one form of entry school i.e. 30 places per year group and is currently operating Reception to Year 2 as 2fe on a temporary basis.
- 3.1.7 The school's admission capacity currently stands 210 Year R to Y6 places. The school also offers 40 Nursery places. Due to strong pressure on places the Number on Roll (NoR) is more than its capacity(39 pupils in Nursery and 295 pupils in Reception to Year 6):

Number on Roll (Jan 2010)	N	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
Park Lane Primary School	39	60	58	59	30	30	29	29	334

3.2 The Proposal for Reorganisation of Park Lane Primary School

- 3.2.1 Brent Council published the proposal for Park Lane Primary School to become a two form of entry provision. If this proposal is accepted, Park Lane Primary school will offer 2FE provision through yearly progression allowing the Local Authority to meet its statutory obligations to these children and enable them to be placed at this school. This means the current Year 2 (Y2) class of 60 places (NoR 59 pupils) will progress to Y6 by September 2013, at which time the school will commence operating at full capacity in all the Year Groups.
- 3.2.2 The existing established capacity of the school is 1fe. However, Year R, Y1 and Y2 are operating at 2fe capacity on a temporary basis pending building

adaptations which currently are the subject of town planning processes. This is currently under the bulge class admission. Shortage of Reception places continue in the local area. The school can admit another Year R in September 2010 once adaptation work is completed for progressing temporary Y2 cohort to Y3. The Reception bulge class being planned for September 2010 would convert to a permanent 2fe capacity if the Executive decides to implement this proposal to expand Park Lane Primary School. The Executive can approve the proposals subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990. upon of planning permission under Part 3 of the Town and Country Planning Act 1990 for building works by November 2010.

- 3.2.3 In accordance with para 4.75 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (attached in Appendix B), the Decision Maker can decide to approve the proposals subject to meeting a specific condition. The Decision Maker must set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought.
- 3.2.4 The enlarged Park Lane Primary School pending Executive determination will continue to offer mixed provision for pupils in Reception to Year 6 and be maintained by the Local Authority. The Local Authority will remain the admitting authority for the school. Admission arrangements for the enlarged school will remain the same as now.
- 3.2.5 The expanded school will be suitable for all pupils who currently attend Park Lane Primary School. Every pupil registered at the school on 31 August 2010 who but for these proposals would have continued their education at Park Lane Primary School is guaranteed a place at the enlarged Park Lane Primary School. Consequently no pupils will be displaced by the alterations proposed for Park Lane Primary School.
- 3.2.6 Park Lane Primary expansion is one of the schemes which are being proposed for allocation of Basic Needs Safety valve funds for undertaking capital works.
- 3.2.7 The proposal complies with the Government's current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards as detailed in Building Bulletin 99, where feasible.
- 3.2.8 The expansion of Park lane Primary School from a one form entry to a two form entry school is planned to be achieved by combination of remodelling of the existing school building and extending the school by provision of a permanent new build extension at the south west corner of the site adjacent to the nursery building. No temporary accommodation is envisaged under this proposal although it may be required for decanting during the remodelling stages.
- 3.2.9 The school site being an inner city location has limited external play ground, without competitive playing fields. This is typical of school of a similar period located in London Boroughs and it was identified in the analysis that any expansion of the school should keep the impact on the existing play ground to a

minimum, and to be located on the area of the site between the south boundary and nursery, which has the least impact on the main playground. The school is in the process of formalising an agreement with Brent Parks for the school to have access to the former tennis court areas in King Edward VII Park on the west boundary of the site for supervised play and recreation. At the time of drafting this report these negotiations are well advanced.

3.2.10 The expansion of the school will take place in two phases. Phase one of the building works is planned during Summer 2010, which will provide one extra classroom from September 2010. This will enable the progression of the current Y2 class to Y3 in September 2010 and the school will be able to admit an additional Reception class for the September 2010 intake.

3.2.11 Subject to planning application approval, phase two of the building works planned to commence later in 2010/early 2011 will involve remodelling and new build works in compliance with Department for Education's design guidelines.

3.2.12 Whilst no changes to the existing SEN provision at the school are being proposed, the expanded Park Lane Primary School will include a Group SEN classroom, a disabled toilet, and a lift for improved accessibility.

3.3 Statutory Process

Stage One Consultation

3.3.1 All applicable statutory requirements to consult in relation to these proposals have been complied with.

3.3.2 Brent Council conducted the first, consultative stage of the statutory process, required when changing the organisation of schools, between 25 March 2010 and 03 May 2010. The majority (95.6% i.e. 153 respondents) of the 160 respondents were in favour of expansion of Park Lane Primary School.

Consultation on Proposal

3.3.3 Having undertaken preliminary investigations and informal consultations with stakeholders, the Local Authority organised the first, consultative stage of the statutory process required when changing the organisation of schools. That consultation commenced on 25 March 2010 and closed on 03 May 2010. The Council considered responses received by 04 May 2010.

3.3.4 671 Questionnaires were issued to seek the views and feedback of the stakeholders on the proposal to expand. Consultation with all interested parties included parents and staff at the School, all maintained schools in Brent, neighbouring boroughs, Trade Unions, and DFE. The consultation questionnaire provided two options: agree or disagree with the Local Authority to expand the Park Lane Primary School by an additional form of entry.

3.3.5 160 responses (23.8%) were received by the 04 May 2010.

3.3.6 153 (95.6%) out of 160 respondents are in favour of expansion of Park Lane Primary School.

- 3.3.7 Only 3 (1.8%) out of 160 respondents are against the expansion of Park Lane Primary School.
- 3.3.8 In total 4 out of the 160 responses selected both options (3 respondents) or did not select any of the two options (1 respondent).
- 3.3.9 In addition to informal discussions with parents on the proposal to expand the school, the head teacher of Park Lane Primary School holds regular Parents Meetings. Two such meetings were held at the school to consult with parents and staff on the proposal to expand Park Lane Primary School by one form of entry. The first meeting was held on January 26, 2010 with approximately 20 parents and staff attending and the second meeting took place on May 5, 2010 with attendance of approximately 15 parents and staff. The response from these meetings was positive.
- 3.3.10 During the Stage 1 statutory consultation, the Council had received a concern about the school building's energy rating. The Council had clarified that the new extension at Park Lane Primary School will be required to achieve a BREEAM rating of 'excellent' and seek to incorporate efficient and sustainable measures in the existing building.
- 3.3.11 The report on the Stage One Consultation is attached as a document in Appendix A as part of the complete Proposal.

Publication of Statutory Notice and Representation Period

- 3.3.12 Given the support for the Council's proposals at the Consultation Stage, the Local Authority published the statutory notice on 20 May 2010 to alter Park Lane Primary School through expansion by one form of entry from 1 September 2010 and to also improve the quality of accommodation through additional specialist provision. This means that the school will become a two form of entry provision with improved facilities and its admission capacity will increase from 210 to 420 Reception to Y6 places.
- 3.3.13 Further to paragraphs 3.2.2, 3.2.3 and section 5 of this report, the Council is estimating that the planning permission may be granted under Part 3 of the Town and Country Planning Act 1990 by January 2011. Hence, the Executive is requested to approve the expansion of Park Lane Primary School from January 2011, conditional upon the granting of planning permission.
- 3.3.14 A copy of the statutory proposal is attached in Appendix A, which includes a copy of the statutory notice.
- 3.3.15 The statutory notice was followed by a 4 week statutory period (Representation stage) up to 18 June 2010, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for people and organisations to express their views about the proposal and ensures that they will be taken into account by the Brent Executive when the proposal is determined.

3.3.16 The statutory proposal documents for Park Lane Primary School were sent to the following consultees:

Secretary of State, DFE	All schools in Brent, Admissions Forum
Governors	Park Lane School Staff
Parents	Pupils
Westminster Diocesan Education Service & London Diocesan Board for Schools	Ward and other Councillors as per your list plus Brent local MPs
London West Learning and Skills Council /YPLA	Early Years & Extended School Groups at Park Lane
Neighbouring Authorities	Trade Unions
Brent Governors Forum	Brent Officers

Response received during the Representation Stage:

3.3.17 After 95.6% positive responses received at Consultation stage, no further feedback or objections has been received by the Council.

3.4 Next Steps

3.4.1 The milestones following a decision by the Executive to determine this proposal to alter Park Lane Primary School are set out in the timetable below:

Milestone	Date
Park Lane Primary School admit a Reception bulge class	1 September 2010
Park Lane Primary School Admission Capacity increases to 420 places, Reception to Year 6	January 2011
Planning Application submitted by	23 July 2010
Planning Approval anticipated by	January 2011
Executive Decision to award contract for building works by	January 2011
Construction completion by	end August 2011

3.5 Appointment of Structural Engineer

3.5.1 The consultants Frankhams have been appointed from the Council's Property Services Framework to design the scheme and provide the roles of Quantity Surveyors and CDM Co-ordinator. The design role consists of architect, structural engineer, building surveying and mechanical / electrical engineer. Appointing one consultant to all these roles has meant that the Council has secured discounts from the rates set out in the framework and will ensure a seamless service. However Frankhams are not on the Council's framework for structural engineering. The value of this part of the design work is estimated at £15,000. The Executive is therefore asked to approve an exemption from the usual requirement of contract standing orders to obtain three quotations for a contract of this value, to allow Frankhams' appointment as structural engineer.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The capital costs of the expansion of Park Lane Primary School are estimated at approximately £2.2m. The forecast profile for this expenditure is £1.6m in 2011/12, £400k in 2012/13 and £200k in 2013/14.
- 4.2 It is proposed that this expenditure will be met primarily from the Basic Needs Safety Valve funding totalling £14.76m allocated to the Council in November 2009 to support the provision of additional permanent primary places by 2011. This funding allocation is dependant on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Children, Schools and Families (DCSF) have reserved the right to claw back funding where these targets have not been met. As such the allocation must be expended in full by August 2011 in order to achieve these targets.
- 4.3 On the basis of the schemes forecast profile there will be a balance of expenditure of approximately £600k that will have to be met from alternative funding sources such as the Primary Capital Programme for which the Council has received a Phase 1 allocation totalling £11.7m.
- 4.4 Members should note that currently there is a total prioritised programme of expansion schemes totalling £51.8m between 2011/12 and 2014/15 for which there is currently identified funding of £44.8m. It is expected that the gap in funding of approximately £7m will be met from further Phases of Primary Capital Programme funding and other grant allocations. In the current climate of grant cuts from central government, there is risk to the council that schemes could be committed to in the future for which the future forecast funding will not be received.
- 4.5 As this scheme is early in the programme of proposed expansion works the degree of risk to the funding stream is significantly reduced and there has been no indication that there will be any adjustment to already allocated funds, although they have not yet been received in full. If there is any subsequent reduction in the grant allocation any shortfall on this scheme's funding will have to be met from elsewhere within the Children and Families capital programme.
- 4.6 The expansion of pupil numbers at the school will result in increased revenue costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DCSF.

5.0 LEGAL IMPLICATIONS

- 5.1 The procedure for the enlargement of Park Lane Primary School is as required by The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. The Local Authority is entitled to make prescribed alterations to Park Lane Primary School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 4 Part 1 and Schedule 5 of the Regulations.
- 5.2 The Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f)

of the Act and in accordance with Regulation 30 of The School Organisation Regulations 2007 as amended.

5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

5.4 Under sections 18 and 19 of The Education and Inspections Act 2006 and in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, as amended, (and in accordance with the school organisation regulations), an LA can publish proposals to expand any category (community, voluntary, foundation, community special and foundation special) of maintained school. The governing body of a maintained school may also publish proposals to expand their school. Where the local education authority propose to make a prescribed alteration to a maintained school, the authority must publish their proposals.

5.5 The Council's legal officer advises on a) to d) that:

- a) Executive should decide this
- b) The published notices meet the requirements
- c) The required statutory consultations have been carried out
- d) The proposals are not related to any other proposals

5.6 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal.

5.7 The phase 2 works at the school will require the award of a works contract. In view of the value of the works, the contract is below the threshold requiring compliance with the European public procurement regime. However the contract will be a High Value Contract for the purpose of the Council's Contract Standing Orders. Such a contract will need to be tendered, unless it can be procured through a framework. In both cases the Executive will need to approve the contract award, and if there is a full tender exercise, the pre-tender strategy for this. All other contracts required for the delivery of this project are below the threshold at which they require Executive approval, and consequently have been awarded under delegated authority.

5.8 **Decision Making**

5.8.1 LAs are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area, promote diversity and increase parental choice.

5.8.2 LAs can publish expansion proposals for any category of maintained school within the LA. Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both.

5.8.3 Section 21 of the EIA 2006 provides for regulations to set out who must decide proposals for any prescribed alterations (i.e. including expansions). The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (SI:2007 No. 1289) (as amended) make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on expansions will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

5.8.4 If the LA fail to decide proposals within 2 months of the end of the representation period the LA must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the 2 month period.

5.8.5 The Brent Executive acting on behalf of the Brent Local Authority is the Decision Maker.

5.8.6 There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

5.8.6.1 Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided;

5.8.6.2 Does the published notice comply with statutory requirements?

The statutory notice is complete and in line with the statutory requirements. The initial statutory consultation took place from 25 March 2010 and closed on 03 May 2010. The Council considered responses received by 04 May 2010. This was followed by publication of the statutory notice on 20 May 2010. The proposal is not linked with any other proposal.

5.8.6.3 Has the statutory consultation been carried out prior to the publication of the notice?

Brent Council conducted the first, consultative stage of the statutory process, required when changing the organisation of schools, between 25 March 2010 and 03 May 2010.

5.8.6.4 Are the proposals “related” to other published proposals? Generally, proposals should be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”).

The Park Lane Primary School proposal is not 'related' to other proposals.

Statutory Guidance – Factors to be Considered by Decision Makers

5.8.7 Regulation 8 of The Regulations provides that both the LA and schools adjudicator must have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.17 to 4.73 contained in the attached statutory guidance.

5.8.8 The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

5.8.9 EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents

5.8.10 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

5.8.10.1 weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and

5.8.10.2 the best schools are able to expand and spread their ethos and success.

153 (95.6%) out of 160 respondents to the statutory consultation are in favour of expansion of Park Lane Primary School.

Standards

5.8.11 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

5.8.12 Decision Makers should be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Effect on Standards and School Improvement and Need for Places

The expansion of Park Lane Primary School is fully in line with the aim of the guidance and the wish of the Secretary of State that local authorities provide school places where demand is high. The school serves a wide range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them. As this is an expansion of school places there is no adverse impact to any disadvantaged group.

Achievement and attainment for Park Lane Primary School in 2009 in comparison with the Local Authority average is as follows:

Performance	English		Mathematics		Science		both English and Mathematics	Average point score
	L4+	L5	L4+	L5	L4+	L5	L4+	
Local Authority Average	80%	28%	78%	37%	85%	40%	72%	27.7
England (maintained schools only)	80%	29%	79%	34%	88%	43%	72%	27.8
England (all schools)	80%	29%	79%	35%	88%	43%	72%	27.9
Park Lane Primary School - Wembley	92%	35%	88%	50%	92%	35%	88%	28.8

Diversity

5.8.13 Decision Makers should be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test.

5.8.14 Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Please see Diversity section at section 6 of this report.

Every Child Matters

5.8.15 The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with “Every Child Matters” principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

The school is supportive of Early Years & Extended School Groups at Park Lane Primary School will continue to deliver services.

Equal Opportunity Issues

5.8.16 The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Please see Diversity section at section 6 of this report.

Need for Places

Creating Additional Places

5.8.17 The Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker should take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

Currently, there is no spare capacity at neighbouring schools. These include Wembley Primary, Elsley Primary, Barham Primary, Sudbury Primary, Preston Park Primary, Oakington Manor Primary School. Park Lane Primary School's current capacity is 30 Year R places. It had received 316 applications (including in-year applications) for Year R for 2009-10 and has received 267 applications for September 2010 intake to date.

Expansion of Successful and Popular Schools

5.8.18 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents should be taken into account in planning and managing school estates. Places should be allocated where parents want them, and as such, it should be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators should all be taken into account:

- a) the school's performance;
 - i) in terms of absolute results in key stage assessments and public examinations;

- ii) by comparison with other schools in similar circumstances (both in the same LA and other LAs);
 - iii) in terms of value added;
 - iv) in terms of improvement over time in key stage results and public examinations.
- b) the numbers of applications for places;
- i) the Decision Maker should also take account of any other relevant evidence put forward by schools.

5.8.19 The strong presumption is that proposals to expand successful and popular schools should be approved. In line with the Government's long standing policy that there should be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

5.8.20 Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the School Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer should be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements in to line with the School Admissions Code.

The proposed expansion will fully meet the provisions of the School Admissions Code.

Travel and Accessibility for All

5.8.21 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

5.8.22 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications. Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The travel arrangements for pupils are not changed for pupils at Park Lane Primary school. However with the expansion of provision will enable more Brent pupils to be educated in general nearer to where they live.

FUNDING AND LAND

Capital

5.8.23 The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this should be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

5.8.24 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

Please see Finance section at section 4 of this report.

5.8.25 Proposals should not be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker should be satisfied that funding has been agreed 'in principle', but the proposals should be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

New Site or Playing Fields

5.8.26 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but should be approved conditionally upon the acquisition of a site or playing field.

5.8.27 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools should have access. The Decision Maker will need to be satisfied that either:

- a) the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or

- b) if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

5.8.28 Where the Secretary of State has given 'in principle' agreement as at paragraph 4.60(b) of Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form Guide, the Decision Maker should consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

The school site being an inner city location has limited external play ground, without competitive playing fields. This is typical of school of a similar period located in London Boroughs and it was identified in the analysis that any expansion of the school should keep the impact on the existing play ground to a minimum, and to be located on the area of the site between the south boundary and nursery, which has the least impact on the main playground. The school is in the process of formalising an agreement with Brent Parks for the school to have access to the former tennis court areas in King Edward VII Park on the west boundary of the site for supervised play and recreation. At the time of drafting this report these negotiations are well advanced.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

5.8.29 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. These are listed in the attached Expansion Guide.

The Special Educational Needs Improvement Test

5.8.30 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in paragraphs 4.69 to 4.72 of the Expanding a Maintained Mainstream School by Enlargement or

Adding a Sixth Form Guide have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

Whilst no changes to the existing SEN provision at the school are being proposed, the expanded Park Lane Primary School will include a Group SEN classroom, a disabled toilet, and a lift for improved accessibility.

Views of Interested Parties

5.8.31 The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

After 95.6% positive responses received at Consultation stage, no further feedback or objections has been received by the Council.

Types of Decision

5.8.32 In considering proposals for the expansion of a school, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the implementation date); or
- approve the proposals subject to them meeting a specific condition.

Conditional Approval

5.8.33 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b) the acquisition of any site required for the implementation of the proposals;

- c) the acquisition of playing fields required for the implementation of the proposals;
- d) the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e) the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;
- f) the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;
- g) the agreement to any change to admission arrangements specified in the approval, relating to the school or any other school or schools (this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers);
- h) the making of any scheme relating to any charity connected with the school;
- i) the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j) the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a foundation body must be established and that the school must form part of a group for which a foundation must act;
- k) the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- ka) where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;
- l) where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
- m) where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 the occurrence of such an event.

5.8.34 The Decision Maker must set a date by which the condition must be met, but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date must be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care should be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1st September one year, and enlarge on 1st September the following year, and the enlargement requires planning permission, the condition set must be met before the addition of a sixth form can be implemented (the earlier proposal). This is because as “related” proposals, they should both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer should inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Staindrop Road, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals must be referred back to the Decision Maker for fresh consideration.

Decisions

5.8.35 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

5.8.36 A copy of all decisions must be forwarded to the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk); the governing body; the local CofE diocese; the bishop of the RC diocese; and each objector except where a petition has been received. Where a petition is received a decision letter must be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition.

5.8.37 In addition, where proposals are decided by the LA, a copy of the decision must be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision must be sent to the LA that it is proposed should maintain the school.

5.8.38 The following bodies may appeal against an LA decision:

5.8.38.1 The local Church of England diocese;

5.8.38.2 The Bishop of the local Roman Catholic diocese;

5.8.38.3 The governing body of the Community School that is proposed for expansion.

5.8.39 Any appeals must be submitted to the LA within 4 weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within 1

week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers.

5.8.40 The Executive is aware though it is important to repeat, that in reaching a decision on a statutory proposal the decision maker i.e. the Executive in this case, must have regard to DFE Guidance. Excerpts from the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form are attached at Appendix B of this Report, which sets out the nature of the decision making role that it is undertaking and the factors that it must take into account when determining a statutory proposal of this kind. A full set of the Guidance forms part of the background papers and is available from the Council's Asset Management Service, Children & Families or at www.dcsf.gov.uk/schoolorg.

6.0 DIVERSITY IMPLICATIONS

- 6.1 In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools (89% agree). Parent groups were the next most frequently identified (73% agree). Only around four in ten participants felt that charities (38%), faith groups (37%) or private sponsors (36%) should have such involvement in Brent schools.
- 6.2 Ensuring equal access to school places in Brent - over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.
- 6.3 The schools proposed for expansion have a diverse ethnic representation of children. Expanding the schools listed in this report would enable the Council to provide additional new places required for Brent's growing pupil population.
- 6.4 Overall the expansion strategy will improve choice and diversity. The impact on Equalities will be kept under review and reported to the member level Strategy board on a regular basis together with proposals for the implementation of specific proposals within the Strategy.

7.0 STAFFING ISSUES

- 7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the schools' budgets.
- 7.2 There are no implications for the immediate purpose of this report.

8.0 BACKGROUND PAPERS

- (i) Statutory Proposal Files

- (ii) Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (complete guidance document available from Asset Management Service or at www.dcsf.gov.uk/schoolorg).
- (iii) Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000) is available at the following link:
<http://www.teachernet.gov.uk/docbank/index.cfm?id=14690>
- (iv) Research Study - A Good School Places for Every Child in Brent, 2008
<http://intranet.brent.gov.uk/consultation.nsf/0/38c39cab7915e95c802573b8003feb74?OpenDocument>

Any person wishing to inspect the papers in connection with the above proposals should contact the originating officer at:

Head of Asset Management Service, Children and Families Department,
Chesterfield House, 9 Park Lane, Wembley, HA9 7RJ

Contact Officers :

Nitin Parshotam,
Head of Asset Management Service (Children and Families), Chesterfield House, 9
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JOHN CHRISTIE
Director of Children and Families



Executive
26 July 2010

Report from the Director of Children and Families

Wards affected:
All

Authority to invite tenders for a managed service for the supply of staff services for Brent transport services

1.0 Summary

- 1.1 Brent Transport Services (BTS) provides passenger transport services for Council clients with Special Educational Needs and those in receipt of Adult Social Care support. It currently operates most of its 92 daily routes with a workforce of 204 drivers and passenger attendants that is comprised mostly of temporary staff provided by 4 employment agencies. These staff generally work on a 'split shift' basis to meet the needs of BTS' core morning and afternoon activities. This long standing arrangement has proved to be highly cost effective and flexible in comparison with the employment of permanent Council staff to carry out these duties. However, no formal contracts are in place with the agencies concerned; and the impending implementation of the EU Agency Workers Directive (AWD) in October 2011 would result in a significant increase in BTS' wage costs¹ if these arrangements continue, because the AWD requires parity of pay, and some other benefits, between temporary and permanent employees.
- 1.2 A review has been undertaken to consider the options for the future provision of drivers and passenger attendants and it has been concluded that the letting of a Managed Service contract offers the best solution to contain costs, maintain service levels and standards and ensure that the requirement is subject to open competition.
- 1.3 This report requests approval to invite tenders in respect of a 'Managed Services for the Supply of Staff Services' contract for Brent Transport Services, as required by Contract Standing orders 88 and 89, to commence in April 2011.

2.0 Recommendations

- 2.1 The Executive to give approval to the pre-tender considerations and the criteria used to evaluate tenders for a managed service for the supply of staff services for BTS as set out in paragraph 7.0 of this report.
- 2.2 The Executive to give approval to officers to invite tenders for a managed service for the supply of staff services and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.1 above.

¹ £2.1M in FY 09/10 out of the BTS budget of £6M .

3.0 Background

3.1 The current BTS workforce of drivers and passenger attendants is comprised as follows:

	Drivers	Passenger Attendants
Temporary Staff	86	101
Council Staff	6	11
Total	92	112

3.2 The number of temporary staff is reasonably stable but varies flexibly to meet the needs of BTS' tasks as generated by customer departments.

3.3 The ongoing 'Modernising Transport' project - a Performance Partnership contract between Brent Council and Northgate Public Services - has reviewed the hours worked by temporary staff to ensure that, as far as possible, they are employed and paid only for the hours required to carry out BTS' tasks. In addition, following a review last year, passenger attendants required for contracted routes (i.e. those not delivered by the in-house service) are now provided by the relevant private hire contractor rather than through BTS, as this was proven to be more cost effective.

3.4 Safety and safeguarding have always been paramount in the provision of transport services by BTS. Temporary staff are fully vetted and trained to meet BTS' requirements and although employed on 'temporary' terms, many have worked with BTS for several years and the turnover of staff is low. In BTS' experience, most temporary staff have proved to be well-motivated and enthusiastic about their role and many appreciate the employment flexibility that working for BTS provides.

3.5 The hourly rates charged to BTS by the 4 agencies concerned are broadly similar and are reviewed annually in conjunction with the Head of Brent Transport Services. Whilst the rates charged to BTS, and those paid to staff by the agencies, are thought to match local market rates broadly, this has not been tested through any formal competition in recent years, and it cannot be certain that the current rates represent the best that can be achieved. Moreover, whilst the use of 4 agencies provides a degree of flexibility and spare capacity to provide additional staff when BTS need them, this must be set against the possibility that a single contracted supplier would provide the full requirement at lower cost, given the basis of the volume of business involved. In addition, although the Council's corporate requirement is that all agency workers should be supplied through its temporary staff management contract, currently with a company called Commensura, this has not yet been extended to include BTS (see below). Finally, although contracts for individual agency workers are excluded from the application of Brent's own Contract Standing Orders, block contracts for the supply of a number of workers are arguably not exempt. Therefore the lack of any competitive tender for staff provision at a current annual cost of some £2.1m may be in breach of Council Standing Orders. All of these factors point towards the requirement being exposed to competitive tendering arrangements for a single supplier as soon as possible.

3.6 As an alternative to a competitive tender, BTS has investigated the possible use of Comensura. This contract is used by Brent Council to meet its wider temporary staff requirements, and operates on a Vendor Neutral Managed Services (VNMS) basis to provide the Council with temporary staff. Comensura do not recruit temporary staff directly but enter into agreements with one or more agencies to provide staff to the Council at agreed rates. However, after further investigation it is clear that the provision

of temporary staff through this Framework would invoke all the provisions of the AWD (see below), with its consequent impact on BTS' costs, and that the contract does not offer the degree of day-to-day operational flexibility and control that would be necessary to accommodate BTS' specific and dynamic requirements.

- 3.7 The remaining small number of permanently employed full-time Council staff are utilised to the maximum possible on BTS' transport tasks. However, they are paid significantly more than temporary staff on a comparative hourly-rate basis² and the current intention is to continue to reduce the number of permanent posts through 'natural wastage' as individual employees retire or otherwise leave the Council's employment.

4.0 Impact of the Agency Workers Directive

- 4.1 The UK is to implement the EU Agency Workers Directive in Oct 2011. In broad terms, the Directive requires that temporary staff should receive 'parity' of pay with permanent employees within the same employing organisation, after 12 weeks of employment. In some organisations, the pay of temporary staff, pro-rata, is higher than that of permanent staff in any case, so implementation of the AWD would have little cost impact. However, in the case of BTS, permanent staff are relatively well-paid in comparison with their temporary counterparts, and it has been calculated that implementation of the AWD would result in an increase in the annual wage bill for temporary staff of 25-30%, amounting to some £500k - £600k. Set against an overall BTS budget of just under £6M, and in the current financial climate, such an increase in cost is considered unacceptable and unaffordable.
- 4.2 Until recently, it had been thought by some employers that it would be possible to avoid the impact of the AWD on wage costs through various means including arranging 'breaks in service' such that temporary staff would not cross the 12-week threshold of employment. However, recent advice from the Department of Business, Industry and Skills, indicates that the UK's implementation of the AWD will not permit such arrangements, so as to ensure that the intent of the legislation is delivered.
- 4.3 The BTS review, which has taken account of advice received from the Council's HR and Legal staff, has concluded that it will neither be possible nor practicable for BTS to avoid the cost impact of the AWD if it continues to employ temporary staff to meet its needs. Moreover, the proposed use of the contract with Comensura would offer no relief because the staff provided under this contract would still be considered as temporary agency staff under the AWD.

5.0 Options Considered

- 5.1 The Strategic Steering Group (SSG) for the 'Modernising Transport' project considered 4 options for the future provision of staff for BTS; briefly, these were:

5.1.1 Employment of Temporary Staff Through Agencies. BTS would continue to employ temporary staff in compliance with the requirements of the AWD from Oct 11. This would require a competitive tender procurement in order to ensure compliance with the Council's Standing Orders, or use of the existing Brent contract with Comensura. However, this adoption of this option would invoke the requirements of the AWD and add an estimated £500-600K to BTS' wage costs.

² For drivers the equivalent rate of pay is £10.11/hr for Council staff vs. £7.50/hr for agency staff.

- 5.1.2 **Employment of Permanent Staff.** BTS would replace all of its temporary staff with permanent staff employed on flexible contracts designed to match working hours with BTS' task requirements, as far as possible. On the assumption that such new staff would be paid the same as current BTS permanent staff, adoption of this option would invoke the same additional cost as the continued employment of temporary staff plus the further additional 'on-costs' (eg pension provision etc) associated with the employment of permanent staff, making this a more expensive option than the current arrangements and more expensive than the Managed Service option described below.
- 5.1.3 **Managed Service Contract.** Under this option, BTS would seek a single 'Managed Service' partner to carry out the majority of its service requirements for the crewing of vehicles. Staff employed by the Managed Service contractor would generally be employees of that contractor, rather than temporary staff, and the 'pay parity' requirement of the AWD would not apply in relation to the rates of pay of the Council's permanent staff who would continue to work as Council employees alongside the staff employed and provided by the contractor. This would require a competitive tender procurement in order to ensure compliance with the Council's Standing Orders. It might be envisaged that many of the current temporary staff employed by BTS and provided by agencies would either transfer under TUPE³ to the successful bidder for a Managed Service contract, or simply migrate to the contractor, if they did not have employee status with their agency, as such a move would offer the additional benefits to them of being an employee; this would help to maintain 'continuity' in service provision for users. Indicative costings received from 2 major companies in the market, which are familiar with BTS' operations, indicate that costs would be slightly lower than the current arrangements.
- 5.1.4 **Full Outsource of the BTS Service.** If no other means could be found to mitigate the impact of the AWD on staff costs, it would be necessary to consider fully outsourcing the BTS service for the provision of vehicles and crews to an external contractor. This would require a competitive tender procurement in order to ensure compliance with the Council's Standing Orders and EU regulations. Under this option, it would be necessary to transfer the remaining BTS permanent staff to the contractor under the TUPE provisions, but there would be no 'pay parity' requirement between the contractor and the Council under the AWD provisions. However, previous modelling of this option in the early stages of the 'Modernising Transport' project has shown that it would be likely to more expensive than the current arrangements given that, in effect, much of the BTS service is already 'outsourced' - contracted private hire services are used only where proven to be cheaper than the in-house provision, staff costs have been 'optimised' by the use of temporary staff who only work for the hours required to undertake BTS' tasks, and vehicle provision and maintenance is currently being procured on a 'contract hire' basis following an extensive options appraisal last year. Given the additional overhead of a management fee (profit margin) implicit in outsourcing the full service, it is considered that outsourcing would be more expensive than the current arrangements and, by extension, even more expensive than the Managed Service option discussed above.

³ Where the individual was an employee of an existing provider to BTS and transferred to another company that bid successfully for the contract. There would be no direct TUPE obligation on the Council in this scenario as these individuals are not employees of the Council.

5.2 **Preferred Option.** Considering the options described above, the SSG concluded that only a Managed Service solution for the future provision of staff would contain or reduce BTS staff costs and, therefore, is the preferred way forward.

6.0 Conclusions

6.1 BTS cannot continue to operate without contractual cover for the provision of temporary staff an annual cost of over £2m. Additionally, the predicted impact of the AWD would add 25-30% to this cost if BTS continues to employ temporary staff beyond October 2011.

6.2 Of the options considered for the future provision of staff for BTS, the procurement of a Managed Service contract is the preferred option to avoid the significant cost impact of AWD and to ensure that proper contractual cover is provided.

6.3 By moving to a 'Managed Service' contract the following benefits would also be realised:

- A flexible workforce that is fit for purpose with the ability to quickly react to variations in staffing requirements.
- Any decrease in service need that might be anticipated can be managed without the potential redundancy costs that would be associated with a large complement of permanent staff.
- Cost mitigation as staff are employed directly by the Managed Service provider and not on local government benefit schemes.
- On-site resource from contractor to manage all recruitment, selection, sickness absence and discipline of their staff.

7.0 Pre-Tender and Procurement Considerations

7.1 In accordance with Contract Standing Orders 88 and 89, pre-tender and procurement considerations are set out below for the approval of the Executive:

Ref.	Requirement	Response
(i)	The nature of the service.	Provision of a 'Managed Service for the supply of staff services for Brent Transport Service.
(ii)	The estimated value.	Estimated contract value £8 million over the 4 year period (3 years with an option to extend up to a further 1 year in aggregate) of the contract.
(iii)	The contract term.	3 years with an option to extend for up to 1 year. Likely commencement date April 2011.

(iv)	The tender procedure to be adopted.	Formal tendering (including advertising) with a two stage restricted tendering procedure will be followed in accordance with Contract Standing Order (S96 (c)): The first stage: expressions of interest invited with short-listing of interested organisations based on an evaluation of the pre-qualification questionnaire they submit. The second stage: invitation to tender will be issued to short-listed organisations.	
(v)	The procurement timetable.	<p>Adverts placed in trade journal and local publication for expression of interest.</p> <p>PQQ Return Date</p> <p>Evaluation of PQQ</p> <p>Invite Tenders</p> <p>Tender Return Date</p> <p>Tender Evaluations</p> <p>Award Report to Executive</p> <p>Contracts Awarded</p> <p>Contract Start</p>	<p>2 Aug 10</p> <p>10 Sep 10</p> <p>8 Oct 10</p> <p>15 Oct 10</p> <p>19 Nov 10</p> <p>10 Dec 10</p> <p>Jan 11</p> <p>Jan 11</p> <p>1 Apr 11</p>
(vi)	The evaluation criteria and process.	<p>A shortlist will be drawn up in accordance with the Council's Contract Management and Procurement Guidelines, using a pre-qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. Once tenders are received, the panel will evaluate the tenders against the following criteria:</p> <p>Tendered prices (60% weighting)</p> <p>Quality assessment (40 % weighting)</p> <p>Proven ability to meet the requirements of the service specification</p> <p>Approach to the delivery of the service</p> <p>Approach to ensuring standards are achieved</p> <p>Development of a good working relationship with the council</p> <p>Capacity and continuity of service</p> <p>Training</p> <p>The relative weighting given to each individual evaluation criteria will be stated in the tender documentation.</p>	

(vii)	Any business risks associated with entering the contract.	The following business risks are considered to be associated with entering into the proposed contract: The potential partner fails to meet the requirements of the contract. However, this risk is significantly reduced by the stringent procurement process.
(viii)	The Council's Best Value duties.	The competition provided by the 2-stage tendering exercise will assist the Council in achieving best value for this service.
(ix)	Staffing implications including TUPE & pensions	There are no TUPE implications for Council staff as stated in paragraph 9.1. There may be TUPE implications for the current temporary staff depending upon whether they are classified as employees of the agencies who seek work on their behalf.
(x)	The relevant financial, legal and other considerations	This report has been reviewed by Legal, Finance and Procurement and any comments/additions incorporated. The new contractor would be responsible for training and vetting employees to Brent standards before deploying them to the contract.

8.0 Financial Implications

8.1 As stated in paragraph 6.1 above, the introduction of the AWD would result in an increase in BTS staff costs of between 25-30%, amounting to approximately £500k - £600k on current staff costs of £2.1M, if the current arrangements for the provision of staff were to continue. This needs to be seen in the context of a total budget of just under £6M for the entire transport service. There is no provision for growth of this scale in BTS' costs.

8.2 Based on the estimated 'core hours' required for Drivers and Passenger Attendants, the estimated annual comparative costs for the financial year 2010-11 would be:

Option	Drivers	Passenger Attendants	Total
Current Cost ⁴	£933k	£735k	£1,668k
Temporary Staff ⁵	£1155k	£951k	£2,106k
Permanent Staff ⁶	£1,182k	£997k	£2,179k
Managed Service I ⁷	£816k	£813k	£1,629k
Managed Service II ⁸	£907k	£699k	£1,606k

⁴ Based on current agency rates before application of AWD

⁵ Estimated cost of agency-provided staff after application of AWD

⁶ Estimated cost of permanent staff at highest spine point

⁷ Illustrative cost provided by commercial provider

⁸ Illustrative cost provided by commercial provider

8.3 The above analysis shows that the Managed Service would be the cheapest option and would be marginally cheaper than the current arrangements. It is not possible to obtain illustrative costs for a fully-outsourced option without full exposure to the market, but previous modelling has shown that this would be more expensive, in terms of the total cost of provision of the BTS service, than the current arrangements.

9.0 Legal Implications

9.1 The estimated value of the proposed managed service contract for the supply of personnel will over its lifetime exceeds the EU threshold for services contracts. However such a service is categorised as a Part B service under the Public Contracts Regulations 2006 ('the EU Regulations') and is therefore exempt from the main requirements of the EU Regulations about how the service needs to be tendered. However the Council still needs to comply with general duties set out in the EU Regulations, such as the duty to act fairly and transparently, and the need to use non-discriminatory language in specifications.

9.2 In addition, as the estimated value of the proposed contract over its lifetime is in excess of £500,000, the procurement and award of the contract are subject to the Council's Contract Standing Orders and Financial Regulations in respect of High Value Contracts. Consequently the Executive needs to approve the tendering of this contract and also the tender strategy, including evaluation criteria.

9.3 Once the tendering process is undertaken, officers will report back to the Executive in accordance with the Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

9.4 The contract with the new contractor will impose strict requirements on the contractor in relation to training and vetting of the staff, with a corresponding right for the Council to monitor this. This is especially important in light of the anticipated implementation of the Vetting and Barring Scheme under the Safeguarding Vulnerable Groups Act (though this is currently being reviewed by the new Coalition government). Failure by the contractor to comply with the scheme may also mean that the Council attracts liability. Nevertheless, BTS is experienced in managing similar risks inherent in the execution of contracts for the provision of contracted taxi/bus services and similar provisions for managing and monitoring compliance will be included in this contract.

10.0 Diversity/Equality Implications

10.1 An Equalities Impact Statement (attached as Appendix A) has been undertaken as part of this review. There are no adverse implications.

11.0 Staffing Implications

11.1 There are no TUPE implications for the small number of Council-employed drivers and passenger attendants in BTS who would continue to work alongside the staff provided through the new 'Managed Service Contract' in the same way that they currently work alongside temporary staff provided by agencies.

11.2 The current temporary workers supplied through the current arrangements with four agencies may transfer under TUPE from their agency to the successful bidder, depending upon whether they are classed as employees of the agencies.

12.0 Accommodation Implications

12.1 There are no accommodation implications.

Background Papers

None

Contact Officers:

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John Christie

Director of Children and Families

Appendices:

A. Equality Impact Assessment

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Impact Needs/Requirement Assessment Completion Form

Department: Children & Families	Person Responsible:
Service Area: Brent Transport Services	Timescale for Equality Impact Assessment :
Date: June 2010	Completion date: June 2010
Name of service/policy/procedure/project etc: Provision of a Managed Services Contract for Brent Transport Services	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/>
Predictive Yes	Adverse impact Not found <input checked="" type="checkbox"/> Found Early consultation with staff affected N/A – Currently provided by agency staff
Is there likely to be a differential impact on any group? No	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/Asylum Seekers No	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability No	4. Grounds of faith or belief: Religion/faith including people who do not have a religion No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual No	6. Grounds of age: Older people, children and young People No
Legal opinion sought - Yes	
Person responsible for arranging the review:	Person responsible for publishing results of Equality Impact Assessment:
Person responsible for monitoring:	Date results due to be published and where: Report to Executive – Jul 09
Signed:	Date:

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

Impact Needs/Requirement Assessment Completion Form

1. What is the service/policy/procedure/project etc to be assessed?

A Managed Services contract for the provision of drivers and escorts for Brent Transport Services

2. Briefly describe the aim of the service/policy etc? What needs or duties are it designed to meet? How does it differ from any existing services/ policies etc in this area

Brent Transport Services (BTS) currently operates most of its 92 routes with a workforce of 204 drivers and passenger attendants that is comprised mostly of temporary staff provided by 4 employment agencies. These staff generally work on a 'split shift' basis to meet the needs of BTS' core morning and afternoon activities. This long standing arrangement has proved to be highly cost effective and flexible in comparison with the employment of permanent Council staff to carry out these duties. However, no formal contracts are in place with the agencies concerned; and the impending implementation of the EU Agency Workers Directive (AWD) in October 2011 would result in a significant increase in BTS' wage costs if these arrangements continue because the AWD requires parity of pay, and some other benefits, between temporary and permanent employees.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

No

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender, disability etc).

There is no impact on the provision of services to Council clients.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

No

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Opinion sought from Legal as to the legislative requirements regarding the impact on current agency staff if a Managed Services Contract is procured.

8. Have you published the results of the consultation, if so where?

Report to Executive

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

No

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

Not applicable

11. If the impact cannot be justified, how do you intend to deal with it?

Not applicable

12. What can be done to improve access to/take up of services?

Not applicable

13. What is the justification for taking these measures?

No policy currently in place, hence a lack of consistency, relationship between needs and provision or focus on promoting independence

Impact Needs/Requirement Assessment Completion Form

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

15. What are your recommendations based on the conclusions and comments of this assessment?

No action at this stage, ensure robust procurement process with community benefits built in to the specification.

16. If equality objectives and targets need to be developed, please list them here.

Not applicable

17. What will your resource allocation for action comprise of?

Not applicable

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): [tbc] Date: [date]

Service Area and position in the council: BTS, Children & Families Directorate


Details of others involved in the assessment - auditing team/peer review:

Kelli Davis, Northgate Public Services
Steve Caunt, Northgate Public Services

Once you have completed this form, please take a copy and send it to:
The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD

An online version of this form is available on the Corporate Diversity Team website.

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	Executive 26 July 2010 Report from the Director of Housing and Community Care
Wards affected: All	
Provision of transport for Adult Social Care service users - promoting independence	

1.0 Summary

- 1.1 The Council currently provides transport to around 460 users of adult social care services at a cost of £1.74m. Transport is a key enabler for service users to access the care services that they need, but there is currently no clear Eligibility Policy to guide the assessment of the need for transport provision by the Council. As a result, the Council may be providing transport to those who do not need it, or to those who might benefit from support to travel independently in preference to Council provision.
- 1.2 The adoption of a policy for transport provision that promotes independence is beneficial to service users and to the Council. Moreover, the recent appointment of an Independent Travel Programme Manager provides the necessary resource and expertise to help service users to make the transition to independent travel, wherever this would be appropriate.
- 1.3 This report seeks approval for an Eligibility Policy which provides clear criteria for access to transport provision and promotes the adoption of alternatives, including the provision of independent travel training, which reflect the needs of the individual and help to promote greater independence.

2.0 Recommendations

- 2.1 That the Executive agrees to consult service users and their carers on the proposed adoption of the Eligibility Policy for access to Council-funded transport for users of adult social care services. Under this

Policy, eligibility will be determined by assessment of a service user's access to existing transport, and an assessment of their mobility and ability to travel independently.

3.0 Detail

3.1 There are approximately 460 service users currently provided with transport. Annual spend is in the region of £1.74m or £3,867 per user. The breakdown by service area is as follows:

Service area	No. of users with transport	Annual spend 2009/10	Spend per user
Physical disabilities	75	£ 245,000	£ 3,267
Learning Disabilities	220	£1,170,000	£ 5,318
Older people	165	£ 322,000	£ 1,951
Total	460	£1,740,000	£ 3,782

3.2 The majority of service users are transported in Council minibuses, with 25 users provided with external transport through the Council's Framework Contract with taxi providers.

3.3 The current provision of transport in adult social care has been reviewed and there is evidence that the existing arrangements do not always promote the independence of the service user. Current provision often relates to historical factors – for example certain day care services provide transport to all clients – rather than a reflection of the individual's actual needs for transport and the availability of alternatives to Council-provided transport.

3.4 Furthermore, whilst it may be the case that individuals require assistance with transport, this will not always require the provision of minibuses and taxis. Alternatives may include escorting on public transport or walking, facilitated through independent travel training, which would also help develop the independence and life skills of the individual.

3.5 Therefore, there is a need for the Council to adopt and implement clear and objective criteria for the provision of transport assistance, based upon an assessment of individual's needs in order to access care and support services, and their ability access to other means of transport other than that provided by the Council, either directly or indirectly.

4.0 Principles of the Eligibility Policy

4.1 The Eligibility Policy is based on the following principles:

- Access to transport services should be based on the need to promote independence and to provide services as close to home as possible
- Transport is provided to enable care service users to access community care activities/respite where necessary, and where parents/carers are unable to provide transport for the service user.
- The assessment of need for transport provision by the department requires a separate element in the community care assessment; i.e. no service should carry an automatic entitlement to transport provision by the Council.
- The test used in the assessment should be 'what will happen if the department does not provide transport', i.e., are there other ways in which the service user can reasonably be expected to attend day opportunities by making her/his own arrangements to get there
- The provision/funding for transport should **only** be considered if the client has needs categorised in accordance with the Council's Eligibility Criteria and Fair Access to Care Services (FACS).
- Whilst recognising the Council's duty to facilitate participation in appropriate care services, the provision/funding of transport is designated a **desirable** service and is **not** therefore guaranteed as part of a care package.
- Transport should **not** be offered as an incentive to take up a care package.

4.2 A copy of the Eligibility Policy and associated eligibility tests is attached at Appendix A. The tests are based upon

- Whether the client has access to transport. Access to mobility vehicles will be considered as part of the assessment to determine whether it is reasonable to expect the service user with such a facility to make use of it meet the transport need associated with the provision of care services. Similarly, the availability and eligibility for the use of Freedom passes for public transport, and a service users receipt of DLA Mobility component will also be considered.
- Whether the client has difficulties with mobility;
- Whether the client is able to travel independently, based upon an objective assessment of the risks involved, and the prospective provision of appropriate training or other support.

4.3 Once eligibility has been assessed as described above, it will be the duty of Brent Transport Services to arrange appropriate transport where required and agreed by the relevant department in Housing & Community Care. Directly provided transport services – whether internal or external – will be provided only once other alternatives have been considered and ruled out, and not as a matter of course.

4.4 The range of provision includes:

- Assistance with using public transport, eg travel buddies.
- Provision of transport by parents/carers - supported by payment of mileage allowance if appropriate.
- Independent travel – through referral to the Council’s Independent Travel Programme Manager.
- Existing taxi journey – shared with other clients
- Taxi service – solely for the use of the client
- Transport in Council vehicles, eg minibuses

5.0 Impact on Existing Service Users

5.1 If approved, the new Eligibility Policy will be applied to all new clients considered for the provision of care services, and to existing clients. In terms of the impact upon existing service users, the recent assessments undertaken by Community Care staff provide an indication of those clients who might be capable of transition to independent travel, in accordance with the Policy, subject to specific assessments and given appropriate support and training, as follows:

- Physical disabilities: 40 out of 79 clients.
- Learning disabilities: 50¹ out of 275 clients.
- Older people: 0² out of 165 clients.

In addition, a further 31 clients with Learning Disabilities may no longer be considered eligible for the provision of transport under the Policy, subject to consideration of the availability of Mobility vehicles to them, or their receipt of the Mobility Component of the Disability Living Allowance. Finally, it is noted that some 198 clients from the total client group have Freedom Passes for the use of public transport, and further assessment of these clients need for the provision of Council transport will need to be undertaken.

¹ A further 57 clients already travel independently.

² Further detailed assessment may identify some clients who could travel by means other than Council-provided transport.

5.2 Given that a specific assessment of service users ability to travel independently has yet to be undertaken, it is estimated that if 45 service users out of the 121 identified above as potentially capable of independent travel make a successful transition,, the saving to the Council would be in the order of £170K per annum.. Obviously, the saving will increase if more service users make the transition. It should be noted that some of this saving will be offset by the cost of travel training or other support that the user may require, but this will be minimised by the Independent Travel Programme Manager who will be using existing staff and resources to undertake this work wherever possible.

5.3 For those existing service users who will lose their eligibility for transport under the Policy, their circumstances will be considered sympathetically and it is envisaged that there will be a transitional period of up to 3 months to support them to travel independently or to make use of alternative arrangements following their re-assessment.

5.4 It is proposed that the assessment and provision of transport should be reviewed annually.

6.0 Financial Implications

6.1 Annual expenditure on transport for adult social care clients is in the region of £1.74m. If the Eligibility Policy is not adopted then there is a risk that this cost may escalate as changing patterns of care provision increase the number of journeys that would be required to enable clients to undertake a wider range of activities at a larger number of locations.

6.2 As identified in paragraph 4.6 above, it is estimated that gross annual savings will be in the region of £170K through the implementation of this policy.

7.0 Legal Implications

Statutory Requirements

7.1 Section 21 of the Chronically Sick and Disabled Persons Act 1970 states that:

'Where a local Council having functions under S.29 of the National Assistance Act 1948 are satisfied in the case of any person to whom that section applies who is ordinarily resident in their area, that it is necessary in order to meet the needs of that person for that Council to make arrangements for all or any of the following matters, namely –

- d) the provision for that person of facilities for, or assistance in, travelling to and from his home for the purpose of participating in any services under arrangements by the Council under the said S.29 or, with the approval of the Council, in any services provided otherwise

that as the foresaid which are similar to services which could be provided under such arrangements...'

7.2 'The Social Security Contributions and Benefits Act 1992 section 73(14) says that while social services authorities are empowered but not obliged to charge for such transport services, in assessing a persons ability to pay, his/her mobility component of DLA if received must be ignored.'

7.3 Under S.29(1) of the National Assistance Act 1948, local authorities have the power to provide free or subsidized travel for people who do not otherwise qualify for travel concessions.

Consultation

7.4 As it has been established by this review that some clients may lose their entitlement for the provision of transport under the Eligibility Policy it is necessary to submit the Policy to consultation so that the impact can be fully assessed and considered within the context of a comprehensive Equality Impact Assessment. This consultation will help to ensure that the Council meets its obligations to exercise its Disability Equality Duties under the Disability Discrimination Act.

8.0 Diversity/Equality Implications

8.1 The Eligibility Policy focuses upon enabling access to services for individuals with physical disabilities, learning disabilities and older people. The aim is to support the promotion of independence for service users by enabling individuals to move towards travelling independently where this is feasible. However, there will be an impact upon those service users who are currently in receipt of transport who will lose their eligibility under the proposed policy. An initial Equality Impact Assessment has been undertaken and is attached at Appendix B. This may be amended in the light of consultation.

9.0 Staffing Implications

9.1 There are no direct implications for Council staff as a result of these proposals. Almost all clients in receipt of direct Council transport provision are carried in Brent Transport Services vehicles manned by temporary staff provided by agencies. A reduction in the number of clients transported would reduce the number of temporary staff required and would realise an immediate cost saving.

10.0 Accommodation Implications

10.1 There are no accommodation implications.

11.0 Background Papers

- None

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Martin Cheeseman
Director of Housing & Community Care

Appendices:

- A. Policy for the Promotion of Independent Travel for Adult Social Care Service Users.**
- B. Equality Impact Assessment**

POLICY FOR THE PROMOTION OF INDEPENDENT TRAVEL FOR ADULT SOCIAL CARE SERVICE USERS

Background

Current policy for the provision of adult social care is aimed at promoting the maximum possible independence for the service user. In extending this principle to the Council's provision of transport services, this policy sets the criteria that will be used to assess whether the service user's transport need can be met best through independent travel arrangements or whether Council provided transport services are necessary.

Principles

In general, this Policy is based on the assumption that service users will travel independently to take advantage of care provision, except where assessment shows that this is not possible, and is based on the following principles:

- Access to transport services will be based on the need to promote independence and provide services as close to home as possible
- Transport is provided to enable clients to access a range of community activities/respite and where parents/carers are unable to provide their own transport.
- The assessment of need for transport provision by the department will be a separate element in the community care assessment; i.e. no service should carry an automatic entitlement to departmental transport provision
- The test used in the assessment should be 'what will happen if the department does not provide transport', i.e., are there other ways in which the service user can reasonably be expected to attend day opportunities making her/his own arrangements to get there
- The provision/funding for transport should **only** be considered if the client has needs categorised in accordance with the Council's Eligibility Criteria and Fair Access to Care Services (FACS).
- The provision/funding of transport is designated a **desirable** service and is **not** therefore guaranteed as part of a care package.
- Transport should **not** be offered as an incentive to take up a care package.

Process

There are 4 stages in the process for assessment of eligibility for the provision of assistance with transport and the identification of appropriate transport as follows:

- Access to existing transport
- Assessment of mobility
- Assessment of ability to travel independently
- Identification of appropriate transport provision for those eligible

Stage 1: Access to existing transport

Clients will **not** be eligible for transport if:

- They have a mobility vehicle which they drive themselves. In this instance there will be consideration of whether it is reasonable to expect that the service user will use that vehicle in order to travel to the location of the care service/activity.
- They have a mobility vehicle of which they are not normally the driver themselves. Similarly, there will be consideration of whether it is reasonable to expect that the service user will use that vehicle in order to travel to the location of the care service/activity.

Clients with the following will only be eligible for transport if they are assessed at Stage 3 as **not** capable of independent travel:

- Freedom Pass (and an appropriate public transport route is available)
- Mobility component of Disability Living Allowance

Stage 2: Assessment of mobility

An assessment will be made of the client's mobility. This will involve assessing issues such as:

- Ability to walk outside
- Requirement for wheelchair/ other walking aid
- Ability to get in and out of property
- Ability to get in and out of vehicle

- Risk of falling without support
- Ability to bear weight to transfer
- Whether mobile but at a risk when mobilizing due to uncontrollable movements
- Ability to use stairs, manage gradients, steepness of stairs in home, safety, energy levels

Clients will be categorized for this purpose as follows:

- No mobility problems
- Limited mobility problems
- High/ complex mobility problems

Stage 3: Assessment of ability to travel independently

This assessment considers both physical and social reasons that enable or prevent the client from travelling independently. This will include:

- Extent of the mobility problems identified in Stage 2
- Availability of family/ carers
- Communication difficulties (for example ability to order taxi or use public transport)
- Psychological factors eg mental health, loss of confidence, agoraphobia
- Experience or risk of harassment
- Any other factors affecting personal safety

The assessor will determine whether the client:

- Is capable of travelling independently
- Requires some training, support or assistance that will enable them to be capable of travelling independently in the near future
- Not capable of travelling independently

Stages 1 to 3 will determine the eligibility of the client for some form of transport or transport assistance. Assuming the client is eligible under Stage 1 (access to existing transport) then the eligibility will be determined as follows:

		Mobility problems		
		None	Low	High/complex
Capable of Independent travel	Yes	Not eligible Use public transport Walk if < 1km Use concessionary pass	Not eligible Use public transport Walk if < 1km Use concessionary pass	Eligible May require door to door service
	Potentially	Eligible Directly-provided transport as last resort	Eligible Directly-provided transport as last resort	Eligible May require door to door service
	No	Eligible Designated pick-up points near home	Eligible Designated pick-up points near home	Eligible May require door to door service

Stage 4: Identification of appropriate transport

Once eligibility has been assessed as above, it will be the duty of the Adult Social Care to make appropriate arrangements for transport. Directly provided transport services – whether internal or external – will be provided only once other alternatives have been considered and ruled out, and not as a matter of course.

The range of provision includes:

- Assistance with using public transport, eg escorts
- Independent travel – referral to the Council's Independent Travel Programme Manager
- Existing taxi journey – shared with other clients
- Taxi service – solely for the use of the client
- Transport in Council vehicles, eg minibuses

The assessment and provision of transport should be reviewed on a pre-determined basis, eg at the annual review, by the commissioner in consultation with the transport provider.

Where clients move from Children's to Adult Social Care services, then their needs will be reassessed by Adult Social Care in relation to the new services required.



Executive
26 July 2010

Report from the Director of Housing and Community Care

Wards affected:
ALL

Adult Social Care Direct Services Review

1.0 Summary

- 1.1 The Direct Services Review is part of Adult Social Care Transformation. The Day Opportunities Strategy has been developed through this review
- 1.2 The Strategy aims to improve the provision of direct services provided by the Council to vulnerable people and provide better value for money.
- 1.3 The report identifies the need to consult on the strategy with service users, carers and stakeholders.
- 1.4 The report also highlights the immediate problems with Stonebridge day centre. The day centre is no longer fit for purpose and requires £150,000 immediate structural repair work followed by an ongoing programme of remedial work.
- 1.5 Stonebridge day centre requires under pinning as there has been substantial movement in the building. There are health and safety risks of not progressing this work to both service users and staff are significant. It will be disruptive to service users to undertake the works whilst continuing to deliver the service.
- 1.6 National policy and local strategy advocate that services for people with a learning disability should be personalised thereby promoting service user choice and control to help develop independence and skills. The proposed new service model is consistent with this policy and will help to deliver improved outcomes for local people.

2.0 Recommendations

- 2.1 That the Executive agrees to consultation on the Day Opportunities Strategy. This will include a review of all buildings accommodating directly provided adult social care services, and is intended to lead to their modernisation and transformation.
- 2.2 That the Executive appreciates the issues relating to Stonebridge, options for addressing these issues will be discussed as part of the consultation.

3.0 National and local policy context

- 3.1 Recent social care policy has focussed on the need to develop more personalised services for adults, which will provide greater choice for individuals, help to promote their independence and enable them to improve their quality of life.
- 3.2 This philosophy is central to the values and principles advocated in *Putting People First: a shared vision for the transformation of adult social care* (2007) and other recent policy such as *Our Health, Our Care or Say* (2006); *Living Well with Dementia: A National Dementia Strategy* (2008) and *Valuing People Now: a new three year strategy for people with learning disabilities* (2009).
- 3.3 This will change the nature of how services for vulnerable people are provided in Brent. Many services are currently delivered as a 'one size fits all', buildings based model. These will need to change to ensure that a more flexible range of services are available, often delivered in the community by a range of organisations and professionals, which individuals can access by using their personal budgets.
- 3.4 Whilst national policy has been a significant driver in shaping this change, local issues have been equally important in developing this new approach to the delivery of social care services. The One Council Improvement Strategy and the need for Brent to make significant efficiency savings over the next three financial years have meant that Adult Social Care must develop excellent, innovative services to local people that deliver improved outcomes, whilst ensuring that this is done in an efficient, cost effective way.
- 3.5 Over the last 18 months, the Adult Social Care Transformation Programme has made a significant amount of progress in the development of social care services provided and commissioned by the Council. This has been achieved through a mixture of specially commissioned projects and through operational service redesign. The Direct Services Review is a key project in this transformation agenda.

4.0 Objectives of the Direct Services Review

- 4.1 The Direct Services Review project aims to deliver the following objectives:
- Align all Council directly provided services under a single manager. Currently, all directly provided services are organised along service lines.

- Deliver a new operating model for all directly provided services, which will be sensitive enough to reflect the different service needs of the different client groups
- Clearly define new roles and responsibilities for staff to ensure that the principles of choice, service user control and improved satisfaction are secured.
- Rationalise the use of buildings that currently house the Council's directly provided services, as they are not fit for purpose.

4.2 The Direct Services Review project will help the Council meet the following corporate objectives:

- **Service transformation** – the model of service delivered in Council provided services will be consistent with national and local policy and will deliver on the requirements of the personalisation agenda
- **Better property management** – The project involves making more efficient use of buildings and also how space in these buildings is better utilised
- **New and more flexible ways of working** – Staff working in the directly provided services will be required to work in new ways to help support people to receive services that meet their needs. These may be provided by the Council or by other partners, and the role of staff will be to help support people access these services.
- **Increased income generation** – resulting from a change in use of some of the buildings currently being used to deliver services
- **Delivering the One Council proposals** – the project supports the proposals through the transformation of services resulting in improved efficiency and better outcomes for service users.

4.3 Young people with disabilities choose not access day opportunities currently provided at Brent's day centres. They access a range of community based provision at colleges, third sector organisations and mainstream activities with support.

4.4 Currently, Learning Disability Day Services are significantly under utilised. Both Stonebridge and Strathcona can each accommodate 133 people per day, however the average daily attendance at Stonebridge is 39 and at Strathcona it is 69.

4.5 Therefore, over time, there will be a reduction in numbers attending the day centres and a drop in activity. The Direct Services Review and the Day Opportunities Strategy respond to this changing demand.

4.6 The Direct Services Review relates to all services provided directly by Adult Social Care within the Council.

4.7 The scope of the project, however, is extensive. It covers a range of care groups and different types of services, and is likely to require significant management capacity to implement it. Therefore, in order to maximise the success of the project and begin to implement change, it is recommended that a phased approach to implementation is pursued following consultation.

4.8 There has been a lot of work carried out within Learning Disability Services, with a significant number of service reviews, skills audits and preparatory work carried out to prepare for service transformation. Teams within the service, service users and carers are expecting change to happen following this preparatory work, and it is desirable that this work begins as soon as possible due to the impact on staff morale.

5.0 Day Opportunities Strategy

5.1 The Strategy outlines proposals for the future design of Day Opportunities across adult social care. The principles for the development of day opportunities for people with a learning disability are as follows:

- A move away from services delivered in buildings to a large number of people at the same time and towards the delivery of personalised services;
- Service users will be supported to access services provided within the community – leisure, employment, learning and social activities - to enable them to contribute to the local economy and their local communities.
- We will work with partners to ensure that these services meet the needs of people with a learning disability;
- The role of staff will change to support the delivery of the personalisation agenda.

6.0 Consultation

6.1 It is proposed that there is a 12-week consultation period with service users, carers and all stakeholders on the Day Opportunities Strategy.

6.2 Consultation events will be held with service users, carers and stakeholders over the 12 week period.

6.3 Advocacy services will be commissioned to support service users and carers to contribute fully to the consultation process.

6.4. Following consultation the Strategy will be presented to the Executive with recommendations for implementation.

7.0 Financial Implications

7.1 The cost of the immediate works required at Stonebridge Day Centre are estimated at £150,000. There is no specific budget identified for this work and this will have to be addressed as part of the consultation.

7.2 A further report to the Executive following the consultation will contain costed options, including funding the works at Stonebridge.

8.0 Legal implications

8.1 By virtue of the National Assistance Act 1948 and the Chronically Sick and Disabled Persons Act The Local Authority is required “to provide, whether at

centres or elsewhere, facilities for occupational, social, cultural and recreational activities and, where appropriate, the making of payments to persons for work undertaken by them". The Local Authority has similar obligations in relation to older persons under the Health Services and Public Health Act 1968 s45.

8.2 As a public authority, the Council has general duties to promote equal opportunities relating to race, disability and gender and to remove discrimination. These duties are set out in the:

- Disability Discrimination Act 2005 (DDA 2005);
- Equality Act 2006;
- Equal Pay Act 1970;
- Race Relations (Amendment) Act 2000 (RRAA 2000);and
- Sex Discrimination Act 1975.

8.3 The DDA 2005 requires public authorities, when considering disabled people, to promote positive attitudes towards disabled people and take positive steps, even if that involves treating disabled people more favourably than others.

8.4 To provide guidance on the duty there is a Statutory Code of Practice. The general duty is not absolute but it does require authorities in respect of all their functions to give due regard to disability equality.

8.5 The core general duties are similar for race and gender i.e.:

- To promote equality of opportunity; and
- To eliminate harassment and unlawful discrimination.

8.6 The Race Relations Act 1976 (as amended) places a statutory duty on public authorities to work to eliminate unlawful discrimination, and to promote race equality in all its functions. There are three complementary parts to the general duty:

- Eliminating unlawful racial discrimination
- Promoting equal opportunities
- Promoting good relations between people from different racial groups

The Code of Practice issued under s71C Race Relations Act 1976 (as amended) is relevant and the council must have regard to it.

8.7 As a public authority, the Council has general duties to promote equal opportunities relating to race, disability and gender and to remove discrimination. These duties are set out in the:

- Disability Discrimination Act 2005 (DDA 2005);
- Equality Act 2006;
- Equal Pay Act 1970;
- Race Relations (Amendment) Act 2000 (RRAA 2000);and
- Sex Discrimination Act 1975.

- 8.8 The DDA 2005 requires public authorities, when considering disabled people, to promote positive attitudes towards disabled people and take positive steps, even if that involves treating disabled people more favourably than others.
- 8.9 To provide guidance on the duty there is a Statutory Code of Practice. The general duty is not absolute but it does require authorities in respect of all their functions to give due regard to disability equality.
- 8.10 The core general duties are similar for race and gender i.e.:
- To promote equality of opportunity; and
 - To eliminate harassment and unlawful discrimination.
- 8.11 The Race Relations Act 1976 (as amended) places a statutory duty on public authorities to work to eliminate unlawful discrimination, and to promote race equality in all its functions. There are three complementary parts to the general duty:
- Eliminating unlawful racial discrimination
 - Promoting equal opportunities
 - Promoting good relations between people from different racial groups
- 8.12 The Code of Practice issued under s71C Race Relations Act 1976 (as amended) is relevant and the council must have regard to it.

9.0 Diversity Implications

- 9.1 Traditionally society has taken a paternalistic view of the needs of older people and people with disabilities and tried to “look after” them rather than supporting them to develop independence, skills and accessing community based facilities that we all take for granted.
- 9.2 The proposals in this paper will support people as they access community services, ensuring their needs are met through the same services that everyone else uses. Enabling them to become participants in their local communities and develop networks and support as close to home as possible.
- 9.3 An Equality Impact Assessment will be completed during the consultation period.

10.0 Staffing Implications

- 10.1 There is a need for staff to change their practice to respond to the personalisation agenda. Staff are being and will continue to be supported in this change.
- 10.2 Following consultation any agreement to implement the Strategy will have an impact on the numbers and skill of staff required to deliver personalised services.

Background Papers

Putting People First: DH Policy December 2007

Living Well with Dementia: A National Strategy for Dementia Services, Department of Health, February 2009

Meeting
Date

Version no.
Date

Valuing People Now: A New 3 year Strategy for people with learning disability,
Department of Health 2009
Day Opportunities Strategy 2010

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BRENT ONE COUNCIL

DAY OPPORTUNITIES STRATEGY

2010-2012

07/07/2010

Version: DRAFT v3.0

Draft

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DRAFT

Executive Summary

Brent Council Adult Social Care will enable vulnerable people to access more diverse community-based day activities so that they can choose more independently how they work, learn and enjoy leisure and social activities

Brent Council Adult Social Care believes that people who have a social care need have the right to lead their lives like everybody else, with the same opportunities and responsibilities, and to be treated with the same dignity and respect. Brent's Adult Social Care transformation programme is designed to make this a reality for the people of Brent. This strategy presents an overarching vision for people with learning and physical disabilities and vulnerable older people.

Vision National policy and local strategy advocate that services for vulnerable people should be personalised and community-based thereby promoting service user choice and control to help develop independence, and to build skills. The proposed new service model is consistent with this policy and will help to deliver improved outcomes for local vulnerable people by increasing their participation in mainstream and community-based services.

Benefits Many services are currently delivered as a 'one size fits all', building-based model. These will need to change to ensure that a more flexible range of services are available to achieve outcomes for users and carers. These services will be delivered in the community as appropriate by a range of organisations and professionals, which individuals can access by using their personal budgets. This will deliver three core benefits: service quality improvements, financial sustainability as well as national and local policy alignment.

Delivering the vision and benefits In order to deliver the vision and the benefits Brent Council will need to improve the customer journey, redesign current day services, stimulate the market and engage and involve service users and carers. Across client groups the successful implementation of the strategy will be achieved through the combined effects of:

- Improving assessments to determine the level of support needed;
- Delivering community-based day activities from resource centres as a base;
- Improving access to mainstream services and commissioning new ones; and
- Engaging and involving users, carers and other stakeholders in all of the above.

1. Introduction

1.1 Approach

Brent Council Adult Social Care believes that people who have a social care need have the right to lead their lives like everybody else, with the same opportunities and responsibilities, and to be treated with the same dignity and respect. Brent's Adult Social Care transformation programme is designed to make this a reality for the people of Brent

This strategy is an important part of the adult social care transformation and has been drafted to frame the transformation of day opportunities services for:

- People with Learning Disabilities (LD);
- People with Physical Disabilities (PD); and
- Older People (OP).

This document applies to everyone who uses day opportunity services, or requires additional support. Brent Council Adult Social Care provides services to people with a 'critical' or 'substantial' social care need, but is also committed to providing improved information and advice about social care support to everyone who can benefit from this information.

To identify the different levels of support people require we have used four levels of independence:

1. Highly independent;
2. Independent with some support;
3. Independent with support; and
4. Independent with significant support.

This strategy is not focused on eligible needs and services, but on people and outcomes such as:

- Having the opportunity to engage in meaningful activities;
- Improving and extending social networks;
- Spending time in an integrated or mainstream setting; and
- Learning, and earning money.

Therefore, it is structured around the activities that underpin such outcomes:

- To enjoy leisure and social activities (leisure);
- To learn (education); and
- To work (employment).

The table below outlines how this focus can provide a different way of looking at the activities that should be available to everyone with a social care need and the support that different people might need to access those activities. Brent’s aim is to ensure that all these activities are open to all, and that the support required to access them is minimised to ensure people are as independent as possible.

	Leisure	Education	Employment**
1. Highly independent	<ul style="list-style-type: none"> •Independent access to full range of options •Brent Council to provide signposting, information and advice 	<ul style="list-style-type: none"> • Mainstream education • Brent Council to provide signposting, information and advice 	<ul style="list-style-type: none"> • Paid employment • Brent Council to provide signposting, information and advice
2. Independent with some support	<ul style="list-style-type: none"> •Independent access to mainstream services •Brent Council to provide preparatory and organisational support 	<ul style="list-style-type: none"> •Community-based education with some support •Brent Council to provide preparatory and organisational support 	<ul style="list-style-type: none"> •Support to access either paid or unpaid employment •Brent Council to provide preparatory and organisational support
3. Independent with support	<ul style="list-style-type: none"> •Brent Council to support to access to full range of options recognising individual needs • Appropriate use of supported travel escorts 	<ul style="list-style-type: none"> •Mainstream and non-mainstream courses •Brent Council to support people to access these courses in the community 	<ul style="list-style-type: none"> •Work experience •Brent Council to provide support towards paid employment
4. Independent with significant support	<ul style="list-style-type: none"> •Brent Council may provide intensive support for access to mainstream and specialist services •May require specialist transport 	<ul style="list-style-type: none"> •Brent Council to enable people to access courses delivered in resource centres as appropriate 	<ul style="list-style-type: none"> •Brent Council to enable people to access work-related activities

*Education activities for Older People are usually not qualification oriented

** Employment activities for Older People are dependent on their preference and desire to engage in these activities, and are not part of the current activities offered to Older People

1.2 Drivers for change

Day opportunity services have been changing for the last 20 years. These changes have regularly been given fresh impetus by initiatives such as Direct Payments and *Putting People First*. However, the majority of day opportunity services in Brent are still traditional building-based services. This means that day opportunity services are still a barrier to achieving genuine choice and control for people in Brent.

Service user context

National and local consultation has shown that two significant changes are needed to improve outcomes for service users and carers and give people genuine choice and control. Firstly, people need a wider range of options to choose from and these options must include both specialist (sometimes building-based) and mainstream (in and with the community) services. Secondly, in order to create this choice, Councils need to focus more on commissioning and developing new services in the community and less on delivering traditional building-based services themselves.

Currently, day services for vulnerable people in Brent focus on providing activities in specialist day centres on weekdays. In addition project-based services outside day centres have been developed for people with Learning Disabilities to enhance employment skills. Transport to and from these day centres is often provided free of charge through specially

commissioned transport. Because these services are focused on special buildings and are often block contracted, they make it more difficult for people to make individual choices about what support and services would best meet their own need.

Local authority context

Brent Council Adult Social Care is committed, as part of the Adult Social Care Transformation, to providing the day opportunity services people need. For example, mental health services have been configured to meet a need for more diverse and community-based day services.

Brent Council is also committed, as part of the OneCouncil Improvement and Efficiency programme, to achieving service transformation. The aim of the programme is to ensure that the Council is a more efficient, effective and streamlined authority, capable of providing local people with excellent, innovative services that deliver improved outcomes even within the financial constraints of the current economic climate.

The number of people with profound physical and learning disabilities is expected to increase further in the future as medical advances mean that more people with a disability survive into adulthood. For example, a study by the Centre for Disability Research (2009) concludes that in an average area of England with 250,000 residents, the number of adults with profound multiple learning disabilities receiving health and social care services will rise from 78 in 2009 to 105 in 2026. These rates are expected to be higher in communities such as Brent that have a younger demographic profile, or contain a greater proportion of citizens from Pakistani and Bangladeshi communities as these tend to have higher prevalence rates.

However, many young people with a disability choose not access day opportunities currently provided at Brent's day centres. They access a range of community-based provision at colleges, third sector organisations and mainstream activities with support (see case studies on page 10/11). Therefore, over time, a reduction in numbers attending the day centres and a drop in activity is expected.

Mental Health services in Brent have already moved away from a building-based model and now successfully provide a socially inclusive 'community network' service. Users mostly access mainstream services in the community with some activities, such as independent living skills, being provided in a centrally-located rented space. This is a big change from the previous building-based institutionalised model, and user satisfaction has improved significantly through participating in mainstream services, ranging from yoga to international scrabble competitions.

Key success factors for the transformation of mental health services include a large-scale consultation process with users, carers and staff; the re-training of staff to focus on enabling independence; providing staff with clear new job descriptions; and offering users special classes on accessing mainstream services and a list of user-friendly places in Brent. Services are regularly reviewed on the degree of social inclusiveness achieved.

Once the services moved out of the buildings, the change really took hold. As people had the first positive experiences with community-based services, such as courses at the local college, this reinforced the enthusiasm of other initially more sceptical users. The mental health day services transformation has been cost neutral and the throughput of users has increased since the introduction of the new model. Staff levels have stayed the same.

National context

Recent social care policy has focused on the need to develop more personalised services for adults, which will provide greater choice for individuals, help to promote their independence and enable them to improve their quality of life.

Putting People First: a shared vision for the transformation of adult social care (2007) requires a move away from traditional building-based services and block contracts to a more personalised service delivery model, providing:

- Better access to mainstream services and a clearer focus on developing social capital to ensure social inclusion;
- Improved early intervention and prevention; and
- Greater choice and control which allows people to maximise their independence through services and support they choose.

The Putting People First personalisation agenda is also reflected in a wide range of other national strategy and policy documents for people with Learning and Physical Disabilities and Older People; for example, *Valuing People Now; Improving the Life Chances of Disabled people*; and *A new ambition for old age* respectively.

Improving the Life Chances of Disabled people (PMSU, 2005) aims to bring disabled people fully within the scope of the 'opportunity society'. By supporting disabled people to help themselves, a step change can be achieved in the participation and inclusion of disabled people, which is what this strategy aims to achieve.

A new ambition for old age (DH, 2006) sets out the policy direction for vulnerable older people, underlining the importance of increased choice and control over older people's day activities. The aim is to ensure that older people and their families will have confidence that in all care settings, older people will be treated with respect for their dignity and their human rights. This includes increasing choice and independence in the type of day activities older people engage in.

2. Vision

Brent Council will ensure there are more diverse and community-based day activities for vulnerable people, so they have genuine choice about how they work, learn, and enjoy leisure and social activities.

2.1 Choice and control

For the majority of people in society, their days are characterised by the routines of either work or structured activity. This is equally valid for people with a learning or physical disability and vulnerable older people. For all of us, our lives are more meaningful if we have the ability to make choices and can achieve variety and change. Brent Council will, therefore, seek to ensure that as far as possible people plan their own days, using a mix of Council funds if they are eligible, and other financial resources available to them.

2.2 Mainstream and community based services

In order to work, learn and enjoy leisure and social activities alongside everybody else, while living their lives in safety, Brent Council will develop further opportunities for people to access mainstream services, such as adult education, leisure centres and public transport.

The starting point for any service user should always be to access mainstream activities. People with a higher level of dependence may be best served by specialist services, but there is no reason that these cannot be delivered by mainstream or independent providers in the community. Not only does this improve choice and independence, it also encourages vulnerable people to take part in the local community as equal citizens. For example, adult education for people with learning and physical disabilities is usually delivered in day centres. Yet many service users could attend college alongside other learners with the appropriate preparation or support.

2.3 Brent Adult Social Care's commitment

Brent Council will continue to ensure that people receive appropriate support to access mainstream and community-based services. This includes maintaining local bases from which people can access different community-based activities. In addition, we recognise that for some people, it will be important that a more stable and structured day service is provided to ensure safety and stimulation.

3. Benefits

Brent's day opportunities strategy will deliver service quality improvements, financial sustainability and policy alignment by 2012.



3.1 Service quality improvements

More diverse and community-based day services will drive quality improvements in Brent's day services for users, carers and staff.

Improved outcomes

People will be able to access a wider range of purposeful day services better aligned to their needs, which will lead to more fulfilling and independent lives in the community. Greater choice, independence and inclusion in the local community will achieve improved results on outcomes for service users as identified in *Putting People First*:

- Exercise maximum control over their own life and where appropriate the lives of their family members;
- Sustain a family unit which avoids children being required to take on inappropriate caring roles;
- Participate as active and equal citizens, both economically and socially;
- Have the best possible quality of life, irrespective of illness or disability; and
- Retain maximum dignity and respect.

"I am 19 years old and I live at home with my parents and my 2 younger sisters. I am autistic and have a moderate learning disability. I enjoy doing lots of things in the community. For me being an autistic person means that I need to be active and engaged most of the time, so having a busy and varied weekly plan is important to me.

During the week, I attend the college of North West London for four days a week. On Wednesdays I stay at home with my personal assistant to develop my independent living skills, such as housework and cooking. I also go swimming in the evening.

On the weekend, I like to go to swimming, drama, music, use computers and go shopping."

Staff motivation and performance are also expected to increase while delivering day services in a more effective way. An integrated team with increased skills and knowledge, trained in new ways of working is expected to drive service improvements. The CASS case study (see page 17) and the Mental Health community networks (see page 7) show that employees are more engaged when a service model is in place that aims to support people to access mainstream and/or community-based activities.

Increased user satisfaction

Local user surveys and national best practice examples show that most users are keen to take part more in mainstream activities where possible.

User satisfaction is, therefore, likely to increase through a wider variety of activities which are conducted for example at mainstream facilities or with a wider group of people. Having a higher degree of ownership and choice of day activities is also likely to improve quality of life for day services users.

3.2 Financial sustainability

Providing more community-based day services will also allow the Council to provide financially sustainable services.

Increasing independence

This strategy is focused on giving people the support they need to lead more active and independent lives. Service users will be supported to access services provided within the community – leisure, employment, learning and social activities. Brent is committed to supporting people to become more independent and, therefore, reducing the amount of support they need.

The more independent the individual is the less support he or she will need to access mainstream or community-based activities. Highly independent users may be able to access mainstream services without much support, while others may need some organisational

“Steve is 20 years old and has Multiple Sclerosis. Previously he was in a residential school and he returned home to Brent to live with his very supportive family. He would like to live his life as normally as possible and has started his University course full-time in West London in September last year.

He receives Direct Payments which pay for 13 hours of learning support. He identified that it was important for him to do well at university and that he needs help and support to participate fully.

Steve likes to maintain his independence as much as possible, and employing his own support worker enables him to do this.”

“Meron is a 77 year old widow from Somalia who suffers from diabetes, hypertension and arthritis. She has been in England since 1999 after her husband was killed in the Civil War.

She receives Direct Payments and buys support with her medication, meals and personal care from Red Sea, an organisation that provides Somalian care workers.

Meron is delighted that she can have control over her support and speak Somalian with the care workers (as she does not speak English). She also prefers not to have to rely on her daughter anymore.”

and preparatory support. Less independent people can go out into the community as part of a supported group, while some will need one-to-one support. Independence levels for each service user will need to be assessed carefully to determine the appropriate level of support.

Estate consolidation

The proposed strategy brings opportunities to reduce the number of council-owned buildings and/or provide a wider variety of services from them. Increasing the community element of day services will mean fewer people will use the buildings, while in addition a wider range of activities could be offered from them across client groups and the wider population.

Less independent people will continue to use day centres regularly, but more independent people will only use the centre as a base or meeting point to go out to community-based activities (if they use it at all). In addition, in the future the focus on community-based activities and a much wider range of options will mean buildings could be used by more than one or all client groups and the wider population.

3.3 Local and national policy alignment

Personalised and community-based day services are in line with local and national policy, focused on service quality improvements, financial sustainability and local planning.

National policy alignment

Brent's day services will offer more choice, control and independence for service users in line with *Putting People First* and specific policy for Learning Disabilities, Physical Disabilities and vulnerable Older People.

Introducing more diverse and community-based day activities as set out in this strategy meets priorities outlined in *Valuing People Now* (DH, 2007) for people with Learning Disabilities: Personalisation, and What People Do During the Day (and Evenings and Weekends).

The *Valuing People Now* Personalisation priority sets out that people should have real choice and control over their lives and services, which Brent Adult Social Care aims to achieve through offering more diverse activities through mainstream and community-based services. The What People Do During the Day priority sets out that people should be helped to be properly included in their communities, with a particular focus on paid work. This will be achieved through increasing the mainstream and community provision of day services.

Similar priorities are set out in *Improving the Life Chances of Disabled people* (PMSU, 2005) and *A new ambition for old age* (DH, 2006).

Local policy alignment

Whilst national policy has been a significant driver in shaping this change, local issues have been equally important in developing this new approach to the delivery of social care services.

The One Council Improvement Strategy and the need for Brent to make significant efficiency savings over the next three financial years have meant that Adult Social Care must develop excellent, innovative services for local people that deliver improved outcomes, whilst ensuring that this is done in an efficient, cost effective way. This strategy sets out to realise both aims as described in the sections above.

In addition, service provision is proposed to be moved to central Brent in line with the South Kilburn Master Plan which has the overall goal of the regeneration of South Kilburn. The proposed vacation of Albert Road day centre in particular will help realise this aim. The proposed new John Bilham Resource Centre will be purpose-built and conveniently located so that it is easily accessible across the borough.

Draft

4. Delivering the vision and benefits

In order to deliver the vision and the benefits Brent Council will need to improve the customer journey, redesign current day services, stimulate the market and engage and involve service users and carers

4.1 Improve the customer journey

Brent Adult Social Care's Personalisation – Customer Journey project is preparing to make a number of changes which will improve the customer journey for everyone with a social care need. These improvements will mean:

- People who do not have an eligible need will have improved access to information and advice about community-based and mainstream support in Brent; and
- People with an ongoing eligible social care need will have a Personal Budget (PB) with greater freedom to choose which services and support they use, and improved support to make those decisions.

In both cases the information, advice and support will not be focused on what have traditionally been described as 'day services', but on the activities, opportunities and support which will help people to meet their outcomes.

In addition, regular assessments will take place to determine the appropriate level of support for people eligible for Council support. This will ensure that people are enabled to contribute as much as possible to the local economy and their local communities.

4.2 Redesign current day services

Brent Adult Social Care directly provides a significant number of day opportunity services to vulnerable people. A wide range of day opportunity services are also provided in the private and voluntary sectors. All of these services will need to be reviewed to assess to what extent they meet the vision outlined in this strategy, so it is clear how they are meeting the needs of service users and carers and providing value for money. See Appendix for more details on the current service provision for Learning Disabilities. Similar plans will be developed for Older People and Physical Disability services within the coming year.

The focus of the operating model of all internally provided day services for vulnerable people would be on providing additional support to people accessing community-based and mainstream opportunities. Service users attending the day centres will have further assessments of their needs relating to the services they would like to access in the future. The role of staff would change accordingly to support the delivery of more personalised services.

4.3 Stimulate the market

In addition to the redesign of existing services, work will also need to start on stimulating the broader market. The aim is to provide people with options to engage in meaningful

activities, spend time in integrated or mainstream setting, improve and extend social networks, and earn money and learn. This will mean undertaking specific initiatives to:

- *Improve access to mainstream services* – mainstream services offer a significant amount of choice already and also promote social inclusion and the development of social capital. In many cases, it is not that mainstream services cannot meet the needs of people with social care needs, but that there are barriers to accessing those services such as restricted access. Therefore, there must be a clear focus on removing those barriers working with public and private sector partners to ensure people can use these services; and
- *Commission new services* – there will still be a need for additional services, such as specialist services and services that enable users to make more use of mainstream and community services. Brent Adult Social Care will maintain its role in working with service users, carers and partners to identify these gaps in the market and find ways of filling them. In addition, we will engage with suppliers to discuss the potential for new and innovative service provision.

4.4 Engage and involve

Brent Adult Social Care cannot deliver this strategy alone. The vision and strategy needs to be owned by service users, carers, the public, staff, current providers and partners. Young people do not choose to attend traditional day services and some existing service users have indicated they would benefit from accessing more support within the community.

Although this would indicate positive initial support for the above service model, significantly more engagement and consultation will be required with service users and carers on the plans before implementation. Successful delivery, which means improved outcomes for the people who access this support and improved value for money for taxpayers, can only be achieved by engaging and involving all relevant stakeholders.

A consultation on this strategy with service users, carers and staff is planned to start as soon as the strategy is signed off. The consultation will take 12 week and will focus on gathering feedback on the proposed changes to day services across the three client groups. This feedback will then be presented to the Executive of the Council for a final decision on the Strategy.

Appendix - Learning Disabilities information sheet

Brent Adult Social Care will transform the current day opportunity services to provide greater choice for people with a learning disability to ensure they are able to achieve the outcomes they set for themselves in education, work and leisure.

The implementation plans for the strategy have been developed furthest for Learning Disability services because most of the directly provided day centres in Brent are for people with a Learning Disability. In addition, there is an urgent need to provide alternative accommodation for Stonebridge users as the building is no longer fit-for-purpose. Similar plans will be developed for Older People and Physical Disability services within the coming year.

Baseline

Internal day services for people with Learning Disabilities in Brent are currently provided across six internal sites, each providing services for people with varying levels of need for a total budget of £3,700,000 in 2009/2010. In addition external providers offer day services for a total of £1,900,000.

Four out of the six current sites provide mainly building-based day activities for users with a range of independence levels. Only CASS and Projects regularly provide community-based activities.

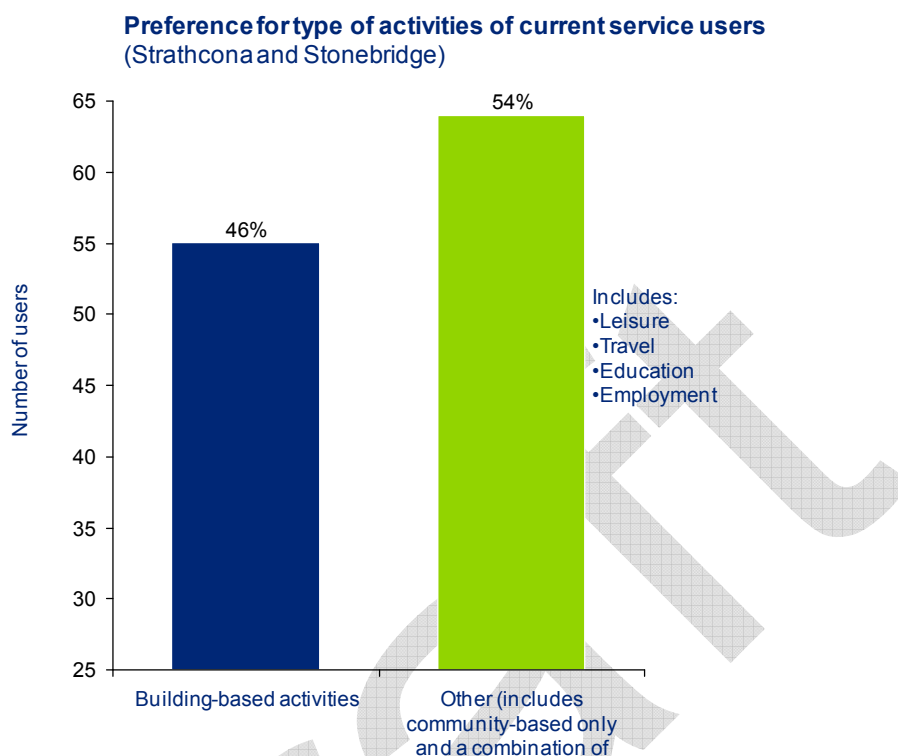
Leisure and education activities are provided at Albert Road, CASS, ASPPECTS, Strathcona and Stonebridge. In addition, some specialist day services for 100 people that cannot be met in-house are provided through the independent and voluntary sector. Local further education providers such as the College of North West London, BACES and East Berkshire College deliver accredited educational and vocational courses at the day centres.

Employment activities are provided through the Projects service. Transport arrangements are in place for each of the sites so that users can access the services from their homes or residential care.

Assessments conducted at Strathcona and Stonebridge show that the majority of service users would prefer more community-based activities as proposed in the strategy. More than half of users would like to increase community-based activities such as leisure, travel, education and employment. 29% of users prefer a combination of building- and community-based activities, while 24% prefer to move activities out to the community completely.

The number of users preferring community-based services may further increase after the services have been introduced and users have become more familiar with them. Previous consultations that taken place over the past years with Learning Disability service users, carers and staff, have indicated that people may be worried about change. However, when the mental health day services for example moved to the community networks model,

people become more enthusiastic in particular after the service actually moved out of the day centre buildings completely and they actually experienced the benefits of the new service model.



Delivering the change and benefits

Improve the Customer Journey

People with a Learning Disability will either have improved access to information and advice about mainstream and community activities, or when they are eligible for Council support they will have a Personal Budget to choose the services and support they need.

The latter category will be regularly assessed on their level of independence to ensure they receive the appropriate support to meet their outcomes and enable them to contribute as much as possible to the local economy and their local communities.

Service Redesign of Directly Provided Day Services

Brent Council Adult Social Care will operationalise a new Resource Centre model re-designing the delivery of day services by providing a base for community activities for all those able to participate. Those who are independent with significant support will still go to the centre for building-based activities.

Case study Community day services for people with Learning Disabilities

CASS (Community Activity Support Services) provides day services for fifteen people with learning disabilities and complex needs. The day centre works as a small base at the Willesden Community Hospital from which staff supports people to go out into the community for activities. People go swimming, shopping or to a football match, and individual preferences are met whenever possible.

Both staff and users are very supportive and enthusiastic about the model and prefer the community based approach to the previous building based one.

The aim is to improve outcomes for service users, carers and staff through consolidating estate and increasing independence among service users.

1. Estate consolidation

Through the increase in community-based and mainstream activities, Council-owned buildings are proposed to be rationalised to focus on one purpose-built new building, the John Bilham Centre. This will be the single centre for all directly provided Learning Disability activities and the consolidation will happen over a number of phases.

The first phase is being driven by the need to close the Stonebridge site (which includes Stonebridge and Projects) and find a more fit for purpose building. Users from Stonebridge and part of the Projects users are proposed to move into Strathcona at the end of 2010 to improve service conditions. Service users at Projects would be supported to access either mainstream employment services, or employment services currently commissioned by the Council from third sector organisations. The Shared Lives Adult Placement Scheme could be utilised to ensure that carers help support people to access community-based activities during the day.



The second proposed phase is to move CASS service users into Albert Road and adopt the community-based approach of CASS for all service users. The third proposed phase will be the consolidation of all directly provided day services in the John Bilham Resource Centre in 2011. People from Albert Road, ASSPECTS and Strathcona are to move to the John Bilham Resource Centre when it opens in December 2011.

2. Increasing Independence

The operating model is proposed to be reviewed and transformed for all directly provided day opportunity services so that they are focused on providing additional support to people accessing community-based and mainstream opportunities. Service users attending the day centres will have further assessments of their needs and help in identifying the support that would best meet that need in the future. This should improve service quality outcomes as more independence and choice would lead to increased levels of user satisfaction as people feel they have more control over their daily activities. Also, increasing independence allows for a less building-based approach to day services and therefore enables to consolidation of the current estate as proposed above.

Stimulate the market

In addition to the redesign of existing services, work will also need to start on stimulating the broader market. The aim is to provide people with options to engage in meaningful activities, spend time in integrated or mainstream setting, improve and extend social networks, and earn money and learn. This will be achieved through improving access to mainstream services as well as commissioning new services, including supporting users to make more use of mainstream and community services.

A similar approach to making mainstream services more accessible could be taken for Learning Disability as for Mental Health day services. The Mental Health community networks initially focused on a number of key activities to move to mainstream provision. For example, mental health users as a first step started following courses at the College of North West London. For Learning Disabilities, conversations are already ongoing to design a more personalised approach, which could be funded through the Skills Funding Agency, and could as a next step be delivered at the College rather than the day centre.

Engage and involve

Service users, carers and other stakeholders will be consulted on the Day Opportunities Strategy, and the LD proposals in particular, to ensure a service model that is fit for the needs of current and future service users. We will work with service users, carers, staff, current providers and partners to identify gaps in current provision, targeting new opportunities which will increase choice and meet the needs of people with a Learning Disability.



Executive
26 July 2010

Report from the Director of Environment and Culture

Ward affected:
Stonebridge

Further soil condition investigations at St Raphael's and Brentfield Estate

1.0 Summary

- 1.1 Benzo-a-pyrene levels that may pose a significant possibility of significant harm have been identified in three areas, two areas of St Raphael's Estate and one in Brentfield estate.
- 1.2 Safe determination values of 17ppm (parts per million) have been derived after seeking expert help from Institute of Occupational Medicine.
- 1.3 Further soil sampling of 138 properties has been undertaken (four samples from each property) in May/June 2010 in order to finally identify the exact number of properties which exceed the 17 ppm determination value.
- 1.4 Once the affected properties are identified we would need to remove 0.6m of the soil and replace with clean soil, re-turf and re-fence the gardens.
- 1.5 It is imperative that we apply to Environment Agency for remediation assessments works (consisting of structural, utilities and ecological surveys) funding in July 2010. The results of these surveys are required prior to applying for remediation treatment funding. If the application is successful, the provision will be made by The Environment Agency in September/October 2010.
- 1.6 We intend to apply for remediation treatment (removal and replacement of contaminated soil) funding when the next window opens in November 2010. The Environment Agency anticipates that £10 million allocation (recently reduced from 17.5 million) will continue to be provided by central government but cannot confirm this until after the Comprehensive Spending review in October 2010.

2.0 Recommendations

- 2.1 Members note the findings of the soil investigation at St Raphael's and Brentfield Estates
- 2.2 Agree the approach to risk management and the threshold levels of 17 ppm for benzo-a-pyrene.
- 2.3 Agree that officers should carry out such further investigations as are necessary in order to ascertain exactly how many properties are affected by the above threshold levels.
- 2.4 Members note the options for remediating and agree soil replacement for the affected properties.
- 2.5 Members agree to waive the costs of basic remediation of privately owned properties.
- 2.6 Members note the financial risks associated with remediation, the intention to seek grant funding from Environment Agency and request a further report when the outcome is known.

3.0 Detail

- 3.1 The Council has a statutory duty to inspect land in the Borough and identify potentially polluted land which could pose a risk to human health. Several sites have been identified as a priority requiring further investigation to determine risk to health.
- 3.2 A soil investigation was undertaken to look for contamination associated with the historic sewage works in October 2008 at St Raphael's and Brentfield estates. The area investigated 1200 households.
- 3.3 Benzo-a-pyrene was found in 4 areas covering 506 households. Benzo-a-pyrene is typically associated with coal products, tar and creosote, which were available for normal domestic use but now have been identified as being harmful to health.
- 3.4 In October 2009 further soil sampling and analysis was undertaken to define the areas of contamination.

The guideline level and risk

- 3.5 Under the Part II (A) of the Environmental Protection Act 1990, the Council needs to ensure that there **is** a problem and confirm there is a significant possibility of significant harm.
- 3.6 There are no set safe guideline levels of benzo-a pyrene for remediation of polluted land. Environmental Health sought expert help from the Institute of Occupational Medicine toxicologists to identify a level above which there would be significant possibility of significant harm. They recommended a guideline level of 17 parts per million (PPM).

3.7 Using this as a guide we determined that levels above 17 ppm represented a significant possibility of significant harm and remediation action would have to be undertaken. Therefore, following the approval of this report we will be determining all properties at or above 17ppm of benzo-a-pyrene. Other authorities who have determined sites at similar levels are South Oxfordshire and Gloucester.

The current situation

3.8 The soil investigation undertaken in October 2009 has identified 138 properties where levels of benzo-a-pyrene are of concern. Appendix 1 illustrates the 3 clusters of concern, 2 in the St Raphael's estate built in the 1960's and one in the Brentfield estate built in the 1930's.

3.9 The findings are based on a single sample per property which is not sufficient to undertake remediation or to make informed decisions.

3.10 In January 2010, a further bid for £55,000 was made to DEFRA for undertaking 4 samples from each of the 138 properties identified. In April, DEFRA and the Environment Agency approved our bid for further sampling based on 17 ppm level of significant possibility of significant harm.

3.11 In March 2010, Brent Housing Partnership and the Council's Communications Team were informed of our findings to date.

3.12 Throughout our investigations we have kept the residents as well as the Steering group (made up of ward councillors and resident representatives) informed of progress and findings.

3.13 In May 2010, officers from Environmental Health, and the Tenant and Leaseholder Engagement officer visited every single householder to inform them of our next phase of investigation. There are 108 BHP and 30 private leasehold properties.

3.14 The sampling of individual gardens started on 24th May 2010. The additional sampling will provide an average baseline level of benzo-a-pyrene for every property and give the final number of properties that would require remediation.

The Council's liability

3.15 Under Part II (A) of the Environmental Protection Act, in the first instance, it is the responsibility of the polluter to pay for the cost of remediation. The polluter is referred to as Class A person(s).

3.16 We cannot be certain as to how benzo-a-pyrene came to be in the soil. There are two main possibilities

(i) they were caused by the sewage farm previously operated by Willesden Urban District Council or

(ii) they were caused by contractors who built the houses and brought contaminated soil on to the land.

- 3.17 If (i) above applies then Willesden Urban District Council no longer exists and therefore can not be an 'appropriate person'. Brent did not inherit the liabilities of Willesden District Council and therefore can not be the Class A person responsible for the remediation.
- If (ii) applies then the contractors are clearly appropriate persons but so far Environmental Health have been unable to trace them. This is still the situation and therefore they cannot be pursued to carry out the remediation.
- 3.18 In the absence of any class A person being liable (as is the case here), then the liability falls on class B persons i.e. current owners/occupiers. This is clearly the Council in respect of the land which it still owns.
- 3.19 30 properties are privately owned. Ordinarily therefore, the Council would serve remediation notices on the private owners.
- 3.20 However under the Act before serving remediation notices on the private owners, the Council has to consider whether it should waive the whole or part of the costs to which the private owner would normally be liable.
- 3.21 In considering whether to waive some or all of the costs, section 78P(2) of the Act applies. Under that subsection the Council has to consider 'any hardship which the recovery may cause to the person from whom the cost is recoverable' and the statutory guidance. Accordingly therefore the Council has discretion over and above the guidance as to what constitutes 'hardship'. However, even just applying the statutory guidance, a strong case can be made to not recover the cost from private owners in this case. Under the guidance, the Council needs to apply the general principle of aiming for an overall result which is fair and equitable and also have regard to the extent to which the appropriate persons are responsible for the existence of the pollution.
- 3.22 One factor to be taken into account is whether the owner made reasonable enquiries as to whether any pollutants were present and could not reasonably have been expected to know that they were. Where an owner/occupier satisfies the Council that it did not know and could not reasonably have been expected to know that the land was polluted at the time of his purchase this is a factor to be taken into account.
- 3.23 Furthermore, hardship is defined quite widely and includes 'hardness of fate or circumstance'. This would support the Council in waiving recovery from private owners, since it further supports the argument that it would be unfair to seek to make them liable when they had no reason to suspect that there was any issue. This is further strengthened by the fact that these houses were originally constructed and sold by the Council. It is therefore probably fair to say that any private landowner would have been entitled to assume that any issue as to pollution would have been picked up by the Council.
- 3.24. Taking all these points into account, it is considered that the appropriate action in this case is not to pursue private landowners for the cost of remediation of their properties.

- 3.25. In these circumstances, the Council would not serve any remediation notices but would just proceed with a 'remediation statement' under section 78H(7), and subsequently undertake the remediation itself.
- 3.26 The results from the investigation should be available in July 2010. The determination of individual properties will be undertaken as soon as the validated results are received in order to apply for Environment Agency funding for remediation. The next window for applying for this funding is in July 2010.
- 3.27 There are two main options for remediation, either removal of contaminated material (0.6m deep) and replacing with 'clean' top soil, or hard landscaping all the gardens. The cost of removal and replacement is approximately £1 million and hard landscaping £ 0.9 million. The recommended option for remediation is replacement with 'clean' top soil, in order to discharge the Council's liabilities and achieve a permanent solution.
- 3.28 There are 2 stages to the remediation process. Stage 1 is the remediation assessment (detailed structural, ecological and utilities surveys) and Stage 2 is remediation treatment (removal and replacement of contaminated soil). The application for the remediation treatment can not be undertaken until the remediation assessment is undertaken.

4.0 Financial Implications

- 4.1 Once the average levels of benzo-a-pyrene are known for each of the 138 properties from the investigation in May 2010, then properties with levels above 17 ppm will have to be determined as contaminated by issuing a 'remediation statement' for Council owned properties and determinations for privately owned properties.
- 4.2 Once the properties are determined, then remediation must be undertaken. The estimated cost is likely to exceed £1m depending on how the waste is classified. However, the Environment Agency can provide funding for such work through the Contaminated Land Grant. An original allocation of £17.5m was available, but this was reduced to £10m as part of the Government's grant reductions on 10th June. Bids cannot be made until the remediation statement is issued and the determinations made.
- 4.3 The window for the applications has just opened and will close on 12th August 2010. We will be applying for funding for the remediation assessment. If granted, this funding must be spent by March 2011.
- 4.4 We intend to apply for remediation treatment funding when the next window opens in November 2010.
- 4.5 We have contacted the Environment Agency for further clarification regarding funding. They anticipate that £10 million allocation will continue to be provided by central government. However, they cannot confirm this until after the Comprehensive Spending Review in October 2010.

4.6 If the Council is not allocated grant funding to cover all or part of the costs, no provision exists to fund the work. A further report will be submitted to members when the outcome of funding is known.

5.0 Legal Implications

5.1 The actions proposed in this report are in line with discharging our legal obligations under Part II (A) of the Environmental Protection Act 1990.

5.2 The approach to the investigation is in line with Brent's Contaminated Land Inspection Strategy published in 2002. The detailed legal implications are set out in the body of the report.

6.0 Diversity Implications

6.1 None as every household affected will be contacted.

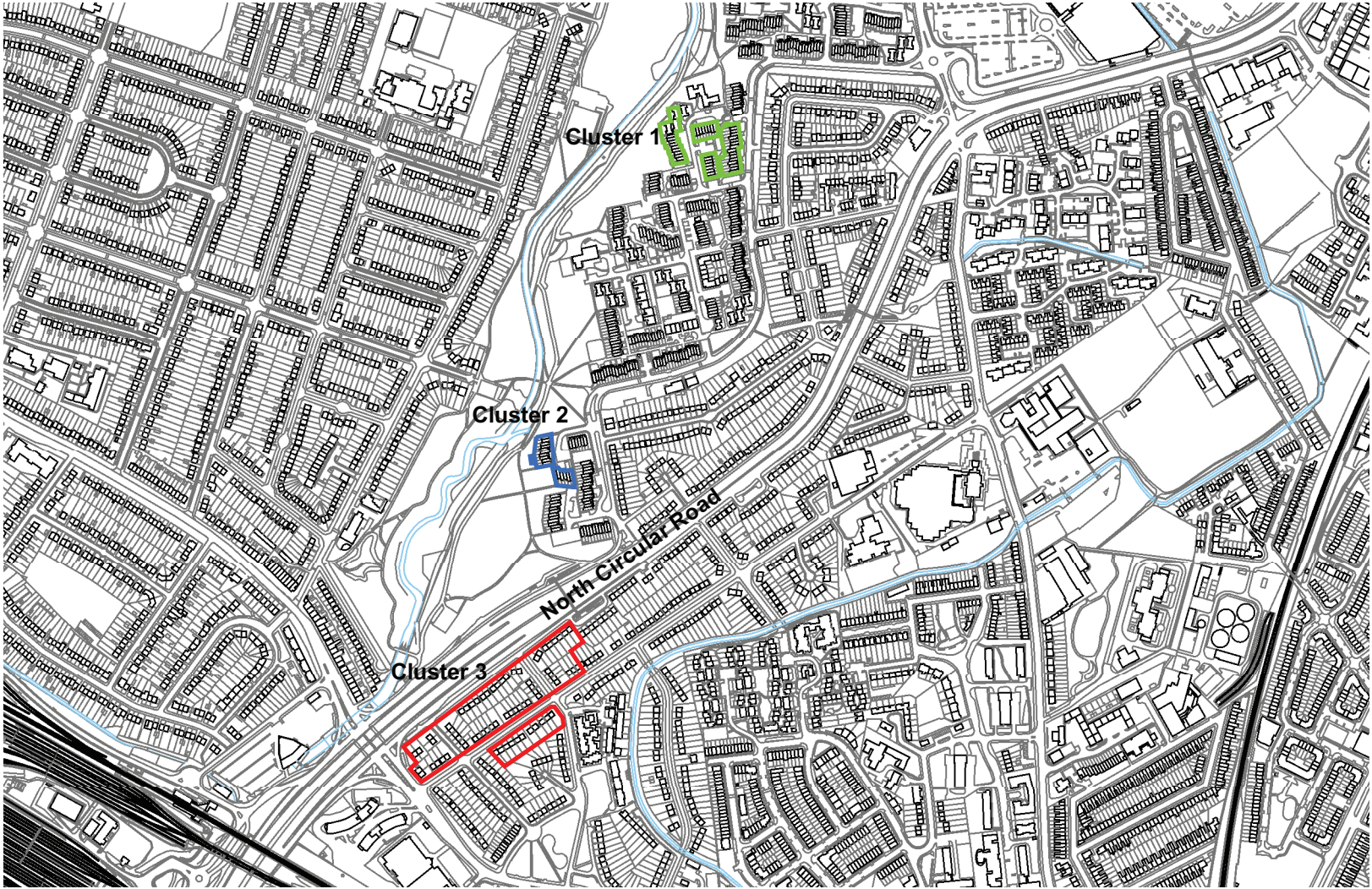
Background Papers

Contact Officers


Yogini Patel
Deputy Head of Environmental Health

Michael Read
Assistant Director
Environment & Culture

Richard Saunders
Director of Environment and Culture



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	<p>Executive 26 July 2010</p> <p>Report from the Director of Policy & Regeneration</p>
For Action	Wards Affected: ALL
<p>Transitions Services Task Group – Final Report</p>	

1.0 Summary

- 1.1 The Transitions Services Task Group report has been considered and agreed by the Overview and Scrutiny Committee. This report presents the task group's work to the Executive for approval.
- 1.2 The Overview and Scrutiny Committee established the Transitions Services Task group to look at the services in place for vulnerable young people in Brent aged 16 to 25. The term "vulnerable" can be applied to many different groups of people, but the task group's focus was on the following groups:
- young people who are offenders or at risk of offending
 - care leavers
 - those in contact with secondary mental health services
 - those who have a moderate learning difficulties
 - teenage parents
 - young people who are not in full time education, training or employment
- 1.3 The task group's recommendations can be split into six broad categories:
- Corporate responsibilities
 - Young people that do not meet service criteria
 - Early identification and intervention with young people and their families
 - Focus on prevention
 - Moving to independent housing
 - Bringing transitions services together
- 1.4 The Overview and Scrutiny Committee asks that the Executive agrees these recommendations, which are set out in full below and also in the task group report (appendix 1).

2.0 Recommendations

- 2.1 To agree the recommendations set out in the report.
- 2.2 To thank the members of the task group for their work.

3.0 Detail

- 3.1 The Overview and Scrutiny Committee had been concerned about the services in place to help young people make the transition from childhood to adulthood and so it established the Transitions Services Task Group. The transition period can be a difficult time for any young person, even those that grow up in a stable family environment with strong parental support. The young people of interest to the task group are among the most challenging young people in Brent. Ensuring they receive the help and guidance they need during transition is crucial. The task group was keen to look at the journey young people go on as they leave the responsibility of children's services and become adults.
- 3.2 During the course of the review it became clear to members that one of the key issues facing vulnerable young people is that the services they have received as children often end abruptly at eighteen when their entitlement to youth provision ends (although different age criteria for services aren't uncommon and can cause confusion). Young people move from services provided for children to services provided for adults, if they are eligible for services at all. During this process it is essential that an effective transition service is in place and the task group's recommendations have been made with this problem in mind.
- 3.3 That said, the task group found that there is much good work going on in Brent to address the needs of vulnerable young people so that they receive the support and guidance they need. However, there are some issues that the task group believes should be addressed to ensure that young people get the best start in life and are able to access appropriate services. It is clear to the task group that addressing the problems associated with vulnerable young people, such as youth offending, teenage pregnancy or homelessness requires far sighted, long term solutions with a focus on prevention and early intervention.
- 3.4 The task group has made the following recommendations:

Recommendation 1 – The task group recommends that officers working with the Children in Care Council, known as Care in Action, develop a range of activities to bring elected councillors and young people in care together to discuss ways of improving council services. This should not just be restricted to services for looked after children, but the range of services provided in Brent.

Recommendation 2 – The task group recommends that steps are taken to weight the criteria for adult social care services and mental health services to better reflect the needs of young people in transition. For example, mental

health assessments for 18 to 25 year olds are adapted to meet the needs of young people to recognise the difference between those in transition and older adults.

Recommendation 3 – The task group recommends that NHS Brent fully re-commissions the early intervention in psychosis service in 2010/11 and that it reports to the Health Select Committee during 2010/11 outlining the work of the service and the commissioning priorities for mental health services in Brent.

Recommendation 4 – The task group recommends that officers develop a proposal for the remodelling of services for vulnerable young people so that there is greater emphasis on early intervention and preventative services. This should build on initiatives such as implementation of the Common Assessment Framework, the development of children's centres and introduction of the Family Intervention Project. The task group believes the development of a fully integrated preventative service is an aspiration the council and partners should be aiming to deliver and see this as a long term project. If implemented, it could ease the difficult transition from children's to adult's services as positive interventions will happen at an earlier stage in a young persons' life. Initial follow up on this recommendation will take place in 12 months time (April 2011) by the Overview and Scrutiny Committee to see how it has been progressed.

Recommendation 5 – The task group recommends that Brent Housing Partnership and Registered Social Landlords in Brent change their tenancy management procedures and policies to allow siblings who are leaving care the opportunity to share a tenancy if there is a desire to do so. This will affect a small number of care leavers each year that would benefit from the support provided by living with a brother or sister.

Recommendation 6 – The task group recommends that the Young People in Care Services Team and Housing Services work up a solution to allow young people in care the opportunity to go to university outside of London but maintain a tenancy in Brent so they retain a link with their home area. This will affect a small number of young people each year, but could have a significant impact on their life chances if implemented.

Recommendation 7 – The task group recommends that adult social services makes it clear who is the named contact for organisations working with vulnerable young people to improve the referral process and to assist young people when they are contacting statutory services.

Recommendation 8 – The task group recommends that a prospectus of services for young people aged 16 to 25 in Brent is developed to help sign post young people in transition to the most appropriate services. The prospectus should include contact details for services and referral routes and should be used as a one-stop guide for staff and young people. Statutory services and voluntary organisations should be included in the prospectus.

Recommendation 9 – The task group recommends that officers are instructed to work up proposals for a foyer project in Brent, bringing together a small amount of accommodation plus associated services to deliver a holistic, one stop service to meet the needs of vulnerable young people in transition from childhood to adulthood. The Overview and Scrutiny Committee should consider an update on progress in implementing this in October 2010.

Recommendation 10 – The task group recommends that the Overview and Scrutiny Committee asks officers to prepare two further task group scopes to look at services in place for young people in Brent:

- (i). Transition services for young people with physical disabilities
- (ii). Mental health services for young people in Brent aged 16 to 25.

4.0 Service Area Response

4.1 The following response has been received from Alison Elliott, Assistant Director Community Care in the Housing and Community Care Department:

Working is taking place across Adult Social Care and Children & Families to develop a Business Case to go to the One Council Programme Board. This project will address many of the recommendations contained within the report. However, there are a number of specific comments, as follows:

1. It would be difficult to justify a weighting of service criteria for this client group in terms of equity of access and cost. The Business Case will look at whether this is feasible but in the economic climate it is unlikely.
2. In terms of prevention and bringing services together this is an area being considered with a service model for a service for 14 – 25 year olds across both Adult Social Care and Children & Families. This will form part of the Business Case but again in terms of prevention there will need to be considerations of cost versus any potential savings.
3. Recommendations 1, 2, 4, 7, 8 and 9 will all be part of the project currently in progress.

5.0 Financial Implications

6.0 Legal Implications

6.1 Legal comments have been taken into account in preparing the task group report and are contained in the body of the report.

7.0 Diversity Implications

7.1 None

8.0 Staffing/Accommodation Implications (if appropriate)

8.1 None


Background Papers

Contact Officers

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	<p style="text-align: center;">Executive 26 July 2010</p> <p style="text-align: center;">Report from Director of Finance and Corporate Resources</p>
All Wards	
Budget Strategy 2011/12 to 2014/15	

1.0 Introduction

- 1.1 This report sets out the financial prospects for the Council for the next four years within the context of unprecedented reductions in funding for local authorities.
- 1.2 It seeks Executive approval for the overall budget strategy based on the One Council Programme. This aims to deliver cost reductions through a planned and strategic approach to service provision. This will be mindful of the priority objectives which will be set out in the new Corporate Strategy.

2.0 Recommendations

- 2.1 To note the latest forecast for the council's revenue budget for 2011/12 to 2014/15 at Appendix A and the assumptions used to derive this.
- 2.2 To endorse the overall budget process set out in the report.
- 2.3 To note the proposed budget timetable.

3.0 The Base Position 2011/12 to 2013/14

- 3.1 In the Budget Report to Full Council on 1st March 2010, a financial forecast was set out as part of the Medium Term Financial Strategy, which included the following main assumptions:

3.2 Spending assumptions

- Replacing the one-off use of £1.4m of balances in 2010/11 in 2011/12;
- Pay inflation, national insurance and pension fund increases amounting to 2.5% per annum in total;
- 2% per annum for prices;
- No savings assumptions built into service area budgets;

- Provision for *'inescapable growth'* in service area budgets in future years. This included identified growth for future years of £1,086k in 2011/12, £296k in 2012/13 and £25k in 2013/14. An additional contingency for *'inescapable growth'* of £6m in 2011/12 and £6m in each of the subsequent years has been included. This would have to meet additional demand pressures, legislative or other regulatory changes which lead directly to additional costs to the council, and any on-going loss of income due to recession or other factors.
- The movement in central items included:
 - o *Debt charges (capital financing charges net of interest receipts)*: These are forecast to grow from £24.085m in 2011/12 to £24.201m in 2012/13 and £24.344m in 2013/14;
 - o *Levies*: These are forecast to increase from £10.576m in 2010/11, £12.295m in 2011/12 and £13.336m in 2012/13 and £14.441m in 2013/14. The main reason for this is the West London Waste Authority levy which is expected to rise as a result of the higher cost of waste disposal and Landfill Tax increases of £8 per tonne per year;
 - o *South Kilburn Development*: Funding for the South Kilburn Development is set at £600k in 2010/11, rising to £1.5m in subsequent years as the level of development increases;
 - o *Freedom Pass/concessionary fares*. The budget requirement has needed to be increased substantially in recent years. £30.2m of government grant was removed in 2010/11. Furthermore the phased move to apportioning costs to London boroughs on the basis of usage rather than passes issued has increased costs for Brent. These factors mean that additional resources will need to be provided in future years and Brent has budgeted for a further £1.532m (2010/11), £2.608m (2011/12), £1.140m (2012/13) and £1.175m (2013/14).

Resource assumptions

- Area Based Grant decreased by 2.5% per annum from 2011/12;
- Council tax base increase of 0.25% per annum in line with recent trends;
- Council tax collection of 97.5% in each year;
- Council tax increases of 0%.

3.3 These assumptions produced a gap to be bridged for the period 2011/12 to 2013/14 as follows:

Table 1: Estimated Budget Gap at 1st March 2010			
	2011/12 £m	2012/13 £m	2013/14 £m
Per annum	25.7	18.8	18.6
Cumulative	25.7	44.5	63.1

3.4 The Emergency Budget

The new coalition government elected on 6th May has taken immediate action to reduce public sector spending and borrowing. This has manifested itself in a number of announcements impacting on spending programmes in 2010/11. These are set out in more detail in the other finance report on tonight's agenda. This report will concentrate on those items which primarily impact on future years. The Chancellor's Emergency Budget on 22nd June contained a number of significant features for the medium term financial prospects of the council. The main headlines:

- “*A very tough Budget*” – Local Government Association;
- Reducing Public Sector spend by a further £30bn by 2014/15, on top of the £44bn pledge by the previous Government;
- Average reduction of 25% over 4 years from 2011/12 for “*unprotected departments*”. This would include local government;
- Further details of the control totals (Departmental Expenditure Limits) for each government department will be announced in the of Comprehensive Spending Review (CSR) on 20th October. This will cover a 4 year period. It is likely higher levels of reductions will be required in earlier years;
- No further reductions in capital spending control totals to those previously announced. However all programmes will be reviewed and funding redirected;
- Support in 2011/12 to help freeze Council Tax. No further details have yet been provided of how any scheme might work or be funded;
- 2 year freeze on public sector pay for staff earning over £21k from 2011/12. This is in addition to the freeze in 2010/11;
- Changes to the level of housing benefit that could be claimed by tenants from April 2011. The maximum level of housing benefit (the “*Cap level*”) has been reduced with at least 2,000 households in Brent likely to be adversely affected. It is not clear what the additional impact on the Temporary Accommodation budget will be.

3.5 Brent's Formula Grant

The Comprehensive Spending Review on 20th October will provide overall control totals for local government expenditure. Brent will not know its actual share of the reduced funding until the Local Government Finance Settlement which is likely to be in early December. There is a significant risk that Brent's proportion of the loss will be higher than the national average.

- Virtually all the reviews of methodology which are being considered reduce London's proportion of the overall resources and benefit other parts of the country.
- Brent with 24 other London Boroughs is a floor authority. This gives the lowest percentage increase in resources for this class of authority.

Without the protection of the floor Brent would have received £7.5m less formula grant in 2010/11. The maintenance of the floor is a crucial factor in the eventual shape of the budget which the council will be lobbying for with London councils.

- The Office for National Statistics (ONS) latest population projection for Brent for 2011 (the first year of the new settlement) is 252,300. This is nearly 20,000 less than the previous estimate used for the last settlement.

3.6 Service Demands

There are a large number of additional pressures linked to demographics, government legislation and expectations of service improvement. These will be addressed in more detail as part of the service planning process interlinked with the budget construction.

3.7 Council Tax

The council's ability to raise levels of council tax are limited by political and residents' expectations and the capping regime. The new government has given no firm indication of its stance on council tax increases aside from the announcement in the budget that "large" increases would not be expected and the scheme to freeze Council Tax in 2011/12. There has also been a proposal to give residents the power to veto excessive council tax increases but no further details have been released. Each 1% increase in the tax levels equates to around £1m of additional income.

3.8 Forecast General Fund Position 2011/12 to 2014/15

Appendix A sets out a revised financial forecast based on the government's announcements. The following changed assumptions from the March forecast are included:

- the projection now covers 2011/12 to 2014/15;
- 2010/11 reductions in Area Based Grants and other grants have been built into the base;
- a 25% reduction in Formula and Area Based Grants (7.5% in 2011/12 and 2012/13 and 5% in 2013/14 and 2014/15);
- pay freeze for staff over £21k for 2011/12 and 2012/13;
- full year effects of savings already delivered from One Council programme included in 2011/12;
- options of a zero and 3% increase in Council Tax.

3.9 On the above basis the overall reductions in net expenditure required to produce a balanced budget are set out in the table below.

Table 2: Updated MTFS Budget Gap				
	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
<u>0% Council Tax Rise</u>				
Annual Saving	24.6	26.7	20.5	22.6
Cumulative Saving	24.6	51.3	71.8	94.4
<u>3% Council Tax Rise</u>				
Annual Saving	21.5	23.5	17.3	19.2
Cumulative Saving	21.5	45.0	62.3	81.5

3.10 Capital Programme

The size of the capital programme drives the revenue costs required to fund it. The projections assume the programme agreed on 1st March 2010. This is already being constrained by an inability to meet capital receipts targets due to the continuing downturn in land and property prices. There is also likely to be further government reductions in resources. These are coupled with a number of significant spending pressures. These include:

- (i) The *schools capital programme* - where rises in pupil numbers are outstripping the resources available to build additional places. Similarly the condition of a number of school buildings will require investment. This situation has been heightened by the cancellation of the BSF programme and the review of other programmes.
- (ii) The longer term revenue and capital funding needs of *the housing revenue account*.
- (iii) *Sports facilities* - the top priority identified is for a third pool in the north of the borough.
- (iv) *Infrastructure Assets* such as roads, pavements and lighting where the need for significant upgrades has been identified.
- (v) *Regeneration Schemes* - the current recession is restricting investment putting pressure on the council to kick start schemes with its own resources.

3.11 Housing Revenue Account

The HRA has significant issues around its medium and long term viability. The updated HRA Business Plan shows that there are insufficient capital resources to maintain the dwelling stock at decent homes levels, and also that the operational HRA is likely to be in deficit within 5 years. This comes at a time when the Government are considering responses to a consultation on funding of the HRA.

4.0 Proposed Budget Strategy and the One Council Programme

4.1 Current Process

The council's budgeting process was significantly changed for the financial year 2010/11. The previous process was becoming increasingly less effective as finances became more constrained.

4.2 It was recognised that incremental change was not sufficient. Demand for many of our services are increasing due to demographic pressures and the impact of the recession. It was clear whatever the result of the general election that resources would be significantly reduced. To achieve a balanced and sound budget required a greater focus on securing efficiency, reducing waste and duplication and generating income. This led to the introduction of the One Council Programme which has been described in some detail in previous Executive reports.

4.3 The Programme has interconnected objectives including:

- Helping to address the budget deficit:
- Responding to increased service demand through new service models.
- Delivering greater choice to the public.
- Integrated and seamless customer access to all our citizens.
- Delivering the maximum value for money to our tax payers from all suppliers and council services.
- Being able to deploy the right skills and levels of resources in the right places based upon political priorities.
- Maximising the use of our physical assets.

4.4 Appendix B sets out the main projects currently included in the programme and the benefits and minimum savings sought to be achieved. Further projects will be added to the programme. To date it is estimated that net savings of £4.5m have been achieved in the current financial year with full year savings in 2011/12 of £12.9m.

4.5 Ensuring Delivery

In order to be confident that the One Council Programme will be delivered strong governance arrangements and programme and project management have been put in place. An overview is set out in Appendix C.

4.6 Other Measures

Apart from the main projects within the One Council Programme there are a number of other actions that will need to be undertaken to help deliver a balanced and robust budget over the medium term.

- (i) Ensuring each Service Area does not overspend its current year's budget.
- (ii) All central items to be robustly reviewed.
- (iii) "*Inescapable Growth*" to be minimised and funded from within existing budgets if at all possible.
- (iv) Borrowing within the capital programme limited as a maximum to currently assumed levels and with priority given to funding from other sources.
- (v) Examine the implications of the removal of all Area Based and specific grants by central government.
- (vi) Extensive lobbying to seek to maximise resources for the Council.
- (vii) Consider various options around levels of Council Tax.

5.0 Involvement of Key Stakeholders

5.1 There are a number of key stakeholders that the council needs to involve in the budget process. Appendix B set out the main stakeholders and how we would hope to involve them. The recommendations of the Budget Panel following their review of the 2010/11 budget process and proposals for addressing these are also being reviewed.

6.0 Timetable

6.1 Appendix E sets out a draft outline timetable for the 2011/12 budget.

7.0 Financial Implications

7.1 These are contained in the body of the report. There are no direct costs or other direct financial implications arising from this report.

8.0 Legal Implications

8.1 A local authority must budget so as to give a reasonable degree of certainty as to the maintenance of its services. In particular, local authorities are required by section 32 of the Local Government Finance Act 1992 to calculate as part of their overall budget what amounts are appropriate for contingencies and reserves. The Council must ensure sufficient flexibility to avoid going into deficit at any point during the financial year. The Chief Financial Officer is required to report on the robustness of the proposed financial reserves.

- 8.2 Under the Brent Member Code of Conduct members are required when reaching decisions to have regard to relevant advice from the Chief Finance Officer (the Director of Finance and Corporate Resources) and the Monitoring Officer (the Borough Solicitor). If the Council should fail to set a budget at all or fail to set a lawful budget, contrary to the advice of these two officers there may be a breach of the Code by individual members if it can be demonstrated that they have not had proper regard to the advice given.
- 8.3 In accordance with section 106 of the Local Government Finance Act 1992, where a payment of Council Tax that a member is liable to make has been outstanding for two months or more at the time of a meeting, the member must disclose the fact of their arrears (though they are not required to declare the amount) and cannot vote on any of the following matters if they are the subject of consideration at a meeting: (a) any decision relating to the administration or enforcement of Council Tax (b) any budget calculation required by the Local Government Finance Act 1992 underlying the setting of the Council Tax or (c) any recommendation, resolution or other decision which might affect the making of the Annual Budget calculation. These rules are extremely wide in scope so virtually any Council decision which has financial implications is one which might affect the making of the budget underlying the Council Tax for next year and thus is caught. The former DoE (now DCLG) shared this interpretation as it made clear in its letter to the AMA dated 28th May 1992. Members who make a declaration are not entitled to vote on the matter in question but are not prevented by the section from taking part in the discussion. Breach of the rules is a criminal offence under section 106 which attracts a maximum fine of £1,000.

9.0 Diversity Implications

- 9.1 An Impact, Needs and Requirements Assessment (INRA) will be carried out on the budget process as in previous years.

10.0 Staffing Implications

- 10.1 None directly as a result of this report.

11.0 Background Information

- 11.1 Report to Full Council, 1st March 2010 – 2010/11 Budget and Council Tax.

12.0 Contact Officers

- 12.1 Duncan McLeod, Director of Finance and Corporate Resources, Town Hall, Forty Lane, Wembley Middlesex HA9 9HD, Tel. 020 8937 1424.

DUNCAN McLEOD
Director of Finance and Corporate Resources

FINANCIAL FORECAST 2011/12 - 2014/15
July 2010 Estimate

	2010/11	2011/12	2012/13	2013/14	2014/15
	£'000	£'000	£'000	£'000	£'000
Service Area Budgets (SABs)					
Children & Families	60,145	58,263	58,263	58,263	58,263
Environment and Culture	48,859	48,859	48,859	48,859	48,859
Housing and Community Care					
- Housing	27,665	27,494	27,494	27,494	27,494
- Adults Social Care	88,288	88,288	88,288	88,288	88,288
Business Transformation	10,441	10,306	10,306	10,306	10,306
Central Units	8,738	8,065	8,065	8,065	8,065
Finance & Corporate Resources	6,613	6,613	6,613	6,613	6,613
Total SABs	250,749	247,888	247,888	247,888	247,888
One Council Programme	(6,729)	(12,922)	(12,922)	(12,922)	(12,922)
Growth for Service Areas					
'Inescapable' growth	0	7,086	13,382	19,407	25,407
Inflation Provision	300	1,411	3,814	8,771	13,841
Performance Reward Grant	2,100	0	0	0	0
Total provision for growth	2,400	8,497	17,196	28,178	39,248
Other Budgets					
Central Items	51,035	58,384	62,384	62,384	64,384
Area Based Grant	(28,578)	(23,897)	(21,959)	(20,667)	(19,375)
Estimated Performance Reward Grant	(2,000)	0	0	0	0
Contribution to/(from) Balances	(1,408)	0	0	0	0
	19,049	34,487	40,425	41,717	45,009
Total Budget Requirement	265,469	277,950	292,587	304,861	319,223
Plus Deficit on the Collection Fund	1,162	1,162	1,162	1,162	1,162
Grand Total	266,631	279,112	293,749	306,023	320,385

Formula Grant Reduction by 25% over 4 years

Budget Gap at 0%, 1.5% and 3% Council Tax Increase

Reductions required to achieve council tax increase of 0% in each year	(24,562)	(51,279)	(71,778)	(94,364)
Reductions required to achieve council tax increase of 1.5% in each year	(23,022)	(48,174)	(67,085)	(88,065)
Reductions required to achieve council tax increase of 3.0% in each year	(21,490)	(45,024)	(62,260)	(81,478)

FINANCIAL FORECAST 2011/12 - 2014/15
July 2010 Estimate

	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Grant Calculation for Future Years					
Formula Grant					
-7.5% 2011/12 and 2012/13 and -5% 2013/14 and 2014/15	164,489	152,152	139,816	131,591	123,367
<hr/>					
Balances					
Balances Brought Forward	8,908	7,500	7,500	7,500	7,500
Underspends/(Overspends)	0	0	0	0	0
Contribution to/(Use of Balances)	(1,408)	0	0	0	0
Balances Carried Forward	7,500	7,500	7,500	7,500	7,500
<hr/>					

The One Council Programme

The current One Council Programme is made up of the following well-defined projects

Projects	Key Aims/Objectives	Key Benefits to the Council	Minimum Net Savings
1) Structure and Staffing Review	Review the organisation structure and staffing levels across the organisation.	<ul style="list-style-type: none"> • Increase opportunities to offer staff to progress in their career • Reducing any unnecessary overheads • Streamline roles and responsibilities. 	£8.5m
2) Strategic Procurement Review	Review expenditure upon all council suppliers to identify areas where greater value for money can be realised.	<ul style="list-style-type: none"> • To maximise value for money from all our suppliers • Reduction in supplier expenditure • Improved control and scrutiny of supplier performance and cost. 	£7.5m
3) Adult Transformation	Root and branch review of Adult Social Care services including Direct Services, Self-Directed Support and Commissioning.	<ul style="list-style-type: none"> • Delivering greater choice and control to citizens • Delivering improved services at a lower cost of operation. • Supporting independence 	£7m
4) Strategic Property Review	Review the Council's property portfolio to identify opportunities to make best use of our existing estate.	<ul style="list-style-type: none"> • Reduction in cost of maintaining our property portfolio • Improved utilisation of council properties. 	£4m
5) Finance Modernisation	Redesign of processes underpinned by the implementation of a new Financial System.	<ul style="list-style-type: none"> • Improved the effectiveness of finance services to the council • Streamlined finance operation and effective financial controls. 	£1.5m

Projects	Key Aims/Objectives	Key Benefits to the Council	Minimum Net Savings
6) Reshaping Customer Contact	Review of how the Public contacts the Council to improve customer experience and accessibility to services.	<ul style="list-style-type: none"> Greater access to all Council services Increased level of resolution at the first point of contact. Improved customer experience. 	£3.2m
7) Children's Social Care Transformation	Review of residential placements, foster carers, Brent shared house, Crisis Intervention and Support, Resources to children post LAC, Over-Stayers and Intentionally homeless families and Transitions for young people.	<ul style="list-style-type: none"> Delivering improved outcomes to children and young people. Effective support provided to the most vulnerable children and young people in the borough. 	£1.4m
8) Brent Business Support	Review of all support activity across the council to assess how this activity can be re-designed and organised to support frontline services cost effectively.	<ul style="list-style-type: none"> Delivery of a cost effective, streamlined and well organised support services tailored to the needs of frontline services. Support to frontline services will be efficient and deliver value for money. 	£1.6m
9) Waste & Recycling	Review of the waste and recycling contracts.	<ul style="list-style-type: none"> Realise value for money from the Council waste and recycling contracts Effectively performance manage our waste and recycling suppliers. 	£1.2m
10) Civic Centre Project	A capital project to develop the new Civic Centre for the Council	<ul style="list-style-type: none"> New face of the Council Flexible working and easier access to services. 	£2.5m
11) Rewarding Performance	Review of the individual performance management framework and procedures	<ul style="list-style-type: none"> Reward talent within the organisation Provide the right support staff need to progress 	£5m

Projects	Key Aims/Objectives	Key Benefits to the Council	Minimum Net Savings
		within their career. • Delivering operational targets	

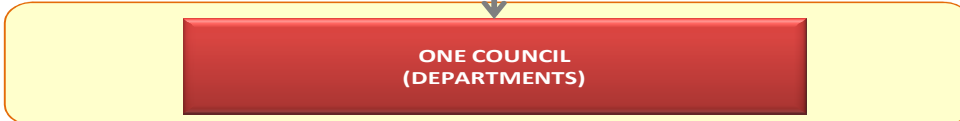


The One Council Programme

The Governance

This governance structure keeps projects on track ,drives accountability and delivery of outcomes.

Corporate **strategic alignment** with outcomes, **direction** and **leadership** for the programme



Monitoring and control with **standards** and provision of programme-wide oversight

Management and delivery of the project with departments

Executive will be informed of overall programme progress and will be required to take key strategic decisions to shape the direction of the Programme.

CMT will be informed of overall programme progress, and take action on escalated threats or opportunities provided by the Programme Board and PMO

Programme Board will scrutinise the status of the project
Make key project delivery decisions to support the successful delivery of outcomes.

PMO will review, challenge and collate project status updates
Monitor progress and action at Programme Board

Projects will report performance information against their plan using the PMO defined standards. Delivery progress will be managed at Project Board level

Departmental Council officers represent the business at the Project Board. They will have a key role providing input to project outputs, assessing progress and impact of changes on the delivery of Council services.

INVOLVEMENT OF STAKE-HOLDERS IN THE BUDGET PROCESS

Stakeholder	Level of involvement
Executive	<ul style="list-style-type: none"> - Regular briefings for Leader and Deputy Leader - Away-days in July and October - PCG up-dates - Briefing of individual portfolio holders by chief officers - Star chamber meetings - Formal Executive meetings
Budget Panel	<ul style="list-style-type: none"> - Timetable of meetings fixed starting in July - Carrying forward work from 2010/11 budget round - Focus on medium term financial strategy and delivery of One Council Programme
Backbench councillors	<ul style="list-style-type: none"> - Briefing through group meetings - Attendance of DF&CR at group meetings - Backbenchers encouraged to attend Budget Panel - First reading debate in November - Budget setting meeting in March
Managers and staff	<ul style="list-style-type: none"> - Budget guidance - Support for budget managers through the transformation programme - Up-dates at Senior Managers' Group - Chief Executive newsletter - Departmental staff briefings - Consultation with staff on proposals that will affect them
Unions	<ul style="list-style-type: none"> - Meetings on overall budget in July and in advance of First Reading debate in November and leading up to Council Tax setting meeting - Consultation on implementation of individual budget savings measures that have staffing implications
Local Strategic Partnership	<ul style="list-style-type: none"> - Regular briefings on council's budget prospects - Joint lobbying for resources where appropriate - Joint work on Local Area Agreement funds and specific service partnerships - Developing a joint medium term financial strategy with major partners
Voluntary sector	<ul style="list-style-type: none"> - Sharing of council's budget prospects through LSP membership
Business sector	<ul style="list-style-type: none"> - Sharing of council's budget prospects through LSP membership - Articles in Brent Business News, the quarterly newsletter of the Brent Employer Partnership - Meeting with business rate-payers on budget issues – jointly organised with Chamber of Commerce and the Brent Employer Partnership - All large rate-payers receive summary of budget issues in January with opportunity to comment
The Brent public	<ul style="list-style-type: none"> - Regular articles in The Brent Magazine - Newspaper briefings


Stakeholder	Level of involvement
	<ul style="list-style-type: none"><li data-bbox="453 237 1129 271">- Consultation with users on individual proposals<li data-bbox="453 271 1155 304">- INRAs for all proposals with diversity implications<li data-bbox="453 304 1034 338">- Consideration of issues at Area Forums

DRAFT SERVICE AND BUDGET PLANNING TIMETABLE FOR 2011/12

Date	Action
14-15 July	First service and budget planning away-day
Early August	Service planning and budget guidance issued
August/ September	Work on formulating draft budgets
September	First stage budget meetings between F&CR and service areas
14 September	Report to Executive on Performance and Finance Review 2010/11 – 1 st Quarter
20 October	Comprehensive Spending Review announced
20-21 October	Second service and budget planning away-days - issues to be considered as part of First Reading debate
October/ November	Continue to develop proposals for achieving 4 year budget targets
Mid-November	Service areas and units begin process of developing service plans
10 November	Budget Panel receives and discusses 1 st reading debate papers
22 November	Full Council. First reading of Policy Framework and Budget
December	Schools Forum meets to agree funding formula and budget issues
13 December	Report to Executive on Performance and Finance Review 2010/11 – 2 nd Quarter
Early December	Second stage 'star chamber' meetings
December/ January	Budget Panel collects evidence
Up to January	Consultation with residents, businesses, voluntary sector, partner agencies and trade unions on budget proposals.
Mid December	Confirmation of the following year's funding from central government
Mid December	Release of the Mayor's consultation draft GLA budget
17 January	Executive reviews budget position and sets Collection Fund surplus/deficit
29 January	General Purposes Committee agrees Council Tax base
11 January	Budget Panel collects evidence and discusses 1 st interim report
January	Greater London Assembly considers draft consolidated GLA budget
End of January	PCG agree budget proposals to be presented to February Executive.
Early February	Schools Forum meets to agree the recommended Schools Budget

DRAFT SERVICE AND BUDGET PLANNING TIMETABLE FOR 2011/12

Date	Action
9 February	Budget Panel receives budget proposals prior to the Executive. Discusses second interim report.
15 February	Executive considers and announces administration's final budget proposals, agrees fees and charges for the following year and agrees savings/budget reductions for the HRA budget report as well as the overall average rent increase.
Mid February	GLA budget agreed
Late February	Budget Panel receives the outcome of Executive's budget report and agrees a final report
28 February	Full Council agrees budget
March	Service areas return completed budget book papers
March	Service plans and corporate budget book published

	<p style="text-align: center;">Executive 26 July 2010</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Resources</p>
<p style="text-align: right;">Wards Affected: Kilburn and Kenton</p>	
<p>Learning Disability Resource Centre - Relocation from Albert Road, South Kilburn to John Billam Playing Fields, Woodcock Hill, Kenton</p>	

Appendix 4 is not for publication

This appendix is not for publication as it contains the following category of exempt information as specified in the Local Government Act 1972 namely information relating to the financial or business affairs of any particular person (including the authority holding the information)

1.0 SUMMARY

- 1.1 This report informs Members of the progress to date in the provision of new facilities for Adult Day Care and seeks approval to the revised cost of the project
- 1.2 This report also seeks approval of the variation of the Council's lease with Gujarati Ayra Association London (GAA London).

2.0 RECOMMENDATIONS

- 2.1 To approve the total budget estimate as shown in Appendix 3 for construction of the day care centre at John Billam Playing Fields to replace the one currently situated at Albert Road
- 2.2 To note the use of the IESE framework for the appointment of the main contractor
- 2.3 To approve the variation of the long lease to the GAA in accordance with the Heads of Terms as set out in paragraph 3.8 but on such detailed terms as are considered by the Director of Property and Asset Management to be in the Council's best interest.

3.0 DETAIL

- 3.1 In July 2009 Executive approved in principle to the relocation of the Adult Day Care Centre from Albert Road to provide a modern purpose built facility in a more centrally located area and also to facilitate the proposals for regeneration of the

South Kilburn area. Subsequently, in November 2009 Executive approved the John Billam Playing Fields site as the preferred alternative location for this facility. This approval was subject to the appropriation of the site for planning purposes and also to the grant of planning permission.

- 3.2 The site identified for the new building is shown on the attached plan in Appendix 2; also attached as Appendix 1 is an indicative design of the proposed building.
- 3.3 Appendix 4 sets out the current cost estimate and funding position.
- 3.4 Revenue funding for the proposed new facility will come from the combined current cost of running the current operations at Albert Road and Strathcona (ASSPECTS) which will both cease when this facility is constructed. It is also anticipated that this combined facility will generate significant efficiency savings in both staff and running costs which will contribute toward the Council's One Council efficiency savings target. The revenue implications are also set out in Appendix 3
- 3.5 In regard to Para 3.1 above, specific progress from the November 2009 report in respect of the two conditions to be met i.e. appropriation and planning permission are as follows:
 - 3.5.1. Officers have advertised the appropriation of the land shown in the plan attached at Appendix 2 from open space to planning purposes by placing the appropriate notice in a local newspaper for two weeks (as required under section 122(2A) of the Local Government Act 1972). Officers will verbally report at the meeting whether any objections to the appropriation have been received. It should be noted that the area of land to be appropriated is slightly different from the area referred to in the November 2009 report. As a result of detailed working up of the scheme, the footprint of the day centre site has changed slightly and it is necessary to incorporate some additional land in GAA's lease to provide space for an access road and additional car parking.
- 3.6 Whilst at the 14th April 2010 Planning Committee approval was successfully obtained to the development of the land comprising the former scout hut and adjacent car park for a two storey adult learning and support centre to replace the facilities currently located at Albert Road, South Kilburn and Strathcona (ASSPECT), changes to the car parking and access road layout, and reinstatement of an area to public open space on the adjacent GAA land were also approved. The planning application was submitted jointly with GAA, a local charity organisation which holds a long lease on the existing Kenton Hall and car parks.
- 3.7 The planning application was generally well received and had local support. There were no objections received. However the condition attached to the application, including the resurfacing of the car park and roadway together with the need for the GAA to agree to vary their existing lease in order to accommodate the council's ambitions has led to an increase in cost estimate. Furthermore we are currently still in negotiations with the Trustees of the GAA to agree the requisite variation to their lease; without this variation it is unlikely the proposal can proceed. This variation will require an alteration to the lease terms as set out below in the legal section of this report along with an amendment to the lease plan. The attached plans show the existing leased area and the proposed new leased area. Due to a need to re-

provide the same number of car park spaces for the GAA the leased area has increased in size by 372 sq.m. There is still no overall loss of open space.

3.8 A variation of the lease to GAA is required in order to:

- (a) include a licence for the Council to carry out the works covered by the planning permission;
- (b) require the use of the southern part of the new car park for community parking in the week and for GAA/community parking at the weekend;
- (c) incorporate additional land in the lease for additional car parking and the access roadway;
- (d) surrender back to the Council an area of land to the north of Kenton Hall which will now be used as public open space.

3.9 Following the November Executive officers appointed MACE Architects, Frankham Consultancy and Peter Gittins, Quantity Surveyors, from the Council's Consultancy Framework to take forward the design and cost analysis for the proposed building. Again good progress has been achieved and we have now progressed the scheme to the point, subject to resolution of funding and other matters outlined above, wherein we wish to go out to market to appoint the main contractor. In financial terms for a scheme of this size the council will either need to issue a specific OJEU Notice or utilize a pre-approved framework, similar to the council's own property consultancy framework. In this case MACE Architects are recommending the Council avail of an existing framework, IESE, which they state will allow an earlier start on site and a possible reduction on the current contract sum through a mini competition. An indicative project plan and timetable is attached as Appendix 3.

3.10 Members may wish to note that recently the council has utilised the IESE Frameworks for the appointment of contractors on the following constructions schemes: Preston Manor High School, Harlesden Library, Sudbury Primary School and Roundwood Youth Centre.

3.11 MACE further confirms the contractors on the IESE Framework are all competent to build the JBRC and have a vested interest to financially perform to maintain their rating with IESE.

3.12 **Improvement and Efficiency South East** - The IESE Framework is run and managed by Hampshire County Council on behalf of surrounding local authorities. In essence the view is the combined value of the capital schemes of participating local authorities lead to greater interest from established main contractors who wish to secure a potential stream of instructions. This in turn is envisaged to lead to efficiencies for the local authorities both in terms of cost and time taken to procure a main contractor and also in the cost of the project. The IESE Framework is OJEU compliant and Brent is one of 10 London Authorities to have availed of this route to date. Coincidentally the Chief Executive is considering the approval of the inclusion of Brent as a named participant in the proposed renewal of this Framework.

4.0 CONSULTATION

4.1 Parents and carers have been involved throughout the consultation process in. The criteria for relocation, accommodation and service requirements for the new resource centre. In addition, discussions have been held with the residents of

Silverholmes sheltered housing, the local residents association and the chair of the Allotment Association within the John Billam locality. Discussions have also been held with Parks Services to ensure the scheme can be effectively integrated within their plans to expand their services and improve of land drainage and facility access.

4.2 Staff within Albert Road and ASPPECTS day centres have also been involved Within the consultation process specifically with the building's internal layout and facilities.

4.3 All stakeholders have given their full support for the scheme. A second round of consultation is planned for July 2010

5.0 FINANCIAL IMPLICATIONS

5.1 It had originally been envisaged that the costs of the replacement of Albert Road Day Centre would be met from the Growth Fund. The Growth Fund supports the provision of infrastructure for housing growth in specific growth areas. The rationale for using the Fund is that by relocating the Day Centre, this will free land in South Kilburn that will be subsequently developed to facilitate further regeneration of the area as part of delivery of the overall South Kilburn Masterplan.

6.0 LEGAL IMPLICATIONS

6.1 The land shown in the plan at Appendix 2 is currently held by the Parks Service and currently forms part of the overall sports ground. Accordingly, in order to now use the site for redevelopment, it is necessary to appropriate the land for planning purposes. The procedure to follow in order to bring this about is set out in section 122 of the Local Government Act 1972 (the LGA 1972). Under section 122(2A) of the LGA 1972, the Council cannot appropriate any land consisting of or forming part of open space to another function unless before appropriating the land, they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed appropriation which may be made. Since the land forms part of the overall sports ground it is considered that it should be treated as open space, and accordingly the Executive (at its meeting on 16 November 2009) authorised officers to undertake this procedure and to proceed with appropriation unless significant objections were received (in which case a further report shall be brought to the Executive).

6.2 The Council has the power under section 123 of the Local Government Act 1972 to dispose of land in its ownership. However, save when this is for a lease of less than 7 years it must obtain the best consideration reasonably obtainable unless it obtains the consent of the Secretary of State to disposal at a lesser value. However, the Secretary of State has issued a general consent under which the Council can dispose of land at an undervalue of up to £2million provided it considers that the disposal will promote the social, environmental or economic wellbeing of its area or part of its area. The value of the additional land be incorporated in GAA's lease is clearly substantially less than £2m, and officers consider that the disposal will clearly promote the social, environmental and economic wellbeing of the Council's area by allowing the provision of the new day centre to go ahead and facilitate the bringing forward of the South Kilburn development project (as explained in more

detail in previous reports to the Executive). Officers consider that in this case the general consent can therefore be relied on.

- 6.3 The anticipated value of the works contract, exceeds the current threshold for the application of the Public Contracts Regulations 2006 (currently £3,927,260). The proposed call-off contract is also a high-value works contract for the purposes of the Council's standing orders. A formal tendering procedure compliant with the relevant Public Contract Regulations is therefore required but the use of an established and legal framework provides an exception to this.
- 6.4 Standing Order 86 (d)(ii) requires the seeking of Borough Solicitor approval wherever a framework established by another contracting authority is used. This approval was issued on 16 June 2010.
- 6.5 It is also necessary that the Director of Finance and Corporate Resources agrees to participation in the Framework, following a recommendation by the Chief Officer.
- 6.6 Since 2005, Hampshire County Council ("HCC") has been acting for and on behalf of IESE (or SECE as it was at the time) providing leadership for their construction and asset management arrangements. The IESE Framework is hosted by HCC and they are responsible for the governance and leadership of the arrangements.
- 6.7 The Framework was advertised (OJEU Contract Notice, 18 October 2005) by "Hampshire County Council for and on behalf of SECE" (the original name of IESE)...and "including all constituent and bordering and neighbouring public sector authorities and their customers." Brent is a neighbouring public sector authority for the purposes of the Framework and as such is entitled to access the Framework.
- 6.8 The procurement will take the form of a two stage process. Firstly a low value contract for preconstruction services will be awarded by the relevant chief officer, and following this, the main contract for the works will then have to be awarded by the Executive.

7.0 DIVERSITY IMPLICATIONS

- 7.1 Housing and Community Care will be preparing an Equalities Impact Assessment for the whole of the Direct Service Review which will include a review of the impact of the new development proposed on the John Billam playing field site.

8.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 8.1 Any staffing implications will be dealt with by Housing and Community Care as part of their Direct Service Review.

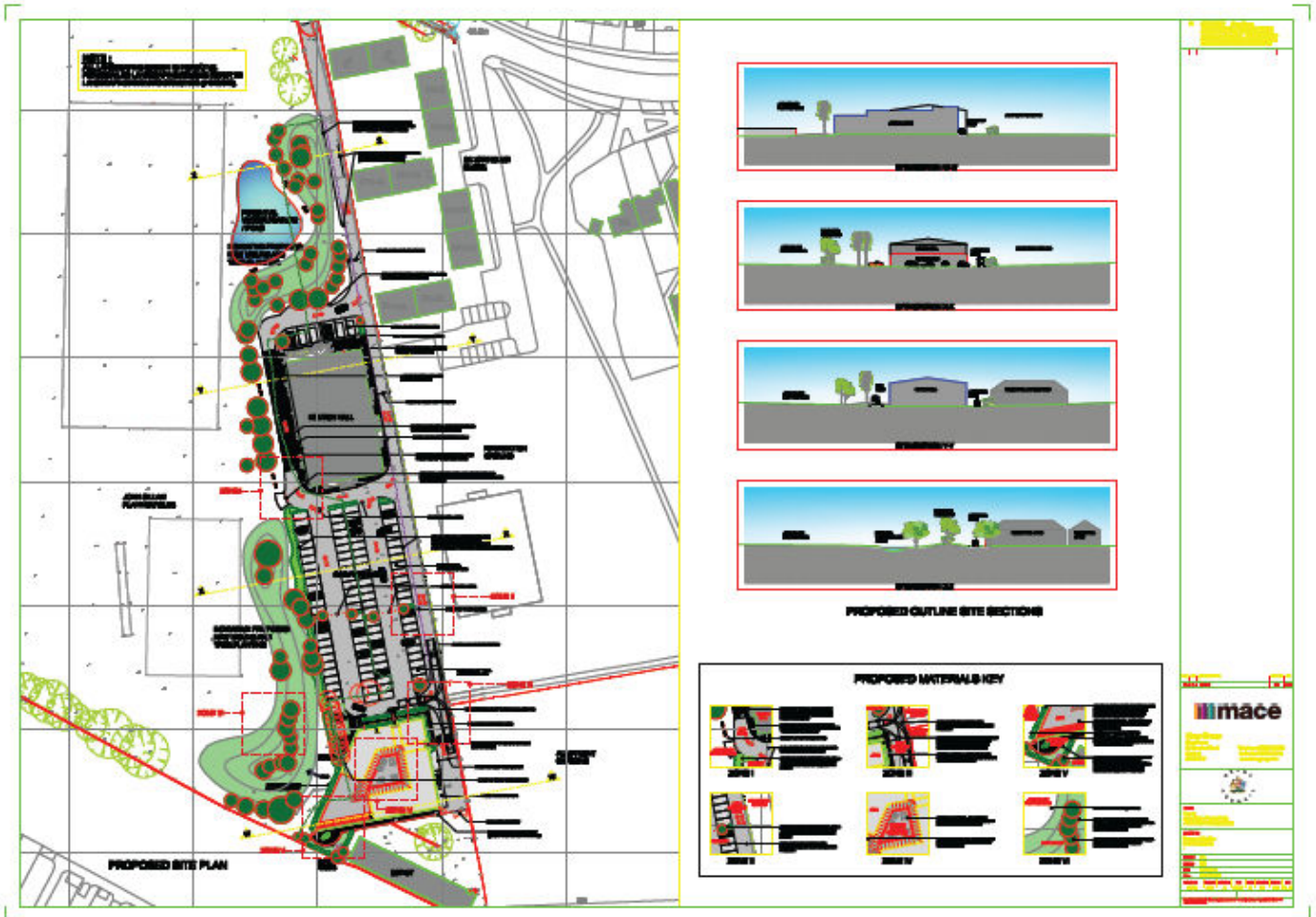
Contact Officers

Richard Barrett, Head of Property and Asset Management,
Room 1A, Town Hall Annexe, Forty Lane, Wembley.
Tel: 020 8937 1334

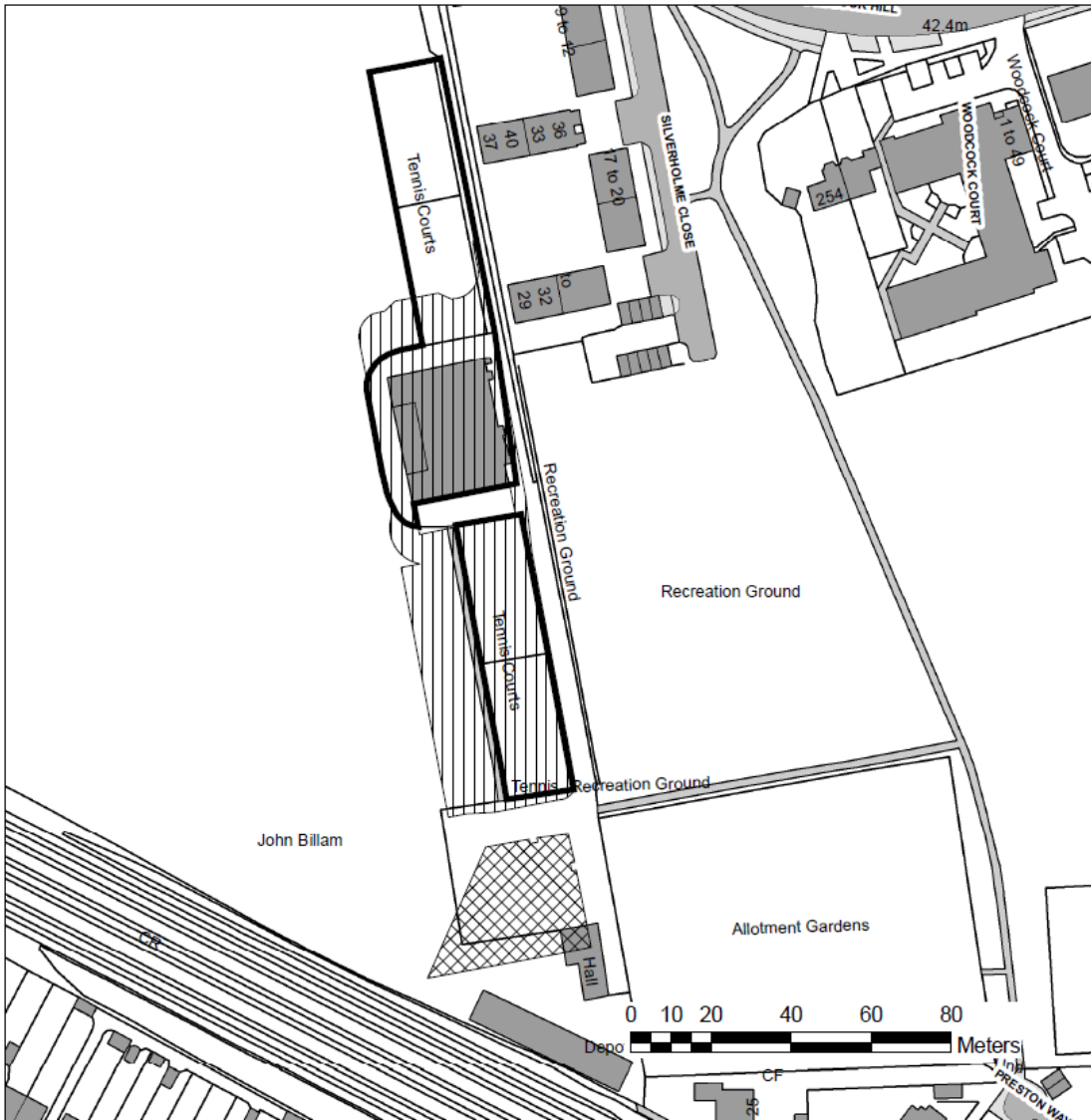
Duncan McLeod, Director of Finance and corporate Resources
Town Hall, Forty Lane, Wembley

APPENDIX 1

Indicative design of the proposed building



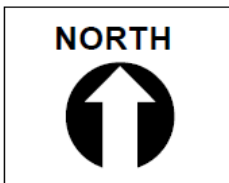
EXECUTIVE COMMITTEE
Learning Disability Resource Centre -
Site identified for the new building and
GAA current and proposed lease demises.



Resource Centre
 Proposed New Demise

Original Demise


Plan for information purposes only.



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PROJECT/CONSTRUCTION PROGRAMME

	TASK	START	FINISH
1	Planning Approval.	April 2009	19 th April 2010
2	Design Development (Stages C/F).	11 th May 2010	20 th Sept 2010
3	Client Approval: Project Board 1 st Stage.	09 th August 2010	09 th August 2010
4	Appoint Contractor (Pre-construction).	10 th August 2010	16 th August 2010
5	Building Regulations Application.	31 st August 2010	27 th October 2010
6	Client Approval: Project Board 2 nd Stage.	08 th October 2010	08 th October 2010
7	Contract Award.	18 th October 2010	19 th October 2010
8	Contractor's Mobilisation/Site Preparation.	26 th October 2010	01 st Nov 2010
9	Access Road Construction (Base Course only).	03 rd Nov 2010	16 th Dec 2010
10	Main Construction.	04 th January 2011	25 th Nov 2011
11	Practical Completion.	25 th Nov 2011	25 th Nov 2011

	<p style="text-align: center;">Executive 26 July 2010</p> <p style="text-align: center;">Report from the Director of Communication and Diversity</p>
<p style="text-align: right;">Wards affected: All</p>	
<p style="text-align: center;">Brent Engagement Strategy 2010 - 2014</p>	

1. Summary

- 1.1. This report presents Executive members with a draft of the new Community Consultation, Engagement and Empowerment Strategy – the Brent Engagement Strategy 2010/14. This strategy replaces the Community Consultation and Engagement Strategy 2006/09.
- 1.2. The new strategy is a framework, partnership document, developed in the first instance between the Council and NHS Brent and overseen by the consultation board. The strategy is open to adoption by all member agencies of the local strategic partnership, 'Partners for Brent'.
- 1.3. The development of a new strategy was initially identified as a task in the comprehensive area assessment consultation, engagement and empowerment action plan, agreed by corporate management team in May 2009.

2. Recommendations

- 2.1. Members are recommended to adopt this document as the Brent Engagement Strategy 2010 -14. The strategy will be published formally in August 2010.

3. Detail

- 3.1. **Background** - Developing a partnership approach to consultation and engagement was one of the improvement activities agreed by corporate management team in May 2009. The principal drivers for this initiative were new national requirements the council is required to meet under the comprehensive area assessment, (CAA) regime and new legislative

arrangements, i.e. Part 7, section 138 Local Govt Public Involvement in Health Act 2007, which brings into force the 'duty to inform, consult and involve'. In addition Brent's previous consultation and engagement strategy was due to expire at the end of 2009.

- 3.2. Under the CAA regime the Council and its partners were required to demonstrate an understanding of the experiences and needs of residents as well as showing that this information is being used to shape service delivery. Specific partnership actions regarding this agenda include:
 - Producing an annual partnership plan;
 - Working with partners to ensure partner responsibilities for undertaking consultation and engagement are carried out;
 - Coordination of the communication of consultation and engagement activity and results across the partnership.
- 3.3. The two principal partners in the development of the strategy so far are Brent Council and NHS Brent. Strategy development was initially overseen by the CAA consultation, engagement and empowerment working group and latterly by the consultation board.
- 3.4. **The Strategy** – the strategy is a partnership framework document. The principal partners, the council and NHS Brent are already fully signed up to this approach, but the strategy document is open for adoption by other partners in Brent.
- 3.5. A joint action plan is attached to the strategy. This document will form the core of the annual partnership plan.
- 3.6. The key themes in the new strategy are shared strategic objectives and common quality standards for undertaking consultation and engagement activity. Shared strategic objectives include:
 - Making engagement more effective;
 - Information sharing and a shared evidence base;
 - Improving stakeholder empowerment to create real influence;
 - Linking engagement to improved service satisfaction;
 - Tackling exclusion by improving the inclusivity of consultation and engagement;
 - Promoting best practice and innovation in consultation and engagement activity;
 - Developing a consistent approach;
 - Improving partnership working;
 - Greater involvement of elected members.
- 3.7. Quality standards for consultation have been rewritten around key themes of:
 - **Clarity** – explaining why we are consulting and how we will take people's views into account;

- **Inclusiveness** – ensuring the under-represented groups in the community are routinely included in consultation and engagement activity;
- **Valuing people** – organising consultation that values people;
- **Follow up** – reporting back and acting on the findings of consultation.

3.8. **Progress to date** – the draft strategy has been consulted on the following occasions:

- Presentation to Brent’s corporate management team on 18 February 2010.
- Presentation the Local Strategic Partnership Board at its meeting 1 March 2010.
- A joint council/NHS Brent community consultation day for partners and the public was held on 10 March 2010. More than one hundred people, LSP partners and members of the public, attended this event. The consultation day was moderated by external consultants.

3.9. At each stage of the consultation process amendments and improvements were made to the draft strategy. An agreed final version of the strategy will be published in August 2010.

4. Financial Implications

4.1. None

5. Legal Implications

5.1. There are no legal implications beyond those set out in the body of the report, (see section 3.1).

6. Diversity Implications

6.1. None

7. Staffing/Accommodation Implications (if appropriate)

7.1. None

Background Papers

Brent Engagement Strategy 2010 - 14


Contact Officers

Toni McConville - Director Communication and Diversity

Owen Thomson – Head of Consultation

Marco Inzani – Assistant Director Community Engagement & Equalities (NHS Brent)

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 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p>Executive 26 July 2010 Performance and Finance Select Committee 27 July 2010 Report from the Directors of Finance and Corporate Resources and Policy and Regeneration</p>
<p>Wards affected: ALL</p>	
<p>Performance and Finance Review Quarter 4, 2009/10</p>	

1. Summary

- 1.1 This report summarises Brent Council's spending, activity and performance in Quarter 4, 2009/10 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary.
- 1.2 The report also contains details of the recent government announcements reducing various grants to the council and asks the Executive to agree action to balance the revenue budget.

2.0 Recommendations

The Committee is asked to:

- 2.1 Note the council's spending, activity and performance in financial year 2009/10.
- 2.2 Require that all directors ensure that where there are underlying spending pressures these are addressed in 2010/11 so spend is kept within budget and underperformance tackled, and that measures are taken, in consultation with relevant portfolio holders, to achieve this.
- 2.3 Agree the 2010/11 virements referred to in paragraph 5.11 and detailed in appendix G.

2.4 Agree budget reductions in those areas where government grant has been reduced in 2010/11 as set out in Appendix H.

3.0 Background

3.1 The success of the council is ultimately measured by the delivery of the priorities within the Corporate Strategy and its jointly agreed outcomes in the Local Area Agreement. That is principally determined by the council's overall strategic planning framework and reviewed through the annual report to Council in November on progress against the Corporate Strategy and the Annual Review published in late summer. Regular Performance and Finance Review reports allow members to ensure that council finances and performance remain on track to help achieve these priorities.

3.2 This approach to monitoring and reporting reflects other changes in the council's approach in recent years, including strengthening the link between the Corporate Strategy and the Medium Term Financial Strategy, active performance monitoring and management, a greater focus on outcomes as part of capital programme monitoring, and bringing together financial and performance monitoring of partnership activity through the Local Area Agreement. It provides more clarity about the relationship between spending, performance and activity – and provides a basis for assessing the potential impact of future decisions.

3.3 Appendices included in this report are as follows:

Appendix A	General Fund services – Financial, activity and performance monitoring information for each of the council's main service areas:
- A1	- A Great Place
- A2	- A Borough of Opportunity
- A3	- One Community
Appendix B	Capital programme
- B1	- Children and Families
- B2	- Environment and Culture
- B3	- Housing and Community Care
- B4	- Corporate Centre
Appendix C	Housing Revenue Account
Appendix D	Local Area Agreement
- D1	Local Area Agreement
- D2	Local Area Agreement (continued)
Appendix E	Budget Summary
Appendix F	Vital Signs – high and medium risk performance
Appendix G	Budget Virements 2010/11
Appendix H	Analysis of central government grant reductions – 2010/11
Appendix I	Addendum

3.4 Supplementary documentation circulated to members includes a Vital Signs report providing detailed explanation of high and medium risk performance and an activity monitoring report.

4. Corporate context

4.1 Looking forward, the Council's new Administration is in the process of developing a new Corporate Strategy, which reflects new priorities for a challenging economic environment – one which will see unprecedented and sustained pressure for the Council to deliver more with considerably less resources. Difficult decisions will need to be taken and priorities will need to be achieved against a backcloth of reduced government grant, Members' ambitions to keep council tax increases low, demographic pressures, and the increasing costs of Waste Disposal and Social Care.

4.2 Continuous improvement has always been at the centre of the Council's approach to service development and financial planning, and we have demonstrably raised the responsiveness, relevance and quality of our public services. Despite these real and sustained improvements, the organisation now acknowledges that the conventional silo-based and incremental approaches to improving performance and efficiency are no longer the most appropriate strategies to sustain us for the new economic realities in which we find ourselves. Brent has therefore developed an ambitious change programme to support the Council's Improvement and Efficiency Strategy which is structured around three key themes:

- *Making the 'One Council' approach a reality*
Development of the infrastructure to build a leaner, more effective, dynamic and community focused organisation, which maximises the use of its resources.
- *Raising performance and maximising efficiency*
Service reviews run by cross-council teams to develop and implement more customer-focused and effective service delivery models.
- *Delivering on major projects*
Delivery of large capital schemes around the borough including the new Civic Centre and the regeneration of Wembley, South Kilburn and the North Circular Road.

4.3 The impact of the recession and recent heightened public concern about child protection means that the council has had to reassess its priorities, although its fundamental approach remains the same. A lot of what we already do supports people who might be most affected by recession by helping them find work, adult and community education, other employment and training initiatives, preventing homelessness and providing accommodation when people become homeless, ensuring people receive the state benefits to which they are entitled, and supporting those with social care needs. We also have a programme in place to transform our children's social care service which

has improved from an 'adequate' (2 out of 4) service that overspent, to a 'good' service (3 out of 4) that lives within its budget.

5.0 Overall financial position

General Fund Revenue budget

5.1 The 2010/11 Budget Report to Council on 1 March 2010 included projections of the outturn for 2009/10. The accounts for 2009/10 have now been closed and were approved at the General Purposes Committee on 29 June 2010. The accounts are subject to audit and therefore the figures are provisional until the audit is completed at the end of September.

5.2 The table below summarises the provisional outturn for 2009/10 and further information is included in Appendix E.

	Quarter 3 Forecast £'000	Outturn £'000	Variance £'000
Children and Families	60,211	60,234	23
Environment and Culture	49,510	48,145	(1,365)
Housing & Community Care:			
o Housing	14,136	13,304	(832)
o Adult social care	87,640	90,405	2,765
Finance & Corporate Resources / Central Units / Business Transformation	25,774	25,846	72
Service Area Total	237,271	237,934	663
Central items	40,116	39,398	(718)
Area Based Grants	(16,405)	(16,405)	0
Total council budget	260,982	260,927	(55)
Transfer to balances	854	909	55
Total after transfer to balances	261,836	261,836	0

5.3 The main movements in service area spending since the forecast outturn was reported are as follows:

- Children and Families The outturn shows an increase in the deficit of £23k as compared with the 3rd quarter forecast. The main factors in the net overspend were the cost of children's placements for children in care and costs associated with children with disabilities. The number of looked after children has increased in the final quarter from 349 to 374. This has put further pressure on the service after remaining relatively constant since the summer of 2009. One encouraging movement is that the number of children placed with Brent foster carers compared with the independent sector has risen. Overall the placements budget overspent by £3.2m The other main area of overspend has been SENs and children with disabilities, which

overspent by £940k, as a result of increases in client numbers receiving care at home and direct payments. These overspends have been offset by the use of savings from unaccompanied asylum seekers grant, Building Schools for the Future monies and through the better use of the Sure Start grant. In addition service managers have identified in year savings most of which were the result of a vacancy freeze and a reduction in some smaller budgets. Growth of £2.4m was agreed as part of the 2010/11 budget but budgets also need to be realigned in this financial year to more closely match expenditure.

- Environment and Culture The most significant issue in Environment and Culture over 2009/10 has been the effect of the recession on the level of income across the service area. The deficit on the parking account has been the largest factor. However, in the last quarter of the year there was some improvement in the number of PCNs issued and income collected. Overspending on parking notices, removals and meter income came in at £880k rather than the forecast of £1.3m. This together with a number of one off items, delayed projects and unfilled staffing vacancies has made it possible to turn around a forecast overspend of £1.148m into a underspend of £217k at the year end..
- Housing and Community Care All of the main services in Adult Social Care overspent as costs rose and demand increased. Also there was a need to provide for higher levels of bad debt provision. The forecast overspend increased by £2.765m once the use of a number of reserves had been taken into account. Savings of £832k within Housing has reduced the overall increase in the deficit to £1.9m within Housing and Community Care. Although £1.7m of growth was included within the 2010/11 budget there will continue to be major pressures of many social care budgets which will be the subject of a separate report to the Executive.
- Finance & Corporate Resources/Central Units/Business Transformation

The most significant item of overspending in this area is for benefit payments where there has been substantial increase in costs resulting from increases in caseload and the introduction of Local Housing Allowances (LHA). Although most of these costs are recovered by government subsidy there are subsidy penalties relating to non-recoverable claimant overpayments. The overspend for 2009/10 was £600k though this has been offset by the use of £350k of Local Housing Allowance monies. £762k growth for this item has been included in the 2010/11 budget. Further underspending across a number of areas in particular Legal and Business Transformation has reduced the net overspend to £72k.

5.4 There is an improvement in central items of £718k primarily from reduced capital financing charges as result of continued low interest rates.

Housing Revenue Account

- 5.5 The Housing Revenue Account (HRA) is a ring-fenced account containing the income and expenditure relating to the Council's Landlord duties for more than 9,200 freehold dwellings and leasehold properties.
- 5.6 The HRA outturn for 2009/10 is a deficit of £2.4m, which is in line with forecast of £2.46m deficit and consistent with the use of the additional balances achieved in 2008/09.

Schools Budget

- 5.7 The ring-fenced Schools Budget is split into two parts. The first element delivers delegated funding to schools – school budget shares. The second part is termed central items expenditure and covers local authority retained elements to support activities such as pupil referral units and payments to non maintained nurseries.
- 5.8 The central items budget for 2009/10 was £20.4m and the outturn is for an overspend of £3.6m. This is due to overspending of £1.7m in the cost of SEN statements and out of borough placements, £1.3m from recharges for nurseries and children's centres and £500k of various other overspends. This has partly been offset by £700k from the Council reserve for the schools budget central items. As a consequence the Dedicated Schools Grant will need to be top sliced by £2.9m in 2010/11 to meet the deficit.

2010/11 Budget

- 5.9 The outturn for 2009/10 highlighted the continuing pressure on Adult Social Care and Looked-after Children and will certainly be areas to be closely managed in 2010/11. The service transformation programmes in both areas are being used to mitigate some of these budget pressures.
- 5.10 The budget set at the Council Meeting in March assumed that a minimum of £7.16m would be generated from savings from the One Council Programme. Good progress has been made with over £4.5m delivered to date in this financial year with the main project savings being from the staff and structure review, the review of overtime and allowances and procurement.

Virements

- 5.11 There are a number of budget virements in 2010/11 which members are asked to agree. These are included in Appendix G. The changes will be reflected in the first quarter monitoring report.

2010/11 Central Government Savings

5.12 On 10th June the Government announced £6.2bn of reductions in public spending in the current financial year of which £1.166bn of this was to fall on local government. As a result Brent has lost £6.855m of grant funding of which £5.371m related to 2010/11 (£1.045m is included in 2011/12 and £439k for the Local Authority Business Growth Incentive Scheme was not included in the base budget).

5.13 Brent has lost revenue from two main sources

(a) Area Based Grants (ABG's)

	£m	
Department for Education	1.882	All ABGs have been reduced by 24%
Supporting People Administration	0.171	100% of previously announced allocation
Working Neighbourhood Fund	0.057	£577 original allocation (10% reduction)
Prevent	0.102	£350 original allocation (29% reduction)
Home Office	0.037	(Awaiting further details)
Loss of grant	<u>2.249</u>	

(b) Other Grants and Funding:

	£m
Housing Planning Delivery Grant	0.390
Local Authority Business Growth Incentive Scheme	0.439
LAA Reward Grant	3.634
Free swimming grant	0.143
Loss of grant	<u>4.606</u>

5.14 The Performance Reward Grant is the largest loss. The Council had earned £7.286m from achieving stretch targets agreed with Central Government within its first Local Area Agreement, which ran from 2006/07 to 2008/09. The grant was to be payable in two equal instalments in 2009/10 and 2010/11. The first payment of £3.634m was made in March 2010, however, the second payment has now been withdrawn.

5.15 Members agreed that 50% of the Reward Grant would be used to fund investment into project delivery within the One Council Programme. The loss of £1.8m funding means that the Programme will now have to generate higher savings in 2010/11. This will require projects to increase their pace of delivery and look for higher targets. The use of the other 50% was to support the

delivery of LAA priorities and provision of support as a result of the recession. These schemes were spread over 3 years from 2009/10 to 2010/11.

- 5.16 These in year savings by the government directly translate into budget reductions for Brent to maintain . As a result expenditure will have to be reduced by corresponding amounts. The Executive is asked to agree that these reductions are made directly from the areas where the grant is being utilised. The implications for those areas that have had funding cut are detailed in Appendix G. In cases where the grant loss cannot be absorbed directly from the service funded each Service Area will need to find the reduction from within its overall budget.

Capital programme

- 5.17 Financial monitoring information for the Capital Programme is included in Appendix B.
- 5.18 Total spending on the capital programme in 2009/10 was £104.337m, made up of £79.666m on the General Fund and £24.671m on the Housing Revenue Account. Changes between the forecast outturn and actual outturn are set out in Table 2 below.

Table 2 - Changes between forecast and actual capital outturn

	£'000
Spending	
Forecast spending outturn – March 2010	134,573
<i>Add items not included in the forecast outturn</i>	
Revenue contributions from General Fund	6,071
Revenue contributions from HRA	3,725
Enfranchisement Schemes	235
Additional external grant	1,438
Additional Contributions	4,301
Additional Self Funded Prudential Borrowing	115
Additional HRA Unsupported Borrowing	2,140
Overspends	1,000
Underspends	(4,375)
Adjustment for forecast levels of slippage	5,052
Sub-total	154,275
Less:	
Amounts carried forward to 2010/11	(50,580)
Additional contributions carried forward	642
Total spending	104,337
Less:	
Total resources	(104,337)
Amount Carried Forward	0

5.19 Significant additions to the previous outturn forecast include:

Revenue Contributions from General Fund

- £6.025m contributions to meet the capitalisation of sums meeting the definition of capital expenditure originally incurred within the revenue accounts.

Additional External Grant

- £0.789m Transport for London Grant Funding
- £0.570m Performance Reward Grant

Additional Contributions

- £0.409m contributions from Metropolitan Housing Trust to Chalkhill scheme.
- £2.430m contribution from South Kilburn Partnership/Trust towards regeneration scheme
- £1.462m contributions from disposals at Texaco site, Barnhill Cottage and Thames Court.

Additional HRA Unsupported Borrowing

- This sum of £2.140m relates to the Granville New Homes scheme. The first payment of the capital receipt arising from the transfer to Brent Housing Partnership has been received reducing the interest payable by the HRA on the total scheme expenditure. Future receipts will continue to reduce this commitment on the HRA.

Overspends

- £0.948m overspend arising on the Decent Homes programme. This has been offset by an underspend on the ALMO controlled housing works.

Underspends

- £0.948m underspend on the ALMO controlled housing works as detailed above.
- £1.000m underspend on Public Sector Renewal Support Grants from element funded through unsupported borrowing.
- £0.187m underspend on new units provision.
- £2.107m on central items for provisions not required in year.

5.20 As can be seen from Table 2, capital expenditure commitments of £50.580m have been carried forward from 2009/10 to 2010/11. Table 3 below sets out the main commitments.

Table 3 - Analysis of capital expenditure carried forward to 2010/11

	£'000
<u>Schemes Carried Forward:</u>	
- Voluntary Aided Schools Devolved Formula Grant	3,002
- Local Education Authority Controlled Voluntary Aided Programme	3,530
- School Schemes	17,749
- Youth Service Schemes	448
- Highways Schemes	338
- Leisure and Sports Schemes	724
- Environmental Initiative Schemes	491
- Social Care/Mental Care SCP(C)	311
- Adults Schemes	177
- PSRSG and DFG	317
- Places of Change	500
- Chalkhill (MHT contribution)	591
- Property Schemes	313
- PRU Schemes	5,061
- ICT Schemes	273
- Central Items	1,246
Section 106 Agreements	5,016
HRA Works	7,537
<u>Wembley Regeneration Land Claims:</u>	
- Estate Access Corridor	1,868
- Stadium Access Corridor	957

5.21 The first quarter monitoring for 2010/11 will be included in the Performance and Finance Review report to the Executive in September. This will include changes to the 2010/11 to 2013/14 programme to reflect slippage from 2009/10.

2010/11 Central Government Savings impact on Capital Investment

5.22 As detailed at paragraph 5.12 above, the Government's initial announcement of reductions has resulted in Brent losing £6.416m of revenue grant funding. The main reductions in terms of capital grant are as follows:

Gypsy and Traveller Site Grant	Capital £30m nationally with 100% cut
National Affordable Housing Programme	3% reduction nationally
Contaminated Land	Total allocation of £17.5m nationally reduced to £10m

5.23 Within the Chancellor of the Exchequer's Emergency Budget on 22nd June a number of specific matters were raised in relation to capital investment. The main points within the speech were as follows:

- There will be no further reductions in capital spending totals in this Budget.
- There will still be difficult choices about how that capital is spent.
- The absolute priority will be projects with a significant economic return to the country.
- Assessing what those projects are will be an important part of the autumn spending review.

On this basis it remains unclear as to what the full impact will be on the Council's Capital Programme as there is unlikely to be a clear view on how the remaining capital funding will be re-allocated until after the spending review has been announced.

5.24 On 2nd July the Housing Minister confirmed that the Growth Fund allocations for 2010/11 had been safeguarded at the levels set out in December 2010. The allocation for the London Borough of Brent is £1,456,989 which was as per the proposed revised 2010/11 capital funding allocation included within the CLG's Proposed changes to the Growth Fund for 2010-11 consultation documentation issued in October 2009.

5.25 On 5th July the Education Secretary set out a complete overhaul of capital investment in England's schools, bringing an end to the Building Schools for the Future Programme. The key elements of the announcement were as follows:

- 715 schools will no longer be rebuilt or refurbished through BSF of which nearly 180 schools were projected to be new build, over 319 to be remodelled or refurbished and 63 to be ICT-only. The building programme in 153 schools has not yet been confirmed.
- That 123 academy projects in development which have not reached financial close will be reviewed on a case-by-case basis.

- That the Government is launching a comprehensive review of all capital investment in schools, early years, colleges and sixth forms. The review will guide future spending decisions over the next Spending Review period (2011-12 to 2014-15). It will look at how best to meet parental demand; make current design and procurement cost-effective and efficient; and overhaul how capital is allocated and targeted.
- That the department is reducing its End Year Flexibility (EYF) requirements by £1bn to help ensure no additional borrowing this year.

The detailed impact on Brent's capital investment plans are as follows:

Ark Academy	Unaffected
Crest Boys Academy	For discussion
Crest Girls Academy	For discussion
Copland (A Specialist Science Community College)	Stopped
Queens Park Community School	Stopped
Alperton Community School	Stopped
Cardinal Hinsley Mathematics and Computing College	Stopped

The announcement did not make any specific reference to the future of the Primary Capital Programme (PCP).

5.26 On 6th July the Council received correspondence from the Big Lottery Fund on behalf of the Department of Education with regard the Myplace capital funding programme. This correspondence notified the Council that until there is a final decision from the Department the milestone review decision is on hold and any commitment to expenditure in excess of 5% of the lead in payment will be at the Council's own risk. On 26th February 2009 the Council received notification of an in-principal allocation from the Myplace grant of £4.977m which was allocated to the Roundwood Youth Centre and profiled for spend between 2009/2010 and 2011/2012. The 2009/2010 outturn position included £49k of expenditure against this scheme.

5.27 On 14th July 2010 the Secretary of State for Education announced further details of the reductions to be made in order to reduce Year End Flexibilities by £1billion, as referred to in paragraph 5.25 above. This has impacted on the level of Council's capital grant, with revised allocations as follows:

Buddying (Part of the Sure Start Programme)	£34,071
Local Delivery Support Grant	£164,382
Extended schools Capital	£127,039
Harnessing Technology (Part of the Standards Fund)	£469,724
Youth Capital fund	£77,050

The impact of these revised allocations on the Children and Families Capital Programme is currently being assessed but planned expenditure and activities

in these areas will have to be revised in year in order to avoid overspending against available funding.

The correspondence from the Secretary of State makes it clear that the announced reductions are only a small proportion of the total savings that will have to be made by the Department and that more detail will come available through the Comprehensive Spending Review.

2010/11 Children and Families Capital Programme

- 5.28 The Nursery block at Chalkhill Primary School has been condemned and requires extensive refurbishment. The school has devised a scheme to relocate the Nursery to the caretakers' house, remodelling it and refurbishing it to create a Foundation block.

The school is proposing to fund the majority of this scheme through its own resources but have identified a £150k funding gap to the scheme and have requested that Children and Families assess the possibility of contributing to the funding.

On this basis and in consideration that if no action is taken it is likely that the Nursery will have to be shut down, officers are analysing the current Children and Families capital programme to identify potential areas where funds could be made available. Areas currently under consideration are the main LA roofing works, from which the nursery block roof was to be addressed, and the Hut Replacement budgets. Officers are also considering that there is potential to contribute to the school scheme and replace the nursery block with a double class size modular unit with services to help support the LA's bulge class facility. This will aid in addressing the Council's expansion requirements. Progress on these proposals will be reported to a future meeting.

Prudential Indicators





- 5.29 Prudential indicators were introduced as part of the prudential borrowing regime introduced as part of the Local Government Act 2003. The arrangements are aimed at ensuring authorities exercise their borrowing powers responsibly, with capital expenditure plans that are affordable, external borrowing that is prudent and sustainable, and treasury management decisions taken in accordance with good professional practice. Prudential limits are set as part of the budget process and monitored during the year. The Executive will receive the annual report on Treasury Management in August and this will include the final outturn against the prudential indicators.

6.0 Overall performance position

Corporate and Community Strategies

- 6.1 Overall the council has made some progress towards delivering the key objectives in the Corporate and Community Strategies in Quarter 4 with the majority of Vital Signs indicators performing broadly in line with target. These

indicators are considered critical to the success of the council. 54% are currently on target (green star) or just below target (blue circle) and 30% are well below target (red triangle). The percentage of low risk indicators has increased by 5% since last quarter indicating that performance is improving at the top of the scale. High risk indicators have also increased by 5% as detailed below.

Overall Council Performance				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 4 PIs	40%	14%	30%	16%





Local Area Agreement Update

- 6.2 The Local Area Agreement for 2008-2011 was refreshed between January and March of 2008/09. The Local Area Agreement is currently made up of 29 targets, seven of which are local indicators and 5 of which are annually reported. March 2008/09 was the final year in which the 12 stretch targets were reported. 2009/10 marks the first year the LAA has been reported under the new Comprehensive Area Assessment regime (CAA). The CAA replaces the Comprehensive Performance Assessment that came to an end in 2008/09.

Performance by theme

- 6.3 The following section of the report provides a summary of the performance against each theme and highlight in detail priority projects in the LAA which are below target.

- **A Great Place**

A Great Place				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 4 PIs	53%	0%	18%	29%

- 6.4 Key risks for the council in this theme include: pressures on budgets as a result of the state of the economy, increasing levels of gun and knife crime in the borough, progress of the waste contract to provide improvements in recycling and the progress of partnership working on graffiti. Low risk indicators have increased and there is some improvement with the level of recycling and composting waste in Brent moving from medium risk to low risk status. Transformation is in place to look at aspects of the waste contract. This report sets out the measures that have been put in place to respond to any poor progress towards the corporate objectives. Further explanation of the rest of the key indicators for the council is included in the Vital Signs appendix F.

Please note that there is still no timely data being reported by the Crown Prosecution Service.

6.5 LAA Priorities:

6.5.1 ***2 Anti Social Behaviour** – *NI 24 Satisfaction with the way police and local council dealt with ASB.* The target for this quarter was met which is an improvement from quarter 3. There is a shortage of two anti-social behaviour officers which will have an impact on the current case work. The summer period will be very challenging as an increase in case work is expected.





6.5.2 ***5 Reducing accidental fires** – *The number of accidental fires in residential properties.* Due to the adverse weather conditions experienced in December 2009 and January 2010, there was a negative effect on performance for quarter 4. The weather conditions meant there were more people at home than there normally would be leading to an increased level of risk of accidental fires.

6.5.3 ***7 Recycling and composting** – *NI192 Percentage of household waste sent for reuse, recycling, composting or anaerobic digestion.* Performance has worsened to its current high risk status. The focus on green box recycling seems to have suffered slightly suggesting that the recycling message is losing momentum and people do not feel obligated to recycle as much. Key actions to address this include: increasing promotional activity about dry recycling service and ensuring street care officers take a proactive role in encouraging residents to recycle. Active monitoring will take place to target areas where there are low levels of recycling and recycling boxes will be distributed to these areas.

6.5.4 ***11 Access to Employment for Social Housing Tenants** – *NI152 Working age people on out of work benefits (percentage of working age population).* Due to the current economic downturn, it was agreed as part of the LAA refresh process that no formal target will be set for this indicator in the medium term. The Department for Work and Pensions is currently replacing the Incapacity Benefit Allowance with Employment Support Allowance and will issue further guidance on when to reinstate the measure in due course. There was guidance by Communities and Local Government in December 2009 to allow the target agreed in 2008 to be renegotiated. At present the gap between Brent's performance and that of London is +1.4%. Brent has entered a joint venture bid with Working Links for Flexible New Deal Funding from September 2010.

6.5.6 ***18 Sports participation**- *The number of visits by young people (under 17) taking part in sport and physical activities at council owned sports centres (not part of a school, club or term time 'learn to swim' course).* Performance has worsened this quarter due to seasonal variations as noted in the previous quarter's report. However, the overall outturn figures for 2009/10 show that performance has been achieved.

- **A Borough of Opportunity**

A Borough of Opportunity				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 4 PIs	33%	20%	27%	20%

6.6 Key risks for the council in this theme include: adult social care (timeliness of care assessments and carer services) and supporting vulnerable adults into independent living. Performance has improved this quarter with low risk indicators increasing by 13% mainly due to some medium risk indicators performing better. High risk indicators have more than doubled this quarter due to the economic situation affecting the number of work placements available. This report sets out the measures that have been put in place to respond to any poor progress towards the corporate objectives. Further explanation of the rest of the key indicators for the council is included in the Vital Signs appendix F.

Please note that two adult social care indicators were unavailable at the time of reporting, as was drug treatment data (see appendix A2).

6.7 LAA Priorities:

6.7.1 ***12 Improving access to employment for those with mental health needs** – *NI150 Adults in contact with secondary mental health services in employment.* Data quality issues were identified this quarter and are currently under review. However, based on the existing methodology for calculating performance against target, these have been met.

6.7.2 ***13 Income maximisation-** *Annual amount of additional benefit in payment as a result of advice and assistance provided by relevant services in the borough.* There are still no indicators or targets in place to monitor progress for this priority.

6.7.3 ***34 Increasing Self Directed Support** – *NI 130 Social Care Clients Receiving Self Directed Support per 100,000 Population.* Performance in January and February was high risk, by the end of March the risk level had reduced to medium. The direction of travel shows that performance is improving.

6.7.4 ***35 Brent Carers** – *NI 135 Carers receiving needs assessment or review and a specific carers service, or advice and information*





The accuracy of the data for this indicator is in question as there have been problems deciding the denominator. This has an effect on both the target and the actual collated figure. Based on current calculations, this indicator is at medium risk. Issues that continue to arise include poor number of carer assessment being undertaken. This is being addressed through training front care managers and front line staff. Another issue being addressed is poor

recording of carer assessment and outcomes of services. To tackle this problem, training and performance monitoring with heads of service is taking place.

6.7.5 ***37 Reducing delayed discharges and increasing admission avoidance – NI 131 Delayed transfers of care D41 and NI 131.**

Though the trends from June 2009- 31 March 2010, show that targets were met, the direction of travel shows that performance is getting worse.

- **One Community**

One Community				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 4 PIs	38%	15%	29%	18%

6.8 Key risks for the council in this theme include: pressures on budgets as a result of the recession, housing needs, the limited numbers of school places versus demand and the continued need for more local foster care placements. Performance has deteriorated since last quarter with low risk indicators decreasing by 1% and high risk indicators increasing by 5%. The non-reporting of data remains high at 18% (from 9% earlier in the year). High risk is mainly seen in adoption and fostering, Special Educational Needs and homelessness. Work is underway to plan for improving school provision in the borough in future and the transformation programmes in children’s and adult’s social care are addressing key risks identified here. Further explanation of the rest of the key indicators for the council is included in the Vital Signs appendix F.

Please note that all human resources indicators were unavailable at the time of reporting. Some revenues and benefits indicators were missing targets (see appendices A3 and A4).

6.9 LAA Priorities:

6.9.1 ***21 Reduction in households living in temporary accommodation – NI 156 Number of households living in temporary accommodation**

There has been a significant reduction in the number of household in temporary accommodation.

6.9.2 ***22 Increasing Affordable Homes – NI155 Number of affordable homes (delivered gross).** A total of 679 homes were delivered in 2009/10 which exceeds the target of 458 for the year. 397 homes were delivered in quarter 4 alone, more than double what was delivered in quarters 2 and 3 where performance was high risk. The service is optimistic that the Mayor’s target of 1600 homes will be delivered over the 2008-11 LAA period.

- 6.9.3 ***23 Additional Housing** – *NI 154 Net additional homes provided*. This is an annual indicator which will be reported in due course for quarter four (lag in data). Current projections show that less 500 completions have taken place during 2009/10. These projections come from the Large Housing Sites which make up the Housing Completion Survey. This figure falls short of the 915 target of the London Plan target. Owing to this shortfall is the current economic climate, which has delayed the start of some housing schemes. Other than the recession, a severe winter delayed the completion of some housing projects.
- 6.9.4 *** 25 Youth crime prevention** – *NI 111 First time entrants to the criminal justice system aged 10-17*. Preliminary figures show that further reductions were made to the number of first time entrants in the criminal justice system. From quarter two, the trends show that there have been reductions each quarter. The Brent Youth Offending Service in partnership with the police has implemented a Brent Triage Support Programme. It is an intervention programme aimed at diverting first time entrants from the criminal justice system.
- 6.9.5 ***26 Child Obesity** – *CF/VS09.3 Number of families attending the 10-week MEND programme (child obesity)*. There were 25 families were recruited for the MEND programme. However, 5 families dropped out due to illness and personal circumstances and as a result performance dropped to high risk.
- 6.9.6 ***27 Improving Outcomes for LAC** – *NI063 Stability of placements of 'Looked After Children: Length of Placement*. This has been a challenging target, performance in 2009/10 was not achieved.
- 6.9.7 ***38 Volunteering** *The number of People Volunteering for 100 hours or more*. Performance against target was not achieved this quarter. Due to a possible lack of funding in the future, it is difficult to set any targets for 2010/11 at this stage.
- 6.10 **Comprehensive Area Agreement (CAA)**
- 6.10.1 A new set of national indicators was put in place to support the CAA regime which began on 1st April 2009. In June 2010 CLG announced its intention to end CAA which means the end of overall organisational assessment ratings for councils (and Fire Authorities), along with the two supporting Use of Resources and Managing Performance ratings. It also means the end of the 'area assessment', which covers public service delivery across local areas, and the red and green flags that flow from that. The National Indicator set has been reduced from 198 to 180 and the new coalition government has signalled its intention to reduce the burden of its performance management framework further in due course.
- 6.10.2 However as effective performance management is the principal driver to deliver service improvements, the Council will continue to use the National Indicator set and ensure local key performance indicators are in place to

maintain alignment with corporate priorities and facilitate rigorous and robust performance monitoring and reporting.

7.0 Financial implications

7.1 These are set out in the body of the report.

8.0 Legal implications

8.1 The capital programme is agreed by Full Council as part of the annual budget process. Changes to, or departures from, the budget during the year other than by Full Council itself can only be agreed in accordance with the scheme of Transfers and Virements contained in the Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the capital budget set out in March 2010 and are not covered by the Scheme of Transfers and Virements will therefore need to be referred to Full Council.

8.2 The Director of Finance and Corporate Resources is satisfied that the criteria in the scheme are fulfilled in respect of the virements in the report.

9.0 Diversity implications

9.1 The diversity implications of budget proposals are considered at all stages of the budget process. This includes growth and savings proposals and the production of service development plans. Equality Impact Assessments have been produced for the main budget amendments included in the report.

10.0 Background documents

- 10.1 Corporate Strategy 2006/10
- Community Strategy 2006/10
- Local Area Agreement 2008/11
- Budget Report 20/10/11

Contact officers

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DUNCAN McLEOD
Director of Finance and Corporate Resources

PHIL NEWBY
Director of Policy and Regeneration

BUDGET VIREMENTS 2010/11

1. In April there a number of changes to Area Based Grant (ABG) funding. An additional £26k was allocated to Brent with £16k for Connexions, £8k to carry out a tenants' survey as part of NI 160 and a further £2k for Social Housing Guidance. These have been allocated to Children & Families and Housing respectively.
2. Monies of £85k held centrally for job evaluation staff as part of the remuneration strategy budget need to be vired to Business Transformation to cover two posts.
3. A transfer of £66k needs to be made to Streetcare in Environment and Culture to reflect a reduction in the contract phasing for the street lighting PFI. These monies will contribute towards the One Council Programme.
4. A virement of £46k needs to be made between Streetcare and Policy and Regeneration Unit for a graffiti anti social behaviour caseworker to reflect the funding arrangements.
5. The Revenue and Benefits/ One Stop Service review has been finalised and went live on the 1st July. Monies need to move between the two areas to reflect the revised structure with £487k of savings being generated towards the One Council Programme.
6. As part of the winding up of the Middlesex House Scheme £880k of budgets held by Housing need to be transferred to the centre to help meet the costs of the settlement.
7. The decision to cut 50 management posts in 2009/10 needs to be reflected in service area budgets. This has generated £2.501m of savings with a contribution of £2.308m towards the One Council Programme.
8. The allowance for the increase in Freedom Pass costs for 2010/11 was held centrally as part of the budget process. A transfer of £1.309m now needs to be made to the Adult Social Care budget to meet these additional costs.
9. A budget of £750k was agreed as part of the budget process for Building Schools for the Future. This needs to be transferred to Children & Families to meet the current commitments to date.
10. The Department of Education allocated £244k of area based grants to support the administrative duties associated with the transfer of responsibilities from the Learning Skills Council. These monies now need to be passed over to Children & Families.
11. The Rewarding Performance Gold Project included an agreed budget saving of £1m related primarily to closer management of all pay allowances but particularly overtime. This saving has now been allocated across service areas.
12. From 1 April 2010 internal charging ceased in a number of areas including public notices, recruitment advertising and administration, Criminal Records Bureau checks, interpretation and translation services, postage, occupational

health services and training centre usage. These costs amounting to £1.841m have now been centralised within the People Centre, Communications and Diversity and Property and Asset management.

13. Certain registrar services are now shared between Brent and Barnet and a saving of £25k has been identified against the Improvement and Efficiency Programme.

	Children & Families £000	Environment & Culture £000	Housing & Community Care £000	Business Transformation £000	Central Units £000	Finance & Corporate Resources £000	Central Items £'000
PFI Streetlighting		(66)					66
Area Based Grant	16		10				(26)
Graffiti Caseworker		(46)			46		
Revenue & Benefits and One Stop Shop Review				(775)		288	487
Middlesex House			(880)				880
Fifty Management Posts	(709)	(564)	(580)	(261)	(199)	(188)	2,501
Freedom Pass			1,309				(1,309)
Building Schools for Future	750						(750)
Learning Skills Council	244						(244)
Rewarding Performance	(203)	(322)	(199)	(88)	(42)	(146)	1,000
Internal Charging	(777)	(355)	(311)	1,403	(39)	79	
Shared Registrars Service					(25)		(25)
Job Evaluation				85			(85)
Total	(679)	(1,353)	(651)	364	(259)	33	2,545

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Analysis of central government grant reduction 2010/11

Grant	Amount £000	Service Provided from Grants	Proposal
Children and Families	1,882	See attached.	
Supporting People Administration	171	Current administrative expenditure is below the £171k grant level.	This function provides administrative backup to the £12.807m programme of Supporting People. Funding will therefore have to be found from the overall programme, which will reduce the level of services that can be commissioned.
Working Neighbourhood Fund	57	The Fund provides Language To Work Service for local residents for the next 2 years, with 12 classes a year.	The loss of £57k is likely to reduce classes to 10 per year, or provide 12 classes for 21 months.
Prevent	102	The Prevent Grant allows Local Authorities to build the capacity of individuals, organisations and Communities to take the lead on tackling extremist influences. £148k is now available for distribution.	Decisions on the distribution of the reduced allocation will be made by the Prevent Board.
Housing and Planning Delivery	390	The grant is integrated into the overall budget of the Planning Service.	Reduction of one Principal Planning Officer post (Area Planning), and one Planning Officer post. Total saving £90k over year. This reduction is dependent on decision making efficiencies through changes to the delegation agreement to determine planning applications by officers if the service is to maintain performance at its present level. Wembley Town Centre Manager post and remaining town centre management budget £100k. This is the last of the Council's town centre management post. The reduction will impact on various town centre promotions and working with local businesses and will curtail progress on taking forward a town centre strategy. Other savings will be achieved by reducing legal advice (£50k), consultancy for specialist studies (£100k) and external support for advocacy.
Free Swimming Grant	143	Grant provided to allow free swimming to older people and children under 16.	The free swimming for older people and the disabled during all public swimming sessions is already provided under the two leisure management contracts so will continue

Analysis of central government grant reduction 2010/11

Grant	Amount £000	Service Provided from Grants	Proposal
			<p>unaffected. We will continue to offer free swimming for Under 16's during all public swimming sessions until 1st September (i.e. until the end of the school holidays). After then we will revert back to the provision within the two leisure management contracts of offering free swimming for Under 16's during weekdays for 5 hours per day during the school holidays.</p> <p>The programme of crash courses for children during the summer holidays will be delivered and then cease from September onwards.</p>
Performance Reward Grant	1,822	This represents 50% which was to be earmarked for direct investment to deliver projects within the One Council Programme.	The savings target within the One Council Programme has been increased to try to meet this shortfall. This has moved the target date forward when the Programme becomes self-funding.
Performance Reward Grant	1,345	See below. This relates to the 2010/11 programme and are the full year costs.	
Total	5,912		

Programme Funded by Performance Reward Grant 2010/11

Grant	2010/11 £'000	Service Provided for Grant	Proposal
<u>Growth Funded by Performance Reward Grant</u>			
The Local Area Agreement (LAA) team	209	The Local Area Agreement team is currently funded from performance reward grant received as a result of stretch targets in the first round of Local Public Sector Agreements. Funding at this level is needed for three years if the Council is to support the Local Strategic Partnership (LSP) and LAA2 process.	The future LAA and the reward grant for this round is still unclear. Expenditure will be minimised until the future of LAA is clear.
Domestic Violence Prevention Programme	71	The monies allocated contribute to an advocacy service based at Kilburn Police Station.	This element of the overall prevention programme would be halted.
Volunteering Programme	60	Volunteering work has previously been funded as a stretch target through the use of reward grants. The Reward Grant would have been passed to BRAVA.	The scheme would be halted.
Sports Development for disabled children and diversionary activities for children at risk of getting involved in crime.	287	The Council will cease support for three projects: (i) encouraging adults to become more physically active; (ii) sport as a diversionary activity from crime and anti social behaviour and (iii) sports activities for disabled children. Staff organised a wide range of activities including walks programmes, inclusive sportsability club, football for downs syndrome children and football projects with 'at risk of offending' young people. They worked closely in partnership with a range of organisations including MENCAP, Brent Mind, Special schools, Youth Offending Team, ASB teams, Safer Neighbourhood Officers, community groups.	The various schemes would be halted with part year savings and the loss of 2.6 officers employed on these three projects
Sustainability Green Zones	90	The scheme was conceived by a resident, and uses residents to spread the environmental message. There are 12 confirmed Green Zones in the borough, with more in development. The scheme is a resident-led programme for responding to climate change, developing and leading environmentally sustainable lifestyles, and giving residents a reward for being environmentally friendly.	Project support would be halted with the loss of two staff.
Climate Change, NI 185 and NI 186	155	This includes a range of work to tackle climate change. Work includes monitoring carbon emissions. Other areas include projects to create climate change champions, work with community groups and businesses and the Brent Sustainability Forum.	Work would be at a level to meet the statutory minimum.
Libraries - Book Stock	100	This was also provided in 2009/2010 to add to the stock level to improve borrowing performance (which is low in Brent) and make the library stock more attractive. The total stock fund has not yet been committed for 2010/2011 which makes a full saving possible. The £100k was to be spent on targeted improvements with £50k	This is one-off additional growth, which can be halted.

Programme Funded by Performance Reward Grant 2010/11

Grant	2010/11 £'000	Service Provided for Grant	Proposal
<u>Growth Funded by Performance Reward Grant</u>			
		earmarked for Willesden Green Library	
Directorate - Loss of land charges income	200	The 2010/11 income target for Land Charges is £596K with the provision of £200K from the Performance Reward Grant to meet a potential income deficit. The income shortfall for 2009/10 was £29K (£417K against a target of £446K). Income received for Quarter 1 April to June 2010 shows a £28K shortfall against a profile of £133K, which <i>may</i> lead to an income deficit of £120K for the full year.	At present this is a budget risk that may not materialise. If it does it will need to be met from other budgets.
Private Housing Services	83	Demand for Disabled Facilities Grants recently has increased significantly. Budget growth of £83k was provided to address this in a full year, with the provision of two additional surveyors. This area is key given the backlog in the Occupational Therapy Service and the need to get the waiting list down and the concerns raised by the CQC.	This loss of funding will be absorbed by increased capitalisation and there is capacity in the capital programme to do this. Minimal impact therefore.
Income Maximisation	90	The focus is on reablement and hospital discharge projects, supporting 500 people between now and March 2011. This includes working on a pilot with the One Stop Service to assist customers with income generation and working with the Housing Employment Link Project.	Most of the work would cease, with a small portion continuing.
Total	1,345		

Children & Families Area Base Grant Allocations 2010/11

ABG Grants	Original Grant £'000	Total Reduction Proposed £'000	Proposal
Carers	343	68	Reduction in care at home packages
Connexions	2,486	101	Non-renewal of 4 contracts wef. 1.9.2010. This includes 2 posts with the leaving care team, 1 with education welfare, and 1 with housing. Also reduce contracts with voluntary sector by 50%.
Children's Social Care Workforce	185	36	20 % reduction in social work training.
Care Matters White Paper	485	71	£36k is non recurring through in-year recruitment lag.
Child Death Review Processes	78	26	Projected underspend
Young People's Substance Misuse	175	26	Reduction in outreach work and targeted support.
CAMHS	1,044	162	Renegotiated contract with CNWL, which includes decommissioning of services in Freeman Family Centre and CIST
Children's Fund	1,038	211	Reduced contract for ESOL classes for BACES. Decommissioning of contracts to Brent Citizens Advice Bureau; Excell3 Ltd, who provide parenting support for vulnerable families; Relate; African Child which provides targeted sexual advice and support. De-commissioning of e-safety programme.
Teenage Pregnancy	134	27	Reduced service provision to children at risk of becoming parents.
School Development Grant (LA element)	845	60	Post deletions.
Extended Schools Start Up Costs	379	100	Reduced commissioning budget for Local Partnership Boards.
Primary National Strategy - Central Co-ordination	155	33	Reduce primary maths post (vacancy) from 1 fte to 0.5 fte.
Secondary National Strategy - Central	162	44	Reduce secondary english post (vacancy) from 1 fte to 0.5fte. Reduce secondary science post from 0.6 fte to 0.4 fte
School Travel Advisers	25	13	Will impact on provision of school travel advice
Choice Advisers	46	22	Less choice advice provided to parents, but school admissions team will endeavour to provide enhanced advice where possible
Sustainable Travel General Duty	18	9	Reduced service.
Extended Rights to Free Transport	11	9	Reduced service.

Children & Families Area Base Grant Allocations 2010/11

ABG Grants	Original Grant £'000	Total Reduction Proposed £'000	Proposal
Other Grants			
Youth Opportunities Fund	178	45	Re-prioritise/reduce schemes
Think Family	430	326	Reduction in parenting support available at universal and targeted levels and reduction in Family Intervention Programme.
Playbuilders	442	75	Ceasing or scaling back agreed schemes to extend play facilities.
Brent Irish Advisory Service	50	24	The service is working with few social care families directly.
Brent Community Friends	50	30	The work of the service has been largely duplicated by the participation officer working with the Children in Care Council, although there will be some loss in services provided directly to looked after children.



DRAFT EXTRACT **LONDON BOROUGH OF BRENT**

MINUTES OF THE FORWARD PLAN SELECT COMMITTEE **Thursday, 8 July 2010 at 7.30 pm**

PRESENT: Councillor Allie (Chair), Councillor Hirani (Vice-Chair) and Councillors Mrs Bacchus, Lorber, Naheerathan, Ogunro and BM Patel

Also Present: Councillors J Moher and R Moher

Apologies were received from: Councillors Van Kalwala

1. Call-in of Executive Decisions from the Meeting of the Executive held on Wednesday, 23 June 2010

Decisions made by the Executive on 23 June 2010 in respect of the reports below were called-in for consideration by the Forward Plan Select Committee in accordance with Standing Order 18.

(a) *Enforcement of Moving Traffic and Parking Contraventions by means of CCTV cameras*

The reason for the call-in was:-

- To examine the cost implications and timetable for implementation

Councillor J Moher (Lead Member for Highways and Transportation) introduced the report and confirmed that enforcement of moving traffic contraventions (MTCs) had been agreed in principle at the Executive meeting in March 2009 and he drew Members' attention to the resolutions agreed at that meeting. Members heard that the proposals had arisen in light of the London Local Authorities and Transport for London Act 2003 which allowed transfer of powers from the police to local authorities to take enforcement against minor traffic offences. Councillor J Moher explained that it was necessary for the Council to acquire these powers as the police had indicated that they would no longer be taking action against motorists who had made minor errors of judgement. However, he stressed that such minor error of judgements could lead to serious traffic contraventions, compromising the safety of both motorists and pedestrians and the proposals focused on ensuring public safety. Members heard that although this was a new area of expenditure, the income such measures were likely to generate were assured. Councillor J Moher then referred to some of the proposals in the report in detail, including the intention to introduce smaller but clearer hatch lines in order to make an infringement less excusable. There were also proposals to increase safety in school locations, such as deterring cars from parking nearby and such measures would be welcomed by schools and parents. It was proposed that fines would be

used as a form of deterrent for such contraventions. Councillor J Moher confirmed that the proposals also required the approval of Full Council and London Councils.

During Members discussion, Councillor Hirani enquired when the initial costs of introducing the scheme would be covered by the income it would generate and sought clarification as to whether traffic enforcement cameras would be used. Councillor Naheerathan raised the issue of traffic flow at the junction of Kingsbury Road and Edgware Road and enquired about the processes involved in changing the phasing of traffic lights.

Councillor Lorber sought further details of the annual repayments of the prudential borrowing undertaken to fund the scheme and enquired what the anticipated number of penalty notice charges (PCNs) would be. With regard to yellow box junctions, he referred to the one located at the junction of Forty Lane and The Paddocks, stating that it was difficult to avoid infringements when turning into The Paddocks when traffic was at a standstill, and similar situation existed at other locations in the borough. He stressed the need to ensure that due consideration was given as to how the measures were implemented and took into account the specific characteristics of the various locations. Furthermore, each measure should be designed so as to minimise the prospect of appeals. Councillor Lorber commented that there needed to be more publicity to ensure motorists were aware of what the traffic contraventions are and that they could be penalised for committing them. He also requested that the consultation strategy for the proposals be circulated to Members.

The Chair enquired about the costs incurred to date with the scheme and requested details of expenditure with regard to publicity and public awareness of the scheme and the proportion this would represent of the total budget, adding that it was important that sufficient funds were available to ensure effective communications. He sought clarification on enforcement of MTCs in locations that shared borders with other London boroughs, in addition to the A5 road that bordered with the London Borough of Camden. Details were sought for the costs of the mobile enforcement vehicles and of income generated through the scheme repaying the set-up costs. The Chair enquired what factors had been taken into consideration in determining the yellow box junction locations chosen for phase one of the scheme. In respect of schools, he enquired on the number that had made complaints in respect of the keeping schools clear proposal. He enquired whether the CCTVs would be used for any other reason than to monitor traffic, and if so had there been any consideration of the criteria for any such other uses, adding that there were privacy issues to consider. The Chair also sought views on the anticipated number of appeals against PCNs.

In reply to the issues raised, Councillor J Moher advised that enforcement officers would be trained to ensure that they were fair to motorists and the individual features of each site, including the yellow box junctions mentioned by Councillor Lorber, would be considered carefully. He stressed that the focus of the scheme was to deter motorists from poor behaviour and not to raise revenue and the purpose of issuing fines was to deter such behaviour. Councillor J Moher concurred that there needed to be considerable thought as to how to publicise the enforcement that the Council will be carrying out. With regard to CCTV, Councillor J Moher advised that Transportation would be mindful of the need to consider privacy issues and the appropriateness of using cameras for other purposes other

than for monitoring traffic. He suggested that it was likely that the scheme would be reviewed after a period of six months.

Sandor Fazekas (Assistant Head – Highways and Civil Engineering, Transportation Unit, Environment and Culture) advised that approximately £70,000 had been spent on the scheme in 2009/10, whilst all spending for the current financial year was subject to Council approval. Members noted that Transportation were working with the Communications Team on a consultation strategy and areas of consideration included press releases, advertising on buses, posters, advertisements in newspapers and information on the Council's website and Brent Magazine. Consideration would be given to ensure that the scheme was publicised through the appropriate forms of media and there was no intention to restrict the budget in terms of spending on publicising the scheme. Sandor Fazekas explained that it had been agreed in principle with the London Borough of Camden that the Council would be responsible for MTC enforcement along the A5, however arrangements for other areas that bordered neighbouring London boroughs would be considered in the future as the scheme was developed and this could possibly include areas such as Kenton Road and Harrow Road. He also advised that officers anticipated that the costs of both implementing and operating the scheme would be covered, with approximately £830,000 income generated in the first year of implementation and £527,000 in the second year.

Tim Jackson (Head of Transportation, Environment and Culture) advised that it was anticipated that the prudential borrowing to set up the scheme would be paid back within a four to five year period through income generated by the scheme. He confirmed that the prudential borrowing would be repaid at a rate of £225,000 a year and this amount included the interest payable. Members noted that it was projected that approximately 18,000 PCNs would be issued in the first year of implementation, and as the effects of the scheme modified motorists behaviour, the amount of PCNs would fall to around 12,000 PCNs in the second year. Tim Jackson advised that each site would be examined with regard to yellow box junctions to ensure that the Council and London Councils were satisfied with their layout and location and some boxes would be reduced in size. The yellow box junctions identified in the report included locations where there was evidence of a significant number of accidents which resulted in personal injury which offered a reliable indicator of the need for yellow box junctions. Officers would be trained to ensure that they understood the behaviour of motorists and to take the appropriate enforcement action, which would be monitored. Members heard that it was not an offence to wait in the yellow box junction at the Forty Lane and The Paddocks junction in the circumstances so described by Councillor Lorber. Tim Jackson assured Members that every effort would be made to ensure transparency with regard to the proposals, whilst benchmarking against other London boroughs would be undertaken with regard to a communications budget and he agreed to circulate details of the consultation strategy once it had been devised.

Tim Jackson advised that schools had complained consistently about traffic-related matters around their schools and some 24 schools had been identified to be included in the keeping schools clear proposals. The Select Committee heard that it was anticipated that approximately 30% of PCNs issued would result in appeals, however CCTV would deter appeals being issued and motorists would be able to download footage of the offences that they had been issued the PCN for to help them determine whether they wished to appeal. With regard to issues raised by

Councillor Naheerathan concerning traffic flow at the junction of Kingsbury Road and Edgware Road, Tim Jackson stated that officers would investigate this and he advised that as Transport for London were responsible for traffic signals, applications to them were required to make changes to their phasing.

Members agreed to the Chair's suggestion that the review of the scheme be reported back to the Highways Committee and to Councillor Lorber's suggestion that a further report be presented to the Executive to consider the criteria for other uses of CCTV cameras other than to monitor traffic.

RESOLVED:-

- (i) that upon considering the report from the Director of Environment and Culture, the decisions made by the Executive be noted;
 - (ii) that the Executive be requested to agree that the review of the Enforcement of Moving Traffic and Parking Contraventions by means of CCTV cameras scheme be reported to the Highways Committee; and
 - (iii) that the Executive be requested to agree that it consider a future report on the criteria for other uses of CCTV cameras other than to monitor traffic.
- (b) **Main Programme Grant – Funding for Organisations Providing Regeneration, Crime and Community Safety Services (Three Year Funding)**

The reason for the call-in was:-

- Inaccurate information regarding financial position of Brent Private Tenants Rights Group given.

Martin Cheeseman (Director of Housing and Community Care) introduced the report and explained that applications to the Main Programme Grant (MPG) was open to both organisations who were already receiving funding from the Programme and those who were not presently funded by it. Some 69 applications from 67 organisations had been received and the number submitted significantly outstripped the funding available. Members noted that 20 projects had been recommended for MPG funding and Martin Cheeseman confirmed that the Brent Private Tenants Rights Group (BPTRG) had been unsuccessful, as although there was merit in the applicant's objectives, other organisations' applications better met the Council's objectives. Martin Cheeseman acknowledged that there had been some inaccuracies in the report concerning BPTRG's financial position and he accepted that the organisation had made a loss of £750 in 2008-09 and not £3,929 as stated in the report. The Select Committee heard that BPTRG already received funding under a separate scheme from Housing and Community Care and BPTRG had approached the Council to request some flexibility in the funding it received to assist in delivering its Homeplan project. There were also concerns that the application, if approved would lead to funding of a duplication of services. Martin Cheeseman stated that the decision not to approve BPTRG had been a difficult one, however the implications of restoring its funding would mean removing the funding from another organisation that had made a successful application.

Councillor R Moher (Lead Member for Adults, Health and Social Care) added that the MPG strategy had been approved Council-wide and that the approach taken was fairer as it gave opportunities to organisations that were not presently funded by the Council. Members noted that the applications that were most successful were those which best met the Council's objectives.

With the approval of the Chair, Jacky Peacock, Executive Director of the BPTRG, was invited to address the Select Committee. Jacky Peacock reaffirmed that BPTRG had made a net loss of £750 during 2008/09. She acknowledged that BPTRG had been through a difficult period, partly due to its contract with the Legal Services Commission and that flexibility in the use of grants had been requested, however this had been for the Tenancy Engagement project which was not an area covered by the application. The financial situation for BPTRG had improved significantly during 2009/10 and demand was increasing for services provided by the organisation as the economic difficulties continued. Jacky Peacock felt that the report was misleading in stating that BPTRG served 1,950 residents, stating that this only included the number who used the service in 2008/09 and that tens of thousands had used the service over the years. She stressed the importance of Homeplan, which assisted a significant number of families who approached BPTRG when their tenancies come to an end for help and guidance and felt that the service encouraged self-empowerment for families in avoiding homelessness and in finding a decent home in the private rented sector. Jacky Peacock continued that BPTRG took a rounded, long term approach for its users, looking at social and cultural factors and had proven to be effective, with families' outcomes measured every three months. Jacky Peacock referred to the Government's Emergency Budget and the impact this would have on housing benefits, asserting that this would mean that a number of claimants would have to move as their areas would become unaffordable. This, in addition to the overall economic situation meant that there would be even greater demand for the services offered by BPTRG who would seek to target the most hard to reach areas where help was most needed. Jacky Peacock concluded by stating that she understood that some £40,000 of the MPG was yet to be allocated and enquired about the possibility of BPTRG receiving this funding.

In reply to queries from Members, Jacky Peacock advised that BPTRG's draft accounts for 2009/10 were presently being audited and income was due to the organisation.

During Members' discussion, Councillor Lorber sought clarification with regard to comments in the report that BPTRG was in receipt of other funding from Housing and Community Care and therefore could not have their application recommended and that the organisation was not financially viable, particularly as BPTRG appeared to have £35,000 in reserve. He also enquired whether any newly created organisations would be receiving any MGP funding. The Chair asked if there could be any flexibility for the remaining MPG funding being allocated to BPTRG.

In reply, Martin Cheeseman advised that although the BPTRG's losses were smaller than had originally been reported, it was still financially unviable in terms of the MGP's criteria. This was explained in that both BPTRG's working capital ratio and liquidity ratio were below the required ratios to be considered financially viable. Martin Cheeseman stated that there were some shortcomings with regard to objectives being met for the Homeplan project during 2009/10 which, along with the

financial problems being experienced, had led to BPTRG requesting some leverage concerning use of funds from another Housing and Community Service funded project. Concerns had also been raised regarding obtaining appropriate information to measure performance of the Homeplan project. In addition, the 2009/10 accounts were not available at the time of the assessment of the application. The Select Committee noted that the anticipated additional demand in respect of the services provided by BPTRG had been factored in, especially in light of the Emergency Budget which was likely to place a significant increase in demand. The changes to the MGP were designed to help organisations get their projects up and running over a three year period before consideration of new schemes through applications submitted by organisations, including those that had not received funding from the Council in the past, although these would not necessarily be totally new organisations. Martin Cheeseman advised that some £43,000 had been set aside as part of an exit strategy to assist organisations that were having their funding stopped. He added that if for any reason an organisation did not take up the funding it had been offered, then other organisations could be re-considered for the funds that would become available.

Councillor R Moher added that difficult decisions had been made with regard to allocating the MGP and it was unfortunate that some organisations had not been successful in their applications because of the limited funds available.

Members then agreed with Councillor Lorber's suggestion that if any funding becomes available from the MGP, BPTRG be given priority in being allocated this funding.

RESOLVED:-

- (i) that upon considering the report from the Director of Housing and Community Care, the decisions made by the Executive be noted; and
- (ii) that the Executive be requested to give priority to the Brent Private Tenants Rights Group should any funding from the Main Grant Programme become available.

The meeting closed at 9.15 pm

J ALLIE
Chair